



# Journal of the Senate

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## CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—35:

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

Excused: Conferees periodically for the purpose of working on Appropriations

## PRAYER

The following prayer was offered by Lieutenant Colonel Eddie Jones, Chaplain, Florida National Guard, and Rector, Christ Episcopal Church, Monticello:

O God of all nations, we come before you in fear and trembling with a concern for our state. As we reflect on the achievements, we are grateful that its heritage has become ours. We are appreciative for our leaders who have labored to shape it to your will. Yet our gratitude for this heritage is matched by our concern for its perils.

Guide us, O Lord, through the treacherous waters that we might do as well by our descendants as our ancestors did by us.

O Lord, we pray for those who have been given the power to form our government that they may be persons with minds tough enough to inspire, tender enough to be responsive persons with wills, firm enough to persevere and considerate enough to be patient; persons with hearts vulnerable enough to care and wise enough to be discreet. As we have expressed gratitude for our state's ideals, let us go forth to praise them in speech, codify them in law and translate them into deeds.

And now, O Lord, bless us to your faithful and loving service. Amen.

## HONOR GUARD

At the direction of the President, the Sergeant at Arms opened the doors of the chamber and an Honor Guard of the Florida National Guard from St. Augustine marched into the chamber bearing flags of the United States of America and the State of Florida.

The Honor Guard included the following members: Sergeant Donald Alexander, Haines City, the Army Guard's Non-Commissioned Officer of the Year; Specialist Charles Covington, West Palm Beach, Soldier of the Year; Senior Master Sergeant Steven Pehr, Lynn Haven, the Air Guard's Senior Non-Commissioned Officer of the Year; Technical Sergeant Christopher Geise, Panama City, Senior Non-Commissioned Officer of the Year; and Senior Airman Cheryl Conrad, Cedar Grove, Airman of the Year.

## SPECIAL GUESTS

The President introduced Major General Ronald O. Harrison, Adjutant General of Florida, and his wife Mysie; Colonel Promotable Jimmy Watson, Assistant Adjutant General for Army; Brigadier General Doug Burnett, Assistant Adjutant General for Air; and other members of the Florida National Guard and Department of Military Affairs who were present in the gallery.

## PLEDGE

Senate Pages Alicia Bush of Tallahassee and Corinne Kaney of Ormond Beach, led the Senate in the pledge of allegiance to the flag of the United States of America.

## ADOPTION OF RESOLUTIONS

At the request of Senator Childers—

By Senator Childers—

**SR 990**—A resolution honoring Sam M. McCall for receiving the 1997 Outstanding CPA in Government Award from the American Institute of Certified Public Accountants.

WHEREAS, Sam McCall, CPA, has served the people of the State of Florida for 28 years in the Auditor General's Office and as Deputy Auditor General for the past 11 years, and

WHEREAS, Mr. McCall has extensive experience in accounting, auditing, performance auditing, internal auditing, and government financial management and administration, and

WHEREAS, Mr. McCall is active in numerous professional, academic, and other public and private organizations and was recently reappointed by the Comptroller General of the United States to the Government Auditing Standards Advisory Council, and

WHEREAS, he also currently serves as a member of the Governmental Accounting Standards Advisory Council as a representative of State Legislatures through the National Council of State Legislatures, and

WHEREAS, Sam McCall has contributed to the improvement of Florida Government by working with legislative committees on the Florida Government Performance and Results Act, the Florida Chief Internal Audit Act, and the Florida Inspector General Act, and

WHEREAS, he was graduated from the University of West Florida with a Bachelors Degree in Accounting and from Florida State University with a Masters Degree in Public Administration and is currently

enrolled in a Doctorate of Public Administration Program at Florida State University, and

WHEREAS, Sam McCall is an enthusiastic educator and speaker, and has participated as a guest university lecturer to schools of business administration, public administration, and journalism, NOW, THEREFORE,

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

That Mr. Sam M. McCall is commended for his many achievements and his dedicated service to the people of Florida and especially for the distinction of being the 1997 recipient of the Outstanding CPA in Government Award from the American Institute of Certified Public Accountants.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Mr. Sam M. McCall as a tangible token of the high esteem in which he is held by the Florida Senate.

—**SR 990** was introduced, read and adopted by publication.

At the request of Senator Cowin—

By Senator Cowin—

**SR 1448**—A resolution commending the retirees of the State of Florida.

WHEREAS, retirees living full time in Florida spent nearly \$37 billion in 1997, second only in the state to the \$42 billion spent in the tourism industry, and

WHEREAS, the taxes Florida's retirees pay each year not only cover the costs of their living here, but also result in an annual surplus of \$1.3 billion, more than a billion of which goes to support the state's public school systems, and

WHEREAS, these tax contributions by retirees lower the per-household tax obligations of the state's nonretiree residents by \$260 every year, and

WHEREAS, the popularity of Florida as a home of preference for so many retirees has generated an entire industry that accounts for 20 percent of all jobs in the state, and

WHEREAS, between retiree spending and the revenues from the industry that has grown around them, Florida's economy realizes a positive annual impact of \$70 billion, and

WHEREAS, these retiree citizens make an even more valuable contribution to all of Florida in bringing with them their collective wisdom, experience, and values, NOW, THEREFORE,

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

That the Florida Senate expresses its appreciation and gratitude to the state's retired citizens for all of their contributions and declares these retirees one of Florida's most valued resources.

—**SR 1448** was introduced, read and adopted by publication.

At the request of Senator Cowin—

By Senators Cowin and Kirkpatrick—

**SR 1454**—A resolution commending Munroe Regional Medical Center on the 100th Anniversary of its founding.

WHEREAS, Munroe Regional Medical Center was founded in Ocala in 1898 as Marion Surgical Hospital, and is the fourth-oldest hospital in this state, and

WHEREAS, Munroe Regional Medical Center has, over the last 100 years, grown from two rooms in a newspaper building into a 323-bed not-for-profit acute care hospital, and

WHEREAS, Munroe Regional Medical Center provides medical care to patients without regard to race, religion, national origin, or financial status, as well as providing nurses to the Marion County public school system, supporting Community Health Services, and assisting other community health education and treatment programs, and

WHEREAS, Marion Regional Medical Center's Neuroscience Center is recognized as one of the top 25 stroke-treatment centers in the country, NOW, THEREFORE,

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

That Munroe Regional Medical Center and its staff are commended for providing outstanding medical care to the people of Ocala, Marion County, and the surrounding region for the last 100 years.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the Munroe Regional Medical Center as a tangible token of the sentiments of the Florida Senate.

—**SR 1454** was introduced, read and adopted by publication.

At the request of Senator Childers—

By Senator Childers—

**SR 2218**—A resolution recognizing Brigadier General Michael Lambert Ferguson as an outstanding citizen.

WHEREAS, Michael Lambert Ferguson was born on September 4, 1938, in Pensacola, Florida, and

WHEREAS, Michael Ferguson spent his childhood in his hometown enjoying sports, hunting, fishing, public service activities, and church activities, and

WHEREAS, Michael Ferguson graduated from the United States Military Academy in 1960, and

WHEREAS, Michael Ferguson spent the next 26 years of his life serving his country with distinction as an infantry officer in the United States Army, and

WHEREAS, Brigadier General Michael Lambert Ferguson has received more than 30 awards and decorations including the Purple Heart and the Distinguished Service Medal, and

WHEREAS, General Michael Ferguson received both an M.A. in Business Management from Central Michigan University and an M.A. in International Relations from American University while serving in the armed services, and

WHEREAS, upon retiring from the Army, Michael Ferguson entered the University of Florida College of Law and received his Juris Doctorate in 1989, and

WHEREAS, Michael Ferguson is a member of numerous civic, cultural, and public service organizations, including the Sheriff's Advisory Committee, the Baptist Health Care Corporation, St. Michael's Cemetery Foundation, the Salvation Army, the Rotary Club, Gator Boosters, Disabled American Veterans, and the Advisory Council, College of Business, University of West Florida, and

WHEREAS, Michael Ferguson is a member of The Florida Bar, the District of Columbia Bar, and the Escambia-Santa Rosa Bar Association, and

WHEREAS, Michael Ferguson, as a partner in the law firm of McDonald, Fleming, Moorhead, and Ferguson, is a certified NFL Player Agent, licensed in Florida and Louisiana and represents some of the state's most famous athletes, NOW, THEREFORE,

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

That Brigadier General Michael Lambert Ferguson is commended on a long and illustrious career as a soldier serving his country, as a civic leader, and as an attorney representing some of Florida's famous athletes.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Brigadier General Michael Lambert Ferguson as a tangible token of the esteem of the Florida Senate.

—**SR 2218** was introduced, read and adopted by publication.

At the request of Senator Childers—

By Senators Childers and Clary—

**SR 2544**—A resolution commending Pensacola Junior College on the 50th Anniversary of its founding.

WHEREAS, Pensacola Junior College was the first public community college established by the 1947 Legislature, and

WHEREAS, Pensacola Junior College established its operations on the corner of Cervantes and Palafox Streets, on September 8, 1948, and admitted its first students on September 13, 1948, and

WHEREAS, Pensacola Junior College has served the residents of Escambia and Santa Rosa Counties since that time with facilities in Pensacola, Warrington, Milton, NAS/Pensacola, and Downtown Pensacola, and

WHEREAS, under the leadership of presidents Henry L. Ashmore, T. Felton Harrison, Horace E. Hartsell and president-designate Charles A. Atwell, along with members of the college's Board of Trustees, Pensacola Junior College has provided higher education to more than 500,000 students since 1948, and has offered cultural, athletic, and social opportunities to many thousands more, and

WHEREAS, Pensacola Junior College has provided Associate of Arts transfer opportunities, Associate of Science career opportunities, and invaluable assistance to business, industry, and government for fifty years, and

WHEREAS, Pensacola Junior College will celebrate its 50th Anniversary on September 13, 1998, NOW, THEREFORE,

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

That Pensacola Junior College and its Board of Trustees, faculty, staff, students, and graduates are congratulated on the 50th Anniversary of the founding of the Junior College.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to president-designate Charles A. Atwell and Pensacola Junior College as a tangible token of the sentiments of the Florida Senate.

—**SR 2544** was introduced, read and adopted by publication.

At the request of Senator Bankhead—

By Senator Bankhead—

**SR 2644**—A resolution recognizing the Florida National Guard for its faithful service to both the State of Florida and the country and celebrating Florida National Guard Day.

WHEREAS, the Florida National Guard is the direct and lineal descendant organization of the first Spanish militia companies formed in St. Augustine in 1565, and the Florida National Guard continues to serve the State of Florida as the true and organized militia, under the Department of Military Affairs and the Adjutant General of Florida, and

WHEREAS, during this past year the Florida National Guard mobilized to State Active Duty to support the state during Hurricane Danny, to perform one search operation during a period of flooding in north Florida, and to carry out humanitarian relief operations during the tornado recovery in central Florida, and

WHEREAS, the Florida Army National Guard continues to perform in a consistently outstanding manner in all U.S. Army missions both at home and overseas, with soldiers currently deployed in Kuwait, and the

Florida Air National Guard continues to provide for the air defense of the peninsula of Florida as well as the entire southeastern United States and recently received an outstanding rating on a U.S. Air Force operational readiness inspection for the first time in the history of the unit and currently has airmen serving in Bosnia and Saudi Arabia, and

WHEREAS, it is appropriate to recognize the service of the Florida National Guard by designating April 15, 1998, as Florida National Guard Day in the State of Florida, NOW, THEREFORE,

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

That the Senate officially recognizes the true and faithful service of the Florida National Guard both to the State of Florida and to the United States of America and commends and expresses great appreciation to the Florida National Guard for this distinguished service to Florida and the country.

BE IT FURTHER RESOLVED that the Florida Senate wishes to recognize this service and dedication of the Florida National Guard by celebrating April 15, 1998, as Florida National Guard Day in the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Major General Ronald O. Harrison, the Adjutant General of the State of Florida, as a tangible token of the sentiments of the Florida Senate.

—**SR 2644** was introduced, read and adopted by publication.

At the request of Senator Childers—

By Senator Childers—

**SR 2656**—A resolution expressing regret at the death of Albert Golden, a prominent citizen of Santa Rosa County.

WHEREAS, the Florida Senate, with deep regret, has learned of the death of Santa Rosa County pioneer Albert Golden on March 27, 1998, and

WHEREAS, Mr. Golden was a banker, businessman, and politician who dominated an economic and political era of Santa Rosa County history from the 1950's to the 1990's, and

WHEREAS, he pulled himself up by his bootstraps, while aiding others, and exhibiting profound devotion to his family, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to pay its respects to the late Albert Golden of Milton, Florida, and that the Florida Senate in session assembled does record this testimonial of esteem and bereavement:

IN MEMORIAM  
ALBERT GOLDEN

Albert Golden was born in Santa Rosa County in 1914 to the Reverend William S. and Callie Golden. For the first 15 years of his life, he worked on his parents' farm; then he left for Texas to seek work. Soon he returned to his native Santa Rosa and the difficult years of the Great Depression. He worked as a laborer building Santa Rosa County roads and bridges, and he fought forest fires as a WPA worker. At the tender age of 17, he married Jewell Frances Wells and, a few years later, built a home for his wife and two young children for the price of \$140 in raw materials and the labor of his own hands. Without having any previous experience in running a gas station, he and Jewell bought and operated a station in Milton, and they subsequently became the owners of companies for the wholesale and retail sale of gas. During the 1950's, Mr. Golden was appointed to serve the remainder of the term of office of a county commissioner who had died. While completing that term, he paid his salary as commissioner to the widow of his predecessor. Winning reelection to the commission, he served for nearly a decade and also became founder, president, and chairman of the board of directors of Santa Rosa State Bank and founder and president of American Security Bank. Among the many tributes paid to Albert Golden upon his passing was the testimonial set forth in an editorial of the Pensacola News

Journal, which read in part, "His determination—in business, banking and politics—reflected his own humble beginnings and he never lost sight of his roots." The editorial further noted, "As we often say of those who appear larger than life, Albert Golden put down a big footprint and loomed large over northwest Florida." His devotion to his family was praised by his son, State Attorney Curtis Golden, who said: "He loved his family deeply. He was extremely devoted to his wife. Usually he worked 16 to 18 hours a day, 6 days a week." A close friend commented, "I've never known Albert Golden to mistreat anyone." Albert Golden was truly a legendary man, in family life, in business, and in his community. His larger-than-life presence will be sorely missed.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Senate affixed, be transmitted to Mrs. Jewell Wells Golden, widow of Albert Golden, as a tangible token of the sentiments expressed herein and a lasting symbol of the respect of the members of the Florida Senate.

—**SR 2656** was introduced, read and adopted by publication.

At the request of Senator Cowin—

By Senator Cowin—

**SR 2668**—A resolution commending the State Champion Mt. Dora High School Hurricanes, winners of the 1998 Class 4A Florida High School Basketball Championship.

WHEREAS, on March 7, 1998, the Mt. Dora High School Hurricanes defeated the Jacksonville Ribault High School Trojans 55-48 to win their first state championship at the Class 4A Florida High School Basketball Tournament held at the Lakeland Center, and

WHEREAS, the Hurricanes finished their regular season with an astounding school record of 33 wins and 3 losses in a difficult schedule that included 19 teams that made the playoffs, and

WHEREAS, Mt. Dora's strength, both during the regular season and in the playoffs, was a man-to-man defense that allowed only one team to score as many as 50 points against the Hurricanes during postseason play, and

WHEREAS, Mt. Dora, which had not been to the state championship tournament since 1967 and had not been in the championship game since 1964, faced a Ribault team with a state tournament tradition of 13 appearances and four state championships to its credit, and

WHEREAS, Mt. Dora emerged victorious in the state championship by virtue of a truly remarkable team effort and with tremendous fan support from the citizens of Mt. Dora and Lake County, and

WHEREAS, it is with great pride that the citizens of Mt. Dora and Lake County celebrate the championship season of team members Anthony Banner, Chad Boyd, Greg Brittain, Brandon Durias, Byron Durias, Isaac Johnson, Kendrix Jones, Josh Koester, Kendrick Manor, Sean Peterson, Josh Reed, and Zach Ward, Head Coach Scott Williams, assistant coaches Curtis Boyd, Ron Devlin, Bo Dixon, and John Uptak, and team managers Justin Ricci and Solomon Jones, NOW, THEREFORE,

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

That the Senate of the State of Florida hereby commends and congratulates the State Champion Mt. Dora High School Hurricanes, winners of the 1998 Class 4A High School Basketball State Championship.

