



# Journal of the Senate

Number 18—Regular Session

Wednesday, April 22, 1998

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## CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—32:

Madam President	Crist	Holzen Dorf	Meadows
Bronson	Diaz-Balart	Horne	Myers
Brown-Waite	Forman	Jones	Ostalkiewicz
Campbell	Geller	Kirkpatrick	Scott
Casas	Grant	Klein	Silver
Childers	Gutman	Kurth	Thomas
Clary	Hargrett	Laurent	Turner
Cowin	Harris	Lee	Williams

Excused: Senator Thomas at 4:00 p.m.; Conferees periodically for purpose of working on Civil Litigation Reform: Senator McKay, Chairman; Senators Burt, Bankhead, Dudley, Rossin, Dyer and Latvala; Conferees periodically for purpose of working on Elections: Senators Latvala, Silver and Lee; Alternate, Senator Meadows

## PRAYER

The following prayer was offered by Rev. Barry E. Dickson, Pastor, Bagdad Methodist Church, Bagdad:

Almighty God, we give you thanks for this opportunity to acknowledge your providence over our great state. We come to you in a spirit of repentance this morning, asking forgiveness for our imperfections, Lord, and for our inadequacies and our unwillingness oftentimes to make your righteousness our highest aim.

Father, we just want to ask for wisdom and discernment today for this honorable assembly, that the laws that we make in this assembly, Lord, would be conformable to your eternal law. Father, help us to honor the intentions of our founders and the principles of our Constitution, so that our land would abide in peace and be a beacon of liberty for the nations of this earth.

We praise you for the many blessings we have received as Americans and as Floridians. We ask that those blessings would continue and that you would help us to use them to further your kingdom in this world.

Father, we just know, Lord, that your truth shall prevail in the end. And unto you, we want to ascribe all the glory, all the majesty, all the power and all the dominion, now and forever more. Amen.

## PLEDGE

Senate Pages Cheyla Scantling of Jacksonville and Melissa Lilliston of Monticello, 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 Hargrett—

By Senator Hargrett—

**SR 2318**—A resolution honoring Barbara Brown, a language arts middle school teacher, as Hillsborough County's 1998 Teacher of the Year.

WHEREAS, Barbara Brown has a master's degree in English from the University of South Florida, is one of 9,730 classroom teachers in Hillsborough County, has 23 years of teaching experience, has been nominated as Teacher of the Year in Hillsborough County four times, and this year has been named the 1998 Teacher of the Year, and

WHEREAS, Barbara Brown chairs the school improvement team at Middleton Magnet School of Technology and works with the student newspaper and the yearbook, and

WHEREAS, Barbara knows what a tremendous amount of power a teacher has in the classroom and credits Medora Brown, her 11th grade English teacher at Robinson High School, with inspiring her to become a teacher who encourages students to let their imaginations run loose, and

WHEREAS, in her acceptance speech at the Hillsborough Education Foundation banquet Barbara also thanked Sylvia Kimbell for helping her stay in the teaching profession when she was ready to "throw it in" after the death of her 5-year old son from cancer, and

WHEREAS, Principal Charles Dixon at Middleton School recently said, "She's the kind of person who takes a big task and makes it seem simple, makes it seem fun. Her enthusiasm is infectious. She's an all-around great person," NOW, THEREFORE,

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

That Barbara Brown is commended for her lifelong dedication to teaching and for being named as Hillsborough County Teacher of the Year for 1998.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Barbara Brown as a tangible token of the sentiments and good wishes of the Florida Senate.

—**SR 2318** was introduced, read and adopted by publication.

At the request of Senator Hargrett—

By Senator Hargrett—

**SR 2624**—A resolution honoring Isadore Billy Reed.

WHEREAS, Isadore Billy Reed was a star athlete throughout his high school and college careers, having played football, baseball, and basketball in both high school and college, and

WHEREAS, upon graduating from Florida A&M University, Billy Reed, as he is called by most who know him, became a teacher and coach in the Hillsborough County School System, a career to which he devoted his life for more than 40 years, and

WHEREAS, Billy Reed was instrumental in organizing the Belmont Heights Little League, a program that not only has produced outstanding young men, but has achieved international fame, and

WHEREAS, such notable athletes as Dwight Gooden, Gary Sheffield, Carl Everette, Frank Romano, Vance Lovelace, and many others are the product of Billy Reed's commitment to his chosen profession, and

WHEREAS, Billy Reed won more than 400 games as a baseball coach alone and has been inducted into the Walk of Fame, the Florida A&M University Hall of Fame, and the West Coast Rattlers Booster Club's Hillsborough County Wall of Fame, and

WHEREAS, Billy Reed, devoted husband and father, has received many awards, honors, and commendations for his leadership ability, his service to the Tampa Bay community, his dedication to youth, and his contributions to education and sports, and

WHEREAS, though retired from his profession, Billy Reed is still active in his community, with an emphasis on youth sports, and it is fitting that he be recognized as an individual who has done much to benefit the children of Hillsborough County and bring honor to the State of Florida, NOW, THEREFORE,

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

That the Florida Senate pauses in its deliberations to recognize Isadore Billy Reed for his dedication to his profession and to honor him for the positive influence he has had on the lives he has touched.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Isadore Billy Reed as a token of the sentiments of the Florida Senate.

—**SR 2624** was introduced, read and adopted by publication.

At the request of Senator Grant—

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

**SR 2698**—A resolution recognizing the 50th anniversary of the Independent State of Israel.

WHEREAS, the State of Israel was declared an independent state in 1948, and

WHEREAS, the State of Israel is the independent homeland of the Jewish people, and has been host to a pluralistic society and, for 50 years, has worked to obtain peace in the region with all its neighbors, and

WHEREAS, the people of the United States have a special friendship and relationship with Israel, characterized by their common commitments to freedom and democracy, and the people of Florida also share with Israel an emphasis on agriculture and high-tech industry as elements of their economies, and

WHEREAS, the State of Israel has grown into a modern democratic society that mirrors the will of its people and seeks to defend and protect the rights of all regardless of race, creed, or religion, and

WHEREAS, in the brief period of 50 years since its rebirth, Israel has created a remarkable record of achievement in agriculture, science, medicine, and technology and has generously shared the fruits of its brilliant successes in these fields with dozens of third-world countries, and

WHEREAS, the people and the government of Israel have welcomed, integrated, and absorbed hundreds of thousands of refugees from post-World War II Europe, Ethiopia, the Soviet Union, Iran, Iraq, and many other countries, while maintaining their economic and defense responsibilities and commitments with courage and strength, and

WHEREAS, the achievements of Israel constitute a tribute to the ideals of democracy and freedom, and the people of Florida enjoy a close relationship and affinity with the people of the State of Israel, NOW, THEREFORE,

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

That the people and the nation of Israel are hereby congratulated on the 50th anniversary of the founding of the independent State of Israel, and that the Florida Senate does hereby call upon all people in the State of Florida to participate in the various celebrations of this event, recalling the ancient expression of good wishes from the Bible that Israel may continue to grow from strength to strength in the years ahead.

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate affixed, be sent to Ambassador Dan Haezrachy, acting Consul General for Israel in Florida, to the Chairman of the Florida-Israel Institute, and to the Presidents of the Jewish Federations in Florida.

—**SR 2698** was introduced, read and adopted by publication.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Turner, by two-thirds vote **SB 658**, **SB 764**, **SB 848** and **SB 850** were withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 924**, **SB 1126**, **CS for SB 1158**, **SB 1582**, **CS for SB 1646**, **CS for SB 1868**, **CS for SB 1924**, **SB 1940**, **CS for SB 2060**, **CS for SB 2074**, **CS for SB 2100**, **CS for SB 2132**, **CS for SB 2150**, **CS for SB 2172** and **CS for SB 2356** were withdrawn from the Committee on Ways and Means.

On motion by Senator Brown-Waite, by two-thirds vote **SB 430** and **SB 252** were withdrawn from the committees of reference and further consideration.

On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB's 2024 and 2648** was withdrawn from the Committees on Community Affairs and Education; **CS for SJR 298** was withdrawn from the Committee on Governmental Reform and Oversight; **SB 970** was withdrawn from the Committee on Education; **CS for SB 1036** was withdrawn from the Committee on Community Affairs; **CS for SB 1318** was withdrawn from the Committee on Governmental Reform and Oversight; **CS for SB 1426** was withdrawn from the Committee on Community Affairs; **CS for SB 1516** was withdrawn from the Committees on Health Care and Natural Resources; **CS for SB 1734** was withdrawn from the Committee on Children, Families and Seniors; **CS for SB 1932** was withdrawn from the Committee on Governmental Reform and Oversight; **CS for SB 1952** and **CS for SB 1988** were withdrawn from the Committee on Community Affairs; and **CS for SB 2262** and **SB 2540** were withdrawn from the Committee on Judiciary.

On motion by Senator Diaz-Balart, by two-thirds vote **SB 446**, **SB 448** and **SB 736** were withdrawn from the committees of reference and further consideration.

## MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Sullivan, the rules were waived and the Committee on Ways and Means was granted permission to add **CS for CS for SB 2198** to the agenda at the meeting on April 23.

## MOTIONS

On motion by Senator Diaz-Balart, the rules were waived and a deadline of 7:00 p.m. this day was set for filing amendments to the Special Order Calendar and Bills on Third Reading to be considered Thursday, April 23.

## CONSIDERATION OF BILLS ON THIRD READING

**CS for CS for SB 2524**—A bill to be entitled An act relating to the WAGES Program; amending s. 414.026, F.S.; requiring that the WAGES

Program State Board of Directors approve any WAGES-related proposed administrative rules; requiring collaboration with the WAGES State Board concerning other actions by the Workforce Development Board of Enterprise Florida, Inc., and state agencies; extending the existence of the WAGES Program State Board of Directors; allowing the Governor to designate the WAGES Program State Board of Directors as a non-profit corporation; providing requirements; amending s. 414.028, F.S.; revising requirements for a member of a local WAGES coalition in the case of a conflict of interest; providing requirements for disclosing any such conflict; providing for certain nonvoting members to be appointed to a local coalition; requiring a local coalition to deliver certain services under the WAGES Program; providing for staff support for local coalitions; requiring that the program and financial plan developed by a local WAGES coalition include provisions for providing services for victims of domestic violence and describing development of the plan; amending s. 414.065, F.S.; deleting provisions that require an employer to repay certain supplements or incentives under specified circumstances; creating a WAGES training bonus to be paid to an employer who hires certain program participants; providing protection for current employees; providing an exception from the work requirements for certain individuals at risk of domestic violence; providing an exception for a specified period for certain individuals impaired by past incidents of domestic violence, under certain circumstances; reenacting s. 414.20, F.S., relating to support services, to incorporate the amendment in a reference; amending s. 414.105, F.S.; providing for eligibility for extended temporary cash assistance under specified circumstances; providing that an individual who cares for a disabled family member is exempt from certain time limitations; permitting domestic violence victims to be granted hardship exemptions not subject to certain percentage limitations, under specified circumstances; providing legislative intent; amending s. 234.01, F.S.; authorizing school districts to provide transportation for WAGES participants; amending s. 234.211, F.S.; providing for reimbursement of school districts; amending s. 341.041, F.S.; establishing responsibilities of the Department of Transportation with respect to transit services for WAGES participants; amending s. 341.052, F.S.; relating to duties of public transit block grant recipients to coordinate with local WAGES coalitions regarding transportation services; deleting duplicative provisions; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; amending s. 414.20, F.S.; clarifying transportation options available to local WAGES coalitions to assist WAGES participants; creating s. 414.225, F.S.; providing for the provision of transitional transportation for former WAGES participants; amending s. 427.013, F.S.; providing for the duties of the Commission for the Transportation Disadvantaged regarding WAGES transportation; amending s. 427.0155, F.S.; providing for the duties of community transportation coordinators regarding WAGES transportation; amending s. 427.0157, F.S.; providing for the duties of the local coordinating boards regarding WAGES transportation; creating s. 414.80, F.S.; designating specified sections as the "WAGES Emergency Response Act"; creating s. 414.810, F.S.; providing legislative findings and intent; creating s. 414.811, F.S.; providing for policy and purposes relating to the WAGES Emergency Response Program; creating s. 414.812, F.S.; limiting authority of the State WAGES Emergency Response Team; creating s. 414.813, F.S.; providing for liberal construction; creating s. 414.820, F.S.; designating areas of critical state economic concern; creating s. 414.830, F.S.; providing for WAGES Emergency Response Team Coordinators; providing team authorities; providing for gubernatorial authorities; creating s. 414.840, F.S.; creating Regional WAGES Emergency Response Teams; providing for responsibilities; creating s. 414.845, F.S.; creating local project teams; providing for powers and responsibilities for such teams; creating s. 414.850, F.S.; providing for expiration and review of the WAGES Emergency Response Program; creating s. 414.860, F.S.; providing for a legislative oversight committee; requiring a contract related to job creation and training activities; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending s. 212.096, F.S.; expanding enterprise zone sales tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; requiring documentation; amending s. 220.03, F.S.; expanding enterprise zone corporate tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; amending s. 220.181, F.S.; requiring documentation; amending s. 288.047, F.S.; creating a Quick-response Training Program for WAGES participants; providing requirements; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and

for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain; providing an effective date.

—as amended April 17 was read the third time by title.

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

**Amendment 1**—On page 13, line 13, after the period (.) insert: *Positions associated with operation of WAGES Program functions that will be transferred to local WAGES coalitions must be vacated within 60 days after transfer of such functions and placed in reserve by the Executive Office of the Governor. When positions have been vacated, funds associated with those positions are to be transferred to local WAGES coalitions to support operation of the transferred functions. The amount of funds provided to each local WAGES coalition will be determined by an allocation formula to be developed by the State WAGES Board.*

Senator Harris moved the following amendment:

**Amendment 2 (with title amendment)**—On page 20, line 13 through page 22, line 2, delete those lines and insert:

Section 4. Section 414.20, Florida Statutes, is amended to read:

414.20 Other support services.—Support services shall be provided, if resources permit, to assist participants in complying with work activity requirements outlined in s. 414.065. If resources do not permit the provision of needed support services, the department and the Department of Labor and Employment Security may prioritize or otherwise limit provision of support services. This section does not constitute an entitlement to support services. Lack of provision of support services may be considered as a factor in determining whether good cause exists for failing to comply with work activity requirements but does not automatically constitute good cause for failing to comply with work activity requirements, and does not affect any applicable time limit on the receipt of temporary cash assistance or the provision of services under this chapter. Support services shall include, but need not be limited to:

(1) TRANSPORTATION.—Transportation expenses may be provided to any participant when the assistance is needed to comply with work activity requirements or employment requirements, including transportation to and from a child care provider. Payment may be made in cash or tokens in advance or through reimbursement paid against receipts or invoices. *Transportation services may include, but are not limited to, cooperative arrangements with the following: public transit providers; community transportation coordinators designated under chapter 427; school districts, churches and community centers; donated motor vehicle programs, vanpools, and ridesharing programs; small enterprise developments and entrepreneurial programs that encourage WAGES participants to become transportation providers; public and private transportation partnerships; and other innovative strategies to expand transportation options available to program participants.*

(a) *Local WAGES coalitions are authorized to provide payment for vehicle operational and repair expenses, including repair expenditures necessary to make a vehicle functional; vehicle registration fees; driver's license fees; and liability insurance for the vehicle for a period of up to 6 months. Request for vehicle repairs must be accompanied by an estimate of the cost prepared by a repair facility registered under s. 559.904.*

(b) *Transportation disadvantaged funds as defined in chapter 427 do not include WAGES support services funds that are used for the provision of transportation services for WAGES program participants. It is the intent of the Legislature that local WAGES coalitions consult with local community transportation coordinators designated under chapter 427 regarding the availability and cost of transportation services through the coordinated transportation system prior to contracting for comparable transportation services outside the coordinated system. Support services funds may also be used to develop transportation resources to expand transportation options available to participants. These services may include cooperative arrangements with local transit authorities or school districts and small enterprise development.*

(2) **ANCILLARY EXPENSES.**—Ancillary expenses such as books, tools, clothing, fees, and costs necessary to comply with work activity requirements or employment requirements may be provided.

(3) **MEDICAL SERVICES.**—A family that meets the eligibility requirements for Medicaid shall receive medical services under the Medicaid program.

(4) **PERSONAL AND FAMILY COUNSELING AND THERAPY.**—Counseling may be provided to participants who have a personal or family problem or problems caused by substance abuse that is a barrier to compliance with work activity requirements or employment requirements. In providing these services, the department and the Department of Labor and Employment Security shall use services that are available in the community at no additional cost. If these services are not available, the department and the Department of Labor and Employment Security may use support services funds. Personal or family counseling not available through Medicaid may not be considered a medical service for purposes of the required statewide implementation plan or use of federal funds.

And the title is amended as follows:

On page 2, lines 9-11, delete those lines and insert: amending s. 414.20, F.S.; clarifying transportation options available to local WAGES coalitions to assist WAGES participants; amending s. 414.105, F.S.; providing

Senators Kirkpatrick and Hargrett offered the following amendment to **Amendment 2** which was moved by Senator Hargrett and adopted by two-thirds vote:

**Amendment 2A**—On page 2, line 31 through page 3, line 3, delete those lines and insert: *chapter 427 do not include WAGES support services funds or funds appropriated to assist persons eligible under the Job Training Partnership Act. It is the intent of the Legislature that local WAGES coalitions and regional workforce development boards consult with local*

**Amendment 2** as amended was adopted by two-thirds vote.

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

**Amendment 3 (with title amendment)**—On page 35, line 8 through page 37, line 3, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 3, lines 3-5, delete those lines and insert: Directors;

Senator Kirkpatrick offered the following amendments which were moved by Senator Harris and adopted by two-thirds vote:

**Amendment 4**—On page 45, line 27, after “order” insert: *, effective for a period of no longer than one year, and subject to legislative review and approval at the next regular legislative session*

**Amendment 5**—On page 46, delete line 3 and insert:

(5) *The Legislature by concurrent resolution may at any time terminate an executive order issued for purposes described in this section.*

(6) *The State WAGES Emergency Response Team is*

**Amendment 6**—On page 46, delete line 18 and insert: *councils, and a representative of each school board in the region shall*

Senators Silver, Thomas, Turner and Gutman offered the following amendment which was moved by Senator Silver and adopted by two-thirds vote:

**Amendment 7 (with title amendment)**—On page 48, lines 19-21, delete those lines and insert: *the team shall consider projects which provide retail employment opportunities and may select retail projects if the projects provide significant employment opportunities for WAGES Program participants; the project developers either have or can obtain the necessary permits to begin construction of the project on or before December 1, 1998; and the sponsors of the project are willing to enter into a*

*contract with the state to deliver the commitments required under this subsection. The team shall give priority attention to any retail development project if such a project: is located in an area of critical state economic concern; is designed to provide for more than 5,000 permanent jobs; provides for the right of first refusal for at least 3,000 construction jobs to WAGES Program participants; provides a program for the transportation of WAGES Program participants employed in the construction of the project to and from the construction site; provides on-the-job training for WAGES Program participants at the project site; provides for multiple job fairs for WAGES Program participants; provides that a substantial portion of operational and clerical positions hired directly by the project be WAGES Program participants; and provides for rent and lease incentive programs for businesses renting or leasing space in project facilities based upon the employment of WAGES Program participants. The team may consider any other contract provision designed to increase employment opportunities for WAGES Program participants. The Department of Community Affairs, on behalf of the team, shall develop a contract in consultation with the Department of Labor and Employment Security, the Department of Children and Family Services, and the Department of Transportation, which will utilize state resources such as the Department of Agriculture’s Florida AgVentures Program, the Department of Community Affairs’ Community Development Block Grant Loan Guarantee Program, the Department of Labor’s Welfare-to-Work Program, additional federal funds provided to the Department of Transportation in fiscal year 1998-99, through the reauthorization of the Federal Highway Act, the Department of Environmental Protection’s Sewage Treatment Facilities Revolving Loan Program, and WAGES Program support funds to facilitate projects meeting the requirements under this subsection.*

And the title is amended as follows:

On page 4, line 6, after the semicolon (;) insert: *providing guidelines for prioritization of projects;*

Senator Sullivan offered the following amendment which was moved by Senator Harris and adopted by two-thirds vote:

**Amendment 8 (with title amendment)**—On page 58, between lines 17 and 18, insert:

*Section 37. There is appropriated \$32 million from federal funds received by the state pursuant to Public Law 104-193, The Personal Responsibility and Work Opportunity Act, to the Employment Security Administration Trust Fund in the Department of Labor and Employment Security, to support the activities of local WAGES Coalitions directed toward preparing, placing, and supporting WAGES program participants in jobs or other approved work related activities.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 10, after the semicolon (;) insert: *providing an appropriation from federal funds to support local WAGES Coalitions;*

Senator Bankhead offered the following amendment which was moved by Senator Harris and adopted by two-thirds vote:

**Amendment 9 (with title amendment)**—On page 58, between lines 17 and 18 insert:

Section 36. Section 414.155, Florida Statutes, is created to read:

*414.155 Relocation assistance program.—*

(1) *The Legislature recognizes that the need for public assistance may arise because a family is located in an area with limited employment opportunities, because of geographic isolation, because of formidable transportation barriers, because of isolation from their extended family, or because domestic violence interferes with the ability of a parent to maintain self-sufficiency. Accordingly there is established a voluntary program to assist families in relocating to communities with greater opportunities for self-sufficiency.*

(2) *The relocation assistance program shall involve five steps by the Department of Children and Family Services and the Department of Labor and Employment Security:*

(a) *A determination that the family is a WAGES Program participant or that all requirements of eligibility for the WAGES Program would likely be met.*

(b) A determination that there is a basis for believing that relocation will contribute to the ability of the applicant to achieve self-sufficiency. For example, the applicant:

1. Is unlikely to achieve independence at the current community of residence;
2. Has secured a job that requires relocation to another community;
3. Has a family support network in another community; or
4. Is determined pursuant to criteria or procedures established by the WAGES Program State Board of Directors to be a victim of domestic violence and avoid provisions that place them in anticipated danger. The payment to defray relocation expenses shall be limited to an amount not to exceed 4 months' temporary cash assistance, based on family size, and will not count towards the time limitations stated in s. 414.105. The Department of Children and Family Services may adopt rules necessary to administer this section.

(c) Establishment of a relocation plan, including a budget and such requirements as are necessary to prevent abuse of the benefit and to provide an assurance that the applicant will relocate. The plan may require that expenditures be made on behalf of the recipient; however, the plan must include provisions to protect the safety of victims of domestic violence and avoid provisions that place them in anticipated danger. The payment to defray relocation expenses shall be limited to an amount not to exceed 4 months' temporary cash assistance, based on family size, and will not count towards the time limitations stated in s. 414.105. The Department of Children and Family Services may adopt rules necessary to administer this section.

(d) A determination, pursuant to criteria adopted by the WAGES Program State Board of Directors, that a Florida community receiving a relocated family has the capacity to provide needed services and employment opportunities. The Department of Labor and Employment Security may adopt rules necessary to establish criteria to be used by the WAGES Program State Board of Directors in administering this paragraph.

(e) Monitoring the relocation.

(3) A family receiving relocation assistance for reasons other than domestic violence must sign an agreement restricting the family from applying for temporary cash assistance for 6 months, unless an emergency is demonstrated to the department. If a demonstrated emergency forces the family to reapply for temporary cash assistance within 6 months after receiving a relocation assistance payment, repayment must be made on a prorated basis over an 8-month period and subtracted from any regular payment of temporary cash assistance for which the applicant may be eligible. The Department of Children and Family Services may adopt rules necessary to administer this section.

(4) Nothing herein shall be construed to allow any WAGES Coalition or state agency to require relocation of a WAGES participant for the purposes of this section or any other.

(5) When the relocation plan for a WAGES participant involves relocating the participant within the state, the plan must be approved by the local WAGES coalition in the district from which the participant is moving and the local WAGES coalition in the district to which the participant is moving before the effective date of the move.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 10, after the semicolon (;) insert: creating s. 414.155, F.S.; providing a relocation assistance program for families receiving or eligible to receive WAGES Program assistance; providing responsibilities of the Department of Children and Family Services and the Department of Labor and Employment Security; providing for a relocation plan and for monitoring of the relocation; requiring agreements restricting application for temporary cash assistance for a specified period; providing exceptions; requiring repayment of temporary cash assistance provided under certain circumstances, and reduced eligibility for future assistance; providing rulemaking authority for the Department of Children and Family Services and the Department of Labor and Employment Security; prescribing that the relocation assistance program shall not be construed to require relocation of a WAGES participant; requiring approval of the relocation plan of a WAGES participant;

Senator Sullivan offered the following amendment which was moved by Senator Harris and adopted by two-thirds vote:

**Amendment 10 (with title amendment)**—On page 58, between lines 17 and 18, insert:

Section 37. The following resources are designated for support of the WAGES Emergency Response Program:

(1) Up to \$25,000,000 of funds designated for WAGES reserve is to be expended for WAGES Program job development in areas of critical state economic concern.

(2) A total of \$15,000,000 is to be transferred from Employment Security Administration Trust Fund amounts associated with JTPA IIB, IIC and III allocations to the Economic Development Trust Fund administered by the Office of Tourism, Trade, and Economic Development to be used to fund programs and projects that produce jobs for WAGES Program participants in areas of critical state economic concern.

(3) Up to \$7,500,000 from Employment Security Administration Trust Fund amounts associated with the Welfare-to-Work grant is to be reserved for activities that lead to employment of WAGES Program participants in areas of critical state economic concern as defined by the WAGES Emergency Response Program. Of the \$7,500,000 reserved, \$2,500,000 is to be provided to the Institute of Food and Agricultural Sciences of the University of Florida for WAGES job opportunities, and \$1,000,000 is to be provided to the Department of Military Affairs to provide job readiness services for WAGES Program participants as approved by the State WAGES Board.

(4) Contingent upon passage of federal legislation reauthorizing the Intermodal Surface Transportation Efficiency Act or similar legislation that provides Florida more than 78 percent of its federal transportation tax contribution or that increases revenue to Florida, up to \$25,000,000 is to be committed to transportation projects in areas of critical state economic concern that produce jobs for WAGES Program participants.

And the title is amended as follows:

On page 5, line 10, after the semicolon (;) insert: designating resources for support of the WAGES Emergency Response Program;

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

**Amendment 11 (with title amendment)**—On page 58, between lines 17 and 18, insert:

Section 37. A total of \$1.9 million is appropriated from the Employment Security Administration Trust Fund to establish a life preparation program with the National Guard for children of WAGES participants and economically disadvantaged youths in concert with neighborhood revitalization efforts.

And the title is amended as follows:

On page 5, line 10, after the semicolon (;) insert: appropriating resources for the life preparation program;

On motions by Senator Harris, **CS for CS for SB 2524** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

**HB 3239**—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; revising certain definitions; amending s. 517.051, F.S.; specifying additional securities as exempt from certain registration requirements; specifying priority of application; amending s. 517.061, F.S.; clarifying the exemption of certain securities in certain transactions from registration requirements; specifying additional

transactions as exempt from certain registration requirements; amending ss. 517.081, 517.082, and 517.12, F.S.; authorizing the Department of Banking and Finance to adopt certain rules for electronic deposits and filings; correcting a cross reference; including certain notice filing requirements within application of certain registration provisions; requiring certain dealers to comply with net capital and ratio requirements; providing application; creating s. 517.1201, F.S.; specifying notice filing requirements for federal covered advisers; prohibiting certain activities; providing for certain fees; authorizing the Department of Banking and Finance to adopt rules; providing for permits for certain purposes; amending ss. 517.1205 and 517.131, F.S.; including federal covered advisers within application of certain registration requirements; amending s. 517.161, F.S.; specifying additional conditions for denial, revocation, restriction, or suspension of certain registrations; amending s. 517.302, F.S.; providing for additional uses of moneys in the Anti-Fraud Trust Fund; amending s. 517.311, F.S.; clarifying application of false representation and deceptive words proscriptions to net filings; providing an appropriation; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Horne, **HB 3239** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

**SB 1724**—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; revising definitions of employment and wages to incorporate additional exclusions; amending s. 443.091, F.S.; clarifying certain benefit eligibility conditions relating to services at educational institutions; amending s. 443.191, F.S.; limiting use of certain moneys in the Unemployment Compensation Trust Fund for a time certain; providing an effective date.

—was read the third time by title.

On motions by Senator Holzendorf, **SB 1724** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Consideration of **HB 3125** was deferred.

**CS for HB 3161**—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 112.532, F.S.; providing requirements with respect to recordings made during the formal interrogation of a law enforcement or correctional officer; amending s. 112.533, F.S.; providing for rights of law enforcement and correctional officers to review their personnel files, attach a response, and receive a copy of certain materials in the file; providing for application to the release of certain information; amending s. 943.135, F.S.; permitting law enforcement officers who are elected or appointed public officials to maintain

certification in a special status while holding office; providing an effective date.

—was read the third time by title.

On motions by Senator Bronson, **CS for HB 3161** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

**CS for SB 608**—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; updating references to the United States Internal Revenue Code for purposes of the corporate income tax; amending s. 220.02, F.S.; providing legislative intent regarding taxation of a "qualified subchapter S subsidiary;" amending s. 220.22, F.S.; requiring certain returns; providing for retroactive effect; providing an effective date.

—was read the third time by title.

On motions by Senator Ostalkiewicz, **CS for SB 608** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

**SB 1944**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; creating s. 535.08, F.S.; providing a prohibition against the administration of medications to thoroughbred horses prior to sale; providing an exception and certain requirements; providing for testing; providing for a tolerance or test for medications and depressants; providing penalties; amending s. 535.11, F.S., relating to prohibition against administration of drugs to horses; providing a definition; creating s. 585.147, F.S.; requiring a permit for transporting or hauling certain animals or animal products; providing vehicle and container requirements; amending s. 500.09, F.S.; authorizing the department to perform certain laboratory services relating to food safety and establish fees therefor; amending s. 500.121, F.S.; adding new disciplinary procedures for food establishments operating without a permit or with a suspended or revoked permit; providing a penalty; amending s. 570.07, F.S.; authorizing an employees' benefit fund; amending s. 570.952, F.S.; revising membership of the Florida Agriculture Center and Horse Park Authority; amending s. 571.25, F.S.; changing the registration date for membership in the Florida Agricultural Promotional Campaign; amending s. 581.031, F.S.; providing duties of the department relating to a commercial citrus inventory; amending s. 500.11, F.S.; specifying conditions for animal products to be considered misbranded; amending ss. 570.50, 570.51, F.S.; deleting powers and duties of the Division of Food Safety of the Department of Agriculture and Consumer Services relating to certain animal and animal product inspection; amending and transferring ss. 585.89, 585.92, F.S., relating to

prohibitions on purchase of beef and pork, specifications for bid invitations, penalties, and labeling requirements; conforming provisions; amending s. 828.22, F.S.; correcting a cross-reference; amending s. 877.05, F.S., relating to the killing of young veal for sale; conforming provisions; repealing s. 205.1951, F.S., relating to the issuance of a grant of inspection or a custom animal slaughtering or processing establishment permit; repealing ss. 585.70, 585.88, 585.90, 585.91, 585.93, 585.96, F.S., relating to animal and animal product inspection and labeling; repealing ss. 828.23(5) and (6), 828.24, 828.25, 828.26(2), F.S., relating to definitions of terms "packer" and "stockyard," prohibited acts, department administration, and penalties pertaining to slaughter of livestock; repealing s. 877.06, F.S., relating to labeling of beef not slaughtered according to state or United States standards; repealing s. 102, ch. 92-291, Laws of Florida, relating to review and repeal of ss. 500.12, 500.121, F.S.; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Thomas, **SB 1944** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

**SB 2314**—A bill to be entitled An act relating to rulemaking authority of boards of trustees of community colleges (RAB); amending s. 240.319, F.S.; prescribing rulemaking authority or such boards of trustees; providing an effective date.

—was read the third time by title.

On motions by Senator Grant, **SB 2314** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

**CS for SB 280**—A bill to be entitled An act relating to sales contracts for motor vehicle or truck repair parts; creating s. 686.30, F.S.; providing for contract agreement; providing requirements with respect to agreements between manufacturers and distributors of and dealers in motor vehicle or truck repair parts; requiring that termination of such contracts be done in good faith; providing definitions; providing penalties for terminating a contract in specified circumstances; providing for attorney's fees for the prevailing party in certain legal actions; prohibiting coercion respecting exclusive purchase of parts; allowing the negotiation of an exclusive contract; providing for injunctive relief; providing applicability; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Williams, **CS for SB 280** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Consideration of **CS for CS for SB 1796** was deferred.

**CS for SB 844**—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.091, F.S.; providing that on specified highways certain commercial vehicles may drive only in certain lanes; amending s. 316.302, F.S.; adopting federal motor carrier safety regulations; authorizing audits of intrastate motor carriers for drivers' hours of service compliance; amending s. 320.01, F.S.; defining the term "agricultural products"; amending s. 320.055, F.S.; providing for staggered fleet registration; amending s. 320.0657, F.S.; defining the term "fleet"; providing registration fees; providing penalties for late or improper registration; repealing s. 320.065, F.S., which requires permanent registration for certain agricultural vehicles; providing an effective date.

—as amended April 17 was read the third time by title.

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

**Amendment 1**—On page 3, delete line 9 and insert:

(42) For purposes of this chapter, "agricultural products" means any food product;

On motions by Senator Hargrett, **CS for SB 844** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

Madam President	Crist	Horne	Myers
Bronson	Diaz-Balart	Jones	Ostalkiewicz
Brown-Waite	Forman	Kirkpatrick	Scott
Campbell	Geller	Klein	Silver
Casas	Gutman	Kurth	Sullivan
Childers	Hargrett	Laurent	Thomas
Clary	Harris	Lee	Turner
Cowin	Holzendorf	Meadows	Williams

Nays—None

**HB 3289**—A bill to be entitled An act relating to the state lottery; amending s. 24.105, F.S., relating to player activated vending machines; requiring a certain number of clerks to be on duty at certain lottery retailer locations; amending s. 24.111, F.S.; deleting the requirement that the Department of the Lottery lease all instant vending machines for a specified initial evaluation period; providing an effective date.

—was read the third time by title.

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

**Amendment 1 (with title amendment)**—On page 3, between lines 21 and 22, insert:

Section 3. Provisions contained in the 1998-1999 Appropriations Act to the contrary notwithstanding, funds provided in specific appropriation 1952 may be used for production and airing of a television game show during the 1998-1999 fiscal year.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: authorizing the use of certain funds for a television game show;

On motions by Senator Gutman, **HB 3289** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—20

Madam President	Diaz-Balart	Jones	Meadows
Campbell	Forman	Kirkpatrick	Scott
Casas	Geller	Klein	Silver
Childers	Gutman	Kurth	Thomas
Cowin	Harris	Lee	Turner

Nays—13

Bronson	Grant	Horne	Ostalkiewicz
Brown-Waite	Hargrett	Laurent	Sullivan
Clary	Holzendorf	Myers	Williams
Crist			

**CS for HB 161**—A bill to be entitled An act relating to education paraprofessionals; amending ss. 228.041, 228.056, 231.141, 231.15, 231.3605, 231.40, 240.40685, and 121.091, F.S.; replacing the term "teacher aide" with the term "education paraprofessional"; requiring the State Board of Education to classify school services and prescribe rules; creating s. 231.143, F.S.; authorizing school districts to adopt a program for the career development of education paraprofessionals; specifying levels of achievement that paraprofessionals can attain through the program; providing restrictions; providing an effective date.

—was read the third time by title.

