



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Jennings at 10:00 a.m. A quorum present—37:

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

Excused: Senator Clary; Conferees periodically for the purpose of working on Appropriations

PRAYER

The following prayer was offered by Senator Grant:

O Lord, as we have contemplated the passage and celebration of the holiest days of the year for the great faiths of the world, help us, we pray, to remember that each day of life is a holy day, as it is a unique and precious gift from you.

You, and you alone, have given us the joy to live another day. Help us to live it to the fullest and to celebrate it with thanksgiving for life, freedom, health, peace and for the privilege of fulfilling this day as we toil and labor in the fields of democracy.

As we carry out the solemn responsibilities of our office, help us to go forth with a joy of serving others, with a sense of the seriousness of our decisions and with a commitment to do justice, to love mercy and to walk humbly with our God.

Give us, we pray, the wisdom of Solomon, the patience of Job and the courage of our own moral convictions. In all that we do this day, may we do your will—nothing more, nothing less and nothing else. When the close of this day comes, may we look back upon our actions and decisions, knowing we have lived this day to the fullest, carried out honorably the duties of our office and served well those who by their vote have given

us the sacred honor of serving them. In the name of our God, we pray. Amen.

PLEDGE

Senate Pages Kimberly Karrat and Elana Propis of Plantation, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Dudley, by two-thirds vote **SB 84, SB 400, CS for CS for SB 502, SB 656, CS for SB 794, SB 864, SB 872, CS for SB 926, SB 948, SB 978, CS for SB 1084, CS for SB 1130, SB 1306, CS for SB 1566, CS for CS for SB 1800, SB 1874, CS for SB 1880, SB 1944, SB 2250** and **HB 3509** were withdrawn from the Committee on Ways and Means.

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. Tuesday, April 14, was set for filing amendments to Bills on Third Reading to be considered Wednesday, April 15.

CONSIDERATION OF BILLS ON THIRD READING

The Senate resumed consideration of—

CS for SB 176—A bill to be entitled An act relating to residential tenancies; creating s. 83.565, F.S.; providing for a tenant to repair the premises after notice to the landlord; providing for deduction of the costs of repair from rent due; providing limitations; amending s. 83.60, F.S.; providing for the right of the tenant to repair to be a defense to an action for rent or possession; providing for the payment of certain funds into the registry of the court; amending s. 83.64, F.S.; prohibiting retaliatory actions by the landlord; providing an effective date.

—which was previously considered and amended April 8. Pending **Amendment 1** by Senators Klein and Meadows failed. The vote was:

Yeas—12

Brown-Waite	Dudley	Geller	Klein
Campbell	Dyer	Holzendorf	Meadows
Cowin	Forman	Jones	Rossin

Nays—23

Bankhead	Diaz-Balart	Kurth	Ostalkiewicz
Bronson	Grant	Latvala	Scott
Burt	Hargrett	Laurent	Silver
Casas	Harris	Lee	Thomas
Childers	Horne	McKay	Williams
Crist	Kirkpatrick	Myers	

On motions by Senator Meadows, **CS for SB 176** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—26

Madam President	Brown-Waite	Casas	Crist
Bronson	Burt	Cowin	Diaz-Balart

Dudley	Holzendorf	Laurent	Scott
Dyer	Jones	McKay	Silver
Forman	Kirkpatrick	Meadows	Turner
Geller	Klein	Myers	
Harris	Latvala	Rossin	

Nays—11

Bankhead	Grant	Kurth	Thomas
Campbell	Hargrett	Lee	Williams
Childers	Horne	Ostalkiewicz	

Vote after roll call:

Yea—Gutman

On motion by Senator Crist, by two-thirds vote **CS for HB 105** was withdrawn from the Committee on Commerce and Economic Opportunities.

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

CS for HB 105—A bill to be entitled An act relating to distribution of surplus food; amending s. 570.0725, F.S.; providing legislative intent; providing application; requiring certain persons and organizations to make reasonable efforts to provide, collect, transport, and distribute certain excess or surplus food; amending s. 768.136, F.S.; providing definitions; clarifying application; providing an effective date.

—a companion measure, was substituted for **CS for SB 466** and read the second time by title.

Senator Crist moved the following amendment which was adopted:

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

Section 1. Subsections (6) and (7) are added to section 570.0725, Florida Statutes, to read:

570.0725 Food recovery; legislative intent; department functions.—

(6) *It is the intent of the Legislature that each potential donor, to the greatest extent possible and practicable, make available to any bona fide charitable or nonprofit organization, to any representative or volunteer acting on behalf of such an organization, to an uncompensated person acting in a philanthropic manner providing services similar to those of such an organization, or to a transporter any surplus or excess canned or perishable food for use by such an organization or person to feed homeless persons or other persons who are in need of food and are otherwise unable to provide food for themselves. In achieving this intent, the following provisions must be followed:*

(a) *Each donor shall make every reasonable effort to contact bona fide charitable or nonprofit organizations in the community in which the donor operates in order to provide for the collection by such organizations of any surplus or excess canned food or perishable food from the donor.*

(b) *Each bona fide charitable or nonprofit organization in this state which provides, as a part of the services that the organization provides to the community in which it operates, food for persons who are in need of food or are otherwise unable to provide food for themselves, or which collects and transports such food to such organizations, shall make every reasonable effort to contact any donors within the organization's area of operations for purposes of collecting any surplus or excess canned food or perishable food for use in providing such services.*

(7) *For public-information purposes, the department shall develop a public-information brochure detailing the need of food-recovery programs, the benefit of food-recovery programs, the manner in which such organizations may become involved in food-recovery programs, the protection afforded to such programs under s. 768.136, and the food-recovery entities or food banks that exist in the state. This brochure must be updated annually.*

Section 2. *The Department of Agriculture and Consumer Services shall submit to the Governor, the President of the Senate, and the Speaker*

of the House of Representatives by November 1, 1998, a report summarizing state efforts in food recovery and recommending legislative action to enhance such efforts.

Section 3. Paragraph (c) of subsection (2) of section 381.0072, Florida Statutes, is amended to read:

381.0072 Food service protection.—It shall be the duty of the Department of Health to adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness. These rules shall provide the standards and requirements for the storage, preparation, serving, or display of food in food service establishments as defined in this section and which are not permitted or licensed under chapter 500 or chapter 509.

(2) DUTIES.—

(c) The department shall inspect each food service establishment as often as necessary to ensure compliance with applicable laws and rules. The department shall have the right of entry and access to these food service establishments at any reasonable time. *In inspecting food service establishments as provided under this section, the department shall provide each inspected establishment with the food-recovery brochure developed under s. 570.0725.*

Section 4. Paragraph (g) is added to subsection (2) of section 509.032, Florida Statutes, and paragraph (c) of subsection (3) of that section is amended to read:

509.032 Duties.—

(2) INSPECTION OF PREMISES.—

(g) *In inspecting public food service establishments, the department shall provide each inspected establishment with the food-recovery brochure developed under s. 570.0725.*

(3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE EVENTS.—The division shall:

(c) Administer a public notification process for temporary food service events and distribute educational materials that address safe food storage, preparation, and service procedures.

1. Sponsors of temporary food service events shall notify the division not less than 3 days prior to the scheduled event of the type of food service proposed, the time and location of the event, a complete list of food service vendor owners and operators participating in each event, and the current license numbers of all public food service establishments participating in each event. Notification may be completed orally, by telephone, in person, or in writing. A public food service establishment or food service vendor may not use this notification process to circumvent the license requirements of this chapter.

2. The division shall keep a record of all notifications received for proposed temporary food service events and shall provide appropriate educational materials to the event sponsors, *including the food-recovery brochure developed under s. 570.0725.*

3.a. A public food service establishment or other food vendor must obtain a license from the division for each temporary food service event in which it participates.

b. Public food service establishments holding current licenses from the division may operate under the regulations of such a license at temporary food service events of 3 days or less in duration.

Section 5. Subsection (2) of section 509.302, Florida Statutes, is amended to read:

509.302 Director of education, personnel, employment duties, compensation.—

(2) The director of education shall develop and implement an educational program, designated the "Hospitality Education Program," offered for the benefit of the entire industry. This program may affiliate with Florida State University, Florida International University, and the University of Central Florida. The program may also affiliate with any other member of the State University System or State Community College System, or with any privately funded college or university, which

offers a program of hospitality administration and management. The primary goal of this program is to instruct and train all individuals and businesses licensed under this chapter, in cooperation with recognized associations that represent the licensees, in the application of state and federal laws and rules. Such programs shall also include:

- (a) Vocational training.
- (b) Management training.
- (c) Inservice continuing education programs.
- (d) *Awareness of food-recovery programs, as promoted in s. 570.0725.*
- (e) Such other programs as may be deemed appropriate by the director of the division, the advisory council, and the director of education.

Section 6. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to distribution of surplus food; amending s. 570.0725, F.S.; providing legislative intent; providing application; requiring certain persons and organizations to make reasonable efforts to provide, collect, transport, and distribute certain excess or surplus food; requiring development of a public-information brochure; requiring a food-recovery report; amending s. 381.0072, F.S.; requiring information dissemination; amending s. 509.032, F.S.; requiring information to be disseminated; amending s. 509.302, F.S.; including food-recovery awareness as a subject area of the Hospitality Education Program; providing an effective date.

On motions by Senator Crist, by two-thirds vote **CS for HB 105** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Gutman

On motion by Senator McKay, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 874, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed from the House to resolve the differences between the houses.

John B. Phelps, Clerk

CS for SB 874—A bill to be entitled An act relating to civil actions; creating s. 40.50, F.S.; specifying certain rights of jurors; authorizing discussions among jurors; authorizing jurors to take notes; authorizing certain information to be provided to jurors; authorizing jurors to submit written questions to the court and to witnesses; amending s. 44.102, F.S.; requiring that the court require mediation in certain actions for

monetary damages; requiring the completion of mediation before trial is set in certain civil actions; providing conditions for mediation; creating s. 47.025, F.S.; specifying where certain lien actions may be brought against resident contractors, subcontractors, and sub-subcontractors; amending s. 57.105, F.S.; revising conditions under which attorney's fees may be imposed against a party and the party's attorney for presenting unsupported claims or defenses; entitling an opposing party to strike certain claims or defenses raised by a party who has been sanctioned in a specified number of actions within a specified period for presenting unsupported claims or defenses; authorizing the court to impose additional sanctions or requirements; authorizing damage awards against a party who takes specified actions for the purpose of delay; amending s. 90.803, F.S.; revising the requirements under which former testimony may be allowed at trial as an exception to the prohibition against hearsay evidence; amending s. 95.031, F.S.; limiting the period during which an action may be brought for product liability; providing for application; amending s. 400.023, F.S., relating to actions brought on behalf of nursing home residents; providing that a party to any such action may not recover attorney's fees unless the parties submit to mediation; specifying requirements for such mediation; providing for application; providing a standard for any award of punitive damages; amending s. 768.075, F.S.; decreasing blood-alcohol level; changing standard of conduct from willful and wanton misconduct to intentional misconduct; providing an exemption from liability to trespassers; providing conditions and limitations on exemption; providing definitions; creating s. 768.096, F.S.; providing an employer with a presumption against negligent hiring under specified conditions in an action for civil damages resulting from an intentional tort committed by an employee if the employer conducts a preemployment background investigation; prescribing the elements of such background investigation; specifying that electing not to complete the background investigation does not constitute a failure to use reasonable care in hiring an employee; amending s. 768.095, F.S.; revising the conditions under which an employer is immune from civil liability for disclosing information regarding an employee to a prospective employer; creating s. 768.098, F.S.; providing that a business owner or operator is immune from liability under certain circumstances for an intentional tort by a third party against an invitee; providing standards; providing exceptions; creating s. 768.099, F.S.; limiting liability of motor vehicle owners and rental companies to specific amounts without a showing of negligence or intentional misconduct; providing exceptions; creating s. 768.36, F.S.; prohibiting a plaintiff from recovering damages if the plaintiff was more than a specified percentage at fault due to the influence of an alcoholic beverage or drugs; creating s. 768.725, F.S.; providing for evidentiary standards for an award of punitive damages; amending s. 768.73, F.S.; requiring certain findings for, and providing for reduction of, subsequent punitive damage awards under specified circumstances; requiring that a specified percentage of an award for punitive damages be paid to the state; requiring the Department of Banking and Finance to collect the payments of such awards; providing for attorney's fees for the claimant to be based on the entire award of punitive damages; creating s. 768.735, F.S.; providing that ss. 768.72, 768.725, 768.73, F.S., relating to punitive damages, are inapplicable to specified causes of action; creating s. 768.736, F.S.; providing that ss. 768.725, 768.73, F.S., relating to punitive damages, do not apply to intoxicated defendants; creating s. 768.781, F.S.; providing for terms in certain contracts for an attorney's services; requiring that notice be sent to each allegedly responsible party; providing requirements for a presuit response and settlement offer; amending s. 768.81, F.S.; providing for the apportionment of damages on the basis of joint and several liability when a party's fault exceeds a certain percentage; requiring a defendant to plead that a nonparty is at fault within a certain time; requiring that the defendant must prove the nonparty has some fault; repealing s. 768.81(5), F.S., relating to the applicability of joint and several liability to actions in which the total amount of damages does not exceed a specified amount; requiring physicians and osteopathic physicians to obtain and maintain a specified amount of professional liability coverage as a condition of hospital staff privileges; providing legislative findings and intent with respect to the regulation of legal advertising; creating s. 877.023, F.S.; regulating the content of advertisements for legal services; providing a penalty; specifying that the provisions do not abrogate certain other laws, codes, ordinances, rules, or penalties; requiring the clerk of court to report certain information on negligence cases to the Office of the State Court Administrator; requiring that the Department of Insurance contract for an actuarial analysis of any reduction in judgments or costs resulting from the provisions of the act; requiring a report; requiring insurers to make certain rate filings; providing for severability; providing an effective date.

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

Section 1. Subsection (2) of section 95.031, Florida Statutes, is amended to read:

95.031 Computation of time.—Except as provided in subsection (2) and in s. 95.051 and elsewhere in these statutes, the time within which an action shall be begun under any statute of limitations runs from the time the cause of action accrues.

(2) Actions for products liability and fraud under s. 95.11(3) must be begun within the period prescribed in this chapter, with the period running from the time the facts giving rise to the cause of action were discovered or should have been discovered with the exercise of due diligence, instead of running from any date prescribed elsewhere in s. 95.11(3), but in no event may an action for product liability or fraud under s. 95.11(3) be commenced unless the complaint is served and filed within 12 years after the date of delivery of the product to its first purchaser or lessee who was not engaged in the business of selling or leasing the product or of using the product as a component in the manufacture of another product or any event an action for fraud under s. 95.11(3) must be begun within 12 years after the date of the commission of the alleged fraud, regardless of the date the defect in the product or the fraud was or should have been discovered. However, the 12-year limitation on filing an action for products liability does not apply if the manufacturer knew of a defect in the product and concealed or attempted to conceal this defect. In addition, the 12-year limitation does not apply if the claimant was exposed to or used the product within the 12-year period, but an injury caused by such exposure or use did not manifest itself until after the 12-year period. Furthermore, the 12-year statute of repose specified herein shall not apply to any aircraft other than general aviation aircraft as defined in Title 49, Section 40101, United States Code, and, in the case of such aircraft to which the federal law does not apply, the period of repose under this section will be 18 years.

Section 2. Section 768.1256, Florida Statutes, is created to read:

768.1256 Government rules defense.—

(1) In a product liability action brought against a manufacturer or seller for harm allegedly caused by a product, the jury shall be instructed that there is a rebuttable presumption that the manufacturer or seller is not liable if, at the time the specific unit of the product was sold or delivered to the initial purchaser or user, the aspect of the product that allegedly caused the harm was in compliance with standards relevant to the event causing the death or injury set forth in a federal or state statute or was approved by, or was in compliance with regulations or standards relevant to the event causing the death or injury promulgated by, a federal or state agency responsible for reviewing the safety of the product. Noncompliance with a standard relevant to the event causing the death or injury set forth in a federal or state statute or lack of approval by, or noncompliance with regulations or standards relevant to the event causing the death or injury promulgated by, a federal or state agency does not raise a presumption of negligence on the part of a manufacturer or seller. Evidence of compliance or noncompliance with a regulation or standard not relevant to the event causing the death or injury is not admissible.

(2) In a product liability action against a manufacturer or seller, a defendant may raise an affirmative defense that a product that is a drug is not defective or unreasonably dangerous, if the drug was approved for safety and efficacy by the United States Food and Drug Administration and the drug and its labeling were in compliance with the United States Food and Drug Administration's approval at the time the drug left the control of the manufacturer or seller. However, this subsection does not apply to a drug that is sold in the United States after the effective date of an order of the United States Food and Drug Administration to remove the drug from the market or to withdraw its approval. This subsection does not apply if the defendant at any time before the event that allegedly caused the injury does any of the following:

(a) Intentionally withholds from or misrepresents to the United States Food and Drug Administration information concerning the drug that is required to be submitted under the Federal Food, Drug and Cosmetic Act, chapter 675, 52 Stat. 1040, 21 U.S.C. ss. 301 to 321, 331 to 343-2, 344 to 346a, 347, 348 to 353, 355 to 360, 360b to 376, and 378 to 395, and the drug would not have been approved, or the United States Food and Drug Administration would have withdrawn approval for, the drug if the information had been accurately submitted; or

(b) Makes an illegal payment to an official or employee of the United States Food and Drug Administration for the purpose of securing or maintaining approval of the drug.