BE IT FURTHER RESOLVED that copies of this resolution be presented to team members Anthony Banner, Chad Boyd, Greg Brittain, Brandon Durias, Byron Durias, Isaac Johnson, Kendrix Jones, Josh Koester, Kendrick Manor, Sean Peterson, Josh Reed, and Zach Ward, Head Coach Scott Williams, assistant coaches Curtis Boyd, Ron Devlin, Bo Dixon, and John Uptak, and team managers Justin Ricci and Solomon Jones as a tangible token of the sentiments expressed herein.

—**SR 2668** was introduced, read and adopted by publication.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Dudley, by two-thirds vote **SB 76, CS for SB 266, CS for SB 270, CS for SB 368, CS for CS for SB 374, SB 780, SB 854, CS for SB 994, CS for SB 1460, CS for CS for SB 1548, CS for SB 1620, SB 1750, CS for CS for SB 1846, SB 1950, CS for SB 1960, SB 1976, CS for SB 1992, CS for SB 2076, CS for SB 2086, SB 2122 and SB 2478** were withdrawn from the Committee on Ways and Means.

On motion by Senator Kurth, by two-thirds vote **SB 2212** was withdrawn from the committee of reference and further consideration.

On motion by Senator Rossin, by two-thirds vote **SB 262, SB 1148, SB 1326 and SB 2486** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 1146** was withdrawn from the Committee on Rules and Calendar and referred to the Committee on Ways and Means; **CS for SB 2170** was withdrawn from the Committee on Children, Families and Seniors; **CS for CS for SB's 1794 and 2200** was withdrawn from the Committee on Criminal Justice; and **CS for SB 1644** was withdrawn from the Committee on Community Affairs.

## MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the Special Order Calendar Subcommittee of the Committee on Rules and Calendar was granted permission to meet upon adjournment of session in lieu of 12:35 p.m. as scheduled this day.

## MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Thursday, April 16.

## CONSIDERATION OF BILLS ON THIRD READING

Consideration of **CS for SB 1458, CS for SB 1202, CS for SB 1204 and CS for HB 319** was deferred.

**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 third time by title.

On motions by Senator Childers, **SB 304** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

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

Dudley	Harris	Latvala	Rossin	Scott	Thomas	Turner	Williams
Dyer	Holzendorf	Laurent	Silver	Silver			
Forman	Horne	Lee	Thomas	Nays—None			
Geller	Jones	McKay	Turner	Vote after roll call:			
Grant	Klein	Meadows	Williams				
Gutman	Kurth	Ostalkiewicz		Yea—Myers			

Nays—None

Vote after roll call:

Yea—Myers

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**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 third time by title.

On motions by Senator Dyer, **CS for SB 476** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Myers

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**SB 200**—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.

—as amended April 13 was read the third time by title.

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

**Amendment 1**—On page 2, line 1, delete “fines” and insert: *fees*

On motions by Senator Klein, **SB 200** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

On motion by Senator Latvala, by two-thirds vote **HB 1403** was withdrawn from the Committee on Judiciary.

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

**HB 1403**—A bill to be entitled An act relating to liens; amending s. 713.01, F.S.; redefining the terms “improve,” “improvement,” “subcontractor,” and “sub-subcontractor” to include reference to solid-waste removal; creating s. 713.596, F.S.; providing for molders’ liens and rights; providing definitions; providing for ownership rights to molds; providing procedures; providing an effective date.

—a companion measure, was substituted for **CS for SB 114** and read the second time by title.

Senator Latvala moved the following amendment which was adopted:

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

Section 1. *Acquisition of title to unclaimed molds.*—

(1) *DEFINITIONS.*—As used in this section, the term:

(a) “Customer” means any person who causes a molder to fabricate, cast, or otherwise make a mold, or who provides a molder with a mold with which to manufacture, assemble, cast, fabricate, or otherwise make a product for a customer.

(b) “Mold” means a die, mold, form, or pattern, but does not include computer software used to control or direct automatic machines in a manufacturing process, and does not include impressions, molds, models, or study casts used by a dentist, orthotist, or prosthetist within the scope of his or her practice.

(c) “Molder” means any person who fabricates, casts, or otherwise makes or uses a mold for the purpose of manufacturing, assembling, casting, fabricating, or otherwise making a product for a customer. The term includes a tool or die maker.

(d) “Records” means documents created or held by a molder in its regular course of business.

(e) “Unclaimed mold” means a mold which is in the custody of a molder, title to which remains in the customer who ordered or provided the mold, and which has not been used to make a product for at least 3 years.

(2) *OBLIGATIONS OF MOLDERS TO CUSTOMERS.*—

(a) For molds placed in the custody of a molder on or after July 1, 1998, the molder shall:

1. Make and retain a written record containing, at a minimum, the customer’s name, address, and telephone number, a description of the mold in sufficient detail for clear identification, the beginning date of the use of the mold, the last date on which a purchase order was received for the use of the mold, and the date on which the manufacture of the products for the purchase order was completed.

2. Inform the customer of the existence of the provisions of this section and provide the customer with a copy of the provisions of this section upon the customer’s request.

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.*

(b) Regardless of the date of placing the mold in the custody of the molder, the molder shall:

1. Update its records if a customer informs the molder of a change of address or if the molder receives a new purchase order from the customer for additional use of the mold.

2. Inform the customer of the existence of the provisions of this section when renewing or updating the records relating to use of a mold ordered or provided by that customer and provide the customer with a copy of the provisions of this section upon the customer's request.

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.**

(3) **CUSTOMER'S NOTICE.**—It is the responsibility of a customer as the owner of a mold in the custody of a molder to notify the molder promptly in writing of any change in the customer's address. Failure to notify the molder of this change may result in the customer's loss of rights to the property.

(4) **ACQUISITION OF TITLE TO UNCLAIMED MOLDS.**—

(a) To acquire title to an unclaimed mold, a molder must first give notice, to the customer who owns the mold and to any holder of a security interest in the mold which was perfected in this state, of the molder's intent to acquire the title to the mold. The molder must make a good-faith and reasonable search for the identity and last known address of the customer from the molder's records and other records reasonably available to the molder's staff. If the molder is able to identify the customer and the customer's last known address, the molder shall give notice to the customer pursuant to paragraph (b). If the identity or last known address of the customer remains unknown after a good-faith and reasonable search, the molder shall give notice by publication pursuant to paragraph (c). Notice to a holder of a perfected security interest in the mold must be given pursuant to paragraph (d).

(b) If the molder is able to identify the customer and the customer's last known address, the molder shall provide notice of intent to acquire title to an unclaimed mold by sending a notice by certified mail, return receipt requested, to the customer at the customer's last known address. The notice shall include the date of mailing the notice, the name of the customer, a description of the mold in sufficient detail for clear identification, the beginning date of the use of the mold, the last date on which a purchase order was received for the use of the mold, the date on which the manufacture of the products for the purchase order was completed, the location of the mold, the name and address of the appropriate molder official to be contacted regarding the mold, and a statement that within 90 days after the date of receipt of the notice of intent to acquire title, the customer is required to remove the mold from the molder's premises or contact the designated official to make contractual arrangements for storage of the mold.

(c) If the molder is unable to identify sufficient information to send notice pursuant to paragraph (b), or if a signed return receipt of a notice sent by certified mail pursuant to paragraph (b) is not received by the molder within 30 days after the notice is mailed, the molder shall publish the notice of intent to acquire title to the unclaimed mold at least twice, 60 or more days apart, in a publication of general circulation in the county in which the molder is located and the county of the customer's last known address, if known. The published notice shall contain all the information required in paragraph (b) which is available to the molder.

(d) The molder must make a search of Uniform Commercial Code lien filings with the Florida Department of State, Division of Corporations, and, if the molder is able to identify a holder of a perfected security interest in the mold, the molder shall provide notice of intent to acquire title to the mold by sending a notice by certified mail, return receipt requested, to the lienholder at the lienholder's last address of record with the division. The notice shall contain all the information required by paragraph (b) which is available to the molder.

(5) **MOLDER GAINING TITLE TO PROPERTY; CONDITIONS.**—Beginning July 1, 1998, a molder acquires title to an unclaimed mold under any of the following circumstances:

(a) For an unclaimed mold for which a molder provides notice to a customer in accordance with paragraph (4)(b) and for which a signed receipt is received, if the customer or anyone having a legal interest in the mold does not contact the molder and either remove the mold from the molder's premises or make contractual arrangements with the molder for storage of the mold within 90 days after the date notice was received.

(b) For an unclaimed mold for which notice by publication is made pursuant to paragraph (4)(c), if the customer or anyone having a legal interest in the mold does not contact the molder and either remove the mold from the molder's premises or make contractual arrangements with the molder for storage of the mold within 90 days after the date of the second publication.

(6) **CONTRACTUAL OBLIGATIONS.**—Notwithstanding the provisions of this section, a molder and a customer may bind themselves to different provisions by written contract.

(7) **EFFECT ON OTHER RIGHTS.**—This section does not affect the rights of a holder of a perfected security interest in a mold or any right of the customer under federal patent or copyright law or federal law relating to unfair competition.

(8) **TITLE OF PROPERTY ACQUIRED FROM A MOLDER.**—A molder who acquires title to a mold under this section passes good title to another when transferring the mold with the intent to pass title.

Section 2. Section 713.596, Florida Statutes, is created to read:

713.596 Molder's liens.—

(1) **DEFINITIONS.**—As used in this section, the term:

(a) "Customer" means any person who causes a molder to fabricate, cast, or otherwise make a mold, or who provides a molder with a mold with which to manufacture, assemble, cast, fabricate, or otherwise make a product for a customer.

(b) "Mold" means a die, mold, form, or pattern, but does not include computer software used to control or direct automatic machines in a manufacturing process, and does not include impressions, molds, models, or study casts used by a dentist, orthotist, or prosthetist within the scope of his or her practice.

(c) "Molder" means any person who fabricates, casts, or otherwise makes or uses a mold for the purpose of manufacturing, assembling, casting, fabricating, or otherwise making a product for a customer. The term includes a tool or die maker.

(2) **LIENS.**—

(a) A molder that has not received payment from a customer in accordance with the terms of the contract between the two has a lien on a mold in the molder's possession which belongs to that customer. The lien is for the balance due the molder from the customer for any work that the molder has performed for the customer in manufacturing or fabricating products for the customer using the mold and for the value of all material related to such work. The molder may retain possession of the mold until the debts are paid.

(b) Before enforcing the lien, the molder must notify the customer in writing of the claim of lien. The notice must be either delivered personally or sent by certified mail, return receipt requested, to the last known address of the customer. The notice must state that the molder claims a lien for the balance due for work that the molder has performed in manufacturing or fabricating products for the customer using the mold and for the value of related materials as is specified in the notice. Additionally, the notice must include a statement of the amount of the balance owed, a demand for payment, and a statement of the location of the mold. Finally, the notice must include the following warning in conspicuous type and in substantially the following form:

**WARNING: YOUR FAILURE TO PAY THE UNPAID BALANCE AS STATED HEREIN WILL RESULT IN THE IMPOSITION OF A LIEN ON THE MOLD DESCRIBED HEREIN AND IN THE SALE OF THAT MOLD AS PROVIDED BY LAW.**

(c) If the customer does not pay the amount due as stated in the notice within 60 days after the date of receipt of the notice, the molder may sell the mold at a public auction. However, the mold may not be sold if there is a good-faith dispute or litigation between the molder and the customer concerning either the quality of the products made or fabricated by use of the mold or the amount due.

(3) SALE.—

(a) Before a molder may sell a mold, the molder must notify the customer and any holder of a security interest perfected in this state of the intended sale. The notice must be by certified mail, return receipt requested, and must include:

1. Notice of the molder's intent to sell the mold 30 days after the customer's receipt of the notice.
2. A description of the mold to be sold.
3. The time and place of the sale.
4. An itemized statement of the amount due.

(b) If there is no return of the receipt of the mailing or if the postal service returns the notice as being nondeliverable, the molder must publish notice, at least 30 days before the date of sale in a newspaper of general circulation in the county of the customer's last known place of business, of the molder's intent to sell the mold. The notice must include a description of the mold to be sold and the time and place of the sale.

(c)1. The proceeds of the sale must be paid first to any holder of a security interest perfected in this state. Any excess must be paid to the molder holding the lien created by this section. Any remaining amount is to be paid to the customer, if the customer's address is known, or to the State Treasurer for deposit in the General Revenue Fund if the customer's address is unknown to the molder at the time of the sale.

2. A sale may not be made under this section if it would be in violation of any right of a customer under federal patent or copyright law.

Section 3. Section 1 of this act applies only to contracts entered into before January 1, 1999, and is repealed effective January 1, 2001.

Section 4. 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 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.

On motions by Senator Latvala, by two-thirds vote **HB 1403** 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	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Thomas
Campbell	Geller	Latvala	Turner
Casas	Grant	Laurent	Williams
Childers	Gutman	Lee	
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Myers

**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.

—was read the third time by title.

On motions by Senator Hargrett, **CS for CS for HB 1849** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Myers

**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.

—was read the third time by title.

On motions by Senator Campbell, **HB 1749** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Myers

**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 industry; 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; 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; providing an effective date.

—as amended April 13 was read the third time by title.

On motions by Senator Bronson, **CS for CS for SB 1046** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Myers

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Consideration of **HB 3261** was deferred.

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**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.

—as amended April 13 was read the third time by title.

On motions by Senator Brown-Waite, **CS for HB 1437** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Myers

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**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.

—was read the third time by title.

On motions by Senator Williams, **CS for HB 3199** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Grant	Jones	Lee	Silver
Gutman	Kirkpatrick	McKay	Thomas
Hargrett	Klein	Meadows	Turner
Harris	Kurth	Ostalkiewicz	Williams
Holzendorf	Latvala	Rossin	
Horne	Laurent	Scott	

Nays—None

Vote after roll call:

Yea—Myers

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**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; directing legislative committees to review the Florida Accidental Release Prevention and Risk Management Planning Act; 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.

—as amended April 13 was read the third time by title.

On motions by Senator Dyer, **CS for SB 812** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Myers

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**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 third time by title.

On motions by Senator Lee, **SB 1058** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Casas	Dyer	Harris
Bankhead	Childers	Forman	Holzendorf
Bronson	Clary	Geller	Horne
Brown-Waite	Cowin	Grant	Jones
Burt	Crist	Gutman	Kirkpatrick
Campbell	Dudley	Hargrett	Klein



Kurth	McKay	Rossin	Thomas
Latvala	Meadows	Scott	Turner
Laurent	Ostalkiewicz	Silver	Williams
Lee			

Nays—None

Vote after roll call:

Yea—Myers

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**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 third time by title.

On motions by Senator Silver, **CS for CS for SB 626** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Myers

Consideration of **CS for SB 818** was deferred.

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**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 third time by title.

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

**Amendment 1 (with title amendment)**—On page 2, between lines 2 and 3, insert:

Section 2. Subsection (10) of section 893.138, Florida Statutes, is amended to read:

893.138 Local administrative action to abate drug-related or prostitution-related public nuisances and criminal street gang activity.—

(10) The provisions of this section may be supplemented by a county or municipal ordinance. The ordinance may include, but is not limited to, provisions that establish additional penalties for public nuisances, including fines not to exceed \$250 per day; provide for the payment of reasonable costs, including reasonable attorney fees associated with investigations of and hearings on public nuisances; provide for continuing jurisdiction for a period of 1 year over any place or premises that has been or is declared to be a public nuisance; establish penalties, including fines not to exceed \$500 per day for recurring public nuisances; provide for the recording of orders on public nuisances so that notice must be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order; provide that recorded orders on public nuisances may become liens against the real property that is the subject of the order; and provide for the foreclosure of property subject to a lien and the recovery of all costs, including reasonable attorney fees, associated with the recording of orders and foreclosure. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. The total fines imposed pursuant to the authority of this section shall not exceed \$7,500 ~~\$5,000~~. Nothing contained within this section prohibits a county or municipality from proceeding against a public nuisance by any other means.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 893.138, F.S.; increasing the maximum cumulative fine that may be levied against properties designated public nuisances for drug-related activity or other offenses;

On motions by Senator Gutman, **SB 1292** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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**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.

