



Journal of the Senate

Number 10—Regular Session

Thursday, April 2, 1998

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CALL TO ORDER

The Senate was called to order by President Jennings at 2:00 p.m. A quorum present—38:

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Excused: Senator Kurth

PRAYER

The following prayer was offered by Dr. Kenneth Dyal, Argyle Baptist Church, Jacksonville:

Your word teaches us that every good gift and every perfect gift is from above and comes down from the Father of Lights.

Lord, we thank you for these dedicated men and women who serve in government. You tell us in your word they are your ministers, appointed by God. Your power supercedes their party affiliation. As citizens we are subject to their authority. We pray they would use their office for good by bringing honor as your instruments of righteousness.

We pray you would grant them divine wisdom and the ability to make difficult decisions based on proven principles and not party platform alone.

We pray you would protect their integrity. In this world they face numerous temptations. Let their character count for that which is holy and pleasing in your sight.

We pray for patience. Give them strength to stand for their convictions, without condemning those who disagree with their position. Let kindness and humility be the standard of conduct.

We pray for their families, for their mates, for their children and grandchildren. Serving in the Senate is a demanding position. It requires dedication and sacrifice. We pray that you would strengthen

every home, meeting their financial needs, emotional needs and spiritual needs.

We thank you for every good and perfect gift.

We pray in the name of Yahweh and Jesus. Amen.

PLEDGE

Senate Pages Jermane Ivory of Boynton Beach, Sarah May of Bradenton and Tom Hayes of Plantation, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Jones—

By Senator Jones—

SR 2556—A resolution honoring Homestead Councilwoman Ruth L. Campbell.

WHEREAS, Ruth L. Campbell began her public service in 1963, when she was elected to serve on the Homestead City Council, and

WHEREAS, now in her 23rd year as councilwoman, Ruth L. Campbell has been a most effective leader, directing her energies toward a myriad of activities in service of not only the citizens of Homestead, but of all the people of Miami-Dade County, and

WHEREAS, elected and reelected Vice Mayor of the City of Homestead, Ruth L. Campbell was serving in that capacity when the area was devastated by Hurricane Andrew and, canvassing the neighborhoods to determine the resultant needs, she solicited donations, which she personally distributed, and she continues to be actively involved in the rebuilding of Homestead and the surrounding areas, and

WHEREAS, Ruth L. Campbell is extremely active on behalf of the homeless, and serves in several organizations devoted to relieving the plight of this segment of society, and

WHEREAS, serving on local, state, and national boards and committees, Ruth L. Campbell has been and continues to be involved in governmental affairs, public safety, emergency preparedness, utility and transportation concerns, health care, education, the arts, sports, and historic preservation, while still serving in her church and in countless civic organizations, and

WHEREAS, Ruth L. Campbell has been the recipient of many awards, among them, the Athena Award from the Chamber of Commerce and the Woman's History Month Award, and has been named Woman of the Year by the Cancer Society and Official of the Year by the Florida League of Cities, NOW, THEREFORE,

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

That the Florida Senate pauses in its deliberations to honor Councilwoman Ruth L. Campbell for her 23 years of service on the Homestead City Council and to all the people of Miami-Dade County.

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

—**SR 2556** was introduced, read and adopted by publication.

At the request of Senator Gutman—

By Senator Gutman—

SR 2566—A resolution recognizing the 10th anniversary of Miami-Dade Days in Tallahassee.

WHEREAS, in 1957, the voters of Dade County approved a metropolitan form of government, and Miami-Dade County became the first in the state to achieve “home rule” status, and

WHEREAS, since its inception in 1836, Dade County’s population has grown from an 1850 census count of 96 to over 2 million, living in 29 municipalities and the vast unincorporated areas of the county, and

WHEREAS, aided in part by the mass emigration to the area begun in 1960 in the wake of the communist power seizure in Cuba, Miami-Dade County, located along the southeastern tip of the Florida peninsula, is a vibrant multicultural community, truly the “Capital of the Americas,” and

WHEREAS, simply known as Metro-Dade, the government, recognized as a leading local government in the United States, not only provides both neighborhood and countywide services to its citizens, but also operates five airports, including Miami International, the second busiest for international passenger traffic in the Western Hemisphere, and the Port of Miami, the largest cruise port in the world and among the busiest cargo ports in the hemisphere, and

WHEREAS, Miami-Dade County enjoys a broad spectrum of entertainment and is the chosen home to dozens of internationally renowned entertainers, from Sylvester Stallone, Madonna, and Julio Iglesias to Gloria and Emilio Estefan, and

WHEREAS, Miami-Dade County is home to the New World Symphony, currently celebrating its 10th anniversary as a world-class training orchestra, as well as the internationally renowned Miami City Ballet, Florida Grand Opera, and dozens of cultural institutions and museums, and

WHEREAS, Miami-Dade County is home to four professional sports teams, counts tourism as one of its most important industries, and harvests more tropical vegetables than any other county in the nation, and

WHEREAS, Miami-Dade Community College has been ranked the best in the nation; the University of Miami, linked with Jackson Memorial Hospital, is internationally known for its medical research projects; and Florida International University is among the top public commuter colleges in the country, and

WHEREAS, 1998 marks the tenth year the area has hosted Miami-Dade Days in the state capital, NOW, THEREFORE,

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

That the Florida Senate hereby recognizes April 1 and 2, 1998, as the 10th anniversary of Miami-Dade Days in Tallahassee.

—**SR 2566** was introduced, read and adopted by publication.

At the request of Senator Gutman—

By Senator Gutman—

SR 2628—A resolution honoring Roger C. Cuevas.

WHEREAS, Roger C. Cuevas, as Superintendent of Miami-Dade County Public Schools since November 1996, oversees America’s fourth-largest school district, with a \$3.2 billion annual budget, more than 49,600 full-time and part-time employees, and 326 schools serving 1,843 prekindergarten children, more than 331,500 young people in grades kindergarten through 12, and nearly 200,000 adult students, and

WHEREAS, born in Caibarien, Cuba, Roger C. Cuevas attended Miami’s Christopher Columbus Senior High School, received an associate in arts degree from Miami-Dade Community College, a Bachelor of Science degree in Education from Florida Atlantic University, and a Master of Science degree in Curriculum from the University of Northern Colorado, and

WHEREAS, Mr. Cuevas began his career in the Miami-Dade County public school system in 1969 as a primary teacher at Little River Elementary School and has progressed through the system in many challenging positions, including involvement with students at risk, vocational, adult, career, and community education, after-school care programs, and the district’s career education/awareness programs, and

WHEREAS, in his role as Associate Superintendent of the Bureau of Community Services and Career Preparation, Mr. Cuevas served as chief building administrator for the district office complex and spearheaded the building of William H. Turner Technical Arts High School, which has been named one of the 10 best high schools of its kind in the nation, and

WHEREAS, in addition to his responsibilities with Miami-Dade County Public Schools, Mr. Cuevas, married, with three children, participates in many civic activities in his community, as evidenced by his membership in such organizations as the Kendall Federation of Homeowners Association, the Dade County Youth Fair Association, and the Greater Miami, Coral Gables, and Latin Chambers of Commerce, and was the founder of the Kendall-Hammocks Optimist Club, and

WHEREAS, it is fitting and proper that Mr. Cuevas be recognized for commitment and service in his profession and devotion to his community, NOW, THEREFORE,

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

That the Florida Senate hereby honors Roger C. Cuevas, Superintendent, Miami-Dade County Public Schools.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Roger C. Cuevas as a tangible token of the sentiments expressed herein.

—**SR 2628** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **SB 1636** was withdrawn from the Committee on Education; **CS for SB 434** was withdrawn from the Committee on Natural Resources; **CS for SB 984**, **CS for SB 1564**, **CS for SB 328**, **CS for SB 338** and **CS for SB 916** were withdrawn from the Committee on Commerce and Economic Opportunities; and **SB 2012** was withdrawn from the Committee on Executive Business, Ethics and Elections.

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. Tuesday, April 7, was set for filing amendments to Bills on Third Reading to be considered Wednesday, April 8.

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 156—A bill to be entitled An act relating to program administration by the Department of Children and Family Services and the Department of Juvenile Justice; amending s. 20.19, F.S.; providing additional duties for the department’s Office of Standards and Evaluation with respect to measuring standards of performance and to reports due to the Legislature; providing duties of program offices; requiring an evaluation and a report from the Assistant Secretary for Administration; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals; authorizing the department to adopt rules relating to an alternative competitive procurement process; providing intent that the department enter multi-year contracts; providing for procuring services from multiple sources; requiring that the department adopt rules for imposing penalties against a provider that fails to comply with a requirement for corrective action; requiring notice; requiring that the department develop, and incorporate into the department’s Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each

provider of client services; providing duties of the Auditor General and the Office of Program Policy Analysis and Government Accountability; providing for cancellation of contracts under specified circumstances; providing for department liens against certain property constructed or renovated using state funds; authorizing the department to competitively procure any contract under certain circumstances; providing for department contracts to include certain incentives; amending s. 20.316, F.S.; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals; authorizing the department to adopt rules relating to an alternative competitive procurement process; providing intent that the department enter multi-year contracts; requiring that the department adopt rules for imposing penalties against a provider that fails to comply with a requirement for corrective action; requiring notice; providing for cancellation of contracts under specified circumstances; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; providing for department liens against certain property constructed or renovated using state funds; authorizing the department to competitively procure any contract under certain circumstances; requiring the Department of Children and Family Services to provide training for staff in negotiating contracts; requiring the Department of Children and Family Services to ensure certain assistance to staff who are negotiating a contract; requiring the Department of Children and Family Services to create contract management units at the district level; providing specifications for these units; specifying the date by which the contract management units must be in operation; requiring an evaluation of contracting functions in the service districts; authorizing the exercise of budget and personnel flexibility; authorizing the Department of Children and Family Services to transfer specified funds from certain budget entities in order to create certain staff positions; requiring a report; providing an effective date.

—as amended March 25 was read the third time by title.

An amendment was considered and adopted by two-thirds vote to conform **CS for SB 156** to **HB 2019**.

Pending further consideration of **CS for SB 156** as amended, on motion by Senator Rossin, by two-thirds vote **HB 2019** was withdrawn from the Committees on Children, Families and Seniors; and Ways and Means.

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

HB 2019—A bill to be entitled An act relating to program administration by the Department of Children and Family Services; amending s. 20.19, F.S.; providing additional duties for the department's Office of Standards and Evaluation with respect to measuring standards of performance and to reports due to the Legislature; providing duties of program offices; requiring an evaluation and a report from the Assistant Secretary for Administration; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals; authorizing the department to adopt rules relating to an alternative competitive procurement process; providing intent that the department enter multiyear contracts; providing for procuring services from multiple sources; requiring that the department adopt rules for imposing penalties against a provider that fails to comply with a requirement for corrective action; requiring notice; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; providing duties of the Auditor General and the Office of Program Policy Analysis and Government Accountability; providing for cancellation of contracts under specified circumstances; providing for department liens against certain property constructed or renovated using state funds; authorizing the department to competitively procure any contract under certain circumstances; providing for department contracts to include certain incentives; requiring the department to provide training for staff in negotiating contracts; requiring the department to ensure certain assistance to staff who are negotiating a contract; requiring the department

to create contract management units at the district level; providing specifications for these units; specifying the date by which the contract management units must be in operation; requiring the department to evaluate contracting functions in the service districts; requiring reports to the Legislature by the department; authorizing the department to exercise budget and personnel flexibility; authorizing the department to transfer specified funds from certain budget entities in order to create certain staff positions; requiring a report; providing an effective date.

—a companion measure, was substituted for **CS for SB 156** as amended and by two-thirds vote read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 17, line 27 through page 18, line 22, delete section 3.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, lines 25-30, delete those lines and insert: Legislature by the department; providing an

On motions by Senator Rossin, by two-thirds vote **HB 2019** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Bankhead	Crist	Harris	Meadows
Bronson	Diaz-Balart	Holzendorf	Myers
Brown-Waite	Dudley	Horne	Ostalkiewicz
Burt	Dyer	Jones	Rossin
Campbell	Forman	Kirkpatrick	Scott
Casas	Geller	Klein	Silver
Childers	Grant	Latvala	Sullivan
Clary	Gutman	Lee	Turner
Cowin	Hargrett	McKay	Williams

Nays—None

Vote after roll call:

Yea—Thomas

CS for SB 650—A bill to be entitled An act relating to Medicaid; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to pay for certain types of services for the Healthy Start program, pursuant to a federal waiver; providing for certain limits on such services; directing the agency to seek such a waiver; providing an effective date.

—was read the third time by title.

On motions by Senator Clary, **CS for SB 650** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Thomas

CS for CS for SB 182 and SB 1042—A bill to be entitled An act relating to early education and child care; creating the School Readiness Commission to serve as an advisory body to the State Board of Education and other state agencies on matters that relate to school readiness; providing for the commission to be assigned to the Executive Office of the Governor for administrative purposes; providing for the Governor to appoint the members of the commission; providing for the members to be approved by the State Board of Education and confirmed by the Senate; requiring the commission to appoint an executive director; providing for payment of per diem and travel expenses of commission members; establishing duties of the commission; requiring the commission to prepare a system for measuring school readiness; specifying objectives to be measured by such system; requiring the commission to contract with an independent entity to evaluate the measurement system; requiring the commission to make recommendations to the Governor and the State Board of Education; authorizing the commission to adopt rules; establishing a School Readiness Coordinating Council; creating s. 402.265, F.S.; providing legislative intent; establishing the early education and child care program and providing for optional participation; providing for the council to be assigned to the Executive Office of the Governor for administrative purposes; providing for oversight; providing eligibility for participation in the program; providing performance standards and outcome measures; providing for School Readiness Coalitions; providing for implementation of programs; requiring development of a plan and providing program requirements; requiring a sliding fee scale; providing for funding; requiring a reimbursement rate schedule; providing requirements relating to fiscal agents; providing for parental choice and for payment arrangements; providing for evaluation and reporting; providing that federal requirements control in the case of conflict; exempting family child care providers from increased standards; repealing s. 411.222(4), F.S., relating to the State Coordinating Council for Early Childhood Services; providing an effective date.

—as amended April 1 was read the third time by title.

On motions by Senator Holzendorf, **CS for CS for SB 182 and SB 1042** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Geller	Latvala	Turner
Casas	Grant	Laurent	Williams
Childers	Gutman	Lee	
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—1

Ostalkiewicz

Vote after roll call:

Yea—Thomas

CS for SB 180—A bill to be entitled An act relating to trust funds; creating the Early Education and Child Care Trust Fund within the Executive Office of the Governor; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—as amended April 1 was read the third time by title.

On motions by Senator Kirkpatrick, **CS for SB 180** as amended was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Brown-Waite	Casas	Cowin
Bankhead	Burt	Childers	Crist
Bronson	Campbell	Clary	Diaz-Balart

Dudley	Harris	Laurent	Scott
Dyer	Holzendorf	Lee	Silver
Forman	Horne	McKay	Sullivan
Geller	Jones	Meadows	Turner
Grant	Kirkpatrick	Myers	Williams
Gutman	Klein	Ostalkiewicz	
Hargrett	Latvala	Rossin	

Nays—None

Vote after roll call:

Yea—Thomas

CS for SB 706—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; revising provisions relating to high school graduation credit requirements; providing for early graduation; amending s. 236.081, F.S., relating to funds for operation of schools; providing for calculation of full-time-equivalent student membership for students who graduate early; providing an effective date.

—as amended April 1 was read the third time by title.

On motions by Senator Sullivan, **CS for SB 706** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dudley	Jones	Rossin
Bronson	Dyer	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Turner
Casas	Gutman	Lee	Williams
Childers	Hargrett	McKay	
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

CS for SB 536—A bill to be entitled An act relating to education; amending ss. 239.117, 239.301, 240.117, 240.235, 240.35, F.S.; increasing the number of times state funding will support a student enrolled in the same college-preparatory class within a skill area; revising certain funding amounts; providing a fee exemption for certain postsecondary students; providing an effective date.

—was read the third time by title.

On motions by Senator Kirkpatrick, **CS for SB 536** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Turner
Casas	Grant	Lee	Williams
Childers	Gutman	McKay	
Clary	Hargrett	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Thomas

CS for CS for SB 1996 and CS for SB 1182—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; providing for recognition as public schools; revising requirements relating to proposals; providing for appeal of disputes and requiring mediation services; revising limitations on the number of schools; revising provisions relating to eligible students; providing for operation by a nonprofit organization; deleting certain restrictions on holding charter contracts; revising provisions relating to charter terms; providing for public employee status; providing requirements relating to employees; revising requirements relating to student transportation; revising administrative fee provisions and requiring certain administrative and educational services; revising provisions relating to charter school use of certain facilities or property; providing for certain purchasing; authorizing charter schools-in-the-workplace; providing requirements and tax exemption; creating s. 228.0561, F.S.; providing for the distribution of funds from the Charter Schools Capital Outlay Trust Fund; providing eligibility requirements; providing for the recovery of funds; providing duties of the Commissioner of Education; authorizing the use of funds for certain capital outlay purposes of charter schools; requiring a legislative budget request for appropriations from the Charter Schools Capital Outlay Trust Fund; providing effective dates.

—as amended April 1 was read the third time by title.

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

Amendment 1—On page 13, line 19, after “governing body” insert: *with the school board’s permission*

Senator Forman moved the following amendment which failed to receive the required two-thirds vote:

Amendment 2—On page 3, lines 3 and 4, delete those lines and insert: of the parents whose children are enrolled at the school. A private school, parochial school, or home education program shall not be eligible for charter school status. *All parents of children enrolled at the school shall be noticed of the meeting at least 14 calendar days in advance by mail.*

On motions by Senator Grant, **CS for CS for SB 1996 and CS for SB 1182** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—30

Madam President	Clary	Horne	Ostalkiewicz
Bankhead	Cowin	Kirkpatrick	Rossin
Bronson	Crist	Latvala	Scott
Brown-Waite	Diaz-Balart	Laurent	Sullivan
Burt	Dudley	Lee	Thomas
Campbell	Grant	McKay	Williams
Casas	Gutman	Meadows	
Childers	Harris	Myers	

Nays—9

Dyer	Hargrett	Jones	Silver
Forman	Holzendorf	Klein	Turner
Geller			

SPECIAL ORDER CALENDAR

On motion by Senator Latvala—

CS for SB 1184—A bill to be entitled An act relating to trust funds; creating the Charter Schools Capital Outlay Trust Fund; providing for administration by the Department of Education; providing for sources of moneys and purposes; providing for annual carryover of moneys; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1184** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

CS for SB 216—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; authorizing certain persons to participate in the Deferred Retirement Option Program notwithstanding certain restrictions; providing a contingent effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 216** to **CS for CS for HB 3131**.

Pending further consideration of **CS for SB 216** as amended, on motion by Senator Gutman, by two-thirds vote **CS for CS for HB 3131** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

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

CS for CS for HB 3131—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; revising criteria, limitations, and restrictions for eligibility, participation, and benefits payable under the Deferred Retirement Option Program; providing conditions for payment of annual leave; amending s. 121.1122, F.S., relating to provisions for purchase of retirement credit for in-state-service in accredited nonpublic schools and colleges; providing an effective date.