Section 3. Any action that would not have been barred under s. 95.031(2), Florida Statutes, prior to the amendments to that section by this act may be commenced before June 1, 1999, and, if it is not commenced by that date, and is barred by the amendments to s. 95.031(2), Florida Statutes, by this act, shall be barred.

Section 4. Subsections (6), (7), and (8) are added to section 400.023, Florida Statutes, to read:

400.023 Civil enforcement.—

(6) To recover attorneys' fees under this section the following conditions precedent must be met:

(a) Within 120 days of the filing of a responsive pleading or defensive motion to a complaint brought pursuant to this section, and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with paragraph (a) for the purpose of early resolution of the matter.

1. The parties shall within 60 days of the filing of the responsive pleading or defensive motion:

a. Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the Court, which shall appoint a mediator within 10 days of such notice.

b. Set a date for mediation.

c. Prepare an order for the Court identifying the mediator, the scheduled date of the mediation and other terms of the mediation. Absent any disagreement between the parties, the Court may issue the order for the mediation submitted by the parties without hearing.

2. The mediation must be concluded within 120 days of the filing of responsive pleading or defensive motion. This date may be extended only by agreement of all parties subject to mediation under this subsection.

3. The mediation shall be conducted in the following manner:

a. Each party shall have present at the mediation all persons necessary to have complete settlement authority.

b. All parties shall mediate in good faith.

4. All aspects of the mediation not specifically established by this subsection shall be conducted according to the rules of practice and procedure adopted by the Supreme Court of Florida.

(b) If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report stating the amount of the offer, the date it was made in writing and the date it was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages exclusive of attorneys' fees equal to or less than the last offer made by the defendant at mediation, then the plaintiff shall not be entitled to recover any attorneys' fees.

(c) This subsection shall apply only to claims for liability and damages and shall not apply to an action for injunctive relief.

(d) This subsection shall apply to all causes of action accruing after July 1, 1998.

(7) Discovery of financial information for the purposes of determining the value of punitive damages may not be had unless the plaintiff shows the Court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.

(8) Any award of punitive damages must be reasonable in light of the harm suffered by the resident and the egregiousness of the conduct causing the harm.

Section 5. Section 768.72, Florida Statutes, is amended to read:

768.72 Pleading in civil actions; claim for punitive damages.—

(1) In any civil action, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.

(2) A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence.

(a) "Intentional misconduct" means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.

(b) "Gross negligence" means that the defendant's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

(3) In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee or agent, only if the conduct of the employee or agent meets the criteria specified in subsection (2), and if:

(a) The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct; or

(b) The officers, directors, or managers of the employer, principal, corporation, or other legal entity knowingly condoned, ratified, or consented to such conduct; or

(c) The employer, principal, corporation, or other legal entity engaged in conduct which constituted gross negligence and which contributed to the loss, damages, or injury suffered by the claimant.

(4) The provisions of this section are remedial in nature and shall be applied to all civil actions pending on the effective date of this act in which the trial or retrial of the action has not commenced.

(5) The provisions of this section shall not apply with regard to any civil action based upon child abuse, abuse of the elderly, or abuse of the developmentally disabled, or arising under chapter 400.

Section 6. Section 768.73, Florida Statutes, is amended to read:

768.73 Punitive damages; limitation.—

(1)(a) In any civil action in which the judgment for compensatory damages is for \$50,000 or less, judgment for punitive damages awarded to a claimant may not exceed \$250,000, except as provided in paragraph (b).

(b) In any civil action in which the judgment for compensatory damages exceeds \$50,000, the judgment for punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages or \$250,000, whichever is higher, except as provided in paragraph (b) based on negligence, strict liability, products liability, misconduct in commercial transactions, professional liability, or breach of warranty, and involving willful, wanton, or gross misconduct, the judgment for the total amount of punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages awarded to each person entitled thereto by the trier of fact, except as provided in paragraph (b). However, this subsection does not apply to any class action.

(b) No award for punitive damages may exceed the limitations if any award for punitive damages exceeds the limitation specified in paragraph (a), the award is presumed to be excessive and the defendant is entitled to remittitur of the amount in excess of the limitation unless the claimant demonstrates to the court by clear and convincing evidence that the defendant engaged in intentional misconduct and that the award is not excessive in light of the facts and circumstances which were presented to the trier of fact.

(c) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(2)(a) If any defendant in any civil action determines that it has been or may be subject to repetitive claims for punitive damages arising out of the same act or course of conduct, the defendant may move the court for a full determination of the defendant's punitive damage liability for all consequences of the act or course of conduct. Under such circumstances, the issue of liability for punitive damages shall be tried separately from the issue of liability for compensatory damages. Evidence relating to whether punitive damages should be awarded and, if so, in what amount, shall not be admissible until the trier of fact has determined the amount of compensatory damages. The same trier of fact that tried the issues relating to compensatory damages shall try the issues relating to punitive damages. In the phase of the trial concerning punitive damages, if the trier of fact finds that punitive damages are warranted, the trier of fact should consider the national scope, if any, of the misconduct, the degree of wrongfulness and duration of any misconduct, the scope and severity of damages, the financial resources of the defendant, the number of persons harmed, the efforts made by defendant to eliminate or reduce the effects of the misconduct, as well as all other measures taken by the defendant to mitigate the misconduct and damages caused thereby. The court shall reduce any award of punitive damages by the amount of any previous punitive damages awards imposed against the defendant which arose out of the same act or course of conduct.

(b) As soon as practicable after the defendant moves for a consolidated punitive damages trial, or within a time frame set by the court, the defendant shall make reasonable efforts to compile a list of current and potential claimants who will share any punitive award. The defendant shall make reasonable efforts to identify and notify any persons or entities that have been impacted by the act or course of conduct under consideration in the punitive damages phase of the trial. Any punitive damages awarded during a trial under this subsection will, to the extent practicable, be equally distributed among current and potential claimants, in a manner to be decided by the trial court. Once a defendant's liability for repetitive punitive damages has been determined under this subsection, no further punitive damages can be awarded in connection with the act or course of conduct covered in this trial.

(c) In a consolidated punitive damages trial, the claimants' aggregate attorney fee in regard to punitive damages shall be limited to 15 percent of the overall punitive damages award.

(3) If punitive damages have been awarded against a defendant three or more times before the effective date of this act in any state or federal court in actions alleging harm from the same act or course of conduct for which a claimant subsequently seeks compensatory damages, the court may conduct a hearing prior to trial to determine whether the previous awards are sufficient to address all consequences of the act or course of conduct. In making such determination the court shall consider the factors set forth in paragraph (2)(a) as well as whether any previous trier of fact considered the full scope of wrongful conduct and resulting harm. If the court determines that the previous awards are sufficient the punitive damage claim shall not be allowed.

(4) The provisions of this section are remedial in nature and shall be applied to all civil actions pending on the effective date of this act in which the trial or retrial of the action has not commenced.

(5)(2) The jury may neither be instructed nor informed as to the provisions of this section.

(6) The provisions of this section shall not apply with regard to any civil action based upon child abuse, abuse of the elderly, or abuse of the developmentally disabled, or arising under chapter 400.

Section 7. Section 768.0705, Florida Statutes, is created to read:

768.0705 Limitation on premises liability.—

(1) If at least six of the following eight provisions of this section are met, there shall be a presumption that a person or organization owning or controlling an interest in commercial real property, other than a convenience store, has fulfilled any duty to provide adequate security for invitees, guests, and other members of the public, against criminal acts which occur in common areas, parking areas, and on portions of the

premises not occupied by buildings or structures and which are committed by third parties who are not employees or agents of the person or organization owning or controlling the interest in commercial real property.

(a) Signs shall be prominently posted in the parking area and other public access points on the premises indicating the hours of normal business operations and the general security measures provided.

(b) The parking area, public walkways, public building entrances and exits, shall be illuminated at an intensity of at least 2 foot-candles per square foot at 18 inches above the surface of the ground, pavement, or walkway.

(c) Crime prevention training, with a curriculum approved by the local law enforcement agency or the Department of Legal Affairs, shall be provided to all nonmanagement on-site employees. To meet the requirements of this paragraph, existing employees shall receive training within 12 months of the effective date of this section and new employees shall receive training within 120 days of hiring. No person shall be liable for ordinary negligence due to implementing the approved curriculum so long as the training was actually provided. Under no circumstances shall the state or the local law enforcement agency be held liable for the contents of the approved curriculum.

(d) Security cameras shall be installed and maintained, and shall be monitored or recorded, covering public entrances and exits to buildings and at least half the parking lot. Cameras shall operate during business hours and for at least 30 minutes after closing.

(e) An emergency call box, or an alarm system linked to law enforcement, a private security agency, or a security guard or other agent on the premises, shall be maintained and available within 150 feet of any location in the parking lot or other public place on the premises.

(f) A licensed security guard or law enforcement officer is on duty at the time of the criminal occurrence and is either monitoring surveillance cameras or patrolling the premises with such frequency that the parking area and common areas are observed by the guard at no more than 15 minute intervals.

(g) Perimeter fencing shall be installed and maintained, which surrounds parking areas and structures, and which directs pedestrian entry onto the premises.

(h) Landscaping shall be maintained so as to provide no hiding place or obstruct the view of security personnel or cameras.

(2) The owner or operator of a convenience business, that substantially implements the applicable security measures listed in ss. 812.173 and 812.174 shall gain a presumption against liability in connection with criminal acts which occur on the premises and which are committed by third parties who are not employees or agents of the owner or operator of the convenience business.

(3) Failure to implement a sufficient number of the measures listed in subsection (1) or subsection (2) shall not create a presumption of liability.

Section 8. Section 768.075, Florida Statutes, is amended to read:

768.075 Immunity from liability for injury to trespassers on real property; definitions; duty to trespassers.—

(1) A person or organization owning or controlling an interest in real property, or an agent of such person or organization, shall not be held liable for any civil damages for death of or injury or damage to a trespasser upon the property ~~resulting from or arising by reason of the trespasser's commission of the offense of trespass as described in s. 810.08 or s. 810.09~~, when such trespasser was under the influence of alcoholic beverages with a blood-alcohol level of ~~0.08 to 0.10~~ percent or higher, when such trespasser was under the influence of any chemical substance set forth in s. 877.111, when such trespasser was illegally under the influence of any substance controlled under chapter 893, or if the trespasser is affected by any of the aforesaid substances to the extent that her or his normal faculties are impaired. For the purposes of this section, voluntary intoxication or impediment of faculties by use of alcohol or any of the aforementioned substances shall not excuse a party bringing an action or on whose behalf an action is brought from proving

the elements of trespass as described in paragraph (3)(a). However, the person or organization owning or controlling the interest in real property shall not be immune from liability if gross negligence or ~~intentional willful and wanton~~ misconduct on the part of such person or organization or agent thereof is a proximate cause of the death of or injury or damage to the trespasser.

(2) A person or organization owning or controlling an interest in real property, or an agent of such person or organization, shall not be held liable for any civil damages for death of or injury or damage to any discovered or undiscovered trespasser, except as provided in paragraphs (3)(a), (b), and (c), and regardless of whether the trespasser was intoxicated or otherwise impaired.

(3)(a) As used in this subsection:

1. "Implied invitation" means that the visitor entering the premises has an objectively reasonable belief that he or she has been invited or is otherwise welcome on that portion of the real property where injury occurs.

2. "Discovered trespasser" means a person who enters real property without invitation, either express or implied, and whose actual physical presence was detected within 24 hours preceding the accident, by the person or organization owning or controlling an interest in real property, or to whose actual physical presence the person or organization owning or controlling an interest in real property was alerted by a reliable source within 24 hours preceding the accident. The status of a person who enters real property shall not be elevated to that of an invitee, unless the person or organization owning or controlling an interest in real property has issued an express invitation to enter the property or has manifested a clear intent to hold the property open to use by persons pursuing purposes such as those pursued by the person whose status is at issue.

3. "Undiscovered trespasser" means a person who enters property without invitation, either express or implied, and whose actual physical presence was not detected within 24 hours preceding the accident, by the person or organization owning or controlling an interest in real property.

(b) To avoid liability to undiscovered trespassers, a person or organization owning or controlling an interest in real property must refrain from intentional misconduct, but has no duty to warn of dangerous conditions. To avoid liability to discovered trespassers, a person or organization owning or controlling an interest in real property must refrain from gross negligence or intentional misconduct, and must warn the trespasser of dangerous conditions, known to the person or organization owning or controlling an interest in real property, but which are not readily observable by others.

(c) This subsection shall not be interpreted or construed to alter the common law as it pertains to the attractive nuisance doctrine.

Section 9. Paragraph (b) of subsection (9) of section 324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(9) OWNER; OWNER/LESSOR.—

(b) Owner/lessor.—Notwithstanding any other provision of the Florida Statutes or existing case law:;

1. The lessor, under an agreement to lease a motor vehicle for 1 year or longer which requires the lessee to obtain insurance acceptable to the lessor which contains limits not less than \$100,000/\$300,000 bodily injury liability and \$50,000 property damage liability or not less than \$500,000 combined property damage liability and bodily injury liability, shall not be deemed the owner of said motor vehicle for the purpose of determining financial responsibility for the operation of said motor vehicle or for the acts of the operator in connection therewith; further, this ~~subparagraph~~ paragraph shall be applicable so long as the insurance meeting these requirements is in effect. The insurance meeting such requirements may be obtained by the lessor or lessee, provided, if such insurance is obtained by the lessor, the combined coverage for bodily injury liability and property damage liability shall contain limits of not less than \$1 million and may be provided by a lessor's blanket policy.

2. The lessor, under an agreement to rent or lease a motor vehicle for a period of less than 1 year, shall be deemed the owner of the motor vehicle for the purpose of determining liability for the operation of said vehicle or the acts of the operator in connection therewith only up to \$100,000 per person and up to \$300,000 per incident for bodily injury and up to \$50,000 for property damage. In the event the lessee or the operator of the motor vehicle is uninsured or has any insurance with limits less than \$500,000 combined property damage and bodily injury liability, the lessor shall be liable for up to an additional \$500,000 in economic damages only arising out of the use of the motor vehicle. The additional specified liability of the lessor for economic damages shall be reduced by amounts actually recovered from the lessee, the operator, and from any insurance or self insurance covering the lessee or operator. Nothing in this paragraph shall be construed to affect the liability of the lessor for its own negligence.

Section 10. Subsections (1) and (2) of section 768.76, Florida Statutes, is amended to read:

768.76 Collateral sources of indemnity.—

(1) In any action to which this part applies in which liability is admitted or is determined by the trier of fact and in which damages are awarded to compensate the claimant for losses sustained, the court shall reduce the amount of such award by the total of all amounts which have been paid for the benefit of the claimant, or which are otherwise available to the claimant, from all collateral sources; however, *except in the case of compensation received or payable under workers' compensation*, there shall be no reduction for collateral sources for which a subrogation or reimbursement right exists. Such reduction shall be offset to the extent of any amount which has been paid, contributed, or forfeited by, or on behalf of, the claimant or members of the claimant's immediate family to secure her or his right to any collateral source benefit which the claimant is receiving as a result of her or his injury.

(2) For purposes of this section:

(a) "Collateral sources" means any payments made to the claimant, or made on the claimant's behalf, by or pursuant to:

1. The United States Social Security Act, except Title XVIII and Title XIX; any federal, state, or local income disability act; or any other public programs providing medical expenses, disability payments, or other similar benefits, except those prohibited by federal law and those expressly excluded by law as collateral sources.

2. Any health, sickness, or income disability insurance; automobile accident insurance that provides health benefits or income disability coverage; and any other similar insurance benefits, except life insurance benefits available to the claimant, whether purchased by her or him or provided by others.

3. Any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the costs of hospital, medical, dental, or other health care services.

4. Any contractual or voluntary wage continuation plan provided by employers or by any other system intended to provide wages during a period of disability.

5. Any compensation received or payable under worker's compensation as defined in s. 440.02(6).

(b) Notwithstanding any other provision of this section, benefits received under Medicare, or any other federal program providing for a Federal Government lien on or right of reimbursement from the plaintiff's recovery, ~~the Workers' Compensation Law~~, the Medicaid program of Title XIX of the Social Security Act or from any medical services program administered by the Department of Health and Rehabilitative Services shall not be considered a collateral source.