—was read the third time by title.

On motions by Senator Kurth, **HB 65** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Campbell	Crist	Geller
Bankhead	Casas	Diaz-Balart	Grant
Bronson	Childers	Dudley	Gutman
Brown-Waite	Clary	Dyer	Hargrett
Burt	Cowin	Forman	Harris

Holzendorf	Kurth	Myers	Thomas
Horne	Latvala	Ostalkiewicz	Turner
Jones	Lee	Rossin	Williams
Kirkpatrick	McKay	Scott	
Klein	Meadows	Silver	

Nays—None

**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 third time by title.

On motions by Senator Horne, **CS for SB 818** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**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.

—as amended April 13 was read the third time by title.

On motions by Senator Campbell, **CS for SB 154** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**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 third time by title.

On motions by Senator Rossin, **SB 892** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**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 third time by title.

On motions by Senator Crist, **SB 668** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**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.

—was read the third time by title.

On motions by Senator Horne, **CS for CS for HB 1137** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Ostalkiewicz	Scott	Thomas	Williams
Rossin	Silver	Turner	
Nays—None			

Yeas—38			
Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	
Nays—None			

**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 third time by title.

On motions by Senator Cowin, **SB 830** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—31			
Madam President	Clary	Hargrett	McKay
Bankhead	Cowin	Harris	Meadows
Bronson	Crist	Horne	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Ostalkiewicz
Burt	Dudley	Klein	Scott
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Williams
Childers	Gutman	Lee	
Nays—7			
Dyer	Holzendorf	Kurth	Silver
Forman	Jones	Rossin	

**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.

—was read the third time by title.

On motions by Senator Bronson, **HB 3477** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38			
Madam President	Crist	Holzendorf	Meadows
Bankhead	Diaz-Balart	Horne	Myers
Bronson	Dudley	Jones	Ostalkiewicz
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Silver
Campbell	Geller	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Laurent	Williams
Clary	Hargrett	Lee	
Cowin	Harris	McKay	
Nays—None			

**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 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 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.

—as amended April 13 was read the third time by title.

On motions by Senator Lee, **SB 540** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

**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.

—as amended April 13 was read the third time by title.

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

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

Section 4. *The tennis court complex at the University of West Florida is hereby designated the “Harold ‘Skeeter’ Carson Tennis Complex” in honor of the university’s first tennis coach and his untiring and extraordinary contribution to the community and to his profession.*

Section 5. *The Lifelong Learning Center on the Boca Raton Campus of Florida Atlantic University, the first lifelong learning center to be constructed on any of the university’s seven campuses for use by the Lifelong Learning Society, is hereby designated the “Barry and Florence Friedberg Lifelong Learning Center” in recognition of the generosity, dedication, and active support of Barry and Florence Friedberg.*

Section 6. *The swim/dive office and training facility at the University of Florida is hereby designated the “Wayne and Jimmie Carse Swimming and Diving Complex” in recognition of the generosity of Wayne and Jimmie Carse to the university and its students.*

Section 7. *Flint Hall at the University of Florida is hereby renamed “Keene-Flint Hall” in recognition of Kenneth K. Keene’s generosity to the university and its students.*

Section 8. *The residence currently known as 2nd Court, Pei Residence Halls, located on the Sarasota/Manatee Campus of New College of the University of South Florida, is hereby designated the “Peggy Bates Residence Hall” in recognition of the tireless and dedicated services of Dr. Margaret L. Bates to New College and the Sarasota/Manatee community.*

Section 9. *The library tower located on the campus of Florida International University is hereby designated the “Steven and Dorothea Green Library” in recognition of the generosity of Steven and Dorothea Green to the university libraries and to the Art Museum.*

Section 10. *The recording facility donated to Florida State University by Echelon International Development Corporation is hereby designated “Critchfield Hall” in recognition of Dr. Jack Critchfield’s generosity to Florida State University and his philanthropic contributions to the State of Florida.*

Section 11. *The respective universities are authorized to erect suitable markers for the designations made by this act.*

Section 12. Section 240.605, Florida Statutes, is amended to read:  
240.605 *The William L. Boyd, IV Florida resident access grants.—*

(1) The Legislature finds and declares that independent nonprofit colleges and universities eligible to participate in the *William L. Boyd, IV Florida Resident Access Grant Program* are an integral part of the higher education system in this state and that a significant number of state residents choose this form of higher education. The Legislature further finds that a strong and viable system of independent nonprofit colleges and universities reduces the tax burden on the citizens of the state. Because the *William L. Boyd, IV Florida Resident Access Grant Program* is not related to a student's financial need or other criteria upon which financial aid programs are based, it is the intent of the Legislature that the *William L. Boyd, IV Florida Resident Access Grant Program* not be considered a financial aid program but rather a tuition assistance program for its citizens.

(2) The *William L. Boyd, IV Florida Resident Access Grant Program* shall be administered by the Department of Education. The State Board of Education shall adopt rules for the administration of the program.

(3) The department shall issue through the program a *William L. Boyd, IV Florida resident access grant* to any full-time degree-seeking undergraduate student registered at an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; which grants baccalaureate degrees; which is not a state university or state community college; and which has a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious sect. Any independent college or university that was eligible to receive tuition vouchers on January 1, 1989, and which continues to meet the criteria under which its eligibility was established, shall remain eligible to receive *William L. Boyd, IV Florida resident access grant* payments.

(4) A person is eligible to receive such *William L. Boyd, IV Florida resident access grant* if:

(a) He or she meets the general requirements, including residency, for student eligibility as provided in s. 240.404, except as otherwise provided in this section; and

(b)1. He or she is enrolled as a full-time undergraduate student at an eligible college or university;

2. He or she is not enrolled in a program of study leading to a degree in theology or divinity; and

3. He or she is making satisfactory academic progress as defined by the college or university in which he or she is enrolled.

(5)(a) Funding for the *William L. Boyd, IV Florida resident access grant* shall be based on a formula composed of planned enrollment and the state cost of funding undergraduate enrollment at public institutions pursuant to s. 240.271. However, the amount of the *William L. Boyd, IV Florida resident access grant* issued to a full-time student shall be 30 percent in 1996-1997, 35 percent in 1997-1998, and 40 percent in 1998-1999 and thereafter of the full cost to the state per academic year of an undergraduate student in public postsecondary education established pursuant to s. 240.209 or an amount as specified in the General Appropriations Act. The Florida *William L. Boyd, IV resident access grant* may be paid on a prorated basis in advance of the registration period. The department shall make such payments to the college or university in which the student is enrolled for credit to the student's account for payment of tuition and fees. Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances or refunds within 60 days of the end of regular registration. Students shall not be eligible to receive the award for more than 9 semesters or 14 quarters, except as otherwise provided in s. 240.404(3).

(b) If the combined amount of the *William L. Boyd, IV Florida resident access grant* issued pursuant to this act and all other scholarships and grants for tuition or fees exceeds the amount charged to the student for tuition and fees, the department shall reduce the *William L. Boyd, IV Florida resident access grant* issued pursuant to this act by an amount equal to such excess.

(c) For the 1997-1998 fiscal year only, funding for the *William L. Boyd, IV Florida resident access grant* shall be the amount set forth in

the General Appropriations Act. This paragraph is repealed on July 1, 1998.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-13, delete those lines and insert: An act relating to the designation of facilities and programs; 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; designating the tennis court complex at the University of West Florida the "Harold 'Skeeter' Carson Tennis Complex"; designating the Lifelong Learning Center on the Boca Raton Campus of Florida Atlantic University the "Barry and Florence Friedberg Lifelong Learning Center"; designating the swim/dive office and training facility at the University of Florida the "Wayne and Jimmie Carse Swimming and Diving Complex"; renaming Flint Hall at the University of Florida as "Keene-Flint Hall"; designating the residence hall known as 2nd Court, Pei Residence Halls, located at New College of the University of South Florida the "Peggy Bates Residence Hall"; designating the library tower on the campus of Florida International University the "Steven and Dorothea Green Library"; designating the recording facility donated to Florida State University as "Critchfield Hall"; authorizing the respective universities to erect suitable markers; amending s. 240.605, F.S.; renaming the Florida Resident Access Grant Program as the *William L. Boyd, IV Florida Resident Access Grant Program*; providing an effective date.

#### MOTION

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

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

**Amendment 5 (with title amendment)**—On page 4, between lines 9 and 10, insert:

Section 4. (1) *The Rodman Dam, in Putnam County, Florida, is renamed the "Senator George Kirkpatrick Dam."*

(2) *The Department of Environmental Protection is directed to erect suitable markers bearing the new designation made by this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 11-13, delete those lines and insert: naming the Rodman Dam in Putnam County the "Senator George Kirkpatrick Dam"; providing for the erection of markers; providing an effective date.

WHEREAS, the Rodman Dam has been in existence since 1968, constructed as part of the former Cross Florida Barge Canal, and

WHEREAS, Senator George Kirkpatrick seems to have a keen interest in the final disposition of Rodman Dam, and

WHEREAS, Senator George Kirkpatrick is an avid bass fisherman, naturalist, and outdoorsman, and

WHEREAS, Senator George Kirkpatrick has led the opposition to the removal of the dam throughout his Senate career, and

On motions by Senator Burt, **CS for HB 3065** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Casas	Dudley	Hargrett
Bankhead	Childers	Dyer	Harris
Bronson	Clary	Forman	Holzendorf
Brown-Waite	Cowin	Geller	Horne
Burt	Crist	Grant	Jones
Campbell	Diaz-Balart	Gutman	Kirkpatrick

Klein	Lee	Ostalkiewicz	Turner
Kurth	McKay	Scott	Williams
Latvala	Meadows	Silver	
Laurent	Myers	Thomas	

Nays—None

**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.

—was read the third time by title.

On motions by Senator Kirkpatrick, **HB 3261** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**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”; 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.

—as amended April 13 was read the third time by title.

On motions by Senator Latvala, **CS for SB 1458** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**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; amending s. 376.313, F.S.; correcting references to the Florida Administrative Code; repealing s. 21, ch. 86-159, Laws of Florida, relating to the scheduled repeal of s. 376.313(4), F.S.; providing an effective date.

—as amended April 13 was read the third time by title.

On motions by Senator Latvala, **CS for SB 1202** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**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 third time by title.

On motions by Senator Latvala, **CS for SB 1204** was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**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.

—as amended April 13 was read the third time by title.

On motions by Senator Harris, **CS for HB 319** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

### SPECIAL ORDER CALENDAR

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

**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.

—which was previously considered and amended April 13. Pending **Amendment 8** by Senators Rossin and Ostalkiewicz was adopted.

Senators Rossin and Ostalkiewicz offered the following amendments which were moved by Senator Rossin and adopted:

**Amendment 9**—On page 30, line 19, after “*Consent*” insert: *executed under subsection (4) paragraph (c)*

**Amendment 10**—On page 30, line 31, delete the period (.) and insert: *, unless upon motion for emergency hearing by the adoption entity, the court determines in written findings that placement of the minor with the person withdrawing consent may endanger the minor. If the court finds that such placement may endanger the minor, the court must enter an order regarding continued placement of the child. The order shall include, but not be limited to, whether temporary placement in foster care is appropriate, whether an investigation by the Department of Children and Families is recommended, and whether a relative within the third degree is available for the temporary placement. In addition, if the person withdrawing consent claims to be the father of the minor but has not been established to be the father by marriage, court order, or scientific testing, the court may order scientific paternity testing and reserve ruling on removal of the child until the results of such testing have been filed with the court.*

**Amendment 11**—On page 32, line 21, after the period (.) insert: *If the minor is to be placed for adoption upon leaving the hospital, the consent may not be signed until 48 hours after birth or the day the birth mother is released from the hospital. If the minor is not placed for adoption upon leaving the hospital, a 3-day revocation period applies.*

Senator Dudley moved the following amendments which were adopted:

**Amendment 12**—On page 33, delete line 22 and insert: *it was obtained by fraud.*

**Amendment 13**—On page 37, line 15, delete “s. 63.092(2)” and insert: *s. 63.092(3)*

**Amendment 14**—On page 39, line 26 and on page 40, line 16, after “Indian” insert: *Child*

**Amendment 15**—On page 42, delete line 1 and insert: *of the petition to terminate parental rights pending adoption and*

**Amendment 16**—On page 46, lines 2-4, delete those lines and insert: *person must be served notice under s. 63.088(2), of the petition and hearing to terminate parental rights pending adoption by constructive service in the manner provided in*

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

**Amendment 17**—On page 52, lines 6-8, delete those lines and insert: *judgment. The motion must be filed within a reasonable time, but not later than 1 year after the date the termination of parental rights final order was entered.*

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

**Amendment 18**—On page 52, lines 9-21 and on page 69, line 24 through page 70, line 5, delete those lines and insert:

(d) *Not later than 30 days after the filing of a motion under this subsection, the court must conduct a preliminary hearing to determine what contact, if any, shall be permitted between a birth parent and the child pending resolution of the motion. Such contact shall only be considered if it is requested by a birth parent who has appeared at the hearing. If the court orders contact between a birth parent and child, the order must be issued in writing as expeditiously as possible and must state with specificity any provisions regarding contact with persons other than those with whom the child resides.*

(e) *At the preliminary hearing, the court, upon the motion of any party or its own motion, may order scientific testing to determine the paternity of the minor if the person seeking to set aside the judgment is alleging to be the child's birth father and that fact has not previously been determined by legitimacy or scientific testing. The court may order supervised visitation with a person from whom scientific testing for paternity has been ordered conditional upon the filing of those test results with the court and such results establish that person's paternity of the minor.*

(f) *No later than 45 days after the preliminary hearing, the court must conduct a final hearing on the motion to set aside the judgment and issue its written order as expeditiously as possible thereafter.*

Senator Dudley moved the following amendment which was adopted:

**Amendment 19**—On page 63, delete line 2 and insert: *63.062(1)(e) 63.062(1)(e).*

Senator Rossin moved the following amendment which was adopted:

**Amendment 20**—On page 69, lines 21-23, delete those lines and insert: *original judgment. The motion must be filed within a reasonable time, but not later than 1 year after the date the termination of parental rights final order was entered.*

Pursuant to Rule 4.19, **CS for SB 550** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

**SB 842**—A bill to be entitled An act relating to the subsidized adoption program for the special needs child; amending s. 409.166, F.S.; amending the definition of the term “special needs child”; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 842** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

**SB 264**—A bill to be entitled An act relating to adoption of foster children; amending s. 39.469, F.S.; allowing communication or contact between a child and siblings of a parent whose rights are terminated; amending s. 63.022, F.S.; providing legislative intent for continuing sibling contact; creating s. 63.0427, F.S.; providing for an adopted minor's right to continued communication or contact with siblings; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 264** to **CS for HB 585**.

Pending further consideration of **SB 264** as amended, on motion by Senator Rossin, by two-thirds vote **CS for HB 585** was withdrawn from the Committees on Judiciary; and Children, Families and Seniors.

On motion by Senator Rossin—

**CS for HB 585**—A bill to be entitled An act relating to adoption of foster children; amending s. 39.469, F.S.; allowing communication or contact with siblings after termination of parental rights; amending s. 63.022(2), F.S.; providing legislative intent for continuing sibling contact; creating s. 63.0427, F.S.; providing for an adopted minor's right to continued communication or contact with siblings; providing an effective date.

—a companion measure, was substituted for **SB 264** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 585** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay—

**CS for SB 492**—A bill to be entitled An act relating to public notice requirements; amending s. 170.07, F.S.; revising the time for providing written notice of assessment to property owners; amending s. 194.032, F.S.; revising the time in which a value adjustment board hearing must be held; revising the time for notice to a petitioner of the scheduled time of appearance before the board; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 492** was placed on the calendar of Bills on Third Reading.