—a companion measure, was substituted for **CS for SB 216** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 3131** was placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

CS for SB 822—A bill to be entitled An act relating to vehicles used by state agencies; amending s. 20.055, F.S.; requiring a report from agency heads on employee use of state motor vehicles; amending s. 287.16, F.S., relating to the powers of the Division of Motor Pool of the Department of Management Services; requiring a report on break-even mileage to be submitted biennially to agency inspectors general; amending s. 287.17, F.S.; providing definitions; providing criteria to be followed by an agency head in assigning a state-owned motor vehicle to an employee; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Williams and adopted:

Amendment 1 (with title amendment)—On page 2, between lines 9 and 10, insert:

Section 2. Subsection (1) of section 287.151, Florida Statutes, is amended to read:

287.151 Limitation on classes of motor vehicles procured.—

(1) All motor vehicles purchased or leased by the state with funds provided in the General Appropriations Act shall be of the subcompact class except vehicles used for law enforcement purposes by law enforcement officers of the state, used as tow vehicles, routinely used to transport more than three adults or bulk materials, or vehicles operated frequently on unpaved roads. All vehicles purchased shall be of the smallest class that can safely and adequately meet the transportation requirements. ~~The exception from the subcompact vehicle requirement for law enforcement purposes shall not apply to state attorneys and public defenders.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: amending s. 287.151, F.S.; revising purchasing requirements for state motor vehicles used by state attorneys and public defenders;

Senator Williams moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 2, lines 10-14, delete those lines and insert:

Section 2. Subsection (3) of section 287.16, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

287.16 Powers and duties of division.—The Division of Motor Pool shall have the following powers, duties, and responsibilities:

(3) In its discretion, to require every state agency to transfer its ownership, custody, and control of every aircraft and motor vehicle, and associated maintenance facilities and equipment, except those used principally for law enforcement, *state fire marshal*, or fire control purposes, to the Department of Management Services, including all right, title, interest, and equity therein.

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: removing the power to require transfer of ownership, custody, or control of aircraft and motor vehicles used principally for state fire marshal purposes;

Pursuant to Rule 4.19, **CS for SB 822** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

CS for SB 1132—A bill to be entitled An act relating to the Department of Management Services; amending s. 20.22, F.S.; revising the organizational structure of the department relating to labor organizations; clarifying provisions relating to operation of the Division of State Group Insurance; modifying the role of the Director of the Division of State Group Insurance and staff thereof with respect to the Florida State Group Insurance Council; amending ss. 110.109, 110.112, F.S.; revising reporting requirements; amending s. 110.1099, F.S.; providing conditions for the reimbursement of training expenses by an employee; amending s. 110.1165, F.S.; providing a statute of limitations on filing certain actions; amending s. 110.123, F.S., relating to the state group insurance program; adding and updating definitions; providing for Career Service exemptions in the Division of State Group Insurance; clarifying and correcting references; updating provisions relating to agency payment of premiums for certain employees injured or killed in the line of duty to conform to existing law; amending s. 110.12315, F.S., relating to the state employees' prescription drug program, to revise, clarify, and reorganize such provisions; amending s. 110.1232, F.S., relating to health insurance coverage for certain state retirees, to correct a reference; amending s. 110.1234, F.S., relating to Medicare supplement coverage for state retirees, to correct a reference; amending s. 110.1238, F.S., relating to refunds with respect to provider overcharges; modifying the refund cap; amending s. 110.1245, F.S.; revising reporting requirements; increasing the cap on meritorious service awards; amending s. 110.161, F.S., relating to the State Employees Pretax Benefits Program Act, to correct references and update language; amending s. 110.181, F.S.; providing that the fiscal agent for the Florida State Employees' Charitable Campaign need not reimburse costs under specified conditions; amending s. 110.201, F.S.; providing for a report; amending s. 110.205, F.S.; conforming provisions to changes made by the act; providing for the designation of Senior Management Service positions; amending s. 110.235, F.S.; deleting a requirement for a report; amending s. 110.503, F.S.; allowing agencies to incur expenses to recognize the service of volunteers; amending s. 110.504, F.S.; providing a limitation on volunteer awards; amending s. 112.061, F.S.; authorizing the designee of an agency head to approve specified expenses for employees; amending s. 121.025, F.S., providing for Career Service exemptions in the Division of Retirement; amending s. 215.196, F.S.; revising the organizational structure of the department relating to the Architects Incidental Trust Fund; amending s. 215.422, F.S.; deleting a vendor's right to the name of an ombudsman; amending s. 215.94, F.S.; conforming a reference to changes made by the act; amending s. 216.011, F.S.; redefining the term "operating capital outlay"; amending ss. 255.249, 255.25, 255.257, F.S.; revising the threshold for leased space facility requirements; amending s. 255.503, F.S.; providing for the closing of facilities in emergency situations; amending s. 267.075, F.S.; revising the membership of The Grove Advisory Council; amending s. 272.18, F.S.; revising the membership of the Governor's Mansion Commission; amending

s. 272.185, F.S.; revising the organizational structure of the department relating to maintenance of the Governor's Mansion; amending s. 273.02, F.S.; increasing the value of property required to be inventoried by custodians; amending s. 273.055, F.S.; providing for the disbursement of moneys received from disposition of state-owned tangible personal property; amending s. 281.07, F.S.; revising the organizational structure of the department relating to the capitol police; amending s. 282.111, F.S.; revising the organizational structure of the department relating to the statewide system of regional law enforcement communications; amending s. 287.042, F.S.; revising the organizational structure of the department relating to the purchasing of goods and services; amending s. 287.057, F.S.; revising the organizational structure of the department relating to the procurement of insurance; amending ss. 287.16, 287.18, F.S.; revising the organizational structure of the department relating to motor vehicles, watercraft, and aircraft; amending s. 365.171, F.S.; designating the director of the statewide emergency telephone number "911"; amending ss. 401.021, 401.027, F.S.; designating the director of the statewide telecommunications system of the regional emergency medical service; amending s. 446.604, F.S.; providing for Government Services Direct to be included in the plan for One-Stop Career Centers; amending s. 447.208, F.S.; providing for the determination of attorney's fees in certain cases; amending s. 768.76, F.S., to remove specified health care plans from the definition of collateral source; repealing ss. 110.407 and 110.607, F.S., which provide for performance audits; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendments which were adopted:

Amendment 1—On page 14, lines 11 and 14, delete "*program*" and insert: *plan*

Amendment 2—On page 26, between lines 2 and 3, insert:

(d) *No copayment amount for mail order prescription drug purchases may be imposed which is less than the copayment amount imposed for prescription drug card purchases.*

Amendment 3 (with title amendment)—On page 51, between lines 20 and 21, insert:

Section 35. Subsection (5) is added to section 282.105, Florida Statutes, to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.—

(5) *Private, nonprofit elementary and secondary schools shall be eligible for rates and services on the same basis as public schools, providing these nonpublic schools do not have an endowment in excess of \$50 million.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 26, after the semicolon (;) insert: amending s. 282.105, F.S.; authorizing certain private elementary and secondary schools to use the state SUNCOM Network;

Amendment 4 (with title amendment)—On page 53, between lines 28 and 29, insert:

Section 38. Paragraph (c) of subsection (1) of section 287.058, Florida Statutes, is amended to read:

287.058 Contract document.—

(1) Every procurement of contractual services in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO, except for the providing of health and mental health services or drugs in the examination, diagnosis, or treatment of sick or injured state employees or the providing of other benefits as required by the provisions of chapter 440, shall be evidenced by a written agreement embodying all provisions and conditions of the procurement of such services, which provisions and conditions shall, where applicable, include, but shall not be limited to:

(c) A provision allowing unilateral cancellation by the agency for refusal by the contractor to allow public access to all documents, papers,

letters, or other material subject to the provisions of chapter 119 and made or received by the contractor in conjunction with the contract. *Further agreements between the contractor, subcontractors, or other parties performing services and receiving state funds, either directly or indirectly, shall also contain a provision allowing unilateral cancellation by the contractor or by the agency for refusal by the subcontractor or other party to allow public access to all documents, papers, letters, or other such material subject to the provisions of chapter 119 and made or received by the subcontractor or other party in conjunction with the contract.*

In lieu of a written agreement, the division may authorize the use of a purchase order for classes of contractual services, provided the provisions of paragraphs (a)-(f) are included in the purchase order, invitation to bid, or request for proposals. The purchase order shall include an adequate description of the services, the contract period, and the method of payment. In lieu of printing the provisions of paragraphs (a)-(f) in the contract document or purchase order, agencies may incorporate the requirements of paragraphs (a)-(f) by reference.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 5, after the semicolon (;) insert: amending s. 287.058, F.S.; requiring that a state contract provide for cancellation of the contract by the contractor or agency upon the refusal by a party to allow public access to certain material;

Amendment 5 (with title amendment)—On page 58, line 30 through page 59, line 18, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, lines 19-21, delete those lines and insert: certain cases; repealing ss.

Amendment 6 (with title amendment)—On page 41, line 24 through page 43, line 21, delete those lines and insert:

Section 26. Paragraph (b) of subsection (2) and subsection (3) of section 255.25, Florida Statutes, are amended to read:

255.25 Approval required prior to construction or lease of buildings.—

(2)

(b) The approval of the ~~Department Division~~ of Facilities Management Services, except for technical sufficiency, need not be obtained for the lease of less than 5,000 ~~3,000~~ square feet of space within a privately owned building, provided the agency head or the agency head's designated representative has certified compliance with applicable leasing criteria as may be provided pursuant to s. 255.249(2)(k) and has determined such lease to be in the best interest of the state. Such a lease which is for a term extending beyond the end of a fiscal year is subject to the provisions of ss. 216.311, 255.2502, and 255.2503.

(3)(a) Except as provided in subsection (10) and except for those leases negotiated pursuant to the pilot project for contracted tenant brokers established by the Department of Management Services in this act, no state agency shall enter into a lease as lessee for the use of 5,000 ~~3,000~~ square feet or more of space in a privately owned building except upon advertisement for and receipt of competitive bids and award to the lowest and best bidder. The ~~Department of Management Services Division of Facilities Management~~ shall have the authority to approve a lease for 5,000 ~~3,000~~ square feet or more of space that covers more than 1 fiscal year, subject to the provisions of ss. 216.311, 255.2501, 255.2502, and 255.2503, if such lease is, in the judgment of the ~~department division~~, in the best interests of the state. This paragraph does not apply to buildings or facilities of any size leased for the purpose of providing care and living space for persons.

(b) The ~~Department Division~~ of Facilities Management Services may approve extensions of an existing lease of 5,000 ~~3,000~~ square feet or more of space if such extensions are determined to be in the best interests of the state, but in no case shall the total of such extensions exceed 11 months. If at the end of the 11th month an agency still needs space, it shall be procured by competitive bid in accordance with s. 255.249(2)(b).

(c) Any person who files an action protesting a decision or intended decision pertaining to a competitive bid for space to be leased by the agency pursuant to s. 120.57(3)(b) shall post with the state agency at the time of filing the formal written protest a bond payable to the agency in an amount equal to 1 percent of the estimated total rental of the basic lease period or \$5,000, whichever is *greater less*, which bond shall be conditioned upon the payment of all costs which may be adjudged against him or her in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If the agency prevails after completion of the administrative hearing process and any appellate court proceedings, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him or her. If the person protesting the award prevails, the bond shall be returned to that person and he or she shall recover from the agency all costs and charges which shall be included in the final order of judgment, excluding attorney's fees.

Section 27. *Contracted tenant brokers; pilot project.*—

(1) *The Department of Management Services shall undertake a pilot project in Hillsborough, Leon, Levy, and Orange Counties for a contracted tenant broker to assist state agencies in locating suitable private sector leases. The department shall solicit qualified candidates through the request for proposals process and conduct interviews of finalists. The tenant broker shall be under contract to the department, but all fees or commissions to be paid to the tenant broker shall be paid by the ultimate private sector lessor. The department shall select two brokers in each county in the pilot project. Agencies may employ the services of either broker in any such county for a specified period of time for a given property procurement. Except for the exemption from competitive bidding as described in section 255.25(3)(a), Florida Statutes, current leasing procedures would remain in effect, including the zone rate guidelines. Brokers shall be required to disclose any conflict of interest and all compensation received from transactions. Brokers' compensation shall be no more than what is customarily found in the marketplace. Contracts between the department and the brokers shall be for a term of 1 year, renewable for an additional year based on a satisfactory performance review. The Department of Management Services is authorized to adopt such rules as may be necessary to carry out the intent of this section.*

(2) *In designing the pilot project, the department shall endeavor to accomplish the following goals:*

(a) *Provide for a faster, more efficient, and cost-effective lease procurement process.*

(b) *Provide access for agencies to experienced brokers with knowledge of the local marketplace.*

(c) *Provide a documented, professional cost/benefit analysis of all choices.*

(d) *Provide for the ability to negotiate the best deal.*

(e) *Provide the ability to reject any proposal which does not meet the needs of the agency.*

(f) *Provide that the Department of Management Services shall have final review and approval of all leases to ensure quality control.*

(3) *On or before July 1, 2000, the Department of Management Services shall report to the Legislature on the effectiveness of the pilot project and shall make recommendations, in the form of legislation, if necessary, for the implementation of the project on a statewide basis.*

(4) *The pilot project shall stand repealed effective July 1, 2000.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 10, after the first semicolon (;) insert: exempting certain leases from the competitive bidding process; providing for a pilot project under the Department of Management Services for contracted tenant brokers to assist state agencies in locating suitable private-sector leases; providing requirements of the project; providing for a report; providing for future repeal;

Pursuant to Rule 4.19, **CS for SB 1132** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas—

SB 1268—A bill to be entitled An act relating to trust funds; providing legislative intent to create a trust fund for the deposit of tobacco lawsuit settlement moneys; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Thomas and adopted:

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

Section 1. (1) *The Tobacco Settlement Trust Fund is created to accept deposit of all funds received by the state as a result of the settlement of its lawsuit against the tobacco industry.*

(2) *All funds transferred to and retained in the trust fund shall be invested pursuant to section 18.125, Florida Statutes. All interest accruing to the trust fund shall be deposited in the trust fund and shall be subject to appropriation by the Legislature.*

(3) *Pursuant to the provisions of Section 19(f)(2), Article III of the State Constitution, the Tobacco Settlement Trust Fund shall, unless terminated sooner, be terminated on July 1, 2002. Prior to its scheduled termination, the trust fund shall be reviewed as provided in section 215.3206(1) and (2), Florida Statutes.*

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act creating the Tobacco Settlement Trust Fund; providing for the deposit of proceeds from the settlement of the state's suit against the tobacco industry; providing for the investment of funds; providing for review and termination of the trust fund; providing an effective date.

Pursuant to Rule 4.19, **SB 1268** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 240—A bill to be entitled An act relating to overseas electors; amending s. 97.021, F.S.; defining the terms "absent qualified elector overseas," "fax," and "faxed"; amending s. 100.025, F.S.; revising the notice of election to overseas electors; amending s. 101.5614, F.S.; designating procedures for tabulating faxed ballots; amending s. 101.62, F.S.; authorizing supervisors of elections to fax absentee ballots to overseas electors requesting faxed ballots; deleting certain requirements applicable to overseas ballots; amending ss. 101.64, 101.65, F.S., to conform; creating s. 101.653, F.S.; providing instructions to be included with faxed overseas ballots; amending s. 101.68, F.S., to conform; amending s. 101.694, F.S.; authorizing procedure for overseas electors using the Federal Post Card Application to request faxed ballots; creating s. 101.697, F.S.; authorizing the Department of State to adopt rules to administer faxed balloting; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 240** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1402—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; providing an additional duty of the Secretary of State; amending s. 97.021, F.S.; revising the definition of absent elector; amending s. 97.041, F.S.; providing that holders of a homestead exemption may be registered only in the county and precinct in which is located the property for which the homestead exemption has been

granted; providing an exception; amending s. 97.052, F.S.; requiring that certain information relating to homestead exemptions be included in the uniform statewide voter registration application; requiring that the last four digits of the applicant's social security number and the applicant's driver license or Florida identification number be included in the uniform statewide voter registration application; amending s. 196.111, F.S.; providing for notice of termination of homestead exemption; creating s. 196.115, F.S.; providing for termination of homestead exemption and subsequent disqualification upon registration as an elector in another precinct; amending s. 196.121, F.S.; requiring homestead exemption forms to include notice of the requirements for factual determination of permanent residency by the property appraiser and notice of the requirements relating to voter registration and the potential loss of homestead exemption; amending s. 97.053, F.S.; requiring that the last four digits of the applicant's social security number be included on a voter registration application for the application to be complete; creating s. 97.056, F.S.; requiring persons who register by mail to vote in person the first time; providing exceptions; amending s. 97.071, F.S.; providing for the mailing of a registration identification card to the voter; creating s. 98.0975, F.S.; requiring the division to compare information in the central voter file with other computer databases; amending s. 98.461, F.S.; revising the contents of the precinct register; amending s. 98.471, F.S.; requiring a voter to show a picture identification at the polls; amending s. 100.041, F.S.; providing for the terms of charter county commissioners; amending s. 101.62, F.S.; restricting telephone requests for absentee ballots; revising the methods of delivery of absentee ballots; amending s. 101.64, F.S.; revising the Voter's Certificate; providing reasons for voting absentee; requiring additional information of a witness; creating s. 101.647, F.S.; providing for the return of absentee ballots; amending s. 101.65, F.S.; revising the instructions to absent electors to conform; creating s. 101.657, F.S.; providing for in-person absentee voting; creating s. 101.66, F.S.; requiring absent electors to personally vote the ballot; providing exceptions; amending s. 101.68, F.S., relating to canvassing of absentee ballots; revising the requirement for legal ballots; requiring the supervisor of elections to notify certain absent electors whose ballots were rejected; creating s. 104.047, F.S.; providing penalties for offenses relating to absentee ballots and voting; amending s. 104.012, F.S.; increasing the penalty for interfering with registration and for altering a voter registration application; amending s. 104.013, F.S.; increasing the penalty for the unauthorized use, possession, or destruction of a voter registration identification card; amending s. 104.031, F.S.; increasing the penalty for making a false declaration to secure assistance in voting; amending s. 104.045, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.0515, F.S.; increasing the penalty for interfering with voting rights; amending s. 104.061, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.081, F.S.; increasing the penalty for employers who threaten employees regarding voting; amending s. 104.24, F.S.; increasing the penalty for a person who fraudulently uses the name of another in voting; amending s. 104.42, F.S.; authorizing the supervisor of elections to investigate fraud in registration and voting; amending s. 117.05, F.S.; requiring a notary public to witness an absentee ballot at no charge; amending ss. 106.25, 106.26, 106.265, 106.27, F.S.; authorizing the Florida Elections Commission to investigate violations of chapter 104, F.S.; providing procedures; providing for civil penalties; amending s. 106.265, F.S.; requiring the Department of Revenue to collect civil fines levied by the Florida Elections Commission; providing an appropriation; providing effective dates.