Section 11. Subsection (5) of section 768.81, Florida Statutes, is amended, present subsection (6) is renumbered as subsection (7) and a new subsection (6) is added to said section to read:

768.81 Comparative fault.—

(5) **WORKER'S COMPENSATION.**—For the purposes of this section, an employer as defined in s. 440.02(14), participating in a worker's com-

pensation eligibility program, shall not be considered a party in a negligence action and shall not be listed as a tortfeasor on the jury verdict form with respect to accidents arising out of work performed in the course and scope of employment, as described in s. 440.09. Any payments made by an employer covered by worker's compensation shall be considered collateral sources as provided in s. 768.76. **APPLICABILITY OF JOINT AND SEVERAL LIABILITY.**—Notwithstanding the provisions of this section, ~~the doctrine of joint and several liability applies to all actions in which the total amount of damages does not exceed \$25,000.~~

(6) **APPLICABILITY OF JOINT AND SEVERAL LIABILITY.**—Notwithstanding the provisions of this section, the doctrine of joint and several liability shall not apply to that portion of economic damages in excess of \$250,000.

Section 12. **Expedited trials.**—Upon the motion of any party to a simplified civil proceeding or upon the joint stipulation of the parties to any civil case, the court may conduct an expedited trial as provided herein. A simplified civil proceeding is a case involving only two parties, no more than two counts to the complaint or counter claim, and where the court finds there would be no prejudice to any party in conducting an expedited trial. Where two or more plaintiffs or defendants have a unity interest, such as a husband and wife, they shall be considered one party for the purpose of this section. Unless otherwise ordered by the court or agreed to by the parties with approval of the court, an expedited trial shall be conducted as follows:

- (1) All discovery in the trial shall be completed within 60 days.
- (2) All interrogatories and requests for production will be served within 10 days and all responses will be served within 20 days of receipt.
- (3) The court shall determine the number of depositions required.
- (4) The case may be tried to a jury.
- (5) The trial of the case will be tried within 30 days after the 60 day discovery cut-off.
- (6) The trial will be limited to 1 day.
- (7) The jury selection will be limited to 1 hour.
- (8) The plaintiff will have 3 hours to present its case including opening, all testimony and evidence, and closing.
- (9) The defendant will have 3 hours to present its case including opening, all testimony and evidence, and closing.
- (10) The jury will be given "plain language" jury instructions at the beginning of the trial as well as a "plain language" jury verdict form. The jury instructions and verdict form will be agreed to by the parties.
- (11) The parties will be permitted to introduce a written report of any expert and the expert's curriculum vitae instead of calling the expert live at trial.
- (12) At trial the parties may use excerpts from depositions, including video depositions, regardless of where the deponent lives or whether they are available to testify.
- (13) Except as approved by the court, the Florida Evidence Code and the Florida Rules of Civil Procedure will apply.
- (14) A unanimous jury verdict is not necessary to resolve the case. A vote of 5-1 is sufficient.
- (15) There will be no continuances of the trial absent extraordinary circumstances.

Section 13. Section 40.50, Florida Statutes, is created to read:

40.50 Jury duty and instructions in civil cases.—

(1) In any civil action immediately after the jury is sworn, the court shall instruct the jury concerning its duties, its conduct, the order of proceedings, the procedure for submitting written questions of witnesses, and the elementary legal principles that will govern the proceeding as provided herein.

(2) Jurors shall be instructed that they will be permitted to discuss the evidence among themselves in the jury room during recesses from trial when all are present, as long as they reserve judgment about the outcome of the case until deliberations commence. Notwithstanding the foregoing, the jurors' discussion of the evidence among themselves during recesses may be limited or prohibited by the court for good cause.

(3) The court shall instruct that the jurors may take notes regarding the evidence and keep the notes for the purpose of refreshing their memory for use during recesses, discussions, and deliberations. The court may provide materials suitable for this purpose. The confidentiality of the notes should be emphasized to the jurors. After the jury has rendered its verdict, the notes shall be collected by the bailiff or clerk who shall promptly destroy them.

(4) The court shall provide a notebook for each juror. Notebooks shall contain:

(a) A copy of the preliminary jury instructions, including special instructions on the issues to be tried.

(b) Jurors' notes.

(c) Witnesses' names, photographs and/or biographies.

(d) Copies of key documents admitted into evidence and an index of all exhibits in evidence.

(e) A glossary of technical terms.

(f) A copy of the court's final instructions.

In its discretion, the court may authorize documents and exhibits in evidence to be included in notebooks for use by the jurors during trial to aid them in performing their duties. The preliminary jury instructions should be removed, discarded, and replaced by the final jury instructions before the latter are read to the jury by the court.

(5) The court shall permit jurors to have access to their notes and notebooks during recesses, discussions, and deliberations.

(6) The court shall permit jurors to submit to the court written questions directed to witnesses or to the court. Opportunity shall be given to counsel to object to such questions out of the presence of the jury. The court may, as appropriate, limit the submission of questions to witnesses.

(7) The court shall instruct the jury that any questions directed to witnesses or the court must be in writing, unsigned, and given to the bailiff. The court may further instruct that, if a juror has a question for a witness or the court, the juror should hand it to the bailiff during a recess, or if the witness is about to leave the witness stand, the juror should signal to the bailiff. If the court determines that the juror's questions calls for admissible evidence, the question may be asked by court or counsel in the court's discretion. Such question may be answered by stipulation or other appropriate means, including, but not limited to, additional testimony upon such terms and limitations as the court prescribes. If the court determines that the juror's question calls for inadmissible evidence, the question shall not be read or answered. If a juror's question is rejected, the jury should be told that trial rules do not permit some questions to be asked and that the jurors should not attach any significance to the failure of having their question asked.

(8) The court has discretion to give final instructions to the jury before closing arguments of counsel instead of after, in order to enhance jurors' ability to apply the applicable law to the facts. In that event, the court may wish to withhold giving the necessary procedural and housekeeping instructions until after closing arguments.

Section 14. Section 44.1051, Florida Statutes, is created to read:

44.1051 Voluntary trial resolution.—

(1) Two or more parties who are involved in a civil dispute may agree in writing to submit the controversy to voluntary trial resolution in lieu of litigation of the issues involved, prior to or after a lawsuit has been filed, provided that no constitutional issue is involved.

(2) If the parties have entered into an agreement that provides for a method for appointment of a member of The Florida Bar in good standing

for more than 5 years to act as trial resolution judge, the court shall proceed with the appointment as prescribed.

(3) The trial resolution judge shall be compensated by the parties according to their agreement.

(4) Within 10 days of the submission of the request for binding voluntary trial resolution, the court shall provide for the appointment of the trial resolution judge. Once appointed, the trial resolution judge shall notify the parties of the time and place for the hearing.

(5) Application for voluntary trial resolution shall be filed and fees paid to the clerk of the court as if for complaints initiating civil actions. The clerk of the court shall handle and account for these matters in all respects as if they were civil actions except that the clerk of the court shall keep separate the records of the applications for voluntary binding trial resolution from all other civil actions.

(6) Filing of the application for binding voluntary trial resolution will toll the running of the applicable statutes of limitation.

(7) The appointed trial resolution judge shall have such power to administer oaths or affirmation and to conduct the proceedings as the rules of court shall provide. At the request of any party, the trial resolution judge shall issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence and may apply to the court for orders compelling attendance and production. Subpoenas shall be served and shall be enforceable as provided by law.

(8) The hearing shall be conducted by the trial resolution judge, who may determine any question and render a final decision.

(9) The Florida Evidence Code shall apply to all proceedings under this section.

(10) Any party may enforce a final decision rendered in a voluntary trial by filing a petition for final judgment in the circuit court in the circuit in which the voluntary trial took place. Upon entry of final judgment by the circuit court an appeal may be taken to the appropriate appellate court. The harmless error doctrine shall apply in all appeals. No further review shall be permitted unless a constitutional issue is raised. Factual findings determined in the voluntary trial shall not be subject to appeal.

(11) If no appeal is taken within the time provided by rules promulgated by the Supreme Court, then the decision shall be referred to the presiding court judge in the case, or if one has not been assigned, then to the chief judge of the circuit for assignment to a circuit judge, who shall enter such orders and judgments as are required to carry out the terms of decision, which orders shall be enforceable by the contempt powers of the court and for which judgments executions shall issue on request of a party.

(12) This section shall not apply to any dispute involving child custody, visitation, or child support, or to any dispute that involves the rights of a third party not a party to the voluntary trial resolution.

Section 15. Section 57.071, Florida Statutes, is amended to read:

57.071 Costs; what taxable.—

(1) If costs are awarded to any party the following shall also be allowed:

(a)(1) The reasonable premiums or expenses paid on all bonds or other security furnished by such party.

(b)(2) The expense of the court reporter for per diem, transcribing proceedings and depositions, including opening statements and arguments by counsel.

(c)(3) Any sales or use tax due on legal services provided to such party, notwithstanding any other provision of law to the contrary.

(2) Expert witness fees shall not be awarded as taxable costs unless:

(a) The party retaining the expert witness files a written notice with the court and each opposing party within 30 days of the retention of the expert witness, which notice shall provide the expertise and experience of the expert, the rate of compensation of the expert witness, the subject

matters or issues on which the expert is expected to render an opinion, and an estimate of the overall fee of the expert witness, including trial testimony; and

(b) The party retaining the expert witness furnishes each opposing party with a written report signed by the expert witness which summarizes the expert witness's opinions, the factual basis of the opinions including documentary evidence, and the authorities relied upon in reaching the opinions, such report shall be filed at least 10 days prior to discovery cut-off, or 45 days prior to the trial, or as otherwise determined by the court.

Section 16. Section 57.105, Florida Statutes, is amended to read:

57.105 Attorney's fee; sanctions for raising unfounded claims or defenses; damages for delay of litigation.—

(1) The court shall award a reasonable attorney's fee to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney on any claim or defense in any civil action in which the court finds that the losing party or the losing party's attorney knew or should have known at the time a claim or defense was presented:

(a) That the claim or defense was not supported by the material facts necessary to establish the claim or defense; or

(b) That the application of then existing law to the facts the losing party or losing party's attorney knew or should have known would not support the claim or defense. ~~there was a complete absence of a justiciable issue of either law or fact raised by the complaint or defense of the losing party;~~

Provided, however, that the losing party's attorney is not personally responsible if he or she has acted in good faith, based on the representations of his or her client as to the existence of material facts. If the court awards fees to a claimant pursuant to this subsection ~~finds that there was a complete absence of a justiciable issue of either law or fact raised by the defense,~~ the court shall also award prejudgment interest.

(2) Subsection (1) shall not apply if the court determines that the claim or defense was presented as a good faith attempt to change the then existing law as it applied to the facts the losing party or losing party's attorney knew or should have known at the time the claim or defense was presented.

(3) In any civil proceeding in which the moving party proves, by a preponderance of the evidence, that any action taken by the opposing party, including, but not limited to, the filing of any pleading or part thereof, the assertion of or response to any discovery demand, the assertion of any claim or defense, or the response to any request by any other party, was taken primarily for the purpose of delay, the court shall award damages to the moving party for the time necessitated by the conduct in question. The absence of a justiciable basis for the action taken shall be prima facie evidence of such a purpose; but such a purpose may also be proved, in proper cases, notwithstanding an objective justiciable basis for the action taken.

(4) If a contract contains a provision allowing attorney's fees to a party when he or she is required to take any action to enforce the contract, the court may also allow reasonable attorney's fees to the other party when that party prevails in any action, whether as plaintiff or defendant, with respect to the contract. This act shall take effect October 1, 1988, and shall apply to contracts entered into on said date or thereafter.

Section 17. Section 768.77, Florida Statutes, is amended to read:

768.77 Itemized verdict.—

(4) In any action to which this part applies in which the trier of fact determines that liability exists on the part of the defendant, the trier of fact shall, as a part of the verdict, itemize the amounts to be awarded to the claimant into the following categories of damages:

(1)(a) Amounts intended to compensate the claimant for economic losses;

(2)(b) Amounts intended to compensate the claimant for noneconomic losses; and

(3)(e) Amounts awarded to the claimant for punitive damages, if applicable.

~~(2) Each category of damages, other than punitive damages, shall be further itemized into amounts intended to compensate for losses which have been incurred prior to the verdict and into amounts intended to compensate for losses to be incurred in the future. Future damages itemized under paragraph (1)(a) shall be computed before and after reduction to present value. Damages itemized under paragraph (1)(b) or paragraph (1)(c) shall not be reduced to present value. In itemizing amounts intended to compensate for future losses, the trier of fact shall set forth the period of years over which such amounts are intended to provide compensation.~~

Section 18. Paragraph (a) of subsection (1) of section 768.78, Florida Statutes, is amended to read:

768.78 Alternative methods of payment of damage awards.—

(1)(a) In any action to which this part applies in which the court determines that trier of fact makes an award to compensate the claimant includes for future economic losses which exceed \$250,000, payment of amounts intended to compensate the claimant for these losses shall be made by one of the following means, unless an alternative method of payment of damages is provided in this section:

1. The defendant may make a lump-sum payment for all damages so assessed, with future economic losses and expenses reduced to present value; or

2. Subject to the provisions of this subsection, the court shall, at the request of either party, unless the court determines that manifest injustice would result to any party, enter a judgment ordering future economic damages, as itemized pursuant to s. 768.77(1)(a), in excess of \$250,000 to be paid in whole or in part by periodic payments rather than by a lump-sum payment.

Section 19. Subsections (3), (5), and (7) of section 768.79, Florida Statutes, are amended to read:

768.79 Offer of judgment and demand for judgment.—

(3) The offer shall be served upon the party to whom it is made, but it shall not be filed unless it is accepted or unless filing is necessary to enforce the provisions of this section. In any case involving multiple party plaintiffs or multiple party defendants, an offer shall specify its applicability to each party. Each individual party may thereafter accept or reject the offer as the offer applies to such party. However, a plaintiff may make a global offer to all defendants without specifying amounts applicable to each defendant.

(5) An offer may be withdrawn in writing which is served before the date a written acceptance is filed. Once withdrawn, an offer is void. A subsequent offer shall have the effect of voiding any previous offer.

(7)(a) Prior to awarding costs and fees pursuant to this section the court shall determine whether the offer was reasonable under the circumstances known at the time the offer was made. If a party is entitled to costs and fees pursuant to the provisions of this section, the court may, in its discretion, determine that an offer was not made in good faith. In such case, the court may disallow an award of costs and attorney's fees.

(b) When determining the entitlement to and reasonableness of an award of attorney's fees pursuant to this section, the court shall consider, along with all other relevant criteria, the following additional factors:

1. The then's apparent merit or lack's of merit in the claim.
2. The number and nature of offers made by the parties.
3. The closeness of questions of fact and law at issue.
4. Whether the proposal was reasonably rejected.

5.4. Whether the person making the offer had unreasonable refused to furnish information necessary to evaluate the reasonableness of such offer.

6.5. Whether the suit was in the nature of a test case presenting questions of far-reaching's importance affecting nonparties.

7.6. The amount of the additional delay cost and expense that the person making the offer reasonable would be expected to incur if the litigation should be prolonged.

Section 20. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provision of this act are declared severable.*

Section 21. Except as otherwise provided in this act, this act shall take effect October 1 of the year in which enacted.