On motion by Senator Grant, by two-thirds vote **CS for HB 3007** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Grant—

**CS for HB 3007**—A bill to be entitled An act relating to alcohol and other substance abuse testing of a delinquent child; amending s. 985.231, F.S., relating to powers of disposition in delinquency cases; providing that the court may order a delinquent child placed in an alcohol or controlled substances; providing that the order may be made at the disposition, or pursuant to the filing of a petition alleging violation of the conditions of the child's community control or aftercare supervision; reenacting s. 985.31(3)(e), F.S., relating to serious or habitual offenders, and s. 985.311(3)(e), F.S., relating to intensive residential treatment program for offenders less than 13 years of age, to incorporate said amendment in references; providing an effective date.

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

Pursuant to Rule 4.19, **CS for HB 3007** was placed on the calendar of Bills on Third Reading.

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

**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.

—which was previously considered April 13. Pending **Amendment 1** by Senators Clary and Horne was adopted.

Senators Clary and Horne offered the following amendments which were moved by Senator Clary and adopted:

**Amendment 2**—On page 13, delete line 16 and insert: *applicant to pass a separate practical component of the examination.*

**Amendment 3**—On page 34, line 23 and on page 35, line 20, after “Osteopathic physician” insert: *, or physician assistant*

**Amendment 4 (with title amendment)**—On page 37, delete line 30 and insert:

Section 14. Section 240.4067, Florida Statutes, is amended to read:  
240.4067 Medical Education Reimbursement and Loan Repayment Program.—

(1) To encourage qualified medical professionals to practice in underserved locations where there are shortages of such personnel, there is established the Medical Education Reimbursement and Loan Repayment Program. The function of the program is to make payments that offset loans and educational expenses incurred by students for studies leading to a medical or nursing degree, medical or nursing licensure, or advanced registered nurse practitioner or physician’s assistant certification or *physician assistant licensure*. The following licensed or certified health care professionals are eligible to participate in this program: medical doctors with primary care specialties, doctors of osteopathic medicine with primary care specialties, physician’s assistants, licensed practical nurses and registered nurses, and advanced registered nurse practitioners with primary care specialties such as certified nurse midwives. Primary care medical specialties for physicians include obstetrics, gynecology, general and family practice, internal medicine, pediatrics, and other specialties which may be identified by the Department of Health and ~~Rehabilitative Services~~.

(2) From the funds available, the Department of Health and ~~Rehabilitative Services~~ shall make payments to selected medical professionals as follows:

(a) Up to \$4,000 per year for licensed practical nurses and registered nurses, up to \$10,000 per year for advanced registered nurse practitioners and physician’s assistants, and up to \$20,000 per year for physicians. Penalties for noncompliance shall be the same as those in the National Health Services Corps Loan Repayment Program. Educational expenses include costs for tuition, matriculation, registration, books, laboratory and other fees, other educational costs, and reasonable living expenses as determined by the Department of Health and ~~Rehabilitative Services~~.

(b) All payments shall be contingent on continued proof of primary care practice in an area defined in s. 395.602(2)(e), or an underserved area designated by the Department of Health and ~~Rehabilitative Services~~, provided the practitioner accepts Medicaid reimbursement if eligible for such reimbursement. Correctional facilities, state hospitals, and other state institutions that employ medical personnel shall be designated by the Department of Health and ~~Rehabilitative Services~~ as underserved locations. Locations with high incidences of infant mortality, high morbidity, or low Medicaid participation by health care professionals may be designated as underserved.

(c) The Department of Health and ~~Rehabilitative Services~~ may use funds appropriated for the Medical Education Reimbursement and Loan Repayment Program as matching funds for federal loan repayment programs such as the National Health Service Corps State Loan Repayment Program.

(3) The Department of Health and ~~Rehabilitative Services~~ may adopt any rules necessary for the administration of the Medical Educa-

tion Reimbursement and Loan Repayment Program. The department may also solicit technical advice regarding conduct of the program from the Department of Education and Florida universities and community colleges. The Department of Health and ~~Rehabilitative Services~~ shall submit a budget request for an amount sufficient to fund medical education reimbursement, loan repayments, and program administration.

Section 15. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 3, after “232.465,” insert: 240.4067,

Pursuant to Rule 4.19, **CS for SB 776** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

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

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1710** was placed on the calendar of Bills on Third Reading.

#### SENATOR BURT PRESIDING

On motion by Senator Brown-Waite—

**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.

—was read the second time by title.

Senator Brown-Waite moved the following amendments which were adopted:

**Amendment 1**—On page 11, line 21, after the first “*children*” insert: *receiving premium assistance payments*

**Amendment 2**—On page 14, line 1, delete “*an*” and insert: *a health*

**Amendment 3**—On page 30, line 3, after “*program*” insert: *, or who are not eligible under s. 409.814(5).*

**Amendment 4**—On page 34, line 26, after the comma (,) insert: *administering the Medikids program.*

Senators Diaz-Balart and Brown-Waite offered the following amendment which was moved by Senator Diaz-Balart and adopted:

**Amendment 5**—On page 35, lines 9-13, delete those lines and insert:

*(5) Notwithstanding any other provision contained in this act, the Florida Healthy Kids Corporation shall continue to provide health care coverage as previously approved by the federal Department of Health and Human Services under Title XXI of the Social Security Act.*

Senator Brown-Waite moved the following amendments which were adopted:

**Amendment 6**—On page 35, lines 17-21, delete those lines and insert: *Thereafter, the corporation may establish local matching requirements for supplemental participation in the program. The corporation may vary local matching requirements and enrollment by county depending on factors which may influence the generation of local*

**Amendment 7**—On page 37, line 1, delete “*common*” and insert: *minimum*

**Amendment 8**—On page 38, between lines 26 and 27 and on page 39, between lines 7 and 8, insert:

*(b) Medikids;*

(Redesignate subsequent paragraphs.)

**Amendment 9 (with title amendment)**—On page 39, between lines 14 and 15, insert:

Section 19. *The Agency for Health Care Administration shall conduct a study of the feasibility of extending presumptive eligibility for Medicaid to children who have not attained the age of 19. The study shall assess whether families delay seeking health care services or health care coverage because of the lack of presumptive eligibility. The agency shall report its findings to the President of the Senate, the Speaker of the House of Representatives, and the chairpersons of the respective health care committees no later than December 31, 1998.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 15, after the semicolon (;) insert: *directing the Agency for Health Care Administration to conduct a study of Medicaid presumptive eligibility and report its findings to the legislature;*

**Amendment 10**—On page 39, between lines 17 and 18, insert:

Section 20. *For fiscal year 1998-1999, the enrollment ceiling for the non-Medicaid portion of the Florida Kids Health program is 270,000*

*children. Thereafter, the enrollment ceiling shall be established in the General Appropriations Act or general law.*

(Redesignate subsequent sections.)

Senator Myers moved the following amendment which was adopted:

**Amendment 11**—On page 21, between lines 14 and 15, insert:

*(7) Once a child is determined eligible for the National School Lunch program, the child is eligible for coverage under the Florida Kids Health program provided the child meets the requirements of s. 409.814 and is enrolled in school. However, a child who is determined to be eligible under s. 409.814 may not be denied coverage.*

Pursuant to Rule 4.19, **CS for CS for CS for SB 1228** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

**CS for CS for SB's 2156 and 1910**—A bill to be entitled An act relating to education; creating s. 236.08106, F.S., relating to the Excellent Teaching Program; providing legislative findings and intent; authorizing monetary incentives and bonuses for teaching excellence; providing for annual allocations to districts; providing fee subsidies and conditions for repayment of subsidies for participating in the certification program of the National Board of Professional Teaching Standards; requiring the distribution of certain monetary bonuses to teachers; providing eligibility criteria; requiring release time for certain activities; requiring certain district expenditures for professional development of teachers; amending s. 236.081, F.S.; authorizing categorical funding for the Excellent Teaching Program; amending s. 231.173, F.S., relating to certification of experienced out-of-state teachers and administrators; deleting a requirement for superintendents to request certification; providing for issuance of a professional certificate to individuals certified by the National Board of Professional Teaching Standards; conforming provisions; amending s. 231.24, F.S.; authorizing renewal of certificates through national certification; providing an effective date.

—was read the second time by title.

Senator Horne moved the following amendments which were adopted:

**Amendment 1**—On page 3, line 1, after “*school district,*” insert: *who is certified by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29 and, beginning in the school fiscal year 1999-2000, to have qualified for the district performance-based pay incentive pursuant to s. 230.23,*

**Amendment 2**—On page 3, lines 12-18, delete those lines and insert:

*(b) A portfolio-preparation incentive of \$150 for each teacher employed by the district school board or a public school within the district who is participating in the NBPTS certification program. The portfolio-preparation incentive is a one-time award paid during the school year for which the NBPTS fee subsidy is provided.*

**Amendment 3**—On page 3, lines 25-27, delete those lines and insert: *meets the requirements of this paragraph and who is certified annually by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29 and to have qualified for the performance-based pay incentive pursuant to s. 230.23. The annual bonus may be paid as a single payment or divided into not more than three payments.*

**Amendment 4**—On page 4, line 15, delete “*use*” and insert: *give priority to using*

Pursuant to Rule 4.19, **CS for CS for SB's 2156 and 1910** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

**CS for SB 386**—A bill to be entitled An act relating to postsecondary education; amending s. 240.529, F.S.; providing that, beginning in the

1999-2000 academic year, State University System initial teacher preparation programs shall include an optional teacher internship in a socially and economically disadvantaged area; providing that, beginning in the 2000-2001 academic year, State University System initial teacher preparation programs, in partnership with public school districts, shall establish teaching residency programs in disadvantaged areas; providing for annual stipends for each teacher who has completed such a residency program; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 3, lines 23 and 24, delete those lines and insert: *individual who teaches in a school located in a socially and economically disadvantaged urban or rural area in this state, and as funded by the Legislature in the Division of Human Resources within the Department of Education, will receive a supplemental stipend from the state of*

Pursuant to Rule 4.19, **CS for SB 386** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 921** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Kirkpatrick—

**CS for HB 921**—A bill to be entitled An act relating to expenditure requirements for education programs; amending s. 236.081, F.S., relating to funds for operation of schools; requiring school districts to allocate at least 80 percent of specified funds to the schools generating the funds; providing an effective date.

—a companion measure, was substituted for **SB 174** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 921** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2014** was deferred.

On motion by Senator Williams—

**CS for SB 1108**—A bill to be entitled An act relating to insurance; amending s. 627.021, F.S.; providing that the provisions of ch. 627, F.S., do not apply to commercial inland marine insurance; amending ss. 627.0651, 627.410, F.S.; making conforming changes to requirements for filing underwriting rules and forms; amending s. 627.311, F.S.; revising the composition of the workers' compensation joint underwriting plan; prohibiting insurers from providing workers' compensation to certain employers; amending s. 627.7295, F.S., relating to minimum down payments for motor vehicle insurance; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1108** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

**CS for CS for SB 1704**—A bill to be entitled An act relating to use of rights-of-way by telecommunications companies; amending s. 337.401, F.S.; limiting taxes, fees, or charges imposed by municipalities for use of rights-of-way; limiting local government authority to regulate certain matters within the jurisdiction of the Florida Public Service Commission or the Federal Communications Commission; prohibiting requiring telecommunications companies from obtaining additional consent to use certain rights-of-way under certain circumstances; providing construction; providing application; providing a definition; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1704** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

**CS for SB 552**—A bill to be entitled An act relating to juries; amending s. 40.015, F.S.; providing a method for establishing jury districts, boundaries; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 552** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1070** was deferred.

On motion by Senator Forman—

**CS for SB 124**—A bill to be entitled An act relating to ad valorem tax administration; amending s. 200.065, F.S., which provides requirements for the determination of the millage levied by taxing authorities; revising the form of the notice of tax increase; revising the form of the notice of tax for school capital outlay which must be published by school districts; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Forman and failed:

**Amendment 1**—On page 2, delete line 19 and insert: *Last year's property tax levy.....\$xx,xxx,xxx*

**Amendment 2**—On page 2, lines 20-23, delete those lines

Pursuant to Rule 4.19, **CS for SB 124** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kurth, by two-thirds vote **CS for HB 823** was withdrawn from the Committees on Banking and Insurance; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Kurth—

**CS for HB 823**—A bill to be entitled An act relating to financial matters; amending s. 18.10, F.S., which provides requirements for deposit and investment of state money; revising the standards that certain corporate obligations and state and local government obligations must meet to be qualified for such investment; authorizing investment in certain foreign bonds and certain convertible debt obligations of corporations domiciled in the United States; amending s. 766.315, F.S.; providing that the investment of funds by the Florida Birth-Related Neurological Injury Compensation Association is subject to the provisions of s. 215.47, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB 1056** and read the second time by title.

Senator Kurth moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—On page 5, between lines 24 and 25, insert:

Section 3. Subsection (3) of section 626.8473, Florida Statutes, is amended to read:

626.8473 Escrow; trust fund.—

(3) All funds received by a title insurance agent to be held in trust shall be immediately placed in ~~an escrow trust account~~ in a financial institution that is located within this state and is a member of the Federal

*Deposit Insurance Corporation. These funds shall be invested in an escrow account in accordance with the investment requirements and standards established for deposits and investments of state funds in s. 18.10 insured by an agency of the federal government and located within this state, where the funds shall be kept until disbursement thereof is properly authorized.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: amending s. 626.8473, F.S.; providing for funds to be held in trust by a title insurance agent to be held in the same manner required for deposits of state funds;

Pursuant to Rule 4.19, **CS for HB 823** as amended was placed on the calendar of Bills on Third Reading.

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Consideration of **SB 660** was deferred.

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On motion by 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 business 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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1406** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Clary—

**CS for SB 1408**—A bill to be entitled An act relating to public records; creating s. 440.108, F.S.; providing an exemption from public records requirements for certain information obtained in administering the Workers' Compensation Law; providing for the applicability of confidentiality provisions; authorizing the furnishing of information under cer-

tain conditions; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Clary and adopted:

**Amendment 1**—On page 2, line 29, after the period (.) insert: *Additionally, the Legislature finds that it is a public necessity that trade secrets or business or personal financial records remain confidential and exempt after an investigation is completed or ceases to be active because the disclosure of such information would injure the affected party in the marketplace. Further, information that would defame or cause unwarranted damage to the name or reputation of an individual, or jeopardize the safety of an individual, must remain confidential and exempt after an investigation is completed or ceases to be active to protect that individual's name or reputation or personal safety. As well, information that would jeopardize the integrity of another active investigation or that would reveal investigative techniques or procedures must remain confidential and exempt after an investigation is completed or ceases to be active in order to permit the effective and efficient operation of the program.*

Pursuant to Rule 4.19, **CS for SB 1408** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Lee—

**SB 1972**—A bill to be entitled An act relating to workers' compensation; amending s. 440.09, F.S.; providing a standard for rebutting a presumption that an employee's injury was caused by intoxication or influence of drugs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1972** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Turner—

**SB 660**—A bill to be entitled An act relating to education; providing that state-funded education and care programs for infants and toddlers must foster brain development; requiring an evaluation and a report; 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 Turner and adopted:

**Amendment 1**—On page 2, line 7, after "program," insert: *contracted or directly operated*

Senator Bankhead moved the following amendment which was adopted:

**Amendment 2 (with title amendment)**—On page 2, line 13, after the period (.) insert: *Family daycare centers are encouraged, but not required, to comply with this section.*

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: *encouraging family daycare centers to comply with specified requirements;*

Pursuant to Rule 4.19, **SB 660** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Latvala—

**CS for SB 1092**—A bill to be entitled An act relating to workers' compensation; amending s. 440.15, F.S.; revising eligibility requirements for supplemental payments; providing a method for calculating workers' compensation benefits based on the aggregate amount of those

benefits and other specified benefits payable to the employee; providing that certain supplemental payments are not workers' compensation benefits; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

**Amendment 1**—On page 3, delete line 10 and insert:

(a) *Unless otherwise specifically provided by contract, workers' compensation benefits that are otherwise*

Pursuant to Rule 4.19, **CS for SB 1092** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

**CS for SB 590**—A bill to be entitled An act relating to property crimes; amending s. 810.011, F.S.; defining the term "curtilage"; amending s. 810.09, F.S.; removing references to unenclosed curtilage from the offense of trespass on property other than a structure or conveyance; amending s. 812.014, F.S.; defining the term "authorized person"; removing reference to unenclosed curtilage from the offense of theft from a dwelling; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 590** was placed on the calendar of Bills on Third Reading.

#### MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of **SB 1974**, motions and announcements.

On motion by Senator Rossin—

**SB 1974**—A bill to be entitled An act relating to consumer finance and installment sales; amending s. 516.05, F.S.; requiring certain licensees to report bankruptcy filings to the Department of Banking and Finance; amending s. 520.085, F.S.; providing for acquisition fees on simple-interest contracts; creating s. 520.997, F.S.; providing for certain licensees to report bankruptcy filings to the department; providing an effective date.

—was read the second time by title.

#### THE PRESIDENT PRESIDING

Pursuant to Rule 4.19, **SB 1974** was placed on the calendar of Bills on Third Reading.

### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following Special and Continuing Order Calendar for Wednesday, April 15, and Thursday, April 16, 1998: CS for SB 550, SB 842, SB 264, CS for SB 492, SB 708, CS for SB 776, CS for SB 1710, CS for CS for CS for SB 1228, CS for CS for SB's 2156 and 1910, CS for SB 386, SB 174, CS for SB 2014, CS for SB 1108, CS for CS for SB 1704, CS for SB 552, CS for SB 1070, CS for SB 124, CS for SB 1056, SB 660, CS for CS for SB 1406, CS for SB 1408, SB 1972, CS for SB 1092, CS for SB 590, SB 1974, SB 806, CS for SB 1156, SB 510, SB 1724, CS for CS for SB 94, CS for SB 1498, CS for SB 1176, CS for SB 1678, CS for SB 2300, CS for SB 1596, SB 1462, SB 474, SB 410, SB 376, CS for SB 592, CS for SB 1584, SB 1896, SB 564, SB 254, SB 746, SB 2012, CS for SB 2054, CS for SB 608

Respectfully submitted,  
W. G. (Bill) Bankhead, Chairman

The Committee on Criminal Justice recommends the following pass: SB 378

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

The Committee on Criminal Justice recommends the following pass: SB 1776 with 2 amendments

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 2268

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

The Committee on Banking and Insurance recommends the following pass: SB 730 with 1 amendment

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

The Committee on Community Affairs recommends the following pass: SB 422, SB 970

**The bills were referred to the Committee on Education under the original reference.**

The Committee on Agriculture recommends the following pass: SB 1860 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 1948

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

The Committee on Banking and Insurance recommends the following pass: SB 2540 with 1 amendment

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 2186 with 3 amendments

The Committee on Criminal Justice recommends the following pass: SB 2634

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 820

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

The Committee on Community Affairs recommends the following pass: SB 2638

The Committee on Governmental Reform and Oversight recommends the following pass: SB 1032

The Committee on Regulated Industries recommends the following pass: SB 2596, SB 2598, SB 2600, SB 2602, SB 2616

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

The Committee on Criminal Justice recommends the following pass: SB 588

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 924, CS for SB 1322, SB 1632, CS for SB 1736, CS for SB 2074

The Committee on Health Care recommends the following pass: SB 1616, CS for SB 2324

The Committee on Natural Resources recommends the following pass: CS for SB 2346

The Committee on Regulated Industries recommends the following pass: SB 1080

**The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.**

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The Committee on Commerce and Economic Opportunities recommends the following pass: SB 744

The Committee on Community Affairs recommends the following pass: CS for SB 600 with 2 amendments, CS for SB 720

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 1140 with 3 amendments

The Committee on Governmental Reform and Oversight recommends the following pass: SB 292, SB 316 with 1 amendment, CS for SB 1230 with 2 amendments, SB 1738 with 1 amendment

The Committee on Regulated Industries recommends the following pass: SB 1034 with 2 amendments

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

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The Committee on Agriculture recommends the following not pass: SB 980

**The bill was laid on the table.**

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The Committee on Criminal Justice recommends a committee substitute for the following: SB 1734

The Committee on Judiciary recommends a committee substitute for the following: SB 2170

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Children, Families and Seniors under the original reference.**

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The Committee on Criminal Justice recommends a committee substitute for the following: SB 1486

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

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The Committee on Criminal Justice recommends a committee substitute for the following: SB 1932

**The bill with committee substitute attached was referred to the Committee on Governmental Reform and Oversight under the original reference.**

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The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1028

The Committee on Community Affairs recommends committee substitutes for the following: SB 452, SB 2068

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1214

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

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The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1752, SB 2484

The Committee on Children, Families and Seniors recommends a committee substitute for the following: CS for SB 2288

The Committee on Community Affairs recommends committee substitutes for the following: SB 866, SB 2204

The Committee on Criminal Justice recommends committee substitutes for the following: SB 462, SB 860

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 754, SB 2342

The Committee on Health Care recommends a committee substitute for the following: SB 2126

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

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The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 2092

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1626

The Committee on Criminal Justice recommends a committee substitute for the following: SB 366

The Committee on Health Care recommends a committee substitute for the following: SB 2282

The Committee on Judiciary recommends committee substitutes for the following: SB 942, SB 1070

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

### REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Natural Resources recommends that the Senate confirm the appointments made by the Governor of Pamela J. Davis, James E. Martin and Brenda Menendez, for terms ending March 1, 2002, to the **Governing Board of the Southwest Florida Water Management District**; Jonathan F. Wershow, for a term ending March 1, 1999, to the **Governing Board of the Suwannee River Water Management District**; Dennis Knox Bayer, for a term ending July 1, 1999, Ricardo D. Muga, Maribel N. Nicholson-Choice and Roy Rogers, for terms ending July 1, 2001, as members of the **Environmental Regulation Commission**.

[The appointments contained in the foregoing report were referred to the Committee on Executive Business, Ethics and Elections under the original reference.]

### INTRODUCTION AND REFERENCE OF BILLS

#### FIRST READING

**Senate Resolutions 2676—2678**—Not referenced.

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By Senators Hargrett, Grant, Lee and Crist—

**SB 2680**—A bill to be entitled An act relating to the Hillsborough County School District; providing for a seven-member district school board, with five members elected from single-member residence areas

and two members elected from the county at large, notwithstanding the provisions of ss. 230.061, 230.10, and 230.105, F.S.; providing for implementation at specified elections; providing that school board members shall continue to be elected on a nonpartisan basis and shall be elected in conjunction with the first primary and general elections; providing qualifying and other applicable election procedures; providing for future reapportionment of the single-member residence areas; repealing ss. 1, 2, 3, 4, 5, 6, and 7 of chapter 67-945, Laws of Florida, as amended by chapter 75-393, Laws of Florida, relating to the district school board; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Harris—

**SB 2682**—A bill to be entitled An act relating to Charlotte County; codifying, reenacting, amending, and repealing chapters 65-1357, 70-628, 73-430, 84-405, 84-406, 88-479, and 91-399, Laws of Florida; creating and establishing the Charlotte County Airport Authority; providing for membership; authorizing the County of Charlotte and its incorporated municipalities to contract with the airport authority; providing for the government, jurisdiction, powers, franchises, and privileges of the airport authority; deleting obsolete provisions; repealing all prior special acts relating to the Charlotte County Development Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Kurth—

**SB 2684**—A bill to be entitled An act relating to the St. Lucie County Port and Airport Authority; providing for the dissolution of the St. Lucie County Port and Airport Authority; providing for the transfer of assets, including real property and liabilities of the authority, to the Board of County Commissioners of St. Lucie County; providing for contracts of this authority to remain in effect; providing for liberal construction; providing for the repeal of chapter 97-377, Laws of Florida; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

**SB 2686** was previously referenced.

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Criminal Justice and Senators Williams, Crist and Cowin—

**CS for SB 366**—A bill to be entitled An act relating to weapons and firearms; providing that a nonresident who is a United States citizen may carry a concealed weapon or firearm in this state if the nonresident has attained a specified age and holds a valid license to carry a concealed weapon or firearm issued in another state; providing that a nonresident is subject to the same laws and restrictions as a licensee in this state; providing that an out-of-state license to carry a concealed weapon or firearm remains in effect for a certain period following the date the holder of the license establishes legal residence in this state; specifying how legal residence is established; providing an effective date.

By the Committee on Community Affairs and Senators Brown-Waite, Latvala and Dudley—

**CS for SB 452**—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.003, F.S.; revising the definition of "pass-through charge"; amending s. 723.012, F.S.; clarifying pass-through charges for vacant lots or undeveloped phases; providing for

amendment to the prospectus; amending s. 723.078, F.S., relating to bylaws of homeowners' associations; revising provisions relating to the number of members which constitutes a quorum; providing an effective date.

By the Committee on Criminal Justice and Senator Crist—

**CS for SB 462**—A bill to be entitled An act relating to collection of court costs and fines; creating the "Comprehensive Court Enforcement Program Act"; providing legislative intent; creating s. 938.30, F.S.; providing for supplementary proceedings for enforcement of court-ordered payment of financial obligations in criminal cases; providing for examination under oath regarding a person's ability to pay financial obligations in a criminal case; providing for reduction of the obligation based on a person's ability to pay; providing for service or actual notice of orders to appear; providing for taking of testimony; providing for orders that nonexempt property in the hands of another be applied toward satisfying an obligation; providing for a judgment of civil lien; providing for applicability of the Uniform Fraudulent Transfer Act in certain collection matters; providing for payment schedules; providing for civil contempt sanctions for failure to appear or comply with certain orders; providing for specified enforcement costs and fees and attorney's fees to be assessed to offset the costs of operating the program; providing for the use of special masters; providing that the clerk of court shall make quarterly reports to the chief judge; permitting county commissions to refer certain court-imposed financial obligations to collection agents; permitting use of the new provisions in addition to or in lieu of other provisions of law; providing for certain court orders; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senator Williams—

**CS for SB 754**—A bill to be entitled An act relating to retirement; creating the Florida Retirement Benefit Study Commission; providing for membership; providing powers and duties of the commission; requiring reports; providing for staffing of the commission; providing an effective date.

By the Committee on Criminal Justice and Senator Kirkpatrick—

**CS for SB 860**—A bill to be entitled An act relating to voyeurism; creating s. 810.14, F.S.; prohibiting a person from secretly observing or committing other acts against another person with lewd, lascivious, or indecent intent when the other person is in a location that provides a reasonable expectation of privacy; providing that a person may be convicted and sentenced separately for the voyeurism offense and for any other criminal offense; providing for criminal penalties; providing an effective date.

By the Committee on Community Affairs and Senator Meadows—

**CS for SB 866**—A bill to be entitled An act relating to professional sports franchises; amending s. 288.1162, F.S.; providing for certification of a retained spring training franchise facility by the Office of Tourism, Trade, and Economic Development, upon determination that certain requirements have been met; providing the uses that such facility may make of funds provided pursuant to s. 212.20, F.S.; increasing the number of facilities that may be certified under that section; providing that an applicant certified as a retained spring training franchise facility is required to have a contract with the Department of Labor and Employment Security for the hiring of WAGES participants; providing contract requirements; providing for an annual report on the extent of WAGES hiring by the applicant; amending s. 212.20, F.S.; providing for a monthly distribution of a portion of the revenues of the tax on sales, use, and other transactions to a certified retained spring training franchise facility for a specified period; providing an effective date.

By the Committee on Judiciary and Senator Campbell—

**CS for SB 942**—A bill to be entitled An act relating to litigation reform; 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. 627.428, F.S.; revising a provision relating to attorney's fees to exempt certain actions; amending s. 768.77, F.S.; revising provisions with respect to itemized verdicts to delete reference to future damages; amending s. 768.78, F.S.; conforming to the act; conforming 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 an effective date.

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By the Committee on Commerce and Economic Opportunities; and Senator Gutman—

**CS for SB 1028**—A bill to be entitled An act relating to obtaining personal property or certain services illegally; amending s. 812.15, F.S.; prohibiting the possession or advertisement for sale of certain equipment designed and primarily useful for unauthorized reception of cable system communications; providing penalties; amending s. 812.155, F.S.; prescribing acts that constitute prima facie evidence of intent to defraud; providing authorized means for demand for return; requiring notice on rental agreements; providing penalties; providing an effective date.

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By the Committee on Judiciary and Senators Sullivan, Williams, Horne, Cowin and Latvala—

**CS for SB 1070**—A bill to be entitled An act relating to medical malpractice insurance; amending s. 766.301, F.S.; clarifying legislative intent; amending s. 766.304, F.S.; providing exclusive jurisdiction of administrative law judges in claims filed under ss. 766.301-766.316, F.S.; providing a limitation on bringing a civil action under certain circumstances; amending s. 766.315, F.S.; authorizing the association to invest plan funds only in investments and securities described in s. 215.47, F.S.; amending s. 766.316, F.S.; providing hospitals and physicians with alternative means of providing notices to obstetrical patients relating to the no-fault alternative for birth-related neurological injuries; prescribing conditions; providing for applicability of amendments; requiring the Auditor General to conduct a study of the effects of expanding eligibility for compensation under the plan; providing an effective date.

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By the Committee on Criminal Justice and Senator Crist—

**CS for SB 1214**—A bill to be entitled An act relating to offenders under correctional supervision; amending s. 947.1405, F.S., relating to conditional release; providing that a conditional releasee must submit to searches of his or her person, property, or residence as requested by a correctional probation officer; reenacting s. 775.084(4)(i), F.S., relating to habitual felony offenders and habitual violent felony offenders, to incorporate such amendment in a reference; amending s. 947.18, F.S., relating to conditions of parole; providing that a parolee must submit to searches of his or her person, property, or residence as requested by a correctional probation officer; amending s. 947.22, F.S.; providing for issuance of arrest warrant for a parole violator by a correctional probation officer, under specified circumstances; authorizing a correctional probation officer to arrest without warrant a parolee, control releasee, or conditional releasee, or to search or request search by a law enforcement officer of the parolee or releasee's person, property, or residence, under specified circumstances if there are reasonable grounds to believe a violation has occurred or if there are reasonable grounds to believe the parolee or releasee possesses prohibited items; providing that evidence

is admissible at a hearing for violation of supervision even if no reasonable ground for seizure exists; amending s. 948.03, F.S., relating to probation and community control; requiring a probationer or community controllee on supervision to submit to certain searches of his or her person, property, or residence; prohibiting a probationer or community controllee from having "contact," as defined, with the victim unless authorized by the court; reenacting s. 947.23(6), F.S., relating to action of Parole Commission upon arrest of parolee, s. 948.001(5), F.S., relating to definition of "probation" with respect to chapter 948, F.S., and s. 958.03(4), F.S., relating to definition of "probation" with respect to specified provisions in chapter 958, F.S., to incorporate such amendment in references; amending s. 948.06, F.S., relating to violations of probation or community control; authorizing law enforcement officers and probation or community control officers to search without a warrant, or request law enforcement officers to search without a warrant, the person, property, or residence of any of specified offenders under certain circumstances; prohibiting the exclusion or suppression of evidence from trials for subsequent offenses by offenders on probation, parole, conditional release, or community control under certain circumstances when there were "reasonable grounds," defined as the reasonable suspicion standard, to believe that at the time of the search the offender violated the law or the terms of supervision; providing that evidence is admissible at a hearing for violation of supervision even if no reasonable ground for seizure exists; prohibiting the exclusion or suppression of evidence from hearings for violation of supervision of offenders on probation, parole, conditional release, or community control; reenacting s. 948.01(9), (11)(b), and (13)(b), F.S., relating to circumstances in which a court may place a defendant on probation or into community control, and s. 958.14, F.S., relating to violation of probation or of a community control program, to incorporate such amendment in references; providing an effective date.

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By the Committee on Criminal Justice and Senators Williams and Thomas—

**CS for SB 1486**—A bill to be entitled An act relating to juvenile justice; amending s. 985.309, F.S.; providing funding for boot camps operated by the Department of Juvenile Justice, a county, or municipal government, contingent upon specific appropriation, local funding, or state and local funding; requiring boot camps operated by a sheriff to be under his or her supervisory jurisdiction and authority as determined by a contract between the department and the sheriff; providing for children committed to boot camp to be placed in the boot camp in or nearest to the judicial circuit in which they were adjudicated; providing exceptions to a boot camp placement; deleting requirement that the department charge and a county or municipal government pay a monitoring fee; clarifying consequences for a department, county, or municipal boot camp failing to comply with department rules for boot camps; deleting authorization for the department to institute injunctive proceedings against a county or municipal boot camp for failing to comply with department rules for boot camps; providing an effective date.