On motions by Senator Turner, **CS for HB 161** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

**CS for SB 498**—A bill to be entitled An act relating to tax administration; creating s. 213.285, F.S.; authorizing the Department of Revenue to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; providing rulemaking authority for the Department of Revenue; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Board of Accountancy or to a court with respect to a certified public accountant participating in the project; amending s. 213.21, F.S.; authorizing settlement or compromise of penalties and abatement of interest for taxpayers who participate in the project; providing for repeal of the certified audits project; providing an appropriation and authorizing positions within the department; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Sullivan, **CS for SB 498** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

**HB 3125**—A bill to be entitled An act relating to disposal of solid waste; amending s. 403.707, F.S.; revising and clarifying conditions under which the disposal of solid waste is exempt from Department of Environmental Protection permitting requirements; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Kirkpatrick, **HB 3125** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

**CS for SB 1878**—A bill to be entitled An act relating to the Child Care Executive Partnership; amending s. 409.178, F.S.; conforming title of the partnership program; revising membership of the partnership; authorizing administration of child care purchasing pool funds by the state resource and referral agency; providing for development of procedures for disbursement of funds through the child care purchasing pools; deleting references to pilot child care purchasing pools; revising parent fee requirements; providing an effective date.

—was read the third time by title.

On motions by Senator Kurth, **CS for SB 1878** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Consideration of **CS for HB 935** was deferred.

**SB 864**—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.011, F.S.; authorizing the granting of exemption under certain circumstances to property entitled to a charitable exemption for the 1994 tax year for which application was not timely filed;



providing for canceling outstanding tax certificates on, and taxes assessed against, such property and for refunding any such taxes that have been paid; providing for expiration; providing an effective date.

—was read the third time by title.

On motions by Senator Meadows, **SB 864** was passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

**HB 3889**—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.7295, F.S.; authorizing certain fees; amending s. 627.736, F.S.; providing alternate means of paying certain interest penalties on overdue personal injury protection benefits; prohibiting a provider's statement of charges from including certain charges; specifying which party is the prevailing party in arbitration of disputes relating to personal injury protection claims; specifying where an independent medical examination of a claimant may be conducted; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Diaz-Balart, **HB 3889** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—30

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

Nays—1

Crist

**HB 3205**—A bill to be entitled An act relating to the National Guard; amending s. 250.10, F.S.; revising language with respect to payments under the educational tuition assistance program administered by the Department of Military Affairs; providing an effective date.

—was read the third time by title.

On motions by Senator Kirkpatrick, **HB 3205** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

**CS for HB 4065**—A bill to be entitled An act relating to public accountancy; amending s. 473.302, F.S.; providing definitions; amending s. 473.303, F.S.; revising provisions relating to membership on probable cause panels of the Board of Accountancy; amending s. 473.306, F.S.; providing conditions under which the board may adopt an alternative licensure examination for persons licensed to practice public accountancy or its equivalent in a foreign country; providing for appointment of an Educational Advisory Committee for purposes of maintaining proper educational qualifications for licensure of certified public accountants; amending s. 473.308, F.S.; revising licensure requirements relating to public accountancy experience outside this state; amending s. 473.309, F.S.; providing additional requirements for a partnership, corporation, or limited liability company to practice public accountancy in this state; amending s. 473.3101, F.S.; providing requirements for the licensure of sole proprietors and other legal entities; amending s. 473.312, F.S.; providing for appointment of a Continuing Professional Education Advisory Committee for purposes of maintaining proper continuing education requirements for renewal of licensure of certified public accountants; amending s. 473.313, F.S.; providing continuing education requirements for the reactivation of certain licenses; amending s. 473.315, F.S.; providing an exemption for attorneys; amending ss. 473.319, 473.3205, F.S.; revising provisions relating to contingency fees, commissions, and referral fees; amending s. 473.322, F.S.; providing certain requirements for persons offering certain public accounting services; providing an effective date.

—was read the third time by title.

On motions by Senator Horne, **CS for HB 4065** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—31

Madam President	Crist	Horne	Myers
Bronson	Diaz-Balart	Jones	Ostalkiewicz
Brown-Waite	Forman	Kirkpatrick	Silver
Campbell	Geller	Klein	Sullivan
Casas	Gutman	Kurth	Thomas
Childers	Hargrett	Laurent	Turner
Clary	Harris	Lee	Williams
Cowin	Holzendorf	Meadows	

Nays—None

**STATEMENT OF INTENT FOR CS FOR HB 4065**

First, this bill is intended to ensure that unlicensed accounting firms, such as American Express Tax and Business Services, Inc., can prepare certain types of financial statements.

Second, this bill is not intended to preclude certified public accountants from preparing certain types of financial statements on behalf of unlicensed public accounting firms such as American Express Tax and Business Services, Inc. In other words, this bill requires the Board of Accountancy to make the necessary changes to the current regulatory scheme to ensure compliance with these provisions of the bill and prevents the Board of Accountancy from adopting a regulatory approach that prevents CPAs working for unlicensed firms from preparing certain types of financial statements.

Third, any regulation of CPAs working for unlicensed accounting firms under this bill shall not exceed restrictions placed on CPAs working for licensed audit firms.

Fourth, the bill does not alter what unlicensed accountants, bookkeepers or others can or cannot do. The lawful services that they perform are unchanged and undisturbed.

Fifth, this bill does not preclude the Office of the Auditor General from expressing an opinion on the financial statements for the entities they audit.

*Jack Latvala*  
District 19

Consideration of **HB 4167** was deferred.

## SPECIAL ORDER CALENDAR

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

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

**CS for SB 340**—A bill to be entitled An act relating to real estate; amending s. 475.15, F.S.; providing registration and licensing requirements for additional business entities; eliminating a conflicting provision relating to automatic cancellation of the registration of a real estate broker partnership; amending s. 475.17, F.S.; providing additional requirements for licensure as a real estate broker; amending s. 475.183, F.S.; revising the period after which involuntarily inactive licenses expire; revising the time for the required notice to the licensee; amending s. 475.25, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; reenacting ss. 475.180(2)(b), 475.181(2), 475.22(2), 475.422(2), 475.482(1), F.S., relating to nonresident licenses, licensure, refusal of a broker to comply with certain requests or notices, furnishing of copies of termite and roof inspection reports, and recovery from the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, in references thereto; amending s. 475.272, F.S.; deleting a provision that restricts a real estate licensee to operating as a single agent or as a transaction broker; amending s. 475.278, F.S.; revising provisions relating to disclosure of authorized brokerage relationships and the corresponding duties of real estate licensees; creating s. 475.279, F.S.; authorizing signatures transmitted by electronic means or facsimile; amending s. 475.451, F.S.; revising provisions relating to the permitting of instructors for proprietary real estate schools or state institutions; providing permit renewal requirements; revising references relating to examinations; amending s. 475.452, F.S.; providing requirements applicable to advance expenses, commissions, or fees for brokers auctioning real property; amending s. 475.484, F.S.; providing applicability with respect to a conflict with federal law in the disciplining of certain licensees against whom a judgment has been paid from the Real Estate Recovery Fund; creating s. 475.5016, F.S.; granting the department authority to inspect and audit brokers and brokerage offices; amending ss. 475.611 and 475.612, F.S.; redesignating registered appraisers as registered assistant appraisers; amending ss. 475.01, 475.011, 475.616, 475.618, 475.619, 475.620, 475.622, 475.623, 475.626, 475.627, 475.628, 475.629, 475.630, F.S., to conform and correct references; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; creating s. 475.6147, F.S.; providing a separate section relating to establishment of fees applicable to the regulation of real estate appraisers; amending s. 475.615, F.S.; revising provisions relating to qualifications for registration, licensure, or certification of appraisers; providing for a charge for application for a change in status of appraisal licensure; amending s. 475.617, F.S.; revising continuing education and experience requirements for real estate appraisers; amending s. 475.624, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; creating s. 475.6295, F.S.; granting the department authority to inspect appraisers and appraisal offices; amending s. 553.991, F.S.; limiting the purpose of the "Florida Building Energy-Efficiency Rating Act" to providing for a statewide uniform system for rating the energy efficiency of buildings; amending s. 553.994, F.S.; deleting the schedule for phasing in the rating system; amending s. 553.996, F.S.; requiring provision of an information brochure to prospective purchasers of certain real property; deleting a provision authorizing such prospective purchasers to receive a rating on the property upon request; providing an effective date.

—which was previously considered and amended April 17. Pending **Amendment 2** by Senator Clary was adopted.

Senator Clary moved the following amendments which were adopted:

**Amendment 3 (with title amendment)**—On page 52, between lines 25 and 26, insert:

Section 41. Section 475.274, Florida Statutes, is amended to read:

475.274 Scope of coverage.—The authorized brokerage relationships described in ss. 475.2755 and s. 475.278 apply in all brokerage activities

as defined in s. 475.01(1)(a). The disclosure requirements of ss. 475.276 and 475.278 apply only to residential sales as defined in s. 475.276.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 30, after the semicolon (;) insert: amending s. 475.274, F.S.; amending a cross-reference;

**Amendment 4 (with title amendment)**—On page 52, between lines 25 and 26, insert:

Section 41. Section 475.2801, Florida Statutes, is amended to read:

475.2801 Rules.—The commission may adopt rules establishing disciplinary guidelines, notices of noncompliance, and citations for violations of ss. 475.2755, 475.276, and 475.278.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 30, after the semicolon (;) insert: amending s. 475.2801, F.S.; amending a cross-reference;

**Amendment 5 (with title amendment)**—On page 52, between lines 25 and 26, insert:

Section 41. Section 475.5015, Florida Statutes, is amended to read:

475.5015 Brokerage business records.—Each broker shall keep and make available to the department such books, accounts, and records as will enable the department to determine whether such broker is in compliance with the provisions of this chapter. Each broker shall preserve at least one legible copy of all books, accounts, and records pertaining to her or his real estate brokerage business for at least 5 years from the date of receipt of any money, fund, deposit, check, or draft entrusted to the broker or, in the event no funds are entrusted to the broker, for at least 5 years from the date of execution by any party of any listing agreement, offer to purchase, rental property management agreement, rental or lease agreement, or any other written or verbal agreement which engages the services of the broker. If any brokerage record has been the subject of or has served as evidence for litigation, relevant books, accounts, and records must be retained for at least 2 years after the conclusion of the civil action or the conclusion of any appellate proceeding, whichever is later, but in no case less than a total of 5 years as set above. Disclosure documents required under ss. 475.2755, 475.276, and 475.278 shall be retained by the real estate licensee in all transactions that result in a written contract to purchase and sell real property.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 30, after the semicolon (;) insert: amending s. 475.5015, F.S.; amending a cross-reference;

**Amendment 6 (with title amendment)**—On page 52, between lines 25 and 26, insert:

Section 41. Section 475.276, Florida Statutes, is amended to read:

475.276 Notice of nonrepresentation.—

(1) APPLICABILITY.—

(a) Residential sales.—The real estate licensee disclosure requirements of this section and s. 475.278 apply to all residential sales. As used in this section, the term "residential sales" means the sale of improved residential property of four units or fewer, the sale of unimproved residential property intended for use of four units or fewer, or the sale of agricultural property of 10 acres or fewer.

(b) Disclosure limitations.—The real estate licensee disclosure requirements of this section and s. 475.278 do not apply to: nonresidential transactions; the rental or leasing of real property, unless an option to purchase all or a portion of the property improved with four or fewer residential units is given; auctions; appraisals; and dispositions of any interest in business enterprises or business opportunities, except for property with four or fewer residential units.

(2) NOTICE REQUIREMENT.—Unless otherwise exempted by this part, all real estate licensees are required to provide to any potential seller or buyer at first contact the notice of nonrepresentation as outlined in subsection (3), except in situations where:

(a) A licensee knows that the potential seller or buyer is represented by a single agent or a transaction broker; or

(b) An owner is selling new residential units built by the owner, and the circumstances or setting of the first contact should reasonably inform the potential buyer that the owner's employee or single agent is acting on behalf of the owner, whether by the location of the sales office, by office signage, placards, or identification badges worn by the owner's employee or single agent.

If first contact between a licensee and a customer occurs during the course of a telephone conversation or any other communication in which the licensee is unable to provide the required notice of nonrepresentation, the licensee shall provide an oral notice and thereafter provide the required notice of nonrepresentation at the time of the first face-to-face contact, execution of a brokerage relationship agreement, or execution of a contractual agreement for purchase and sale, whichever occurs first.

(3) CONTENTS OF NOTICE.—

(a) Required information.—The notice required under subsection (2) must contain the following information:

NOTICE OF NONREPRESENTATION

FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES PROVIDE THIS NOTICE AT FIRST CONTACT TO ALL POTENTIAL SELLERS AND BUYERS OF REAL ESTATE.

You are hereby notified that \_\_\_\_\_ (insert name of brokerage firm) and I do not represent you in any capacity. You should not assume that any real estate broker or salesperson represents you unless you agree to engage a real estate licensee in an authorized brokerage relationship, either as a single agent or as a transaction broker. You are advised not to disclose any information you want to be held in confidence until you make a decision on representation. Your signature below acknowledges receipt of this form and does not establish a brokerage relationship.

\_\_\_\_\_  
Date (Signature Optional)

\_\_\_\_\_  
(Signature Optional)

(b) Required format.—The notice required under subsection (2) must be printed as a separate and distinct form on paper no smaller than 8½ inches by 11 inches. Nothing may be added to the form except a brokerage firm logo containing only the firm name, address, and relevant phone numbers. The form title and first sentence are to be in bold typeface of no less than 16-point type. The remainder of the form must be of 12-point type or larger.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 30, after the semicolon (;) insert: amending s. 475.276, F.S.; providing an exception to requirement that real estate licensees provide a notice of nonrepresentation;

Pursuant to Rule 4.19, CS for SB 340 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

SB 564—A bill to be entitled An act relating to higher education; amending s. 240.299, F.S.; providing reporting requirements for university direct-support organizations; amending s. 240.311, F.S., relating to rules of the State Board of Community Colleges; requiring a community college district board of trustees to annually evaluate the college president; amending s. 240.324, F.S.; providing an additional requirement for the accountability plan for community colleges; amending ss. 240.331, 240.3315, F.S.; prescribing membership of boards of directors and executive committees of community college direct-support organizations and

statewide community college direct-support organizations; restricting activities of such direct-support organizations; providing reporting requirements for such organizations; amending s. 240.3335, F.S.; removing the authority of a board of directors of a center of technology innovation to acquire, lease, or sublease property; amending s. 240.363, F.S.; providing restrictions upon the transfer of funds to a direct-support organization; providing an effective date.

—which was previously considered and amended April 17. Pending Amendment 4 by Senator Kurth was withdrawn. The question recurred on Amendment 3 by Senator Grant which was adopted.

Senator Kurth moved the following amendment which was adopted:

Amendment 5—On page 5, line 23, delete “s. 240.335” and insert: s. 240.3335

SENATOR BANKHEAD PRESIDING

Senator Bronson moved the following amendment which was adopted:

Amendment 6 (with title amendment)—On page 10, between lines 17 and 18, insert:

Section 8. There is hereby appropriated from the General Revenue Fund the sum of \$1 million as a grant and aid to Brevard Community College for fiscal year 1998-1999 to support the acquisition of a black beam interferometer for the Open Access Clean Room on the Palm Bay Campus.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 25, after the semicolon (;) insert: providing an appropriation;

Senator Kurth moved the following amendment which was adopted:

Amendment 7—On page 10, line 14, delete “private”

Pursuant to Rule 4.19, SB 564 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

\_\_\_\_\_  
Consideration of CS for SB 2054 was deferred.

On motion by Senator Horne, by two-thirds vote CS for HB 3701 was withdrawn from the Committee on Natural Resources.

On motion by Senator Horne—

CS for HB 3701—A bill to be entitled An act relating to pollution control; creating s. 403.7211, F.S.; restricting authority of the Department of Environmental Protection to issue permits for construction, modification, and initial operation of facilities for disposal, storage, or treatment of hazardous wastes generated off-site; restricting the locations of hazardous waste transfer facilities; providing application to pending permits and proposed transfer stations; providing an effective date.

—a companion measure, was substituted for CS for SB 1390 and read the second time by title.

Pursuant to Rule 4.19, CS for HB 3701 was placed on the calendar of Bills on Third Reading.

STATEMENT OF LEGISLATIVE INTENT FOR CS FOR SB 1390 AND CS FOR HB 3701

This bill is intended only to prevent risks from airborne exposure from fires, spills, explosions or entrainment of toxic substances in a fire, spill or explosion scenario. A hazardous substance must be in an airborne form in order to meet the criteria or concentrations set by the American Industrial Hygienists' Association, which is what is referred to in subsection (4) of the bill by the use of the words “life-threatening concentrations of hazardous substances”. Moreover, the Emergency Response Planning Guideline, published by the American Industrial Hygienist

Association, is directed only toward airborne concentrations of hazardous substances.

Facilities which increase the storage capacity of wastes which do not have the potential for offsite airborne impacts would not fall within the "substantial modification" portion of the bill. Additionally, existing facilities which change their operations so that they would be authorized to treat hazardous waste would not fall within the "substantial modification" portion of the bill if the proposed change would not increase the potential impact or risk of impact of an airborne release. Finally, just to be clear, a proposed modification of an existing facility which does not increase the potential impact or potential risk of an airborne release would not be considered a "substantial modification" under this bill.

Jim Horne  
6th District

THE PRESIDENT PRESIDING

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

CONSIDERATION OF BILLS  
ON THIRD READING

**CS for CS for SB 1796**—A bill to be entitled An act relating to juvenile sexual offenders; amending s. 39.411, F.S.; requiring that the Department of Children and Family Services notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain specified sexual offenses; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; amending s. 490.012, F.S.; prohibiting the unlicensed practice of juvenile sexual offender therapy for compensation; providing an exception; creating s. 490.0145, F.S.; providing that only certain persons licensed under ch. 490, F.S., relating to psychological services, or ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, may hold themselves out as juvenile sexual offender therapists; requiring the Board of Psychology to require training and coursework for juvenile sexual offender therapists; amending s. 491.012, F.S.; defining the offense of the unlawful use of the term "juvenile sexual offender therapist," and providing penalties therefor; prohibiting the unlicensed practice of juvenile sexual offender therapy for compensation; providing an exception; creating s. 491.0144, F.S.; providing for qualifications for licensure as a juvenile sexual offender therapist under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services; creating ss. 943.17291, 943.17295, F.S.; requiring that the Criminal Justice Standards and Training Commission incorporate instruction in investigating juvenile sexual offenders into the course curriculum for law enforcement officers; amending s. 985.04, F.S.; requiring that the Department of Juvenile Justice notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain sexual offenses; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; amending s. 985.308, F.S.; requiring that the Department of Juvenile Justice inspect offender commitment programs operated by the department based on specified standards; authorizing any state attorney to establish a sexual abuse intervention network; providing for membership and prescribing duties of such network; requiring the Office of the Attorney General in collaboration with the Department of Children and Family Services and the Department of Juvenile Justice to award grants to sexual abuse intervention networks; specifying criteria for grant awards; requiring the Office of the Attorney General, in collaboration with the Department of Juvenile Justice and the Department of Children and Family Services, to establish minimum standards for juvenile sex offender day treatment and residential treatment programs funded pursuant to specified provisions; providing rule-making authority for the Department of Legal Affairs; deleting rule-making authority for the Department of Juvenile Justice; providing an effective date.

—was read the third time by title.

Senator McKay moved the following amendments which were adopted by two-thirds vote:

**Amendment 1**—On page 5, line 4, after "Association" insert: , Association for the Treatment of Sexual Abusers Practitioner's Handbook,

**Amendment 2**—On page 6, line 12, after "Association" insert: , Association for the Treatment of Sexual Abusers Practitioner's Handbook,

**Amendment 3 (with title amendment)**—On page 10, delete line 16 and insert: juvenile sexual offender program operated by or under contract with the department,

And the title is amended as follows:

On page 2, delete line 20 and insert: operated by or under contract with the department based on specified

**Amendment 4 (with title amendment)**—On page 10, lines 24-26, delete those lines and insert:

(11) A child protection team or the state attorney in any judicial circuit may establish a sexual abuse intervention network to assist in identifying, investigating, prosecuting, treating, and

And the title is amended as follows:

On page 2, line 21, after "any" insert: child protection team or

**Amendment 5 (with title amendment)**—On page 11, lines 20-22, delete those lines and insert: the Attorney General, the Department of Children and Family Services, the Department of Juvenile Justice, or local juvenile justice councils shall award grants to sexual abuse intervention

And the title is amended as follows:

On page 2, lines 25-27, delete those lines and insert: Attorney General, the Department of Children and Family Services, the Department of Juvenile Justice, or local juvenile justice councils to award

On motions by Senator McKay, **CS for CS for SB 1796** 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	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jones	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Forman	Klein	Silver
Burt	Geller	Kurth	Thomas
Campbell	Grant	Laurent	Turner
Casas	Gutman	Lee	Williams
Childers	Hargrett	McKay	
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

**CS for HB 935**—A bill to be entitled An act relating to legal process; amending s. 48.031, F.S., relating to service upon a sole proprietorship; providing that substitute service may be made upon person in charge of the business at the time of service, under specified circumstances; amending s. 48.183, F.S.; providing for service of process in an action for possession of residential premises; amending s. 48.27, F.S.; providing for application and fee for inclusion on list of certified process servers; authorizing certain service when a civil action has been filed in a circuit or county court in the state; amending s. 55.03, F.S., relating to docketing and indexing of civil process generally; revising provisions relating to rate of interest; providing an exception from certain docketing and indexing or collection requirements when rate of interest is not on the face of the process, writ, judgment, or decree; amending s. 56.27, F.S., relating to payment to execution creditor of money collected; providing for payment to a junior writ of certain surplus moneys collected; amending s. 56.28, F.S.; requiring written demand by plaintiff as a condition for officer's liability to pay over within 10 days certain moneys collected; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Burt, **CS for HB 935** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Ostalkiewicz

**HB 4167**—A bill to be entitled An act relating to adult abuse, neglect, and exploitation; amending ss. 415.102 and 415.1102, F.S.; deleting references to self-neglect from provisions relating to adult protective services cases and reports; defining “disabled adult in need of services” and “elderly person in need of services”; amending s. 415.1045, F.S.; providing for determinations in onsite protective investigations that certain persons are persons in need of services; amending s. 415.105, F.S.; providing for referral of such persons to programs of the Department of Elderly Affairs; amending s. 415.1055, F.S.; providing that no classification or notification is required for reports resulting in such determinations; amending s. 415.1065, F.S.; providing for retention and expunction of records of such reports; amending s. 430.205, F.S.; revising circumstances under which certain elderly persons must receive primary consideration for community-care-for-the-elderly services; defining “primary consideration”; providing an effective date.

—as amended April 17 was read the third time by title.

**RECONSIDERATION OF AMENDMENT**

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

Senator Hargrett moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

**Amendment 1A (with title amendment)**—On page 5, after line 31, insert:

Section 9. Subsection (6) of section 415.107, Florida Statutes, is amended to read:

415.107 Confidentiality of reports and records.—

(6) The identity of any person reporting adult abuse, neglect, or exploitation may not be released, without that person’s written consent, to any person other than employees of the department responsible for adult protective services, the central abuse registry and tracking system, or the appropriate state attorney or law enforcement agency. This subsection grants protection only for the person who reported the adult abuse, neglect, or exploitation and protects only the fact that the person is the reporter. This subsection does not prohibit the subpoena of a person reporting adult abuse, neglect, or exploitation when deemed necessary by the state attorney or the department to protect a disabled adult or an elderly person who is the subject of a report, if the fact that the person made the report is not disclosed.

Section 10. Present subsections (4) and (5) of section 415.111, Florida Statutes, are redesignated as subsections (5) and (6), respectively, and amended, and a new subsection (4) is added to that section, to read:

415.111 Criminal penalties.—

(4) If the department or its authorized agent has determined after its investigation that a report is false, the department shall, with the consent of the alleged perpetrator, refer the reports to the local law enforcement agency having jurisdiction for an investigation to determine whether sufficient evidence exists to refer the case for prosecution for filing a false report as defined in s. 415.102. During the pendency of the investigation by the local law enforcement agency, the local law enforcement agency

must respond to all subsequent reports concerning the same disabled adult or elderly person in accordance with s. 415.104 or s. 415.1045. If the law enforcement agency believes that there are indicators of abuse, neglect, or exploitation, it must immediately notify the department, which must assure the safety of the disabled adult or elderly person. If the law enforcement agency finds sufficient evidence for prosecution for filing a false report, it must refer the case to the appropriate state attorney for prosecution.

(5)(4) A person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of a disabled adult or an elderly person, or a person who advises another to make a false report, commits a felony of the third ~~misdemeanor of the second~~ degree, punishable as provided in s. 775.082 or s. 775.083.

(a) The department shall establish procedures for determining whether a false report of abuse, neglect, or exploitation of a disabled adult or an elderly person has been made and for submitting all identifying information relating to such a false report to the local law enforcement agency as provided in this subsection and shall report annually to the Legislature the number of reports referred state attorney for prosecution.

(b) Anyone making a report who is acting in good faith is immune from any liability under this subsection.

(6)(5) Each state attorney shall establish and publish procedures to facilitate the prosecution of persons under this section and shall report to the Legislature annually the number of complaints that have resulted in the filing of an information or indictment under this section.

Section 11. Subsection (1) of section 415.1113, Florida Statutes, is amended to read:

415.1113 Administrative fines for false report of abuse, neglect, or exploitation of a disabled adult or an elderly person.—

(1) In addition to any other penalty authorized by this section, chapter 120, or other law, the department may impose a fine, not to exceed \$10,000 ~~\$1,000~~ for each violation, upon a person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of a disabled adult or an elderly person, or a person who counsels another to make a false report.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 5, after the semicolon (;) insert: amending s. 415.107, F.S.; authorizing the Department of Children and Family Services to provide the identity of a person reporting adult abuse, neglect, or exploitation to a law enforcement agency; amending s. 415.111, F.S.; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement entities to handle certain reports of abuse, neglect, or exploitation during the pendency of such an investigation; providing procedures; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; specifying the penalty for knowingly and willfully making or advising another to make a false report; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies for investigation of possible false reports; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.1113, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making or counseling another to make a false report;

**Amendment 1** as amended was adopted by two-thirds vote.

On motions by Senator Rossin, **HB 4167** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Burt	Clary	Forman
Bankhead	Campbell	Cowin	Geller
Bronson	Casas	Crist	Grant
Brown-Waite	Childers	Dudley	Gutman

Hargrett	Kirkpatrick	McKay	Silver
Harris	Klein	Meadows	Sullivan
Holzendorf	Kurth	Myers	Turner
Horne	Laurent	Ostalkiewicz	Williams
Jones	Lee	Rossin	

Nays—None

### SPECIAL ORDER CALENDAR, continued

On motion by Senator Burt, by two-thirds vote **HM 4265** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Burt, by unanimous consent—

**HM 4265**—A memorial to the Congress of the United States, urging Congress to enact legislation designating the Florida Windstorm Underwriting Association and the Florida Residential Property and Casualty Joint Underwriting Association as tax-exempt entities under s. 501(c) of the Internal Revenue Code.

—was taken up out of order and read the second time in full. On motions by Senator Burt, **HM 4265** was adopted and by two-thirds vote immediately certified to the House. The vote on adoption was:

Yeas—39

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	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

### RECONSIDERATION OF BILL

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

**SB 864**—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.011, F.S.; authorizing the granting of exemption under certain circumstances to property entitled to a charitable exemption for the 1994 tax year for which application was not timely filed; providing for canceling outstanding tax certificates on, and taxes assessed against, such property and for refunding any such taxes that have been paid; providing for expiration; providing an effective date.

—passed this day.

Pending further consideration of **SB 864**, on motion by Senator Meadows, by two-thirds vote **CS for HB 29** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

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

**CS for HB 29**—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.011, F.S.; authorizing the granting of exemption to property entitled to a charitable exemption for the 1994 tax year for which application was not timely filed under certain circumstances; providing for cancellation of taxes assessed and outstanding tax certificates; providing for expiration; amending s. 196.195, F.S.; specifying that certain nonprofit corporations are nonprofit for purposes of determining eligibility for the religious, literary, scientific, or charitable ad valorem tax exemption and providing requirements for establishing such status; amending s. 196.196, F.S.; providing an additional criterion for use in determining whether property is being used for a charitable, religious, scientific, or literary purpose; providing an effective date.

—a companion measure, was substituted for **SB 864** and by two-thirds vote read the second time by title. On motions by Senator Meadows, by

two-thirds vote **CS for HB 29** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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

**CS for CS for SB 194**—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; providing a holding period when there is a default under the title loan agreement; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lender's lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; repealing s. 538.06(5), F.S., which allows a secondhand dealer to engage in a title loan transaction; repealing s. 538.15(4), (5), F.S., which prohibit certain acts and practices by secondhand dealers; amending ss. 538.03, 538.16, F.S.; deleting references to title loans; providing an effective date.

—which was previously considered and amended April 17. Pending **Amendment 2** by Senator Williams failed.

Senator Williams moved the following amendments which failed:

**Amendment 3**—On page 16, line 27, delete "22" and insert: 9

**Amendment 4**—On page 16, line 27, delete "22" and insert: 10

**Amendment 5**—On page 16, line 27, delete "22" and insert: 12

**Amendment 6**—On page 16, line 27, delete "22" and insert: 15

**Amendment 7**—On page 16, line 27, delete "22" and insert: 18

**Amendment 8 (with title amendment)**—On page 30, between lines 3 and 4, insert:

Section 24. *The Office of Program Policy Analysis and Government Accountability shall conduct a review to determine the effectiveness and adequacy of the regulation of title loan transactions and submit a report to the Speaker of the House of Representatives and the President of the Senate by December 30, 1999.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 3, insert: requiring the Office of Program Policy Analysis and Government Accountability to review the effectiveness of regulation of title loans and submit report;

Pursuant to Rule 4.19, **CS for CS for SB 194** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf, by two-thirds vote **CS for HB 885** was withdrawn from the Committees on Regulated Industries; and Ways and Means.

On motion by Senator Holzendorf—

**CS for HB 885**—A bill to be entitled An act relating to funeral directing, embalming, and direct disposition; amending s. 470.002, F.S.; expanding the definition of the term “legally authorized person”; amending s. 470.006, F.S.; revising a provision relating to licensure as an embalmer by examination, to clarify applicability of the internship requirement; amending s. 470.0085, F.S., relating to the embalmer apprentice program; authorizing an extension of apprenticeship for certain students working in funeral establishments; amending s. 470.009, F.S.; reorganizing provisions relating to licensure as a funeral director by examination, to clarify applicability of the internship requirement; amending ss. 470.015 and 470.018, F.S.; providing for inclusion of a required course on human immunodeficiency virus and acquired immune deficiency syndrome in the board-approved course on communicable diseases for renewal of funeral director and embalmer licenses and renewal of registration of direct disposers; amending s. 470.024, F.S.; authorizing operation of visitation chapels and establishing criteria therefor; providing licensing limitations with respect to colocated facilities; requiring the relicensure of funeral establishments whose ownership has changed; amending s. 470.029, F.S.; providing a filing date for monthly reports on final dispositions; amending s. 470.0301, F.S.; providing requirements for registration of centralized embalming facilities, including biennial renewal and applicable fees; providing for an annual inspection fee; creating s. 470.0315, F.S.; providing for the storage, preservation, and transportation of human remains; creating s. 470.0355, F.S.; providing for the identification of human remains; amending s. 470.036, F.S.; extending disciplinary actions to certain registrants and licensees; providing an effective date.

—a companion measure, was substituted for **SB 1370** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 885** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

**CS for CS for SB 442**—A bill to be entitled An act relating to forensic client services; amending s. 40.29, F.S., relating to estimated amount of pay for expert witnesses, to conform a reference; amending s. 393.11, F.S.; specifying persons or entities that may file petition for proposed involuntary admission to residential services arising out of ch. 916, F.S., relating to forensic services; providing for petitions for defendants with autism; revising requirements relating to notice of filing of petition or service of copy of order; prohibiting release from order for involuntary admission except by court order; amending and reorganizing ch. 916, F.S., the Forensic Client Services Act; creating pt. I of ch. 916, F.S.; providing general provisions of the chapter; amending s. 916.105, F.S.; revising legislative intent; amending s. 916.106, F.S.; providing or revising definitions with respect to ch. 916, F.S.; redefining “department” to refer to the Department of Children and Family Services in lieu of the Department of Health and Rehabilitative Services; amending s. 916.107, F.S.; revising state policy with respect to the rights of forensic clients, and conforming terminology; amending and renumbering s. 916.175, F.S., relating to criminal escape by a client; prohibiting escape or attempted escape from a facility or program by a client under specified circumstances, and providing penalties therefor; amending and renumbering s. 916.178, F.S.; prohibiting the introduction of certain articles into or upon, or the taking or attempt to take or send certain articles from, facility grounds, under specified circumstances, and providing penalties therefor; providing for enforcement by institutional security personnel or law enforcement officers; conforming a reference; amending and renumbering s. 916.19, F.S.; providing for client protection and security; renumbering s. 916.20, F.S., relating to departmental rulemaking; creating pt. II of ch. 916, F.S., relating to forensic services for persons who are mentally ill; amending and renumbering s. 916.108, F.S.; providing for evaluation of defendant for competency to proceed or for sanity, under specified circumstances; amending and renumbering s. 916.11, F.S.; revising time limits and guidelines relating to appointment of experts; amending s. 916.12, F.S.; providing duties of examining experts and guidelines with respect to reports on defendant’s mental competence to proceed and recommended treatment for defendant to attain

competence to proceed; amending s. 916.13, F.S.; providing criteria for involuntary commitment of defendant adjudicated incompetent to proceed due to mental illness; revising duties of the court or the department and guidelines relating to commitment and placement of defendant and filing of reports; amending s. 916.14, F.S.; providing for inapplicability of statute of limitations and of bar against former jeopardy under specified circumstances when defendant is incompetent to proceed; amending s. 916.145, F.S.; revising time limits and guidelines with respect to dismissal of charges against a defendant adjudicated incompetent to proceed; providing for dismissal without prejudice under specified circumstances; amending s. 916.15, F.S., relating to involuntary commitment of defendant adjudicated not guilty by reason of insanity; conforming terminology; providing for mandatory departmental retention and treatment of defendant; reenacting s. 394.467(7)(a), F.S., relating to procedure for continued involuntary placement, to incorporate said amendment in a reference; amending s. 916.16, F.S.; providing for retention of jurisdiction by committing court over a defendant hospitalized as incompetent to proceed or because of a finding of not guilty by reason of insanity or over a defendant placed on conditional release; prohibiting release except by court order in specified circumstances; amending s. 916.17, F.S.; revising procedures and guidelines relating to conditional release and modification of release conditions, including filing requirements for plans for outpatient treatment; creating pt. III of ch. 916, F.S., relating to forensic services for persons who are mentally retarded or autistic; creating s. 916.301, F.S.; providing for appointment of experts who are retardation or autism professionals, under specified circumstances; providing for certain witness fees and evaluator fees as court costs; providing for reimbursement of certain travel and per diem expenses of state employees; creating s. 916.3012, F.S.; providing for determination of incompetence to proceed when the defendant’s suspected mental condition is retardation or autism; creating s. 916.302, F.S.; providing for involuntary commitment of defendant determined to be incompetent to proceed due to retardation or autism; requiring the department to notify the court of transfer of a defendant; creating s. 916.3025, F.S.; providing for retention of jurisdiction over certain defendants found incompetent to proceed and ordered into a secure facility for retarded or autistic defendants; prohibiting release except by court order; creating s. 916.303, F.S.; providing for dismissal of charges without prejudice or involuntary admission to residential services or a training program under specified circumstances when the defendant is found incompetent to proceed due to retardation or autism; providing for petitions to continue defendant’s placement in a secure facility or program under specified circumstances; creating s. 916.304, F.S.; providing for conditional release based on an approved plan for providing continuing community-based training of defendant; providing for modification of release conditions or termination of jurisdiction under specified circumstances; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendments which were adopted:

**Amendment 1**—On page 31, line 28, before “psychologist” insert: *licensed*

**Amendment 2**—On page 37, lines 22-24, delete those lines and insert: if the defendant remains incompetent to *proceed 5 years after such determination stand trial 2 years after such adjudication*, unless the

Pursuant to Rule 4.19, **CS for CS for SB 442** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 3-*Org.* and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representatives Crady and Thrasher—

**HCR 3-*Org.***—A concurrent resolution providing that the House of Representatives and Senate convene in Joint Session for the purpose of receiving a message from the Speaker of the United States House of Representatives.