And the title is amended as follows:

On page , remove from the title of the bill: the entire title and insert in lieu thereof: A bill to be entitled An act relating to civil causes of action; amending s. 95.031, F.S.; providing a time period for bringing an action for product liability or fraud; providing an exception; creating s. 768.1256, F.S.; providing a government rules defense with respect to certain product liability actions; providing for a rebuttable presumption; providing requirements with respect to products which are drugs; amending s. 400.023, F.S.; providing conditions for the recovery of attorneys' fees with respect to civil enforcement of certain infractions related to nursing homes; providing for application; providing for discovery; providing for punitive damages; amending s. 768.72, F.S.; revising language with respect to claims for punitive damages in civil actions; requiring clear and convincing evidence of gross negligence or intentional misconduct to support the recovery of such damages; providing definitions; providing criteria for the imposition of punitive damages with respect to employers, principals, corporations, or other legal entities for the conduct of an employee or agent; providing for the application of the section; providing an exception; amending s. 768.73, F.S.; revising language with respect to limitations on punitive damages; providing monetary limitations; providing an exception with respect to intentional misconduct; providing for consolidated punitive damages trials; providing for the effect of certain previous punitive damages awards; providing a limitation on attorney fees; providing for the application of the section; providing an exception; creating s. 768.0705, F.S.; providing limitations on premises liability for a person or organization owning or controlling an interest in commercial real property; providing for a presumption against liability; providing conditions for the presumption; amending s. 768.075, F.S.; delineating the duty owed to trespassers by a person or organization owning or controlling an interest in real property; providing definitions; providing for the avoidance of liability to discovered and undiscovered trespassers under described circumstances; providing for the application of s. 768.075(3), F.S., with respect to the common law; amending s. 324.021, F.S.; providing that the lessor of a motor vehicle under certain rental agreements shall be deemed the owner of the vehicle for the purpose of determining liability for the operation of the vehicle within certain limits; providing for construction; amending s. 768.76, F.S.; exempting compensation under workers' compensation from certain reductions for collateral sources; revising language with respect to collateral sources of indemnity to redefine the term "collateral sources" with respect to negligence actions; amending s. 768.81, F.S.; revising language with respect to the applicability of joint and several liability to certain actions; providing that certain employers participating in a worker's compensation eligibility program shall not be considered a party in a negligence action and shall not be listed as a tortfeasor on certain jury verdicts; providing for expedited trials; providing timeframes for the conduct of such trials; creating s. 40.50, F.S.; providing for instructions to juries after the jury is sworn in; providing for the discussion of evidence under certain circumstances; providing for the taking of notes under certain circumstances; providing for notebooks; providing for written questions; providing for final instructions; creating s. 44.1051, F.S.; providing for voluntary trial resolution; providing for the appointment of a trial resolution judge; providing for compensation; providing for fees; providing for the tolling of applicable statutes of limitation; providing for powers of trial resolution judges; providing for hearings and evidence; providing for appeal; providing for application; amending s. 57.071, F.S.; providing criteria under which expert witness fees may be awarded as taxable costs; amending s. 57.105, F.S.; providing sanctions for raising unfounded claims or defenses; providing exceptions; providing for damages in certain circumstances; amending s. 768.77, F.S.; revising language with respect to itemized verdicts to delete reference to future damages; amending s. 768.78, F.S.; conforming

to the act; correcting a cross reference; amending s. 768.79, F.S.; providing for the applicability of offers of judgment and demand of judgment in cases involving multiple plaintiffs; providing that subsequent offers shall void previous offers; providing that prior to awarding costs and fees the court shall determine whether the offer was reasonable under the circumstances known at the time the offer was made; authorizing the court to consider whether or not a proposal was reasonably rejected when considering entitlement to and the amount of an award of attorneys' fees; providing severability; providing effective dates.

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

CONFEREES ON CS FOR SB 874 APPOINTED

The President appointed Senator McKay, Chairman; Senators Burt, Bankhead, Dudley, Rossin and Dyer; and Senator Latvala, alternate, as conferees on **CS for SB 874**.

The action of the Senate was certified to the House.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 358, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 358—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S., relating to prohibitions against selling, manufacturing, or delivering, or possessing with intent to sell, manufacture, or deliver, controlled substances within 200 feet of the real property comprising a public housing facility; defining "real property comprising a public housing facility"; providing penalties; amending s. 921.022, F.S.; ranking such offenses on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

House Amendment 1—On page 3, lines 15 through 17, remove from the bill: all of said lines and insert in lieu thereof: *authority pursuant to part I of chapter 421. Any person*

On motion by Senator Burt, the Senate concurred in the House amendment.

CS for SB 358 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Gutman

SPECIAL ORDER CALENDAR

On motion by Senator Latvala—

CS for SB 1458—A bill to be entitled An act relating to coastal redevelopment; amending s. 163.335, F.S.; providing legislative intent for the scope of activities included in community redevelopment; amending s. 163.340, F.S.; redefining the terms "blighted area," "community redevelopment," and "community redevelopment area"; creating s.

163.336, F.S.; providing legislative intent; providing for the geographical location of a pilot project; providing for pilot project administration; providing exemptions to certain coastal construction requirements; providing for the scheduled expiration of these provisions; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendments which were adopted:

Amendment 1—On page 3, line 3, delete “*underutilized*” and insert: *distressed*

Amendment 2—On page 4, line 15, delete “*underutilization*” and insert: *distress*

Amendment 3—On page 5, line 23, delete “*underutilized*” and insert: *distressed*

Amendment 4—On page 6, line 1, delete “*underutilized*” and insert: *distressed*

Amendment 5 (with title amendment)—On page 6, between lines 5 and 6, insert:

Section 3. Subsection (6) of section 163.360, Florida Statutes, is amended to read:

163.360 Community redevelopment plans.—

(6) Following such hearing, the governing body may approve the community redevelopment and the plan therefor if it finds that:

(a) A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;

(b) The community redevelopment plan conforms to the general plan of the county or municipality as a whole;

(c) The community redevelopment plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans; ~~and~~

(d) The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise; *and*:

(e) *The community redevelopment plan and resulting revitalization and redevelopment for a coastal tourist area that is deteriorating and economically distressed will reduce or maintain evacuation time, as appropriate, and ensure protection for property against exposure to natural disasters.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: amending s. 163.360, F.S.; requiring additional findings before approval of certain community redevelopment plans;

Amendment 6—On page 6, line 15, delete “*underutilized*” and insert: *distressed*

Amendment 7—On page 7, lines 13-15, delete those lines and insert: *construction activities within the pilot project areas consistent with the principles, processes, and time frames provided in s. 403.973.*

Amendment 8—On page 8, lines 6-9, delete those lines and insert:

2. *The criteria for review under s. 161.053 are applicable within the pilot project area, except that the structures within the pilot project area shall not be subject to specific shore parallel coverage requirements and are allowed to exceed the 50 percent impervious surface requirement. In*

no case shall stormwater discharge be allowed onto, or seaward of, the frontal dune. Structures are

Amendment 9—On page 9, lines 20-25, delete those lines and insert:

5. *Structures approved pursuant to this section shall not cause flooding of or result in adverse impacts to existing upland structures or properties and shall comply with all other requirements of s. 161.053 and its implementing rules.*

6. *Where there exists a continuous line of viable rigid coastal armor-ing structure on either side of a nonviable rigid coastal armor-ing structure, the department shall grant the necessary permits under s. 161.085 to replace such nonviable rigid coastal armor-ing structure with a viable rigid coastal armor-ing structure as defined in this section. This shall not apply to rigid coastal armor-ing structures constructed after May 1, 1998, unless such structures have been permitted pursuant to s. 161.085(2).*

Pursuant to Rule 4.19, **CS for SB 1458** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1202—A bill to be entitled An act relating to brownfields redevelopment; amending s. 376.77, F.S.; correcting a cross-reference; amending s. 376.79, F.S.; redefining terms and defining the term “secretary”; amending s. 376.80, F.S.; providing that closed military bases may be designated as brownfield areas; clarifying the job-creation criteria for the designation of a brownfield site; clarifying certain terms; amending s. 376.81, F.S.; deleting a duplicative provision relating to the issuance of no-further-action orders; amending s. 376.82, F.S.; providing clarification regarding the eligibility of certain brownfield sites; clarifying the provisions relating to the job creation eligibility criteria; providing liability protection for properties acquired by local or state governments under certain conditions; amending s. 376.83, F.S.; correcting a cross-reference; amending s. 288.106, F.S.; providing that the wage requirement criteria may be waived for a designated brownfield area; requiring the Director of the Office of Tourism, Trade, and Economic Development to approve certain wage requirement waiver requests; amending s. 288.107, F.S.; defining the terms “brownfield area” and “brownfield site”; providing legislative intent regarding the inefficient use of public facilities and services in brownfield areas; creating the Brownfield Areas Loan Guarantee Program; creating the Brownfield Areas Loan Guarantee Council; providing duties and membership; providing that not more than \$5 million of the investment earnings on the investment of the minimum balance of the Nonmandatory Land Reclamation Trust Fund in a fiscal year shall be at risk at any time on one or more loan guarantees, or as loan loss reserves; requiring lenders seeking loan guarantees from the council to follow certain specified procedures; limiting the circumstances under which a lender may file a claim for a loss pursuant to the guaranty; providing the council with certain rulemaking authority; authorizing the council to receive certain funds; requiring the council to file an annual report to the Legislature; providing for future legislative review; amending s. 288.9602, F.S.; providing for the redevelopment of brownfield areas to be included in the declaration of findings regarding economic development; amending s. 288.9605, F.S.; expanding the powers and duties of the Florida Development Finance Corporation to authorize the corporation to make determinations regarding participation in certain partnerships and agreements concerning the redevelopment of brownfield areas and the guaranty of revenue bonds, loan guarantees, or loan loss reserves; requiring the Board of Regents to establish a Center for Brownfield Rehabilitation Assistance in the Environmental Sciences and Policy Program in the College of Arts and Sciences at the University of South Florida; specifying the purpose and duties of the center; amending s. 163.3187, F.S.; providing that local government comprehensive plan amendments directly related to proposed redevelopment of designated brownfield areas may be approved without regard to certain statutory limits on the frequency of amendments to the local comprehensive plan; providing legislative findings and intent regarding lienholders on brownfield property; providing that certain counties and municipalities may apply for designation of an enterprise zone encompassing a brownfield pilot project under certain circumstances; 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 Latvala and adopted:

Amendment 1—On page 39, lines 7-10, delete those lines and insert:

(e) *Determining that the local government with jurisdiction over the area where the brownfield redevelopment project is located has committed in-kind resources, local financial incentives or local financial resources to the total project cost.*

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

Amendment 2—On page 38, line 14, after the period (.) insert: *Of that amount, 15 percent shall be reserved for investment agreements involving predominantly minority-owned businesses which meet the requirements of subsection (4).*

Senator Latvala moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 44, between lines 5 and 6, insert:

Section 17. Subsection (4) of section 376.313, Florida Statutes, is amended to read:

376.313 Nonexclusiveness of remedies and individual cause of action for damages under ss. 376.30-376.319.—

(4) In any civil action brought after July 1, 1986, against the owner or operator of a petroleum storage system for damages arising from a petroleum storage system discharge, the provisions of subsection (3) shall not apply if it can be proven that, at the time of the discharge:

(a) The alleged damages resulted solely from a discharge from a petroleum storage system which was installed, replaced, or retrofitted, and maintained, in a manner consistent with the construction, operation, repair, and maintenance standards established for such systems under chapter ~~62-761 47-61~~, Florida Administrative Code, as that chapter may hereafter be amended. The requirement of consistency with such standards may be satisfied only by being in compliance with the standards at the time of the discharge, regardless of the time specified for compliance under the schedule provided in said chapter.

(b) A leak detection system or systems or a monitoring well or wells were installed and operating in a manner consistent with technical requirements of chapter ~~62-761 47-61~~, Florida Administrative Code, as that chapter may hereafter be amended; and

(c) All inventory, recordkeeping, and reporting requirements of chapter ~~62-761 47-61~~, Florida Administrative Code, as that chapter may hereafter be amended, have been and are being complied with.

Any person bringing such an action must prove negligence to recover damages under this subsection. For the purposes of this subsection, noncompliance with this act, or any of the rules promulgated pursuant hereto, as the same may hereafter be amended, shall be prima facie evidence of negligence.

Section 18. *Section 21 of chapter 86-159, Laws of Florida, is repealed.* (Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 17, after the semicolon (;) insert: 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.;

Pursuant to Rule 4.19, **CS for SB 1202** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 1204—A bill to be entitled An act relating to brownfield redevelopment; creating the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund to be administered by the Office of Tourism, Trade, and Economic Development; authorizing the office to make loans for brownfield site rehabilitation; specifying loan terms and interest rates; providing rulemaking authority; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1204** was placed on the calendar of Bills on Third Reading.

On motion by Senator Harris, by two-thirds vote **CS for HB 319** was withdrawn from the Committees on Commerce and Economic Opportunities; and Governmental Reform and Oversight.

On motion by Senator Harris—

CS for HB 319—A bill to be entitled An act relating to minority business enterprises; amending s. 287.0943, F.S.; providing a presumption for certain certification purposes; providing an exclusion; amending s. 288.703, F.S.; revising definitions; specifying application; providing an effective date.

—a companion measure, was substituted for **SB 940** and read the second time by title.

Senators Jones, Holzendorf, Hargrett, Turner and Meadows offered the following amendment which was moved by Senator Jones and adopted:

Amendment 1—On page 3, lines 16 and 19, delete “\$1 \$3” and insert: \$3

Pursuant to Rule 4.19, **CS for HB 319** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Childers—

SB 304—A bill to be entitled An act relating to organ and tissue donation; amending ss. 320.08047, 322.08, 381.6024, F.S.; authorizing the use of certain funds for maintaining the organ and tissue donor registry; revising annual assessments on certain organ procurement organizations, tissue banks, and eye banks; amending s. 732.911, F.S.; providing definitions; amending ss. 732.912, 732.914, F.S.; clarifying who may make an anatomical gift in the absence of a declaration by a decedent; amending s. 732.913, F.S.; specifying that entities as well as persons may become donees of anatomical gifts; amending s. 732.915, F.S.; repealing an annual assessment on organ procurement organizations, tissue banks, and eye banks; amending s. 732.916, F.S.; revising procedures for amending or revoking an anatomical gift, amending s. 732.9216, F.S.; adding a cross-reference; amending s. 732.922, F.S.; providing a limitation in civil or criminal liability for organ procurement organizations, eye banks, tissue banks, hospitals, and hospital administrators or their designees; providing additional duties for the hospital administrator or his designee and for organ procurement organizations; providing severability; providing effective dates.

—was read the second time by title.

The Committee on Health Care recommended the following amendment which was moved by Senator Brown-Waite and failed:

Amendment 1 (with title amendment)—On page 12, between lines 23 and 24, insert:

Section 13. Subsection (1) of section 322.21, Florida Statutes, is amended to read:

322.21 License fees; procedure for handling and collecting fees.—

(1) Except as otherwise provided herein, the fee for:

(a) An original or renewal commercial driver's license is \$50, which shall include the fee for driver education provided by s. 233.063; however, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires the commercial license, the fee shall be the same as for a Class E driver's license. A delinquent fee of \$1 shall be added for a renewal made not more than 12 months after the license expiration date.

(b) An original Class D or Class E driver's license is \$20, which shall include the fee for driver's education provided by s. 233.063; however, if an applicant has completed training and is applying for employment or

is currently employed in a public or nonpublic school system that requires a commercial driver license, the fee shall be the same as for a Class E license.

(c) The renewal or extension of a Class D or Class E driver's license or of a license restricted to motorcycle use only is \$15, except that a delinquent fee of \$1 shall be added for a renewal or extension made not more than 12 months after the license expiration date. The fee provided in this paragraph shall include the fee for driver's education provided by s. 233.063.

(d) An original driver's license restricted to motorcycle use only is \$20, which shall include the fee for driver's education provided by s. 233.063.

(e) Each endorsement required by s. 322.57 is \$5.

The fees specified in paragraphs (a) through (d) shall be reduced by \$5.00 for persons who make an anatomical gift upon applying for or renewing a driver's license.

Section 14. Subsection (1) of section 732.921, Florida Statutes, is amended to read:

732.921 Donations as part of driver license or identification card process.—

(1) The Agency for Health Care Administration and the Department of Highway Safety and Motor Vehicles shall develop and implement a program encouraging and allowing persons to make anatomical gifts as a part of the process of issuing identification cards and issuing and renewing driver licenses. *As an incentive for such donation, driver license fees shall be reduced as provided in s. 322.21, for persons who complete a donor registration card when applying for or renewing a driver license.* The donor registration card distributed by the Department of Highway Safety and Motor Vehicles shall include the material specified by s. 732.914(2)(b) and may require such additional information, and include such additional material, as may be deemed necessary by that department. The Department of Highway Safety and Motor Vehicles shall also develop and implement a program to identify donors, which program shall include notations on identification cards, driver licenses, and driver records or such other methods as the department may develop. This program shall include, after an individual has completed a donor registration card, making a notation on the front of the driver license or identification card that clearly indicates the individual's intent to donate the individual's organs or tissue. A notation on an individual's driver license or identification card that the individual intends to donate organs or tissues is deemed sufficient to satisfy all requirements for consent to organ or tissue donation. The Agency for Health Care Administration shall provide the necessary supplies and forms through funds appropriated from general revenue or contributions from interested voluntary, nonprofit organizations. The Department of Highway Safety and Motor Vehicles shall provide the necessary record-keeping system through funds appropriated from general revenue. The Department of Highway Safety and Motor Vehicles and the Agency for Health Care Administration shall incur no liability in connection with the performance of any acts authorized herein.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: amending ss. 322.21 and 732.921, F.S.; reducing driver's license fees for persons who register to become organ donors when applying for or renewing a driver's license;

Pursuant to Rule 4.19, **SB 304** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

CS for SB 476—A bill to be entitled An act relating to suspension or revocation of driver's licenses; amending s. 322.28, F.S.; deleting certain additional suspension periods imposed for driving with a suspended license or for failing to surrender a driver's license to the Department of Highway Safety and Motor Vehicles upon suspension or revocation; providing suspension or revocation of driver's licenses not to be concurrent with imprisonment; amending s. 322.271, F.S.; authorizing issuance of

a driver's license for business purposes to persons with two or more DUI convictions 10 or more years apart; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 476** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

SB 200—A bill to be entitled An act relating to county court assessments; amending s. 34.191, F.S.; providing that the county commission may assign the collection of fines, court costs, and other costs imposed by the county court and remaining unpaid after a certain period to a private attorney or collection agency under specified circumstances; providing for authorization by the county commission of any additional fee to offset collection costs; 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 Klein and failed:

Amendment 1—On page 1, lines 30 and 31 and on page 2, line 1, delete those lines and insert: *remain unpaid for 90 days or more to a collection agent who is registered and in good standing pursuant to Chapter 559, if the county commission determines the assignment to*

The Committee on Governmental Reform and Oversight recommended the following amendments which were moved by Senator Klein and failed:

Amendment 2—On page 2, line 5, before the period (.) insert: *, in an amount equal to the cost incurred for collection of the outstanding balance which fee shall not exceed 40% of the benefit obtained*

Amendment 3—On page 2, line 16, before the period (.) insert: *and shall be prospective to fines, forfeitures, and other costs imposed and collected on and after that date*

Senator Klein moved the following amendment which was adopted:

Amendment 4 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 938.35, Florida Statutes, is created to read:

938.35 Collection of court-related financial obligations.—Any provision of law notwithstanding, a county may pursue the collection of any fines, court costs, or other costs imposed by the court which remain unpaid for 90 days or more, or refer such collection to a private attorney who is a member in good standing of The Florida Bar or collection agent who is registered and in good standing pursuant to chapter 559. In pursuing the collection of such unpaid financial obligations through a private attorney or collection agent, the governing body of the county must determine that such collection is cost-effective and the county must follow applicable procurement practices. The costs of collection, including a reasonable attorney's fee, may be recovered, except that such fines and costs of collection may not exceed 40 percent of the total fines and costs owed.