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By the Committee on Commerce and Economic Opportunities; and Senator Harris—

**CS for SB 1626**—A bill to be entitled An act relating to occupational safety and health; amending s. 442.006, F.S.; limiting investigations and penalties to public-sector employers; amending s. 442.008, F.S.; limiting division authority to public-sector employers; providing for voluntary inspections and consultations; amending s. 442.013, F.S.; limiting penalties to public-sector employers; amending s. 442.019, F.S.; limiting compliance to public-sector employers; repealing s. 442.003, F.S., relating to legislative intent; repealing s. 442.009, F.S., relating to right of entry by division representatives; repealing s. 442.0105, F.S., relating to employers whose employees have a high frequency of work-related injuries; repealing s. 442.015, F.S., relating to cancellation of coverage on certain employers; repealing s. 442.017, F.S., relating to penalties for employers who refuse to admit certain investigators; providing an effective date.

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By the Committee on Criminal Justice and Senator Campbell—

**CS for SB 1734**—A bill to be entitled An act relating to juvenile and criminal justice; amending s. 985.216, F.S., relating to punishment of a delinquent child for contempt of court and alternative sanctions; removing certain time limitations upon placement of a delinquent child held in contempt in a secure detention facility or secure residential commitment facility; amending s. 985.414, F.S., relating to district juvenile

justice boards; conforming provisions to reflect the creation of the Department of Children and Family Services; requiring that specified entities participate in the interagency agreement developed by the county juvenile justice council; specifying information to be included in the agreement; amending s. 985.415, F.S., relating to Community Juvenile Justice Partnership Grants; clarifying the minimum requirements to be included in an application for a community juvenile justice partnership grant; revising requirements for application for a community juvenile justice partnership grant to remove a requirement for the participation of the Department of Health and Rehabilitative Services; amending s. 985.215, F.S., relating to detention; providing for continued detention of a child who has failed to appear in court on two separate occasions on the same case; providing for an extension of the time limits upon detention of a child under specified circumstances; reenacting ss. 985.211(4), 985.213(2)(b), 985.219(5), 985.208(1), F.S., relating to release or delivery from custody, use of detention, process and service, and detention of a furloughed or escaped child, to incorporate the amendment in references thereto; amending s. 985.209, F.S.; authorizing establishment of truancy programs by juvenile justice assessment centers; defining the term "truant student" to include enrolled students between specified years of age; amending s. 230.23161, F.S., relating to educational services in programs of the Department of Juvenile Justice; providing a maximum limitation on administrative costs under certain contracts by school districts for such programs; amending s. 806.13, F.S., relating to criminal mischief; redefining a first-degree misdemeanor criminal mischief offense to include damage to property greater than \$200 but less than \$500, and providing penalties therefor; redefining third-degree felony criminal mischief to include certain damages of \$500 or greater, and providing penalties therefor; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart, to conform a cross-reference; amending s. 812.014, F.S., relating to theft; providing second-degree felony penalties for a person who commits grand theft of a motor vehicle and who has previously been convicted two or more times of motor vehicle theft; reenacting ss. 538.23(2), 985.227(2)(c), F.S., relating to offenses by secondary metal recyclers and transfer of a child for prosecution, to incorporate the amendment in references thereto; requiring cooperative agreements between the Department of Juvenile Justice and the Department of Children and Family Services for the provision of mental health and substance abuse treatment services to youth in the juvenile justice system; requiring the Office of Program Policy Analysis and Government Accountability to conduct a performance review of the provision of mental health and substance-abuse-treatment services to youth in the juvenile justice system; requiring a report; amending s. 985.234, F.S.; providing for appeal by the state of an order denying restitution, under certain circumstances when the order affects a party to a case involving delinquency; providing effective dates.

By the Committee on Banking and Insurance; and Senators Cowin and Williams—

**CS for SB 1752**—A bill to be entitled An act relating to health insurance; amending s. 636.016, F.S.; requiring prepaid limited health service contracts to provide certain information; requiring prepaid limited health service organizations to provide certain information; amending s. 636.038, F.S.; requiring prepaid limited health service organizations to report certain information annually; providing an effective date.

By the Committee on Criminal Justice and Senator Dudley—

**CS for SB 1932**—A bill to be entitled An act relating to mutual aid agreements; amending s. 23.1225, F.S.; redefining the term "mutual aid agreement" to include certain agreements between one or more law enforcement agencies and either a school board that employs school safety officers or a state university that employs or appoints university police officers; providing for a state university to enter and lend assistance pursuant to such agreements; providing an effective date.

By the Committee on Community Affairs and Senator Forman—

**CS for SB 2068**—A bill to be entitled An act relating to homeowners' associations; amending s. 617.303, F.S.; specifying the location of board meetings; prohibiting commingling of association funds; amending s. 617.307, F.S.; requiring the developer to deliver specific documents to the newly elected board; creating s. 617.3075, F.S.; prohibiting certain clauses in homeowners' association documents; creating s. 617.3077, F.S.; providing for the establishment of reserve and operating accounts;

amending s. 617.311, F.S.; defining the term "dispute"; providing for voluntary binding arbitration of disputes; amending s. 689.26, F.S.; modifying disclosure summary form; providing for reference to the disclosure summary in any contract or agreement for sale; providing an effective date.

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

**CS for SB 2092**—A bill to be entitled An act relating to child care facilities; amending s. 402.302, F.S.; excluding operators of transient establishments from the definition of "child care facility"; amending s. 402.305, F.S.; deleting obsolete provisions with respect to the licensure of child care facilities; authorizing the Department of Children and Family Services to adopt different standards for child care facilities that serve children of different ages; providing for the department to adopt the state public school building code for any child care program operated in a public school facility, regardless of the operator of the program; providing criteria for notification of transfer of ownership; providing an effective date.

By the Committee on Health Care and Senator Hargrett—

**CS for SB 2126**—A bill to be entitled An act relating to pharmacy practice; amending s. 409.908, F.S.; deleting a requirement that the Agency for Health Care Administration implement a variable dispensing fee for payments for prescribed medicines for Medicaid recipients; amending s. 465.003, F.S.; revising the definition of the term "practice of the profession of pharmacy"; providing an effective date.

By the Committee on Judiciary and Senator Dudley—

**CS for SB 2170**—A bill to be entitled An act relating to protection of children; reorganizing and revising ch. 39, F.S.; providing for part I of that chapter, entitled "General Provisions"; amending s. 39.001, F.S.; revising purposes and intent; providing for personnel standards and screening and for drug testing; renumbering and amending s. 415.5015, F.S., relating to child abuse prevention training in the district school system; amending s. 39.01, F.S.; revising definitions; renumbering and amending s. 39.455, F.S., relating to immunity from liability for agents of the Department of Children and Family Services or a social service agency; amending s. 39.012, F.S., and creating s. 39.0121, F.S.; providing authority and requirements for department rules; renumbering and amending s. 39.40, F.S., relating to procedures and jurisdiction; providing for right to counsel; renumbering s. 39.4057, F.S., relating to permanent mailing address designation; renumbering and amending s. 39.411, F.S., relating to oaths, records, and confidential information; renumbering s. 39.414, F.S., relating to court and witness fees; renumbering and amending s. 39.415, F.S., relating to providing for compensation of appointed counsel; renumbering and amending s. 39.418, F.S., relating to the Operations and Maintenance Trust Fund; providing for part II of ch. 39, F.S., entitled "Reporting Child Abuse"; renumbering and amending s. 415.504, F.S., relating to mandatory reports of child abuse, abandonment, or neglect; renumbering and amending s. 415.511, F.S., relating to immunity from liability in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.512, F.S., relating to abrogation of privileged communications in cases of child abuse, abandonment, or neglect; renumbering and amending s. 415.513, F.S.; providing penalties relating to reporting of child abuse, abandonment, or neglect; renumbering and amending s. 415.5131, F.S.; increasing an administrative fine for false reporting; providing for part III of ch. 39, F.S., entitled "Protective Investigations"; creating s. 39.301, F.S.; providing for child protective investigations; creating s. 39.302, F.S.; providing for protective investigations of institutional child abuse, abandonment, or neglect; renumbering and amending s. 415.5055, F.S., relating to child protection teams and services and eligible cases; creating s. 39.3035, F.S.; providing standards for child advocacy centers eligible for state funding; renumbering and amending s. 415.507, F.S., relating to photographs, medical examinations, X rays, and medical treatment of an abused, abandoned, or neglected child; renumbering and amending s. 415.5095, F.S., relating to a model plan for intervention and treatment in sexual abuse cases; creating s. 39.306, F.S.; providing for working agreements with local law enforcement to perform criminal investigations; renumbering and amending s. 415.50171, F.S., relating to reports of child-on-child sexual abuse; providing for part IV of ch. 39, F.S., entitled "Family Builders Program"; renumbering and amending s. 415.515, F.S., relating to establishment of the program; renumbering and amending s. 415.516, F.S.,



relating to goals of the program; renumbering and amending s. 415.517, F.S., relating to contracts for services; renumbering and amending s. 415.518, F.S., relating to family eligibility; renumbering s. 415.519, F.S., relating to delivery of services; renumbering and amending s. 415.520, F.S., relating to qualifications of program workers; renumbering s. 415.521, F.S., relating to outcome evaluation; renumbering and amending s. 415.522, F.S., relating to funding; providing for part V of ch. 39, F.S., entitled "Taking Children into Custody and Shelter Hearings"; creating s. 39.395, F.S.; providing for medical or hospital personnel taking a child into protective custody; amending s. 39.401, F.S.; providing for law enforcement officers or authorized agents of the department taking a child alleged to be dependent into custody; amending s. 39.402, F.S., relating to placement in a shelter; amending s. 39.407, F.S., relating to physical and mental examination and treatment of a child and physical or mental examination of a person requesting custody; renumbering and amending s. 39.4033, F.S., relating to referral of a dependency case to mediation; providing for part VI of ch. 39, F.S., entitled "Petition, Arraignment, Adjudication, and Disposition"; renumbering and amending s. 39.404, F.S., relating to petition for dependency; renumbering and amending s. 39.405, F.S., relating to notice, process, and service; renumbering and amending s. 39.4051, F.S., relating to procedures when the identity or location of the parent, legal custodian, or caregiver is unknown; renumbering and amending s. 39.4055, F.S., relating to injunction pending disposition of a petition for detention or dependency; renumbering and amending s. 39.406, F.S., relating to answers to petitions or other pleadings; renumbering and amending s. 39.408, F.S., relating to arraignment hearings; renumbering and amending s. 39.409, F.S., relating to adjudicatory hearings and orders; renumbering and amending s. 39.41, F.S., relating to disposition hearings and powers of disposition; creating s. 39.5085, F.S.; establishing the Relative-Caregiver Program; directing the Department of Children and Family Services to establish and operate the Relative-Caregiver Program; providing financial assistance within available resources to relatives caring for children; providing for financial assistance and support services to relatives caring for children placed with them by the child protection system; providing for rules establishing eligibility guidelines, caregiver benefits, and payment schedule; renumbering and amending s. 39.4105, F.S., relating to grandparents' rights; renumbering and amending s. 39.413, F.S., relating to appeals; providing for part VII of ch. 39, F.S., entitled "Case Plans"; renumbering and amending s. 39.4031, F.S., relating to case plan requirements and case planning for children in out-of-home care; renumbering and amending s. 39.452, F.S., relating to case planning for children in out-of-home care when the parents, legal custodians, or caregivers do not participate; creating s. 39.603, F.S.; providing for court approvals of case planning; providing for part VIII of ch. 39, F.S., entitled "Judicial Reviews"; renumbering and amending s. 39.453, F.S., relating to judicial review of the status of a child; renumbering and amending s. 39.4531, F.S., relating to citizen review panels; renumbering and amending s. 39.454, F.S., relating to initiation of proceedings for termination of parental rights; renumbering and amending s. 39.456, F.S.; revising exemptions from judicial review; providing for part IX of ch. 39, F.S., entitled "Termination of Parental Rights"; renumbering and amending s. 39.46, F.S., relating to procedures, jurisdiction, and service of process; renumbering and amending s. 39.461, F.S., relating to petition for termination of parental rights, and filing and elements thereof; creating s. 39.803, F.S.; providing procedures when the identity or location of the parent is unknown after filing a petition for termination of parental rights; renumbering s. 39.4627, F.S., relating to penalties for false statements of paternity; renumbering and amending s. 39.463, F.S., relating to petitions and pleadings for which no answer is required; renumbering and amending s. 39.464, F.S., relating to grounds for termination of paternal rights; renumbering and amending s. 39.465, F.S., relating to right to counsel and appointment of a guardian ad litem; renumbering and amending s. 39.466, F.S., relating to advisory hearings; renumbering and amending s. 39.467, F.S., relating to adjudicatory hearings; renumbering and amending s. 39.4612, F.S., relating to the manifest best interests of the child; renumbering and amending s. 39.469, F.S., relating to powers of disposition and order of disposition; renumbering and amending s. 39.47, F.S., relating to post-disposition relief; creating s. 39.813, F.S.; providing for continuing jurisdiction of the court that terminates parental rights over all matters pertaining to the child's adoption; renumbering s. 39.471, F.S., relating to oaths, records, and confidential information; renumbering and amending s. 39.473, F.S., relating to appeal; creating s. 39.816, F.S.; authorizing certain pilot and demonstration projects contingent on receipt of federal grants or contracts; creating s. 39.817, F.S.; providing for a foster care demonstration pilot project; providing for part X of ch. 39, F.S., entitled "Guardians Ad Litem and Guardian Advocates"; creating s. 39.820, F.S.; providing definitions; renumbering s. 415.5077, F.S., relating to qualifications of guardians ad litem; renumbering and amending s. 415.508, F.S., relating to appointment of a guardian ad litem for an abused, abandoned, or neglected child; renumbering and

amending s. 415.5082, F.S., relating to guardian advocates for drug dependent newborns; renumbering and amending s. 415.5083, F.S., relating to procedures and jurisdiction; renumbering s. 415.5084, F.S., relating to petition for appointment of a guardian advocate; renumbering s. 415.5085, F.S., relating to process and service; renumbering and amending s. 415.5086, F.S., relating to hearing for appointment of a guardian advocate; renumbering and amending s. 415.5087, F.S., relating to grounds for appointment of a guardian advocate; renumbering s. 415.5088, F.S., relating to powers and duties of the guardian advocate; renumbering and amending s. 415.5089, F.S., relating to review and removal of a guardian advocate; providing for part XI of ch. 39, F.S., entitled "Domestic Violence"; renumbering s. 415.601, F.S., relating to legislative intent regarding treatment and rehabilitation of victims and perpetrators; renumbering and amending s. 415.602, F.S., relating to definitions; renumbering and amending s. 415.603, F.S., relating to duties and functions of the department; renumbering and amending s. 415.604, F.S., relating to an annual report to the Legislature; renumbering and amending s. 415.605, F.S., relating to domestic violence centers; renumbering s. 415.606, F.S., relating to referral to such centers and notice of rights; renumbering s. 415.608, F.S., relating to confidentiality of information received by the department or a center; amending s. 20.19, F.S.; providing for certification programs for family safety and preservation employees of the department; providing for rules; amending ss. 20.43, 61.13, 61.401, 61.402, 63.052, 63.092, 90.5036, 154.067, 216.136, 232.50, 318.21, 384.29, 392.65, 393.063, 395.1023, 400.4174, 400.556, 402.165, 402.166, 409.1672, 409.176, 409.2554, 409.912, 409.9126, 414.065, 447.401, 464.018, 490.014, 491.014, 741.30, 744.309, 784.075, 933.18, 944.401, 944.705, 984.03, 984.10, 984.15, 984.24, 985.03, 985.303, F.S.; correcting cross-references; conforming related provisions and references; amending ss. 213.053 and 409.2577, F.S.; authorizing disclosure of certain confidential taxpayer and parent locator information for diligent search activities under ch. 39, F.S.; creating s. 435.045, F.S.; providing background screening requirements for prospective foster or adoptive parents; amending s. 943.045, F.S.; providing that the Department of Children and Family Services is a "criminal justice agency" for purposes of the criminal justice information system; repealing s. 39.002, F.S., relating to intent; repealing s. 39.0195, F.S., relating to sheltering unmarried minors and aiding unmarried runaways; repealing s. 39.0196, F.S., relating to children locked out of the home; repealing ss. 39.39, 39.449, and 39.459, F.S., relating to definition of "department"; repealing s. 39.403, F.S., relating to protective investigation; repealing s. 39.4032, F.S., relating to multidisciplinary case staffing; repealing s. 39.4052, F.S., relating to affirmative duty of written notice to adult relatives; repealing s. 39.4053, F.S., relating to diligent search after taking a child into custody; repealing s. 39.408(3), (4), F.S., relating to disposition hearings and notice of hearings; repealing s. 39.45, F.S., relating to legislative intent regarding foster care; repealing s. 39.451, F.S., relating to case planning; repealing s. 39.457, F.S., relating to a pilot program in Leon County to provide additional benefits to children in foster care; repealing s. 39.4611, F.S., relating to elements of petitions; repealing s. 39.462, F.S., relating to process and services; repealing s. 39.4625, F.S., relating to identity or location of parent unknown after filing of petition for termination of parental rights; repealing s. 39.472, F.S., relating to court and witness fees; repealing s. 39.474, F.S., relating to compensation of counsel; repealing s. 39.475, F.S., relating to rights of grandparents; repealing s. 415.501, F.S., relating to the state plan for prevention of abuse and neglect; repealing ss. 415.5016, 415.50165, 415.5017, 415.50175, 415.5018, 415.50185, and 415.5019, F.S., relating to purpose and legislative intent, definitions, procedures, confidentiality of records, district authority and responsibilities, outcome evaluation, and rules for the family services response system; repealing s. 415.502, F.S., relating to legislative intent for comprehensive protective services for abused or neglected children; repealing s. 415.503, F.S., relating to definitions; repealing s. 415.505, F.S., relating to child protective investigations and investigations of institutional child abuse or neglect; repealing s. 415.506, F.S., relating to taking a child into protective custody; repealing s. 415.5075, F.S., relating to rules for medical screening and treatment of children; repealing s. 415.509, F.S., relating to public agencies' responsibilities for prevention, identification, and treatment of child abuse and neglect; repealing s. 415.514, F.S., relating to rules for protective services; providing effective dates.