WHEREAS, the Honorable Newt Gingrich has expressed a desire to address the Legislature in Joint Session, NOW, THEREFORE,

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

That the House of Representatives and the Senate convene in Joint Session in the Chamber of the House of Representatives at 1:00 p.m., Wednesday, April 22, 1998, for the purpose of receiving the message of the Speaker of the United States House of Representatives.

—was read the first time in full. On motions by Senator Scott, by two-thirds vote **HCR 3-*Org.*** was read the second time by title, unanimously adopted and immediately certified to the House.

### RECESS

On motion by Senator Diaz-Balart, the Senate recessed at 12:26 p.m. to reconvene at 3:00 p.m. following the joint session with the House of Representatives.

### JOINT SESSION

Pursuant to **HCR 3-*Org.***, the Senate in procession was received in the chamber of the House of Representatives. The joint session was called to order by The Honorable Daniel Webster, Speaker of the House of Representatives.

The Speaker invited Senator Jennings, President of the Senate, and Senator Casas, President Pro Tempore of the Senate, to the rostrum.

The Speaker declared a quorum of the joint session present.

### PRAYER

Representative Bush delivered the prayer.

### PLEDGE

House Pages, Hunter Pittman, Derek Sindler, John Anderson and Amanda Sarkis, led the pledge of allegiance to the flag of the United States of America.

### COMMITTEE APPOINTED

On motion by Representative Crist that a committee be appointed to notify Speaker Gingrich that the joint session was assembled to receive his message, Speaker Webster appointed Representatives Starks, Thrasher, Bradley, Smith, Dockery and Ritchie; and on behalf of the President, appointed Senators Bankhead, Burt, Dyer, Thomas, Scott and Childers. The committee withdrew from the chamber.

The committee appointed to notify Speaker Gingrich subsequently returned to the chamber and escorted Speaker Gingrich to the rostrum.

Speaker Webster recognized President Jennings for the following remarks:

**President Jennings:** Thank you, Mr. Speaker.

As I was reading over Speaker Gingrich's resume I think we all need to take a page out of his book and redo ours. His resume starts with a great deal of information about the early years. As you know, we immediately go to our political and professional life. In case you had not had an opportunity to have any of this information, I wanted to share a couple of facts with you that I think are important for all of us to know as we reflect on the gentleman who is here with us today. I will read from this and then paraphrase a little bit.

Newt's grandmother was a self-made woman who believed strongly in education as a key to a successful life. In that spirit, she taught Newt to read by the time he was four years old. Now Senator Holzendorf, that is readiness, isn't it? By age 10, with Grandma's encouragement, he had read hundreds of books and in later life, because of that love of reading, he founded, and gave of his personal time and energy to the Earning by Learning program that rewards underprivileged children for reading books. It started with Grandma, as it often does.

Newt has always been a dog lover, or an animal lover, in this case. I will tell you a story about his dog, and how he almost gave his life to prove it, when he was a child. He and his dog, Pride, were playing fetch in the snow one winter. The big dog ran over the stick Newt threw and skidded onto a frozen creek and fell into the water. Those of us in Florida don't have any understanding of this, but we have seen it on television. Without hesitation, Newt dove into the freezing water, pulled her from beneath the ice, and got her back on shore.

His interest in animals made newspaper headlines. When Newt was 10, he wanted to have a zoo in Harrisburg (at that time he lived in Pennsylvania), so he developed a plan. He took a bus, on his own, to City Hall and laid out the plan for city officials. The next day's newspaper headlines read, "Boy explains zoo needs to state/city leaders." At this early age he became convinced that one person can make a difference. He started as a lobbyist, obviously. And from that his involvement with the Atlanta Zoo is noteworthy. He has personally been involved and donated an endangered black rhinoceros and two endangered Komodo dragons. All started with that dog.

And the last, but not the least of all those things, we should remember, he lived in France for a while, his father was in the Army. He was taken to the site of the World War I battle at Verdun. Seeing the remains of over ten thousand soldiers displayed there and hearing the causes of the war, the Speaker became convinced that bad politics can cause wars and that good political leaders can prevent them. Thus, at age fifteen he first considered running for the House one day. I would say, the rest is history.

The Speaker is going to introduce our Speaker of the U.S. House of Representatives, but it is my honor to be here with him today.

### INTRODUCTION OF THE HONORABLE NEWT GINGRICH SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES

Speaker Webster presented Speaker Gingrich to the joint session.

### ADDRESS BY SPEAKER GINGRICH

**Speaker Gingrich:** I thank you very, very much for that very warm welcome and for the honor that you pay me by allowing me to come here as a neighbor from the state of Georgia—as a fellow legislator—to share a few ideas. I really am grateful that you would take the time. I know how busy your session is. I know how much you're accomplishing and you're frankly a lot further down the road on your budget than we are on ours, so I'm not sure I have much to come here and report. But it is a great honor and I think we share the same experience of running for office, of representing constituents, of working in a legislative body with our colleagues and trying to get things done. In so many ways, under our federal system, if we can delegate more and more power back home as we have with welfare reform and get more power back home over things like vocational/technical education and a whole range of areas where we



could give you more responsibility to represent locally the uniqueness of Florida, I think that we would then be a much healthier country.

So, in a very real sense I come as your partner in a federal-state relationship of trying to get out of Washington and back home to the communities more power and more responsibility in America. It's in that spirit that I want to come today. I can't help, though, but say, as I look out, and I must say, both Mr. Speaker and Madam President, that it's a great honor to be with you two. We have been friends and I've watched with great admiration the way in which the whole system has developed down here. But as I look out over this body, and I think back to those years ago when my dear friend and colleague, Bill Young, was serving here by himself as the only Republican, I believe, at that point. I just want to report that Bill is doing fine and he is now Chairman of the Defense Appropriations Subcommittee. It's a small job. It only spends about 240 billion dollars a year, but he's doing what he can to make sure that he took all of the lessons from the Florida Legislature. He still has the seat that was given him by the Senate, or the desk, rather, there. So you have quite a delegation. I just left this morning chatting with Connie Mack, who's one of my closest friends in the Congress, and I thank the state of Florida for sending him, and he has done an extraordinary job. I should say both on behalf of Connie Mack and John Mica, who had been working on it, that we hoped to get the BESTEA Bill done in the next few weeks and that Florida—like Georgia, a donor state—will be in dramatically better shape in about 2 1/2 or 3 weeks and we will have far more of our share of our tax money back in our states.

I had mentioned that Bill Young does a great job on defense. Let me also point out that this is a state with a unique range of talent and skill in its congressional delegation. Porter Goss and our good friend Lincoln Diaz-Balart, both serve on the Rules Committee—I think you are the only state to have two people on the Rules Committee in modern times. And in the case of Lincoln, of course, who works very aggressively not only on every bill that comes through but also and particularly on foreign policy, where he works with Ileana Ros-Lehtinen, who serves on the Foreign Affairs Committee. But in addition, Porter Goss not only works with Lincoln on Rules; Porter is the Chairman of the Intelligence Committee and, again, brings, I think, from a Florida perspective, a unique set of concerns. Let me also mention on defense, Tillie Fowler and Joe Scarborough also work on defense issues. And so, again, you have, I think, a very powerful representation in an area which is both for the nation and in terms of Florida's economy a very, very important component. You also have had, many of you have participated, I suspect, in drafting the state implementation of welfare reform where we returned enormous power to the states—a welfare reform, I might point out, which has been very successful across the country. There are today 2,200,000 fewer people on welfare; 2,200,000 more people in the private sector earning a living; and it's a major reason that this year we will have the first balanced budget since 1969 and the largest budget surplus in American history because we've changed that dynamic. And by the way, Mayor Rudy Giuliani reports that New York City now has the lowest level of welfare participation since 1967, as we continue to implement. You can be grateful and proud here in Florida that the leading figure in developing that welfare reform bill was Clay Shaw on the Ways and Means Committee representing the state of Florida.

We are collectively concerned now—we talked a little bit about drugs. I just wanted to report to you that Bill McCollum is one of the co-chairs of our task force on drugs and represents the effort to rebuild the interdiction capability which was working up through 1992 and then was dismantled by the Clinton-Gore administration. We are rebuilding our capacity to stop drugs. We think if we can stop both illegal drugs and illegal immigrants that we can dramatically improve the physical safety of Americans because violent crime will go down and we save a lot of our young people from addiction and the potential threat of death. Fourteen thousand Americans a year die because of drugs directly and another 6,000 die because of violence and other drug-related activities. If you're a woman in a home that has hard drugs, you are 28 times as likely to be killed as if you're in a drug-free home. You want to reduce violence, we need to reduce drug use. I think that you should be proud of the fact that Bill McCollum is doing a very, very important job in the area of drug use.

Let me also say, as a state that has a large number of retirees, that Mike Bilirakis' role, he is not only chairman of the subcommittee which deals with Medicare and Medicaid, he is also on the Medicare Commission and is working to save Medicare for the baby boomers and their children. He's working closely with Cliff Stearns who's also been—not

only serves on that committee with Mike but also serves in a very important way in veterans' affairs and, as a state, there's an awful lot of veterans who are either from Florida originally, or have retired to Florida. Veterans' activities are very, very important. We need to continue to modernize the Veterans Administration, and Cliff is playing a key role there.

Dan Miller is vital in terms of being chairman of the Subcommittee on Census. Every one of you knows how important the census can be. Let me ask you to look carefully at this issue of a statistical adjustment. It may, in theory, at the aggregate level nationally, make some sense if you are a mathematician who has never been in politics. You get down to the level of Dade County and you start statistically sampling, between the Haitian, Nicaraguan, Cuban, and other populations you are going to have chaos. Because you will literally skip entire populations statistically. People will not only be underrepresented and overrepresented, they will be nonrepresented. The basic principle in our Constitution of an actual enumeration, which is the wording in the Constitution, is very important because every American citizen deserves to be counted. If that means in the most difficult-to-count neighborhoods, we need to hire the Postal Service which probably has the highest knowledge of these neighborhoods, it is better by far to pay for an honest, accurate count of every city than it is to start down the road of a bunch of mathematicians at political direction, estimating whether or not in fact people are alive. Dan Miller is playing a very key role in that area as he also has played in the area of developing Medicare.

Let me also suggest, my other colleagues who joined us today, both Lincoln [Diaz-Balart] and Mark [Foley] wanted to come back and look around for a little bit. They both served in both the House and Senate and they had the chance to come down here for a little bit and report in to you. They were also briefed—I think they were also worried that if I came down unprotected, who knows what would happen, so they briefed me all the way down on what I could and could not do. Mark Foley's played a great role in a couple of things that are very important to Florida. First of all, he is very aggressive in the whole area of travel and tourism. There is no industry that in the long run is going to be more important to the U.S.; it is the second largest industry in the world. It is going to create more and more jobs and more and more revenue for us. As the rest of the world gets wealthier, they're all going to want to visit Disney World. So the result is going to be more foreign exchange, frankly, for the United States. And Mark plays a key role there. But he's also played, I think, a very creative role along with Clay Shaw in helping us work to save the Everglades.

We have a very innovative idea to take federal land which is, for example, in the inner city, HUD properties not developed that are deteriorating, swap them to developers in return for land that is environmentally sensitive. This is not a new idea. In fact, it was done for the 10,000-island area of the Everglades, which was actually acquired on a swap for downtown Phoenix land. It's something Bruce Babbitt knows perfectly well because he was Governor when he arranged for the swap of the land in downtown Phoenix.

Sadly the Clinton Administration has been very, very slow in implementing this, but Mark deserves a lot of credit, because with his drive and leadership and the rest of the delegation, we actually were able to pass a \$300 million program specifically for the Everglades, plus permission to swap an additional \$100 million of federal land to acquire environmentally sensitive areas for Florida. So, I just want to commend Mark for the leadership he has shown in those areas.

Let me also say that Charlie Canady is showing great courage. He is the leading advocate for a bill which would eliminate quotas and set-asides. I think it is very important to this country that we become truly color blind and that people and contractors are treated based on their qualifications and whether or not they meet their qualifications. This is not an excuse to go back to cronyism and old boy networks. It is an argument for saying that we ought to have genuine competition with the widest possible bidding with plenty of affirmative outreach to make sure everybody's included and potentially hired and everybody's included in bidding on contracts, but that the lowest bidder should, in fact, if they're honest and fair, get the deal. Because in America we shouldn't rig the game. We should allow fair, open competition; and we should insist on fair and open competition. Charlie Canady has been the leader in pushing that.

Finally, Congressman Dave Weldon is working very, very hard on science in general and on the space program in particular. This is a permanent battle because, frankly, science is underrepresented politically. Science is the heart of this country's future. Basic research is the core of where we need to go. Yet the fact is that there are a lot of other pressure groups that would eat the seed corn of the next generation's knowledge. Dave is very active in fighting to make sure that we get the money for research. It's of vital importance to Florida and jobs. But, frankly, it's of vital importance to every American in terms of quality of life and the future. So, I'm just very proud to be working with him. I should say that I know that Lincoln has a brother who is serving here in the Legislature. Let me also say that Carrie Meek wanted me to make sure that I said to Kendrick that she was doing her job in Washington; she was counting on him to do his job down here.

I also want to report to all of you that we have been working very closely with Alcee Hastings on a number of issues and it is very encouraging to reach out on a bipartisan basis to the Florida delegation and work on a variety of these things.

Let me go back for a minute, though, before I talk about domestic things. I mentioned the important role the Florida delegation plays in foreign policy in our national security. I happened, on the way down, to be looking at the *Miami Herald* and, on the front page today; "U.S. Loses U.N. Vote on Cuba." Here's the opening sentence. "In a startling defeat for U.S. policy in Cuba the President of the United States went to a summit in Chile." Only two Latin-American countries voted with us in the U.N. The Clinton administration, whether by design or incompetence, has consistently allowed the pressure on Fidel to decay. Now we have a bill which has become law which is very straightforward; we want to end the embargo. This may startle some of you. Here I am a conservative Republican, I want to end the embargo. We not only want to end the embargo, we want to have a Marshall plan to help the people of Cuba recover from dictatorship; and we've written it into law; it's signed into law. All it requires is a vote. There has to be a free election.

Now, if that principle is good enough for East Germany, if it's good enough for us to send troops to Bosnia, if it's good enough for us to go to Haiti, it seems to me after 30 long, difficult years, it shouldn't be that hard for the Clinton administration to say over and over again; we are committed to freedom in Cuba and we believe it's very, very important.

Let me say, by the way, for everything the President says about Saddam Hussein and who's apparently far enough away he can safely oppose him we have as much evidence about biological and chemical warfare with Fidel Castro as we have with Saddam Hussein. We have as much evidence of the danger of terrorism from Fidel as we have of the danger of terrorism from Saddam. If in fact he goes through with building a nuclear power plant of an obsolete design without international inspection, the largest environmental danger to Florida will be a Chernobyl-type release. This is a real and a present threat. By the way, underwritten, apparently, by a \$350 million loan from the Russians who apparently loaned him the money we're loaning the Russians.

Now this administration needs to thoroughly review its policies. If the Russians insist on having enough money to loan to Fidel, we should cut off the money we're sending Russia.

Here at home, let me start by thanking this Legislature because you passed the Tri-State Compact on the Chattahoochee-Flint-Apalachicola Rivers which was a six-year long water war that we hope will now become a water cooperative. We are upstream, so we recognize that we owe you clean water and enough of it. At the same time, I can tell you, since the City of Atlanta has one of the smallest watersheds of any major city in the country and all that watershed is the Chattahoochee River, you held us literally by the throat. If we'd gotten in a long lawsuit you could have strangled economic development in the Atlanta area for as long as it took to go through the courts. It was an act of real statesmanship to put together that compact. I am delighted that it was signed. We have a few things to work out with the federal government, but I'm also here to pledge to you that I would like to work with you on a state-federal partnership to design a real-time monitoring and management system for that entire river basin to be the world model of how you would really use information-age technologies to be able to manage a river system. I think, between places like Georgia Tech and Auburn and Florida State we could build a really sophisticated development. We'd be in a position then, if I might say, I just picked those because they're the major education system places close to the river. But the fact is, I'm not going to get

involved in those questions about the best, I mean, you may think there are problems in Florida, then I go back home and the Georgia fans all show up.

Let me just say that my point's this, though. We have a level of potential scientific knowledge in monitoring and developing river basin ecosystems that stretches across political boundaries and that is a different world than what we've done in the past. So, I'd like us to work from the ground up as we build this compact to really have the finest database in the world and to make it a real-time database, so we can be changing behaviors as we need to in order to be able to really develop things. But I thank you for the leadership you showed as a Legislature in helping us get that through. It was very, very important and very important to the City of Atlanta.

We came out of the Contract with America, period, having reformed welfare, saved Medicare without a tax increase, cut taxes for the first time in 17 years, and balanced the budget. Lots of people say, well, it's not a real balance and they give all sorts of arguments.

We set out to balance the budget in 2002. With your help in areas like welfare reform, we have reduced the cost of entitlements by \$600 billion over the next decade. We saved, with Bill Young and other members helping us, Dan Miller on Appropriations, \$100 billion in domestic discretionary spending because we were firmly committed to getting to a balanced budget. Alan Greenspan, in the Federal Reserve, kept interest rates about two percentage points lower than they would have been. You can figure out whether it's for state government, city government, whether it's for people paying off student loans or folks buying a house, two percentage points is a lot of money. The result is we've had a long period of economic growth and we've controlled federal spending. We thought we'd get the budget balanced by 2002. About four months ago they said, you know, we might actually balance it this year, said they think we'll get about \$8 billion. Three weeks ago they said, you know, it might be \$18 billion. The largest surplus in American history was \$11 million in 1947, or 1948.

Then they said, actually the Federal Reserve now has a projection that it could be \$50 billion. Now, I mention this for two reasons. First of all, to go from this year's projected deficit of \$229 billion, which was the projection the day we were sworn in as the majority, to a surplus of \$50 billion in three-and-a-half years, by the standards of any corporation in the world, is real change.

Second, I think as important as the economic effect of lower interest rates, lower taxes, a balanced budget, more economic growth, more jobs and more take-home pay, as important as all that is, there's a second question. We set out in the Contract with America to say, we will go to this place. Our key commercial was a two-page ad in *TV Guide*, the most expensive single thing we did in 1994, which didn't attack any Democrat, didn't mention President Clinton, didn't have any pictures. It just said, if you elect us, here are the ten things we'll do, and it was very fine print. I say that because 9 million additional people turned out to vote that year because they really liked somebody being positive. That was the largest single one-party turnout in American history for an off-year election.

I really believe, despite all the soap opera stuff and the headlines, despite all the scandal-ridden stuff in the evening news, despite all the negative commercials, that all of the consultants will tell all of us to run, that there is a hunger in this country for a positive direction and a positive leadership because people know if America is going to succeed in the 21st Century, if we're going to adjust to the Information Age and compete in the world market, we need leadership dedicated to real change in a positive way that applies basic American principles with a common sense adult approach.

I came today to suggest to you four goals for our generation as the logical next step in terms of building on what we accomplished with a Contract with America. Let me say to all of you that I am very pleased and very proud of what you're doing on tort reform because the fact is, that is one of the things we could not get through, out of the Contract, something we'll be coming back to later on, and if you finish successfully and can get it signed, we're probably going to look at what you're doing here as a model of what we will then do in Washington, D.C. So, that's one of the leftovers from the Contract with America, but I'm delighted at what I see happening here. I understand that there's some leadership involved in this. The four goals I want to suggest to you are very large,

and taken together, I believe they are larger than the Contract with America.

The first goal, I think, ought to be to make winning the war on drugs and reducing violent crime the highest priority in this country. By that I mean, taking seriously everything from education—don't do drugs to rehabilitation—if you're doing drugs, we'll help you get off them, to very strong sanctions against users—because you shouldn't be doing something illegal, to very aggressively going after drug dealers, to very significant interdiction efforts in other countries, and to going after the money in the banks. So, that on every front—and the model I would use is a World War II style model. We tend not to think about this. The Second World War for the United States lasted from December the 7th, 1941 to September 1945. It's less than four years. In less than four years we mobilized a nation and defeated Nazi Germany, Fascist Italy and Imperial Japan, because we were serious. We didn't create a World War II czar and then overrule him. We didn't create a World War II czar and then not fund him. We didn't say to George Marshall, why don't you invade Europe? But you can't have any ships, you can't have any tanks, and you can't train any troops. We said, tell us what it takes to win.

We have been saying to the drug czar, Barry McCaffrey, who I think is trying to do the best he can in a virtually impossible situation, we've said to General McCaffrey who is a four-star general, give us a World War II style victory plan. I came here in part to say to you as a Legislature, it would be very helpful over the next six months if you would help develop a master plan for Florida and come back to us and say, if we're serious about a drug-free America, here is what Florida needs from the federal government and here is what Florida will do as its share. And let me suggest to all of you if you would read Rudy Guiliani's speech last fall which I put in the *Congressional Record*, it is the finest, single speech on the war on drugs by anybody I have read. As Mayor of New York, he is going to come as close to creating a drug-free New York as he can, and it is systematic and clear.

Now, there are a couple of things that become obvious. You have to be very, very clear. Under Reagan and Bush we were very, very clear. Drug use dropped by two-thirds. When I say we can win the war on drugs, as a historic fact, drug use dropped by two-thirds between 1979 and 1992. That's a fact, it's not a theory. They started back up under Clinton and Gore and have risen dramatically, as has teen smoking.

Now, why did it drop? It dropped, first of all, because Nancy Reagan was right. If you just say no, it works. If you laugh about inhaling, it doesn't work. If you're confused about needles, it doesn't work. You have to send one simple, consistent, direct signal to every young person. Do not do it.

Second, we spent a lot more on interdiction and we interdicted deep. We interdicted in Bolivia, we interdicted in Peru. This administration adopted a totally failed strategy of waiting until drugs got to Mexico and, what it did is, it increased the corruption of Mexico. I don't know what they thought would happen. You have drug dealers with billions of dollars and modern technology and good lawyers who are dedicated to winning the war on drugs, for their side. You have a confused administration that doesn't apply the resources, doesn't have a rational strategy, and isn't willing to do what it takes.

There was a period where we had no aircraft flying over the Caribbean. The most powerful nation on the planet and we couldn't protect our own children in Florida because we had no aircraft left. The last AWAC plane was sent to Alaska to look for oil slicks. Now, what kind of priority list is this? Despite the fact we've had 20 years of worrying about the Caribbean, it has never occurred to any administration to simply put a satellite up directly over the Caribbean and simply have real-time, 24-hour-a-day monitoring day and night. Is that expensive? Sure. It's a lot less expensive than the next thousand kids who'll die. It's a lot less expensive than the next 10,000 addicts.

So, I came here first of all to say to you, I think our number one goal for our generation should be to take seriously returning America to the country we once were. Prior to 1965 drug use was rare and it was not a threat in your neighborhood. There is no town in America, no suburb in America, no city in America which is, today, safe. But you have my pledge that the team we've assembled, that Bill McCollum, Denny Hastert and Rob Portman lead, is going to work hand-in-hand with your Legislature and hand-in-hand with the mayors, the sheriffs, and the county commissioners to develop an effective plan. We will provide the

resources and we will change the federal law until we make sure—until we win this war.

Second, I think we should have as a goal a world-class system of education and learning. Here I want to commend all of you because I know you've already taken major steps in education reform. Frankly, your Education Commissioner is a national leader on education reform. He's been in my office; we've talked about new ideas and new approaches. There are things that you are doing that are steps in the right direction. But I want to suggest two standards that are a little different.

An education standard which is, when the teacher knows what you should learn and the teacher is in charge, and a learning standard, which is when you know what you need to learn and you are pursuing it. The Information Age gives us the potential to create a real-time, seven-day-a-week, 24-hour-a-day learning system, unlike anything we've ever seen before. I'll come back to that in a minute.

Let me start with education. Let me be clear, I'm here addressing the Legislature, in part, because I don't think we can solve this in Washington, D.C. I do not think Washington bureaucrats will end up educating a single child in Florida. I don't think Washington red tape will teach literacy to a single child in Florida. I think the bill that Congressman Pitts has proposed, to return 95 percent of the money back home so that you have it in the classroom locally, is a lot better than the layer-upon-layer of bureaucracy in Washington, which has been wasting the money. Let me also say, one of our highest priorities at the federal level should be, and for us in the Congress will be, to get to full federal funding of the federal share of the Individuals With Disabilities Education Act. We say we're going to pay for 40 percent of it. We currently pay for 7 percent of it. Yet, for many small local communities, it is among the highest single cost they have. They are going to mandate it federally, we ought to pay for it federally, and you will see a major effort on our part to eliminate bureaucracies in Washington to move the money in to pay for our commitment to your local schools on IDEA, and on the Individuals With Disabilities so that children with disabilities can get funded and the federal government ought to meet its share of that assignment.

Let me suggest to you something you could adopt at the state level that fits in with where you're already going in terms of standards. I believe nationally we ought to adopt one major goal for education. That is for every child to learn how to read and write by the end of the first grade. If they can't read and write by the end of the first grade that they be immersed in reading and writing. The reason is simple. If you can read and write you can then do virtually anything else. You can gradually learn almost any other skill. If you can't read and write and you give up on learning how to read and write, and you become embarrassed because you've fallen behind, you will probably not learn anything else.

Now, I can't give you statistics for Florida but I was very sobered by Mayor Richard Reardon of Los Angeles, who is a passionate devotee of reading and writing. He has personally, as a businessman, given millions of dollars to literacy programs. It is his estimate that in the poorest neighborhoods of Los Angeles 88 percent of the 18 year olds cannot read and write at an eighth grade level. It's his estimate that in the poorest neighborhoods of Los Angeles, or the neighborhoods with the poorest schools, rather, only 12 percent of the 18 years olds today can read and write at an eighth grade level. Now, if you think about it, normally you'd say—if I came and said only 88 percent can read and write, we have 12 percent we're losing, 30 years ago that would have been considered a crisis. Yet, the Mayor of Los Angeles is saying flatly, he believes we are losing 88 percent of the kids in those neighborhoods.

So, I think we have to focus on reading and writing. I want to be direct, and I know it's controversial, I think they have to be able to read and write in English because it is the language of opportunity and prosperity in this country. Every child should have the maximum chance to pursue happiness and that means the maximum chance to get a job and to rise. I think every child should learn a second language, but I think they have to learn English.

Second, you have a provision in your state law which I think could be expanded slightly and have a huge impact. You require in your state law that children learn about the Declaration of Independence. I think, frankly, if you went out to the average school and said, okay, so how much have you learned about it? You'd find out it was not quite as much as you might have hoped. I have been proposing that we dedicate one day a year from first through twelfth grade, every year, to studying the

Declaration of Independence and the Constitution. First of all, you can use it to teach reading. You can use it to teach history. There's a more important reason, and Florida represents this as much as any state in the country. To be an American is a learned civilization. You can come from anywhere in the world and become an American. You're born African. You're born Caucasian. You're born Asian. You become an American. You have to learn it. It's about private property, the work ethic, the rule of law, free speech, the right of free elections. There's a whole bunch of things that come together in this magic, romantic thing that we call American civilization. And, yet, we're not teaching our kids. Why would we expect them to learn about our civilization if they never study it?

The Declaration of Independence is particularly important for three reasons. First of all, it starts with the phrase, "We hold these truths to be self evident."

It's going to sound very old-fashioned, but I want to point out how they worded that. They didn't say propositions, ideas, arguments; they said truths so obviously truthful they were self evident, not debatable. I want to suggest that Washington may need to learn this lesson more than anywhere else. But I believe truth is at the heart of a free society and if truth disappears, it is almost impossible to imagine a free society surviving. These truths were so obvious to these members that they signed their lives, their fortunes, and their sacred honor. Now, imagine you believed something enough—and, of course, they meant it. They raised an army and put it in the field for seven years; some of them were killed, most of them were bankrupt. That's a pretty deep belief in truth.

Second, the Declaration says, "We are endowed by our creator with certain inalienable rights." It's a very important concept. You see, in the European model, power went from God to the King and was loaned to the citizen. That's why in the end Brussels will be worse than the IRS.

In the European model, it is the state which is at the center of society. In the Anglo-American model, power goes from God to the citizen and is loaned to the state, which is why the Constitution begins, "We the people of the United States of America," which means that we are a society-based system which creates a state. It's a very different model and almost none of us are taught it, frankly, in college anymore because almost all of our college professors learn the European model. They don't understand what America is all about.

There's a third thing. While it will undoubtedly lead to an American Civil Liberties Union suit, the fact is, you can't teach the Declaration of Independence without explaining the word "creator". What did the founding fathers mean when they wrote, "We are endowed by our Creator"? I think this is very, very important. Let me say, first of all, as a historian, they meant God. They didn't mean mystic being. They didn't mean large clockmaker. They didn't mean banana in the sky. They didn't mean meditation. They meant God.

You can't read Washington's First Inaugural, Washington's Farewell Address, and Jefferson's Second Inaugural without understanding that they mean God. You can't understand America if you read Lincoln's Second Inaugural Address; he mentions God 14 times in an address short enough to be engraved in stone on the Lincoln Memorial.

Only since 1963 have we had this maniacal effort to drive God out of the public square. It is absolutely wrong and it's wrong for a profound reason. If we are simply randomly gathered protoplasm, then exploiting each other is just a matter of good defense lawyers. There are no rules; there is no justice; there is no romance. You were available; I needed to exploit somebody; I exploited you. What are you complaining about? Don't be vulnerable next time. That's the law of the jungle. But if you know the person next to you is endowed by God, then if you rape that person, you are raping somebody God has personally endowed with the right not to be violated. If you kill somebody who is endowed by God, you have violated God's law. Now, this is not a sectarian position.

I remind people that Jefferson was, the liberals always like to say, Jefferson, well, he really was a Deist. They don't actually know what that means, but they're confident it means he wasn't a Baptist and they regard that as reassuring. Since I'm a Baptist, I'm allowed to make that comment.

Let me just suggest to you, the next time you visit Washington, go to the Jefferson Memorial and look around the top where it is engraved, "I have sworn upon the altar of God Almighty eternal hostility against all forms of tyranny over the minds of man." Ask yourself, why did Jefferson

write, "I have sworn upon the altar of God Almighty"? Now, I happen to think, and this is why I'm a Conservative, that Jefferson had a remarkable understanding of the English language and probably meant, "I have sworn upon the altar of God Almighty" but I'm sure you'll find somebody with a tenured chair who will explain to you by appropriate deconstruction, that he actually meant to say, "The Great Banana in the sky having blessed me." It's very important. I'm making it humorous, but I can't tell you in my heart, at 54 years of age, having thought about this for 40 years, how deeply I believe returning this society, not to sectarianism, not to a Catholic country, not to a Baptist country, not to a Jewish country, but returning it to an understanding of the spiritual base of this society. If you have any doubts, as I said, read Washington's First Inaugural, read his Farewell Address. Read Jefferson's Second Inaugural. Read Lincoln's Second Inaugural and look at those four documents. Or, in the modern era, do as I once did in a course, play Franklin Delano Roosevelt's radio address on June the 6th, 1944, when for eight minutes, he led the nation in prayer. He didn't say, "I hope you all will pray eventually in a way that is not too public." He said, "I hope all of you will join me in praying for our sons and our fathers." He began, "Almighty God," and then he prayed on the air for eight minutes at the beginning of the invasion of Normandy. Now, that is a healthier America. It's an America that will have a lot less drugs and a lot less teen suicide and a lot more freedom and a lot more safety. It's at the heart of the education reforms we need.

Thank you.

Let me say this, two more things about education, at the risk of meddling, I want to recommend you consider seriously a bill that says very simply; if your school is in the bottom 20 percent in performance, there is no tenure, there is no union contract, there is no bureaucracy, there is no credentialing. If your school is in the bottom 20 percent, the children of your school are being cheated and we have the right to replace every person and every practice in this school until the children are getting a good education. Seems to me we ought to defend the children.

Let me, in particular, in that sense commend Jeb Bush for the Liberty City Charter School. It takes great courage to go to some of the hardest places and start the best schools.

The fact is, I am a populist. I believe every child of every ethnic background in every neighborhood deserves a world-class education because they cannot have their God-given right to pursue happiness in the Information Age if they can't read and write and do math. So I think we need a much bolder commitment.

By the way, the test is simple, by the children learning. If the children aren't learning don't give me the last five bureaucratic excuses. Are the children learning? And the test doesn't have to be a \$70-million cultural norm, statistically accurate, computerized system. The test of reading ought to be simple. You hand the child a book. The child reads. You ask the child questions. But when you start going down the road of highly sophisticated testing, which is, frankly, make-work for statisticians, what you create is an environment where the teacher teaches the test, the child studies the test, and learning disappears in the interest of grading. That's not what we're describing.

Lastly, I want to talk for a minute about learning as opposed to education because it's the greatest breakthrough in the 21st Century. We're right at the edge of it, but we need more boldness and more focus. I'll give you an example of what I mean by learning. Recently, I went to Eggleston Children's Hospital at Emory. They showed me a system they used for very, very young children between prenatal and about six weeks of age where, if they have a lung disease, they will use a membrane breather which is very soft, because a ventilator is so strong it will literally destroy their lungs. They were telling me with great pride that they had recently used this system on a 55-year-old woman and saved her life. But, here's the magic. She was at Piedmont Hospital, arguably the most prestigious hospital in Atlanta, and she was dying. Her children got on the Internet and discovered three places in America that were using this membrane system on adults. Her children went to the doctor and said, would you mind calling Eggleston to see if they could do this? The doctor didn't have a clue. The doctor called Eggleston and he said, well, he'd never done it but, of course, it could be done. They gave him the same citation on the Internet, the Eggleston people read the citations, called the doctors, figured out exactly what to do, they moved the woman over by ambulance, and her life was saved.

As you go into an Information Age, you have two major intersections. One is that the sheer scale of knowledge is going to be so great that the meaning of expert is going to change. Nobody will know what's going on. There will be no expert who truly knows their field because their field will change so rapidly.

I recently asked Dr. King, the woman who discovered the breast cancer gene, how often do you think biology textbooks get obsolete. She said annually, that the breakthroughs in the human genome project are so massive that if you're looking at last year's textbook, it's no longer accurate. Well, the next time you visit your doctor, ask them the last time they read a cell textbook. It'll give you some idea of how many generations behind the current state of the art they are. This is not to say they're dumb. We need to rethink how you deal with this scale of information.

Secondly, when I was a kid we went to libraries. Those of you who visit schools, if you're like me, and almost every elected official goes to schools, you now go to media centers, right? Some time over the last 30 years libraries became passe. Libraries had books. Media centers have books and they have television and they have videotapes. The media center of the 21st Century is your personal computer.