Section 2. This act shall take effect July 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 fines and court costs; creating s. 938.35, F.S.; providing that a county may assign the collection of fines, court costs, and other costs imposed by the court arising from offenses committed in the county and remaining unpaid after a certain period to a private attorney or collection agency under specified circumstances; providing guide lines and procedures; providing attorney's fees to offset collection costs; providing a limitation; providing an effective date.

Pursuant to Rule 4.19, **SB 200** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 114—A bill to be entitled An act relating to molders; providing definitions; providing obligations of molders to customers; providing procedures and conditions for acquisition of title to unclaimed molds; creating s. 713.596, F.S.; creating a molder's lien and specifying rights of a molder; providing definitions; providing procedures; providing for application and repeal; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1—On page 1, lines 23 and 24 and on page 6, lines 10 and 11, delete those lines and insert: *include impressions, molds, models, or study casts used by a dentist, orthotist, or prosthetist within the scope of his or her practice.*

Senator Dudley moved the following amendment which was adopted:

Amendment 2—On page 2, between lines 18 and 19 and between lines 29 and 30, insert:

3. *Provide the customer with the following warning in conspicuous type and in substantially the following form:*

WARNING: YOUR FAILURE TO MAKE TIMELY ARRANGEMENTS FOR THE DISPOSITION OF A MOLD UPON COMPLETION OF ITS USE BY THE MOLDER WILL RESULT IN A TRANSFER OF YOUR RIGHTS IN THAT MOLD TO THE MOLDER AS PROVIDED BY LAW.

On motion by Senator Latvala, further consideration of **CS for SB 114** as amended was deferred.

SB 108—A bill to be entitled An act relating to public records requirements; amending s. 409.175, F.S., exempting from s. 119.07(1), F.S., and from s. 24(a), Art. I of the State Constitution certain information contained in files that pertain to the licensure of family foster homes, residential child-caring agencies, and child-placing agencies; providing for repeal and for legislative review of the exemption; providing a rationale for the exemption; providing an effective date.

—was read the second time by title.

The Committee on Children, Families and Seniors recommended the following amendment which was moved by Senator Hargrett:

Amendment 1—On page 2, line 2, after “*applies to*” insert: *foster parents whose homes are licensed under this section, including, but not limited to,*

On motion by Senator Hargrett, further consideration of **SB 108** with pending **Amendment 1** was deferred.

Consideration of **CS for SB 776** was deferred.

On motion by Senator Campbell, by two-thirds vote **HB 1749** was withdrawn from the Committee on Governmental Reform and Oversight.

On motion by Senator Campbell—

HB 1749—A bill to be entitled An act relating to Law Day; creating s. 683.22, F.S.; designating “Law Day” and “Law Week”; providing an effective date.

—a companion measure, was substituted for **SB 928** and read the second time by title.

Pursuant to Rule 4.19, **HB 1749** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for CS for SB 1046—A bill to be entitled An act relating to rulemaking authority with respect to the regulation of the citrus indus-

try; creating s. 601.9918, F.S.; authorizing the Florida Citrus Commission to refer to national or state requirements in rules relating to issuance and use of symbols, certification marks, service marks, and trademarks; amending s. 601.10, F.S.; authorizing the Department of Citrus to adopt a rule listing forms to be used in conducting its business; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, between lines 6 and 7, insert:

Section 3. Subsection (2) of section 601.61, Florida Statutes, is amended to read:

601.61 Bond requirements of citrus fruit dealers.—

(2) Said bond shall be in the form approved by the Department of Agriculture and Consumer Services and shall be conditioned as provided in s. 601.66(9), and also to fully comply with the terms and conditions of all contracts, verbal or written, made by the citrus fruit dealer with producers or with other citrus fruit dealers, relative to the purchasing, handling, sale, and accounting of purchases and sales of citrus fruit, and upon the dealer accounting for the proceeds from, and paying for, any citrus fruit purchased or contracted for, in accordance with the terms of the contracts with producers, and upon the dealer accounting for any advance payments or deposits made, and delivering all citrus fruit contracted for, in accordance with the terms of the contracts with other citrus fruit dealers. *The commission may prescribe by rule that such a producer contract contain information that it considers necessary to protect the producer from deceptive practices.* For purposes of this chapter, every such contract shall be conclusively deemed to have been made and entered into during the shipping season in which the delivery of fruit into the primary channel of trade is made.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: amending s. 601.61, F.S., relating to the bond requirements of citrus fruit dealers; allowing the Florida Citrus Commission to prescribe certain terms of producer contracts;

Pursuant to Rule 4.19, **CS for CS for SB 1046** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

SB 108—A bill to be entitled An act relating to public records requirements; amending s. 409.175, F.S., exempting from s. 119.07(1), F.S., and from s. 24(a), Art. I of the State Constitution certain information contained in files that pertain to the licensure of family foster homes, residential child-caring agencies, and child-placing agencies; providing for repeal and for legislative review of the exemption; providing a rationale for the exemption; providing an effective date.

—which was previously considered this day. Pending **Amendment 1** by the Committee on Children, Families and Seniors failed.

Pending further consideration of **SB 108**, on motion by Senator Hargrett, by two-thirds vote **CS for CS for HB 1849** was withdrawn from the Committees on Children, Families and Seniors; and Governmental Reform and Oversight.

On motion by Senator Hargrett—

CS for CS for HB 1849—A bill to be entitled An act relating to public records; amending s. 409.175, F.S.; providing an exemption from public records requirements for specified personal information contained in licensing files concerning persons licensed to be family foster parents and their spouses, children, and other adult household members; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 108** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1849** was placed on the calendar of Bills on Third Reading.

CS for SB 776—A bill to be entitled An act relating to physician assistants; amending ss. 39.01, 154.04, 232.465, 395.0191, 458.347, 459.022, 627.351, 627.357, 766.105, 766.1115, 984.03, 985.03, F.S.; providing for licensure of physician assistants rather than certification; prescribing qualifications for licensure and revising provisions governing examinations; conforming statutory provisions; providing an effective date.

—was read the second time by title.

Senators Clary and Horne offered the following amendment which was moved by Senator Horne:

Amendment 1—On page 1, line 21; on page 33, line 19; and on page 37, lines 20 and 29, after “458” insert: *or chapter 459*

On motion by Senator Horne, further consideration of **CS for SB 776** with pending **Amendment 1** was deferred.

On motion by Senator Kirkpatrick, by two-thirds vote **HB 3261** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Kirkpatrick—

HB 3261—A bill to be entitled An act relating to telecommuting; repealing s. 3 of ch. 94-113, Laws of Florida; abrogating the repeal of s. 110.171, F.S., which establishes the state employee telecommuting program; providing an effective date.

—a companion measure, was substituted for **SB 496** and read the second time by title.

Pursuant to Rule 4.19, **HB 3261** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 166—A bill to be entitled An act relating to public records and meetings; amending s. 408.7056, F.S.; providing an exemption from public records requirements for certain personal information in documents, reports, or records prepared or reviewed by a provider and subscriber assistance panel or obtained by the Agency for Health Care Administration; providing an exemption for portions of meetings of such panels when such information or trade secret or internal risk management program information is discussed; requiring recording of closed meetings; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 166** to **CS for HB 1437**.

Pending further consideration of **SB 166** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for HB 1437** was withdrawn from the Committees on Health Care; and Governmental Reform and Oversight.

On motion by Senator Brown-Waite—

CS for HB 1437—A bill to be entitled An act relating to public records and meetings; amending s. 408.7056, F.S.; providing an exemption from public records requirements for certain personal information in documents, reports, or records prepared or reviewed by a provider and subscriber assistance panel or obtained by the Agency for Health Care Administration; providing an exemption for portions of meetings of such panels when such information, or trade secret or internal risk management program information, is discussed; requiring recording of closed

meetings; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 166** as amended and read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, line 3, delete “and” and insert: *or*

And the title is amended as follows:

On page 1, line 10, after “panels” insert: when a subscriber whose grievance will be discussed requests a closed meeting or

Pursuant to Rule 4.19, **CS for HB 1437** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Williams, by two-thirds vote **CS for HB 3199** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Williams—

CS for HB 3199—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; revising a definition; amending s. 538.04, F.S.; exempting secondhand dealers from certain recordkeeping requirements for transactions involving secondhand sports equipment; providing an exception; providing an effective date.

—a companion measure, was substituted for **CS for SB 382** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3199** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 492** was deferred.

On motion by Senator Dyer—

CS for SB 812—A bill to be entitled An act relating to clean air; creating ss. 252.934, 252.935, 252.936, 252.937, 252.938, 252.939, 252.940, 252.941, 252.942, 252.944, 252.945, 252.946, F.S.; providing for the Florida Accidental Release Prevention and Risk Management Planning Act; providing a short title and purpose; defining terms; directing the Department of Community Affairs to seek delegation from the U.S. Environmental Protection Agency to implement the Accidental Release Prevention Program under the federal Clean Air Act or specified sources; providing for funding and fees; providing enforcement authority; providing penalties; authorizing the department to conduct inspections and audits; providing for tort liability; providing for a start-up loan; providing procedures for the release of information; amending s. 252.85, F.S.; deleting certain standard industrial classification codes from certain annual reporting requirements; allowing the Department of Community Affairs to consider certain factors in assessing late fees; providing an effective date.

—was read the second time by title.

Senator Dyer moved the following amendments which were adopted:

Amendment 1—On page 2, line 6 through page 7, line 28, delete those lines and insert:

252.935 Purpose.—The purpose of this part is to establish adequate state authorities to implement, fund, and enforce the requirements of the Accidental Release Prevention Program of Section 112(r)(7) of the federal Clean Air Act and federal implementing regulations for specified sources. To ensure the efficient use of resources, it is the intent of the Legislature for the state to seek delegation of the Section 112(r)(7) Accidental Release Prevention Program from the U.S. Environmental Protection Agency for specified sources and for duplication and redundancy to be avoided to the maximum extent practicable with no expansion or addition of the regulatory program.

252.936 Definitions.—As used in this part, the term:

(1) "Accidental release" means an unanticipated emission of a regulated substance into the ambient air from a stationary source.

(2) "Accidental Release Prevention Program" means the program to implement the accidental release prevention, detection, and response provisions of Section 112(r)(7) of the Clean Air Act and federal implementing regulations.

(3) "Audit" means a review of information at a stationary source subject to Section 112(r)(7), or submitted by a stationary source subject to Section 112(r)(7), to determine whether that stationary source is in compliance with the requirements of this part and rules adopted to implement this part. Audits must include a review of the adequacy of the stationary source's Risk Management Plan, may consist of reviews of information submitted to the department or the U.S. Environmental Protection Agency to determine whether the plan is complete or whether revisions to the plan are needed, and the reviews may be conducted at the stationary source to confirm that information onsite is consistent with reported information.

(4) "Chemical Safety and Hazard Investigation Board" means the federal Chemical Safety and Hazard Investigation Board created under Section 112(r)(6) of the Clean Air Act.

(5) "Clean Air Act" means the federal Clean Air Act, as amended, codified at 42 USC ss. 7401-7671q.

(6) "Commission" means the State Emergency Response Commission for Hazardous Materials created by Executive Order 94-138.

(7) "Committee" means any local emergency planning committee established in the state under s. 301 of the federal Emergency Planning and Community Right To Know Act, 42 USC s. 11001, et seq.

(8) "Department" means the Department of Community Affairs.

(9) "Inspection" means a review of information at a stationary source subject to Section 112(r)(7), including documentation and operating practices and access to the source and to any area where an accidental release could occur, to determine whether the stationary source is in compliance with the requirements of this part or rules adopted to implement this part.

(10) "Owner or operator" means any person who owns, leases, operates, controls, or supervises any stationary source subject to Section 112(r)(7) of the Clean Air Act.

(11) "Person" means an individual, corporation, partnership, association, state or any agency or institution thereof, municipality, political subdivision of the state, and any agency, department, or instrumentality of the United States, and any officer, agent, or employee thereof, and, for the purposes of s. 252.941, any responsible corporate officer.

(12) "Process" means a process as that term is defined under 40 C.F.R. Part 68.

(13) "Program level" means a Program 1, Program 2, or Program 3 stationary source level as determined under 40 C.F.R. Part 68.

(14) "Regulated substance" means any regulated substance defined or listed under Section 112(r)(3) of the Clean Air Act and federal implementing regulations. Consistent with Section 112(r)(7) federal implementing regulations, ammonia used as an agricultural nutrient, when held by farmers, is exempt from this part.

(15) "Risk Management Plan" means the Risk Management Plan required under Section 112(r)(7) of the Clean Air Act and federal implementing regulations.

(16) "Section 112(r)" means the provisions of Section 112(r) of the Clean Air Act.

(17) "Section 112(r)(7)" means the accidental release prevention, detection, and response provisions in Section 112(r)(7) of the Clean Air Act.

(18) "Stationary source" means any buildings, structures, equipment, installations, or regulated substance emitting stationary activities which belong to the same industrial group, which are located on one or more

contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur. The term does not apply to transportation, including storage incident to transportation of any regulated substance under the provisions of this part. A stationary source includes transportation containers used for storage not incident to transportation and transportation containers connected to equipment at the stationary source for loading or unloading. Transportation includes, but is not limited to, transportation that is subject to oversight or regulation under 49 CFR parts 192, 193, or 195 or a state natural gas or hazardous liquid program for which the state has in effect a certification to the United States Department of Transportation under 40 U.S.C. s. 60105. A stationary source does not include naturally occurring hydrocarbon reservoirs. Properties may not be considered contiguous solely because of a railroad or gas pipeline right-of-way. Stationary sources subject to chapter 527 whose only regulated substance subject to Section 112(r)(7) is liquefied petroleum gas are exempt from Part IV, chapter 252.

(19) "Trust fund" means the Operating Trust Fund established in the department's Division of Emergency Management.

252.937 Department powers and duties.—

(1) The department has the power and duty to:

(a)1. Seek delegation from the U.S. Environmental Protection Agency to implement the Accidental Release Prevention Program under Section 112(r)(7) of the Clean Air Act and the federal implementing regulations for specified sources subject to Section 112(r)(7) of the Clean Air Act. Implementation for all other sources subject to Section 112(r)(7) of the Clean Air Act will be performed by the U.S. Environmental Protection Agency; and

2. Ensure the timely submission of Risk Management Plans and any subsequent revisions of Risk Management Plans.

(b) Adopt, modify, and repeal rules, with the advice and consent of the commission, necessary to obtain delegation from the U.S. Environmental Protection Agency and to administer the Section 112(r)(7) Accidental Release Prevention Program in this state for the specified stationary sources with no expansion or addition of the regulatory program.

(c) Make and execute contracts and other agreements necessary or convenient to the implementation of this part.

(d) Coordinate its activities under this part with its other emergency management responsibilities, including its responsibilities and activities under parts I, II, and III of this chapter and with the related activities of other state and local agencies, keeping separate accounts for all activities conducted under this part which are supported or partially supported from the Trust Fund.

(e) Establish, with the advice and consent of the commission, a technical assistance and outreach program on or before January 31, 1999, to assist owners and operators of specified stationary sources subject to Section 112(r)(7) in complying with the reporting and fee requirements of this part. This program is designed to facilitate and ensure timely submission and registration of Risk Management Plans and revised registrations and Risk Management Plans when required for these sources.

(f) Make a quarterly report to the State Emergency Response Commission on income and expenses for the state's Accidental Release Prevention Program under this part.