By the Committee on Community Affairs and Senators Hargrett and Meadows—

**CS for SB 2204**—A bill to be entitled An act relating to affordable housing; amending s. 290.0301, F.S.; changing the title of the "Community Development Corporation Support and Assistance Program Act" to the "Invest in Neighborhood Vitality and Economies Act"; advancing the date of the repeal of the act to June 30, 2007; amending s. 290.0311, F.S.;

revising provisions with respect to legislative findings; providing reference to community-based development organizations; amending s. 290.032, F.S.; revising provisions with respect to policy and purpose; amending s. 290.033, F.S.; providing definitions; amending s. 290.035, F.S.; revising provisions with respect to eligibility for assistance; amending s. 290.036, F.S.; providing for the community-based development organization support program; providing for core and project administrative grants and procedures; amending s. 290.0365, F.S.; providing for a community-based development training and technical assistance program; amending s. 290.037, F.S.; providing for a community development project implementation loan program; amending s. 290.038, F.S.; revising provisions with respect to the authority and duties of the Department of Community Affairs; amending s. 290.039, F.S.; revising provisions with respect to reporting requirements; amending s. 290.0395, F.S.; providing for program performance review and evaluation; repealing s. 290.034, F.S., relating to funding and use of the Operating Trust Fund; amending ss. 189.427, 252.82, 943.25, F.S.; conforming provisions to changes made by the act; providing requirements for the Department of Community Affairs if no community-based development organizations qualify for core administrative grants in a region of the state; providing an effective date.

By the Committee on Health Care and Senator Gutman—

**CS for SB 2282**—A bill to be entitled An act relating to Oriental medicine; amending s. 457.102, F.S.; revising definitions relating to the regulation of acupuncture; defining the term "Oriental medicine"; amending s. 457.103, F.S.; revising membership of the Board of Acupuncture; amending s. 457.105, F.S.; revising qualifications for licensure to practice acupuncture; conforming terminology; amending s. 457.107, F.S.; revising continuing education programs and approvals; amending s. 457.116, F.S.; revising grounds for disciplinary action and prohibited acts; providing penalties; providing an effective date.

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

**CS for CS for SB 2288**—A bill to be entitled An act relating to juvenile justice; amending s. 943.053, F.S.; authorizing the release of certain juvenile criminal history records to a private entity under contract with the Department of Juvenile Justice; providing that such records remain confidential and exempt from the public records law; amending s. 984.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; amending s. 985.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; providing that penalties imposed for an escape from detention or a commitment facility apply to a juvenile who escapes from a maximum-risk residential facility; conforming cross-references to changes made by the act; amending ss. 985.207, 985.208, F.S., relating to conditions for taking a juvenile into custody and detention; conforming provisions to changes made by the act; amending s. 985.209, F.S.; providing for the Department of Juvenile Justice to establish juvenile assessment centers; providing for the centers to be operated through cooperative agreements with other state agencies; providing for intake and screening services; amending ss. 985.21, 985.211, F.S.; providing for certain functions formerly considered case-management functions to be probation functions; amending s. 985.215, F.S.; conforming terminology to changes made by the act; requiring that a juvenile held in secure detention awaiting dispositional placement meet certain criteria for detention; amending s. 985.216, F.S.; deleting a provision authorizing placement of a juvenile in a secure residential commitment facility for direct or indirect contempt of court; amending s. 985.223, F.S.; revising procedures for determining competency in juvenile delinquency cases; prescribing duties of courts, the Department of Juvenile Justice, and the Department of Children and Family Services; amending ss. 985.226, 985.23, F.S., relating to criteria for waiver of jurisdiction and disposition hearings in delinquency cases; conforming provisions to changes made by the act; amending s. 985.231, F.S.; providing for placing a juvenile on home detention with electronic monitoring if a residential consequence unit is not available; amending ss. 985.301, 985.304, F.S., relating to civil citations and community arbitration; conforming provisions to changes made by the act; deleting certain references to case-management services; amending s. 985.307, F.S.; extending the period during which the Department of Juvenile Justice is authorized to operate juvenile assignment centers; amending ss. 985.31, 985.311, F.S., relating to serious or habitual juvenile offenders and intensive residential treatment programs for offenders less than 13 years of age; conforming provisions to changes made by

the act; transferring, renumbering, and amending s. 944.401, F.S., relating to the offense of escaping from secure detention or a residential commitment facility; conforming a cross-reference; amending s. 985.406, F.S., relating to juvenile justice training academies; conforming provisions to changes made by the act; amending s. 985.412, F.S.; deleting a duty of the department's inspector general with respect to quality assurance; amending s. 985.413, F.S.; increasing the number of consecutive terms that may be served by a member of a district juvenile justice board; deleting an exemption from such limitation; amending s. 985.414, F.S.; specifying the parties to be included in an interagency agreement for developing a county juvenile justice plan; amending s. 985.415, F.S.; revising eligibility requirements for a Community Juvenile Justice Partnership Grant; providing effective dates.

By the Committee on Governmental Reform and Oversight; and Senator Bankhead—

**CS for SB 2342**—A bill to be entitled An act relating to long-term care; requiring the Department of Elderly Affairs and the Division of State Group Insurance to design a long-term-care plan for public employees and their families; requiring the division to coordinate marketing of the plan; providing for use of plan funds for marketing expenses; authorizing the division to contract with the State Board of Administration to invest certain funds; providing limitations; creating a Florida Employee Long-Term-Care Plan Board of Directors; providing for board membership, terms, and duties; requiring an annual report; providing for expenses of the board; prohibiting use of state funds for certain costs; providing for expiration of the act; providing an effective date.

By the Committee on Banking and Insurance; and Senators Geller and Clary—

**CS for SB 2484**—A bill to be entitled An act relating to fire prevention and control; amending s. 633.021, F.S.; defining the term "fire extinguisher"; amending s. 633.061, F.S.; requiring an individual or organization that hydrotests fire extinguishers and preengineered systems to obtain a permit or license from the State Fire Marshal; revising the services that may be performed under certain licenses and permits issued by the State Fire Marshal; providing additional application requirements; providing requirements for obtaining an upgraded license; amending ss. 633.065, 633.071, F.S.; providing requirements for installing and inspecting fire suppression equipment; amending s. 633.162, F.S.; prohibiting an owner, officer, or partner of a company from applying for licensure if the license held by the company is suspended or revoked; revising the grounds upon which the State Fire Marshal may deny, revoke, or suspend a license or permit; providing restrictions on activities of former licenseholders and permittees; amending s. 633.171, F.S.; revising the prohibition against rendering a fire extinguisher or preengineered system inoperative to conform to changes made by the act; amending s. 633.547, F.S.; providing the State Fire Marshal authority to suspend and revoke certificates; providing restrictions on the activities of former certificateholders whose certificates are suspended or revoked; amending s. 489.105, F.S., relating to contracting; conforming a cross-reference to changes made by the act; providing an effective date.

## MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 8, SB 22, SB 26, SB 30, SB 32, SB 34, SB 36, SB 40, SB 52, SB 54, SB 56, SB 60 and SB 70 which became law without his signature on April 14, 1998.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 3083, CS for HB 3085, HB 3433, HB 3647, HB 3651, HB 3767, HB 3835, HB 3837, HB 3839, HB 3841, HB 3843, HB 3845, HB 3847, HB 3855, CS for CS for HB 4383, CS for HB 4385, CS for HB 4387; has passed as amended CS for CS for HB's 683 and 2131,

HB 3077, HB 3435, HB 3541, HB 3637, HB 3853, HB 3917, HB 3957, HB 3959, HB 3961, CS for HB 4415; has passed as amended by the required Constitutional three-fifths vote of the membership CS for HJR 51 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committee on Civil Justice and Claims; and Representative Eggleston—

**CS for HB 3083**—A bill to be entitled An act relating to the City of Hialeah; providing for the relief of Jose Pena, as Personal Representative of the Estate of Carmen Pena, deceased, and individually, as surviving father of Katherine Pena and Richard Pena, minor children of Carmen Pena and Jose Pena, deceased; providing for the relief of Johammes Pena, surviving son of Carmen Pena; providing for an appropriation to compensate them for the death of Carmen Pena, Katherine Pena, and Richard Pena as a result of the negligence of the City of Hialeah; providing an effective date.

Proof of publication of the required notice was attached.

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

By the Committee on Civil Justice and Claims; and Representative Healey—

**CS for HB 3085**—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Kimberly L. Gonzalez; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the Palm Beach County Sheriff's Department; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Livingston—

**HB 3433**—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry counties; amending chapter 87-477, Laws of Florida, as amended; providing for a change in the date of election of members of the district board of supervisors for each seat to conform with the state general election cycle; providing for extension of terms of the current members of the district board of supervisors; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Fuller and others—

**HB 3647**—A bill to be entitled An act relating to the City of Jacksonville, amending chapter 92-341, Laws of Florida, as amended; amending the Charter of the City of Jacksonville, providing that the mayor's veto power shall not apply to zoning variances and quasi-judicial decisions by the city council; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Fuller and others—

**HB 3651**—A bill to be entitled An act relating to Duval County; providing that specified general law supersedes special acts applicable to Duval County with respect to school district personnel; providing for certain employees to retain rights under special acts; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Culp and others—

**HB 3767**—A bill to be entitled An act relating to Hillsborough County; amending s. 7, ch. 95-488, Laws of Florida, as amended; revising powers of the Tampa Port Authority; authorizing certain transfers of property and interests in property; amending s. 15, ch. 95-488, Laws of Florida; prescribing procedures for the Tampa Port Authority to use in awarding contracts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tamargo and others—

**HB 3835**—A bill to be entitled An act relating to the Hillsborough County Public Transportation Commission; amending chapter 94-408, Laws of Florida, as amended; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tamargo and others—

**HB 3837**—A bill to be entitled An act relating to the Tampa Port Authority, Hillsborough County; amending chapter 95-488, Laws of Florida, as amended; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tamargo and others—

**HB 3839**—A bill to be entitled An act relating to the Hillsborough County Hospital Authority; amending chapter 96-449, Laws of Florida; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tamargo and others—

**HB 3841**—A bill to be entitled An act relating to the Hillsborough County City-County Planning Commission; amending chapter 97-351, Laws of Florida; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tamargo and others—

**HB 3843**—A bill to be entitled An act relating to the Hillsborough County Civil Service Board; amending chapter 96-519, Laws of Florida;

adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Tamargo and others—

**HB 3845**—A bill to be entitled An act relating to the Hillsborough County Aviation Authority; amending chapter 94-412, Laws of Florida, as amended; adding mandatory components of performance audits; clarifying requirements for contracting for performance audits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Saunders—

**HB 3847**—A bill to be entitled An act relating to Collier County, Florida; amending chapter 89-449, Laws of Florida, as amended, to allow domesticated animals in county parks for animal shows and other substantially similar special events, and to authorize the director of parks and recreation to authorize special event bonfires on a case-by-case basis, all of the above in accordance with the then applicable rules of the parks and recreation department and as approved by the board of county commissioners; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Futch—

**HB 3855**—A bill to be entitled An act relating to Brevard County; amending ch. 94-419, Laws of Florida, as amended; providing certain restrictions and requirements on licensure on the harvesting of clams; providing penalties; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By the Committees on Education Appropriations; Children and Family Empowerment; and Representative Roberts-Burke and others—

**CS for CS for HB 4383**—A bill to be entitled An act relating to school readiness; creating s. 411.09, F.S.; creating the healthy opportunity for school readiness voucher program; providing legislative findings and intent; providing for operation by the Florida Partnership for Children First, Inc.; providing eligibility requirements and program components and funding; providing an effective date.