There is a firm in California called NetSchools that now builds a child-proof computer; it's literally magnesium. You can stand on it. You can throw it against the wall. You can pour milk on it. It's designed to be taken home by the child, starting with first grade. Here's your computer. They said they don't have a hard drive, but they have a pretty good memory system. I said, how much memory. They said 128,000 pages. You can imagine for the average first grader, when you go home, you can access the Internet.

Now, my point is this. Within 20 years, every citizen of Florida, the most rural, the most elderly, the youngest, will potentially have access seven days a week, 24 hours a day, to the world of knowledge. We don't know how to organize it. We don't know how to think about it. Because it doesn't fit the school of education credentialing process, and because it doesn't fit the Carnegie unit sitting on your rear end waiting to have enough hours processed, and because it doesn't fit the average daily attendance way we pay for schools' process, we're not spending the energy on it we should.

You ought to think boldly. How could you make Florida the most wired state in the country? How could you give all forms of knowledge available to every citizen? How could you do it so it's convenient seven days a week, 24 hours a day in their home? That's what a world-class learning system will be like. It's going to come because the technology is available; but it will come slowly because the bureaucracies won't profit from it, and it is something I really urge you as elected officials to look at.

Our third goal is one I hope we can enact this year. We have this problem I mentioned to you earlier. We have a \$50 billion surplus. This is a very new problem in Washington—or it's between \$18 and \$50 billion. I mean, nobody in my lifetime has had a surplus except once in 1969. We had a surplus—actually, I'm old enough, we had two or three surpluses in the forties and fifties. No one has ever had a decade of surpluses. We're now projecting ten straight years of surpluses, probably amounting to about a trillion dollars. Now, of course, if you leave it sitting in Washington, it will not be a problem. It will be spent.

Here's what we could do with it. If we took the surplus and created a Social Security Savings Account and every October when we announced that year's surplus, we sent back to every citizen in Florida who paid FICA tax, their share of the surplus, and we allowed it to have a tax-free interest build-up, the first year could potentially be \$350. Not a lot of money unless you're 20 years old. If you're 20 years old and you're in the average rate of interest the stock market has paid since 1920, the average since 1920, including the Great Depression. When you retire that becomes \$5600. If you do that for four, five, six, seven years in a row, you begin to have real money.

Our goal is very simple. If we were able to give people a Social Security Savings Account—we have not touched FICA now, nobody on Social Security's threatened at all. We haven't changed the system at all. What we have done is given the baby boomers and their children a savings account they control that the politicians can't borrow, that they get a quarterly report on, and it has two huge effects.

First, it means that every young person can look forward to actually having a retirement account under any circumstance, and if that account is applied against our Social Security obligation, it means we have actually saved Social Security permanently without a tax increase or a benefit cut, and some time in the 21st Century we actually start cutting the FICA tax because we get more money saved than we need.

Second, it means that the poorest person in Florida, in the poorest neighborhood, the minute they go to work, a 16-year-old out here who has nothing, living in public housing, the minute they go to work, when they pay their FICA tax, they get a savings account. They get a quarterly report. They learn about savings and investing. They learn about compound interest. In a very few years we will have ended class warfare in America by creating one class. We'll have 130 million savers and investors who understand that their future is a stronger, healthier, better America. I think that's a future that brings Americans together, that recreates trust among the baby boomers and their children, that gets the money away from Washington before we can spend it, and that saves Social Security for our senior citizens so they do not have to worry about anything because they will get every penny of their cost-of-living increase. I ask you to consider it. We have materials we are handing out today to give you a chance to look at it. I'd love to get your advice on it through the delegation or directly to my office. This is potentially an enormous step to save Social Security without risk, and to do it in a way that gets the money back home. It would be the equivalent of about a trillion dollar tax cut against the FICA, as a credit against FICA, that would allow people to have the money back home. I think it's a much better way to save the money than it is to create more Washington bureaucracies and spend more money in Washington.

Lastly, the fourth goal I want to suggest, and this will sound a little bit like meddling, because it is, but I think we have to be in this one together, and if you think about it, it's actually very, very exciting. We're at the edge of a revolution in how we manage government. If you read the works of Peter Drucker, the management consultant, W. Edwards Demming, the father of the quality movement, if you look at the capacity of information systems, we could create, over the next 10 or 12 years, a dramatically more powerful and different system of government.

Let me give you just two examples. How many of you have been out of the country and used a credit card overseas? I'm just curious. My guess would be, almost all of you. Okay.

Think about this magic. I mean, when I was an army brat we were paid in U.S. script, not currency, because the French franc was so weak we couldn't use the dollar. We couldn't use greenbacks in France in 1958. The idea that you could walk around the world, hand over a piece of plastic, get goods or services and leave, would have been magic. But it's more than that.

Marianne and I were in Davos, Switzerland in February. We went into a store that sold very high quality German scissors. Now, all of you who have ever shopped will know that a very high-quality German scissor store is expensive, that's what the term means. So, we were looking at really high-quality German steel, with a really remarkable edge, with a fabulous handcrafted design. My wife decided that she would like to have some high-quality German scissors. I have two daughters and we decided, well, we'd get them slightly smaller and, still high-quality scissors. Being the gallant person I am, I whipped out my American Express card and handed it to the Swiss store who knew who I was because it was a pretty big event that we were there for, the World Economic Forum. He took it over, and being a good businessman, he put it in the telephone system, and in real time, standing in Davos, Switzerland, found out that my credit card had expired three days earlier. At which point, luckily for me, Marianne had seven credit cards available, and he could pick which one he wanted to use.

But here's my point. Imagine a planet where you can go to seven countries in a row, stay in seven different hotels, pay with a credit card in all seven, go out to seven different restaurants, pay with a credit card, go to seven different stores, pay with a credit card, come back home and within 40 days you'll get a note that says: here's where you were; here's what you bought; here's the day you did it; here's the value in U.S. dollars at that day's exchange rate; and, by the way, this bottom line is the number we expect you to send in.

Now we don't think of that as magic. We think of that as everyday life. Well, let me give you a test: call the Veterans Administration; they

won't be able to get to your file. Call the Immigration and Naturalization Service; they won't even know that you have a file; call the IRS, they'll have four files and they will all be conflicting. The Federal Government invented the computer. It was a U.S. government project. The Federal Government subsidized the first chipless assembly line. It was a U.S. government project. The Federal Government built the Internet, and yet we can not modernize ourselves to provide real time services on a seven-day-a-week, 24-hour basis. By the way, in Arizona you can now buy your license tag on the Internet. The result is, not only is it more convenient for the customer but they have discovered that if a person is sitting in their own living room looking at their own PC, they are more likely to buy a vanity plate. So Arizona is making a higher profit on a lower investment with greater customer satisfaction by putting it on the Internet. That is a minor example of where we are going.

My last example: my wife last year had to get her license renewed. In Georgia, you can get your driver's license renewed at Kroger's. So she called around to three different places, and she found 2 1/2 hours, 2 1/2 hours, 1 1/2 hour. Being a good American she went to the 1 1/2 hour. She stood in line for an hour and a half. She was spending 15 dollars. It struck her as she stood there, there were people spending 15 dollars at Kroger's in 90 seconds. You know you go stand, in fact if you're buying two or three items you go through the quick line. I am sure all of you have done this at Publix or somewhere.

Here's my point, we have two clocks in our head, we have a private sector clock, and all of you can check this out in your own life. You walk into a private sector business and there is a second hand. 90 seconds, this happened to me Sunday, we got in a drive-thru line for McDonald's—90 seconds into a private sector line you get impatient. I am a customer. Do they want my money, or not? Why are they not paying attention? Now you have a second clock in your head. It's a public sector clock. It has 15-minute increments. I mean all of you say this, I've got to go to the courthouse. I think I'll take a book. Maybe it should be a big book.

Now here's all I want to leave you to think about. This is all a cultural artifact. We are the inheritors of a German model of bureaucracy codified by the American Civil Service model. So that we now have a pre-typewriter system. We know it violates all human nature if you can't be fired, if you can't be controlled, if you can't be rewarded, if there can't be merit pay. If you have no customer complaint system, if there are no standards, why would you think it would work? Not a business in America could operate the way almost every government does. This is what I want to propose: in a free society in peacetime if you work all of Monday and half of Tuesday to pay taxes that should be enough. The rest of the week you should be able to work for your family, your church or synagogue, your favorite charity, or for your own retirement. For you to be required to work more than 25 percent of the time for government is wrong. Today, nationally, the average is 38 percent. What I am proposing is that from school board to county commission to sheriff's office to city council to state legislature to the Federal Government that we work as a team to modernize, rationalize, downsize, prioritize government to apply information-age models to apply the lessons of Demming, and for you to tell me what I have to do to get out of your way so you can do it faster and better and cheaper, and to give me any advice you've got on what I can do faster and better and cheaper. So that 10 or 12 years from now we have cut taxes by a third. So you have a faster moving system that is more customer responsive that is actually a better government with better services at lower costs. I believe it is doable. I believe it is hard, but I believe it is exactly the right challenge for the 21st Century. I think it will leave us a freer country, a more productive country, and a wealthier country. I think it is the direction we ought to go.

Let me just in closing say this, we are collectively in a very tough business. It's made tougher by the news media's current cultural style which is to turn politics into soap opera. It's made tougher by some of the politicians. It's made tougher by the interest groups and it's made tougher by citizens who would like everything yesterday without having paid for it. That's just reality. This is a very difficult society. Guess what, it always has been. If you read Paul Johnson's *History of the American People*, he has a wonderful line. He says, "The Americans in the early 1770s may have been the lowest taxed people in the history of the human race and they resented every penny." It's sort of a nice reminder. What I want to encourage you with is as you finish up your session and you go back home, and maybe I feel this so passionately and so deeply because of my childhood and living in Europe after the Second World War and watching my Dad serve his country and being aware that back

then the Soviet Empire was real, and the danger of defeat was real, we really have a marvelous, marvelous opportunity to lead the entire world. We have a chance to draw together as a people from amazing backgrounds. Again, Florida is as perfect as any place in the country to think about how many places people come from. The ability to elect people who can sublimate civil war into a room where they talk out their passions, their fears, their hopes, their dreams, and make law. Then to make that law in such a way that the rule of law prevails. So that every person has their God-endowed rights, that's really a magical thing. It's been done very seldom in all of human history. You are literally key organic biological parts of that. Democracy is one generation deep. It's the generation that is doing it and their ability to teach the next generation. As you have young folks in your campaigns, they are learning from you how a free people govern themselves. As young reporters trying to understand the process, they are learning from you how free people govern themselves. We are in the same business, because legislating in Washington and legislating in Tallahassee is the same frustrating, complex, chaotic, confused, exhausting, human process.

So I came today to say thank you for all of your support for freedom, to say thank you for having helped Georgia dramatically with the Three Rivers Compact, and to tell you that I would like to be your partner in creating four goals for our generation to give all of America and all of Florida a safer, a more prosperous and a freer future.

Thank you very much. Good luck, and God bless you.

## DISSOLUTION OF JOINT SESSION

Following his address, the committee previously appointed escorted Speaker Gingrich from the rostrum and from the House chamber.

On motion by Senator Bankhead, the joint session was dissolved at 2:42 p.m. and the Senators were escorted from the House chamber by the Senate Sergeant at Arms.

## AFTERNOON SESSION

The Senate was called to order by the President at 3:11 p.m. A quorum present—39:

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

## SPECIAL ORDER CALENDAR, continued

On motion by Senator Gutman—

**CS for SB 334**—A bill to be entitled An act relating to juvenile justice programs; amending s. 985.401, F.S.; requiring the Juvenile Justice Advisory Board to develop a standard methodology for interpreting outcome-evaluation reports; specifying information to be included; requiring the board to consult with other agencies, providers, and interested parties; requiring the board to report to the Legislature; amending s. 985.404, F.S.; requiring the Department of Juvenile Justice and other agencies to develop a cost-effectiveness model for each commitment program; requiring the department to rank programs and report to the Legislature; authorizing the department to terminate a program that fails to achieve a minimum threshold of effectiveness; requiring that the cost-effectiveness model be consistent with certain requirements for performance-based budgeting; requiring the department to conduct certain evaluations of commitment programs and identify the factors that contribute to various program ratings; providing appropriations; 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 Gutman and adopted:

**Amendment 1**—On page 3, lines 7 and 8; on page 6, lines 14 and 15; and on page 7, lines 15 and 25 and 26, delete “of the Joint Legislative Management Committee”

Senator Gutman moved the following amendment which was adopted:

**Amendment 2 (with title amendment)**—On page 1, line 28, insert:

Section 1. Subsection (8) is added to section 943.053, Florida Statutes, to read:

943.053 Dissemination of criminal justice information; fees.—

*(8) Notwithstanding s. 943.0525 or any user agreement adopted under s. 943.0525, and notwithstanding the confidentiality of sealed records provided in s. 943.059, the Department of Juvenile Justice and any other state or local criminal justice agency may provide a copy of the criminal history records of a juvenile offender currently or formerly detained or housed in a contracted juvenile assessment center or detention facility, or treated through a treatment program, or the criminal history records of an employee or other individual who has access to a contracted juvenile assessment center, detention facility, or treatment program, only to an entity under direct contract with the Department of Juvenile Justice to operate a juvenile assessment center, detention facility, or treatment program. The criminal justice agency may assess a charge for providing the records as provided in chapter 119. A sealed record received by a private entity under this subsection remains confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Information provided under this subsection may be used only for the criminal justice purpose for which it was requested and may not be further disseminated.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: 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;

Senator Gutman moved the following amendment which failed:

**Amendment 3 (with title amendment)**—On page 1, line 28, insert:

Section 1. Subsection (6) of section 985.307, Florida Statutes, is amended to read:

985.307 Juvenile assignment centers.—

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

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to juvenile justice; amending s. 984.307, F.S.; postponing the date on which the authority of the Department of Juvenile Justice to create or operate juvenile assignment centers is scheduled to expire;

Pursuant to Rule 4.19, **CS for SB 334** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Turner—

**SB 656**—A bill to be entitled An act relating to education; amending s. 233.061, F.S.; encouraging school districts to provide instruction in the history of labor and business; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 656** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

**CS for SB 314**—A bill to be entitled An act relating to the regulation of health care facilities; amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending s. 154.304, F.S., relating to health care for indigent persons; revising definitions; amending s. 394.4788, F.S., relating to mental health services; updating provisions relating to duties of the agency formerly performed by the Health Care Cost Containment Board; amending s. 240.4076, F.S.; conforming a cross-reference to changes made by the act; amending s. 395.0163, F.S.; providing exemptions from construction inspections and investigations by the Agency for Health Care Administration for certain outpatient facilities; providing exceptions; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules to assure that, following a disaster, licensed facilities are capable of serving as shelters only for patients, staff, and the families of staff and patients; providing for applicability; providing for a report by the agency to the Governor and Legislature; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending s. 395.701, F.S., relating to the Public Medical Assistance Trust Fund; revising definitions; amending ss. 408.05, 408.061, 408.062, 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the former Department of Health and Rehabilitative Services; authorizing the agency to conduct data-based studies and make recommendations; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Counsel with respect to hospital budget review proceedings; amending ss. 409.2673, 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions with respect to the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; repealing ss. 395.403(9), 395.806(3), 407.61, 408.003, 408.072, 408.085, F.S., relating to reimbursement of state-sponsored trauma centers, studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, and budget reviews of comprehensive inpatient rehabilitation hospitals; providing for retroactive application of provisions of the act relating to repeal of review of hospital budgets; amending ss. 381.026, 381.0261, F.S.; requiring distribution of the Florida Patient’s Bill of Rights and Responsibilities; providing penalties; repealing s. 395.002(2) and (15), F.S.; deleting definitions of “adverse or untoward incident” and “injury”; amending s. 395.0193, F.S.; revising provisions relating to facility peer review disciplinary actions against practitioners; requiring a report to the Agency for Health Care Administration; providing penalties; amending s. 395.0197, F.S.; revising provisions relating to internal risk management; defining the term “adverse incident”; requiring certain reports to the agency; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective action plans; providing penalties; renumbering s. 626.941, F.S., relating to the purpose of the health care risk manager licensure program; renumbering and amending s. 626.942, F.S., relating to the Health Care Risk Manager Advisory Council; renumbering and amending s. 626.943, F.S.; providing powers and duties of the agency; renumbering and amending s. 626.944, F.S., relating to qualifications for health care risk managers; providing for fees; providing for issuance, cancellation, and renewal of licenses; renumbering and amending s. 626.945, F.S., relating to grounds for denial, suspension, or revocation of licenses; amending s. 766.101, F.S., relating to medical review committees; adding “physician-hospital organization,” “provider-sponsored organization,” and “integrated delivery system” to the definition of “medical review committee” or “committee”; amending ss. 394.4787, 395.602, 400.051, 409.905, 440.13, 458.331, 459.015, 468.505, 641.55, 766.1115, F.S.; conforming

references and correcting cross-references; transferring the internal risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; providing an appropriation; providing effective dates.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendments which were moved by Senator Brown-Waite and adopted:

**Amendment 1**—On page 59, delete line 6 and insert: *and can determine within 1 business day that any of the*

**Amendment 2**—On page 59, lines 9-11, delete those lines and insert: *admission in the licensed facility:*

**Amendment 3**—On page 63, line 14, after the period (.) insert: *This subsection does not apply to the notice requirements under subsection (7).*

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

**Amendment 4**—On page 50, lines 23 and 24, delete those lines and insert: ~~However, the procedures~~

Senators Gutman and Geller offered the following amendment which was moved by Senator Gutman and adopted:

**Amendment 5 (with title amendment)**—On page 82, between lines 17 and 18, insert:

Section 42. Paragraph (a) of subsection (2) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; criteria; Nursing Home Advisory Committee; evaluation and rating system; fee for review of plans.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and Rehabilitative Services and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part, which shall include reasonable and fair criteria in relation to:

(a) The location and construction of the facility; including fire and life safety, plumbing, heating, lighting, ventilation, and other housing conditions which will ensure the health, safety, and comfort of residents, including an adequate call system. The agency shall establish standards for facilities and equipment to increase the extent to which *new facilities and a new wing or floor added to an existing facility after July 1, 1999*, are structurally capable of serving as shelters *only for residents, staff, and families of residents and staff*, and equipped to be self-supporting during and immediately following disasters. *The Agency for Health Care Administration shall work with facilities licensed under this part and report to the Governor and Legislature by April 1, 1999, its recommendations for cost-effective renovation standards to be applied to existing facilities.* In making such rules, the agency shall be guided by criteria recommended by nationally recognized reputable professional groups and associations with knowledge of such subject matters. The agency shall update or revise such criteria as the need arises. All nursing homes must comply with those lifesafety code requirements and building code standards applicable at the time of approval of their construction plans. The agency may require alterations to a building if it determines that an existing condition constitutes a distinct hazard to life, health, or safety. The agency shall adopt fair and reasonable rules setting forth conditions under which existing facilities undergoing additions, alterations, conversions, renovations, or repairs shall be required to comply with the most recent updated or revised standards.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 19, after the semicolon (;) insert: amending s. 400.23, F.S.; amending rulemaking powers of the Agency for Health Care Administration relating to structural standards for nursing homes; requiring a report to the Governor and Legislature;

Pending further consideration of **CS for SB 314** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for CS for CS**

for **HB 349** was withdrawn from the Committees on Health Care; Banking and Insurance; and Ways and Means.

On motion by Senator Brown-Waite—

**CS for CS for CS for HB 349**—A bill to be entitled An act relating to the regulation of health care facilities; amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending ss. 154.304, 154.306, and 154.312, F.S., relating to health care for indigent persons; revising definitions; conforming references to changes made by the act; amending s. 394.4788, F.S., relating to mental health services; updating provisions relating to duties of the agency formerly performed by the Health Care Cost Containment Board; amending s. 395.0163, F.S.; providing exemptions from construction inspections and investigations by the Agency for Health Care Administration for certain outpatient facilities; providing exceptions; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules to assure that, following a disaster, licensed facilities are capable of serving as shelters only for patients, staff, and the families of patients and staff; providing for applicability; providing for a report by the agency to the Governor and Legislature; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending s. 395.701, F.S., relating to the Public Medical Assistance Trust Fund; revising definitions; amending ss. 395.403, 395.605, 395.7015, and 395.806, F.S.; conforming references; amending ss. 408.05, 408.061, 408.062, and 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the former Department of Health and Rehabilitative Services; authorizing the agency to conduct data-based studies and make recommendations; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Counsel with respect to hospital budget review proceedings; amending s. 408.50, F.S.; conforming a reference; amending ss. 409.2673 and 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions to reflect the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; repealing ss. 395.403(9), 407.61, 408.003, 408.072, and 408.085, F.S., relating to reimbursement of state-sponsored trauma centers, studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, and budget reviews of comprehensive inpatient rehabilitation hospitals; providing for retroactive application of provisions of the act relating to repeal of review of hospital budgets; amending ss. 381.026 and 381.0261, F.S.; requiring distribution of the Florida Patient's Bill of Rights and Responsibilities; providing penalties; repealing s. 395.002(2) and (15), F.S.; deleting definitions of "adverse or untoward incident" and "injury"; amending s. 395.0193, F.S.; revising provisions relating to facility peer review disciplinary actions against practitioners; requiring a report to the Agency for Health Care Administration; providing penalties; amending s. 395.0197, F.S.; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring certain reports to the agency; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective action plans; providing penalties; renumbering s. 626.941, F.S., relating to the purpose of the health care risk manager licensure program; renumbering and amending s. 626.942, F.S., relating to the Health Care Risk Manager Advisory Council; renumbering and amending s. 626.943, F.S.; providing powers and duties of the agency; renumbering and amending s. 626.944, F.S., relating to qualifications for health care risk managers; providing for fees; providing for issuance, cancellation, and renewal of licenses; renumbering and amending s. 626.945, F.S., relating to grounds for denial, suspension, or revocation of licenses; amending ss. 394.4787, 395.602, 400.051, 409.905, 440.13, 458.331, 459.015, 468.505, 641.55, and 766.1115, F.S.; conforming references and correcting cross references; transferring the internal risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; providing an appropriation; providing effective dates.



—a companion measure, was substituted for **CS for SB 314** as amended and read the second time by title.

Senators Gutman and Geller offered the following amendment which was moved by Senator Gutman and adopted:

**Amendment 1 (with title amendment)**—On page 83, between lines 10 and 11, insert:

Section 42. Paragraph (a) of subsection (2) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; criteria; Nursing Home Advisory Committee; evaluation and rating system; fee for review of plans.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and Rehabilitative Services and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part, which shall include reasonable and fair criteria in relation to:

(a) The location and construction of the facility; including fire and life safety, plumbing, heating, lighting, ventilation, and other housing conditions which will ensure the health, safety, and comfort of residents, including an adequate call system. The agency shall establish standards for facilities and equipment to increase the extent to which *new facilities and a new wing or floor added to an existing facility after July 1, 1999*, are structurally capable of serving as shelters *only for residents, staff, and families of residents and staff*, and equipped to be self-supporting during and immediately following disasters. *The Agency for Health Care Administration shall work with facilities licensed under this part and report to the Governor and Legislature by April 1, 1999, its recommendations for cost-effective renovation standards to be applied to existing facilities.* In making such rules, the agency shall be guided by criteria recommended by nationally recognized reputable professional groups and associations with knowledge of such subject matters. The agency shall update or revise such criteria as the need arises. All nursing homes must comply with those lifesafety code requirements and building code standards applicable at the time of approval of their construction plans. The agency may require alterations to a building if it determines that an existing condition constitutes a distinct hazard to life, health, or safety. The agency shall adopt fair and reasonable rules setting forth conditions under which existing facilities undergoing additions, alterations, conversions, renovations, or repairs shall be required to comply with the most recent updated or revised standards.

And the title is amended as follows:

On page 4, line 18, after the semicolon (;) insert: amending s. 400.23, F.S.; amending rulemaking powers of the Agency for Health Care Administration relating to structural standards for nursing homes; requiring a report to the Governor and Legislature;

## RECONSIDERATION

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

On motion by Senator Brown-Waite, the Senate reconsidered the vote by which **CS for CS for CS for HB 349** was substituted for **CS for SB 314** and read the second time.

Pursuant to Rule 4.19, **CS for SB 314** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kurth—

**CS for SB 1880**—A bill to be entitled An act relating to boating safety; amending s. 327.02, F.S.; redefining “personal watercraft”; amending s. 327.25, F.S.; classifying all personal watercraft as class A-2 vessels; amending s. 327.28, F.S.; providing for distribution and use of registration fees therefor; amending s. 327.39, F.S.; revising requirements for operation of a personal watercraft relating to authorized flotation devices, times of operation, maneuvers constituting reckless operation, and minimum age for operation; prohibiting lease, hiring, or rental to certain persons; requiring all vessel operators to have certain photographic identification; providing a penalty; providing a grandfather clause; amending s. 327.395, F.S.; conforming provisions relating to

boating safety identification cards; amending s. 327.54, F.S.; revising requirements for lease, hiring, or rental of vessels by liveries relating to prerental or preride instruction, minimum age for rental, and safety information and instruction; removing liveries’ immunity from liability for certain accidents or injuries; requiring certain insurance coverage; providing a penalty; reenacting s. 327.73(1)(p) and (s), F.S., relating to a penalty for violation of vessel laws, to incorporate the amendments to ss. 327.39, 327.395, F.S., in references; providing an effective date.

—was read the second time by title.

Senator Kurth moved the following amendments which were adopted:

**Amendment 1**—On page 5, line 29 through page 6, line 4, delete those lines and insert:

(d) *Operating contrary to navigation rules.*

## SENATOR BANKHEAD PRESIDING

**Amendment 2**—On page 7, between lines 27 and 28, insert:

(8) *Vessels operated by boat/motor test facilities, for those test operations which are permitted by the Department of Environmental Protection, are exempt from paragraphs (4)(b) and (c).*

Pursuant to Rule 4.19, **CS for SB 1880** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt, by two-thirds vote **CS for HB 1151** was withdrawn from the Committees on Criminal Justice; Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Burt—

**CS for HB 1151**—A bill to be entitled An act relating to law enforcement; amending s. 384.287, F.S.; permitting certain support personnel, including a crime scene analyst, forensic technologist, and crime lab analyst, to request, and seek court orders for, screening of a person for a sexually transmissible disease, under specified circumstances; amending s. 943.03, F.S.; requiring the Department of Law Enforcement to develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council, an information system in administrative support of the state criminal and juvenile justice system; providing duties of the department as custodial manager; amending s. 20.315, F.S.; providing for maintenance by the Department of Corrections of an offender-based information system; amending s. 20.316, F.S.; conforming terminology relating to development by the Department of Juvenile Justice of a juvenile justice information system; removing a provision requiring a report by the department to the council; amending s. 186.022, F.S., relating to state agency strategic plans; providing for review by the Executive Office of the Governor of recommendations of the council; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; reducing the membership of the Joint Task Force on State Agency Law Enforcement Communications to eliminate a representative of the council; amending s. 282.111, F.S., relating to the statewide system of regional law enforcement communications; removing a provision requiring certain consultation by the Division of Communications with the council; amending s. 318.18, F.S., relating to civil penalties; redesignating regional criminal justice assessment centers as criminal justice selection centers; amending s. 943.031, F.S., relating to the Florida Violent Crime Council; conforming cross references; amending s. 943.08, F.S.; deleting obsolete provisions; requiring the council to review proposed plans and policies for the information system of the specified agencies to assist in facilitating the standardization, sharing, and coordination of criminal and juvenile justice data and other specified data; requiring the council to make recommendations to specified agencies; requiring recommendations regarding the installation and operation of the Florida Criminal Justice Intranet Service Network, of which the department will be the custodial manager, and specifying its functions; requiring recommendations concerning installation and operation of such a statewide network in each judicial circuit; providing legislative intent that future equipment capable of certain technologies within the specified entities be compatible with certain standards; amending s. 943.135, F.S.; allowing law enforcement officers who are also elected or appointed public officials to maintain certification in a special status while holding office; creating s. 943.146, F.S., relating to copyrighting

and sale of work products of the Department of Law Enforcement; defining "product"; prescribing powers and duties of the department and guidelines for securing and enforcing copyrights; providing for certain notification to the Department of State; providing for deposit of proceeds of sales or products or certain rights in products; amending s. 943.256, F.S.; providing for the regional criminal justice assessment centers, which are directed by a postsecondary public school or a criminal justice agency, to be redesignated as criminal justice selection centers; amending s. 943.325, F.S., relating to blood specimen testing for DNA analysis; requiring entities responsible for a county jail, correctional facility, or juvenile facility to ensure that required blood specimens from certain offenders are secured and transmitted to the department under specified provisions; prohibiting release of the offender from the custody of the court and release of bond or surety until blood specimens have been taken as required; prescribing duties of the chief administrative judge of each circuit and the sheriff or other entity maintaining the county jail with respect to collection and forwarding of blood specimens; providing for a statewide protocol for securing blood specimens of certain offenders to be developed by the department in conjunction with the sheriffs, the court, the Department of Corrections, and the Department of Juvenile Justice; requiring certain offenders to submit or resubmit to blood testing, under specified circumstances; providing for certain immunity from liability as a result of withdrawal of blood specimens; providing for court orders authorizing the taking of the person into custody for purposes of securing the required blood specimens; providing for issuance of the court order; providing for transportation or release of the person taken into custody, under specified circumstances; providing that the offender is liable for actual costs of blood collection, unless declared indigent; providing for construction; reenacting s. 760.40(2)(a), F.S., relating to genetic testing and informed consent therefor, and s. 948.03(10), F.S., relating to terms and conditions of probation or community control, to incorporate said amendment in references; amending s. 943.33, F.S., relating to state-operated criminal analysis laboratories; defining "good cause" for purposes of certifying court orders for state-operated laboratory services to the criminal defendant; requiring the laboratory to include a cost statement with the report of the service provided; requiring provision of a copy of the report and the cost statement to prosecutor and court; providing an effective date.

—a companion measure, was substituted for **CS for SB 1378** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1151** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

**SB 1962**—A bill to be entitled An act relating to memory disorder clinics; amending s. 430.502, F.S.; creating a clinic at St. Mary's Hospital in West Palm Beach; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 1962** to **CS for CS for HB 3387**.

Pending further consideration of **SB 1962** as amended, on motion by Senator Rossin, by two-thirds vote **CS for CS for HB 3387** was withdrawn from the Committees on Children, Families and Seniors; and Ways and Means.

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

**CS for CS for HB 3387**—A bill to be entitled An act relating to health care; amending s. 430.502, F.S.; establishing additional memory disorder clinics; revising authority of the Department of Elderly Affairs with respect to contracts for specialized model day care programs at such clinics; amending s. 430.707, F.S.; authorizing the department to contract for certain services; exempting certain providers from the provisions of ch. 641, F.S.; creating the Panel for the Study of End-of-Life Care; providing for membership and duties; requiring a report; providing for future repeal; providing an effective date.

—a companion measure, was substituted for **SB 1962** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 3387** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

**CS for CS for SB 1800**—A bill to be entitled An act relating to health insurance; amending s. 222.21, F.S.; exempting moneys paid into a Roth individual retirement account from creditors' claims; amending s. 222.22, F.S.; exempting moneys paid into a Medical Savings Account from attachment, garnishment, or legal process; amending s. 627.410, F.S.; exempting certain policies from rating requirements; amending s. 627.6425, F.S.; specifying exceptions to guaranteed renewability of individual health insurance policies; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed-issuance of an individual health insurance policy; amending s. 627.6498, F.S.; requiring the Department of Insurance to annually establish standard risk rates for purposes of determining premium rates of coverage issued by the Florida Comprehensive Health Association; amending s. 627.6571, F.S.; specifying exceptions to guaranteed renewability of group health insurance policies; amending s. 627.6675, F.S.; requiring the Department of Insurance to annually establish standard risk rates for purposes of determining maximum premiums for conversion policies; revising standards for renewal of converted insurance policies; requiring the insurer to mail certain information to a person eligible for a converted policy, upon request; creating s. 627.6685, F.S.; requiring health insurers and health maintenance organizations to include in their plans that offer mental health coverage certain mental health benefits that are not less favorable than those for medical or surgical benefits covered by the plan; defining terms; providing exemptions; limiting applicability of this section; amending s. 627.6699, F.S.; redefining the term "health benefit plan" as used in the Employee Health Care Access Act; amending s. 627.674, F.S.; revising the minimum standards for Medicare Supplement policies; amending s. 627.6741, F.S.; revising requirements for insurers to issue, cancel, nonrenew, and replace Medicare supplement policies; restricting preexisting-condition exclusions; authorizing the Department of Insurance to adopt rules governing guaranteed issue of Medicare supplement coverage for continuously covered individuals; amending s. 627.9403, F.S.; specifying the provisions of the Long-term Care Insurance Act that apply to limited benefit policies; amending s. 627.9404, F.S.; defining the terms "limited benefit policy" and "qualified long-term care limited benefit insurance policy"; amending s. 627.9407, F.S.; revising the requirements for exclusion of coverage for preexisting conditions for long-term care policies; requiring limited-benefit policies to contain a disclosure statement regarding their qualification for favorable tax treatment; amending s. 627.94073, F.S.; revising the notice requirement for long-term care policies regarding the right to designate a secondary person to receive notice of lapse of coverage; amending s. 641.225, F.S.; increasing surplus requirements for health maintenance organizations; amending s. 641.285, F.S.; increasing deposit requirements for health maintenance organizations; revising exceptions; amending s. 641.26, F.S.; requiring health maintenance organizations to file certain reports with the Department of Insurance; requiring that health maintenance organizations provide additional information upon the request of the department; amending s. 641.31074, F.S.; revising requirements for guaranteed renewability of a health maintenance organization contract; amending s. 641.3111, F.S.; requiring health maintenance organization contracts to provide for an extension of benefits upon termination of the contract; amending s. 641.316, F.S.; revising the amount of the bond that a fiscal intermediary services organization is required to maintain; specifying certain additional requirements and conditions for the bond and the intermediary; amending s. 641.3922, F.S.; revising the method for establishing the maximum premium for converted contracts issued by health maintenance organizations; revising the exceptions to guaranteed renewability of converted health maintenance organization contracts; requiring a health maintenance organization to mail certain information to a person eligible for a converted contract; amending s. 641.495, F.S.; exempting from licensure under part I of ch. 395, F.S., certain beds of a health maintenance organization; providing an effective date.

—was read the second time by title.

Senator Diaz-Balart moved the following amendment which was adopted:

**Amendment 1**—On page 7, lines 10-31, delete those lines and insert:

Section 4. Subsection (3) of section 627.6425, Florida Statutes, is amended to read:

627.6425 Renewability of individual coverage.—

(3)(a) In any case in which an insurer decides to discontinue offering a particular policy form for health insurance coverage offered in the individual market, coverage under such form may be discontinued by the insurer only if:

1. The insurer provides notice to each covered individual provided coverage under this policy form in the individual market of such discontinuation at least 90 days prior to the date of the ~~nonrenewal discontinuation~~ of such coverage;

2. The insurer offers to each individual in the individual market provided coverage under this policy form the option to purchase any other individual health insurance coverage currently being offered by the insurer for individuals in such market in the state; and

3. In exercising the option to discontinue coverage of this policy form and in offering the option of coverage under subparagraph 2., the insurer acts uniformly without regard to any health-status-related factor of enrolled individuals or individuals who may become eligible for such coverage.