(2) To ensure that this program is self-supporting, the department shall provide administrative support, including staff, facilities, materials, and services to implement this part for specified stationary sources subject to s. 252.939 and shall provide necessary funding to local emergency planning committees and county emergency management agencies for work performed to implement this part. Each state agency with regulatory, inspection, or technical assistance programs for specified stationary sources subject to this part shall enter into a Memorandum of Understanding with the department which specifically outlines how each agency's staff, facilities, materials, and services will be utilized to support implementation. At a minimum, these agencies and programs include: the Department of Environmental Protection's Division of Air Resources Management and Division of Water Facilities, and the Department of Labor and Employment Security's Division of Safety. It is the

Legislature's intent to implement this part as efficiently and economically as possible, using existing expertise and resources, if available and appropriate.

(3) To prevent the duplication of investigative efforts and resources, the department, on behalf of the commission, shall coordinate with any federal agencies or agents thereof, including the federal Chemical Safety and Hazard Investigation Board, or its successor, which are performing accidental release investigations for specified stationary sources, and may coordinate with any agencies of the state which are performing accidental release investigations. This accidental release investigation coordination is not intended to limit or take the place of any individual agency accidental release investigation under separate authority.

(4) To promote efficient administration of this program and specified stationary sources, the only agency

Amendment 2—On page 8, line 3 through page 11, line 31, delete those lines and insert:

252.938 Funding.—

(1) It is the intent of the Legislature that the state activities and expenditures under this part be self-sustaining through fees contributed by specified sources as provided in this part.

(2) All fees and penalties collected under this part must be deposited in the Operating Trust Fund for appropriation to fund the state's Accidental Release Prevention Program under this part.

252.939 Fees.—

(1)(a) Any owner or operator of a specified stationary source in the state which must submit a Risk Management Plan to the U.S. Environmental Protection Agency under Section 112(r)(7) shall pay an annual registration fee for each specified stationary source to the department. The annual registration fee is due to the department upon initial submission of a stationary source's Risk Management Plan to the U.S. Environmental Protection Agency, and every April 1 thereafter.

(b) Prior individual written notice shall be provided by U.S. mail by the department to owners or operators of specified stationary sources in the state subject to the requirements under Section 112(r)(7) to submit Risk Management Plans and corresponding state registration fees. This notice must include the requirements of the state fee schedule and must be mailed at least 90 days before the due date for the specified stationary source's initial registration and Risk Management Plan submission year and at least 30 days before the registration fee due date for subsequent years.

(c) The department shall establish a fee schedule by rule for the specified stationary sources, upon the advice and consent of the commission. The annual registration fee must be based on a stationary source's highest program level, as determined under the federal implementing regulations for Section 112(r)(7) and may not exceed the following:

1. Program 1 Stationary Sources \$100. Multiple Program 1 stationary sources which are under common ownership and which have the same single chemical process, shall pay a full fee for the first stationary source location and a 50 percent fee for subsequent locations with no owner of such multiple stationary sources paying more than \$1,000. To be eligible for this multiple stationary source fee provision, one single fee payment must be submitted by the owner of the eligible multiple stationary source locations with a listing of the multiple stationary source locations and the single chemical process.

2. Program 2 Stationary Sources \$200. Multiple Program 2 stationary sources which are under common ownership and which have the same single chemical process, shall pay a full fee for the first three stationary source locations and a 50 percent fee for subsequent locations with no owner of such multiple stationary sources paying more than \$2,000. Multiple Program 2 stationary sources which are under common ownership and which are classified under one of the following Standard Industrial Classification group numbers 01, 02, or 07 shall pay a full fee, not to exceed \$100 for the first stationary source location and a 50 percent fee for subsequent locations with no owner of such multiple stationary sources paying more than \$800. To be eligible for this multiple stationary source fee provisions, one single fee payment must be submitted by the owner of the eligible multiple stationary source locations with a listing of the multiple stationary source locations and the chemical process.

3. Program 3 Stationary Sources \$1,000.

(d) Annual registration fees under this section are not required until after the department receives final delegation approval from the U.S. Environmental Protection Agency to administer the Section 112(r)(7) Accidental Release Prevention Program for the specified stationary sources.

(2) The department shall establish by rule late fees, not to exceed 10 percent per month of the annual registration fee owed, and not to exceed a total of 50 percent, for failure to timely submit an annual registration fee. A late fee may not be assessed against a stationary source during the initial registration and submission year if 90 days prior written notice was not provided to that stationary source.

(3) In determining whether an annual registration fee is timely submitted under subsections (1) and (2), if the fee is:

(a) Mailed via U.S. mail, the date of submittal is the date evidenced by the postmark.

(b) Delivered by overnight or other private mail carriers, the date of submittal is the date the package is deposited with the overnight carrier.

(c) Hand-delivered, other than by overnight or private mail carrier, the date of submittal is the date of actual receipt.

(4) If the Legislature directs the department to seek authority to implement and enforce Section 112(r)(7) of the Clean Air Act for additional stationary sources, the department shall, with the advice of the commission, review and suggest revisions, if necessary and appropriate, to the fees specified in s. 252.939.

252.940 Enforcement; procedure; remedies.—

(1) The department has the following enforcement authority and remedies for specified stationary sources available to it for violations of this part as specified in s. 252.941:

(a) To institute a civil action in a court of competent jurisdiction in order to seek injunctive relief to immediately restrain or enjoin any person from engaging in any activity in violation of this part which is presenting an imminent and substantial endangerment to the public health or welfare or the environment; and to seek injunctive relief to enforce compliance with this part or any rule, regulation, program requirement, or order implementing this part.

(b) To institute a civil action in a court of competent jurisdiction to impose and to recover a civil penalty for each violation, as specified in s. 252.941(1), in an amount of not more than \$10,000 per offense. However, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense.

(c) To seek criminal remedies, including fines, for violations as specified in s. 252.941(2).

(d) Failure to comply with the fee provisions under s. 252.939 is not a violation under s. 252.941. Section 252.939(2) is the sole remedy for fee provisions in s. 252.939, except that the department may enforce a final order entered under that section pursuant to s. 120.69.

(2) An action may not be commenced or continued under this section if the Administrator of the U.S. Environmental Protection Agency has commenced and is diligently pursuing an administrative order or civil or criminal action to enforce a specific requirement or to impose a civil or criminal penalty under Section 112(r) with respect to the specific violation. If the U.S. Environmental Protection Agency initiates any action after the state has initiated an action based on the same cause, the state suit shall be dismissed without prejudice and may be refiled only in the event that the U.S. Environmental Protection Agency discontinues the enforcement action prior to settlement or final judgment.

(3) For the purposes of this section, the department may offer and accept the use of emergency planning, training, and response-related Supplemental Environmental Projects, consistent with the guidelines established by the U.S. Environmental Protection Agency.

(4) The authorities and remedies provided under this section shall not take effect until after such time as the department has received final

delegation approval from the U.S. Environmental Protection Agency to administer the Section 112(r)(7) Accidental Release Prevention Program for specified stationary sources.

Amendment 3—On page 13, lines 7-18, delete those lines and insert: 112(r)(7) Accidental Release Prevention Program for specified stationary sources.

252.942 Inspections and audits.—

(1)(a) Any duly authorized representative of the department may at any reasonable time enter to inspect and audit, in order to ascertain compliance with this part or rules adopted to implement this part, any specified stationary source subject to the requirements of Section 112(r)(7), except a building that is used exclusively for a private residence.

(b) Any duly authorized representative may at any reasonable time have access to any specified

Amendment 4 (with title amendment)—On page 15, line 11 through page 17, line 2, delete those lines and insert: *plan which identifies specified stationary sources or audits based on the program resources available. Stationary sources will be prioritized for audits based on factors which include, but are not limited to, stationary source location and proximity to population centers, chemical characteristics and inventories, stationary source accident history, process accident history, compliance or inspection by allied agency programs, and the results of stationary sources' self-audits.*

(5) Upon request, owners or operators of specified stationary sources subject to Section 112(r)(7) shall receive an oral exit interview at the conclusion of an inspection or audit.

(6) Following an audit or inspection, the department shall issue the owner or operator a written preliminary determination of any necessary revisions to the stationary source Risk Management Plan to ensure that the plan meets the requirements of this part and rules adopted to implement this part. The preliminary determination must include an explanation of the basis for the revisions, reflecting industry standards and guidelines to the extent that such standards and guidelines are applicable, and must include a timetable for their implementation.

(7) The department shall provide reasonable notice of its intent to conduct an onsite inspection or audit of a specified stationary source. Inspections or audits may be conducted without notice in response to an accidental release or to protect the public health, safety, and welfare.

252.944 Tort liability.—The commission and the committees are state agencies, and the members of the commission and committees are officers, employees, or agents of the state for the purpose of s. 768.28.

252.945 Start up loan.—The department may advance a start up loan in the amount of \$400,000 from the hazardous materials account in the Operating Trust Fund to support initial implementation of this part. This loan must be repaid in equal annual installments by 2006, beginning October 1, 2001.

252.946 Public records.—With regard to information submitted to the U.S. Environmental Protection Agency under this part or Section 112(r)(7), the Department of Community Affairs, the State Hazardous Materials Emergency Response Commission, and any local emergency planning committee may assist persons in electronically accessing such information held by the U.S. Environmental Protection Agency in its centralized database. If requested, the department, the commission, or a committee may furnish copies of such U.S. Environmental Protection Agency records. For these, and any other records copies, the department, the commission, or the committees may charge a fee of up to \$1.00 per page for over 25 pages copied, per person, per year.

Section 2. In the interim prior to the regular legislative session in 2000, the appropriate substantive committees of the Senate and the House of Representatives shall conduct a review of the Florida Accidental Release Prevention and Risk Management Planning Act. The Department of Community Affairs, the State Emergency Response Commission, local emergency planning committees, the Department of Environmental Protection, the Department of Labor and Employment Security, county emergency management agencies, and all other agencies or private entities providing regulatory, inspection, or technical assistance shall provide information and assist in the review as needed. The review should

include an analysis of the effectiveness and efficiency of the program, including the technical assistance and outreach programs offered; the level of participation in the program; the quality of the Risk Management Plans submitted; the adequacy of the administrative support provided and the efficiency and effectiveness of program administration, monitoring, coordination, and recordkeeping; the adequacy and quality of investigative efforts; the adequacy of the fee structure; the adequacy and quality of contracts entered into, audits, or inspections; and any other aspect of the program as determined by the legislative committees. Subsequent to this review, the legislative committees are to make recommendations regarding whether to continue the program. The committees are to address what, if any, statutory provisions should be modified in order to improve the program. Legislation should be promulgated to effectuate the committees' recommendations.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: directing legislative committees to review the Florida Accidental Release Prevention and Risk Management Planning Act;

Pursuant to Rule 4.19, **CS for SB 812** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 1058—A bill to be entitled An act relating to solid waste management; amending s. 403.7045, F.S.; authorizing the Department of Environmental Protection to allow recycling and reuse of ash residue which meets department standards adopted by rule; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1058** was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for CS for SB 626—A bill to be entitled An act relating to timeshare plans; amending s. 721.03, F.S.; revising provisions with respect to the scope of the chapter; providing for certain rules; amending s. 721.05, F.S.; defining the term "regulated short-term product"; amending s. 721.06, F.S.; revising provisions with respect to contracts for the purchase of timeshare periods; amending s. 721.07, F.S.; revising provisions with respect to public offering statements; providing a time period for amendments that add a new component site to an approved multisite timeshare plan; amending s. 721.075, F.S.; deleting provisions with respect to certain incidental benefits offered by a developer; amending s. 721.09, F.S.; revising provisions with respect to reservation agreements; providing for cancellation of such agreements under certain circumstances; amending s. 721.11, F.S.; requiring that advertisements of regulated short-term products be filed with the division; requiring disclosure statements for purchase agreements; amending s. 721.13, F.S.; revising provisions with respect to management; amending s. 721.15, F.S.; revising provisions with respect to assessments for common expenses; amending s. 721.18, F.S.; revising a time period with respect to the filing of certain information concerning exchange programs; amending s. 721.26, F.S.; authorizing the imposition of penalties with respect to certain rules; amending s. 721.265, F.S.; providing service of process in receivership proceedings; creating part III of chapter 721, F.S.; creating the "Timeshare Lien Foreclosure Act"; providing legislative purpose; providing definitions; providing for a registered agent; providing for the consolidation of foreclosure actions; creating part IV of ch. 721, F.S.; creating timeshare commissioners of deeds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 626** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

CS for SB 818—A bill to be entitled An act relating to fire prevention and control; amending s. 633.537, F.S.; changing expiration and renewal of certificates of competency for fire protection contractors from an annual to a biennial basis; revising continuing education requirements and providing transitional continuing education requirements, to conform; amending s. 633.524, F.S.; increasing the renewal fee, to conform; amending s. 633.60, F.S., relating to engaging in the business or acting in the capacity of a contractor of automatic fire sprinkler systems, to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 818** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

SB 1292—A bill to be entitled An act relating to controlled substances; amending s. 893.12, F.S.; deleting the requirement that a copy of the record of the destruction of seized controlled substances be sent to the Drug Enforcement Administration; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1292** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kurth, by two-thirds vote **HB 65** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Kurth—

HB 65—A bill to be entitled An act relating to crime prevention assistance; repealing ss. 426.001, 426.002, 426.003, 426.004, 426.005, 426.006, 426.007, 426.008, and 426.009, F.S., relating to crime prevention assistance; amending ss. 938.09 and 938.11, F.S., to conform; providing an effective date.

—a companion measure, was substituted for **SB 982** and read the second time by title.

Pursuant to Rule 4.19, **HB 65** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 708** was deferred.

On motion by Senator Campbell—

CS for SB 154—A bill to be entitled An act relating to offenses that evidence prejudice; amending s. 775.085, F.S.; providing enhanced penalties for offenses that show evidence of prejudice against the victim, based on the victim's mental or physical disability or advanced age; providing definitions; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1—Delete everything after the enacting clause and insert:

Section 1. Section 775.085, Florida Statutes, is amended to read:

775.085 Evidencing prejudice while committing offense; enhanced penalties.—

(1)(a) The penalty for any felony or misdemeanor shall be reclassified as provided in this subsection if the commission of such felony or misdemeanor evidences prejudice based on the race, color, ancestry,

ethnicity, religion, sexual orientation, or national origin, *mental or physical disability, or advanced age* of the victim:

1.(a) A misdemeanor of the second degree shall be punishable as if it were a misdemeanor of the first degree.

2.(b) A misdemeanor of the first degree shall be punishable as if it were a felony of the third degree.

3.(c) A felony of the third degree shall be punishable as if it were a felony of the second degree.

4.(d) A felony of the second degree shall be punishable as if it were a felony of the first degree.

5. A felony of the first degree shall be punishable as if it were a life felony.

(b) As used in paragraph (a), the term:

1. "Mental or physical disability" means that the victim suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness, and has one or more physical or mental limitations that restrict the victim's ability to perform the normal activities of daily living.

2. "Advanced age" means that the victim is older than 65 years of age.

(2) A person or organization that which establishes by clear and convincing evidence that it has been coerced, intimidated, or threatened in violation of this section ~~has shall have~~ a civil cause of action for treble damages, an injunction, or any other appropriate relief in law or in equity. Upon prevailing in such civil action, the plaintiff may recover reasonable attorney's fees and costs.

(3) It ~~is shall be~~ an essential element of this section that the record reflect that the defendant perceived, knew, or had reasonable grounds to know or perceive that the victim was within the class delineated in this section herein.

Section 2. This act shall take effect October 1, 1998.

Pursuant to Rule 4.19, **CS for SB 154** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 892—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; providing for methadone maintenance treatment; amending s. 397.501, F.S.; providing for appropriate use of methods and techniques for controlling aggressive clients; providing rulemaking authority relating to the use of such methods and techniques; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 892** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 668—A bill to be entitled An act relating to violent offenders; amending s. 945.092, F.S.; providing that a habitual violent felony offender or violent career criminal may not be placed in a work-release program or confined in a minimum security facility; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

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

Section 2. Subsection (6) of section 985.307, Florida Statutes, is amended to read:

985.307 Juvenile assignment centers.—

(6) Notwithstanding any provision to the contrary, this section expires July 1, 2002~~1998~~, unless reenacted by the Legislature. The department may not create or operate a juvenile assignment center after July 1, 2002~~1998~~, without further legislative authority. Unless reenacted by the Legislature, any juvenile assignment center created under this section shall be converted to a high-level or maximum-level residential commitment program, subject to availability of funds.

(Redesignate subsequent sections.)

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal offenders; amending s. 945.092, F.S.; providing that a habitual violent felony offender or violent career criminal may not be placed in a work-release program or confined in a minimum security facility; amending s. 985.307, F.S.; postponing expiration date of juvenile assignment center; providing an effective date.