—was read the second time by title.

MOTION

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

Senator Ostalkiewicz moved the following amendment which failed:

Amendment 1—On page 18, line 2, after "*ordinance*" insert: ", to be approved by referendum,"

Pursuant to Rule 4.19, **CS for SB 1402** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 1716—A bill to be entitled An act relating to the rulemaking authority of the Department of Health with respect to laws that protect the public health, safety, and welfare (RAB); amending s. 232.032, F.S.; authorizing the department to adopt rules governing the immunization of children; amending s. 381.0011, F.S.; authorizing the department to adopt rules specifying conditions and procedures for imposing quarantines; amending s. 381.003, F.S.; providing requirements for the department in adopting rules governing the prevention and control program for communicable diseases; amending s. 381.0031, F.S.; requiring that certain hospitals and laboratories report to the department the occurrence of diseases that are a threat to public health; authorizing the department to adopt rules governing the reporting of such diseases; amending s. 381.006, F.S.; providing that the department's public health mission includes the regulation of sanitary facilities; amending s. 381.0062, F.S.; providing additional requirements for the department in regulating suppliers of water; authorizing fees to cover inspection costs; amending s. 381.0065, F.S.; requiring that the department inspect and regulate certain commercial sewage systems and temporary facilities; providing inspection requirements for establishments that use an aerobic treatment unit or that generate commercial waste; requiring approval by the department before a municipality or political subdivision issues certain building or plumbing permits or authorizes occupancy; amending s. 381.0072, F.S.; redefining the term "food service establishment"; requiring that the department adopt rules governing sanitation standards; amending s. 381.008, F.S.; clarifying the definition of terms with respect to the department's regulation of migrant labor camps; amending s. 381.0083, F.S.; requiring that a person notify the department before constructing or renovating a migrant labor camp; requiring that a new owner of any such camp apply to the department for a permit; amending s. 381.0086, F.S.; authorizing the department to issue rules for maintaining the roads of a migrant labor camp; amending s. 381.0087, F.S.; specifying a time period for correcting a violation of a department rule; amending s. 381.0098, F.S.; providing for a funeral home that performs embalming procedures to be regulated as a biomedical waste generator; requiring that the department adopt rules for operating plans for managing biomedical waste; exempting certain generators of biomedical waste from permit requirements; authorizing the department to prorate fees; providing for enforcement; amending s. 381.0101, F.S.; revising terms with respect to the regulation of environmental health professionals; providing additional duties of the Environmental Health Professionals Advisory Board; providing requirements for the department in adopting rules; amending s. 381.89, F.S., relating to the regulation of tanning facilities; providing requirements for inspection reports and the training of operators; amending s. 383.011, F.S.; revising duties of the department with respect to administering the federal Child and Adult Care Food Program; authorizing the department to adopt rules for administering certain other federal programs; amending s. 384.33, F.S.; authorizing the department to adopt rules with respect to procedures for notifying a physician or person's partner of a sexually transmissible disease; amending s. 384.34, F.S.; authorizing the department to adopt rules for administering penalty provisions; amending s. 401.26, F.S.; requiring a vehicle permit for an aircraft used to provide life-support services; providing certain exceptions; requiring the department to adopt certain criteria and rules; amending ss. 401.265, 401.30, F.S.; authorizing the department to adopt rules governing the provision of life-support services; amending ss. 403.0625, 403.863, F.S.; authorizing the department to adopt rules governing the certification of environmental laboratories and public water supply laboratories; specifying acts for which the department may impose disciplinary sanctions; amending s. 404.056, F.S.; authorizing the department to establish criteria for certifying persons and businesses that conduct radon gas or radon progeny measurements; providing additional requirements for reporting the results of such measurements; amending s. 404.22, F.S.; providing requirements for the department in inspecting radiation machines and components; requiring persons who install such machines to register with the department; amending s. 468.306, F.S.; providing requirements for examinations; amending s. 489.553, F.S.; providing for out-of-state work experience and examinations to fulfill certain requirements for registration as a septic tank contractor; amending s. 489.555, F.S.; providing additional requirements for the certification of partnerships and corporations that offer septic tank contracting services; amending s. 499.005, F.S.; prohibiting misrepresentation or fraud in obtaining or distributing a prescription drug or device; amending s. 499.01, F.S.; authorizing the department to issue a permit for the distribution of drugs to a health care entity; providing for changing the type of permit issued; amending s. 499.012, F.S.; redefining the term

"wholesale distribution" for purposes of the regulation of the sale of prescription drugs; authorizing the department to adopt rules for issuing permits and handling prescription drugs; amending s. 499.0121, F.S.; providing for the exemption of certain establishments from requirements governing the storage and handling of prescription drugs; amending s. 499.0122, F.S.; authorizing the department to adopt rules governing the sale of veterinary legend drugs; amending s. 499.013, F.S.; authorizing the department to adopt rules governing manufacturers of drugs or devices; amending s. 499.014, F.S.; requiring persons who process returned drugs to obtain a permit from the department; amending s. 499.015, F.S.; providing requirements for registering product names with the department; amending ss. 499.03, 499.65, F.S.; authorizing the department to adopt rules to allow researchers to possess prescription drugs or ether; amending s. 499.05, F.S.; requiring the department to adopt rules governing recordkeeping and the storage, handling, and distribution of medical devices and over-the-counter drugs; amending s. 499.66, F.S.; revising the recordkeeping requirements for sales of ether; amending s. 499.67, F.S.; specifying unlawful acts with respect to the purchase, storage, or use of ether; amending s. 501.122, F.S.; authorizing the department to establish additional standards for the use of lasers; amending s. 513.045, F.S.; revising the permit fees charged to operators of mobile home parks and recreational camps; amending s. 513.05, F.S.; providing additional rulemaking authority for the department with respect to such parks and camps; amending s. 514.011, F.S.; defining the term "portable pool"; amending s. 514.0115, F.S.; authorizing the department to grant variances with respect to regulations governing the operation of swimming pools; amending s. 514.03, F.S.; revising requirements for construction plans for a public swimming pool or bathing place; amending s. 514.031, F.S.; requiring the posting of an operating permit for a pool; prohibiting the use of a portable pool as a public pool; amending s. 514.033, F.S.; providing for the department to prorate certain fees for an operating permit; amending s. 514.05, F.S.; authorizing the department to adopt rules specifying conditions for closing a pool; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1716** was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

CS for SB 1708—A bill to be entitled An act relating to rulemaking authority with respect to the Department of Labor and Employment Security (RAB); amending s. 413.011, F.S.; authorizing rulemaking for vocational rehabilitation programs and forms; amending s. 413.051, F.S.; authorizing rulemaking for a vending facility program; amending ss. 443.036, 443.091, 443.131, 443.141, 443.151, F.S.; defining and modifying specific terms; allowing the Division of Unemployment Compensation to adopt rules to determine a claimant's ability to work and availability for work; allowing the division to prescribe by rule training criteria; clarifying types of contracts; allowing the division to adopt rules regarding total succession, procedures for changing methods of reporting, the application of partial payments and monetary and nonmonetary determinations and investigations of eligibility; amending s. 450.121, F.S.; authorizing the Division of Jobs and Benefits to adopt rules that define terms, prescribe documentation for proof of age, prescribe procedure with respect to removal of disability of nonage, require certain safety equipment and a safe workplace for minors, prescribe deadlines for responses to records requests, and state an official address; amending s. 450.30, F.S.; authorizing the division to adopt rules prescribing procedures for registering as a farm labor contractor; amending s. 450.33, F.S.; requiring insurance carriers to notify the division of impending cancellation of insurance on vehicles that transport farm workers; amending s. 450.38, F.S.; authorizing the division to adopt rules containing criteria for determining the amount of civil penalties; providing an effective date.

—was read the second time by title.

Senator Harris moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 2, between lines 11 and 12, insert:

Section 1. Paragraph (a) of subsection (4) of section 370.0805, Florida Statutes, is amended to read:

370.0805 Net ban assistance program.—

(4) ECONOMIC ASSISTANCE FOR LOSS OF INCOME.—

(a) Any fisher who is partially or totally unemployed as a result of the implementation of the net ban amendment in s. 16, Art. X of the State Constitution, notwithstanding s. 443.036(21)(n)3, s. 443.036(19)(n)3, is eligible for retroactive elective coverage pursuant to s. 443.121(3)(a). Retroactive elective coverage shall be limited to fishers who, during the base period, as defined in s. 443.036, possessed a valid saltwater products license issued under s. 370.06 and had recorded landings of the species affected by the net ban. Eligible fishers may apply for retroactive elective coverage any time on or before December 31, 1995. Liability for contributions due as a result of retroactive coverage must be satisfied prior to the payment of unemployment benefits.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: amending s. 370.0805, F.S.; correcting cross-reference;

Amendment 2—On page 42, line 7, delete “s. 443.036(19)(b)” and insert: s. 443.036(21)(b) s. 443.036(19)(b)

Amendment 3—On page 45, line 10, delete “s. 443.036(19)(b)” and insert: s. 443.036(21)(b) s. 443.036(19)(b)

Amendment 4 (with title amendment)—On page 45, between lines 23 and 24, insert:

Section 5. Subsection (1), subsection (2), and paragraph (c) of subsection (3) of section 443.121, Florida Statutes, are amended to read:

443.121 Employing units affected.—

(1) PERIODS OF LIABILITY.—

(a) Any employing unit which is or becomes an employer subject to this chapter as defined in s. 443.036(19)(a) s. 443.036(17)(a), (b), (c), (d), or (e) within any calendar year shall be subject to this chapter during the whole of such calendar year.

(b) Any employing unit which is or becomes an employer subject to this chapter solely by reason of the provisions of s. 443.036(19)(f) s. 443.036(17)(f) shall be subject to this chapter only during its operation of the business acquired.

(c) Any employing unit which is or becomes an employer subject to this chapter solely by reason of the provisions of s. 443.036(19)(g) s. 443.036(17)(g) shall be subject to this chapter only with respect to employment occurring subsequent to the date of such acquisition.

(2) TERMINATION OF COVERAGE.—

(a) General.—Except as otherwise provided in this section, an employing unit shall cease to be an employer subject to this chapter as of January 1 of any calendar year only if it files with the division, by April 30 of the year for which termination is requested, a written application for termination of coverage and the division finds that the employing unit, in the preceding calendar year, did not meet the requirements of an employer, as defined in s. 443.036(19)(a) s. 443.036(17)(a), (d), or (e). However, the above-prescribed time limitation for the filing of such written application may be waived by the division in cases where such time limitation had expired prior to the establishment in the records of the division of the liability of such employing unit. For the purposes of this subsection, the two or more employing units mentioned in s. 443.036(19)(f) s. 443.036(17)(f), (g), and (i) shall be treated as a single employing unit.

(b) Nonprofit organizations.—Except as otherwise provided in subsection (4), an employing unit subject to this chapter by reason of s. 443.036(21)(c) s. 443.036(19)(e) shall cease to be an employer so subject as of January 1 of any calendar year only if it files with the division, by April 30 of the year for which termination is requested, a written application for termination of coverage and the division finds that there were no 20 different days, each day being in a different week within the preceding calendar year, within which such employing unit employed four or more individuals in employment subject to this chapter. The timely filing of application may be waived as provided in paragraph (a).

(c) State and political subdivisions.—The state and any political subdivision of the state shall remain an employer subject to this chapter for the duration of any employment defined in s. 443.036(21)(b) s. 443.036(19)(b) and shall cease being so subject only pursuant to subsection (4).

(3) ELECTIVE COVERAGE.—

(c) Certain services for political subdivisions.—

1. Any political subdivision of this state may elect to cover under this chapter, for not less than 1 calendar year, service performed by employees in all of the hospitals and institutions of higher education operated by such political subdivision. Election is to be made by filing with the division a notice of such election at least 30 days prior to the effective date of such election. The election may exclude any services described in s. 443.036(21)(d) s. 443.036(19)(d). Any political subdivision electing coverage under this paragraph shall make payments in lieu of contributions with respect to benefits attributable to such employment as provided with respect to nonprofit organizations in s. 443.131(4)(b) and (d).

2. The provisions in s. 443.091(4) with respect to benefit rights based on service for nonprofit organizations and state hospitals and institutions of higher education shall be applicable also to service covered by an election under this section.

3. The amounts required to be paid in lieu of contributions by any political subdivision under this paragraph shall be billed and payment made as provided in s. 443.131(4)(b) with respect to similar payments by nonprofit organizations.

4. An election under this paragraph may be terminated after not less than 1 calendar year of coverage by filing with the division written notice not later than 30 days preceding the last day of the calendar year in which the termination is to be effective. Such termination becomes effective as of January 1 of the next ensuing calendar year with respect to services performed after that date.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after “443.091,” insert: 443.121,

Amendment 5 (with title amendment)—On page 45, lines 24-31 through page 48, lines 1-19, delete those lines and insert:

Section 5. Subsection (1), paragraph (g) of subsection (3), paragraph (a) of subsection (4), paragraphs (a), (b), and (d) of subsection (5), and paragraph (b) of subsection (6) of section 443.131, Florida Statutes, are amended to read:

443.131 Contributions.—

(1) WHEN PAYABLE.—Contributions shall accrue and become payable by each employer for each calendar quarter in which he or she is subject to this chapter, with respect to wages paid during such calendar quarter for employment. Such contributions shall become due and be paid by each employer to the division for the fund, in accordance with such rules as the division may prescribe. However, nothing in this subsection shall be construed to prohibit the division from allowing, on a limited basis, at the request of the employer, certain employers of employees performing domestic services, as defined in s. 443.036(21)(g) s. 443.036(19)(g) and by rule of the division, to pay contributions or report wages at intervals other than quarterly when such payment or reporting is to the advantage of the division and the employers, and when such nonquarterly payment and reporting is authorized under federal law. This provision gives employers of employees performing domestic services the option to elect to report wages and pay taxes annually, with a due date of April 1 and a delinquency date of April 30. In order to qualify for this election, the employer must have only domestic employees, be in good standing, apply to this program no later than December 30 of the preceding calendar year, and agree to provide the division with any special reports which might be requested, as required by rule 38B-2.025(5), including copies of all federal employment tax forms. Failure to furnish any information when required may result in the employer's loss of the privilege to elect participation in this program. Contributions shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ. In the payment of any contributions, a frac-

tional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

(3) CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(g)1. For the purposes of this subsection, two or more employers who are parties to a transfer of business or the subject of a merger, consolidation, or other form of reorganization, effecting a change in legal identity or form, shall be deemed to be a single employer and shall be considered as one employer with a continuous employment record if the division finds that the successor employer continues to carry on the employing enterprises of the predecessor employer or employers and that the successor employer has paid all contributions required of and due from the predecessor employer or employers and has assumed liability for all contributions that may become due from the predecessor employer or employers. As used in this paragraph, the term "contributions" means all indebtedness to the division, including, but not limited to, interest, penalty, collection fee, and service fee. A successor has 30 days from the date of the official notification of liability by succession to accept the transfer of the predecessor's or predecessors' employment record or records. If the predecessor or predecessors have unpaid contributions or outstanding quarterly reports, the successor has 30 days from the date of the notice listing the total amount due to pay the total amount with certified funds. After the total indebtedness has been paid, the employment record or records of the predecessor or predecessors will be transferred to the successor. *Employment records may be transferred by the division. The tax rate of total successor and predecessor upon the transfer of employment records shall be determined by the division as prescribed by rule in order to calculate any tax rate change resulting from the transfer of employment records.*

2. Whether or not there is a transfer of employment record as contemplated in this paragraph, the predecessor shall in the event he or she again employs persons be treated as an employer without previous employment record or, if his or her coverage has been terminated as provided in s. 443.121, as a new employing unit.

3. The division may provide by rule for partial transfer of experience rating when an employer has transferred at any time an identifiable and segregable portion of his or her payrolls and business to a successor employing unit. As a condition of such partial transfer of experience, the rules shall require an application by the successor, agreement by the predecessor, and such evidence as the division may prescribe of the experience and payrolls attributable to the transferred portion up to the date of transfer. The rules shall provide that the successor employing unit, if not already an employer, shall become an employer as of the date of the transfer and that the experience of the transferred portion of the predecessor's account shall be removed from the experience-rating record of the predecessor, and for each calendar year following the date of the transfer of the employment record on the books of the division, the division shall compute the rate of contribution payable by the successor on the basis of his or her experience, if any, combined with the experience of the portion of the record transferred. The rules may also provide what rates shall be payable by the predecessor and successor employers for the period between the date of the transfer of the employment record of the transferred unit on the books of the division and the first day of the next calendar year.

4. This paragraph shall not apply to the employee leasing company and client contractual agreement as defined in s. 443.036. The client shall, in the event of termination of the contractual agreement or failure by the employee leasing company to submit reports or pay contributions as required by the division, be treated as a new employer without previous employment record unless otherwise eligible for a rate computation.

(4) FINANCING BENEFITS PAID TO EMPLOYEES OF NON-PROFIT ORGANIZATIONS.—Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this subsection. For the purpose of this subsection, a "nonprofit" organization is an organization or group of organizations described in s. 501(c)(3) of the United States Internal Revenue Code which is exempt from income tax under s. 501(a) of such code.

(a) Liability for contributions and election of reimbursement.—Any nonprofit organization which, pursuant to s. 443.036(19)(c) s. 443.036(17)(e) or s. 443.121(3)(a) is, or becomes, subject to this chapter shall pay contributions under the provisions of subsection (1), unless it

elects, in accordance with this paragraph, to pay to the division for the Unemployment Compensation Trust Fund an amount equal to the amount of regular benefits and of one-half of the extended benefits paid, that is attributable to service in the employ of such nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of such election.

1. Any nonprofit organization which becomes subject to this chapter may elect to become liable for payments in lieu of contributions for not less than the period beginning with the date on which such subjectivity begins and ending at the end of the next calendar year by filing a written notice of its election with the division not later than 30 days immediately following the date of the determination of such subjectivity.

2. Any nonprofit organization which makes an election in accordance with subparagraph 1. will continue to be liable for payments in lieu of contributions until it files with the division a written notice terminating its election not later than 30 days prior to the beginning of the calendar year for which such termination shall first be effective.

3. Any nonprofit organization which has been paying contributions under this chapter may change to a reimbursable basis by filing with the division not later than 30 days prior to the beginning of any calendar year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next calendar year.

4. The division, in accordance with such rules as the division may prescribe, shall notify each nonprofit organization of any determination of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determinations shall be subject to reconsideration, appeal, and review in accordance with the provisions of s. 443.141(2)(b).

(5) FINANCING BENEFITS PAID TO EMPLOYEES OF THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE.—Benefits paid to employees of this state or any instrumentality of this state, or to employees of any political subdivision of this state or any instrumentality thereof, based upon service defined in s. 443.036(21)(b) s. 443.036(19)(b), shall be financed in accordance with this subsection.