(b)1. Subject to subparagraph (a)3., in any case in which an insurer elects to discontinue offering all health insurance coverage in the individual market in this state, health insurance coverage may be discontinued by the insurer only if:

a. The insurer provides notice to the department and to each individual of such discontinuation at least 180 days prior to the date of the ~~nonrenewal expiration~~ of such coverage; and

b. All health insurance issued or delivered for issuance in the state in the individual market is discontinued and coverage under such health insurance coverage in such market is not renewed.

2. In the case of a discontinuation under subparagraph 1. in the individual market, the insurer may not provide for the issuance of any individual health insurance coverage in this state during the 5-year period beginning on the date of the discontinuation of the last health insurance coverage not so renewed.

Senator Holzendorf moved the following amendment:

**Amendment 2**—On page 8, line 27, after “641.3921” insert: *, federal law, the laws of any other state, or, if the conversion policy offered by a self-insured group complies with s. 627.6675, a conversion policy under a self-insured group health plan*

Senator Diaz-Balart moved the following substitute amendment which was adopted:

**Amendment 3**—On page 8, lines 26 and 27, delete those lines and insert:

2. A conversion policy or contract issued by an authorized insurer or health maintenance organization under s. 627.6675 or s. 641.3921, respectively, offered to an individual who is no longer eligible for coverage under either an insured or self-insured employer plan;

Senator Diaz-Balart moved the following amendment which was adopted:

**Amendment 4**—On page 11, delete line 26 and insert: 180 days prior to the date of the ~~nonrenewal discontinuation~~ of such

Senator Rossin moved the following amendments which were adopted:

**Amendment 5 (with title amendment)**—On page 12, between lines 5 and 6, insert:

Section 8. Subsection (4) of section 627.6575, Florida Statutes, is amended to read:

627.6575 Coverage for newborn children.—

(4) A policy or contract may require the insured to notify the insurer of the birth of a child within a time period, as specified in the policy, of not less than 30 days after the birth. If timely notice is given, the insurer may not charge an additional premium for coverage of the newborn child

for the duration of the notice period. If timely notice is not given, the insurer may charge an additional premium from the date of birth. *If notice is given within 60 days of the birth of the child*, the insurer may not deny coverage for a child due to the failure of the insured to timely notify the insurer of the birth of the child.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the first semicolon (;) insert: amending s. 627.6575, F.S.; providing that coverage may not be denied if specified notice is given;

**Amendment 6 (with title amendment)**—On page 12, between lines 5 and 6, insert:

Section 8. Subsection (2) of section 627.6415, Florida Statutes, is amended to read:

627.6415 Coverage for natural-born, adopted, and foster children; children in insured's custodial care.—

(2) A policy may require the insured to notify the insurer of the birth or placement of an adopted child within a specified time period of not less than 30 days after the birth or placement in the residence of a child adopted by the insured. If timely notice is given, the insurer may not charge an additional premium for coverage of the child for the notice period. If timely notice is not given, the insurer may charge an additional premium from the date of birth or placement. *If notice is given within 60 days of the birth of the child*, the insurer may not deny coverage for the child due to the failure of the insured to timely notify the insurer of the birth or placement of the child.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the first semicolon (;) insert: amending s. 627.6415, F.S.; providing that coverage may not be denied if specified notice is given;

**Amendment 7 (with title amendment)**—On page 12, between lines 5 and 6, insert:

Section 8. Subsection (2) of section 627.6578, Florida Statutes, is amended to read:

627.6578 Coverage for natural-born, adopted, and foster children; children in insured's custodial care.—

(2) A policy or contract may require the insured to notify the insurer of the birth or placement of an adopted child within a specified time period of not less than 30 days after the birth or placement in the residence of a child adopted by the insured. If timely notice is given, the insurer may not charge an additional premium for coverage of the child for the duration of the notice period. If timely notice is not given, the insurer may charge an additional premium from the date of birth or placement. *If notice is given within 60 days of the birth of the child*, the insurer may not deny coverage for the child due to the failure of the insured to timely notify the insurer of the birth or placement of the child.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the first semicolon (;) insert: amending s. 627.6578, F.S.; providing that coverage may not be denied if specified notice is given;

Senator Diaz-Balart moved the following amendments which were adopted:

**Amendment 8**—On page 27, delete line 3 and insert:

(10) “Qualified limited benefit

**Amendment 9**—On page 27, delete line 15 and insert: s. 7702B of the Internal Revenue Code *and all applicable sections of this part*.

**Amendment 10**—On page 29, delete line 12 and insert: or termination of this *long-term care or limited benefit*

**Amendment 11**—On page 39, lines 5 and 6, delete those lines and insert: *information as to its material transactions which, in the department's opinion, may have a material adverse effect on the health*

Senator Rossin moved the following amendment which was adopted:

**Amendment 12 (with title amendment)**—On page 39, between lines 20 and 21, insert:

Section 20. Paragraph (a) of subsection (9) of section 641.31, is amended to read:

641.31 Health maintenance contracts.—

(9) All health maintenance contracts that provide coverage, benefits, or services for a member of the family of the subscriber must, as to such family member's coverage, benefits, or services, provide also that the coverage, benefits, or services applicable for children must be provided with respect to a newborn child of the subscriber, or covered family member of the subscriber, from the moment of birth. However, with respect to a newborn child of a covered family member other than the spouse of the insured or subscriber, the coverage for the newborn child terminates 18 months after the birth of the newborn child. The coverage, benefits, or services for newborn children must consist of coverage for injury or sickness, including the necessary care or treatment of medically diagnosed congenital defects, birth abnormalities, or prematurity, and transportation costs of the newborn to and from the nearest appropriate facility appropriately staffed and equipped to treat the newborn's condition, when such transportation is certified by the attending physician as medically necessary to protect the health and safety of the newborn child.

(a) A contract may require the subscriber to notify the plan of the birth of a child within a time period, as specified in the contract, of not less than 30 days after the birth, or a contract may require the preenrollment of a newborn prior to birth. However, if timely notice is given, a plan may not charge an additional premium for additional coverage of the newborn child for not less than 30 days after the birth of the child. If timely notice is not given, the plan may charge an additional premium from the date of birth. *If notice is given within 60 days of the birth of the child, the contract may not deny coverage of the child due to failure of the subscriber to timely notify the plan of the birth of the child or to preenroll the child.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 17, after the first semicolon (;) insert: amending s. 641.31, F.S.; providing that coverage may not be denied if specified notice is given;

Senator Diaz-Balart moved the following amendment which was adopted:

**Amendment 13**—On page 41, delete line 2 and insert: the *non-renewal discontinuation* of such coverage; and

Senator Diaz-Balart moved the following amendment:

**Amendment 14**—On page 42, lines 18-22, delete those lines and insert:

(4) Except as provided in subsection (1), no subscriber is entitled to an extension of benefits if the termination of the contract by the health maintenance organization is based upon any event referred to in s. 641.3922(7)(a), (c), or (f) ~~(a)-(g)~~.

Senator Diaz-Balart moved the following amendment to **Amendment 14** which was adopted:

**Amendment 14A**—On page 1, line 21, delete "(c), or (f)" and insert: (b), or (e)

**Amendment 14** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 1800** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**SB 392**—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; redefining the term "qualified professional" for purposes of providing certain substance abuse assessment or treatment services; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 392** to **CS for HB 3227**.

Pending further consideration of **SB 392** as amended, on motion by Senator Holzendorf, by two-thirds vote **CS for HB 3227** was withdrawn from the Committee on Children, Families and Seniors.

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

**CS for HB 3227**—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; redefining the term "qualified professional" for purposes of providing certain substance abuse assessment or treatment services; requiring persons certified to provide such services in other states to meet Florida's certification requirements within a specified period after employment in this state; providing a grandfather clause for a specified period for persons with certain qualifications and experience; providing that certain certified professionals are exempt from meeting the additional statutory requirements for a qualified professional; providing an effective date.

—a companion measure, was substituted for **SB 392** as amended and read the second time by title.

Senator Cowin moved the following amendment:

**Amendment 1 (with title amendment)**—On page 2, between lines 23 and 24 insert:

Section 3. *Any person who holds a Master's degree in a social or behavioral science in a human services discipline with a minimum of 2 years of experience in the assessment or treatment of substance abuse functioning as a qualified professional on December 31, 1998, shall be exempt from section 397.311(25), Florida Statutes, beginning January 1, 1999.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: providing an exemption from certification;

On motion by Senator Holzendorf, further consideration of **CS for HB 3227** with pending **Amendment 1** was deferred.

On motion by Senator Sullivan—

**SB 150**—A bill to be entitled An act relating to journalism; creating s. 90.5015, F.S.; creating a privilege for professional journalists to refuse to be a witness or to disclose specified information; providing definitions; authorizing courts to order disclosure of certain information; providing for nonwaiver of the privilege; providing severability; providing an 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 Sullivan and failed:

**Amendment 1 (with title amendment)**—On page 1, line 13, insert:

Section 1. Paragraph (b) of subsection (1) of section 945.10, Florida Statutes, is amended to read:

945.10 Confidential information.—

(1) Except as otherwise provided by law or in this section, the following records and information of the Department of Corrections are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(b) Preplea *or*; pretrial intervention, ~~presence or postsentence in-~~  
~~vestigative records.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to confidential information; amending s. 945.10, F.S.; deleting a provision that presence or postsentence investigative records are confidential; creating s.

Senator Sullivan moved the following amendments which were adopted:

**Amendment 2**—On page 1, lines 21-27, delete those lines and insert: *livelihood, who obtained the information sought while working as a salaried employee of, or independent contractor for, a newspaper, news journal, news agency, press association, wire service, radio or television station, network, or news magazine. Book authors and others who are not professional journalists, as defined in this paragraph, are not included in the provisions of this section.*

(b) "News" means information of public concern

**Amendment 3**—On page 1, line 30 through page 2, line 8, delete those lines and insert:

*(2) A professional journalist has a qualified privilege not to be a witness concerning, and not to disclose the information, including the identity of any source, that the professional journalist has obtained while actively gathering news. This privilege applies only to information or eyewitness observations obtained within the normal scope of employment and does not apply to physical evidence, eyewitness observations, or visual or audio recording of crimes. A party seeking to overcome this privilege*

**Amendment 4**—On page 2, lines 23-25, delete those lines and insert: *privilege by publishing or broadcasting information.*

**Amendment 5 (with title amendment)**—On page 2, delete line 29 and insert:

*(6) Authentication: Photographs, diagrams, video recordings, audio recordings, computer records, or other business records maintained, disclosed, provided, or produced by a professional journalist, or by the employer or principal of a professional journalist, may be authenticated for admission in evidence upon a showing, by affidavit of the professional journalist, or other individual with personal knowledge, that the photograph, diagram, video recording, audio recording, computer record, or other business record is a true and accurate copy of the original, and that the copy truly and accurately reflects the observations and facts contained therein.*

*(7) If the affidavit of authenticity and accuracy, or other relevant factual circumstance, causes the court to have clear and convincing doubts as to the authenticity or accuracy of the proffered evidence, the court may decline to admit such evidence.*

*(8) If any provision of this section or its*

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: providing for an affidavit of authenticity;

Pursuant to Rule 4.19, **SB 150** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

—was read the second time by title.

Senator Hargrett moved the following amendment:

**Amendment 1 (with title amendment)**—On page 1, line 11, insert:

Section 1. Subsection (6) of section 415.107, Florida Statutes, is amended to read:

415.107 Confidentiality of reports and records.—

(6) The identity of any person reporting adult abuse, neglect, or exploitation may not be released, without that person's written consent, to any person other than employees of the department responsible for adult protective services, the central abuse registry and tracking system, or the appropriate state attorney *or law enforcement agency*. This subsection grants protection only for the person who reported the adult abuse, neglect, or exploitation and protects only the fact that the person is the reporter. This subsection does not prohibit the subpoena of a person reporting adult abuse, neglect, or exploitation when deemed necessary by the state attorney or the department to protect a disabled adult or an elderly person who is the subject of a report, if the fact that the person made the report is not disclosed.

Section 2. Present subsections (4) and (5) of section 415.111, Florida Statutes, are redesignated as subsections (5) and (6), respectively, and amended, and a new subsection (4) is added to that section, to read:

415.111 Criminal penalties.—

*(4) If the department or its authorized agent has determined after its investigation that a report is false, the department shall, with the consent of the alleged perpetrator, refer the reports to the local law enforcement agency having jurisdiction for an investigation to determine whether sufficient evidence exists to refer the case for prosecution for filing a false report as defined in s. 415.102. During the pendency of the investigation by the local law enforcement agency, the local law enforcement agency must respond to all subsequent reports concerning the same disabled adult or elderly person in accordance with s. 415.104 or s. 415.1045. If the law enforcement agency believes that there are indicators of abuse, neglect, or exploitation, it must immediately notify the department, which must assure the safety of the disabled adult or elderly person. If the law enforcement agency finds sufficient evidence for prosecution for filing a false report, it must refer the case to the appropriate state attorney for prosecution.*

*(5)(4) A person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of a disabled adult or an elderly person, or a person who advises another to make a false report, commits a felony of the third ~~misdemeanor of the second~~ degree, punishable as provided in s. 775.082 or s. 775.083.*

*(a) The department shall establish procedures for determining whether a false report of abuse, neglect, or exploitation of a disabled adult or an elderly person has been made and for submitting all identifying information relating to such a false report to the local law enforcement agency as provided in this subsection and shall report annually to the Legislature the number of reports referred ~~state attorney for prosecution~~.*

*(b) Anyone making a report who is acting in good faith is immune from any liability under this subsection.*

*(6)(5) Each state attorney shall establish ~~and publish~~ procedures to facilitate the prosecution of persons under this section and shall report to the Legislature annually the number of complaints that have resulted in the filing of an information or indictment under this section.*

Section 3. Subsection (1) of section 415.1113, Florida Statutes, is amended to read:

415.1113 Administrative fines for false report of abuse, neglect, or exploitation of a disabled adult or an elderly person.—

(1) In addition to any other penalty authorized by this section, chapter 120, or other law, the department may impose a fine, not to exceed \$10,000 ~~\$1,000~~ for each violation, upon a person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of a disabled adult or an elderly person, or a person who counsels another to make a false report.

Section 4. Subsection (3) of section 415.513, Florida Statutes, is amended, and present subsections (4) and (5) of that section are redesignated as subsections (5) and (6), respectively, and amended, and a new subsection (4) is added to that section, to read:

415.513 Penalties relating to abuse reporting.—

(3) The department shall establish procedures for determining whether a false report of child abuse or neglect has been made and for submitting all identifying information relating to such a report to the appropriate law enforcement agency and shall report annually to the Legislature the number of reports referred the state attorney for prosecution.

(4) If the department or its authorized agent has determined after its investigation that a report is false, the department shall, with the consent of the alleged perpetrator, refer the report to the local law enforcement agency having jurisdiction for an investigation to determine whether sufficient evidence exists to refer the case for prosecution for filing a false report as defined in s. 415.503. During the pendency of the investigation by the local law enforcement agency, the local law enforcement agency must respond to all subsequent reports concerning children in that same family in accordance with s. 415.505. If the law enforcement agency believes that there are indicators of abuse or neglect, it must immediately notify the department, which must assure the safety of the children. If the law enforcement agency finds sufficient evidence for prosecution for filing a false report, it must refer the case to the appropriate state attorney for prosecution.

(5)(4) A person who knowingly and willfully makes a false report of child abuse or neglect, or who advises another to make a false report, is guilty of a felony of the third ~~misdemeanor of the second~~ degree, punishable as provided in s. 775.082 or s. 775.083. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

(6)(5) Each state attorney shall establish and publish procedures to facilitate the prosecution of persons under this section, and shall report to the Legislature annually the number of complaints that have resulted in the filing of an information or indictment under this section.

Section 5. Subsection (1) of section 415.5131, Florida Statutes, is amended to read:

415.5131 Administrative fines for false report of abuse or neglect of a child.—

(1) In addition to any other penalty authorized by this section, chapter 120, or other law, the department may impose a fine, not to exceed \$10,000 ~~\$1,000~~ for each violation, upon a person who knowingly and willfully makes a false report of abuse or neglect of a child, or a person who counsels another to make a false report.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to false reports of abuse or neglect of a child or of abuse, neglect, or exploitation of a disabled adult or elderly person; amending s. 415.107, F.S.; authorizing the Department of Children and Family Services to provide the identity of a person reporting adult abuse, neglect, or exploitation to a law enforcement agency; amending s. 415.111, F.S.; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement entities to handle certain reports of abuse, neglect, or exploitation during the pendency of such an investigation; providing procedures; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; specifying the penalty for knowingly and willfully making or advising another to make a false report; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies for investigation of possible false reports; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.1113, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making or counseling another to make a false report; amending s. 415.513, F.S.; deleting the requirement for the Department of Children and Family Services to provide information to the state attorney; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; providing for law

enforcement entities to handle certain reports of abuse or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.5131, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making, or counseling another to make, a false report; amending

On motion by Senator Hargrett, further consideration of **CS for CS for SB 1308** with pending **Amendment 1** was deferred.

On motion by Senator Bronson—

**CS for SB 1088**—A bill to be entitled An act relating to agriculture emergencies; amending s. 206.606, F.S.; distributing fuel sales tax deposited in the Fuel Tax Collection Trust Fund to the Agricultural Emergency Eradication Trust Fund; amending s. 206.608, F.S.; distributing State Comprehensive Enhanced Transportation System Tax deposited in the Fuel Tax Collection Trust Fund to the Agricultural Emergency Eradication Trust Fund; creating s. 206.609, F.S.; providing restrictions on the transfer of moneys to the Agricultural Emergency Eradication Trust Fund; requiring the Commissioner of Agriculture to give notice concerning the use of trust fund moneys; providing appropriations; providing a contingent effective date.

—was read the second time by title.

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

**Amendment 1**—On page 4, delete line 15 and insert: *transfers provided for in ss. 206.606(1)(d) and 206.608(1) shall be*

Senator Bronson moved the following amendments which were adopted:

**Amendment 2**—On page 4, lines 25-29, delete those lines and insert:

(3)(a) *Any refunds of the tax imposed under s. 206.41(1)(f) claimed under s. 206.41(4)(c)1. in excess of such refunds claimed during the fiscal year preceding the effective date of this act shall be deducted from the amount transferred pursuant to s. 206.608(1), during the year the claims are made, to the Agricultural Emergency Eradication Trust Fund.*

(b) *Any refunds of the tax imposed under s. 206.41(1)(g) claimed under s. 206.41(4)(c)1. in excess of such refunds claimed during the fiscal year preceding the effective date of this act shall be deducted from the amount transferred pursuant to s. 206.606(1)(d), during the year the claims are made, to the Agricultural Emergency Eradication Trust Fund.*

**Amendment 3**—On page 5, line 8, delete “\$6,000,000” and insert: *\$4,000,000*

Pursuant to Rule 4.19, **CS for SB 1088** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

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

—which was previously considered this day. Pending **Amendment 1** by Senator Hargrett was withdrawn.

Pursuant to Rule 4.19, **CS for CS for SB 1308** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

**SB 1010**—A bill to be entitled An act relating to agriculture; creating s. 570.191, F.S.; creating the Agricultural Emergency Eradication Trust Fund; prescribing its uses; defining what constitutes an “agricultural emergency”; 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 Bronson and adopted:

**Amendment 1**—On page 1, lines 20-25, delete those lines and insert: *emergency. The term “agricultural emergency” means an animal or plant disease, insect infestation, or plant or pest endangering or threatening the horticultural, aquacultural, and agricultural interests in this state.*

Senator Laurent moved the following amendment which was adopted:

**Amendment 2 (with title amendment)**—On page 1, between lines 25 and 26, insert:

Section 2. *For fiscal year 1998-1999, up to \$10 million collected in the Agricultural Emergency Eradication Trust Fund is hereby transferred to the Plant Industry Trust Fund for the purposes of carrying out any existing or future declared agricultural emergencies.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: transferring moneys from the Agricultural Emergency Eradication Trust Fund to the Plant Industry Trust Fund for specified purposes;

Pursuant to Rule 4.19, **SB 1010** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

**CS for SB 1578**—A bill to be entitled An act relating to metropolitan planning organizations; amending s. 339.175, F.S.; amending provisions prescribing the voting membership of an M.P.O.; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 2, delete line 20 and insert: *commission of not less than seven members may have one less*

#### RECONSIDERATION OF AMENDMENT

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

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

**Amendment 2**—On page 2, delete line 20 and insert: *commission having more than five members may have one less*

Pursuant to Rule 4.19, **CS for SB 1578** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala, by two-thirds vote **HB 4561** was withdrawn from the Committees on Natural Resources; and Ways and Means.

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

**HB 4561**—A bill to be entitled An act relating to marine fisheries; amending s. 370.01, F.S.; redefining the terms “closed season” and “non-resident alien” and alphabetizing definitions; amending s. 370.021, F.S.; providing that specified violations of administrative rules, the Florida

Statutes, and the constitutional ban on the use of certain nets are major violations; providing penalties; prohibiting a court from suspending, deferring, or withholding adjudication of guilt in specified circumstances; providing for the suspension of violators’ licenses and prohibiting participation in the fishing during the period of suspension; providing restrictions on operation; deleting obsolete provisions; requiring a court to notify the Department of Environmental Protection of the disposition of cases; amending s. 370.026, F.S.; deleting obsolete references to commissioners’ terms; amending s. 370.0605, F.S.; authorizing agents of the Game and Fresh Water Fish Commission to enforce provisions relating to licenses; amending s. 370.062, F.S.; deleting a requirement for rulemaking for the issuance of tarpon tags; deleting a requirement for the annual issuance of tarpon tags; amending s. 370.0821, F.S.; revising the mesh size of a recreational net allowed in St. Johns County; amending s. 370.12, F.S.; relating to protection of mammalian dolphins; amending s. 370.1405, F.S.; relating to reporting requirements for crawfish wholesalers and retailers; amending s. 370.25, F.S.; clarifying criminal, civil, and administrative penalties; repealing s. 370.015, F.S., relating to obsolete Suwannee River Authority; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.092(3) and (4), F.S., relating to penalties on use of proscribed nets; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permit; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.12(4), F.S.; related to manta rays; repealing s. 370.13(2), F.S., relating to a major violation involving stone crabs; repealing s. 370.135(2), (3), and (4), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.14(6), F.S., relating to a major violation involving crawfish; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), (e), and (5)(b), (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; repealing section 370.1611, F.S., relating to an oyster depuration plant; providing an effective date.

—a companion measure, was substituted for **CS for SB 1084** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 4561** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

**CS for SB 752**—A bill to be entitled An act relating to the State University System; designating the tennis court complex at the University of West Florida the “Harold ‘Skeeter’ Carson Tennis Complex”; designating the Lifelong Learning Center on the Boca Raton Campus of Florida Atlantic University the “Barry and Florence Friedberg Lifelong Learning Center”; designating the swim/dive office and training facility at the University of Florida the “Wayne and Jimmie Carse Swimming and Diving Complex”; renaming Flint Hall at the University of Florida as “Keene-Flint Hall”; designating the residence hall known as 2nd Court, Pei Residence Halls, located at New College of the University of South Florida the “Peggy Bates Residence Hall”; designating the library tower on the campus of Florida International University the “Steven and Dorothea Green Library”; designating the recording facility donated to Florida State University as “Critchfield Hall”; authorizing the respective universities to erect suitable markers; amending s. 240.605, F.S.; renaming the Florida Resident Access Grant Program as the William L. Boyd, IV, Florida Resident Access Grant Program; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick offered the following amendment which was moved by Senator Klein and adopted:

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

Section 10. *The Regional Office of the Florida Game and Fresh Water Fish Commission located at 8535 Northlake Boulevard in West Palm Beach, Florida is designated as the “Woodrow ‘Woody’ Darden Building.”*

*The Game and Fresh Water Fish Commission is authorized to erect suitable markers designating this building.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: designating the Regional Office of the Florida Game and Fresh Water Fish Commission in West Palm Beach as the "Woodrow 'Woody' Darden Building"; authorizing the commission to erect suitable markers;

Senator Kurth moved the following amendment which was adopted:

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

Section 10. *Dr. William R. Dannahower Building designated; markers.*—

(1) *The Children's Medical Services Clinic of St. Lucie County is hereby designated the "Dr. William R. Dannahower Building."*

(2) *The Department of Health is authorized to erect suitable markers designating the Dr. William R. Dannahower Building as described in subsection (1).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-27, delete those lines and insert: An act relating to the designation of buildings and programs; 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; designating the Children's Medical Services Clinic of St. Lucie County as the "Dr. William R. Dannahower Building"; authorizing the Department of Health to erect suitable markers; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 752** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 228** and **CS for SB 832** was deferred.

**CS for SB 1130**—A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; authorizing the Executive Office of the Governor to contract for certain services; increasing the amount of the bond required of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete language; amending s. 117.04, F.S.; providing for acknowledgments by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; providing that the official seal and certificate of commission are the exclusive property of the notary public; providing a criminal penalty for unlawful possession of a notary public official seal or papers; specifying the elements of a notarial certificate; revising provisions relating to identification; deleting specified circumstances under which a signature may not be notarized; revising provisions relating to copying certain documents; requiring a notary public to make reasonable accommodations to provide notarial services to disabled persons; amending s. 117.10, F.S.; conforming a cross-reference; amending s. 117.103, F.S.; providing that a notary public's commission is not required to be filed with the clerk of the circuit

court; providing for certification of the commission from the Secretary of State; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; providing a civil penalty; amending s. 117.20, F.S.; providing for electronic notarizations; amending s. 118.10, F.S.; redefining the terms "authentication instrument" and "Florida international notary"; revising requirements to become a Florida international notary; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, and 747.051, F.S.; revising certain forms; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment:

**Amendment 1**—On page 2, delete line 18 and insert: subsection (4), and subsection (5) of section 117.01,

On motion by Senator Grant, further consideration of **CS for SB 1130** with pending **Amendment 1** was deferred.

On motion by Senator Forman—

**SB 1384**—A bill to be entitled An act relating to animals; creating s. 828.35, F.S.; providing requirements for the rabies vaccination of ferrets; providing exemptions; providing for rabies vaccination certificates; providing for quarantine according to rules; providing a penalty; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendment which was adopted:

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

Section 1. Section 828.30, Florida Statutes, is amended to read:

828.30 Rabies vaccination of dogs, ~~and~~ cats, and ferrets.—

(1) All dogs, ~~and~~ cats, and ferrets 4 months of age or older must be vaccinated by a licensed veterinarian against rabies with a United States Government-approved vaccine. The cost of vaccination must be borne by the animal's owner.

(2) A dog, or cat, or ferret is exempt from vaccination against rabies if a licensed veterinarian has examined the animal and has certified in writing that at the time vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. An exempt animal must be vaccinated against rabies as soon as its health permits.

(3) Upon vaccination against rabies, the licensed veterinarian shall provide the animal's owner and the animal control authority with a rabies vaccination certificate which must contain at least the following information:

- (a) The license number of the administering veterinarian.
- (b) The name, address, and phone number of the veterinarian and owner.
- (c) The date of vaccination.
- (d) The expiration date of the vaccination.
- (e) The species, age, sex, color, breed, weight, and name of the animal vaccinated.
- (f) The rabies vaccine manufacturer.
- (g) The vaccine lot number and expiration date.
- (h) The type and brand of vaccine used.
- (i) The route of administration of the vaccine.
- (j) The signature or signature stamp of the licensed veterinarian.



(4) Beginning March 1, 1999, each ferret vaccinated according to this section must be quarantined, when necessary, according to rules of the Department of Health.

(5)(4) Violation of this section is a civil infraction, punishable as provided in s. 828.27(2).

(6)(5) This section does not prohibit or limit municipalities or counties from enacting requirements similar to or more stringent than the provisions of this section for the implementation and enforcement of rabies-control ordinances.

Section 2. This act shall take effect January 1, 1999.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to animals; amending s. 828.30, F.S.; providing for the rabies vaccination of ferrets; providing for quarantine according to rules; providing an effective date.

Pursuant to Rule 4.19, **SB 1384** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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Consideration of **CS for CS for SB 484** was deferred.

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On motion by Senator Holzendorf—

**SB 72**—A bill to be entitled An act relating to public officers and employees; amending s. 112.324, F.S.; allowing the Commission on Ethics to dismiss a complaint that involves a technical or minor error, under specified conditions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 72** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Clary—

**CS for SB 880**—A bill to be entitled An act relating to barbering and cosmetology; amending ss. 476.114 and 476.124, F.S.; revising provisions relating to examination for licensure as a barber; repealing s. 476.134, F.S., relating to time, place, and subjects of examination; amending s. 476.144, F.S.; revising requirements for licensure to practice barbering; amending s. 477.013, F.S.; redefining the term “hair braiding”; defining the terms “hair wrapping” and “photography studio salon”; amending s. 477.0132, F.S.; providing registration requirements for hair wrappers; providing requirements for hair braiding and hair wrapping outside a cosmetology salon or specialty salon; providing the circumstances for practicing as a hair wrapper or hair braider pending receipt of registration; amending s. 477.0135, F.S.; exempting photography studio salons from licensure as a cosmetology salon or specialty salon and providing requirements with respect thereto; amending s. 477.019, F.S.; revising provisions relating to applicants for licensure by examination; providing continuing education requirements for cosmetologists and cosmetology specialists; providing for privatization of such continuing education; exempting hair braiders and hair wrappers from such continuing education requirements; amending s. 477.0201, F.S.; providing circumstances for practicing as a specialist pending receipt of registration; repealing s. 477.022, F.S., relating to examinations; amending s. 477.025, F.S.; authorizing the board to adopt rules for mobile cosmetology salons; amending s. 477.026, F.S.; providing registration fees for hair wrappers; amending s. 477.0263, F.S.; authorizing the performance of cosmetology services in a photography studio salon; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 880** to **CS for HB 3343**.

Pending further consideration of **CS for SB 880** as amended, on motion by Senator Clary, by two-thirds vote **CS for HB 3343** was withdrawn from the Committees on Regulated Industries; and Ways and Means.

On motion by Senator Clary—

**CS for HB 3343**—A bill to be entitled An act relating to barbering and cosmetology; amending ss. 476.114 and 476.124, F.S.; revising provisions relating to examination for licensure as a barber; amending s. 476.134, F.S.; revising provisions relating to examination of applicants for licenses as barbers; amending s. 476.144, F.S.; revising requirements for licensure to practice barbering; amending s. 476.204, F.S.; prohibiting allowing an employee to practice barbering unless licensed or otherwise authorized by law; providing penalties; amending s. 476.214, F.S.; providing for denial of issuance or renewal of barber or barbershop license or certificate of registration under certain circumstances; amending s. 477.013, F.S.; revising the definition of the term “hair braiding”; defining the terms “hair wrapping” and “photography studio salon”; amending s. 477.0132, F.S.; providing registration requirements for hair wrappers; providing requirements for hair braiding and hair wrapping outside a cosmetology salon or specialty salon; providing circumstances for practicing as a hair wrapper or hair braider pending receipt of registration; amending s. 477.0135, F.S., and repealing paragraph (1)(g), relating to an exemption from regulation applicable to graduates of certain cosmetology schools or programs; exempting photography studio salons from licensure as a cosmetology salon or specialty salon and providing requirements with respect thereto; amending s. 477.019, F.S.; revising provisions relating to applicants for licensure to practice cosmetology; providing for supervised practice by graduates of certain cosmetology schools or programs; providing continuing education requirements for cosmetologists and cosmetology specialists; providing for privatization of such continuing education; exempting hair braiders and hair wrappers from such continuing education requirements; amending s. 477.0201, F.S.; providing circumstances for practicing as a specialist pending receipt of registration; amending s. 477.022, F.S.; revising provisions relating to examinations; amending s. 477.025, F.S.; authorizing the board to adopt rules for mobile cosmetology salons and providing requirements therefor; providing for fees; amending s. 477.026, F.S.; providing registration fees for hair wrappers; amending s. 477.0263, F.S.; authorizing the performance of cosmetology services in a photography studio salon; amending s. 477.028, F.S.; providing for denial of issuance or renewal of cosmetology, specialty, and salon license or certificate of registration under certain circumstances; amending s. 477.029, F.S.; revising prohibitions relating to unlicensed or other unauthorized practice; providing penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 880** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3343** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Kirkpatrick—

**CS for SB 832**—A bill to be entitled An act relating to information resources management; amending s. 186.021, F.S.; providing that certain information resources management projects are not required in agency strategic plans; amending s. 216.181, F.S.; providing that certain information resource management projects are not subject to the mandatory notice and review requirements for amendments to agencies' original approved operating budgets; amending s. 186.022, F.S.; providing that certain coordinating councils and boards are required to develop annual performance reports; amending s. 282.3063, F.S.; modifying the date for submission of the Agency Annual Information Resources Management Report; amending s. 282.310, F.S.; modifying the date by which the State Annual Report on Information Resources Management must be developed; requiring the inclusion of specified information within the report; amending s. 282.3091, F.S.; authorizing members of the State Technology Council to appoint designees to serve on their behalf; amending s. 282.322, F.S.; requiring the submission of quarterly reports for information resource projects designated for special monitoring; providing an additional recipient of project monitors' final reports; amending s. 282.404, F.S.; removing the chair of the Geographic Information Advisory Council as an ex officio member of the Geographic Information Board; requiring the chair to attend all meetings of the Geographic Information Board on behalf of the council; revising duties of the Geographic Information Board; providing that the board shall serve as coordinator for census activities; amending s. 215.96, F.S.; providing a technical correction; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—On page 2, line 11, insert:

Section 1. Subsection (1) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(a) “Annual salary rate” means the salary estimated to be paid or actually paid a position or positions on an annualized basis. In calculating salary rate, a vacant position shall be calculated at the minimum of the pay grade for that position.

(b) “Appropriation” means a legal authorization to make expenditures for specific purposes within the amounts authorized in the appropriations act.

(c) “Appropriations act” means the authorization of the Legislature, based upon legislative budgets or based upon legislative findings of the necessity for an authorization when no legislative budget is filed, for the expenditure of amounts of money by an agency, the judicial branch, and the legislative branch for stated purposes in the performance of the functions it is authorized by law to perform.

(d) “Authorized position” means a position included in an approved budget. In counting the number of authorized positions, part-time positions shall be converted to full-time equivalents.

(e) “Budget entity” means a unit or function at the lowest level to which funds are specifically appropriated in the appropriations act.

(f) “Consultation” means to deliberate and seek advice in an open and forthright manner with the full committee, a subcommittee thereof, the chair, or the staff as deemed appropriate by the chair of the respective appropriations committee.

(g) “Continuing appropriation” means an appropriation automatically renewed without further legislative action, period after period, until altered or revoked by the Legislature.

(h) “Data processing services” means electronic data processing services provided by or to state agencies or the judicial branch, which services include, but are not limited to, systems design, software development, or time-sharing by other governmental units or budget entities.

(i) “Disbursement” means the payment of an expenditure.

(j) *“Disincentive” means a sanction as described in s. 216.163.*

(k)(~~h~~) “Established position” means an authorized position which has been classified in accordance with a classification and pay plan as provided by law.

(l)(~~k~~) “Expenditure” means the creation or incurring of a legal obligation to disburse money.

(m)(~~l~~) “Expense” means the usual, ordinary, and incidental expenditures by an agency or the judicial branch, including, but not limited to, such items as contractual services, commodities, and supplies of a consumable nature, current obligations, and fixed charges, and excluding expenditures classified as operating capital outlay. Payments to other funds or local, state, or federal agencies are included in this budget classification of expenditures.

(n)(~~m~~) “Fiscal year of the state” means a period of time beginning July 1 and ending on the following June 30, both dates inclusive.