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

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By the Committee on Children and Family Empowerment; and Representative Chestnut—

**CS for HB 4385**—A bill to be entitled An act relating to public records; amending s. 411.01, F.S.; providing for access to a child's records by the Florida Partnership for Children First, Inc.; providing an exemption from public records requirements for identifying information in records relating to children eligible for programs under the partnership's jurisdiction; specifying that any information received that is otherwise confidential shall remain confidential; providing for disclosure with the consent of the parent or guardian; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

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By the Committee on Children and Family Empowerment; and Representative Chestnut—

**CS for HB 4387**—A bill to be entitled An act relating to trust funds; creating s. 411.015, F.S.; creating the Children First School Readiness Trust Fund in the Department of Education, to be administered by the Florida Partnership for Children First, Inc.; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

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By the Committees on Education Appropriations; Children and Family Empowerment; and Representative Chestnut and others—

**CS for CS for HB's 683 and 2131**—A bill to be entitled An act relating to school readiness; creating the "Children First Act of 1998; renaming ch. 411, F.S.; creating s. 411.01, F.S.; providing legislative intent relating to early childhood health care, child care, and education; providing that early childhood health care, child care, and education programs shall be school readiness programs; creating the Florida Partnership for Children First, Inc. (Children First Partnership); creating the Children First Governing Board to operate as the board of directors of the Children First Partnership; providing Children First Partnership and governing board responsibilities and duties; providing membership of the governing board and meeting requirements; providing that the Children First Partnership is subject to public records and public meeting requirements; providing for hiring of certain employees; providing powers as a corporation; providing for staff of the governing board and Children First Partnership; requiring the Children First Partnership to phase in a program meeting specified requirements; requiring recommendations to revise provision of services to children of teenage parents; providing for establishment of a Children First Coalition in each county or combination of counties; specifying services to be provided by coalitions; providing for designation and approval of a fiscal agent; providing for the transfer of funds; providing for coalition initiation grants to develop children first plans and block grant funding to implement such plans; providing for award of an incentive bonus; providing requirements for such plans; providing for parental choice and payment arrangements; providing for evaluation and performance measures; providing responsibility for implementation; providing for phase-out of the State Coordinating Council for Early Childhood Services; creating s. 411.02, F.S.; providing for a Children First Appropriation Allocation Conference; amending s. 216.136, F.S.; creating the School Readiness Program Estimating Conference; providing duties and principals; conforming provisions; amending and renumbering s. 230.2303, F.S., relating to the Florida First Start Program; revising provisions; providing for implementation pursuant to a children first plan developed by the Children First Coalition and approved by the Children First Partnership; amending and renumbering s. 230.2305, F.S., relating to the prekindergarten early intervention program; revising provisions; providing for administration by a district school board or other Children First Coalition provider; providing Children First Coalition responsibility for programs; providing for oversight by the Children First Partnership and Children First Coalition and specifying duties; creating s. 411.05, F.S.; requiring the Department of Education to adopt the school readiness screening instruments developed by the Children First Partnership and to require their use by the school districts; creating s. 411.06, F.S.; recognizing the nationwide Parents as Teachers Program; establishing the Florida Parents as Teachers Program under the jurisdiction of the Children First Partnership; providing program requirements; amending and renumbering s. 402.281, F.S., relating to the Gold Seal Quality Care program; providing duties of the Children First Partnership; amending s. 411.202, F.S.; revising definitions; amending s. 411.203, F.S.; revising provisions relating to a continuum of comprehensive services; amending ss. 411.24 and 411.242, F.S., to conform; amending and renumbering s. 402.305, F.S., relating to licensing standards for child care facilities; providing duties of the Children First Partnership; removing provisions relating to a child care technical review panel; amending and renumbering s. 402.3052, F.S., relating to child development associate training grants; providing for consultation with the Children First Partnership; amending s. 20.19, F.S., relating to the Department of Children and Family Services; requiring cooperation with the Children First Partnership and Children First Coalitions; amending s. 229.591, F.S., relating to the school improvement and education accountability system; conforming school readiness goals; amending s. 288.9620, F.S., relating to the workforce development board; providing for a report to the Children First Partnership; amending ss. 232.01, 383.14, and 397.901, F.S., to conform; amending ss. 414.027, 414.028, 414.055, and 414.22, F.S., re-

lating to the WAGES Program; providing for coordination with the Children First Partnership and Children First Coalitions; amending s. 446.601, F.S., relating to the "Workforce Florida Act of 1996"; providing for coordination with the Children First Partnership and Children First Coalitions; amending s. 624.91, F.S., relating to the "Florida Healthy Kids Corporation Act"; providing a goal to work cooperatively with the Children First Partnership; repealing s. 228.061(1), F.S., relating to preschool programs, s. 230.2306, F.S., relating to prekindergarten children service needs assessments and accommodation efforts by school districts, s. 391.304, F.S., relating to coordination of the developmental evaluation and intervention program, s. 402.26, F.S., relating to legislative intent with respect to child care, s. 402.28, F.S., relating to Child Care Plus facilities, s. 411.201, F.S., the short title for the Florida Prevention, Early Assistance, and Early Childhood Act, s. 411.204, F.S., relating to program evaluation under the act, s. 411.205, F.S., relating to rules, s. 411.22, F.S., relating to legislative intent with respect to prevention and early assistance, s. 411.221, F.S., relating to preparation of the prevention and early assistance strategic plan, s. 411.223, F.S., relating to uniform standards for preventive health care, s. 411.224, F.S., relating to the family support planning process, and ss. 411.23, 411.231, and 411.232, F.S., the Children's Early Investment Act, effective July 1, 1998; repealing s. 402.47, F.S., relating to foster grandparent and retired senior volunteer services to high-risk and handicapped children, s. 411.222, F.S., relating to the Offices of Prevention, Early Assistance, and Child Development and the State Coordinating Council for Early Childhood Services and their duties, and s. 411.3015(9), F.S., relating to collaborative agreements and plans with respect to subsidized child care programs, effective July 1, 1999; renumbering ss. 402.301, 402.3015, 402.302, 402.3025, 402.3026, 402.3051, 402.3055, 402.3057, 402.3058, 402.306, 402.307, 402.308, 402.309, 402.310, 402.311, 402.312, 402.3125, 402.313, 402.3135, 402.314, 402.3145, 402.315, 402.316, 402.318, 402.319, and 402.45, F.S.; requiring amendment recommendations regarding s. 411.301, F.S., relating to legislative intent with respect to child care facilities, s. 411.3015, F.S., relating to the subsidized child care program, s. 411.302, F.S., relating to definitions, s. 411.3025, F.S., relating to public and nonpublic schools in relation to child care requirements, s. 411.3026, F.S., relating to establishment of full-service schools, s. 411.305, F.S., relating to licensing standards for child care facilities, s. 411.3051, F.S., relating to child care market rate reimbursement and grants, s. 411.3052, F.S., relating to the child development associate training grants program, s. 411.3055, F.S., relating to child care personnel requirements, s. 411.306, F.S., relating to designation of the licensing agency and dissemination of information, s. 411.307, F.S., relating to approval of the licensing agency, s. 411.308, F.S., relating to issuance of a license, s. 411.309, F.S., relating to provisional licenses, s. 411.310, F.S., relating to disciplinary actions, s. 411.311, F.S., relating to inspection of facilities, s. 411.312, F.S., relating to injunctive relief, s. 411.3125, F.S., relating to display and appearance of license, s. 411.313, F.S., relating to family day care homes, s. 411.3135, F.S., relating to the subsidized child care case management program, s. 411.314, F.S., relating to supportive services, s. 411.3145, F.S., relating to the subsidized child care transportation program, s. 411.315, F.S., relating to funding and license fees, s. 411.316, F.S., relating to exemptions, s. 411.318, F.S., relating to prohibited advertisement, s. 411.319, F.S., relating to penalties, s. 411.33, F.S., relating to authority to charge fees, s. 411.45, F.S., relating to the community resource mother or father program, and s. 409.178, F.S., relating to the Child Care Partnership Act, by March 1, 2000; requiring legislative review of such recommendations; requiring review of s. 402.27, F.S., by March 1, 1999, and recommendation to the Legislature regarding optimal coordination of resource and referral functions; providing appropriations; providing effective dates.

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

By Representative Goode and others—

**HB 3077**—A bill to be entitled An act relating to Medicaid provider fraud; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; limiting certain fees; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Livingston—

**HB 3435**—A bill to be entitled An act relating to Lee County Mosquito Control District, an independent special district; providing for a codified charter of its special acts in a single act and repealing all prior special acts relating to the Lee County Mosquito Control District as required by chapter 97-255, Laws of Florida; creating and establishing a mosquito control district in said county and excepting therefrom certain territory of said county and fixing the boundaries of said district; dividing said district into areas for the purpose of electing members of the board of commissioners; providing for the terms of office and qualifications of the members of the board of commissioners and providing the method and times of elections; prescribing the powers and duties of the board; setting the compensation of the board; providing for audit of books and time of meetings; providing procedure for adopting a budget; giving the board the power to tax and to levy assessments for special benefits and providing the methods, procedure, and limitations thereon; authorizing the board to contract and cooperate with county, state, and other governmental agencies in regard to mosquito control or suppression; charging the Lee County Health Unit or Health Department with the responsibility with reference to mosquito control; determining the status of employees and providing a method by which such responsibility shall terminate and declaring the legislative policy with reference thereto; providing penalty for damage to property; providing that the records shall be filed in the public records of Lee County; providing limitations of actions; providing for the repeal of all special acts relating to the Lee County Mosquito Control District; granting to the district created herein such powers as are provided for mosquito control districts under the laws of Florida; providing for severability; providing that such act shall be construed liberally; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Posey—

**HB 3541**—A bill to be entitled An act relating to Brevard County; amending chapter 94-442, Laws of Florida, as amended by chapter 95-499, Laws of Florida; revising legislative intent; clarifying the limits on and the procedures for imposing certain distribution differential surcharge rates by a potable water utility; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Miller and others—

**HB 3637**—A bill to be entitled An act relating to the Hillsborough County School District; providing for a seven-member district school board, with five members elected from single-member residence areas and two members elected from the county at large, notwithstanding the provisions of s. 230.061, 230.10, and 230.105, F.S.; providing for implementation at specified elections; providing that school board members shall continue to be elected on a nonpartisan basis and shall be elected in conjunction with the first primary and general elections; providing qualifying and other applicable election procedures; providing for future reapportionment of the single-member residence areas; repealing ss. 1, 2, 3, 4, 5, 6, and 7 of chapter 67-945, Laws of Florida, as amended by chapter 75-393, Laws of Florida, relating to the district school board; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Morrioni and others—

**HB 3853**—A bill to be entitled An act relating to Pinellas County; repealing chapter 69-1490, Laws of Florida, relating to the creation of the Pinellas County Industry Council; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Saunders—

**HB 3917**—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 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.

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By Representative Sindler and others—

**HB 3957**—A bill to be entitled An act relating to the Greater Orlando Aviation Authority; amending sections 2 and 3 of House Bill 3959, 1998 Regular Session, the Greater Orlando Aviation Authority charter; providing that the Greater Orlando Aviation Authority is an independent special district, as defined in chapter 189, Florida Statutes; revising the definition of the term “cost” as applied to a project acquired, constructed, extended or enlarged; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Sindler and others—

**HB 3959**—A bill to be entitled An act relating to the Greater Orlando Aviation Authority; consolidating the provisions of chapters 57-1658, 61-2599, 67-1834, 69-1389, 75-464, 77-612, 78-578, 80-553, 80-554, 82-347, 87-555, 88-474, 91-369, and 91-391, Laws of Florida, s. 14 of chapter 71-133, Laws of Florida, and s. 9 of chapter 92-152, Laws of Florida, into a codified charter, such charter consisting of all special acts of the Legislature relating to the Greater Orlando Aviation Authority, and those specified sections of general law having local application to the Greater Orlando Aviation Authority; renumbering the provisions of such special acts; conforming references; repealing chapters 57-1658, 61-2599, 67-1834, 69-1389, 75-464, 77-612, 78-578, 80-553, 80-554, 82-347, 87-555, 88-474, 91-369, and 91-391, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Saunders—

**HB 3961**—A bill to be entitled An act relating to Collier County; providing for a three-member district board for the Big Corkscrew Island Fire Control and Rescue District, an independent special fire control district and a body of corporate and politic; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By the Committees on Health and Human Services Appropriations; Health Care Services; and Representative Albright and others—

**CS for HB 4415**—A bill to be entitled An act relating to children's health; amending s. 383.011, F.S.; directing the Agency for Health Care Administration to seek a federal waiver for the Healthy Start program; amending s. 391.011, F.S.; providing a short title; amending s. 391.016, F.S.; providing legislative intent relating to the Children's Medical Services program; amending s. 391.021, F.S.; providing definitions; creating s. 391.025, F.S.; providing for applicability and scope; amending s. 391.026, F.S.; providing powers and duties of the Department of Health; creating s. 391.028, F.S., and renumbering and amending s. 391.051, F.S.; providing for administration of the program; creating s. 391.029, F.S., and renumbering and amending ss. 391.046 and 391.07, F.S.; providing program eligibility; creating s. 391.031, F.S.; establishing benefits; creating s. 391.035, F.S., and renumbering and amending ss. 391.036 and 391.041, F.S.; establishing provider qualifications; creating s. 391.045, F.S.; providing for provider reimbursement; creating s. 391.047, F.S.; establishing responsibility for payments on behalf of program participants when other parties are liable; creating s. 391.055,

F.S.; establishing service delivery systems; creating s. 391.065, F.S.; providing for health care provider agreements; creating s. 391.071, F.S.; providing for quality of care requirements; creating s. 391.081, F.S.; establishing grievance reporting and resolution requirements; creating s. 391.095, F.S.; providing for program integrity; renumbering and amending s. 391.061, F.S.; providing for research and evaluation; renumbering ss. 391.201-391.217, F.S., relating to prescribed pediatric extended care centers; designating said sections as pt. IX of ch. 400, F.S.; amending ss. 391.206 and 391.217, F.S.; conforming cross references; designating ss. 391.221, 391.222, and 391.223, F.S., as pt. II of ch. 391, F.S., entitled “Children's Medical Services Councils and Panels”; creating s. 391.221, F.S.; establishing the Statewide Children's Medical Services Network Advisory Council; creating s. 391.222, F.S.; establishing the Cardiac Advisory Council; creating s. 391.223, F.S.; providing for technical advisory panels; amending ss. 391.301, 391.303, 391.304, 391.305, and 391.307, F.S.; revising provisions relating to developmental evaluation and intervention programs; amending s. 408.701, F.S.; conforming cross references; 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 the Florida Children's Healthy Bodies program; providing legislative findings and intent; providing guiding principles; creating s. 409.813, F.S.; specifying program components; specifying that certain program components are not an entitlement; establishing an enrollment ceiling; creating s. 409.8131, F.S.; creating the Medikids program; providing legislative findings and intent; providing that the program is not an entitlement; providing for a marketing plan; providing for application to Medikids of specified sections of ch. 409, F.S., relating to Medicaid; providing for benefits; providing eligibility standards; providing for enrollment; creating s. 409.8134, F.S.; providing for delivery of services and reimbursement of providers in a rural county; creating s. 409.8135, F.S.; providing behavioral health benefits to non-Medicaid-eligible children with serious emotional needs; creating s. 409.814, F.S.; providing eligibility requirements; creating s. 409.815, F.S.; establishing health benefits coverage requirements for the program; creating s. 409.816, F.S.; providing for limitations on premiums and cost-sharing; creating s. 409.817, F.S.; providing for a health insurance pilot project; requiring approval of health benefits coverage as a condition of financial assistance; creating s. 409.8175, F.S.; directing the Agency for Health Care Administration to seek federal approval to establish a family coverage program; providing conditions; creating s. 409.8177, F.S.; providing for program evaluation; requiring annual reports; creating s. 409.818, F.S.; providing for program administration; providing responsibilities for the Department of Children and Family Services, the Department of Health, the Department of Insurance, the Agency for Health Care Administration, and the Florida Healthy Kids Corporation; authorizing program modifications to obtain federal approval of the state's child health insurance plan; renumbering and amending s. 154.508, F.S., relating to outreach activities; creating s. 409.8195, F.S.; requiring the development of quality assurance and access standards; creating s. 409.821, F.S.; establishing performance measures and standards; providing an enrollment ceiling; amending s. 409.904, F.S.; expanding Medicaid optional eligibility to certain children and providing for continuous eligibility; amending s. 409.9126, F.S.; relating to the provision of Children's Medical Services network services for children with special health care needs; deleting definitions; deleting standards for referral of certain children to the network; providing for certain provider reimbursement; amending s. 624.91, F.S., relating to the Florida Healthy Kids Corporation; providing legislative intent; specifying that the program is not an entitlement; revising standards; providing additional duties; repealing ss. 391.031, 391.056, and 391.091, F.S., relating to patient care centers, district children's medical program supervisors, and the Cardiac Advisory Council which was advisory to the Children's Medical Services Program Office; repealing s. 624.92, F.S., relating to application for a Medicaid waiver for funds to expand the Florida Health Kids Corporation; providing for future repeal and review of s. 409.814(3), F.S., and ss. 409.810-409.821, F.S., relating to the “Florida Children's Healthy Bodies Act,” on specified dates; providing a contingent effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Ways and Means.

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By the Committee on Education/K-12 and Representative Warner and others—

**CS for HJR 51**—A joint resolution proposing an amendment to Section 4 of Article IX of the State Constitution relating to school districts.

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

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**RETURNING MESSAGES ON SENATE BILLS**

The Honorable Toni Jennings, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives as conferees to CS/SB 874 on the part of the House:

Representative Warner, Chair; Representatives Clemons, Thrasher, Byrd, Bitner (until Representative Safley returns), Bradley, Safley and Lippman (alternate)

*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.

**RETURNING MESSAGES—FINAL ACTION**

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 142.

*John B. Phelps, Clerk*

The bill contained in the foregoing message was ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS for HB 1727 and HB 2019, as amended.

*John B. Phelps, Clerk*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 13 was corrected and approved.

**CO-SPONSORS**

Senators Campbell—SB 1664; Gutman—SB 588; Hargrett—CS for SB 386, CS for CS for CS for SB 1228, SB 1924; Kirkpatrick—CS for CS for SB 2524; Latvala—SB 696; Silver—SB 90

**RECESS**

On motion by Senator Bankhead, the Senate recessed at 12:38 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Thursday, April 16.