(a)1. Unless an election is made as provided in paragraph (c), the state or any political subdivision of the state shall pay into the Unemployment Compensation Trust Fund an amount equivalent to the amount of regular benefits, short-time compensation benefits, and extended benefits paid to individuals, based on wages paid by the state or the political subdivision for service defined in s. 443.036(21)(b) s. 443.036(19)(b).

2. Should any state agency become more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, the division shall certify to the Comptroller the amount due and the Comptroller shall transfer the amount due to the Unemployment Compensation Trust Fund from the funds of such agency that may legally be used for such purpose. In the event any political subdivision of the state or any instrumentality thereof becomes more than 120 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, then, upon request by the division after a hearing, the Department of Revenue or the Department of Banking and Finance, as the case may be, shall deduct the amount owed by the political subdivision or instrumentality from any funds to be distributed by it to the county, city, special district, or consolidated form of government for further distribution to the trust fund in accordance with this chapter. Should any employer for whom the city or county tax collector collects taxes fail to make the reimbursements to the Unemployment Compensation Trust Fund required by this chapter, the tax collector after a hearing, at the request of the division and upon receipt of a certificate showing the amount owed by the employer, shall deduct the amount so certified from any taxes collected for the employer and remit same to the Department of Labor and Employment Security for further distribution to the trust fund in accordance with this chapter. This subparagraph does not apply to those amounts due for benefits paid prior to October 1, 1979. This subparagraph does not apply to amounts owed by a political subdivision for benefits erroneously paid where the claimant is required to repay to the division under s. 443.151(6)(a) or (b) any sum as benefits received.

(b) The provisions of paragraphs (4)(b), (d), and (e), relating to reimbursement payments, allocation of benefit costs, and group accounts

with respect to nonprofit organizations, are applicable also, to the extent allowed by federal law, with respect to the duties of this state or any political subdivision of this state as an employer by reason of *s. 443.036(19)(b)* ~~*s. 443.036(17)(b)*~~.

(d) Upon establishing a financing method as provided by this subsection, such financing method shall be applicable for not less than 2 calendar years. Nothing herein shall be construed to prevent an employer subject to the provisions of this subsection from electing to change its method of financing *or its method of reporting* after completing 2 calendar years under another financing method, so long as such new election is timely filed. *The division may prescribe by rule the procedures for changing methods of reporting.*

(6) PUBLIC EMPLOYERS UNEMPLOYMENT COMPENSATION BENEFIT ACCOUNT.—

(b) Governmental entities subject to the Florida Unemployment Compensation Law under *s. 443.036(21)(b)* ~~*s. 443.036(19)(b)*~~ who exercise the option to elect the contributory system of financing unemployment compensation benefits shall have their accounts maintained and shall be subject to the provisions of subsections (1), (2), and (3), except that:

1. The term "taxable wages" means total gross wages.
2. The initial contribution rate shall be 0.25 percent.
3. Any election by an employer to be taxed under this subsection shall be effective January 1 and shall be taxed at the initial rate. Effective January 1 of the following year, the rate shall be computed based on 2 calendar quarters of chargeability and payroll; effective January 1 of the second year after such election, the rate shall be computed based on 6 quarters of chargeability and payroll; and effective January 1 of the third year after such election, the rate shall be computed based on 10 quarters of chargeability and payrolls. Each January 1 thereafter, the tax rates shall be computed based on 12 quarters of chargeability and payroll.
4. An employer electing to be taxed under the provisions of this subsection shall make such election not later than 30 days prior to January 1 of the year for which the election is to be effective. Upon electing this financing method, such method shall be applicable for not less than 2 years.
5. Any election under this subsection may be terminated by filing with the division, not later than 30 days prior to January 1, a written notice of termination.

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: correcting cross-references;

Amendment 6—On page 48, lines 20-31 through page 49, lines 1-15, delete those lines and insert:

Section 6. Paragraph (b) of subsection (1) of section 443.141, Florida Statutes, is amended, paragraph (c) is added to that subsection, and subsection (6) is amended to read:

- 443.141 Collection of contributions.—
- (1) PAST DUE CONTRIBUTIONS.—
 - (b) Penalty for delinquent reports.—

1. Any employing unit which fails to file any reports required by the division in the administration of this chapter, in accordance with rules adopted by the division, shall pay to the division with respect to each such report the sum of \$25 for each 30 days or fraction thereof that such employing unit is delinquent, unless the division finds that such employing unit has or had good reason for failure to file such report or reports.

2. Sums collected as penalties under the provisions of subparagraph 1. shall be deposited by the division in the Special Employment Security Administration Trust Fund.

3. *A waiver of penalty and interest for delinquent reports may be authorized where impositions of interest or a penalty would be inequitable.*

(c) Application of partial payments.—When a delinquency exists in the account of an employer not in bankruptcy, and payment in an amount less than the total delinquency is submitted, the division shall apply such partial payment as the payer directs. In the absence of specific direction, the division shall apply the partial payment to the payer's account as prescribed by rule.

(6) REFUNDS.—If, not later than 4 years after the date of payment of any amount as contributions, interest, or penalties, an employing unit that has paid such contributions, interest, or penalties makes application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the division determines that such contributions, interest, or penalties or any portion thereof was erroneously collected, the division shall allow such employing unit to make an adjustment thereof without interest in connection with subsequent contribution payment by it, or if such adjustment cannot be made, the division shall refund said amount, without interest, from the fund. For like cause, and within the same period, adjustment or refund may be made on the division's own initiative. However, nothing in this chapter shall be construed to authorize a refund of contributions which were properly paid in accordance with the provisions of this chapter at the time of such payment, except as required by *s. 443.036(21)(n)5* ~~*s. 443.036(19)(n)5*~~; further, refunds under this subsection and under *s. 443.036(21)(n)5* ~~*s. 443.036(19)(n)5*~~ may be paid from either the clearing account or the benefit account of the Unemployment Compensation Trust Fund and from the Special Employment Security Administration Trust Fund with respect to interest or penalties which have been previously paid into such fund, the provisions of *s. 443.191(2)* to the contrary notwithstanding.

Pursuant to Rule 4.19, **CS for SB 1708** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 146—A bill to be entitled An act relating to petroleum storage systems; amending *s. 376.313*, F.S.; correcting references to the Florida Administrative Code; repealing *s. 21*, ch. 86-159, Laws of Florida, relating to the scheduled repeal of *s. 376.313(4)*, F.S.; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 146** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 482—A bill to be entitled An act relating to educational facilities; amending *s. 235.31*, F.S.; requiring boards to prequalify bidders for construction contracts according to Commissioner of Education rule; requiring certification or licensure of bidders or contractors; amending *s. 489.125*, F.S.; conforming language relating to construction contractors; repealing *s. 489.527*, F.S., relating to electrical and alarm system contractors, to conform; repealing section 633.551(5), F.S., relating to fire protection system contractors, to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 482** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 370** was deferred.

SB 472—A bill to be entitled An act relating to the practice of veterinary medicine; amending *s. 474.203*, F.S.; revising and providing exemptions from regulation under chapter 474, F.S., relating to veterinary medical practice; amending *s. 474.207*, F.S., relating to licensure by examination; eliminating obsolete provisions; amending *s. 474.211*, F.S.; requiring criteria for providers of continuing education to be approved by the board; amending *s. 474.2125*, F.S.; exempting veterinarians licensed in another state from certain requirements for temporary licen-

sure in this state; conforming a cross-reference; amending s. 474.214, F.S.; increasing the administrative fine; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.217, F.S., relating to licensure by endorsement; revising a reference to an examination; providing an effective date.

—was read the second time by title.

The Committee on Regulated Industries recommended the following amendment which was moved by Senator Dyer and adopted:

Amendment 1 (with title amendment)—On page 11, between lines 25 and 26, insert:

Section 8. *Notwithstanding the transfer of the Division of Medical Quality Assurance to the Department of Health or any other provision of law to the contrary, veterinarians licensed under chapter 474, Florida Statutes, shall be governed by the treatment of impaired practitioners provisions of section 455.707, Florida Statutes, as if they were under the jurisdiction of the Division of Medical Quality Assurance, except that for veterinarians the Department of Business and Professional Regulation shall, at its option, exercise any of the powers granted to the Department of Health by that provision, and "board" shall mean board as defined in chapter 474, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: providing for participation of veterinarians in impaired practitioner treatment programs;

Senator Gutman moved the following amendment:

Amendment 2 (with title amendment)—On page 5, line 11 through page 6, line 21, delete those lines and insert:

Section 2. Section 474.207, Florida Statutes, is amended to read:

474.207 Licensure by examination.—

(1) Any person desiring to be licensed as a veterinarian shall apply to the department to take a licensure examination. The board may by rule adopt use of a national examination in lieu of part or all of the examination required by this section, with a reasonable passing score to be set by rule of the board.

(2) The department shall license each applicant who the board certifies has:

(a) Completed the application form and remitted an examination fee set by the board.

(b)1. Graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education; or

2. Graduated from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign Veterinary Graduates.

(c) Successfully completed the examination provided by the department for this purpose, or an examination determined by the board to be equivalent.

(d) Demonstrated knowledge of the laws and rules governing the practice of veterinary medicine in Florida in a manner designated by rules of the board.

The department shall not issue a license to any applicant who is under investigation in any state or territory of the United States or in the District of Columbia for an act which would constitute a violation of this chapter until the investigation is complete and disciplinary proceedings have been terminated, at which time the provisions of s. 474.214 shall apply.

(3) ~~Notwithstanding the provisions of paragraph (2)(b), An applicant has shall be deemed to have met the education requirements for licensure upon submission of evidence that the applicant meets one of the following:~~

~~(a) The applicant was certified for examination by the board prior to October 1, 1989; or~~

~~(b) The applicant immigrated to the United States after leaving her or his home country because of political reasons, if provided such country is located in the Western Hemisphere and lacks diplomatic relations with the United States; and:~~

~~(a)1. Was a Florida resident immediately preceding her or his application for licensure; and~~

~~(b)1.2. Demonstrates to the board, through submission of documentation verified by the applicant's respective professional association in exile, that she or he received a professional degree in veterinary medicine from a college or university located in the country from which she or he emigrated. However, the board may not require the receipt of transcripts from the Republic of Cuba as a condition of eligibility under this section; and~~

2. *Demonstrates to the board that, prior to October 1, 1989, he or she was enrolled in a school of veterinary medicine listed in the American Veterinary Medical Association Roster of Colleges of the World; and*

3. *Successfully completed a board-approved course of 250 hours in veterinary science offered on October 8, 1997, by the Cuban Veterinary Medical Association in Exile, in conjunction with the Florida International Medical Association and Dade County public schools, which included a competency-based examination and the granting of licenses to persons passing the examination; or*

~~(c)1. The applicant demonstrates to the board that, prior to October 1, 1989, he or she was enrolled in a school of veterinary medicine listed in the American Veterinary Medical Association Roster of Colleges of the World;~~

2. *Was a Florida resident immediately preceding her or his application for licensure; and*

3. *Successfully completed a board-approved course of 250 hours in veterinary science offered on October 8, 1997, by the Cuban Veterinary Medical Association in Exile, in conjunction with the Florida International Medical Association and Dade County public schools, which included a competency-based examination and the granting of licenses to persons passing the examination.*

3.—~~Lawfully practiced her or his profession for at least 3 years.~~

(4) Applicants certified for examination or reexamination under subsection (3) who fail *or have failed* the examination three times ~~must subsequent to October 1, 1989, shall be required to demonstrate to the board that they meet the requirements of paragraph (2)(b) or paragraph (3)(c) prior to any further reexamination or certification for licensure.~~

(5) An unlicensed doctor of veterinary medicine who has graduated from an approved college or school of veterinary medicine and has completed all parts of the examination for licensure is permitted, while awaiting the results of such examination for licensure or while awaiting issuance of the license, to practice under the immediate supervision of a licensed veterinarian. A person who fails any part of the examination may not continue to practice, except in the same capacity as other nonlicensed veterinary employees, until she or he passes the examination and is eligible for licensure.

And the title is amended as follows:

On page 1, lines 6-8, delete those lines and insert: medical practice; amending s. 474.207, F.S.; revising requirements for certain persons to take the examination for licensure as a veterinarian; eliminating obsolete provisions; amending s.

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

Amendment 2A—On page 3, lines 15 and 28, delete "*board-approved*"

Amendment 2 as amended was adopted.

Senator Dyer moved the following amendment:

Amendment 3 (with title amendment)—On page 10, between lines 24 and 25, insert:

Section 7. Section 474.2165, Florida Statutes, is amended to read:

474.2165 Veterinary medical records.—Each person who provides veterinary medical services shall maintain medical records, as established by rule, and shall adhere to the requirements of s. 455.667.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: amending s. 474.2165, F.S.; expanding controls on veterinary records;

On motion by Senator Dyer, further consideration of **SB 472** with pending **Amendment 3** was deferred.

On motion by Senator Silver, by two-thirds vote **HB 791** was withdrawn from the Committees on Community Affairs and Regulated Industries.

On motion by Senator Silver—

HB 791—A bill to be entitled An act relating to municipal water and sewer utilities; amending s. 180.191, F.S.; eliminating limitations on utility rates charged outside municipal boundaries in certain municipalities in home rule charter counties; providing an effective date.

—a companion measure, was substituted for **SB 370** and read the second time by title.

Pursuant to Rule 4.19, **HB 791** was placed on the calendar of Bills on Third Reading.

On motion by Senator Childers, by two-thirds vote **HB 3231** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Childers—

HB 3231—A bill to be entitled An act relating to rural hospitals; amending ss. 395.602 and 408.07, F.S.; revising a definition; requiring a study; providing an effective date.

—a companion measure, was substituted for **SB 170** and read the second time by title.

Pursuant to Rule 4.19, **HB 3231** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for SB 290—A bill to be entitled An act relating to emergency medical services; creating s. 401.272, F.S., providing for paramedics and emergency medical technicians to provide health promotion and wellness activities and blood pressure screenings; providing for paramedics to administer immunizations and requiring the verification and documentation of their qualifications to do so; providing conditions to the provision of such community health care; providing for rulemaking; providing an effective date.

—was read the second time by title.

AMENDMENT RULED OUT OF ORDER

Amendment 1 by the Committee on Health Care was read and the President ruled the amendment technically out of order. She stated that the committee had recommended a committee substitute for **SB 290**, and then recommended an amendment to that committee substitute, and that the provisions of Rule 2.15 relating to reports of committee do not include that option.

Senator Klein moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 3, between lines 8 and 9, insert:

Section 3. Subsection (4) is added to section 401.265, Florida Statutes, to read:

401.265 Medical directors.—

(4) Each medical director who uses a paramedic or emergency medical technician to perform blood pressure screening, health promotion, and wellness activities, or to administer immunization on any patient under a protocol as specified in s. 401.272, which is not in the provision of emergency care, is liable for any act or omission of any paramedic or emergency medical technician acting under his or her supervision and control when performing such services.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: amending s. 401.265, F.S.; specifying additional liability provisions for medical directors under certain circumstances;

Pursuant to Rule 4.19, **CS for SB 290** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

SB 1898—A bill to be entitled An act relating to volunteers; amending s. 112.3135, F.S.; providing an exemption from the nepotism law for persons providing volunteer emergency medical, firefighting, and police services; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1898** was placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

CS for SB 1372—A bill to be entitled An act relating to insurance; amending ss. 624.425, 624.428, 624.478, 626.112, F.S.; requiring agents to be appointed; amending s. 624.501, F.S.; clarifying application of fees for title insurance agents; amending s. 626.022, F.S.; providing for applicability of ch. 626, F.S.; amending s. 626.051, F.S.; revising the definition of the term "life agent"; prescribing requirements for soliciting or selling variable life insurance, variable annuity contracts, and other indeterminate value contracts; amending s. 626.062, F.S.; conforming a cross-reference; amending ss. 626.141, 626.171, 626.181, 626.211, 626.221, 626.266, 626.281, 626.311, 626.511, 626.521, 626.561, 626.611, 626.621, 626.641, 626.651, 626.727, 626.730, 626.732, 626.733, 626.877, F.S.; including customer representatives within and deleting claims investigators from application of certain provisions; excluding solicitors; authorizing the department to secure a credit and character report on certain persons; providing limits; providing requirements of the department; amending s. 626.451, F.S.; requiring law enforcement agencies, the state attorney's office, and court clerks to notify the department of agents found guilty of felonies; amending s. 626.201, F.S.; providing for interrogatories before reinstatement; amending s. 626.321, F.S.; authorizing certain entities that hold a limited license for credit life or disability insurance to sell credit property insurance; authorizing persons who hold a limited license for credit insurance to hold certain additional licenses; amending s. 626.331, F.S.; requiring licensure of certain agents for certain appointments; providing that an appointment fee is not refundable; amending s. 626.342, F.S.; prohibiting furnishing supplies to certain agents; amending s. 626.541, F.S.; specifying names and addresses required of certain personnel of corporations; amending s. 626.592, F.S.; revising provisions relating to designation of primary agents; amending s. 626.601, F.S.; authorizing the department to initiate investigation of agents or other licensees under certain conditions; amending s. 626.681, F.S.; providing for administrative fines in addition to certain actions; increasing such fines; amending s. 626.691, F.S.; authorizing the department to place certain persons on probation in

addition to suspending, revoking, or refusing to renew a license or appointment; creating s. 626.692, F.S.; providing for restitution under certain circumstances; amending s. 626.7351, F.S.; specifying additional qualifications for a customer representative's license; amending s. 626.739, F.S.; specifying a temporary license as general lines insurance agent; amending s. 626.741, F.S.; authorizing the department to issue a customer representative license to certain persons; providing a limitation; providing procedures for agent licensure of certain persons under certain circumstances; providing for cancellation of a nonresident agent's license; amending ss. 626.792, 626.835, F.S.; providing procedures for issuing a resident agent's license to certain persons; amending s. 626.837, F.S.; clarifying conditions of placing certain excess or rejected risks; amending s. 626.8411, F.S.; conforming a cross-reference; amending s. 626.8417, F.S.; revising the qualifications for licensure as a title insurance agent; amending s. 626.8418, F.S.; increasing the amount of the deposit or bond of a title insurance agency; specifying that the bond of a title insurance agency must be posted with the department and must inure to the benefit of damaged insurers and insureds; amending ss. 626.8437, 626.844, F.S.; clarifying application of grounds for refusal, suspension, or revocation of license or appointment; amending s. 626.8443, F.S.; providing additional limitations on activities during suspension or after revocation of a license; amending s. 626.852, F.S.; providing for applicability; amending s. 626.858, F.S.; revising the definition of the term "nonresident adjuster" to define "nonresident company employee adjuster"; creating s. 626.8582, F.S.; defining the term "nonresident public adjuster"; creating s. 626.8884, F.S.; defining the term "nonresident independent adjuster"; amending s. 626.865, F.S.; increasing the bonding requirements for public adjusters; amending s. 626.873, F.S.; providing for licensure and qualifications for resident company employee adjusters; creating s. 626.8732, F.S.; providing for licensure and qualifications for nonresident public adjusters; creating s. 626.8734, F.S.; providing for licensure and qualifications for nonresident independent adjusters; creating s. 626.8736, F.S.; providing for service of process on nonresident independent adjusters and on nonresident public adjusters; creating s. 626.8737, F.S.; establishing a retaliatory tax provision regarding certain fines, taxes, penalties, license fees, monetary deposits, securities, or other obligations, limitations, or prohibitions imposed by another state upon Florida resident insurance adjusters in connection with the issuance of, or activities under, a nonresident adjuster's license under that state's laws; creating s. 626.8738, F.S.; providing a criminal penalty for acting as a resident or nonresident public adjuster without the required license; amending s. 626.869, F.S.; requiring certain continuing education courses; clarifying requirements of such courses; amending s. 626.8695, F.S.; providing for notice to the department; requiring designation of primary adjuster on forms prescribed by the department; amending s. 626.872, F.S.; prohibiting the department from issuing a temporary adjuster's license to certain persons; amending s. 626.873, F.S.; providing procedures for licensing certain persons as resident adjusters; providing for cancellation of nonresident adjuster's license; amending s. 626.875, F.S.; prescribing time for keeping adjusters' records; amending s. 626.922, F.S.; requiring surplus lines agents to perform certain duties relating to evidence of insurance; amending s. 626.928, F.S.; increasing bonds for surplus lines agents; amending ss. 626.927, 626.9271, 626.929, 626.935, 626.944, F.S.; requiring appointment in addition to licensure of certain persons; amending s. 627.745, F.S.; clarifying a provision related to final examination; amending s. 634.420, F.S.; clarifying application of accountability provisions; amending s. 634.317, F.S.; providing for responsibility and accountability of sales representatives; amending s. 642.036, F.S.; deleting requirement that the addresses of certain agents be filed with the department; repealing s. 626.112(6), F.S., relating to licensing of claims investigators; repealing s. 626.532, F.S., relating to insurance vending machine licenses; repealing s. 626.857, F.S., relating to the definition of "claims investigator"; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendments which were adopted:

Amendment 1—On page 28, lines 10-21, delete those lines and insert:

(5) Any law enforcement agency or state attorney's office that is aware that an agent, adjuster, service representative, solicitor, customer representative, or managing general agent has pleaded guilty or *nolo contendere* to or has been found guilty of a felony shall notify the department of such fact.