(o)(~~n~~) “Fixed capital outlay” means real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.), including additions, replacements, major repairs, and renovations to

real property which materially extend its useful life or materially improve or change its functional use and including furniture and equipment necessary to furnish and operate a new or improved facility, when appropriated by the Legislature in the fixed capital outlay appropriation category.

(p)(~~o~~) “Full-time position” means a position authorized for the entire normally established work period, daily, weekly, monthly, or annually.

(q)(~~p~~) “Grants and aids” means contributions to units of governments or nonprofit organizations to be used for one or more specified purposes, activities, or facilities. Funds appropriated under this category may be advanced.

(r) *“Incentive” means a mechanism, as described in s. 216.163, for recognizing the achievement of performance standards or for motivating performance that exceeds performance standards.*

(s)(~~q~~) “Independent judgment” means an evaluation of actual needs made separately and apart from the legislative budget request of any other agency or of the judicial branch, or any assessments by the Governor. Such evaluation shall not be limited by revenue estimates of the Revenue Estimating Conference.

(t)(~~r~~) “Judicial branch” means all officers, employees, and offices of the Supreme Court, district courts of appeal, circuit courts, county courts, and the Judicial Qualifications Commission.

(u)(~~s~~) “Legislative branch” means the various officers, committees, and other units of the legislative branch of state government.

(v)(~~t~~) “Legislative budget” means a request to the Legislature, filed pursuant to s. 216.023, or supplemental detailed requests filed with the Legislature, for the amounts of money such agency or branch believes will be needed in the performance of the functions that it is authorized, or which it is requesting authorization by law, to perform.

(w)(~~u~~) “Lump-sum appropriation” means funds appropriated to accomplish a specific activity or project which must be transferred to one or more appropriation categories for expenditure.

(x)(~~v~~) “Operating capital outlay” means equipment, fixtures, and other tangible personal property of a nonconsumable and nonexpendable nature, the value or cost of which is \$500 or more and the normal expected life of which is 1 year or more, and hardback-covered bound books that are circulated to students or the general public, the value or cost of which is \$25 or more, and hardback-covered bound books, the value or cost of which is \$100 or more.

(y)(~~w~~) “Original approved budget” means the approved plan of operation of an agency or of the judicial branch consistent with the General Appropriations Act or special appropriations acts.

(z)(~~x~~) “Other personal services” means the compensation for services rendered by a person who is not a regular or full-time employee filling an established position. This definition includes, but is not limited to, services of temporary employees, student or graduate assistants, persons on fellowships, part-time academic employees, board members, and consultants and other services specifically budgeted by each agency, or by the judicial branch, in this category.

1. In distinguishing between payments to be made from salaries appropriations and other-personal-services appropriations, those persons filling established positions shall be paid from salaries appropriations and those persons performing services for a state agency or for the judicial branch, but who are not filling established positions, shall be paid from other-personal-services appropriations.

2. It is further intended that those persons paid from salaries appropriations shall be state officers or employees and shall be eligible for membership in a state retirement system and those paid from other-personal-services appropriations shall not be eligible for such membership.

(aa)(~~y~~) “Part-time position” means a position authorized for less than the entire normally established work period, daily, weekly, monthly, or annually.

(bb)(~~z~~) “Pay plan” means a document which formally describes the philosophy, methods, procedures, and salary schedule for compensating employees for work performed.

(cc)(aa) "Perquisites" means those things, or the use thereof, or services of a kind which confer on the officers or employees receiving same some benefit that is in the nature of additional compensation, or which reduces to some extent the normal personal expenses of the officer or employee receiving the same, and shall include, but not be limited to, such things as quarters, subsistence, utilities, laundry services, medical service, use of state-owned vehicles for other than state purposes, servants paid by the state, and other similar things.

(dd)(bb) "Position" means the work, consisting of duties and responsibilities, assigned to be performed by an officer or employee.

(ee)(ee) "Position number" means the identification number assigned to an established position.

(ff)(dd) "Program component" means an aggregation of generally related objectives which, because of their special character, related workload, and interrelated output, can logically be considered an entity for purposes of organization, management, accounting, reporting, and budgeting.

(gg)(ee) "Proviso" means language that qualifies or restricts a specific appropriation and which can be logically and directly related to the specific appropriation.

(hh)(ff) "Reclassification" means changing an established position in one class in a series to the next higher or lower class in the same series or to a class in a different series which is the result of a natural change in the duties and responsibilities of the position.

(ii)(gg) "Revolving fund" means a cash fund maintained within or outside of the State Treasury and established from an appropriation, to be used by an agency or the judicial branch in making authorized expenditures.

(jj)(hh) "Salary" means the cash compensation for services rendered for a specific period of time.

(kk)(ii) "Salary schedule" means an official document which contains a complete list of classes and their assigned salary ranges.

(ll)(jj) "Special category" means amounts appropriated for a specific need or classification of expenditures.

(mm)(kk) "State agency" or "agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purposes of this chapter and chapter 215, "state agency" or "agency" includes state attorneys, public defenders, the Capital Collateral Representative, and the Justice Administrative Commission.

(nn)(ll) "State revenue sharing" means statutory or constitutional distributions to local units of government.

(oo)(mm) "Title of position," or "class of positions" means the official name assigned to a position or class of positions.

(pp)(nn) "Grants and Aids to Local Governments and Nonprofit Organizations-Fixed Capital Outlay" means that appropriation category which includes:

1. Grants to local units of governments and nonprofit organizations for the acquisition of real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.); additions, replacements, major repairs, and renovations to real property which materially extend its useful life or materially improve or change its functional use; and operating capital outlay necessary to furnish and operate a new or improved facility; and

2. Grants to local units of government for their respective infrastructure and growth management needs related to local government comprehensive plans.

Funds appropriated under this category may be advanced in part or in whole.

(qq)(oo) "Baseline data" means indicators of a state agency's current performance level, pursuant to guidelines established by the Executive Office of the Governor, in consultation with legislative appropriations and appropriate substantive committees.

(rr)(pp) "Outcome" means an indicator of the actual impact or public benefit of a program.

(ss)(qq) "Output" means the actual service or product delivered by a state agency.

(tt)(rr) "Performance-based program budget" means a budget that incorporates approved programs and performance measures.

(uu)(ss) "Performance measure" means a quantitative or qualitative indicator used to assess state agency performance.

(vv)(tt) "Program" means a set of activities undertaken in accordance with a plan of action organized to realize identifiable goals and objectives based on legislative authorization.

(ww)(uu) "Standard" means the level of performance of an outcome or output.

(xx) "Performance-based program appropriation" means funds appropriated for a specific set of activities or classification of expenditure within an approved performance-based program.

(yy) "Performance ledger" means the official compilation of information about state agency performance-based programs and measures, including approved programs, approved outputs and outcomes, baseline data, approved standards for each performance measure and any approved adjustments thereto, as well as actual agency performance for each measure.

Section 2. Section 216.0166, Florida Statutes, is amended to read:

216.0166 Submission by state agencies of performance-based budget requests, programs, and performance measures.—

(1) Prior to ~~September 1~~ ~~October 15~~ of the fiscal year ~~prior to~~ in which a state agency is required to submit a performance-based program budget pursuant to s. 216.0172, such state agency shall identify and submit to the Executive Office of the Governor a list of proposed state agency programs and performance measures. ~~The agency may also provide a list of statutes or rules affecting its performance which may be addressed as incentives or disincentives for the performance-based program budget. The list should be accompanied by recommended legislation to implement the requested changes for potential incentives.~~ Such identification shall be conducted after discussion with legislative appropriations and appropriate substantive committees and shall be approved by the Executive Office of the Governor. ~~State agencies selected by the Governor pursuant to s. 216.0172(1) shall submit such lists prior to May 15, 1994.~~ The Executive Office of the Governor, after discussion with legislative appropriations and appropriate substantive committees and the Office of Program Policy Analysis and Government Accountability, shall review the list of programs and performance measures, may make any changes or require the agency to resubmit the list, and shall make a final recommendation of programs and associated performance measures to the Legislature ~~approve or disapprove a list within 60~~ 30 days after receipt, to be used in the preparation and submission of the state agency's final legislative budget request pursuant to s. 216.023(5). ~~The Executive Office of the Governor may also recommend legislation to implement any or all of the proposed incentives. Agencies continuing under performance-based program budgeting may provide as part of their legislative budget request a list of statutes or rules affecting their program performance which may be addressed as incentives or disincentives for the performance-based program budget. The Executive Office of the Governor shall provide the approved program list to the Legislature.~~

(2) The following documentation shall accompany the list of proposed programs and measures submitted by the state agency:

- (a) The constitutional or statutory direction and authority for each program.
- (b) Identification of the customers, clients, and users of each program.
- (c) The purpose of each program or the benefit derived by the customers, clients, and users of the program.
- (d) Direct and indirect costs of each program.

~~(e) Information on fees collected and the adequacy of those fees in funding each program for which the fees are collected.~~

~~(e)(f) An assessment of whether each program is conducive to performance-based program budgeting.~~

~~(f)(g) An assessment of the time needed to develop meaningful performance measures for each program.~~

~~(g) Any proposed legislation necessary to implement the incentives or disincentives requested pursuant to this subsection.~~

~~(h) A comparison of the agency's existing budget structure to the proposed budget structure.~~

~~(i) A description of the use of performance measures in agency decisionmaking, agency actions to allocate funds and manage programs, and the agency strategic plan.~~

~~(3) The Executive Office of the Governor, after discussion with legislative appropriations committees, appropriate substantive committees, and the Legislative Auditing Committee, shall jointly develop instructions for the development of performance measures for each program on the list approved pursuant to this section and shall submit such instructions to the state agencies prior to December 1 of the fiscal year preceding the year in which a state agency is required to submit a performance-based program budget request pursuant to s. 216.0172.~~

~~(4) Prior to June 1, each state agency is required to submit to the executive Office of the Governor performance measures for each program on the approved list required pursuant to subsection (1). State agencies shall also identify~~

~~(j) The outputs produced by each proposed approved program, the outcomes resulting from each proposed approved program, and baseline data associated with each performance measure. Agencies must submit documentation for each output and outcome measure which explains the validity, reliability, and appropriateness of each performance measure. Such documentation must be prepared by the agency in consultation with its inspector general. Performance measures shall be reviewed, after discussion with legislative appropriations and appropriate substantive committees and the Office of Program Policy Analysis and Government Accountability, revised as necessary, and approved or disapproved by the Executive Office of the Governor within 30 days of receipt. For those state agencies selected by the Governor pursuant to s. 216.0172(1), performance measures, outputs, outcomes, and baseline data shall be submitted prior to July 1, 1994.~~

~~(3)(5) The agency shall submit a performance-based program legislative budget request pursuant to s. 216.0172, using the programs and performance measures adopted by the Legislature, or, if none are adopted, those recommended by the Executive Office of the Governor. Notwithstanding the programs, performance measures, and standards requested in each state agency's final legislative budget request or the Governor's budget recommendations, the Legislature shall have final approval of all programs, performance measures, and standards through the General Appropriations Act or legislation implementing the General Appropriations Act.~~

~~(6) Each state agency shall submit documentation to the Executive Office of the Governor regarding the validity, reliability, and appropriateness of each performance measure. In addition, each state agency shall indicate how the performance measure relates to its strategic plan and how it is used in management decisionmaking and other agency processes.~~

~~(4)(7) Annually, no later than 45 days after the General Appropriations Act becomes law, state agencies may submit to the Executive Office of the Governor any adjustments to their performance standards based on the amounts appropriated for each program by the Legislature. When such adjustment is made, all performance standards, including any adjustments made, shall be submitted to and reviewed and revised as necessary by the Executive Office of the Governor, and, upon approval, submitted to the Legislature pursuant to the review and approval process provided in s. 216.177. The Executive Office of the Governor shall maintain both the official record of adjustments to the performance standards as part of the agency's approved operating budget and the official performance ledger.~~

~~(5)(8) A state agency operating under a performance-based program budget pursuant to s. 216.0172 shall not have the authority to amend approved or establish programs or performance measures. However, a state agency may propose revisions a revision to the list of approved programs or performance measures used in its legislative budget request. Such revisions are revision is subject to review and approval by the Executive Office of the Governor and the Legislature and shall be submitted to the Executive Office of the Governor prior to February 1 April 15 of the year in which the state agency proposes intends to incorporate these changes into its legislative budget request. The submission must include the documentation required by s. 216.0166(2), where applicable. The Executive Office of the Governor shall have 30 days to review act on the proposed revisions and make a recommendation to the Legislature. All approved revisions must Revised performance measures, standards, and baseline data shall be submitted along with the agency's preliminary legislative budget request. Any new programs or performance measures proposed by the agency must be submitted pursuant to s. 216.0166(1) and must include the documentation required by s. 216.0166(2), where applicable.~~

Section 3. Section 216.0172, Florida Statutes, is amended to read:

216.0172 Schedule for submission of performance-based program budgets.—In order to implement the provisions of chapter 94-249, Laws of Florida, state agencies shall submit performance-based program budget legislative budget requests budgets for programs approved pursuant to s. 216.0166 to the Executive Office of the Governor and the Legislature based on the following schedule:

(1) By September 1, 1994, for the 1995-1996 fiscal year, two state agencies selected by the Governor, subject to the review and approval process pursuant to s. 216.177.

(2) By September 1, 1995, for the 1996-1997 fiscal year:

(a) Department of Education (Community Colleges).  
(b) Department of Health and Rehabilitative Services (Alcohol, Drug Abuse, Mental Health).

(c) Department of Labor and Employment Security.

(d) Department of Law Enforcement.

(e) Department of Management Services.

(f) Division of Retirement.

(3) By September 1, 1996, for the 1997-1998 fiscal year, by the following:

(a) Agency for Health Care Administration.

(b) Department of Education (State University System).

(c) Game and Fresh Water Fish Commission.

(d) Department of Highway Safety and Motor Vehicles.

(e) Department of Revenue.

(f) Department of State.

(g) Department of Transportation.

(4) By September 1, 1997, for the 1998-1999 fiscal year, by the following:

(a) Department of Banking and Finance.

(b) Department of Corrections.

(c) Department of Education (Public Schools).

(d) Department of Environmental Protection.

(e) Executive Office of the Governor.

(f) Department of Children and Family Health and Rehabilitative Services.

- (g) Department of Legal Affairs.
- (h) Department of Juvenile Justice.
- (5) By September 1, 1998, for the 1999-2000 fiscal year, by the following:
  - (a) Department of Agriculture and Consumer Services.
  - ~~(b) Department of Commerce.~~
  - ~~(b)(e)~~ Department of Elderly Affairs.
  - ~~(c)(d)~~ Department of the Lottery.
  - ~~(d)(e)~~ Department of Military Affairs.
- (6) By September 1, 1999, for the 2000-2001 fiscal year, by the following:
  - (a) Division of Administrative Hearings.
  - (b) Department of Business and Professional Regulation.
  - (c) Parole and Probation Commission.
  - (d) Public Service Commission.
  - (e) Department of Health.
  - (f) Department of Education (all remaining programs).
- (7) By September 1, 2000, for the 2001-2002 fiscal year, by the following:
  - (a) Department of Citrus.
  - (b) Department of Community Affairs.
  - (c) Department of Insurance.
  - (d) Department of Veterans' Affairs.
  - (e) State attorneys.
  - (f) Public defenders.
  - (g) Justice Administrative Commission and capital collateral counsel.

(8) Any new agency or portion thereof created after September 1, 2000, shall submit a performance-based program budget request for programs approved pursuant to s. 216.0166 to the Executive Office of the Governor and the Legislature by September 1 of the year following the creation of the agency or portion thereof.

~~(9)(8)~~ The schedule set forth in subsections (2) through (7) may be amended by the Legislative Auditing Committee, the General Appropriations Act, or upon the recommendation of the Governor, which recommendation is subject to the review and approval process provided in s. 216.177.

(10) Beginning in fiscal year 1998-1999, the Executive Office of the Governor shall, for any agency that fails to meet the requirements set forth in s. 216.0166 according to the schedule set forth in s. 216.0172 or within three years thereafter, recommend programs and performance measures to the Legislature on behalf of that agency.

Section 4. Subsection (3) of section 216.0235, Florida Statutes, is amended to read:

216.0235 Performance-based legislative program budget requests to be furnished by agencies.—

(3) The Executive Office of the Governor and the legislative appropriations committees shall jointly develop legislative program budget instructions from which each agency that has an approved program and the judicial branch, pursuant to ss. 216.0166 and 216.043, shall prepare its legislative program budget request. The program budget instructions must be consistent with s. 216.141 and must be transmitted to each agency and to the judicial branch no later than June 15 of each year. *The*

*budget instructions must also include instructions for agencies in submitting performance measures and standards as required by s. 216.0166. In the event that agreement cannot be reached between the Executive Office of the Governor and the legislative appropriations committees regarding legislative program budget instructions, the issue shall be resolved by the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 5. Subsection (11) of section 216.031, Florida Statutes, is amended and subsection (12) is added to that section to read:

216.031 Budgets for operational expenditures.—A legislative budget request, reflecting the independent judgment of the head of the state agency, and of the Chief Justice of the Supreme Court, with respect to the needs of the agency and the judicial branch for operational expenditures during the next fiscal year, shall be submitted by each head of a state agency and by the Chief Justice of the Supreme Court and shall contain the following:

(11) *For performance-based program budgets, the baseline data, outcome measures outcomes, output performance measures, and standards for program measures current programs, including justification for those programs in the format required by the legislative budget instructions.*

(12) *A prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as provided for in s. 216.221. Such list shall be in the format provided in the planning and budgeting instructions.*

Either chair of a legislative appropriations committee, or the Executive Office of the Governor for state agencies, may require the agency or the Chief Justice to address major issues separate from those outlined in s. 216.023, this section, and s. 216.043 for inclusion in the requests of the agency or of the judicial branch. The issues shall be submitted to the agency no later than July 30 of each year and shall be displayed in its requests as provided in the budget instructions. The Executive Office of the Governor may request an agency, or the chair of the appropriations committees of the Senate or House of Representatives may request any agency or the judicial branch, to submit no later than September 15 of each year a budget plan with respect to targets established by the Governor or either chair. The target budget shall require each entity to establish an order of priorities for its budget issues and may include requests for multiple options for the budget issues. The target budget may also require each entity to submit a program budget or a performance-based budget in the format prescribed by the Executive Office of the Governor or either chair; provided, however, the target budget format shall be compatible with the planning and budgeting system requirements set out in s. 216.141. Such a request shall not influence the agencies' or judicial branch's independent judgment in making legislative budget requests, as required by law.

Section 6. Subsection (4) of section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(4) The Executive Office of the Governor shall review the evaluation report required by s. 216.031(10) and the findings of the Office of Program Policy Analysis and Government Accountability, to the extent they are available, request any reports or additional analyses as necessary, and submit a recommendation, pursuant to paragraph (2)(g) which may include a recommendation regarding incentives or disincentives for agency performance. Incentives or disincentives may apply to all or part of a state agency.

(a) Incentives may include, but are not limited to:

1. Additional flexibility in budget management, *such as, but not limited to, the use of lump sums, special categories, or performance-based program appropriation; consolidation of budget entities or program components; consolidation of appropriation categories; and increased agency transfer authority between appropriation categories or budget entities.*

2. Additional flexibility in salary rate and position management.

3. Retention of up to 50 percent of *all unexpended and unencumbered balances of appropriations as of June 30, or undisbursed balances as of December 31, excluding special categories and grants and aids,*

which may be used for nonrecurring purposes including, but not limited to, lump-sum bonuses, employee training, or productivity enhancements, including technology and other improvements.

4. Additional funds to be used for, but not limited to, lump-sum bonuses, employee training, or productivity enhancements, including technology and other improvements.

5. *Additional funds provided pursuant to law to be released to an agency quarterly or incrementally contingent upon the accomplishment of units of output or outcome specified in the General Appropriations Act.*

(b) Disincentives may include, but are not limited to:

1. Mandatory quarterly reports to the Executive Office of the Governor and the Legislature on the agency's progress in meeting performance standards.

2. Mandatory quarterly appearances before the Legislature, the Governor, or the Governor and Cabinet to report on the agency's progress in meeting performance standards.

3. Elimination or restructuring of the program, which may include, but not be limited to transfer of the program or outsourcing all or a portion of the program.

4. Reduction of total positions for a program.

5. Restriction on or reduction of the spending authority provided in *s. 216.292(2) and (4) s. 216.292(2)(e).*

6. Reduction of managerial salaries.

Section 7. Section 216.167, Florida Statutes, is amended to read:

216.167 Governor's recommendations.—The Governor's recommendations shall include a financial schedule *that provides which shall provide:*

(1) The Governor's estimate of the recommended recurring revenues available *in the Budget Stabilization Fund, in the Working Capital Fund, and the General Revenue Fund.*

(2) The Governor's estimate of the recommended nonrecurring revenues available *in the Budget Stabilization Fund, in the Working Capital Fund, and the General Revenue Fund.*

(3) The Governor's recommended recurring and nonrecurring appropriations from *the Budget Stabilization Fund, the Working Capital Fund, and the General Revenue Fund.*

(4) The Governor's estimates of any interfund loans or temporary obligations of *the Budget Stabilization Fund, the Working Capital Fund, or trust funds, which loans or obligations are needed to implement his or her recommended budget.*

(5)(a) For any recommendation to be funded by a proposed state debt or obligation as defined in s. 216.0442, the documents set forth in s. 216.0442(2) and a 5-year estimate of the program operational costs associated with any proposed fixed capital outlay project to be funded by the proposed state debt or obligation.

(b) The Governor's estimates of the debt service and reserve requirements for any recommended new bond issues or reissues and his or her recommended debt service appropriations for all outstanding fixed capital outlay bond issues.

Section 8. Subsection (2) of section 216.178, Florida Statutes, is amended to read:

216.178 General Appropriations Act; format; procedure; cost statement for new debt or obligation.—

(2) Effective June 30, 1993, the Office of Planning and Budgeting shall develop a final budget report that reflects the net appropriations for each budget item. The report shall reflect actual expenditures for each of the 2 preceding fiscal years and the estimated expenditures for the current fiscal year. In addition, the report must contain the actual revenues and cash balances for the preceding 2 fiscal years and the estimated revenues and cash balances for the current fiscal year. The

report may also contain expenditure data, program objectives, and program measures for each state agency program. The report must be produced *by October 15 each year within 90 days after the beginning of the fiscal year.* A copy of the report must be made available to each member of the Legislature, to the head of each state agency, to the Auditor General, and to the public.

Section 9. Section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(1)(a) Funds provided in the General Appropriations Act or as otherwise expressly provided by law shall be expended only for the purpose for which appropriated, except that if deemed necessary such moneys may be transferred as provided in subsections (3), ~~and (4), and (5)~~ when it is determined to be in the best interest of the state. Appropriations for fixed capital outlay may not be expended for any other purpose, and appropriations may not be transferred between state agencies, or between a state agency and the judicial branch, unless specifically authorized by law.

(b) For the 1997-1998 fiscal year only, the Department of Children and Family Services and the Agency for Health Care Administration may transfer general revenue funds as necessary to comply with any provision of the General Appropriations Act that requires or specifically authorizes the transfer of general revenue funds between these two agencies. This paragraph is repealed on July 1, 1998.

(2) A lump sum appropriated for a performance-based program must be distributed by the Governor for state agencies or the Chief Justice for the judicial branch into the traditional expenditure categories in accordance with *s. 216.181(5)(b) s. 216.181(4)(b).* At any time during the year, the agency head or Chief Justice may transfer funds between those categories with no limit on the amount of the transfer. *Authorized revisions of the original approved operating budget, together with related changes, if any, must be transmitted by the state agency or by the judicial branch to the Executive Office of the Governor or the Chief Justice, the chairs of the legislative appropriations committees, the Office of Program Policy Analysis and Government Accountability, and the Auditor General. Such authorized revisions shall be consistent with the intent of the approved operating budget, shall be consistent with legislative policy and intent, and shall not conflict with specific spending policies specified in the General Appropriations Act. The Executive Office of the Governor shall forward a copy of the revisions within 7 working days to the Comptroller for entry in his or her records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller. Authorized revisions of the original approved operating budget, together with related changes, if any, must be transmitted by the state agency or by the judicial branch to the Comptroller for entry in his or her records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller. A copy of such revisions shall be furnished, within 7 working days, to the Executive Office of the Governor or the Chief Justice, the chairs of the legislative appropriations committees, the Office of Program Policy Analysis and Government Accountability, and the Auditor General. Such authorized revisions shall be consistent with the intent of the approved operating budget, shall be consistent with legislative policy and intent, and shall not conflict with specific spending policies specified in the General Appropriations Act. Additionally, subsection (3) shall not apply to programs operating under performance-based program budgeting where a lump sum was appropriated program performance-based budgets.*

(3) The head of each department or the Chief Justice of the Supreme Court, whenever it is deemed necessary by reason of changed conditions, may transfer appropriations funded from identical funding sources, except appropriations for fixed capital outlay, and transfer the amounts included within the total original approved budget and releases as furnished pursuant to ss. 216.181 and 216.192, as follows:

(a) Between categories of appropriations within a budget entity, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or \$25,000, whichever is greater, by all action taken under this subsection.

(b) Additionally, between budget entities within identical categories of appropriations, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or \$25,000, whichever is greater, by all action taken under this subsection.

(c) Such authorized revisions must be consistent with the intent of the approved operating budget, must be consistent with legislative policy and intent, and must not conflict with specific spending policies specified in the General Appropriations Act.

Such authorized revisions, together with related changes, if any, in the plan for release of appropriations, shall be transmitted by the state agency or by the judicial branch to the Comptroller for entry in the Comptroller's records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller. A copy of such revision shall be furnished to the Executive Office of the Governor or the Chief Justice, the chairs of the legislative committees, and the Auditor General.

(4) *The head of each department or the Chief Justice of the Supreme Court, whenever it is deemed necessary by reason of changed conditions, may transfer funds, positions, and salary rate within and between program budget entities with performance-based program appropriations as defined in s. 216.011(1)(xx). Such transfers may include appropriations from any operating category, except appropriations for fixed capital outlay. However, the total program funds, positions, and salary rate shall not be increased or decreased by more than 5 percent by all action taken under this section. Authorized revisions of the original approved operating budget, together with related changes, if any, must be transmitted by the state agency or by the judicial branch to the Executive Office of the Governor or the Chief Justice, the chairs of the legislative appropriations committees, the Office of Program Policy Analysis and Government Accountability, and the Auditor General. Such authorized revisions shall be consistent with legislative policy and intent, and shall not conflict with specific spending policies specified in the General Appropriations Act. The Executive Office of the Governor shall forward a copy of the revisions within 7 working days to the Comptroller for entry in his or her records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller.*

(5)(4)(a) Transfers of appropriations for operations from the General Revenue Fund in excess of those provided in ~~subsections~~ ~~subsection~~ (3) and (4) but within a state agency or within the judicial branch may be authorized by the commission for the executive branch and the Chief Justice for the judicial branch, pursuant to the request of the agency filed with the Executive Office of the Governor, or pursuant to the request of an entity of the judicial branch filed with the Chief Justice of the Supreme Court, if deemed necessary and in the best interest of the state and consistent with legislative policy and intent. The provisions of this paragraph are subject to the notice, review, and objection procedures set forth in s. 216.177.

(b) When an appropriation for a named fixed capital outlay project is found to be in excess of that needed to complete that project, at the request of the Executive Office of the Governor for state agencies or the Chief Justice of the Supreme Court for the judicial branch the excess may be transferred, with the approval of the commission or the Chief Justice, to another project for which there has been an appropriation in the same fiscal year from the same fund and within the same department where a deficiency is found to exist. Further, a fixed capital outlay project may not be initiated without a specific legislative appropriation, nor may the scope of a fixed capital outlay project be changed by the transfer of funds. The provisions of this paragraph are subject to the notice, review, and objection procedures set forth in s. 216.177.

(6)(5) Upon request of a department to, and approval by, the Comptroller, funds appropriated may be transferred to accounts established for disbursement purposes upon release of such appropriation. Such transfer may only be made to the same appropriation category and the same funding source from which the funds are transferred.

(7)(6) Any transfers from the Working Capital Fund to the General Revenue Fund may be approved provided such transfers were identified or contemplated by the Legislature in the original approved budget.

(8)(7)(a) Should any state agency or the judicial branch become more than 90 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund, the Department of Labor and Employment Security shall certify to the Comptroller the amount due; and the Comptroller shall transfer the amount due to the Unemployment Compensation Trust Fund from any funds of the agency available.

(b) Should any state agency or the judicial branch become more than 90 days delinquent in paying the Division of Risk Management of the

Department of Insurance for insurance coverage, the Department of Insurance may certify to the Comptroller the amount due; and the Comptroller shall transfer the amount due to the Division of Risk Management from any funds of the agency or the judicial branch available.

(9)(8) Moneys appropriated in the General Appropriations Act for the purpose of paying for services provided by the state communications system in the Division of Communications of the Department of Management Services shall be paid by the user agencies, or the judicial branch, within 45 days after the billing date. Billed amounts not paid by the user agencies, or by the judicial branch, shall be transferred by the Comptroller from the user agencies to the Communications Working Capital Trust Fund.

(10)(9) The Comptroller shall report all such transfers and the reasons for such transfers to the legislative appropriations committees.

(11)(10) Where any reorganization has been authorized by the Legislature and the necessary adjustments of appropriations and positions have not been provided in the General Appropriations Act, the Administration Commission may approve, consistent with legislative policy and intent, the necessary transfers to accomplish the purposes of such reorganization within state agencies. The Chief Justice of the Supreme Court may approve such transfers for the judicial branch.

Section 10. Subsection (2) of section 186.022, Florida Statutes, is amended to read:

186.022 State agency strategic plans; preparation, form, and review.—

(2) Each agency strategic plan must be in a form and manner prescribed in written instructions prepared by the Executive Office of the Governor after consultation with the President of the Senate and the Speaker of the House of Representatives. Each agency strategic plan must identify the specific legislative authority necessary to implement the provisions of the plan. An agency may only implement those portions of its strategic plan that are consistent with existing statutory or constitutional authority and for which funding, if needed, is available consistent with the provisions of chapter 216. An agency's budget request prescribed in s. 216.023(1) shall identify the financial resources necessary to further the provisions of the agency's strategic plan. *Performance measures, as defined in s. 216.011 and proposed by the agency pursuant to s. 216.0166(1), must be consistent with the objectives in the draft agency strategic plan and shall represent 1-year implementation efforts necessary to meet the 5-year agency strategic plan objectives. State agency strategic plans shall be amended by the agency, as necessary, to ensure consistency with the legislative actions prior to the effective date of the agency strategic plan.*

Section 11. Subsection (8) of section 121.051, Florida Statutes, is amended to read:

121.051 Participation in the system.—

(8) DIVISION OF REHABILITATION AND LIQUIDATION EMPLOYEES MEMBERSHIP.—Effective July 1, 1994, the regular receivership employees of the Division of Rehabilitation and Liquidation who are assigned to established positions and are subject to established rules and regulations regarding discipline, pay, classification, and time and attendance are hereby declared to be state employees within the meaning of this chapter and shall be compulsory members in compliance with this chapter, the provisions of *s. 216.011(1)(z)2. s. 216.011(1)(z)2.*, notwithstanding. Employment performed before July 1, 1994, as such a receivership employee may be claimed as creditable retirement service upon payment by the employee or employer of contributions required in s. 121.081(1), as applicable for the period claimed.

Section 12. Section 215.32, Florida Statutes, is amended to read:

215.32 State funds; segregation.—

(1) All moneys received by the state shall be deposited in the State Treasury unless specifically provided otherwise by law and shall be deposited in and accounted for by the Treasurer and the Department of Banking and Finance within the following funds, which funds are hereby created and established:

(a) General Revenue Fund.

- (b) Trust funds.
- (c) Working Capital Fund.
- (d) Budget Stabilization Fund.

(2) The source and use of each of these funds shall be as follows:

(a) The General Revenue Fund shall consist of all moneys received by the state from every source whatsoever, except as provided in paragraphs (b) and (c). Such moneys shall be expended pursuant to General Revenue Fund appropriations acts or transferred as provided in paragraph (c). Annually, at least 5 percent of the estimated increase in General Revenue Fund receipts for the upcoming fiscal year over the current year General Revenue Fund effective appropriations shall be appropriated for state-level capital outlay, including infrastructure improvement and general renovation, maintenance, and repairs.

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Comptroller may establish accounts within the trust fund at a level ~~considered~~ deemed necessary for proper accountability. Once an account is established within a trust fund, the Comptroller ~~may~~ shall authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In order to maintain a minimum number of trust funds in the State Treasury, each state agency or the judicial branch may consolidate, if permitted under the terms and conditions of their receipt, the trust funds administered by it; provided, however, the agency or judicial branch employs effectively a uniform system of accounts sufficient to preserve the integrity of such trust funds; and provided, further, that consolidation of trust funds is approved by the Administration Commission or the Chief Justice.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization and Working Capital Fund in the General Appropriations Act.

b. The provisions of This subparagraph ~~does~~ shall not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement Trust Fund; trust funds under the management of the Board of Regents, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Comptroller or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

(c)1. The Budget Stabilization Fund shall consist of amounts equal to at least 5 percent of net revenue collections for the General Revenue Fund during the last completed fiscal year. The Budget Stabilization Fund's principal balance shall not exceed an amount equal to 10 percent of the last completed fiscal year's net revenue collections for the General Revenue Fund. As used in this paragraph, the term "last completed fiscal year" means the most recently completed fiscal year prior to the regular legislative session at which the Legislature considers the General Appropriations Act for the year in which the transfer to the Budget Stabilization Fund must be made under this paragraph.

2. By September 15 of each year, the Governor shall authorize the Comptroller to transfer, and the Comptroller shall transfer pursuant to appropriations made by law, to the Budget Stabilization Fund the amount of money needed for the balance of that fund to equal the amount specified in subparagraph 1., less any amounts expended and not restored. The moneys needed for this transfer may be appropriated by the Legislature from any funds.

3. Unless otherwise provided in this subparagraph, an expenditure from the Budget Stabilization Fund must be restored pursuant to a restoration schedule that provides for making five equal annual transfers from the General Revenue Fund, beginning in the fiscal year following that in which the expenditure was made. For any Budget Stabilization Fund expenditure, the Legislature may establish by law a different restoration schedule and such change may be made at any time during the restoration period. Moneys are hereby appropriated for transfers pursuant to this subparagraph.

4. The Budget Stabilization Fund and the Working Capital Fund may be used as revolving funds for transfers as provided in s. 18.125; however, any interest earned must be deposited in the General Revenue Fund.

(d) The Working Capital Fund shall consist of moneys in the General Revenue Fund which are in excess of the amount needed to meet General Revenue Fund appropriations for the current fiscal year. Each year, no later than the publishing date of the annual financial statements for the state by the Comptroller under s. 216.102, funds shall be transferred between the Working Capital Fund and the General Revenue Fund to establish the balance of the Working Capital Fund for that fiscal year at the amount determined pursuant to this paragraph.