Pursuant to Rule 4.19, **SB 668** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne, by two-thirds vote **CS for CS for HB 1137** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Horne—

CS for CS for HB 1137—A bill to be entitled An act relating to tests for alcohol, chemical substances, or controlled substances; amending ss. 316.1932 and 316.1933, F.S., relating to implied consent for testing for impairment or intoxication in cases of death or serious bodily injury; authorizing certain health care providers who become aware of a person's unlawful blood-alcohol level to notify law enforcement officials; prescribing a form for the notice; providing that such notice or failure to provide notice is not a violation of any ethical, moral, or legal duty; prohibiting any action or administrative proceeding being brought against anyone participating in good faith in providing or failing to provide such notice; providing for certain immunity from civil or criminal liability and from any professional disciplinary action; providing for certain immunity in any judicial proceeding resulting from the notice or failure to provide notice; providing an effective date.

—a companion measure, was substituted for **CS for SB 508** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1137** was placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

SB 830—A bill to be entitled An act relating to homestead tax exemptions; amending s. 196.011, F.S.; deleting requirements for social security numbers to be included on applications for homestead exemptions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 830** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson, by two-thirds vote **HB 3477** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Bronson—

HB 3477—A bill to be entitled An act relating to determination of millage; amending s. 200.065, F.S.; authorizing taxing authorities to adopt the tax levies and budgets of their dependent special taxing districts by single votes, unless a member of the public requests a separate discussion and vote for the tax levy or budget of any such district; providing an effective date.

—a companion measure, was substituted for **SB 560** and read the second time by title.

Pursuant to Rule 4.19, **HB 3477** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 540—A bill to be entitled An act relating to emergency medical services; amending s. 784.07, F.S.; redefining the term “emergency medical care providers” to include physician assistants, emergency room orderlies, and emergency room security guards; providing that the term includes personnel who are performing official duties whether within or outside an emergency room; providing that enhanced penalties and certain minimum sentences apply if a person is convicted of assault or battery against an emergency medical care provider; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Lee and adopted:

Amendment 1 (with title amendment)—On page 2, lines 12-18, delete those lines and insert: registered nurse, physician as defined in s. 401.23, medical director as defined in s. 401.23, or any person authorized by an emergency medical service licensed under chapter 401 *who is engaged in the performance of his or her duties. The term “emergency medical care provider” also includes physicians, employees, agents, or volunteers of hospitals as defined in chapter 395, who are employed, under contract, or otherwise authorized by a hospital to perform duties directly associated with the care and treatment rendered by the hospital’s emergency department or the security thereof.*

And the title is amended as follows:

On page 1, lines 4-9, delete those lines and insert: “emergency medical care providers” to clarify such persons must be engaged in the performance of duties; providing that the term includes enumerated personnel of a hospital’s emergency department; providing that

Pursuant to Rule 4.19, **SB 540** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt, by two-thirds vote **CS for HB 3065** was withdrawn from the Committee on Transportation.

On motion by Senator Burt—

CS for HB 3065—A bill to be entitled An act relating to building, bridge, and overpass designations; designating the Florida Department of Transportation District Five headquarters building located in Volusia County as the “Ben G. Watts Building”; designating a specified bridge in Pasco County as the “Father Felix Ullrich Bridge”; designating Fiske Boulevard overpass at Interstate Highway 95 in Rockledge as the “Jack I. Korenblit Overpass”; directing the Department of Transportation to erect suitable markers; providing an effective date.

—a companion measure, was substituted for **CS for SB 178** and read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 4, between lines 9 and 10, insert:

Section 4. *In recognition of the circumstances that the Game and Fresh Water Fish Commission can no longer utilize its property at 551 N. Military Trail in West Palm Beach, the commission is directed to transfer its ownership interest in the land and facilities at this site to the County of Palm Beach. Transfer of ownership is contingent upon the commission making a determination that the transfer will not result in an ineligibility for future federal funds from the U.S. Department of Interior since federal funds have been used to construct facilities at this location.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: providing for the transfer of ownership of specified property;

Senator Bankhead moved the following amendments which were adopted:

Amendment 2 (with title amendment)—On page 4, between lines 9 and 10, insert:

Section 4. *The Jacksonville Children's Medical Services Building is designated as the "Richard G. Skinner, Jr., M.D., Children's Medical Services Building."*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: designating the Jacksonville Children's Medical Services Building as the "Richard G. Skinner, Jr., M.D., Children's Medical Services Building";

Amendment 3—In title, on page 3, line 10, delete "NOW, THEREFORE," and insert: and,

WHEREAS, Richard G. Skinner, Jr., M.D., dedicated 48 years of his life to serving children who have chronic diseases and multihandicapping conditions, and

WHEREAS, Richard G. Skinner, Jr., M.D., served a vital role in developing Florida's Children's Medical Services programs as Medical Director of Children's Medical Services, District IV, from 1965 until 1990, and

WHEREAS, Richard G. Skinner, Jr., M.D., served children with special needs through his life of work in medicine and in the community, NOW, THEREFORE,

Pursuant to Rule 4.19, **CS for HB 3065** as amended was placed on the calendar of Bills on Third Reading.

CS for SB 550—A bill to be entitled An act relating to adoption; amending ss. 39.461, 39.464, 39.469, F.S., relating to the petition and grounds for terminating parental rights and powers of disposition; removing provisions authorizing licensed child-placing agencies to file actions to terminate parental rights; amending s. 39.47, F.S.; providing additional requirements for a petition for adoption; prohibiting filing such petition until the order terminating parental rights is final; amending s. 63.022, F.S.; revising legislative intent with respect to adoptions in this state; amending s. 63.032, F.S.; revising definitions; defining the term "adoption entity"; creating s. 63.037, F.S.; exempting adoption proceedings that result from a termination of parental rights under ch. 39, F.S., from certain provisions of ch. 63, F.S.; creating s. 63.038, F.S.; providing criminal penalties for committing certain fraudulent acts; creating s. 63.039, F.S.; providing sanctions and an award of attorney's fees under certain circumstances; amending s. 63.052, F.S.; providing for placement of a minor pending adoption; specifying the jurisdiction of the court over a minor who has been placed for adoption; amending s. 63.062, F.S.; specifying additional persons who must consent to an adoption, execute an affidavit of nonpaternity, or receive notice of proceedings to terminate parental rights; permitting an affidavit of nonpaternity under certain circumstances; amending s. 63.082, F.S.; revising requirements for executing a consent to an adoption; providing a time period for withdrawing consent; providing additional disclosure requirements; amending s. 63.085, F.S.; specifying information that must be disclosed to persons seeking to adopt a minor and to the birth parents; creating s. 63.087, F.S.; requiring that a separate proceeding be conducted by the court to determine whether a birth parent's parental rights should be terminated; providing for rules, jurisdiction, and venue for such proceedings; providing requirements for the petition and hearing; creating s. 63.088, F.S.; providing requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing requirements for the notice; providing requirements for conducting a diligent search for such person whose location is unknown; requiring that an unlocated or unidentified person be served notice by constructive service; providing that failure to respond or appear constitutes grounds to terminate parental rights pending adoption; creating s. 63.089, F.S.;

providing procedures for the proceeding to terminate parental rights pending adoption; specifying the matters to be determined; specifying grounds upon which parental rights may be terminated; providing for procedures following a judgment; providing for records to be made part of the subsequent adoption; amending s. 63.092, F.S.; providing requirements to be met if a prospective placement in an adoptive home is an at-risk placement; defining at-risk placement; amending s. 63.097, F.S.; revising requirements for the court in approving specified fees and costs; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; providing requirements for prior approval of fees and costs; amending s. 63.112, F.S.; revising requirements for the information that must be included in a petition for adoption; amending s. 63.122, F.S.; revising the time requirements for hearing a petition for adoption; amending s. 63.125, F.S., relating to the final home investigation; conforming provisions to changes made by the act; amending s. 63.132, F.S.; revising requirements for the report of expenditures and receipts which is filed with the court; amending s. 63.142, F.S.; specifying circumstances under which a judgment terminating parental rights pending adoption is voidable; providing for an evidentiary hearing to determine the minor's placement following a motion to void such a judgment; amending s. 63.152, F.S.; requiring that the clerk of the court mail a copy of a new birth record to the state registry of adoption information; amending s. 63.165, F.S.; requiring that a copy of the certified statement of final decree of adoption be included in the state registry of adoption information; requiring that the Department of Children and Family Services maintain such information for a specified period; amending s. 63.182, F.S.; requiring that an action to vacate an order of adoption or an order terminating parental rights pending adoption be filed within a specified period after entry of the order; amending s. 63.207, F.S.; revising provisions that limit the placement of a minor in another state for adoption; amending s. 63.212, F.S., relating to prohibitions and penalties with respect to adoptions; conforming provisions to changes made by the act; repealing s. 63.072, F.S., relating to persons who may waive required consent to an adoption; requiring that a petition for adoption be governed by the law in effect at the time the petition is filed; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 17, delete line 7 and insert: *under s. 63.085;*

Amendment 2—On page 17, delete line 18 and insert: *under s. 63.062 or s. 63.082;*

Amendment 3—On page 22, delete line 28 and insert: *action to terminate parental rights pending adoption pursuant to*

Amendment 4—On page 23, lines 21-29, delete those lines and insert:

- 2. *I have been told that has a child. I shall not establish or claim paternity for this child.*
- 3. *The child noted herein was not conceived or born while the birth mother was married to me. I AM NOT MARRIED TO THE BIRTH MOTHER, nor do I intend to marry the birth mother.*

Amendment 5—On page 26, line 27, delete "63.062(2)(b)" and insert: *63.062(3)(b)*

Amendment 6—On page 27, delete line 8 and insert:

(4) *The consent to an adoption or the affidavit of nonpaternity for voluntary surrender*

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of **Amendment 7**, motions and announcements.

Senators Rossin and Ostalkiewicz offered the following amendment which was moved by Senator Ostalkiewicz and adopted:

Amendment 7—On page 27, lines 8-11, delete those lines and insert:

(4) (a) The consent to an adoption or affidavit of nonpaternity shall not for voluntary surrender must be executed before after the birth of the minor.

(b) A consent to adoption of a minor who is to be placed for adoption under s. 63.052 upon the minor's release following birth from a licensed hospital or birth center, shall not be executed sooner than:

1. 48 hours from the time of the minor's birth; or
2. The day the birth mother is determined in writing, either on a patient chart or in release paperwork to be fit for release from a licensed hospital or birth center; whichever is sooner.

A consent executed under this paragraph is valid upon execution and thereafter may only be withdrawn when the court finds that it was obtained by fraud or under duress.

(c) When the minor to be adopted is not placed under s. 63.052 upon the minor's release following birth from a licensed hospital or birth center, the consent may be executed at any time after the birth of the minor. While such consent is valid upon execution, it is subject to a 3-day revocation period under subsection (7).

(d) The consent

Senators Rossin and Ostalkiewicz offered the following amendment which was moved by Senator Ostalkiewicz:

Amendment 8—On page 28, line 26, after the period (.) insert: *WHEN RELINQUISHING YOUR RIGHTS TO A CHILD WHO IS TO BE PLACED FOR ADOPTION UNDER S. 63.052 UPON THE MINOR'S RELEASE FOLLOWING BIRTH FROM A LICENSED HOSPITAL OR BIRTH CENTER, A WAITING PERIOD WILL BE IMPOSED BEFORE YOU MAY SIGN THE CONSENT FOR ADOPTION. YOU WILL BE REQUIRED TO WAIT 48 HOURS FROM THE TIME OF BIRTH, OR UNTIL THE BIRTH MOTHER HAS BEEN NOTIFIED IN WRITING, EITHER ON HER CHART OR IN RELEASE PAPERS THAT SHE IS FIT TO BE RELEASED FROM A LICENSED HOSPITAL OR BIRTHING CENTER, WHICHEVER IS SOONER, BEFORE YOU MAY SIGN THE CONSENT FOR ADOPTION. ONCE YOU HAVE SIGNED THE CONSENT, IT IS VALID AND BINDING AND CANNOT BE WITHDRAWN UNLESS A COURT FINDS THAT IT WAS OBTAINED THROUGH FRAUD OR UNDER DURESS. IF YOU ARE RELINQUISHING YOUR RIGHTS TO A CHILD WHO IS NOT PLACED UNDER S. 63.052 UPON THE MINOR'S RELEASE FOLLOWING BIRTH FROM A LICENSED HOSPITAL OR BIRTH CENTER, THE CONSENT MAY BE EXECUTED AT ANY TIME AFTER THE BIRTH OF THE MINOR. WHILE SUCH CONSENT IS VALID UPON EXECUTION, IT IS SUBJECT TO A 3-DAY REVOCATION PERIOD.*

WHEN THE REVOCATION PERIOD APPLIES, YOU

On motion by Senator Dudley, further consideration of **CS for SB 550** with pending **Amendment 8** was deferred.

RECONSIDERATION OF BILL

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

SB 668—A bill to be entitled An act relating to violent offenders; amending s. 945.092, F.S.; providing that a habitual violent felony offender or violent career criminal may not be placed in a work-release program or confined in a minimum security facility; providing an effective date.

—was recalled from Engrossing.

On motion by Senator Bankhead, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

Pursuant to Rule 4.19, **SB 668** was placed on the calendar of Bills on Third Reading.

Senator Bankhead reported that the Committee on Rules and Calendar determined that an emergency exists compelling the introduction of

SB 2686, notwithstanding the fact that the final day has passed for introduction of bills.

On motion by Senator Bankhead, the rules were waived by unanimous consent and the Senate reverted to introduction for the purpose of introducing the following bill out of order:

INTRODUCTION AND REFERENCE OF BILL

By Senator Dudley—

SB 2686—A bill to be entitled An act protecting the right of free expression of candidates for public office; granting all candidates for public office the right to express their positions on public issues; repealing provisions of the Code of Judicial Conduct which conflict with this right; providing an effective date.

—which was referred to Committee on Executive Business, Ethics and Elections.

MEMORIAL

On behalf of the Senate, the President recognized Senator McKay, who expressed regret at the death of former Senator and State Comptroller Fred O. "Bud" Dickinson, Jr., and asked the Senate to stand for a moment of silent prayer.

REPORTS OF COMMITTEES

The Committee on Judiciary recommends the following pass: SJR 1464

The bill was referred to the Committee on Executive Business, Ethics and Elections under the original reference.

The Committee on Judiciary recommends the following pass: SJR 1816 with 1 amendment

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

The Committee on Natural Resources recommends the following pass: SB 1750, SB 2216 with 1 amendment

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

The Committee on Judiciary recommends a committee substitute for the following: SB 1012

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: CS for SB 1104

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

The Committee on Judiciary recommends a committee substitute for the following: SB 2138

The Committee on Natural Resources recommends committee substitutes for the following: SJR 528, SB 882

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 336

The Committee on Judiciary recommends committee substitutes for the following: SB 1466, SB 2164

The Committee on Ways and Means recommends committee substitutes for the following: CS for CS for SB 1228, CS for SB 1406, CS for SB 2524

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Geller—

SB 2640—A bill to be entitled An act relating to privileged communications between parent and child; creating s. 90.5045, F.S.; providing for a parent-child privilege pursuant to which the parent or child may refuse to disclose, or prevent another from disclosing, certain communications intended to be made in confidence between the parent and the child; providing for the privilege to be claimed by the child or parent, or the child's or parent's guardian or conservator; providing a legal presumption for authority to claim the privilege absent contrary evidence; providing that there is no parent-child privilege in certain legal proceedings brought against a family member by or on behalf of another family member, in prosecutions or other criminal proceedings involving commission of a crime or delinquent act or in investigations of murder or sexual battery, or in certain matters involving the Department of Juvenile Justice or Department of Children and Family Services; providing for waiver of the privilege; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Geller—

SB 2642—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 works of art purchased or imported for the purpose of donation to an educational institution; providing requirements with respect thereto; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

SR 2644—Not referenced.

By Senator Laurent—

SB 2646—A bill to be entitled An act relating to trust funds; creating s. 259.1051, F.S.; creating the Florida 2020 Trust Fund; specifying purposes of the trust fund; specifying application of moneys in the trust fund; specifying sources of funds for the trust fund; requiring the Department of Environmental Protection to distribute moneys in the fund for certain purposes; requiring the department to administer the trust fund; providing for alternative use of moneys in the fund under certain circumstances; providing a contingent effective date.

—was referred to the Committees on Natural Resources; Education; and Ways and Means.