(6) Upon the filing of an information or indictment against an agent, adjuster, service representative, solicitor, customer representative, or managing general agent, the state attorney shall immediately furnish the department a certified copy of the information or indictment.

Amendment 2 (with title amendment)—On page 84, between lines 21 and 22, insert:

Section 79. Section 624.412, Florida Statutes, is amended to read:

624.412 Deposit of alien insurers.—

(1) An alien insurer shall not have authority to transact insurance in this state unless it has and maintains within the United States as trust deposits with public officials having supervision over insurers, or with trustees, public depositories, or trust institutions approved by the department, assets available for discharge of its United States insurance obligations, which assets shall be in amount not less than the outstanding reserves and other liabilities of the insurer arising out of its insurance transactions in the United States together with the amount of surplus as to policyholders required by s. 624.408 of a domestic stock insurer transacting like kinds of insurance.

~~(2) The amount so held on deposit under subsection (1) is, for the purposes of this code, deemed to be minimum surplus of the insurer required to be maintained.~~

~~(2)(3)~~ Any such deposit made in this state shall be held for the protection of the insurer's policyholders or policyholders and creditors in the United States and shall be subject to the applicable provisions of part III of chapter 625 and chapter 630.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 29, after the semicolon (;) insert: amending s. 624.412, F.S.; deleting provisions relating to minimum trust deposits by alien insurers;

Senator Holzendorf moved the following amendment:

Amendment 3 (with title amendment)—On page 84, between lines 23 and 24, insert:

Section 80. Section 624.4072, Florida Statutes, is created to read:

624.4072 *Minority owned property and casualty insurers.*—

(1) A minority business, which is at least 51 percent owned by minority persons as described in s. 288.703(3), desiring to operate or become licensed as a property and casualty insurer shall be exempt, for a period of 5 years from the date of receiving authority to transact insurance pursuant to s. 624.407, from any and all assessments described in s. 627.351 and from any requirements of s. 624.509.

(2) For the purpose of meeting the requirements of subsection (1), the insurer must:

(a) Be domiciled in this state;

(b) Have permanent employees in this state;

(c) Have an office in this state; and

(d) Have at least 20 percent of its policies written and located in urban and inner-city areas that are metropolitan statistical areas as defined in 42 U.S.C. 12902(5). However, the requirement that the minority persons as described in s. 288.703(3) be permanent residents of this state does not apply to this section and to the requirements set forth in s. 627.351.

(3) This section expires July 1, 2003.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 2, after the semicolon (;) insert: creating s. 624.4072, F.S.; exempting minority-owned property and casualty insurers from prescribed assessments for specified period;

MOTION

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

Senator Holzendorf moved the following substitute amendment which was adopted:

Amendment 4 (with title amendment)—On page 84, between lines 21 and 22, insert:

Section 80. Section 624.4072, Florida Statutes, is created to read:

624.4072 Minority owned property and casualty insurers; limited exemption for taxation and assessments.—

(1) A minority business that is at least 51 percent owned by minority persons, as defined in s. 288.703(3), initially issued a certificate of authority in this state as an authorized insurer after May 1, 1998, to write property and casualty insurance shall be exempt, for a period of 5 years from the date of receiving its certificate of authority, from the following taxes and assessments:

(a) Taxes imposed under ss. 624.509, 175.101, and 185.08;

(b) Assessments by the Florida Residential Property and Casualty Joint Underwriting Association or by the Florida Windstorm Underwriting Association, as provided under s. 627.351, except for emergency assessments collected from policyholders pursuant to s. 627.351(2)(b)2.d.(III) and (6)(b)3.d.

(2) The provisions of subsection (1) apply only to residential property insurance policies, including commercial residential property insurance policies, and only to an insurer that:

(a) Has a home or regional office in this state;

(b) Has permanent employees in this state; and

(c) Has at least 20 percent of its policies written and located in urban and inner-city areas that are located in a metropolitan statistical area, as defined in 42 U.S.C. 12902(5).

(3) The provision of the definition of "minority person" in s. 288.703(3) that requires residency in Florida shall not apply to the term "minority person" as used in this section or s. 627.3511.

(4) This section is repealed effective July 1, 2003.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 2, after the semicolon (;) insert: creating s. 624.4072, F.S.; exempting minority-owned property and casualty insurers from prescribed taxes and assessments for specified period; specifying conditions; providing for future repeal;

Pursuant to Rule 4.19, **CS for SB 1372** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

SB 472—A bill to be entitled An act relating to the practice of veterinary medicine; amending s. 474.203, F.S.; revising and providing exemptions from regulation under chapter 474, F.S., relating to veterinary medical practice; amending s. 474.207, F.S., relating to licensure by examination; eliminating obsolete provisions; amending s. 474.211, F.S.; requiring criteria for providers of continuing education to be approved by the board; amending s. 474.2125, F.S.; exempting veterinarians licensed in another state from certain requirements for temporary licensure in this state; conforming a cross-reference; amending s. 474.214, F.S.; increasing the administrative fine; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.217,

F.S., relating to licensure by endorsement; revising a reference to an examination; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 3** by Senator Dyer was withdrawn.

Pursuant to Rule 4.19, **SB 472** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 594—A bill to be entitled An act relating to veterans' homes, including the Veterans' Domiciliary Home of Florida and the Veterans' Nursing Home of Florida; amending s. 296.02, F.S.; providing definitions; amending s. 296.03, F.S.; including extended congregate care in the types of care offered by the domiciliary home; amending s. 296.06, F.S.; revising prerequisites to eligibility for admission to the domiciliary home; amending s. 296.08, F.S.; conforming a cross-reference; amending s. 296.09, F.S.; replacing the term "member" with the term "resident"; revising the list of information about each resident which is to be kept in the general register; amending ss. 296.04, 296.07, 296.10, 296.11, 296.12, 296.13, 296.14, 296.15, 296.16, 296.34, 296.37, 296.38, F.S.; replacing the term "member" with the term "resident"; amending s. 296.36, F.S.; amending the residency requirement for admission into the Veterans' Nursing Home of Florida; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 594** to **HB 1649**.

Pending further consideration of **SB 594** as amended, on motion by Senator Brown-Waite, by two-thirds vote **HB 1649** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Brown-Waite, by two-thirds vote—

HB 1649—A bill to be entitled An act relating to veterans' homes, including the Veterans' Domiciliary Home of Florida and the Veterans' Nursing Home of Florida; amending s. 296.02, F.S.; providing definitions; amending s. 296.03, F.S.; including extended congregate care in the types of care offered by the domiciliary home; amending s. 296.04, F.S.; replacing the term "member" with the term "resident"; amending s. 296.06, F.S.; amending prerequisites to eligibility for admission to the domiciliary home; amending s. 296.07, F.S.; replacing the term "member" with the term "resident"; amending s. 296.08, F.S.; amending a cross-reference; amending s. 296.09, F.S.; replacing the term "member" with the term "resident"; amending the list of information about each resident which is to be kept in the general register; amending ss. 296.10, 296.11, 296.12, 296.13, 296.14, 296.15, 296.16, 296.34, and 296.38, F.S.; replacing the term "member" with the term "resident"; amending s. 296.36, F.S.; amending the residency requirement for admission into the Veterans' Nursing Home of Florida; designating a building located in Lake City as the "P.F.C. Robert H. Jenkins Veterans' Domiciliary Home of Florida"; directing the Florida Department of Veterans' Affairs to erect suitable markers; providing an effective date.

—a companion measure, was substituted for **SB 594** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1649** was placed on the calendar of Bills on Third Reading.

On motion by Senator Harris—

SB 1260—A bill to be entitled An act relating to the construction of the Florida Statutes; amending s. 1.01, F.S.; redefining the term "veteran"; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendment which was moved by Senator Harris and failed:

Amendment 1—On page 1, line 24, after the period (.) insert: *However, service between February 28, 1961 and August 4, 1964,*

would qualify as "wartime service" only if the veteran actually served in the Republic of Vietnam during that time period.

Pursuant to Rule 4.19, **SB 1260** was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf, by two-thirds vote **CS for CS for HB 1637** was withdrawn from the Committees on Children, Families and Seniors; and Ways and Means.

On motion by Senator Holzendorf—

CS for CS for HB 1637—A bill to be entitled An act relating to confidentiality of identifying information regarding domestic violence victims; creating s. 741.401, F.S.; providing legislative findings and purpose; creating s. 741.402, F.S.; providing definitions; creating s. 741.403, F.S.; providing for creation of the Address Confidentiality Program for Victims of Domestic Violence; providing for certification by the Attorney General of applicants to participate in the program; defining the offense of falsely attesting or knowingly providing false or incorrect information in such program application, and providing second degree misdemeanor penalties therefor; defining the offense of attempting to gain access to a program participant's actual address through fraud, and providing third degree felony penalties therefor; creating s. 741.404, F.S.; providing for certification cancellation; creating s. 741.405, F.S.; providing authority of state and local agencies and other governmental entities and guidelines relating to use of designated address; providing for appeal by agency of requested waiver; creating s. 741.406, F.S.; providing for voting by program participants in the same manner as absentee voters; prohibiting the supervisor of elections from disclosing certain information, except under specified circumstances; creating s. 741.407, F.S.; prohibiting disclosure of addresses and certain information, except under specified circumstances; requiring immediate written notification by the Attorney General to a program participant with respect to certain disclosure of information; creating s. 741.408, F.S.; providing for certain assistance for program applicants; creating s. 741.409, F.S.; providing for adoption of rules; providing an effective date.

—a companion measure, was substituted for **CS for SB 118** and read the second time by title.

Senator Holzendorf moved the following amendment which was adopted:

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

Section 1. Section 741.401, Florida Statutes, is created to read:

741.401 Legislative findings; purpose.—The Legislature finds that persons attempting to escape from actual or threatened domestic violence frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of ss. 741.401-741.409 is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, to enable interagency cooperation with the Attorney General in providing address confidentiality for victims of domestic violence, and to enable state and local agencies to accept a program participant's use of an address designated by the Attorney General as a substitute mailing address.

Section 2. Section 741.402, Florida Statutes, is created to read:

741.402 Definitions.—Unless the context clearly requires otherwise, as used in ss. 741.401-741.409, the term:

(1) "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under ss. 741.401-741.409.

(2) "Program participant" means a person certified as a program participant under s. 741.403.

(3) "Domestic violence" means an act as defined in s. 741.28 and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

Section 3. Section 741.403, Florida Statutes, is created to read:

741.403 Address confidentiality program; application; certification.—

(1) *An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of a person adjudicated incapacitated under chapter 744 may apply to the Attorney General to have an address designated by the Attorney General serve as the person's address or the address of the minor or incapacitated person. To the extent possible within funds appropriated for this purpose, the Attorney General shall approve an application if it is filed in the manner and on the form prescribed by the Attorney General and if it contains all of the following:*

(a) *A sworn statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, and that the applicant fears for his or her safety or his or her children's safety or the safety of the minor or incapacitated person on whose behalf the application is made.*

(b) *A designation of the Attorney General as agent for purposes of service of process and for the purpose of receipt of mail.*

(c) *The mailing address where the applicant can be contacted by the Attorney General, and the phone number or numbers where the applicant can be called by the Attorney General.*

(d) *A statement that the new address or addresses that the applicant requests must not be disclosed for the reason that disclosure will increase the risk of domestic violence.*

(e) *The signature of the applicant and of any individual or representative of any office designated in writing under s. 741.408 who assisted in the preparation of the application, and the date on which the applicant signed the application.*

(2) *Applications must be filed with the Office of the Attorney General. An application fee may not be charged.*

(3) *Upon filing a properly completed application, the Attorney General shall certify the applicant as a program participant. Applicants shall be certified for 4 years following the date of filing unless the certification is withdrawn or invalidated before that date. The Attorney General shall by rule establish a renewal procedure.*

(4) *A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

(5) *Any person who attempts to gain access to a program participant's actual address through fraud commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(6) *Any person who knowingly enters the address confidentiality program to evade prosecution of criminal laws or civil liability commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 4. Section 741.404, Florida Statutes, is created to read:

741.404 Certification cancellation.—

(1) *If the program participant obtains a name change, he or she loses certification as a program participant.*

(2) *The Attorney General may cancel a program participant's certification if there is a change in the residential address from the one listed on the application, unless the program participant provides the Attorney General with 14 days' prior notice of the change of address.*

(3) *The Attorney General may cancel certification of a program participant if mail forwarded by the Attorney General to the program participant's address is returned and is undeliverable or if service of process documents are returned to the Attorney General.*

(4) The Attorney General shall cancel certification of a program participant who applies using false information.

Section 5. Section 741.405, Florida Statutes, is created to read:

741.405 Agency use of designated address.—

(1) A program participant may request that state and local agencies or other governmental entities use the address designated by the Attorney General as his or her address. When creating a new public record, state and local agencies or other governmental entities shall accept the address designated by the Attorney General as a program participant's substitute address, unless the Attorney General has determined that:

(a) The agency or entity has a bona fide statutory or administrative requirement for the use of the address that would otherwise be confidential under ss. 741.401-741.409;

(b) This address will be used only for those statutory and administrative purposes;

(c) The agency or entity has identified the specific program participant's record for which the waiver is requested;

(d) The agency or entity has identified the individuals who will have access to the record; and

(e) The agency or entity has explained how its acceptance of a substitute address will prevent the agency from meeting its obligations under the law and why it cannot meet its statutory or administrative obligation by a change in its internal procedures.

(3) During the review, evaluation, and appeal of an agency's request, the agency shall accept the use of a program participant's substitute address.

(4) The Attorney General's determination to grant or withhold a requested waiver must be based on, but not limited to, an evaluation of information provided under subsection (1).

(5) If the Attorney General determines that an agency or entity has a bona fide statutory or administrative need for the actual address and that the information will be used only for that purpose, the Attorney General may issue the actual address to the agency or entity. When granting a waiver, the Attorney General shall notify and require the agency or entity to:

(a) Maintain the confidentiality of a program participant's address information;

(b) Limit the use of and access to that address;

(c) Designate an address disposition date after which the agency or entity may no longer maintain the record of the address; and

(d) Comply with any other provisions and qualifications determined appropriate by the Attorney General.

(6) The Attorney General's denial of an agency's or entity's waiver request must be made in writing and include a statement of specific reasons for denial. Acceptance or denial of an agency's or entity's waiver request shall constitute final agency action.

(7) Pursuant to chapter 120, an agency or entity may appeal the denial of its request.

(8) A program participant may use the address designated by the Attorney General as his or her work address.

(9) The Office of the Attorney General shall forward all first class mail to the appropriate program participants at no charge.

Section 6. Section 741.406, Florida Statutes, is created to read:

741.406 Voting by program participant; use of designated address by supervisor of elections.—

(1) A program participant who is otherwise qualified to vote may request an absentee ballot pursuant to s. 101.62. The program participant shall automatically receive absentee ballots for all elections in the

jurisdictions in which that individual resides in the same manner as absentee voters. The supervisor of elections shall transmit the absentee ballot to the program participant at the address designated by the participant in his or her application as an absentee voter. The name, address, and telephone number of a program participant may not be included in any list of registered voters available to the public.

(2) The supervisor of elections may not make the participant's name, address, or telephone number contained in voter registration records available for public inspection or copying except:

(a) To a law enforcement agency for purposes of assisting in the execution of an arrest warrant.

(b) If directed by a court order, to a person identified in the order.

Section 7. Section 741.407, Florida Statutes, is created to read:

741.407 Disclosure of address prohibited; exceptions.—The Attorney General may not make a program participant's name, address, other than the address designated by the Attorney General, or telephone number available for inspection or copying, except under the following circumstances:

(1) To a law enforcement agency for purposes of assisting in the execution of an arrest warrant.

(2) If directed by a court order, to a person identified in the order.

(3) If certification has been canceled.

The Attorney General shall provide immediate written notification of disclosure to a program participant when a disclosure takes place in one of the instances described in subsection (2) or subsection (3).

Section 8. Section 741.408, Florida Statutes, is created to read:

741.408 Assistance for program applicants.—The Attorney General shall designate state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence to assist persons applying to be program participants. Assistance and counseling rendered by the Office of the Attorney General or its designees to applicants does not constitute legal advice.

Section 9. Section 741.409, Florida Statutes, is created to read:

741.409 Adoption of rules.—The Attorney General may adopt rules to facilitate the administration of this chapter by state and local agencies and other governmental entities.

Section 10. This program may be implemented only to the extent that it is funded by the Legislature. A general revenue appropriation may not exceed \$150,000 for fiscal year 1998-1999. For fiscal years 1990-2000 and 2000-2001, any general revenue appropriation for this program may not be greater than the total of the initial funding and an increase of 5 percent of the allocation from the previous year. This provision in no way prohibits the Attorney General from seeking federal funds, grants, or donations to implement or to expand this program.