~~1.—The amount of moneys in the General Revenue Fund shall be determined at the beginning of the fiscal year based on the Revenue Estimating Conference's estimate of funds available. This amount shall be adjusted upon determination of the previous year's appropriations which remain unspent after certifications are completed pursuant to s. 216.301.~~

~~2.—The Working Capital Fund shall consist of an amount, not more than 10 percent of the amount of net revenue of the General Revenue Fund for the preceding fiscal year, which accrues from moneys in the General Revenue Fund which are in excess of the amount needed to meet the General Revenue Fund appropriations acts. The Legislature shall have as a goal that the Working Capital Fund for fiscal year 1994-1995 have not less than 2 percent of the amount of net revenue of the General Revenue Fund for the preceding fiscal year, that the Working Capital Fund for fiscal year 1995-1996 have not less than 3 percent of the amount of net revenue of the General Revenue Fund for the preceding fiscal year, that the Working Capital Fund for fiscal year 1996-1997 have not less than 4 percent of the amount of net revenue of the General Revenue Fund for the preceding fiscal year, and that the Working Capital Fund for fiscal year 1997-1998 and each fiscal year thereafter have not less than 5 percent of the amount of net revenue of the General Revenue Fund for the preceding fiscal year. By September 15 of each year, the Executive Office of the Governor shall transfer the excess funds that are in the General Revenue Fund to the Working Capital Fund. Whenever the Governor determines that revenue collections in the General Revenue Fund will be insufficient to meet General Revenue Fund appropriations, he or she shall certify the amount of the deficit and transfer up to the amount specified in the General Appropriations Act from the Working Capital Fund to the General Revenue Fund pursuant to s. 216.221. When not required to meet General Revenue Fund appropriations, such moneys shall be used as a revolving fund for transfers as provided by s. 215.18; and when the Comptroller determines that such moneys are not needed for either type of transfer, they may be temporarily invested as provided in s. 18.125.~~

~~3.—The provisions of subparagraph 1. notwithstanding, the Comptroller shall pay from the Working Capital Fund such claims as are authorized pursuant to s. 265.55.~~

Section 13. Subsections (2), (5), and (7) of section 216.221, Florida Statutes, are amended to read:

216.221 Appropriations as maximum appropriations; adjustment of budgets to avoid or eliminate deficits.—



(2) The Legislature shall annually provide direction in the General Appropriations Act regarding use of the *Budget Stabilization Fund* and Working Capital Fund to offset General Revenue Fund deficits.

(5)(a) If, in the opinion of the Governor, after consultation with the Revenue Estimating Conference, a deficit will occur in the General Revenue Fund, he or she shall so certify to the commission and to the Chief Justice of the Supreme Court. No more than 30 days after certifying that a deficit will occur in the General Revenue Fund, the Governor shall develop for the executive branch, and the Chief Justice of the Supreme Court shall develop for the judicial branch, and provide to the commission and to the Legislature plans of action to eliminate the deficit.

(b) In developing a plan of action to prevent deficits in accordance with subsection (7), the Governor and Chief Justice shall, to the extent possible, preserve legislative policy and intent, and, absent any specific direction to the contrary in the General Appropriations Act, the Governor and Chief Justice shall comply with the following guidelines for reductions in the approved operating budgets of the executive branch and the judicial branch:

1. Entire statewide programs previously established by the Legislature should not be eliminated.
2. Education budgets should not be reduced more than provided for in s. 215.16(2).
3. The use of nonrecurring funds to solve recurring deficits should be minimized.
4. Newly created programs that are not fully implemented and programs with critical audits should receive first consideration for reductions.
5. No agencies or branches of government receiving appropriations should be exempt from reductions.
6. When reductions in positions are required, the focus should be initially on vacant positions.
7. Any reductions applied to all agencies and branches should be uniformly applied.
8. Reductions that would cause substantial losses of federal funds should be minimized.
9. To the greatest extent possible, across-the-board, prorated reductions should be considered.
10. Reductions to statewide programs should occur only after review of programs that provide only local benefits.
11. Reductions in administrative and support functions should be considered before reductions in direct-support services.
12. Maximum reductions should be considered in budgets for expenses including travel and in budgets for equipment replacement, outside consultants, and contracts.
13. Reductions in salaries for elected state officials should be considered.
14. Reductions that adversely affect the public health, safety, and welfare should be minimized.
15. The *Budget Stabilization Fund* ~~Working Capital Fund~~ should not be reduced to a level that would impair the financial stability of this state.
16. Reductions in programs that are traditionally funded by the private sector and that may be assumed by private enterprise should be considered.
17. Reductions in programs that are duplicated among state agencies or branches of government should be considered.

(7) Deficits in the General Revenue Fund that do not meet the amounts specified by subsection (6) shall be resolved by the commission for the executive branch and the Chief Justice of the Supreme Court for the judicial branch. The commission and Chief Justice shall implement

any directions provided in the General Appropriations Act related to eliminating deficits and to ~~reducing~~ ~~reduce~~ agency and judicial branch budgets, including the use of those legislative appropriations voluntarily placed in reserve. In addition, the commission shall implement any directions in the General Appropriations Act relating to the ~~resolution of use of the Working Capital Fund~~ in deficit situations. When reducing state agency or judicial branch budgets, the commission or the Chief Justice, respectively, shall use the guidelines prescribed in subsection (5). The Executive Office of the Governor for the commission, and the Chief Justice for the judicial branch, shall implement the deficit reduction plans through amendments to the approved operating budgets in accordance with s. 216.181.

Section 14. Subsections (1) and (2) of section 252.37, Florida Statutes, are amended to read:

252.37 Financing.—

(1) ~~It is the intent of The Legislature~~ *intends and declares it declared* to be the policy of the state that funds to be ~~prepared for~~ and meet emergencies shall always be available.

(2) It is the legislative intent that the first recourse ~~shall be made~~ to funds regularly appropriated to state and local agencies. If the Governor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, she or he may make funds available by transferring and expending moneys appropriated for other purposes, *by transferring and expending moneys* ~~or~~ out of any unappropriated surplus funds, *or from the Budget Stabilization Fund or Working Capital Fund.*

Section 15. Paragraph (b) of subsection (2) of section 20.055, Florida Statutes, is amended to read:

20.055 Agency inspectors general.—

(2) The Office of Inspector General is hereby established in each state agency to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government. It shall be the duty and responsibility of each inspector general, with respect to the state agency in which the office is established, to:

(b) Assess the reliability and validity of the information provided by the state agency on performance measures and standards, and make recommendations for improvement, if necessary, *prior to submission of those measures and standards to the Executive Office of the Governor pursuant to s. 216.0166(1).*

Section 16. *Subsection (3) of section 212.081, Florida Statutes, and subsection (5) of section 186.021, Florida Statutes, are repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to public business and financial matters; amending s. 216.011, F.S.; defining the terms "disincentive," "incentive," "performance-based program appropriation," and "performance ledger" for purposes of budgeting and state fiscal affairs; amending s. 216.0166, F.S.; revising guidelines and requirements for state agencies in submitting performance-based budget requests, programs, and performance measures; amending s. 216.0172, F.S.; revising the schedule for submission of performance-based program budget legislative budget requests; amending s. 216.0235, F.S.; requiring that additional information be included in program budget instructions; amending s. 216.031, F.S.; revising information to be contained in legislative budget requests; amending s. 216.163, F.S.; prescribing additional incentives and disincentives that may be included in the Governor's recommended budget; amending s. 216.167, F.S.; requiring that the Governor's recommendations include a financial schedule that provides information on revenues in the Budget Stabilization Fund; amending s. 216.178, F.S.; providing a date for the final budget report; amending s. 216.292, F.S.; providing an exception to nontransferable appropriations; amending 186.022, F.S.; revising requirements for state agency strategic plans; amending s. 121.051, F.S.; conforming a cross-reference to changes made by the act; amending s. 215.32, F.S.; including the Budget Stabilization Fund in the list of funds in which state moneys are deposited; amending s. 216.221, F.S.; providing legislative intent for use of the Budget Stabilization Fund; amending

s. 20.055, F.S.; requiring inspectors general to review and assess the validity of performance measures prior to submission to the Executive Office of the Governor; amending s. 252.37, F.S.; providing legislative intent regarding the order of recourse in use of state funds for emergencies; repealing s. 186.021(5), F.S., relating to state agency strategic plans; repealing s. 212.081(3), F.S., relating to legislative intent; amending s. 186.021, F.S.;

Pursuant to Rule 4.19, CS for SB 832 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

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

—which was previously considered this day. Pending Amendment 1 by Senator Silver was adopted. The vote was:

Yeas—16

Bronson	Diaz-Balart	Jones	Ostakiewicz
Brown-Waite	Forman	Klein	Scott
Cowin	Hargrett	Lee	Silver
Crist	Holzendorf	Meadows	Sullivan

Nays—14

Bankhead	Dyer	Horne	Rossin
Campbell	Geller	Kurth	Williams
Casas	Grant	Laurent	
Dudley	Gutman	Myers	

Senator Silver moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 5, lines 10-24, delete those lines

And the title is amended as follows:

On page 1, lines 6 and 7, delete those lines and insert: for certain services; providing

Senator Grant moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 26, line 20 through page 29, line 9, delete those lines and insert:

Section 10. Section 118.10, Florida Statutes, is amended to read:

118.10 Civil-law Florida international notary.—

(1) As used in this section, the term:

(a) "Authentic act" ~~"Authentication instrument"~~ means an instrument executed by a civil-law Florida international notary referencing this section, which includes the particulars and capacities to act of transacting parties, a confirmation of the full text of the instrument, the signatures of the parties or legal equivalent thereof, and the signature and seal of a civil-law Florida international notary as prescribed by the Florida Secretary of State for use in a jurisdiction outside the borders of the United States.

(b) "Civil-law notary" ~~"Florida international notary"~~ means a person who is a member in good standing of The Florida Bar admitted to the practice of law in this state, who has practiced law for at least 5 years, and who is appointed by the Secretary of State as a civil-law Florida international notary.

(c) "Protocol" means a registry maintained by a civil-law Florida international notary in which the acts of the civil-law Florida international notary are archived.

(2) The Secretary of State shall have the power to appoint civil-law Florida international notaries and administer this section.

(3) A civil-law Florida international notary is authorized to issue authentic acts and may administer an oath and make a certificate thereof when it is necessary for execution of any writing or document to be attested, protested, or published under the seal of a notary public authentication instruments for use in non-United States jurisdictions. A civil-law notary may also take acknowledgements of deeds and other instruments of writing for record, and solemnize the rites of matrimony, as fully as other officers of this state. A civil-law Florida international notary is not authorized to issue authentic acts authentication instruments for use in a non-United States jurisdiction if the United States Department of State has determined that the jurisdiction does not have diplomatic relations with the United States or is a terrorist country, or if trade with the jurisdiction is prohibited under the Trading With the Enemy Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.

~~(4) The authentication instruments of a Florida international notary shall not be considered authentication instruments within the borders of the United States and shall have no consequences or effects as authentication instruments in the United States.~~

~~(4)(5) The authentic acts, oaths and acknowledgements, and solemnizations authentication instruments of a civil-law Florida international notary shall be recorded in the civil-law Florida international notary's protocol in a manner prescribed by the Secretary of State.~~

~~(5)(6) The Secretary of State may adopt rules prescribing:~~

~~(a) The form and content of signatures and seals or their legal equivalents for authentic acts authentication instruments;~~

~~(b) Procedures for the permanent archiving of authentic acts, maintaining records of acknowledgments, oaths and solemnizations, and procedures for the administration of oaths and taking of acknowledgments authentication instruments;~~

~~(c) The charging of reasonable fees to be retained by the Secretary of State for the purpose of administering this section;~~

~~(d) Educational requirements and procedures for testing applicants' knowledge of the effects and consequences associated with authentic acts authentication instruments in jurisdictions outside the United States;~~

~~(e) Procedures for the disciplining of civil-law Florida international notaries, including the suspension and revocation of appointments for misrepresentation or fraud regarding the civil-law Florida international notary's authority, the effect of the civil-law Florida international notary's authentic acts authentication instruments, or the identities or acts of the parties to a transaction; and~~

~~(f) Other matters necessary for administering this section.~~

~~(6)(7) The Secretary of State shall not regulate, discipline or attempt to discipline, or establish any educational requirements for any civil-law~~

Florida international notary for, or with regard to, any action or conduct that would constitute the practice of law in this state, *except by agreement with The Florida Bar*. The Secretary of State shall not establish as a prerequisite to the appointment of a *civil-law Florida international notary* any test containing any question that inquires of the applicant's knowledge regarding the practice of law in the United States, *except by agreement with The Florida Bar*.

(7) *The powers of civil law notaries include, but are not limited to, all of the powers of a notary public under any law of this state.*

(8) This section shall not be construed as abrogating the provisions of any other act relating to notaries public, attorneys, or the practice of law in this state.

Section 11. Section 695.03, Florida Statutes, is amended to read:

695.03 Acknowledgment and proof; validation of certain acknowledgments; legalization or authentication before foreign officials.—To entitle any instrument concerning real property to be recorded, the execution must be acknowledged by the party executing it, proved by a subscribing witness to it, or legalized or authenticated by a civil-law notary or notary public who affixes her or his official seal, before the officers and in the form and manner following:

(1) WITHIN THIS STATE.—An acknowledgment or proof made within this state may be made before a judge, clerk, or deputy clerk of any court; a United States commissioner or magistrate; or a notary public *or civil-law notary of this state*, and the certificate of acknowledgment or proof must be under the seal of the court or officer, as the case may be. All affidavits and acknowledgments heretofore made or taken in this manner are hereby validated.

(2) WITHOUT THIS STATE BUT WITHIN THE UNITED STATES.—An acknowledgment or proof made out of this state but within the United States may be made before *a civil-law notary of this state* or a commissioner of deeds appointed by the Governor of this state; a judge or clerk of any court of the United States or of any state, territory, or district; a United States commissioner or magistrate; or a notary public, justice of the peace, master in chancery, or registrar or recorder of deeds of any state, territory, or district having a seal, and the certificate of acknowledgment or proof must be under the seal of the court or officer, as the case may be. If the acknowledgment or proof is made before a notary public who does not affix a seal, it is sufficient for the notary public to type, print, or write by hand on the instrument, "I am a Notary Public of the State of (state), and my commission expires on (date)."

(3) WITHIN FOREIGN COUNTRIES.—If the acknowledgment, legalization, authentication, or proof is made in a foreign country, it may be made before a commissioner of deeds appointed by the Governor of this state to act in such country; before a ~~civil-law notary~~ or notary public of such foreign country *or a civil-law notary of this state or of such foreign country* who has an official seal; before an ambassador, envoy extraordinary, minister plenipotentiary, minister, commissioner, charge d'affaires, consul general, consul, vice consul, consular agent, or other diplomatic or consular officer of the United States appointed to reside in such country; or before a military or naval officer authorized by the Laws or Articles of War of the United States to perform the duties of notary public, and the certificate of acknowledgment, legalization, authentication, or proof must be under the seal of the officer. A certificate legalizing or authenticating the signature of a person executing an instrument concerning real property and to which a civil-law notary or notary public of that country has affixed her or his official seal is sufficient as an acknowledgment. For the purposes of this section, the term "civil-law notary" means *a civil-law notary as defined in chapter 118 or an official of a foreign country who has an official seal and who is authorized to make legal or lawful the execution of any document in that jurisdiction, in which jurisdiction the affixing of her or his official seal is deemed proof of the execution of the document or deed in full compliance with the laws of that jurisdiction.*

All affidavits, legalizations, authentications, and acknowledgments heretofore made or taken in the manner set forth above are hereby validated.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, lines 6-9, delete those lines and insert: amending s. 118.10, F.S.; providing for civil-law notaries in lieu of Florida international notaries; providing requirements for becoming a civil-law notary; providing definitions; providing for "authentic acts," in lieu of "authentication instruments"; providing powers of civil-law notaries; providing educational requirements; providing for discipline; amending s. 695.03, F.S., relating to acknowledgement and proof of certain instruments concerning real property; including civil-law notaries as officials before whom acknowledgements of proof may be made; amending

Pending further consideration of **CS for SB 1130** as amended, on motion by Senator Grant, by two-thirds vote **CS for HB 1125** was withdrawn from the Committees on Governmental Reform and Oversight; Banking and Insurance; and Ways and Means.

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

**CS for HB 1125**—A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete language; amending s. 117.04, F.S.; providing for acknowledgements by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; specifying the elements of a notarial certificate; revising provisions relating to identification; providing for notice to the Governor of lost or stolen notary seals; revising provisions relating to copying certain documents; amending s. 117.10, F.S.; correcting a cross reference; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, and 747.051, F.S.; revising certain forms; providing an effective date.

—a companion measure, was substituted for **CS for SB 1130** as amended and read the second time by title.

Senator Grant moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—On page 1, line 27 through page 36, line 10, delete those lines and insert:

Section 1. Subsections (1) and (2), paragraph (g) of subsection (4), and subsections (5) and (7) of section 117.01, Florida Statutes, are amended to read:

117.01 Appointment, application, suspension, revocation, application fee, bond, and oath.—

(1) The Governor may appoint ~~for a term of 4 years~~ as many notaries public as he or she deems necessary, each of whom shall be at least 18 years of age and a legal resident of the state. A permanent resident alien may apply and be appointed and shall file with his or her application a recorded Declaration of Domicile. The residence required for appointment must be maintained throughout the term of appointment. *Notaries public shall be appointed for 4 years and shall use and exercise the office of notary public within the boundaries of this state. An applicant must be able to read, write, and understand the English language.*

(2) The application for appointment shall be signed and sworn to by the applicant and shall be accompanied by a fee of \$25, together with *the \$10 commission fee required by s. 113.01, and a surcharge of \$4, which \$4 is appropriated to the Executive Office of the Governor to be used to educate and assist notaries public. The Executive Office of the Governor may contract with private vendors to provide the services set forth in this section.* However, no commission fee shall be required for the issuance of a commission as a notary public to a veteran who served during a period of wartime service, as defined in s. 1.01(14), and who has been rated by the United States Government or the United States Department of Veterans Affairs or its predecessor to have a disability rating of 50 percent or more; such a disability is subject to verification by the Secretary of State, who has authority to adopt reasonable procedures to implement this act. The oath of office and notary bond required by this section shall also accompany the application and shall be in a form prescribed by the Department of State which shall require, but not be limited to, the following information: full name, residence address and telephone number, business address and telephone number, date of birth, race, sex, social security number, citizenship status, driver's license number or the number of other official state-issued identification, affidavit of good character from someone unrelated to the applicant who has known the applicant for 1 year or more, a list of all professional

licenses and commissions issued by the state during the previous 10 years and a statement as to whether or not the applicant has had such license or commission revoked or suspended, and a statement as to whether or not the applicant has been convicted of a felony, and, if there has been a conviction, a statement of the nature of the felony and restoration of civil rights. The applicant may not use a fictitious or assumed name other than a nickname on an application for commission. The application shall be maintained by the Department of State for the full term of a notary commission. A notary public shall notify, in writing, the Department of State of any change in his or her business address, home telephone number, business telephone number, home address, or criminal record within 60 days after such change. The Governor may require any other information he or she deems necessary for determining whether an applicant is eligible for a notary public commission. Each applicant must swear *or affirm* on the application that the information on the application is true and correct ~~to the best of his or her knowledge.~~

(4) The Governor may suspend a notary public for any of the grounds provided in s. 7, Art. IV of the State Constitution. Grounds constituting malfeasance, misfeasance, or neglect of duty include, but are not limited to, the following:

(g) Failure to report a change in business or home address or telephone number, *or failure to submit documentation to request an amended commission after a lawful name change*, within the specified period of time.

(5)(a) If a notary public receives notice from the Department of State that his or her office has been declared vacant, the notary shall forthwith mail or deliver to the Secretary of State his or her notary commission.

(b) *A notary public who wishes to resign his or her commission, or a notary public who does not maintain legal residence in this state during the entire term of appointment, or a notary public whose resignation is required by the Governor, shall send a signed letter of resignation to the Governor and shall return his or her certificate of notary public commission. The resigning notary public shall destroy his or her official notary public seal of office, unless the Governor requests its return.*

(7)(a) A notary public shall, prior to executing the duties of the office and throughout the term of office, give bond, payable to any individual harmed as a result of a breach of duty by the notary public acting in his or her official capacity, in the amount of ~~\$7,500~~ \$5,000, conditioned for the due discharge of the office and shall take an oath that he or she will honestly, diligently, and faithfully discharge the duties of the notary public. The bond shall be approved and filed with the Department of State and executed by a surety company for hire duly authorized to transact business in this state.

(b) Any notary public whose term of appointment extends beyond January 1, ~~1999~~ 1992, is required to increase the amount of his or her bond to ~~\$7,500~~ \$5,000 only upon reappointment on or after January 1, ~~1999~~ 1992.

(c) Beginning July 1, 1996, surety companies for hire which process notary public applications, oaths, affidavits of character, and bonds for submission to the Department of State must properly submit these documents in a software and hard copy format approved by the Department of State.

Section 2. Section 117.03, Florida Statutes, is amended to read:

117.03 Administration of oaths.—A notary public may administer an oath and make a certificate thereof when it is necessary for the execution of any writing or document to be ~~attested, protested, or~~ published under the seal of a notary public. The notary public may not take an acknowledgment of execution in lieu of an oath if an oath is required.

Section 3. Section 117.04, Florida Statutes, is amended to read:

117.04 ~~Marriages; Acknowledgments.~~—A notary public is authorized ~~to solemnize the rites of matrimony and~~ to take the acknowledgments of deeds and other instruments of writing for record, as fully as other officers of this state. ~~For solemnizing the rites of matrimony, the fee of a notary public may not exceed those provided by law to the clerks of the circuit court for like services.~~

Section 4. Section 117.045, Florida Statutes, is created to read:

117.045 *Marriages.*—A notary public is authorized to solemnize the rites of matrimony. For solemnizing the rites of matrimony, the fee of a notary public may not exceed those provided by law to the clerks of the circuit court for like services.

Section 5. Section 117.05, Florida Statutes, is amended to read:

117.05 Use of notary commission; unlawful use; notary fee; seal; duties; employer liability; name change; advertising; photocopies; penalties.—

(1) No person shall obtain or use a notary public commission in other than his or her legal name, and it is unlawful for a notary public to notarize his or her own signature. Any person applying for a notary public commission must submit proof of identity to the Department of State if so requested. Any person who violates the provisions of this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) The fee of a notary public may not exceed \$10 for any one notarial act, except as provided in s. ~~117.045~~ s. ~~117.04~~.

(3)(a) A notary public seal shall be affixed to all notarized paper documents and shall be of the rubber stamp type and shall include the words "Notary Public-State of Florida." The seal shall also include the name of the notary public, the date of expiration of the commission of the notary public, and the commission number. The rubber stamp seal must be affixed to the notarized paper document in photographically reproducible black ink. Every notary public shall print, type, or stamp below his or her signature on a paper document his or her name exactly as commissioned. An impression-type seal may be used in addition to the rubber stamp seal, but the rubber stamp seal shall be the official seal for use on a paper document, and the impression-type seal may not be substituted therefor.

(b) Any notary public whose term of appointment extends beyond January 1, 1992, is required to use a rubber stamp type notary public seal on paper documents only upon reappointment on or after January 1, 1992.

(c) *The notary public official seal and the certificate of notary public commission are the exclusive property of the notary public and must be kept under the direct and exclusive control of the notary public. The seal and certificate of commission must not be surrendered to an employer upon termination of employment, regardless of whether the employer paid for the seal or for the commission.*

(d) *A notary public whose official seal is lost, stolen, or believed to be in the possession of another person shall immediately notify the Department of State or the Governor in writing.*

(e) *Any person who unlawfully possesses a notary public official seal or any papers or copies relating to notarial acts is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

(4) When notarizing a signature, a notary public shall *complete a jurat or notarial certificate in substantially the same form as those found in s. 117.05(13). The jurat or certificate of acknowledgement shall contain the following elements:*

(a) *The venue stating the location of the notarization in the format, "State of Florida, County of \_\_\_\_\_."*

(b) *The type of notarial act performed, an oath or an acknowledgement, evidenced by the words "sworn" or "acknowledged."*

(c) *That the signer personally appeared before the notary public at the time of the notarization.*

(d) *The exact date of the notarial act.*

(e) *The name of the person whose signature is being notarized. It is presumed, absent such specific notation by the notary public, that notarization is to all signatures.*

(f) *The specific type of identification the notary public is relying upon in identifying the signer, either based on personal knowledge or satisfactory evidence specified in s. 117.05(5).*

- (g) *The notary's official signature.*
- (h) *The notary's name, typed, printed, or stamped below the signature.*
- (i) ~~The notary's official seal affixed below or to either side of the notary's signature. sign and date a notarial certificate or jurat and shall specify which signature is being notarized and that the signer personally appeared before the notary public at the time of notarization. It is presumed, absent such specific notation by the notary public, that notarization is to all signatures.~~

(5) A notary public may not notarize a signature on a document unless he or she personally knows, or has satisfactory evidence, that the person whose signature is to be notarized is the individual who is described in and who is executing the instrument. A notary public shall certify in the certificate of acknowledgment or jurat the type of identification, either based on personal knowledge or other form of identification, upon which the notary public is relying.

(b) For the purposes of this subsection, "satisfactory evidence" means the absence of any information, evidence, or other circumstances which would lead a reasonable person to believe that the person *whose signature is to be notarized* making the acknowledgment is not the person he or she claims to be and any one of the following:

1. The sworn written statement of *one* a credible witness personally known to the notary public ~~or that the person whose signature is to be notarized is personally known to the witness;~~
2. the sworn written statement of two credible witnesses whose identities are proven to the notary public upon the presentation of satisfactory evidence that each of the following *is* are true:
  - a. *That* the person whose signature is to be notarized is the person named in the document;
  - b. *That* the person whose signature is to be notarized is personally known to the witnesses;
  - c. That it is the reasonable belief of the witnesses that the circumstances of the person whose signature is to be notarized are such that it would be very difficult or impossible for that person to obtain another *acceptable* form of identification;
  - d. *That it is the reasonable belief of the witnesses that* the person whose signature is to be notarized does not possess any of the identification documents specified in subparagraph 2.3.; and
  - e. *That* the witnesses do not have a financial interest in nor are parties to the underlying transaction; or

2.3. Reasonable reliance on the presentation to the notary public of *any one of the following forms of identification, if the document is current or has been issued within the past 5 years and bears a serial or other identifying number.*

- a. ~~A Florida~~ An identification card or driver's license issued by the public agency authorized to issue driver's licenses ~~Department of Highway Safety and Motor Vehicles;~~
- b. A passport issued by the Department of State of the United States; ~~or~~
- c. ~~A passport issued by a foreign government if~~ Reasonable reliance on the presentation of any one of the following forms of identification, if the document is current or has been issued within the past 5 years and bears a serial or other identifying number, and, if the document is a passport, the document is stamped by the United States Immigration and Naturalization Service.;

- (I) ~~A passport issued by a foreign government;~~
- d.(II) A driver's license or an identification card issued by a public agency authorized to issue driver's licenses in a state other than Florida, a territory of the United States, or Canada or Mexico ~~territory of the United States or a state other than Florida or by a Canadian or Mexican public agency authorized to issue drivers' licenses;~~

(III) ~~An identification card issued by a territory of the United States or a state other than Florida;~~

e.(IV) An identification card issued by any branch of the armed forces of the United States;

f.(V) An inmate identification card issued on or after January 1, 1991, by the Florida Department of Corrections for an inmate who is in the custody of the department; ~~or~~

g. *An inmate identification card issued by the United States Department of Justice, Bureau of Federal Prisons, for an inmate who is in the custody of the department;*

h. *A sworn, written statement from a sworn law enforcement officer that the forms of identification for an inmate in an institution of confinement were confiscated upon confinement and that the person named in the document is the person whose signature is to be notarized; or*

i.(VI) An identification card issued by the United States Department of Justice, Immigration, and Naturalization Service.

(6) ~~A notary public may not notarize a signature on a document if:~~

(a) ~~The person whose signature is being notarized is not in the presence of the notary public at the time the signature is notarized. Any notary public who violates this paragraph is guilty of a civil infraction, punishable by penalty not exceeding \$5,000, and that conduct constitutes malfeasance and misfeasance in the conduct of official duties. It is no defense to the civil infraction specified in this paragraph that the notary public acted without intent to defraud. A notary public who violates this paragraph with the intent to defraud is guilty of violating s. 117.105.~~

(b) ~~The document is incomplete. However, an endorsement or assignment in blank of a negotiable or nonnegotiable note and the assignment in blank of any instrument given as security for such note is not deemed incomplete.~~

(c) ~~The notary public actually knows that the person signing the document has been adjudicated mentally incapacitated, and the notarization relates to a right that has been removed pursuant to s. 744.3215(2) or (3), and that the person has not been restored to capacity as a matter of record.~~

(d) ~~The person whose signature is to be notarized is the spouse, son, daughter, mother, or father of the notary public.~~

(e) ~~The notary public has a financial interest in or is a party to the underlying transaction; provided, however, a notary public who is an employee may notarize a signature for his or her employer and this employment is not a financial interest in the transaction nor is he or she a party to the transaction under this subsection unless he or she receives a benefit other than salary and any fee for services authorized by law. For purposes of this paragraph, a notary public who is an attorney does not have a financial interest in and is not a party to the underlying transaction evidenced by a notarized document if he or she notarizes a signature on that document for a client for whom he or she serves as an attorney of record and the attorney has no interest in the document other than a fee paid to him or her for legal services and any fee authorized by law for services as a notary public.~~

(6)(7) The employer of a notary public shall be liable to the persons involved for all damages proximately caused by the notary's official misconduct, if the notary public was acting within the scope of his or her employment at the time the notary engaged in the official misconduct.

(7)(8) Any person who acts as or otherwise willfully impersonates a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(9) ~~Any person who unlawfully possesses a notary public official seal or any papers or copies relating to notarial acts is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

(8)(10) Any notary public who knowingly acts as a notary public after his or her commission has expired is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(9)(14) Any notary public who lawfully changes his or her name shall, within 60 days after such change, forthwith request an amended commission from the Secretary of State and shall send \$25, his or her current commission, and a notice of change form, obtained from the Secretary of State, which shall include the new name and contain a specimen of his or her official signature. The Secretary of State shall issue an amended commission to the notary public in the new name. A rider to the notary public's bond must accompany the notice of change form. After submitting the required notice of change form and rider to the Secretary of State requesting an amended commission, the notary public may continue to perform notarial acts in his or her former name for 60 days or until receipt of the amended commission, whichever date is earlier.

(12) Any notary public who loses or misplaces his or her notary public seal of office shall forthwith mail or deliver notice of the fact to the Secretary of State.

(10)(13) A notary public who is not an attorney who advertises the services of a notary public in a language other than English, whether by radio, television, signs, pamphlets, newspapers, or other written communication, with the exception of a single desk plaque, shall post or otherwise include with the advertisement a notice in English and in the language used for the advertisement. The notice shall be of a conspicuous size, if in writing, and shall state: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF FLORIDA, AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If the advertisement is by radio or television, the statement may be modified but must include substantially the same message.

(11)(14) Literal translation of the phrase "Notary Public" into a language other than English is prohibited in an advertisement for notarial services.

(12)(15)(a) A notary public may supervise the making of a photocopy of an original document and attest to the trueness of the copy, provided the document is neither a vital record in this state, another state, a territory of the United States, or another country, nor a public record, if a copy can be made by the custodian of the public record. A notary public may not supervise the making of a photocopy and may not attest to the trueness of a photocopy of a public record if a copy can be made by another public official.

(b) A notary public must use a certificate in substantially the following form in notarizing an attested copy:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, (year) 19\_\_\_\_, I attest that the preceding or attached document is a true, exact, complete, and unaltered photocopy made by me of (description of document) presented to me by the document's custodian, \_\_\_\_\_, and, to the best of my knowledge, that the photocopied document is neither a vital public record nor a public record publicly recordable document, certified copies of which are available from an official source other than a notary public.

\_\_\_\_\_  
(Official Notary Signature and Notary Seal)  
(Name of Notary Typed, Printed or Stamped)

(13)(16) The following notarial form certificates are sufficient for the purposes indicated, if completed with the information required by this chapter. The specification of forms under this subsection does not preclude the use of other forms.

(a) For an oath or affirmation:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
(Signature of Applicant)

Sworn to (or affirmed) and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, (year) 19\_\_\_\_, by (name of person making statement) \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

(b) For an acknowledgment in an individual capacity:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, (year) 19\_\_\_\_, by (name of person acknowledging) \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

(c) For an acknowledgment in a representative capacity:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, (year) 19\_\_\_\_, by (name of person) as (type of authority, . . . e.g. officer, trustee, attorney in fact) for (name of party on behalf of whom instrument was executed) \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

(14) A notary public must make reasonable accommodations to provide notarial services to persons with disabilities.

(a) A notary public may notarize the signature of a person who is blind after the notary public has read the entire instrument to that person.

(b) A notary public may notarize the signature of a person who signs with a mark if:

- 1. The document signing is witnessed by two disinterested persons;
- 2. The notary prints the person's first name at the beginning of the designated signature line and the person's last name at the end of the designated signature line; and
- 3. The notary prints the words "his (or her) mark" below the person's signature mark.

(c) The following notarial certificates are sufficient for the purpose of notarizing for a person who signs with a mark:

1. For an oath or affirmation:

\_\_\_\_\_  
(First Name) (Last Name)  
His (or her) Mark

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, (year) \_\_\_\_\_, by (name of person making statement) \_\_\_\_\_, who signed with a mark in the presence of these witnesses:

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

2. For an acknowledgment in an individual capacity:

\_\_\_\_\_  
(First Name) (Last Name)  
His (or her) Mark

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, (year) \_\_\_\_\_, by (name of person acknowledging) \_\_\_\_\_, who signed with a mark in the presence of these witnesses:

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

(d) A notary public may sign the name of a person whose signature is to be notarized when that person is physically unable to sign or make a signature mark on a document if:

1. The person with a disability directs the notary to sign in his or her presence;

2. The document signing is witnessed by two disinterested persons;

3. The notary writes below the signature the following statement: "Signature affixed by notary, pursuant to s. 117.05(14), Florida Statutes," and states the circumstances of the signing in the notarial certificate.

(e) The following notarial certificates are sufficient for the purpose of notarizing for a person with a disability who directs the notary to sign his or her name:

1. For an oath or affirmation:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) before me this \_\_\_\_ day of \_\_\_\_\_, (year) , by (name of person making statement) , and subscribed by (name of notary) at the direction of and in the presence of (name of person making statement) , and in the presence of these witnesses:

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

2. For an acknowledgment in an individual capacity:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, (year) , by (name of person acknowledging) and subscribed by (name of notary) at the direction of and in the presence of (name of person acknowledging) , and in the presence of these witnesses:

(Signature of Notary Public - State of Florida)

(Print, type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

Section 6. Section 117.10, Florida Statutes, is amended to read:

117.10 Law enforcement officers and correctional officers.—Law enforcement officers, correctional officers, and correctional probation officers, as defined in s. 943.10, and traffic accident investigation officers, as described in s. 316.640, and traffic infraction enforcement officers, as described in s. 316.640~~318.141~~, are authorized to administer oaths ~~notaries public~~ when engaged in the performance of official duties. Sections 117.01, 117.04, 117.045, 117.05, and 117.103 do not apply to the provisions of this section. An officer may not notarize his or her own signature.

Section 7. Section 117.103, Florida Statutes, is amended to read:

117.103 Certification of notary's authority by Secretary of State.—A notary public is not required to record his or her notary public commission in an office of a clerk of the circuit court. If certification of the notary public's commission is required, it must be obtained from the Secretary of State. Upon the receipt of a written request, the notarized document, and a fee of \$10 payable to the Secretary of State, the Secretary of State shall provide a certificate of notarial authority. Documents destined for countries participating in an International Treaty called the Hague Convention require an Apostille, and that requirement shall be determined by the Secretary of State.