By Senator Laurent—

SB 2648—A bill to be entitled An act relating to the Florida 2020 Program; amending s. 201.15, F.S.; providing for distribution of certain documentary stamp tax revenues to the Land Acquisition Trust Fund to

pay debt service on the Florida 2020 Program bonds; creating s. 201.155, F.S.; providing for annual appropriation to pay such debt service; creating s. 235.45, F.S.; establishing the Florida Year 2020 Higher Education Facilities Program; authorizing issuance of bonds for certain purposes; providing duties of the Commissioner of Education; requiring a report; providing financing requirements; amending s. 259.02, F.S.; providing bonding authority for the Florida 2020 Program; deleting obsolete language; creating s. 259.021, F.S.; subjecting bond issuance to constitutional authorization; providing requirements and limitations; amending s. 259.03, F.S.; deleting obsolete definitions; amending s. 259.032, F.S.; revising legislative intent to include an emphasis on water resource development and on adequate management of lands acquired by the state; directing the Board of Trustees of the Internal Improvement Trust Fund to consider buying lands that promote water resource development and facilitates restoration of the Everglades; specifying that the Conservation and Recreation Lands Trust Fund shall be the source of funds to pay management costs and payment-in-lieu-of-taxes for the Florida 2020 Program; deleting obsolete language; creating s. 259.034, F.S.; creating the Land Acquisition and Management Advisory Commission; specifying membership and duties of the commission; requiring the commission to develop an acquisition list; requiring a plan of restoration, acquisition, and capital improvements; providing requirements; authorizing the commission to adopt rules; amending s. 259.04, F.S.; directing the board of trustees to develop a 5-year plan for restoring, acquiring, or making capital improvements to lands or ecosystems identified by the Land Acquisition and Management Council or its successor; amending s. 259.041, F.S.; directing the Department of Environmental Protection's Division of State Lands to use appraisals obtained by other public agencies or by nonprofit organizations, if certain conditions are met; providing legislative intent and guidelines for use of less-than-fee-simple land acquisition alternatives; amending s. 259.101, F.S.; clarifying redistribution of certain unspent P2000 funds; creating s. 259.105, F.S.; creating the Florida 2020 Act; providing legislative findings and intent; providing for disposition of bond proceeds issued pursuant to the act; specifying uses of the bond proceeds; specifying criteria to be used in selecting projects for the program; specifying the manner in which lands acquired under the program may be disposed of as surplus or donated for alternative government uses; providing requirements; providing procedures; authorizing the Land Acquisition and Management Commission, the Department of Environmental Protection, water management districts, and public agencies to adopt rules for certain purposes; amending s. 373.459, F.S.; specifying that Florida 2020 bond proceeds may be deposited into the Ecosystem Management and Restoration Trust Fund for use in financing Surface Water Improvement and Management projects; specifying eligibility for certain funds; amending s. 373.59, F.S.; providing that Florida 2020 bond proceeds may be spent to acquire water management district lands; limiting funding of management and related activities to documentary stamp tax revenues legislatively appropriated to the Water Management Lands Trust Fund; specifying that any revenues from the sale of water management district lands acquired with Florida 2020 proceeds shall be spent only to acquire lands that meet the program's criteria; amending s. 375.075, F.S.; providing that Florida 2020 bond proceeds shall be available to fund those Florida Recreational Development and Assistance Program projects selected through the Florida 2020 Program process; directing the Department of Environmental Protection and the Florida Communities Trust to assist qualified counties and municipalities in obtaining certain grants; amending s. 380.507, F.S.; providing for the Florida Communities Trust Program's eligibility to receive Florida 2020 bond proceeds; providing procedures; amending s. 380.510, F.S.; including the Florida 2020 Trust Fund moneys as subject to conditions of grants and loans made by the Florida Communities Trust; creating the Florida 2020 Study Commission; specifying membership, duties, and responsibilities; requiring a report of findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and certain legislative committees; providing an appropriation; providing an effective date.

—was referred to the Committees on Natural Resources; Education; and Ways and Means.

By Senator Laurent—

SJR 2650—A joint resolution proposing the creation of Section 19 of Article VII of the State Constitution, relating to bonds for state conser-

vation, recreation, and restoration programs and for postsecondary education infrastructure construction.

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

By Senator Laurent—

SB 2652—A bill to be entitled An act relating to a special election to be held on September 1, 1998, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of Florida of a joint resolution creating Section 19 of Article VII of the State Constitution, which authorizes the issuance of state bonds to finance or refinance state conservation, recreation, and restoration programs and postsecondary education infrastructure; providing for publication of notice and for procedures; providing an effective date.

—was referred to the Committees on Natural Resources; Education; and Ways and Means.

By Senator Laurent—

SB 2654—A bill to be entitled An act relating to eminent domain; amending s. 73.071, F.S.; providing criteria for the jury to determine compensation for specified agricultural property; providing an effective date.

—was referred to the Committees on Judiciary and Agriculture.

Senate Resolutions 2656—2658—Not referenced.

By Senator Laurent—

SB 2660—A bill to be entitled An act relating to Polk County; amending ch. 88-443, Laws of Florida, to revise provisions relating to a personnel system for the Sheriff's Office, a personnel board, board members' powers and duties, board expenditures, a classified service, new positions and vacancies, probationary periods, hearings, appointments, rules, policies, pay plans, rights, and benefits; providing for a Members Nominating Committee for selecting board members; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2662—2670—Not referenced.

By Senators Burt and Bankhead—

SB 2672—A bill to be entitled An act relating to Volusia County; creating the Volusia County Health Care District; providing taxing authority; specifying use for taxes collected; providing for a board of directors; reducing millage rates for certain existing special taxing districts; prohibiting the sale or lease of certain hospital facilities; allowing certain exceptions to the West Volusia Hospital Authority in regard to leases with Memorial Health Systems; repealing the tax levying and collecting authority of certain specified special taxing districts; providing for a study; requiring a study report by a specified date; requiring the Auditor General to contract for a financial-related audit for each of the hospital districts in Volusia County for specified periods; providing for a report to the Volusia County Legislative Delegation; providing for the appointment of specified persons to assist the Auditor General; providing contents of the audit; providing a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dudley—

SB 2674—A bill to be entitled An act relating to Collier County; providing that certain fire districts of the county may be governed by a three-member board; providing for a referendum vote; providing for the form of ballot; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

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

CS for SB 336—A bill to be entitled An act relating to international economic development; requiring Enterprise Florida, Inc., to develop a master plan for integrating international trade and reverse investment resources; prescribing procedures, content, and a submission deadline related to such plan; requiring Enterprise Florida, Inc., in conjunction with the Office of Tourism, Trade, and Economic Development, to prepare a plan to promote foreign direct investment in Florida; prescribing procedures, content, and a submission deadline related to such plan; requiring Enterprise Florida, Inc., to develop a strategic plan that will allow Florida to capitalize on the economic opportunities associated with a post-embargo Cuba; amending s. 14.2015, F.S., relating to the disbursement of certain funds by the Office of Tourism, Trade, and Economic Development; requiring reports; amending s. 15.18, F.S.; providing for coordination of international activities of the Department of State; amending s. 55.604, F.S.; requiring foreign judgments to be filed with the Secretary of State; amending s. 55.605, F.S.; requiring the Secretary of State to create and maintain a specified list relative to foreign money judgments; amending s. 15.18, F.S.; requiring the Secretary of State to maintain lists relating to foreign money judgments; creating s. 257.34, F.S.; creating the Florida State International Archive; providing requirements for the archive; providing for access to the archive; amending s. 288.8175, F.S.; authorizing linkage institutes to competitively apply for Targeted Market Pilot Projects Grants; creating s. 288.9530, F.S.; providing for the creation of the Florida Business Expansion Corporation to provide business expansion assistance to businesses in the state having job growth or emerging technology potential; creating s. 288.9531, F.S.; providing for powers and duties of the corporation; creating ss. 288.9532, 288.9533, F.S.; creating the corporation board of directors and providing for their powers and duties; creating s. 288.9534, F.S.; providing that the corporation contract with an experienced management company to administer and perform the duties of the corporation; creating s. 288.9535, F.S.; creating the Florida Business Expansion Account to receive state, federal, and private financial resources for the purpose of funding the objectives of the corporation; creating s. 288.9536, F.S.; providing for the reporting and review requirements of the corporation; creating part III of ch. 721, F.S.; providing a purpose for the commissioners of deeds; authorizing the appointment of commissioners of deeds; providing authority; ratifying certain actions of commissioners of deeds; limiting powers of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 288.012, F.S., relating to State of Florida foreign offices; directing each office to report annually to the Office of Tourism, Trade, and Economic Development on activities and accomplishments; prescribing the contents of such reports; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SJR 528—A joint resolution proposing an amendment to Section 11 of Article VII of the State Constitution, relating to revenue bonds for natural resource conservation, outdoor recreation, and water resource development purposes.

By the Committee on Natural Resources and Senators Sullivan, Myers, Dudley, Gutman, Forman, Klein, Bronson, Latvala, Harris, Crist, Turner, Rossin, Scott, Meadows, Clary, Childers, McKay, Kurth, Silver, Williams, Thomas and Geller—

CS for SB 882—A bill to be entitled An act relating to funding for beach management; amending s. 161.088, F.S.; providing a legislative declaration that beach restoration and renourishment projects are in the public interest and shall be funded in a specified manner; amending s. 161.091, F.S.; providing for funding of the state's beach management plan through the Ecosystem Management and Restoration Trust Fund; providing that designated funds be deposited in the trust fund and that funds in the trust fund be used to fully implement the beach management plan prior to being used for any other purpose; amending s. 161.101, F.S.; authorizing the Department of Environmental Protection to implement regional components of the beach management plan, to enter into agreements to cost-share and coordinate such activity, and to sponsor or cosponsor beach management demonstration projects; providing criteria to be considered in determining annual funding priorities for beach management projects; providing for reductions in local sponsors' cost shares; amending s. 161.161, F.S.; providing for regional components of the statewide beach management plan; providing for submission of funding recommendations to the Legislature; deleting obsolete provisions; amending s. 201.15, F.S.; providing for appropriation of certain documentary stamp tax revenues to the trust fund for purposes of beach preservation and repair; amending s. 163.335, F.S.; providing legislative intent for the scope of activities included in community redevelopment; amending s. 163.340, F.S.; redefining the terms "blighted area," "community redevelopment," and "community redevelopment area"; amending s. 163.360, F.S.; requiring additional findings before approval of certain community redevelopment plans; creating s. 163.336, F.S.; providing legislative intent; providing for the geographical location of a pilot project; providing for pilot project administration; providing exemptions to certain coastal construction requirements; providing for the scheduled expiration of these provisions; providing an effective date.

By the Committee on Judiciary and Senator Gutman—

CS for SB 1012—A bill to be entitled An act relating to mental health; creating the "Robert Newman and Stuart Simon Act of 1998"; amending s. 394.463, F.S.; providing for court hearings on requests for ex parte orders for involuntary examination of mentally ill persons; providing for findings; providing for rescission of orders under certain circumstances; providing for release of persons being held for examination; prohibiting certain administration of drugs without informed consent or a court order; providing an exception; providing penalties; amending s. 394.4599, F.S.; requiring certain notice to the parent or guardian when a minor is involuntarily held; providing an effective date.

By the Committees on Commerce and Economic Opportunities; Transportation; and Senator Campbell—

CS for CS for SB 1104—A bill to be entitled An act relating to motor vehicle damage disclosure; creating s. 501.98, F.S.; prescribing the duty of motor vehicle manufacturers and dealers to disclose and to repair certain damage to motor vehicles; prescribing duty of dealers with respect to cooperation with manufacturers; providing remedies for purchasers of damaged motor vehicles, including injunctive relief and attorney's fees; apportioning liability for certain damage and repairs; requesting specific designation of certain newly created provisions in the Florida Statutes; providing an effective date.

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

CS for 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. 409.8132, F.S.; creating and establishing the purpose of the Medikids program component; providing for administration of Medikids by the Agency for Health Care Administration; exempting Medikids from licensure under the Florida Insurance Code; providing applicability of certain Medicaid requirements; establishing benefit requirements; providing for eligibility; providing enrollment requirements; authorizing penalties for nonpayment of premiums; 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 Ways and Means; Banking and Insurance; and Senator Clary—

CS for CS for SB 1406—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; defining the terms "corporate officer," "partner," and "sole proprietor," as used in ch. 440, F.S.; amending s. 440.05, F.S.; authorizing the Division of Workers' Compensation of the Department of Labor and Employment Security to approve and revoke certificates of exemption; specifying requirements for notices of election to be exempt; providing for renewal of exemption certificates; requiring notice on election forms that providing false information is a felony; revising fees for exemptions and specifying use of fees by the division; amending s. 440.09, F.S.; conforming references to judges of compensation claims and administrative law judges; amending s. 440.10, F.S.; revising documentation establishing conclusive presumption of independent contractor status and ineligibility for workers' compensation benefits; amending s. 440.103, F.S.; revising the documentation that must be filed by an employer that obtains a building permit; specifying requirements for certificates of coverage; amending s. 440.104, F.S.; revising the cause of action and remedies available to losers of competitive bidding against persons who violate certain provisions; increasing recoverable damages; amending s. 440.105, F.S.; providing penalties; providing a time limitation for bringing an action under s. 440.105(4), F.S.; amending s. 440.107, F.S.; providing legislative findings related to noncompliance with workers' compensation coverage requirements; authorizing the division to enter and inspect places of busi-

ness for investigating compliance; requiring employers to maintain records required by the division by rule; authorizing the division to require sworn reports from employers, to administer oaths, and to issue subpoenas to enforce compliance; providing penalties for refusal to obey a subpoena; amending s. 440.45, F.S.; revising term of office, qualifications, and method of nomination for the Chief Judge of the Office of the Judges of Compensation Claims; providing for expiration of term of office for members of the statewide nominating commission for judges of compensation claims; providing for new appointments to the nominating commission and staggered terms; revising the procedures for nominating commission regarding performance of sitting judges and regarding nominations of applicants; providing for expiration of the term of office and reappointment of the Chief Judge of Compensation Claims; amending s. 627.413, F.S.; specifying notice requirements for minimum premium policies; requiring the division to notify certain persons of certain requirements of this act; providing an appropriation; providing an effective date.

By the Committee on Judiciary and Senator Dudley—

CS for SB 1466—A bill to be entitled An act relating to liens; amending s. 255.05, F.S.; revising provisions pertaining to the bond of a contractor constructing public buildings; providing for revised time periods for certain claims; revising forms for waiver of right to claim against bond; providing for written statements to the contractor with respect to the nature of labor or services performed in certain circumstances; providing for the maintenance of actions in law and in equity for breach of contract on public works projects; amending s. 713.01, F.S.; redefining the terms “improve,” “improvement,” “subcontractor,” and “sub-subcontractor” to include reference to solid-waste removal; amending s. 713.06, F.S.; revising provisions relating to contractor’s affidavit; amending s. 713.132, F.S.; revising requirements pertaining to service of notice of termination; amending s. 713.18, F.S.; revising requirements pertaining to service of documents; amending s. 713.23, F.S.; amending the timeframe within which certain actions to enforce a claim against the payment bond may commence; providing a form; creating s. 713.235, F.S.; providing for waivers of right to claim against a payment bond; providing forms; amending s. 713.24, F.S.; revising the process for transferring liens to security; providing an effective date.

By the Committee on Judiciary and Senator Campbell—

CS for SB 2138—A bill to be entitled An act relating to the judiciary; creating s. 35.044, F.S.; creating a Sixth District Court of Appeal; amending ss. 35.03, 35.042, F.S.; redistricting the remaining five district courts of appeal; amending s. 35.05, F.S.; providing for the headquarters of the new appellate district; amending s. 35.06, F.S.; providing for the number of judges in the new district; providing an effective date.

By the Committee on Judiciary and Senator Latvala—

CS for SB 2164—A bill to be entitled An act relating to emergency telephone number “911” services; amending s. 365.171, F.S.; providing for indemnification and limitation of liability for wireless telecommunications service providers that provide 911 service; providing an effective date.

By the Committees on Ways and Means; Commerce and Economic Opportunities; and Senators Harris and Turner—

CS for 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; 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.; 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; 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. 414.105, 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; permitting domestic violence victims to be granted hardship exemptions not subject to certain percentage limitations, under specified circumstances; providing legislative intent; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 2, SB 14, SB 18 and SB 20 which became law without his signature on April 10, 1998.

The Governor advised that he had filed with the Secretary of State SB 112 and SB 348 which became law without his signature on April 11, 1998.

ENROLLING REPORTS

CS for SB 188, SB 230 and SB 288 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 13, 1998.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 9 was corrected and approved.

CO-SPONSORS

Senators Dudley—SB 452, SB 1646; Klein—SB 1582; Turner—SB 1120, SB 1124, SB 2048

RECESS

On motion by Senator Bankhead, the Senate recessed at 1:15 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, April 15.

SENATE PAGES

April 13-17

Brooke Bankhead, Ponte Vedra Beach; Alicia Nicole Bush, Tallahassee; Kevin Chizner, Fort Lauderdale; Danielle Felton, Jacksonville; Gabrielle Rae Ferrell, Port Orange; Nicholas Jackson, Miami; Corinne Kaney, Ormond Beach; Kimberly Karrat, Plantation; Katherine Karrat, Plantation; Joseph Curtis Ketterer, Milton; Chris Latvala, Jacksonville; Allyson McKee, Tallahassee; Sarah D. Moran, Bradenton; Elana Propis, Plantation; Kathleen (Katie) Thoms, Coral Springs; Sarah Emily Venable, Bradenton; Tricia Webb, Pompano Beach