Section 11. This act shall take effect October 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to confidentiality of identifying information regarding domestic violence victims; creating s. 741.401, F.S.; providing legislative findings and purpose; creating s. 741.402, F.S.; providing definitions; creating s. 741.403, F.S.; providing for creation of the Address Confidentiality Program for Victims of Domestic Violence; providing for certification by the Attorney General of applicants to participate in the program; defining the offense of falsely attesting or knowingly providing false or incorrect information in such program application, and providing penalties therefor; defining the offense of attempting to gain access to a program participant's actual address through fraud, and providing penalties therefor; creating s. 741.404, F.S.; providing for certification cancellation; creating s. 741.405, F.S.; providing authority of state and local agencies and other governmental entities and guidelines relating to use of designated address; creating s. 741.406, F.S.; providing for voting by program participants in the same manner as for absentee voters; prohibiting the supervisor of elections from disclosing certain

information except under specified circumstances; providing for appeal by agency of requested waiver; creating s. 741.407, F.S.; prohibiting disclosure of addresses and certain information, except under specified circumstances; requiring immediate written notification by the Attorney General to a program participant with respect to certain disclosure of information; creating s. 741.408, F.S.; providing for certain assistance for program applicants; creating s. 741.409, F.S.; providing for adoption of rules; providing for limitations on an appropriation to fund the program; specifying the maximum percentage for an increase in the general appropriation for subsequent years; providing for the Attorney General to seek other funds; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 1637** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf, by two-thirds vote **CS for CS for HB 1639** was withdrawn from the Committee on Children, Families and Seniors.

On motion by Senator Holzendorf—

CS for CS for HB 1639—A bill to be entitled An act relating to public records; creating s. 741.465, F.S.; providing an exemption from public records requirements for certain personal information about program participants in the Address Confidentiality Program for Victims of Domestic Violence; providing exceptions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 116** and read the second time by title.

Senator Holzendorf moved the following amendment which was adopted:

Amendment 1—On page 1, lines 23 and 24, delete those lines and insert: *disclosed under the following circumstances: to a law enforcement agency for purposes of assisting in the execution of a valid arrest warrant; if*

Pursuant to Rule 4.19, **CS for CS for HB 1639** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett, by two-thirds vote **CS for HB 3061** was withdrawn from the Committees on Transportation; and Ways and Means.

On motion by Senator Hargrett—

CS for HB 3061—A bill to be entitled An act relating to airports; amending s. 330.30, F.S.; exempting certain airports used exclusively for aerial application or spraying of crops on a seasonal basis from a provision of law providing for the approval of airport sites and the licensing of airports; providing an effective date.

—a companion measure, was substituted for **CS for SB 110** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3061** was placed on the calendar of Bills on Third Reading.

REPORTS OF COMMITTEES

The Committee on Criminal Justice recommends the following pass: SB 258

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Community Affairs recommends the following pass: CS for HB 1373 with 6 amendments

The Committee on Ways and Means recommends the following pass: SB 500

The bills contained in the foregoing reports were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Community Affairs recommends the following pass: SB 686 with 1 amendment

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

The Committee on Judiciary recommends the following pass: SJR 1610

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 1498 with 2 amendments, CS for SB 1596

The bills were referred to the Committee on Ways and Means under the original reference.

The Committee on Ways and Means recommends the following pass: CS for SB 28, SB 704, SB 762, CS for SB 1202 with 1 amendment, CS for SB 1204

The bills were placed on the calendar.

The Committee on Judiciary recommends the following not pass: SJR 1272

The bill was laid on the table.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2288

The bill with committee substitute attached was referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Ways and Means recommends committee substitutes for the following: SB 328, SB 338, SB 916, SB 984, SB 1564

The bills with committee substitutes attached were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Agriculture recommends committee substitutes for the following: SB 1922, SB 1994

The Committee on Community Affairs recommends a committee substitute for the following: SB 820

The Committee on Transportation recommends a committee substitute for the following: SB 938

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1728

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

The Committee on Ways and Means recommends a committee substitute for the following: SB 434

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2300

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1092, SB 1130, CS for SB 1228

The Committee on Children, Families and Seniors recommends committee substitutes for the following: CS for SB 1796, SB 1984

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 2524

The Committee on Community Affairs recommends committee substitutes for the following: SB 1380, SB 2086

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1522

The Committee on Education recommends committee substitutes for the following: SB 2088, SB 2110

The Committee on Health Care recommends committee substitutes for the following: SB 228, CS for SB 1800

The Committee on Transportation recommends committee substitutes for the following: SB 368, SB 1430, SB 1882

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2338

The Committee on Criminal Justice recommends committee substitutes for the following: CS for SB 1024, CS for SB 1308

The Committee on Education recommends a committee substitute for the following: SB 752

The Committee on Transportation recommends a committee substitute for the following: SB 1710

The Committee on Ways and Means recommends a committee substitute for the following: CS for SB 1314

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

REPORTS OF SUBCOMMITTEES

The Subcommittee on Finance and Tax recommends favorably to the full Committee on Committee on Ways and Means the following: SB 458, SB 732, SB 1356 with 1 amendment, SB 1758 with 3 amendments, SB 1844, SB 2190 with 1 amendment; SB 680 as a committee substitute, SB 1388 as a committee substitute

John Ostalkiewicz, Chairman
Subcommittee on Finance and Tax

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Resolutions 2566—2568—Not referenced.

By Senator Williams—

SB 2570—A bill to be entitled An act relating to the City of Cedar Key, Levy County; repealing chapter 69-929, Laws of Florida, and replacing same with a new charter; providing for the powers and duties of the city commission; providing for appointment of administrative officials; establishing special provisions; providing a transition schedule; providing severability; providing an effective date.

Proof of publication of the required notice was attached.
—was referred to the Committee on Rules and Calendar.

By Senator Harris—

SB 2572—A bill to be entitled An act relating to Charlotte County; amending ss. 1-6, ch. 65-1367, Laws of Florida, as amended; providing additional protection for specified portions of Shell Creek and Prairie Creek; prohibiting the discharge of specified pollutants into such creeks; prohibiting construction, reconstruction, extension, or alteration of certain facilities within a specified distance of such creeks; providing penalties; providing for injunctive relief; providing an effective date.

Proof of publication of the required notice was attached.
—was referred to the Committee on Rules and Calendar.

By Senator Harris—

SB 2574—A bill to be entitled An act relating to the City of Punta Gorda, Charlotte County; prohibiting the taking of saltwater fish except by hook and line within any manmade saltwater canal within the city; providing a penalty; providing an effective date.

Proof of publication of the required notice was attached.
—was referred to the Committee on Rules and Calendar.

By Senator Brown-Waite—

SB 2576—A bill to be entitled An act relating to the Hernando County Law Library; amending ch. 65-1627, Laws of Florida, as amended; providing membership of the law library board; revising powers and duties of the board; providing for fees to fund the library; providing for determination of fee amounts; revising powers and duties of the board of county commissioners with respect to the library; providing an effective date.

Proof of publication of the required notice was attached.
—was referred to the Committee on Rules and Calendar.

By Senator Kurth—

SB 2578—A bill to be entitled An act relating to Barefoot Bay Recreation District, Brevard County; providing for the issuance of a special alcoholic beverage license to a mobile home park recreation district operating within Brevard County; providing restrictions; providing an effective date.

Proof of publication of the required notice was attached.
—was referred to the Committees on Regulated Industries; and Rules and Calendar.

By Senator Latvala—

SB 2580—A bill to be entitled An act relating to Pinellas County; providing a short title; providing background and purpose of the act; providing for the annexation of certain small enclaves within the municipalities of Pinellas County; providing for the act to apply to a specified type of enclave; providing prerequisites for annexation; requiring the governing body of a municipality to provide certain incentives within the area to be annexed; providing for certain exemptions; providing for expiration of specified provisions of the act; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Klein—

SB 2582—A bill to be entitled An act relating to Palm Beach County; amending ch. 93-367, Laws of Florida, as amended; revising provisions relating to employees of the Palm Beach County Sheriff; revising procedures for appeal of disciplinary actions and complaints against employees of the sheriff; revising provisions limiting benefits to employees beyond the rank of captain to apply to employees beyond the rank of lieutenant; providing that certain monetary emoluments be based on performance for employees at the rank of captain or its civilian equivalent; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Rossin—

SB 2584—A bill to be entitled An act relating to Lee County and the City of Fort Myers; providing for the annexation of the enclaves known as "Dunbar" and "Belle Vue" by interlocal agreement between the city and county, subject to approval by referendum; providing for procedures for adoption of the agreement and for a referendum; providing for authority for assumption of municipal service duties and transfer of infrastructure; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Grant, Crist and Lee—

SB 2586—A bill to be entitled An act relating to Hillsborough County; amending chapter 96-519, Laws of Florida; revising the Hillsborough County Civil Service Act to exempt the judiciary from the act; providing for review of certain actions adversely affecting certain employees within the Administrative Office of the Courts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Jones—

SB 2588—A bill to be entitled An act relating to Monroe County; amending chapter 76-441, Laws of Florida, as amended, relating to the Florida Keys Aqueduct Authority; providing for certain matters regarding the construction, acquisition, and maintaining of a wastewater system for the collection, treatment, and disposal of wastewater in Monroe County; providing for certain matters with respect to the purchase of property by the Florida Keys Aqueduct Authority; providing for notification to the public of the availability of the Florida Keys Aqueduct Authority's annual audit; amending certain provisions relating to the issuance of bonds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Hargrett, Crist, Lee and Grant—

SB 2590—A bill to be entitled An act relating to Hillsborough County; providing for the consolidation of the job training partnership programs of the City of Tampa and of Hillsborough County; providing for employees who are transferred from the city to the county to elect, within a specified deadline, to remain in the City of Tampa pension plan or to transfer to the Florida Retirement System; providing procedures for making the election; providing that county job training partnership program employees who are hired after a specified date become members of the Florida Retirement System; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Hargrett, Crist, Lee and Grant—

SB 2592—A bill to be entitled An act relating to the City of Tampa, Hillsborough County, and particularly to the City Pension Fund for Firefighters and Police Officers in the City of Tampa; enabling an increase in the accrual of benefits from 2 percent to 2.5 percent for additional years of service after 26 years; providing for pension benefits after 20 years of service without reduction upon separation; providing for a Deferred Retirement Option Program; providing for additional benefits; providing for contribution rates; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Hargrett, Crist, Lee and Grant—

SB 2594—A bill to be entitled An act relating to Hillsborough County; relating to the regulation of providers that transport transportation disadvantaged clients under a contract with the community transportation coordinator; providing that the notice of award of a contract between the community transportation coordinator and a transportation provider establishes public convenience and necessity as required for obtaining a certificate of public convenience and necessity; authorizing the community transportation coordinator to exempt certain transportation providers from obtaining a certificate of public convenience and necessity from the Hillsborough County Public Transportation Commission when specified conditions have been met; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Hargrett, Grant, Crist and Lee—

SB 2596—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the Circulo Cubano de Tampa, Inc., for use at its present location only; providing for payment of the license fee; providing that license is not transferable; providing for sale of beverages for consumption on the premises and prohibiting sales for consumption off the premises; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Hargrett, Grant, Crist and Lee—

SB 2598—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to La Sociedad La Union Marti-Maceo, Inc., for use at its present location only; providing for payment of the license fee; providing that license is not transferable; providing for sale of beverages for consumption on the premises and prohibiting sales for consumption off the premises; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Hargrett, Grant, Crist and Lee—

SB 2600—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the Italian Club of Tampa, Inc., for use at its present location only; providing for payment of the license fee; providing that license is not transferable; providing for sale of beverages for consumption on the premises and prohibiting sales for consumption off the premises; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Hargrett, Grant, Crist and Lee—

SB 2602—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to The Centro Asturiano de Tampa, Inc., for use at its present location only; providing for payment of the license fee; providing that license is not transferable; providing for sale of beverages for consumption on the premises and prohibiting sales for consumption off the premises; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Grant, Crist, Lee and Hargrett—

SB 2604—A bill to be entitled An act relating to Hillsborough County; authorizing the board of county commissioners of Hillsborough County to provide by ordinance for liens in favor of all operators of hospitals in Hillsborough County and in favor of Hillsborough County when it pays for medical care, treatment, or maintenance of qualifying residents of the county upon all causes of action, suits, claims, counterclaims, and demands accruing to persons to whom care, treatment, or maintenance is furnished by such hospital or is paid for by Hillsborough County on behalf of a qualifying resident of the county, or accruing to the legal representatives of such persons, and upon all judgments, settlements, and settlement agreements entered into by virtue thereof on account of illness, injury, deformity, infirmity, abnormality, disease, or pregnancy giving rise to such causes of action, suits, claims, counterclaims, demands, judgments, settlements, or settlement agreements, and which necessitated such care, treatment, or maintenance; authorizing the board of county commissioners of Hillsborough County to provide by ordinance for the attachment, perfection, priority, and enforcement of such liens and for such procedural and other matters as may be necessary or appropriate to carry out the purposes of the ordinance; requiring the ordinance to provide identical remedies to the hospitals and the County Indigent Health Care Plan; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Clary—

SB 2606—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; providing for additional supervisory personnel to be included within the definition of an “unclassified service” position; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2608—A bill to be entitled An act relating to the City of Pembroke Pines, Broward County; extending and enlarging the corporate limits of the City of Pembroke Pines to include specified unincorporated lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2610—A bill to be entitled An act relating to the City of Sunrise, Broward County; creating the South Broward Utility Advisory Board; providing for membership, qualifications, terms, responsibilities, and powers of the board; providing an appropriation; providing a limitation of the power of the board; providing for adoption of procedures and regulations; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Campbell—

SB 2612—A bill to be entitled An act relating to the Town of Davie, Broward County; extending and enlarging the corporate limits of the Town of Davie to include specified unincorporated lands within said corporate limits; redefining the town limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2614—A bill to be entitled An act relating to the Town of Davie, Broward County; extending and enlarging the corporate limits of the Town of Davie to include specified unincorporated lands within said corporate limits; redefining the town limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2616—A bill to be entitled An act relating to Broward County; providing for notice of water or sewer rate changes to residents served outside of municipal boundaries within Broward County; providing for a public hearing; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Campbell—

SB 2618—A bill to be entitled An act relating to the Town of Davie, Broward County; extending and enlarging the corporate limits of the Town of Davie to include specified unincorporated lands within said corporate limits; redefining the town limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2620—A bill to be entitled An act relating to the Town of Davie, Broward County; extending and enlarging the corporate limits of the Town of Davie to include specified unincorporated lands within said corporate limits; redefining the town limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2622—2624—Not referenced.

By Senator Rossin—

SB 2626—A bill to be entitled An act relating to Lee County; amending chapter 63-1552, Laws of Florida, as amended; providing guidelines for the investment of surplus funds of the Hospital Board of Directors of Lee County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2628—2632—Not referenced.

By Senators Laurent, Diaz-Balart, Gutman, Crist, Williams, Geller and Grant—

SB 2634—A bill to be entitled An act relating to pretrial detention; amending s. 907.041, F.S.; revising criteria for pretrial detention; deleting requirement for additional court findings for pretrial detention; permitting pretrial detention for any violation of conditions of pretrial release or bond which, in the discretion of the court, supports a finding that no condition of release can reasonably protect the community from physical harm, assure the presence of the accused at trial, or assure the integrity of the judicial process; deleting limitation upon detention period when detention is based on threat of harm to the community; authorizing a court to detain a defendant at a bail hearing without separate hearing or motion for pretrial detention; authorizing the state to orally move for pretrial detention anytime the defendant is before the court for a bail hearing; providing for construction; repealing Rules 3.131 and 3.132, Florida Rules of Criminal Procedure, relating to pretrial release and pretrial detention, to the extent of inconsistency with the act; providing an effective date.

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

By Senator Dudley—

SB 2636—A bill to be entitled An act relating to Collier County, Florida; amending chapter 89-449, Laws of Florida, as amended, to allow domesticated animals in county parks for animal shows and other substantially similar special events, and to authorize the director of parks and recreation to authorize special event bonfires on a case-by-case basis, all of the above in accordance with the then-applicable rules of the parks and recreation department and as approved by the board of county commissioners; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dudley—

SB 2638—A bill to be entitled An act relating to the City of Marco Island, Collier County; amending chapter 97-367, Laws of Florida; providing for waiver of s. 218.23(1), F.S., relating to eligibility for participation in state revenue sharing beyond the minimum entitlement, and s. 218.26(3), F.S., relating to calculation of apportionment factors, for an additional fiscal year; providing an effective date.

Proof of publication of the required notice was attached.

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Health Care and Senators Gutman, Holzendorf, Kurth, Myers, Forman, Cowin, Grant, Bronson, Latvala, Kirkpatrick, Sullivan, Horne, Casas, Brown-Waite, Lee, Dudley, Klein, Harris, Jones, Geller, Laurent, Turner, Campbell, Crist, Dyer and Meadows—

CS for SB 228—A bill to be entitled An act relating to cleft-lip and cleft-palate treatment; creating s. 627.64193, F.S.; requiring certain health insurance policies to provide coverage for cleft-lip and cleft-palate treatment for children; amending s. 627.6515, F.S.; applying certain requirements for group coverage to out-of-state groups; creating s. 627.66911, F.S.; requiring certain health insurance policies to provide coverage for cleft-lip and cleft-palate treatment for children; amending s. 627.6699, F.S.; applying certain requirements for group coverage to coverage for small employers; amending s. 641.31, F.S.; providing for cleft-lip and cleft-palate treatment for children by health maintenance organizations; providing a legislative determination of an important state interest; providing applicability; providing an effective date.

By the Committee on Ways and Means; and Senators Ostalkiewicz, Grant, Crist, Sullivan, Kurth, Kirkpatrick, Meadows, Bronson, Dyer, Brown-Waite and Hargrett—

CS for SB 328—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for replacement engines, parts, and equipment used in the repair or maintenance of certain aircraft; providing an exemption for the sale or lease of certain aircraft for use by a common carrier; providing an effective date.

By the Committee on Transportation and Senator Kurth—

CS for SB 368—A bill to be entitled An act relating to motorcycle safety education; amending s. 215.22, F.S.; providing an exemption from a required deduction for that portion of the Highway Safety Operating Trust Fund funded by the motorcycle safety education fee; amending s. 322.0255, F.S.; deleting a limitation on the reimbursement of certain fees; providing an effective date.

By the Committee on Education and Senator Klein—

CS for SB 752—A bill to be entitled An act relating to the State University System; designating the tennis court complex at the University of West Florida the "Harold 'Skeeter' Carson Tennis Complex"; designating the Lifelong Learning Center on the Boca Raton Campus of Florida Atlantic University the "Barry and Florence Friedberg Lifelong Learning Center"; designating the swim/dive office and training facility at the University of Florida the "Wayne and Jimmie Carse Swimming and Diving Complex"; renaming Flint Hall at the University of Florida as "Keene-Flint Hall"; designating the residence hall known as 2nd

Court, Pei Residence Halls, located at New College of the University of South Florida the "Peggy Bates Residence Hall"; designating the library tower on the campus of Florida International University the "Steven and Dorothea Green Library"; designating the recording facility donated to Florida State University as "Critchfield Hall"; authorizing the respective universities to erect suitable markers; amending s. 240.605, F.S.; renaming the Florida Resident Access Grant Program as the William L. Boyd, IV, Florida Resident Access Grant Program; providing an effective date.

By the Committee on Community Affairs and Senator Kurth—

CS for SB 820—A bill to be entitled An act relating to skateboarding, freestyle bicycling, and rollerblading activities; creating s. 316.0085, F.S.; providing legislative purpose; providing definitions; providing limitations on liability with respect to governmental entities and public employees with respect to persons who participate in skateboarding, rollerblading, or freestyle bicycle riding activities on property owned or leased by the governmental entity; providing exceptions; providing for liability of independent concessionaires or other persons or organizations for certain injuries or damages; providing for the assumption of certain risks; providing for the effect of certain insurance; providing an effective date.

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

CS for SB 916—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing exemptions from the tax for aquaculture purposes; providing an effective date.

By the Committee on Transportation and Senator Harris—

CS for SB 938—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; providing that the form for motor vehicle registration and renewal must include language permitting a voluntary contribution to the Florida Mothers Against Drunk Driving, Inc.; providing for the distribution of such contributions; creating s. 320.023, F.S.; revising provisions with respect to requirements for requests to establish voluntary contributions; providing criteria for the discontinuance of the issuance of an approved voluntary contribution; requiring an annual audit or report; providing criteria for discontinuing a voluntary contribution; amending s. 320.02, F.S.; providing for an annual audit; providing for the discontinuance of distributions of funds for noncompliance with auditing requirements; authorizing the Auditor General to examine the distribution and collection of funds; providing an effective date.

By the Committee on Ways and Means; and Senators Harris, Ostalkiewicz, Bronson, Williams and Thomas—

CS for SB 984—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; providing a definition of "self-propelled farm equipment," "power-drawn farm equipment," "power-driven farm equipment," and "forest"; amending s. 212.08, F.S.; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; reducing the rate of tax on such equipment; providing that changes made in this act shall take precedence over changes made in similar bills; providing an effective date.

By the Committees on Criminal Justice; Children, Families and Seniors; and Senator Hargrett—

CS for CS for SB 1024—A bill to be entitled An act relating to false reports of abuse or neglect of a child or of abuse, neglect, or exploitation of a disabled adult or elderly person; amending s. 415.107, F.S.; authorizing the Department of Children and Family Services to provide the identity of a person reporting adult abuse, neglect, or exploitation to a law enforcement agency; amending s. 415.111, F.S.; providing for inves-

tigation by local law enforcement agencies of possible false reports; providing for law enforcement entities to handle certain reports of abuse, neglect, or exploitation during the pendency of such an investigation; providing procedures; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; specifying the penalty for knowingly and willfully making or advising another to make a false report; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies for investigation of possible false reports; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.1113, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making or counseling another to make a false report; amending s. 415.513, F.S.; deleting the requirement for the Department of Children and Family Services to provide information to the state attorney; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; providing for law enforcement entities to handle certain reports of abuse or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.5131, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making, or counseling another to make, a false report; providing an effective date.

By the Committee on Banking and Insurance; and Senator Latvala—

CS for SB 1092—A bill to be entitled An act relating to workers' compensation; amending s. 440.15, F.S.; revising eligibility requirements for supplemental payments; providing a method for calculating workers' compensation benefits based on the aggregate amount of those benefits and other specified benefits payable to the employee; providing that certain supplemental payments are not workers' compensation benefits; providing an effective date.

By the Committee on Banking and Insurance; and Senator Grant—

CS for SB 1130—A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; authorizing the Executive Office of the Governor to contract for certain services; increasing the amount of the bond required of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete language; amending s. 117.04, F.S.; providing for acknowledgements by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; providing that the official seal and certificate of commission are the exclusive property of the notary public; providing a criminal penalty for unlawful possession of a notary public official seal or papers; specifying the elements of a notarial certificate; revising provisions relating to identification; deleting specified circumstances under which a signature may not be notarized; revising provisions relating to copying certain documents; requiring a notary public to make reasonable accommodations to provide notarial services to disabled persons; amending s. 117.10, F.S.; conforming a cross-reference; amending s. 117.103, F.S.; providing that a notary public's commission is not required to be filed with the clerk of the circuit court; providing for certification of the commission from the Secretary of State; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; providing a civil penalty; amending s. 117.20, F.S.; providing for electronic notarizations; amending s. 118.10, F.S.; redefining the terms "authentication instrument" and "Florida international notary"; revising requirements to become a Florida international notary; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, and 747.051, F.S.; revising certain forms; providing an effective date.

By the Committees on Banking and Insurance; Health Care; and Senators Brown-Waite, Myers, Bankhead, Burt, Silver and Forman—

CS for CS for SB 1228—A bill to be entitled An act relating to children's health care; amending s. 409.904, F.S.; providing for children under specified ages who are not otherwise eligible for the Medicaid program to be eligible for optional payments for medical assistance; creating s. 409.9045, F.S.; providing for a period of continuous eligibility for Medicaid for children; amending s. 409.9126, F.S.; making the Children's Medical Services network available to certain children who are eligible for the Florida Kids Health program; authorizing the inclusion of behavioral health services as part of the Children's Medical Services network; establishing the reimbursement methodology for services provided to certain children through the Children's Medical Services network; specifying that the Children's Medical Services network is not subject to licensure under the insurance code or rules of the Department of Insurance; directing the Department of Health to contract with the Department of Children and Family Services for certain services for children with special health care needs; authorizing the Department of Children and Family Services to establish certain standards and guidelines; revising provisions to reflect the transfer of duties to the Department of Health; creating s. 409.810, F.S.; providing a short title; creating s. 409.811, F.S.; providing definitions; creating s. 409.812, F.S.; creating and providing the purpose for the Florida Kids Health program; creating s. 409.813, F.S.; specifying program components; specifying that certain program components are not an entitlement; creating s. 409.8135, F.S.; providing for program enrollment and expenditure ceilings; creating s. 409.814, F.S.; providing eligibility requirements; creating s. 409.815, F.S.; establishing requirements for health benefits coverage under the Florida Kids Health program; creating s. 409.816, F.S.; providing for limitations on premiums and cost-sharing; creating s. 409.817, F.S.; providing for approval of health benefits coverage as a condition of financial assistance; creating s. 409.8175, F.S.; authorizing health maintenance organizations and health insurers to reimburse providers in rural counties according to the Medicaid Fee schedule; creating s. 409.818, F.S.; providing for program administration; specifying duties of the Department of Children and Family Services, the Department of Health, the Agency for Health Care Administration, the Department of Insurance, and the Florida Healthy Kids Corporation; authorizing certain program modifications related to federal approval; transferring, renumbering, and amending s. 154.508, F.S., relating to outreach activities to identify low-income, uninsured children; creating s. 409.820, F.S.; requiring that the Department of Health develop standards for quality assurance and program access; establishing performance measures and standards for the Florida Kids Health program; repealing s. 624.92, F.S.; deleting the requirement that the Agency for Health Care Administration apply for a Medicaid federal waiver relating to the Healthy Kids Corporation; providing an appropriation; providing for application of the act to certain contracts between providers and the Florida Healthy Kids Corporation; providing an effective date.

By the Committees on Criminal Justice; Children, Families and Seniors; and Senator Hargrett—

CS for CS for SB 1308—A bill to be entitled An act relating to domestic violence; amending s. 741.30, F.S.; providing that a child may not obtain an injunction for protection against domestic violence based on acts committed by a family member unless such acts constitute harm or child abuse or neglect; providing an effective date.

By the Committees on Ways and Means; Commerce and Economic Opportunities; and Senators Bronson and Grant—

CS for CS for SB 1314—A bill to be entitled An act relating to capital investment tax credits; amending s. 220.02, F.S.; revising legislative intent on the order of application of certain credits; creating s. 220.191, F.S.; providing definitions; providing for a credit against the corporate income tax for certain capital costs; providing requirements; providing limitations; providing for certification of eligibility by the Office of Tourism, Trade, and Economic Development; providing duties of the Department of Revenue; authorizing the office to develop certification guidelines and application materials; providing a responsibility for qualifying businesses; authorizing the Department of Revenue to adopt rules; providing an effective date.

By the Committee on Community Affairs and Senator Kirkpatrick—

CS for SB 1380—A bill to be entitled An act relating to education; creating s. 228.0561, F.S.; authorizing charter conversion municipal subdistricts; providing requirements for operation; providing for areas of municipal jurisdiction; providing an effective date.

By the Committee on Transportation and Senators Lee, Bronson, Clary, Grant, Horne, Dudley, Cowin, Diaz-Balart, Ostalkiewicz and Williams—

CS for SB 1430—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Choose Life license plate; providing for the distribution of annual use fees received from the sale of such plates; providing certain limitations on the use of such funds; providing a contingent effective date.

By the Committee on Criminal Justice—

CS for SB 1522—A bill to be entitled An act relating to sentencing; amending s. 2, ch. 97-194, Laws of Florida; clarifying that the Criminal Punishment Code does not apply to capital felonies; amending s. 921.002, F.S.; revising the principles embodied by the Criminal Punishment Code; requiring that the Department of Corrections report on sentencing trends and practices; requiring that the Criminal Justice Estimating Conference make certain estimates with respect to the prison population; requiring the Criminal Justice Estimating Conference to project the impact of proposed changes to the Criminal Punishment Code; authorizing the Department of Corrections to collect scoresheets and report on compliance; amending s. 921.0021, F.S.; clarifying application of the code; amending s. 921.0022, F.S.; providing for ranking certain offenses under the severity ranking chart of the code; specifying the ranking of additional offenses; amending s. 921.0023, F.S., relating to the ranking of unlisted offenses; deleting duplicative provisions; amending s. 921.0024, F.S.; revising the arrangement of the sentencing scoresheet; providing that domestic violence in the presence of a child be included as a multiplier on the offense score of the Criminal Punishment Code; providing for calculating the total sentence points and the lowest permissible sentence; clarifying the calculation of points for a prior capital felony; requiring the imposition of the code sentence when it exceeds the statutory maximum; authorizing a life sentence when the total sentence points equal or exceed a threshold amount; prohibiting discretionary early release for such offenders; requiring that the Department of Corrections consult with certain persons and entities and revise the scoresheet as necessary; requiring the department to distribute copies of scoresheets; creating s. 921.0025, F.S.; providing for the adoption and implementation of sentencing scoresheets; amending s. 921.0026, F.S.; prohibiting the court from imposing a sentence below the lowest permissible sentence unless there are mitigating circumstances; creating s. 921.00265, F.S.; requiring that the court delineate its reasons if the court decreases a defendant's sentence below the lowest permissible sentence; amending s. 775.082, F.S.; providing for the applicability of sentencing structures, based on the date of the offense; amending s. 775.084, F.S.; providing for community control without an adjudication of guilt to be considered a prior conviction under certain circumstances for purposes of sentencing; requiring that the court submit a report when the court finds it unnecessary to sentence a given defendant as a habitual felony offender, a habitual violent felony offender, or a violent career criminal; amending s. 782.051, F.S.; revising the elements of the offense of committing a felony that causes bodily injury to provide that if a person who perpetrates or attempts to perpetrate certain enumerated felony offenses and who commits, aids, or abets an intentional act that could, but does not, cause the death of another, the person commits a first-degree felony; providing for ranking such offense under the Criminal Punishment Code based on the felony offense committed; amending s. 924.06, F.S.; providing for an appeal of a sentence that exceeds the maximum penalty under s. 775.082, F.S.; amending s. 924.07, F.S.; authorizing the state to appeal a sentence imposed below the lowest sentence permitted under the Criminal Punishment Code; amending s. 944.17, F.S.; revising requirements for the sheriff or chief correctional officer in preparing scoresheets for a prisoner who is transferred to the state correctional system; creating s. 944.70, F.S.; specifying the conditions under which persons convicted of crimes may be released from incarceration; amending s. 944.705, F.S., relating to the release orientation program; conforming cross-references to changes made by the act;

amending s. 948.015, F.S.; revising requirements for the presentence investigation report for certain defendants; amending s. 948.034, F.S., relating to probation for certain persons convicted of drug-related offenses; conforming cross-references; conforming provisions to reflect the reorganization of the Department of Health and Rehabilitative Services; amending s. 948.51, F.S., relating to community corrections assistance; conforming a cross-reference; conforming a reference to sentencing scores to reflect changes in sentencing requirements; amending s. 958.04, F.S., relating to judicial disposition of youthful offenders; providing for a sentence imposed outside of the code to be appealed; providing an effective date.

By the Committee on Transportation and Senator Dyer—

CS for SB 1710—A bill to be entitled An act relating to the Central Florida Regional Transportation Authority (RAB); amending s. 343.64, F.S.; authorizing the authority to employ personnel and consultants; authorizing a personnel system; providing for delegation of authority; providing an effective date.

By the Committee on Criminal Justice and Senator Bronson—

CS for SB 1728—A bill to be entitled An act relating to mobile surgical facilities; amending s. 395.001, F.S.; providing legislative intent; amending s. 395.002, F.S.; defining the term “mobile surgical facility”; revising definitions; including “mobile surgical facility” within the definition of “ambulatory surgical center” and “licensed facility”; amending s. 395.003, F.S.; requiring the licensure of mobile surgical facilities under ch. 395, F.S.; amending s. 395.004, F.S.; requiring a license fee upon application for licensure as a mobile surgical facility; amending s. 395.161, F.S.; requiring inspections of such facilities when a facility is moved to a new location; amending s. 395.0163, F.S.; providing that required agency inspections of mobile surgical facilities apply at initial licensure and each time a facility is moved to a new location; amending s. 395.1055, F.S.; authorizing the establishment of separate standards for mobile surgical facilities; amending s. 408.036, F.S.; providing an exemption from review and application for certificate of need for mobile surgical facilities; providing an effective date.

By the Committees on Children, Families and Seniors; Criminal Justice; and Senator McKay—

CS for CS for SB 1796—A bill to be entitled An act relating to juvenile sexual offenders; amending s. 39.411, F.S.; requiring that the Department of Children and Family Services notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain specified sexual offenses; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; amending s. 490.012, F.S.; prohibiting the unlicensed practice of juvenile sexual offender therapy for compensation; providing an exception; creating s. 490.0145, F.S.; providing that only certain persons licensed under ch. 490, F.S., relating to psychological services, or ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, may hold themselves out as juvenile sexual offender therapists; requiring the Board of Psychology to require training and coursework for juvenile sexual offender therapists; amending s. 491.012, F.S.; defining the offense of the unlawful use of the term “juvenile sexual offender therapist,” and providing penalties therefor; prohibiting the unlicensed practice of juvenile sexual offender therapy for compensation; providing an exception; creating s. 491.0144, F.S.; providing for qualifications for licensure as a juvenile sexual offender therapist under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services; creating ss. 943.17291, 943.17295, F.S.; requiring that the Criminal Justice Standards and Training Commission incorporate instruction in investigating juvenile sexual offenders into the course curriculum for law enforcement officers; amending s. 985.04, F.S.; requiring that the Department of Juvenile Justice notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain sexual offenses; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; amending s. 985.308, F.S.; requiring that the Department of Juvenile Justice inspect offender commitment programs

operated by the department based on specified standards; authorizing any state attorney to establish a sexual abuse intervention network; providing for membership and prescribing duties of such network; requiring the Office of the Attorney General in collaboration with the Department of Children and Family Services and the Department of Juvenile Justice to award grants to sexual abuse intervention networks; specifying criteria for grant awards; requiring the Office of the Attorney General, in collaboration with the Department of Juvenile Justice and the Department of Children and Family Services, to establish minimum standards for juvenile sex offender day treatment and residential treatment programs funded pursuant to specified provisions; providing rule-making authority for the Department of Legal Affairs; deleting rule-making authority for the Department of Juvenile Justice; providing an effective date.

By the Committees on Health Care; Banking and Insurance; and Senator Diaz-Balart—

CS for CS for SB 1800—A bill to be entitled An act relating to health insurance; amending s. 222.21, F.S.; exempting moneys paid into a Roth individual retirement account from creditors' claims; amending s. 222.22, F.S.; exempting moneys paid into a Medical Savings Account from attachment, garnishment, or legal process; amending s. 627.410, F.S.; exempting certain policies from rating requirements; amending s. 627.6425, F.S.; specifying exceptions to guaranteed renewability of individual health insurance policies; amending s. 627.6487, F.S.; redefining the term “eligible individual” for purposes of guaranteed-issuance of an individual health insurance policy; amending s. 627.6498, F.S.; requiring the Department of Insurance to annually establish standard risk rates for purposes of determining premium rates of coverage issued by the Florida Comprehensive Health Association; amending s. 627.6571, F.S.; specifying exceptions to guaranteed renewability of group health insurance policies; amending s. 627.6675, F.S.; requiring the Department of Insurance to annually establish standard risk rates for purposes of determining maximum premiums for conversion policies; revising standards for renewal of converted insurance policies; requiring the insurer to mail certain information to a person eligible for a converted policy, upon request; creating s. 627.6685, F.S.; requiring health insurers and health maintenance organizations to include in their plans that offer mental health coverage certain mental health benefits that are not less favorable than those for medical or surgical benefits covered by the plan; defining terms; providing exemptions; limiting applicability of this section; amending s. 627.6699, F.S.; redefining the term “health benefit plan” as used in the Employee Health Care Access Act; amending s. 627.674, F.S.; revising the minimum standards for Medicare Supplement policies; amending s. 627.6741, F.S.; revising requirements for insurers to issue, cancel, nonrenew, and replace Medicare supplement policies; restricting preexisting-condition exclusions; authorizing the Department of Insurance to adopt rules governing guaranteed issue of Medicare supplement coverage for continuously covered individuals; amending s. 627.9403, F.S.; specifying the provisions of the Long-term Care Insurance Act that apply to limited benefit policies; amending s. 627.9404, F.S.; defining the terms “limited benefit policy” and “qualified long-term care limited benefit insurance policy”; amending s. 627.9407, F.S.; revising the requirements for exclusion of coverage for preexisting conditions for long-term care policies; requiring limited-benefit policies to contain a disclosure statement regarding their qualification for favorable tax treatment; amending s. 627.94073, F.S.; revising the notice requirement for long-term care policies regarding the right to designate a secondary person to receive notice of lapse of coverage; amending s. 641.225, F.S.; increasing surplus requirements for health maintenance organizations; amending s. 641.285, F.S.; increasing deposit requirements for health maintenance organizations; revising exceptions; amending s. 641.26, F.S.; requiring health maintenance organizations to file certain reports with the Department of Insurance; requiring that health maintenance organizations provide additional information upon the request of the department; amending s. 641.31074, F.S.; revising requirements for guaranteed renewability of a health maintenance organization contract; amending s. 641.3111, F.S.; requiring health maintenance organization contracts to provide for an extension of benefits upon termination of the contract; amending s. 641.316, F.S.; revising the amount of the bond that a fiscal intermediary services organization is required to maintain; specifying certain additional requirements and conditions for the bond and the intermediary; amending s. 641.3922, F.S.; revising the method for establishing the maximum premium for

converted contracts issued by health maintenance organizations; revising the exceptions to guaranteed renewability of converted health maintenance organization contracts; requiring a health maintenance organization to mail certain information to a person eligible for a converted contract; amending s. 641.495, F.S.; exempting from licensure under part I of ch. 395, F.S., certain beds of a health maintenance organization; providing an effective date.

By the Committee on Transportation and Senators Crist, Grant, Horne, Turner, Campbell, Holzendorf, Meadows, Burt, Lee, Forman, Myers, Rossin, Silver, Harris, Dyer, McKay, Ostalkiewicz, Cowin and Klein—

CS for SB 1882—A bill to be entitled An act relating to school buses; requiring that buses purchased after a specified date and used in transporting certain students be equipped with safety belts that comply with specified standards; providing an exemption for certain school buses; requiring passengers to wear safety belts; providing immunity of a school district, bus operator, and others for injuries to a passenger caused solely because the passenger was not wearing a safety belt; providing immunity to such persons for injury caused by a passenger's dangerous or unsafe use of a safety belt; providing certain provisions for implementation; providing an effective date.

By the Committee on Agriculture and Senator Bronson—

CS for SB 1922—A bill to be entitled An act relating to fairs, agricultural centers, pavilions, and multi-use facilities; creating a committee to review and make recommendations concerning funding requests for such projects; prescribing criteria for such reviews; providing that appropriations for unreviewed projects may be placed in reserve; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Kurth—

CS for SB 1984—A bill to be entitled An act relating to protection of victims who apply for or receive public assistance; amending s. 414.0252, F.S.; defining "family or household member" and "domestic violence" with respect to specified provisions relating to temporary family assistance; amending s. 414.028, F.S.; requiring that the program and financial plan developed by a local WAGES coalition include provisions for providing services for victims of domestic violence and describing development of the plan; amending s. 414.065, F.S., relating to work requirements; providing an exception from the work requirements for certain individuals at risk of domestic violence; providing an exception for a specified period for certain individuals impaired by past incidents of domestic violence, under certain circumstances; reenacting s. 414.20, F.S., relating to support services, to incorporate the amendment in a reference; amending s. 414.095, F.S., relating to determination of eligibility for the WAGES program; providing that a person who has been battered or subject to extreme cruelty in the United States by a spouse or parent is a "qualified noncitizen" under specified circumstances; providing for program applicants or participants to receive certain information regarding services available from domestic violence centers or organizations and to request referrals thereto; providing that risk of domestic violence constitutes good cause for failure by a parent or caretaker relative to cooperate with paternity establishment or establishment, modification, or enforcement of certain child support orders, under specified circumstances; amending s. 414.105, F.S., relating to time limitations on temporary cash assistance; permitting domestic violence victims to be granted hardship exemptions not subject to certain percentage limitations, under specified circumstances; amending s. 414.115, F.S., relating to limited temporary cash assistance for children born to families receiving temporary cash assistance; providing for nonapplicability to domestic violence victims of specified provisions limiting such assistance under certain circumstances; providing an effective date.

By the Committee on Agriculture and Senator Cowin—

CS for SB 1994—A bill to be entitled An act relating to agriculture; creating ss. 570.251-570.2815, F.S.; creating the "Florida Agricultural Development Act"; providing legislative findings; providing definitions; establishing the Florida Agricultural Development Authority; providing powers and duties; providing for membership of a board; providing for terms of board members; providing for organization of the board; providing general powers of the authority; providing for an executive director and specifying duties; requiring an annual report; providing for the use of surplus moneys by the authority; providing for combination of state and federal programs to facilitate the purposes of the authority; establishing a beginning farmer loan program; providing purposes of the loan program; authorizing the authority to participate in federal programs; requiring the authority to provide for loan criteria by rule; authorizing the authority to provide loan requirements; authorizing the authority to make loans to beginning farmers for agricultural land and improvements and depreciable agricultural property; authorizing the authority to make loans to mortgage lenders and other lenders; authorizing the authority to purchase mortgage loans and secured loans from mortgage lenders; providing powers of the authority relating to loans; providing for the issuance of bonds and notes by the authority; authorizing the authority to establish bond reserve funds; providing remedies of bondholders and holders of notes; providing for the pledging of bonds by the state; providing that bonds and notes shall be considered legal investments; providing requirements with respect to funds of the authority; authorizing examination of accounts by the Auditor General; requiring a report; providing limitation of liability for members of the authority; requiring the assistance of state officers, agencies, and departments; providing for construction of the act; requiring disclosure of specified conflicts of interest; prohibiting certain participation in the event of a conflict of interest; specifying conflicts of interest with respect to the executive director of the authority; providing exemption from competitive bid laws; providing for receipt of specified trust assets by the authority; authorizing the authority to enter into specified agreements; providing for liability; providing for additional beginning farmer and loan assistance programs; authorizing additional beginning farmer loan program; requiring the authority to establish and develop an agricultural loan assistance program; providing program criteria; requiring the authority to create and develop alternative agriculture assistance programs; providing for the adoption of rules with respect to enforcement of provisions relative to such programs; authorizing the authority to bring action for enforcement; creating s. 159.8082, F.S.; establishing the agricultural development bond pool; amending s. 159.804, F.S.; providing for specific allocations of state volume limitations to the agricultural development pool; amending s. 159.809; specifying provisions for bond issuance reports not received; providing an effective date.

By the Committee on Community Affairs and Senator Williams—

CS for SB 2086—A bill to be entitled An act relating to counties; repealing s. 125.2801, F.S., which provides that once a small county meets the population requirements and qualifies for programs under ss. 40.015, 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 218.65, 252.373, 265.2861, 403.706, 403.7095, F.S., it shall retain that qualification until it exceeds a population of 75,000; amending s. 34.191, F.S.; authorizing boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes; amending ss. 163.05, 163.3177, 163.3191, 165.061, 212.055, 218.075, 252.373, 288.063, 373.441, 403.4131, 403.706, 403.719, F.S., to increase the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties, that provide that certain elements of a local government comprehensive plan are optional for small counties, that authorize the state land planning agency to enter into agreements with small counties to focus on selected issues or elements when updating their comprehensive plans, that provide population requirements for incorporation of municipalities in small counties, that authorize certain small counties to use proceeds of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure, that authorize the Department of Environmental Protection and water management districts to waive or reduce permit processing fees for small counties under certain conditions, that provide criteria that small counties must meet to qualify for funds from the Emergency Management, Preparedness, and Assistance Trust Fund, that provide that certain small counties are qualified for contracts

with the Office of Tourism, Trade, and Economic Development for transportation projects, that require consideration of special provisions when an environmental resource permit program is delegated to small counties, that encourage a regional approach to litter control and prevention programs in small counties, that authorize small counties to provide their residents with the opportunity to recycle in lieu of achieving solid waste reduction goals, and that provide for the use of waste tire grants by small counties; amending s. 403.7061, F.S., to conform; amending s. 218.65, F.S., relating to emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; revising the population limitation for purposes of provisions which exempt small counties from certain criteria imposed to qualify for an emergency distribution; deleting a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplemental distribution; amending s. 403.7095, F.S.; deleting the expiration date for annual solid waste and recycling grants to small counties; creating s. 218.076, F.S.; providing for waiver of permit processing fees under certain circumstances; providing an effective date.

By the Committee on Education and Senators Grant and Harris—

CS for SB 2088—A bill to be entitled An act relating to postsecondary education; requiring public universities to include fine-arts-course grades when calculating grade-point averages for certain purposes; requiring the Department of Education to include fine-arts courses in the list for which weighted grades are used in determining eligibility for a Florida Bright Futures Scholarship; providing an effective date.

By the Committee on Education and Senators Lee and Grant—

CS for SB 2110—A bill to be entitled An act relating to school attendance; amending s. 228.041, F.S.; clarifying definition of the term "home education program"; amending s. 229.808, F.S.; providing that definition of the term "nonpublic school" does not include home education program for purpose of survey requirements; amending s. 232.01, F.S., relating to school attendance; clarifying provisions relating to state or school district control of home education programs; revising provisions relating to compulsory school attendance; amending s. 232.02, F.S.; providing that private tutoring may be used to meet regular school attendance requirements; revising provisions relating to home education programs; clarifying inspection of portfolio; providing for parental selection of method of evaluation; revising process for reporting and submitting written evaluation and test results to superintendent; creating s. 232.0202, F.S.; providing requirements for private tutoring programs; amending s. 232.021, F.S.; providing that attendance reporting requirements do not apply to home education programs; amending ss. 232.425, 240.116, 240.321, 240.40202, 240.40205, and 240.40206, F.S.; correcting cross references and conforming provisions; providing an effective date.

By the Committee on Criminal Justice and Senator Gutman—

CS for SB 2288—A bill to be entitled An act relating to juvenile justice; amending s. 943.053, F.S.; authorizing the release of certain juvenile criminal history records to a private entity under contract with the Department of Juvenile Justice; providing that such records remain confidential and exempt from the public records law; amending s. 984.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; amending s. 985.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; providing that penalties imposed for an escape from detention or a commitment facility apply to a juvenile who escapes from a maximum-risk residential facility; conforming cross-references to changes made by the act; amending ss. 985.207, 985.208, F.S., relating to conditions for taking a juvenile into custody and detention; conforming provisions to changes made by the act; amending s. 985.209, F.S.; providing for the Department of Juvenile Justice to establish juvenile assessment centers; providing for the centers to be operated through cooperative agreements with other state agencies; providing for intake and screening services; amending ss. 985.21, 985.211, F.S.; providing for certain functions formerly considered case-management functions to be probation functions; amending s.

985.215, F.S.; conforming terminology to changes made by the act; requiring that a juvenile held in secure detention awaiting dispositional placement meet certain criteria for detention; amending s. 985.216, F.S.; deleting a provision authorizing placement of a juvenile in a secure residential commitment facility for direct or indirect contempt of court; amending ss. 985.226, 985.23, F.S., relating to criteria for waiver of jurisdiction and disposition hearings in delinquency cases; conforming provisions to changes made by the act; amending s. 985.231, F.S.; providing for placing a juvenile on home detention with electronic monitoring if a residential consequence unit is not available; amending ss. 985.301, 985.304, F.S., relating to civil citations and community arbitration; conforming provisions to changes made by the act; deleting certain references to case-management services; amending s. 985.307, F.S.; extending the period during which the Department of Juvenile Justice is authorized to operate juvenile assignment centers; amending ss. 985.31, 985.311, F.S., relating to serious or habitual juvenile offenders and intensive residential treatment programs for offenders less than 13 years of age; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 944.401, F.S., relating to the offense of escaping from secure detention or a residential commitment facility; conforming a cross-reference; amending s. 985.406, F.S., relating to juvenile justice training academies; conforming provisions to changes made by the act; amending s. 985.412, F.S.; deleting a duty of the department's inspector general with respect to quality assurance; amending s. 985.413, F.S.; increasing the number of consecutive terms that may be served by a member of a district juvenile justice board; deleting an exemption from such limitation; amending s. 985.414, F.S.; specifying the parties to be included in an interagency agreement for developing a county juvenile justice plan; amending s. 985.415, F.S.; revising eligibility requirements for a Community Juvenile Justice Partnership Grant; providing effective dates.

By the Committee on Banking and Insurance; and Senator Laurent—

CS for SB 2300—A bill to be entitled An act relating to conversion of credit unions; prohibiting the Department of Banking and Finance from approving the conversion of federally chartered credit unions to state-chartered credit unions except under certain circumstances; providing criteria; providing an effective date.

By the Committee on Banking and Insurance; and Senator Forman—

CS for SB 2338—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.743, F.S.; requiring an insurer to provide notice to the owner of a damaged vehicle as to the consequences of failure to use the insurance proceeds in accordance with a security agreement; providing an exception; amending s. 627.7295, F.S.; providing an exception to minimum-down-payment requirements; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Harris and Turner—

CS for SB 2524—A bill to be entitled An act relating to the WAGES Program; amending s. 414.026, F.S.; requiring that the WAGES Program State Board of Directors approve any WAGES-related proposed administrative rules; requiring collaboration with the WAGES State Board concerning other actions by the Workforce Development Board of Enterprise Florida, Inc., and state agencies; extending the existence of the WAGES Program State Board of Directors; allowing the Governor to designate the WAGES Program State Board of Directors as a non-profit corporation; providing requirements; amending s. 414.028, F.S.; revising requirements for a member of a local WAGES coalition in the case of a conflict of interest; providing requirements for disclosing any such conflict; providing for certain nonvoting members to be appointed to a local coalition; requiring a local coalition to deliver certain services under the WAGES Program; providing for staff support for local coalitions; amending s. 414.065, F.S.; deleting provisions that require an employer to repay certain supplements or incentives under specified circumstances; creating a WAGES training bonus to be paid to an employer who hires certain program participants; providing protection for current employees; amending s. 414.105, F.S.; providing for eligibility for extended temporary cash assistance under specified circumstances;

providing that an individual who cares for a disabled family member is exempt from certain time limitations; providing legislative intent with respect to encouraging the employment of participants in the WAGES Program; requiring the Office of Tourism, Trade, and Economic Development to certify to the President of the Senate and the Speaker of the House of Representatives the amount of taxes and the economic benefit generated by the restaurant industry from employing WAGES participants and to add that amount to the total amount of certain beverage taxes and penalties paid during a specified calendar year; providing for the repeal of s. 561.501, F.S., relating to the surcharge on the sale of alcoholic beverages, if the total amount of the surcharge exceeds a specified figure; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for HB 271, CS for CS for HB 315, HB 1649, HB 2019, CS for CS for HB 3131 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committees on Health and Human Services Appropriations; Children and Family Empowerment; and Representative Arnall and others—

CS for CS for HB 271—A bill to be entitled An act relating to public assistance; creating s. 414.103, F.S.; providing for drug testing under the "Work and Gain Economic Self-sufficiency (WAGES) Act" for illegal use of controlled substances; providing legislative intent and findings; directing the Department of Children and Family Services to implement a program to screen and test WAGES Program applicants; requiring certain notice; providing procedures for screening, testing, retesting, and appeal of test results; providing for notice of local substance abuse programs; requiring the department to provide a rehabilitation treatment program for certain persons; specifying circumstances resulting in termination of temporary assistance or services; providing limitations; providing for rules; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Commerce and Economic Opportunities; and Ways and Means.

By the Committees on Finance and Taxation; Business Development and International Trade; and Representative Fuller and others—

CS for CS for HB 315—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the exemption for food and drinks; providing definitions; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; providing an effective date.

—was referred to the Committees on Ways and Means; and Commerce and Economic Opportunities.

By Representative Gay and others—

HB 1649—A bill to be entitled An act relating to veterans' homes, including the Veterans' Domiciliary Home of Florida and the Veterans'

Nursing Home of Florida; amending s. 296.02, F.S.; providing definitions; amending s. 296.03, F.S.; including extended congregate care in the types of care offered by the domiciliary home; amending s. 296.04, F.S.; replacing the term "member" with the term "resident"; amending s. 296.06, F.S.; amending prerequisites to eligibility for admission to the domiciliary home; amending s. 296.07, F.S.; replacing the term "member" with the term "resident"; amending s. 296.08, F.S.; amending a cross-reference; amending s. 296.09, F.S.; replacing the term "member" with the term "resident"; amending the list of information about each resident which is to be kept in the general register; amending ss. 296.10, 296.11, 296.12, 296.13, 296.14, 296.15, 296.16, 296.34, and 296.38, F.S.; replacing the term "member" with the term "resident"; amending s. 296.36, F.S.; amending the residency requirement for admission into the Veterans' Nursing Home of Florida; designating a building located in Lake City as the "P.F.C. Robert H. Jenkins Veterans' Domiciliary Home of Florida"; directing the Florida Department of Veterans' Affairs to erect suitable markers; providing an effective date.

Proof of publication of the required notice was attached.

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

By the Committee on Children and Family Empowerment; and Representative Lacasa and others—

HB 2019—A bill to be entitled An act relating to program administration by the Department of Children and Family Services; amending s. 20.19, F.S.; providing additional duties for the department's Office of Standards and Evaluation with respect to measuring standards of performance and to reports due to the Legislature; providing duties of program offices; requiring an evaluation and a report from the Assistant Secretary for Administration; revising requirements for the department in procuring contracts for client services and in establishing standards for the delivery of those services; requiring the department to procure certain services competitively; authorizing deferral of the competitive contracting process under certain circumstances; limiting the duration of such deferrals; authorizing the department to adopt rules relating to an alternative competitive procurement process; providing intent that the department enter multiyear contracts; providing for procuring services from multiple sources; requiring that the department adopt rules for imposing penalties against a provider that fails to comply with a requirement for corrective action; requiring notice; requiring that the department develop, and incorporate into the department's Employee Handbook, standards of conduct and a range of disciplinary actions relating to certain staff functions; requiring the department to assure the accountability of each provider of client services; providing duties of the Auditor General and the Office of Program Policy Analysis and Government Accountability; providing for cancellation of contracts under specified circumstances; providing for department liens against certain property constructed or renovated using state funds; authorizing the department to competitively procure any contract under certain circumstances; providing for department contracts to include certain incentives; requiring the department to provide training for staff in negotiating contracts; requiring the department to ensure certain assistance to staff who are negotiating a contract; requiring the department to create contract management units at the district level; providing specifications for these units; specifying the date by which the contract management units must be in operation; requiring the department to evaluate contracting functions in the service districts; requiring reports to the Legislature by the department; authorizing the department to exercise budget and personnel flexibility; authorizing the department to transfer specified funds from certain budget entities in order to create certain staff positions; requiring a report; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By the Committees on General Government Appropriations and Governmental Operations and Representative Feeny and others—

CS for CS for HB 3131—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; revising criteria, limitations, and restrictions for eligibility, participation, and benefits

payable under the Deferred Retirement Option Program; providing conditions for payment of annual leave; amending s. 121.1122, F.S., relating to provisions for purchase of retirement credit for in-state-service in accredited nonpublic schools and colleges; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

DESIGNATION OF MINORITY WHIPS

Senator Buddy Dyer, Democratic Leader, announced the appointment of Senators Campbell and Klein as Minority Whips.

ENROLLING REPORTS

CS for SB 2, SB 14, SB 18 and SB 20 have been enrolled, signed by the

required Constitutional Officers and presented to the Governor on April 2, 1998.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 1 was corrected and approved.

CO-SPONSORS

Senators Campbell—SB 1770; Forman—SB 1770; Klein—SB 2250

RECESS

On motion by Senator Bankhead, the Senate recessed at 5:02 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, April 8.