Section 8. Section 117.107, Florida Statutes, is amended to read:

117.107 Prohibited acts.—

(1) A notary public may not use a name or initial in signing certificates other than that by which the notary public is commissioned.

(2) A notary public may not sign notarial certificates using a facsimile signature stamp unless the notary public has a physical disability that limits or prohibits his or her ability to make a written signature and unless the notary public has first submitted written notice to the Department of State with an exemplar of the facsimile signature stamp. ~~A notary public may not acknowledge an instrument in which the notary public's name appears as a party to the transaction.~~

(3) A notary public may not affix his or her signature to a blank form of affidavit or certificate of acknowledgment and deliver that form to another person with the intent that it be used as an affidavit or acknowledgment.

(4) A notary public may not take the acknowledgment of or administer an oath to a person whom the notary public actually knows to have been adjudicated ~~adjudged~~ mentally incapacitated by a court of competent jurisdiction, where the acknowledgment or oath necessitates the exercise of a right that has been removed pursuant to s. 744.3215(2) or (3), and where the person has not been restored to capacity as a matter of record.

(5) A notary public may not notarize a signature on a document if it appears that the person is mentally incapable of understanding the nature and effect of the document at the time of notarization. ~~A notary public may not take the acknowledgment of a person who is blind until the notary public has read the instrument to such person.~~

(6) A notary public may not take the acknowledgment of a person who does not speak or understand the English language, unless the nature and effect of the instrument to be notarized is translated into a language which the person does understand.

(7) A notary public may not change anything in a written instrument after it has been signed by anyone.

(8) A notary public may not amend a notarial certificate after the notarization is complete.

(9) A notary public may not notarize a signature on a document if the person whose signature is being notarized is not in the presence of the notary public at the time the signature is notarized. Any notary public who violates this subsection is guilty of a civil infraction, punishable by penalty not exceeding \$5,000, and such violation constitutes malfeasance and misfeasance in the conduct of official duties. It is no defense to the civil infraction specified in this subsection that the notary public acted without intent to defraud. A notary public who violates this subsection with the intent to defraud is guilty of violating s. 117.105.

(10) A notary public may not notarize a signature on a document if the document is incomplete or blank. However, an endorsement or assignment in blank of a negotiable or nonnegotiable note and the assignment in blank of any instrument given as security for such note is not deemed incomplete.

(11) A notary public may not notarize a signature on a document if the person whose signature is to be notarized is the spouse, son, daughter, mother, or father of the notary public.

(12) A notary public may not notarize a signature on a document if the notary public has a financial interest in or is a party to the underlying transaction; however, a notary public who is an employee may notarize a signature for his or her employer, and this employment does not constitute a financial interest in the transaction nor make the notary a party to the transaction under this subsection as long as he or she does not receive a benefit other than his or her salary and the fee for services as a notary public authorized by law. For purposes of this subsection, a notary public who is an attorney does not have a financial interest in and is not a party to the underlying transaction evidenced by a notarized document if he or she notarizes a signature on that document for a client for whom he or she serves as an attorney of record and he or she has no interest in the document other than the fee paid to him or her for legal services and the fee authorized by law for services as a notary public.

Section 9. Section 117.20, Florida Statutes, is amended to read:

117.20 Electronic notarization.—

(1) The provisions of ss. 117.01, 117.03, 117.04, ~~117.05(1)-(11), (13), and (14) 117.05(1)-(14) and (16)~~, 117.105, and 117.107 apply to all notarizations under this section except as set forth in this section.

(2) An electronic notarization shall include *the words "Notary Public - State of Florida,"* the name of the notary public, exactly as commissioned, the date of expiration of the commission of the notary public, the commission number, and the notary's digital signature. Neither a rubber stamp seal nor an impression-type seal is required for an electronic notarization.

(3) Any notary public who seeks to perform electronic notarizations and obtains a certificate from any certification authority, as defined in s. 282.72(2), and who is licensed in the state shall request an amended commission from the Secretary of State as set forth in s. 117.05(9) ~~s. 117.05(11)~~. The Secretary of State shall issue an amended commission to the notary public indicating that the notary is a subscriber to the certification authority identified in the notary's request for an amended commission. After requesting an amended commission, the notary public may continue to perform notarial acts, but may not use his or her digital signature in the performance of notarial acts until receipt of the amended commission. Any fees collected from such amended commissions shall be used to fund the Secretary of State's administration of electronic notary commissions.

(4) If the notary public's private key corresponding to his or her public key has been compromised, the notary public shall immediately notify the Secretary of State in writing of the breach of security and shall request the issuing certification authority to suspend or revoke the certificate.

(5) A notary public shall keep a sequential journal of all acts performed as a notary public under the provisions of this section.

(a) The journal must include, at a minimum, for every notarial act, the date and time of the notarial act, the type of notarial act, the type or name of the document, the signer's printed name and signature, the signer's complete address and telephone number, and the specific type of identification presented by the signer, including both its serial number and its expiration date.

(b) When requested in writing by the Governor's Office or Department of State, the notary public must provide the journal for inspection. The notary public must retain the journal for safekeeping for at least five years beyond the date of the last notarial act recorded in the journal.

(c) If the notary public journal is stolen, lost, misplaced, destroyed, or rendered unusable within the time period specified in paragraph (b), the notary public must immediately notify the Governor's Office or the Department of State in writing of the circumstances of the incident.

~~(6)~~(5) Failure to comply with this section constitutes grounds for suspension from office by the Governor.

Section 10. Section 118.10, Florida Statutes, is amended to read:

118.10 Florida international notary.—

(1) As used in this section, the term:

(a) "Authentic act" ~~"Authentication instrument"~~ means an instrument executed by a Florida international notary referencing this section, which includes the particulars and capacities to act of transacting parties, a confirmation of the full text of the instrument, the signatures of the parties or legal equivalent thereof, and the signature and seal of a Florida international notary as prescribed by the Florida Secretary of State ~~for use in a jurisdiction outside the borders of the United States.~~

(b) "Florida international notary" means a person who is a member in good standing of The Florida Bar ~~admitted to the practice of law in this state~~, who has practiced law for at least 5 years, and who is appointed by the Secretary of State as a Florida international notary.

(c) "Protocol" means a registry maintained by a Florida international notary in which the acts of the Florida international notary are archived.

(2) The Secretary of State shall have the power to appoint Florida international notaries and administer this section.

~~(3) A Florida international notary is authorized to issue authentication instruments for use in non-United States jurisdictions.~~ A Florida international notary is not authorized to issue *authentic acts authentication instruments* for use in a non-United States jurisdiction if the United States Department of State has determined that the jurisdiction does not have diplomatic relations with the United States or is a terrorist country, or if trade with the jurisdiction is prohibited under the Trading With the Enemy Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.

~~(4) The authentication instruments of a Florida international notary shall not be considered authentication instruments within the borders of the United States and shall have no consequences or effects as authentication instruments in the United States.~~

~~(4)~~(5) The *authentic acts authentication instruments* of a Florida international notary shall be recorded in the Florida international notary's protocol in a manner prescribed by the Secretary of State.

~~(5)~~(6) The Secretary of State may adopt rules prescribing:

(a) The form and content of signatures and seals or their legal equivalents for *authentic acts authentication instruments*;

(b) Procedures for the permanent archiving of *authentic acts authentication instruments*;

(c) The charging of reasonable fees to be retained by the Secretary of State for the purpose of administering this section;

(d) Educational requirements and procedures for testing applicants' knowledge of the effects and consequences associated with *authentic acts authentication instruments in jurisdictions outside the United States*;

(e) Procedures for the disciplining of Florida international notaries, including the suspension and revocation of appointments for misrepresentation or fraud regarding the Florida international notary's authority, the effect of the Florida international notary's *authentic acts authentication instruments*, or the identities or acts of the parties to a transaction; and

(f) Other matters necessary for administering this section.

~~(6)~~(7) The Secretary of State shall not regulate, discipline or attempt to discipline, or establish any educational requirements for any Florida international notary for, or with regard to, any action or conduct that would constitute the practice of law in this state, *except by agreement with The Florida Bar*. The Secretary of State shall not establish as a prerequisite to the appointment of a Florida international notary any test containing any question that inquires of the applicant's knowledge regarding the practice of law in the United States, *except by agreement with The Florida Bar*.

~~(7)~~(8) This section shall not be construed as abrogating the provisions of any other act relating to notaries public, attorneys, or the practice of law in this state.

Section 11. Subsection (1) of section 11.03, Florida Statutes, is amended to read:

11.03 Proof of publication of notice.—

(1) Affidavit of proof of publication of such notice of intention to apply therefor, may be made, in substantially the following general form, but such form shall not be exclusive:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Before the undersigned authority personally appeared \_\_\_\_\_, who on oath does solemnly swear (or affirm) that she or he has knowledge of the matters stated herein; that a notice stating the substance of a contemplated law or proposed bill relating to

\_\_\_\_\_ (here identify bill)

has been published at least 30 days prior to this date, by being printed in the issues of \_\_\_\_\_ (here state day, month and year of issue or issues) of the \_\_\_\_\_, a newspaper or newspapers published in \_\_\_\_\_ County or Counties, Florida (or) there being no newspaper, by being posted for at least 30 days



prior to this date at three public places in \_\_\_\_\_ County or Counties, one of which places was at the courthouse of said county or counties, where the matter or thing to be affected by the contemplated law is situated; that a copy of the notice that has been published as aforesaid and also this affidavit of proof of publication are attached to the proposed bill or contemplated law, and such copy of the notice so attached is by reference made a part of this affidavit.

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (year) , by \_\_\_\_\_ (name of person making statement) .  
\_\_\_\_\_  
(Signature of Notary Public - State of Florida)  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ 19 \_\_\_\_\_

(SEAL)  
(Signature)  
Notary Public, State of Florida.  
My commission expires \_\_\_\_\_

Section 12. Paragraph (a) of subsection (2) of section 475.180, Florida Statutes, is amended to read:

475.180 Nonresident licenses.—

(2)(a) Any applicant who is not a resident of this state shall file an irrevocable consent that suits and actions may be commenced against her or him in any county of this state in which a plaintiff having a cause of action or suit against her or him resides, and that service of any process or pleading in suits or actions against her or him may be made by delivering the process or pleading to the director of the Division of Real Estate by certified mail, return receipt requested, and also to the licensee by registered mail addressed to the licensee at her or his designated principal place of business. Service, when so made, must be taken and held in all courts to be as valid and binding upon the licensee as if made upon her or him in this state within the jurisdiction of the court in which the suit or action is filed. The irrevocable consent must be in a form prescribed by the department and be acknowledged before by a notary public.

Section 13. Subsection (3) of section 713.08, Florida Statutes, is amended to read:

713.08 Claim of lien.—

(3) The claim of lien shall be sufficient if it is in substantially the following form:

CLAIM OF LIEN  
State of \_\_\_\_\_  
County of \_\_\_\_\_

Before me, the undersigned notary public, personally appeared \_\_\_\_\_, who was duly sworn and says that she or he is (the lienor herein) (the agent of the lienor herein \_\_\_\_\_), whose address is \_\_\_\_\_; and that in accordance with a contract with \_\_\_\_\_, lienor furnished labor, services, or materials consisting of \_\_\_\_\_ on the following described real property in \_\_\_\_\_ County, Florida:

(Legal description of real property)

owned by \_\_\_\_\_ of a total value of \$\_\_\_\_\_, of which there remains unpaid \$\_\_\_\_\_, and furnished the first of the items on \_\_\_\_\_, \_\_\_\_\_ (year) 19\_\_\_\_\_, and the last of the items on \_\_\_\_\_, \_\_\_\_\_ (year) 19\_\_\_\_\_; and (if the lien is claimed by one not in privity with the owner) that the lienor served her or his notice to owner on \_\_\_\_\_, \_\_\_\_\_ (year) 19\_\_\_\_\_, by \_\_\_\_\_; and (if required) that the lienor served copies of the notice on the contractor on \_\_\_\_\_, \_\_\_\_\_ (year) 19\_\_\_\_\_, by \_\_\_\_\_ and on the subcontractor, \_\_\_\_\_, on \_\_\_\_\_, \_\_\_\_\_ (year) 19\_\_\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
(Signature)

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (year) , by \_\_\_\_\_ (name of person making statement) .

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.  
(Notary Public) My commission expires: \_\_\_\_\_

Section 14. Paragraph (d) of subsection (1) of section 713.13, Florida Statutes, is amended to read:

713.13 Notice of commencement.—

(1)

(d) A notice of commencement must be in substantially the following form:

Permit No. \_\_\_\_\_ Tax Folio No. \_\_\_\_\_

NOTICE OF COMMENCEMENT

State of \_\_\_\_\_  
County of \_\_\_\_\_

The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

1. Description of property: \_\_\_\_\_ (legal description of the property, and street address if available) .
2. General description of improvement:\_\_\_\_\_.
3. Owner information:\_\_\_\_\_
  - a. Name and address:\_\_\_\_\_.
  - b. Interest in property:\_\_\_\_\_.
  - c. Name and address of fee simple titleholder (if other than Owner):\_\_\_\_\_.
4. Contractor: \_\_\_\_\_ (name and address) .
  - a. Phone number:\_\_\_\_\_.
  - b. Fax number:\_\_\_\_\_ (optional, if service by fax is acceptable).
5. Surety
  - a. Name and address:\_\_\_\_\_.
  - b. Phone number:\_\_\_\_\_.
  - c. Fax number:\_\_\_\_\_ (optional, if service by fax is acceptable).
  - d. Amount of bond: \$\_\_\_\_\_.
6. Lender: \_\_\_\_\_ (name and address) .
  - a. Phone number:\_\_\_\_\_.
  - b. Fax number:\_\_\_\_\_ (optional, if service by fax is acceptable).
7. Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by Section 713.13(1)(a)7., Florida Statutes: \_\_\_\_\_ (name and address) .
  - a. Phone number:\_\_\_\_\_.
  - b. Fax number:\_\_\_\_\_ (optional, if service by fax is acceptable).
8. In addition to himself or herself, Owner designates \_\_\_\_\_ of \_\_\_\_\_ to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes.
  - a. Phone number:\_\_\_\_\_.
  - b. Fax number:\_\_\_\_\_ (optional, if service by fax is acceptable).
9. Expiration date of notice of commencement (the expiration date is 1 year from the date of recording unless a different date is specified)\_\_\_\_\_

\_\_\_\_\_  
(Signature of Owner)

Sworn to (or affirmed) and subscribed before me this \_\_\_ day of \_\_\_ (year) , by (name of person making statement) .

STATE OF FLORIDA
COUNTY OF

Sworn to (or affirmed) and subscribed before me this \_\_\_ day of \_\_\_ (year) , by (name of person making statement) .

(Signature of Notary Public - State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)

(Signature of Notary Public - State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification
Type of Identification Produced

Personally Known OR Produced Identification
Type of Identification Produced

Sworn to and subscribed before me this \_\_\_ day of \_\_\_, 19\_\_\_.
(My Commission Expires:\_\_\_)

Signature Owner or Agent (including contractor)
Signature Contractor

Section 15. Subsection (7) of section 713.135, Florida Statutes, is amended to read:

Date

713.135 Notice of commencement and applicability of lien.—

NOTARY as to Owner or Agent
My Commission Expires:\_\_\_
NOTARY as to Contractor
My Commission Expires:\_\_\_

(7) In addition to any other information required by the authority issuing the permit, the building permit application must be in substantially the following form:

(Certificate of Competency Holder)

Tax Folio No. \_\_\_\_\_

Contractor's State Certification or Registration No. \_\_\_\_\_

BUILDING PERMIT APPLICATION

Contractor's Certificate of Competency No. \_\_\_\_\_

Owner's Name
Owner's Address
Fee Simple Titleholder's Name (If other than owner)
Fee Simple Titleholder's Address (If other than owner)
City
State Zip
Contractor's Name
Contractor's Address
City
State Zip
Job Name
Job Address
City County
Legal Description
Bonding Company
Bonding Company Address
City State
Architect/Engineer's Name
Architect/Engineer's Address
Mortgage Lender's Name
Mortgage Lender's Address

APPLICATION APPROVED BY \_\_\_\_\_ Permit Officer

Section 16. Subsections (4), (6), and (8) of section 713.245, Florida Statutes, are amended to read:

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

713.245 Conditional payment bond.—

(4) Within 90 days after a claim of lien is recorded for labor, services, or materials for which the contractor has been paid, the owner or the contractor may record a notice of bond as specified in s. 713.23(2), together with a copy of the bond and a sworn statement in substantially the following form:

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

CERTIFICATE OF PAYMENT TO THE CONTRACTOR

TO: Lienor (name and address from claim of lien)
Contractor (name and address)
Surety (name and address)

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY.

Under penalties of perjury, the undersigned certifies that the bond recorded with this certificate conforms with s. 713.245, F.S., that the bond is in full force and effect, and that the contractor has been paid \$\_\_\_ for the labor, services, and materials described in the Claim of Lien filed by \_\_\_ dated \_\_\_, (year) 19\_\_\_, and recorded \_\_\_ (year) 19\_\_\_, in Official Records Book \_\_\_ at Page \_\_\_ of the Public Records of \_\_\_ County, Florida.

IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

Dated this \_\_\_ day of \_\_\_, (year) 19\_\_\_.

(Signature of Owner or Agent)
(including contractor)

(Owner)
(Address)

STATE OF FLORIDA
COUNTY OF

STATE OF FLORIDA
COUNTY OF

Sworn to (or affirmed) and subscribed before me this \_\_\_ day of \_\_\_ (year) , by (name of person making statement) .

Sworn to (or affirmed) and subscribed before me this \_\_\_ day of \_\_\_ (year) , by (name of person making statement) .

(Signature of Notary Public - State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)

(Signature of Notary Public - State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification
Type of Identification Produced

Personally Known OR Produced Identification
Type of Identification Produced

Sworn to and subscribed before me, the undersigned authority, this \_\_\_ day of \_\_\_, 19\_\_\_.

(Name)
NOTARY PUBLIC
My Commission Expires:\_\_\_

(Signature of Contractor)

(Contractor)
(Address)

STATE OF FLORIDA
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, (year) , by (name of person making statement) .

(Signature of Notary Public - State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

Sworn to and subscribed before me, the undersigned authority, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Name)
NOTARY PUBLIC
My Commission Expires:

Any notice of bond recorded more than 90 days after the recording of the claim of lien shall have no force or effect as to that lien unless the owner, the contractor and the surety all sign the notice of bond.

(6) The contractor may join in a certificate of payment to the contractor at any time by recording a sworn statement substantially in the following form:

JOINDER IN CERTIFICATE OF PAYMENT

TO: Owner (name and address from certificate of payment)
Lienor (name and address from claim of lien)
Surety (name and address)

The undersigned joins in the Certificate of Payment to the Contractor recorded on \_\_\_\_\_, (year) 19\_\_\_\_, in Official Records Book \_\_\_\_ at Page \_\_\_\_ of the Public Records of \_\_\_\_\_ County, Florida, and certifies that the facts stated in the Certificate of Payment to the Contractor are true and correct.

Dated this \_\_\_\_ day of \_\_\_\_\_, (year) 19\_\_\_\_.

(Name)
(Address)

STATE OF FLORIDA
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, (year) , by (name of person making statement) .

(Signature of Notary Public - State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

Sworn to and subscribed before me, the undersigned authority, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Name)
NOTARY PUBLIC
My Commission Expires:

(8) If the contractor disputes the certificate of payment to the contractor, the contractor must record, not later than 15 days after the date the clerk certifies service of the certificate, a sworn statement in substantially the following form:

NOTICE OF CONTEST OF PAYMENT

TO: Owner (name and address from certificate of payment)
Lienor (name and address from claim of lien)
Surety (name and address)

Under penalties of perjury, the undersigned certifies that the contractor has not been paid or has only been paid \$\_\_\_\_ for the labor, services, and materials described in the Certificate of Payment to the Contractor recorded in Official Records Book \_\_\_\_ at Page \_\_\_\_ of the Public Records of \_\_\_\_\_ County, Florida.

Dated this \_\_\_\_ day of \_\_\_\_\_, (year) 19\_\_\_\_.

(Name)
(Address)

STATE OF FLORIDA
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, (year) , by (name of person making statement) .

(Signature of Notary Public - State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

Sworn to and subscribed before me, the undersigned authority, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Name)
NOTARY PUBLIC
My Commission Expires:

Section 17. Paragraph (b) of subsection (1) of section 727.104, Florida Statutes, is amended to read:

727.104 Commencement of proceedings.—

(1)

(b) The assignment shall be in substantially the following form:

ASSIGNMENT

ASSIGNMENT, made this \_\_\_\_ day of \_\_\_\_\_, (year) 19\_\_\_\_, between \_\_\_\_\_, with a principal place of business at \_\_\_\_\_, hereinafter "assignor," and \_\_\_\_\_, whose address is \_\_\_\_\_, hereinafter "assignee."

WHEREAS, the assignor has been engaged in the business of \_\_\_\_\_;

WHEREAS, the assignor is indebted to creditors, as set forth in Schedule A annexed hereto, is unable to pay its debts as they become due, and is desirous of providing for the payment of its debts, so far as it is possible by an assignment of all of its assets for that purpose.

NOW, THEREFORE, the assignor, in consideration of the assignee's acceptance of this assignment, and for other good and valuable consideration, hereby grants, assigns, conveys, transfers, and sets over, unto the assignee, her or his successors and assigns, all of its assets, except such assets as are exempt by law from levy and sale under an execution, including, but not limited to, all real property, fixtures, goods, stock, inventory, equipment, furniture, furnishings, accounts receivable, bank deposits, cash, promissory notes, cash value and proceeds of insurance policies, claims and demands belonging to the assignor, wherever such assets may be located, hereinafter the "estate," as which assets are, to the best knowledge and belief of the assignor, set forth on Schedule B annexed hereto.

The assignee shall take possession and administer the estate in accordance with the provisions of chapter 727, Florida Statutes, and shall liquidate the assets of the estate with reasonable dispatch and convert the estate into money, collect all claims and demands hereby assigned as may be collectible, and pay and discharge all reasonable expenses, costs, and disbursements in connection with the execution and administration of this assignment from the proceeds of such liquidations and collections.

The assignee shall then pay and discharge in full, to the extent that funds are available in the estate after payment of administrative expenses, costs, and disbursements, all of the debts and liabilities now due from the assignor, including interest on such debts and liabilities. If funds of the estate shall not be sufficient to pay such debts and liabilities in full, then the assignee shall pay from funds of the estate such debts and liabilities, on a pro rata basis and in proportion to their priority as set forth in s. 727.114, Florida Statutes.

In the event that all debts and liabilities are paid in full, any funds of the estate remaining shall be returned to the assignor.

To accomplish the purposes of this assignment, the assignor hereby appoints the assignee its true and lawful attorney, irrevocable, with full power and authority to do all acts and things which may be necessary to execute the assignment hereby created; to demand and recover from all persons all assets of the estate; to sue for the recovery of such assets; to execute, acknowledge, and deliver all necessary deeds, instruments, and conveyances; and to appoint one or more attorneys under her or him to assist the assignee in carrying out her or his duties hereunder.

The assignor hereby authorizes the assignee to sign the name of the assignor to any check, draft, promissory note, or other instrument in writing which is payable to the order of the assignor, or to sign the name of the assignor to any instrument in writing, whenever it shall be necessary to do so, to carry out the purpose of this assignment.

The assignee hereby accepts the trust created by the assignment, and agrees with the assignor that the assignee will faithfully and without delay carry out her or his duties under the assignment.

\_\_\_\_\_  
Assignor  
\_\_\_\_\_  
Assignee

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_ SS: \_\_\_\_\_

The foregoing assignment was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, (year) 19\_\_\_\_, by \_\_\_\_\_, as assignor, and by \_\_\_\_\_, as assignee, for the purposes therein expressed.

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Section 18. Section 732.503, Florida Statutes, is amended to read:

732.503 Self-proof of will.—A will or codicil executed in conformity with s. 732.502(1) and (2) may be made self-proved at the time of its execution or at any subsequent date by the acknowledgment of it by the testator and the affidavits of the witnesses, each made before an officer authorized to administer oaths and evidenced by the officer's certificate attached to or following the will, in substantially the following form:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

We, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, having been sworn, declared to the undersigned officer that the testator, in the presence of witnesses, signed the instrument as the testator's last will (codicil), that the testator (signed) (or directed another to sign for him or her), and that each of the witnesses, in the presence of the testator and in the presence of each other, signed the will as a witness.

\_\_\_\_\_  
(Testator)  
\_\_\_\_\_  
(Witness)  
\_\_\_\_\_  
(Witness)

Subscribed and sworn to before me by \_\_\_\_\_, the testator a witness who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification, and by \_\_\_\_\_, a witness who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification, and by \_\_\_\_\_, a witness who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification, on \_\_\_\_\_, (year) 19\_\_\_\_.

\_\_\_\_\_  
(Signature of Notary Public)  
(Print, type, or stamp commissioned name of Notary Public)

My Commission Expires: \_\_\_\_\_

Section 19. Subsection (1) of section 747.051, Florida Statutes, is amended to read:

747.051 Summary procedure.—

(1) If the wife of any person defined as an absentee in s. 747.01(1), or his next of kin if said absentee has no wife, shall wish to sell or transfer any property of the absentee which has a gross value of less than \$5,000, or shall require the consent of the absentee in any matter regarding the absentee's children or in any other matter in which the gross value of the subject matter is less than \$5,000, she may apply to the circuit court for an order authorizing said sale, transfer, or consent without opening a full conservatorship proceeding as provided by this chapter. She may make the application without the assistance of an

attorney. Said application shall be made by petition on the following form, which form shall be made readily available to the applicant by the clerk of the circuit court:

In the Circuit Court

In re: \_\_\_\_\_ (Absentee) , case number \_\_\_\_\_.

PETITION FOR SUMMARY RELIEF

Petitioner, \_\_\_\_\_ (Name) , whose residence is \_\_\_\_\_ (Street & number) , \_\_\_\_\_ (City or town) , and \_\_\_\_\_ (County) , Florida, and who is the \_\_\_\_\_ (Describe relationship to absentee) of the absentee, \_\_\_\_\_ (Name) , states that the absentee has been \_\_\_\_\_ (Imprisoned or missing in action) since \_\_\_\_\_ (Date) when \_\_\_\_\_ (Describe details) . Petitioner desires to sell/transfer \_\_\_\_\_ (Describe property) of the value of \_\_\_\_\_ (Value) because \_\_\_\_\_ (Give reasons) . The terms of sale/transfer are \_\_\_\_\_ (Give reasons) . Petitioner requires the consent of the absentee for the purpose of \_\_\_\_\_.

\_\_\_\_\_  
(Petitioner)

State of Florida  
County of \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, (year) , by \_\_\_\_\_ (name of person making statement) .

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

The above named, \_\_\_\_\_, being by me duly sworn, says the foregoing petition is true and correct to the best of his/her knowledge and belief.  
\_\_\_\_\_  
(Notary Public or County Court Judge)

My commission expires \_\_\_\_\_

And the title is amended as follows:

On page 1, lines 2-22, delete those lines and insert: An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; authorizing the Executive Office of the Governor to contract for certain services; increasing the amount of the bond required of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete language; amending s. 117.04, F.S.; providing for acknowledgments by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; providing that the official seal and certificate of commission are the exclusive property of the notary public; providing a criminal penalty for unlawful possession of a notary public official seal or papers; specifying the elements of a notarial certificate; revising provisions relating to identification; deleting specified circumstances under which a signature may not be notarized; revising provisions relating to copying certain documents; requiring a notary public to make reasonable accommodations to provide notarial services to disabled persons; amending s. 117.10, F.S.; conforming a cross-reference; amending s. 117.103, F.S.; providing that a notary public's commission is not required to be filed with the clerk of the circuit court; providing for certification of the commission from the Secretary of State; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; providing a civil penalty; amending s. 117.20, F.S.; providing for electronic notarizations; amending s. 118.10, F.S.; redefining the terms "authentication instrument" and "Florida international notary"; revising requirements to become a Florida international notary; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, and 747.051, F.S.; revising certain forms;

Senator Silver moved the following amendment which failed:

**Amendment 2**—On page 1, delete line 28 and insert: subsection (4), and subsection (5) of section 117.01,

The vote was:

Yeas—8

Forman	Harris	Jones	Ostalkiewicz
Hargrett	Holzendorf	Meadows	Silver

Nays—22

Bankhead	Casas	Cowin	Dudley
Campbell	Clary	Crist	Dyer

Geller	Klein	Lee	Sullivan
Grant	Kurth	Myers	Williams
Gutman	Latvala	Rossin	
Horne	Laurent	Scott	

**THE PRESIDENT PRESIDING**

Senator Grant moved the following amendment which was adopted:

**Amendment 3 (with title amendment)**—On page 36, between lines 11 and 12, insert:

Section 17. Section 118.10, Florida Statutes, is amended to read:

118.10 *Civil-law Florida-international* notary.—

(1) As used in this section, the term:

(a) *“Authentic act”* ~~“Authentication instrument”~~ means an instrument executed by a *civil-law Florida-international* notary referencing this section, which includes the particulars and capacities to act of transacting parties, a confirmation of the full text of the instrument, the signatures of the parties or legal equivalent thereof, and the signature and seal of a *civil-law Florida-international* notary as prescribed by the Florida Secretary of State ~~for use in a jurisdiction outside the borders of the United States.~~

(b) *“Civil-law notary”* ~~“Florida-international notary”~~ means a person who is a member in good standing of *The Florida Bar* ~~admitted to the practice of law in this state~~, who has practiced law for at least 5 years, and who is appointed by the Secretary of State as a *civil-law Florida-international* notary.

(c) *“Protocol”* means a registry maintained by a *civil-law Florida-international* notary in which the acts of the *civil-law Florida-international* notary are archived.

(2) The Secretary of State shall have the power to appoint *civil-law Florida-international* notaries and administer this section.

(3) A *civil-law Florida-international* notary is authorized to issue *authentic acts and may administer an oath and make a certificate thereof when it is necessary for execution of any writing or document to be attested, protested, or published under the seal of a notary public authentication instruments for use in non-United States jurisdictions.* A *civil-law notary may also take acknowledgements of deeds and other instruments of writing for record, and solemnize the rites of matrimony, as fully as other officers of this state.* A *civil-law Florida-international* notary is not authorized to issue *authentic acts authentication instruments* for use in a ~~non-United States~~ jurisdiction if the United States Department of State has determined that the jurisdiction does not have diplomatic relations with the United States or is a terrorist country, or if trade with the jurisdiction is prohibited under the Trading With the Enemy Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.

~~(4) The authentication instruments of a Florida-international notary shall not be considered authentication instruments within the borders of the United States and shall have no consequences or effects as authentication instruments in the United States.~~

~~(4)(5) The authentic acts, oaths and acknowledgements, and solemnizations authentication instruments of a civil-law Florida-international notary shall be recorded in the civil-law Florida-international notary's protocol in a manner prescribed by the Secretary of State.~~

~~(5)(6) The Secretary of State may adopt rules prescribing:~~

(a) The form and content of signatures and seals or their legal equivalents for *authentic acts authentication instruments*;

(b) Procedures for the permanent archiving of *authentic acts, maintaining records of acknowledgments, oaths and solemnizations, and procedures for the administration of oaths and taking of acknowledgments authentication instruments*;

(c) The charging of reasonable fees to be retained by the Secretary of State for the purpose of administering this section;

(d) Educational requirements and procedures for testing applicants' knowledge of the effects and consequences associated with *authentic acts authentication instruments in jurisdictions outside the United States*;

(e) Procedures for the disciplining of *civil-law Florida-international* notaries, including the suspension and revocation of appointments for misrepresentation or fraud regarding the *civil-law Florida-international* notary's authority, the effect of the *civil-law Florida-international* notary's *authentic acts authentication instruments*, or the identities or acts of the parties to a transaction; and

(f) Other matters necessary for administering this section.

~~(6)(7) The Secretary of State shall not regulate, discipline or attempt to discipline, or establish any educational requirements for any civil-law Florida-international notary for, or with regard to, any action or conduct that would constitute the practice of law in this state, except by agreement with The Florida Bar.~~ The Secretary of State shall not establish as a prerequisite to the appointment of a *civil-law Florida-international* notary any test containing any question that inquires of the applicant's knowledge regarding the practice of law in the United States, *except by agreement with The Florida Bar.*

~~(7) The powers of civil law notaries include, but are not limited to, all of the powers of a notary public under any law of this state.~~

(8) This section shall not be construed as abrogating the provisions of any other act relating to notaries public, attorneys, or the practice of law in this state.

Section 18. Section 695.03, Florida Statutes, is amended to read:

695.03 Acknowledgment and proof; validation of certain acknowledgments; legalization or authentication before foreign officials.—To entitle any instrument concerning real property to be recorded, the execution must be acknowledged by the party executing it, proved by a subscribing witness to it, or legalized or authenticated by a civil-law notary or notary public who affixes her or his official seal, before the officers and in the form and manner following:

(1) WITHIN THIS STATE.—An acknowledgment or proof made within this state may be made before a judge, clerk, or deputy clerk of any court; a United States commissioner or magistrate; or a notary public or *civil-law notary of this state*, and the certificate of acknowledgment or proof must be under the seal of the court or officer, as the case may be. All affidavits and acknowledgments heretofore made or taken in this manner are hereby validated.

(2) WITHOUT THIS STATE BUT WITHIN THE UNITED STATES.—An acknowledgment or proof made out of this state but within the United States may be made before a *civil-law notary of this state* or a commissioner of deeds appointed by the Governor of this state; a judge or clerk of any court of the United States or of any state, territory, or district; a United States commissioner or magistrate; or a notary public, justice of the peace, master in chancery, or registrar or recorder of deeds of any state, territory, or district having a seal, and the certificate of acknowledgment or proof must be under the seal of the court or officer, as the case may be. If the acknowledgment or proof is made before a notary public who does not affix a seal, it is sufficient for the notary public to type, print, or write by hand on the instrument, "I am a Notary Public of the State of (state), and my commission expires on (date)."

(3) WITHIN FOREIGN COUNTRIES.—If the acknowledgment, legalization, authentication, or proof is made in a foreign country, it may be made before a commissioner of deeds appointed by the Governor of this state to act in such country; before a ~~civil-law notary or~~ notary public of such foreign country *or a civil-law notary of this state or of such foreign country* who has an official seal; before an ambassador, envoy extraordinary, minister plenipotentiary, minister, commissioner, charge d'affaires, consul general, consul, vice consul, consular agent, or other diplomatic or consular officer of the United States appointed to reside in such country; or before a military or naval officer authorized by the Laws or Articles of War of the United States to perform the duties of notary public, and the certificate of acknowledgment, legalization, authentication, or proof must be under the seal of the officer. A certificate legalizing or authenticating the signature of a person executing an instrument concerning real property and to which a civil-law notary or notary public of that country has affixed her or his official seal is sufficient as an acknowledgment. For the purposes of this section, the term "civil-law notary" means a *civil-law notary as defined in chapter 118* or an official of a foreign country who has an official seal and who is authorized to make legal or lawful the execution of any document in that jurisdiction,

in which jurisdiction the affixing of her or his official seal is deemed proof of the execution of the document or deed in full compliance with the laws of that jurisdiction.

All affidavits, legalizations, authentications, and acknowledgments heretofore made or taken in the manner set forth above are hereby validated.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: amending s. 118.10, F.S.; providing for civil-law notaries in lieu of Florida international notaries; providing requirements for becoming a civil-law notary; providing definitions; providing for "authentic acts," in lieu of "authentication instruments"; providing powers of civil-law notaries; providing educational requirements; providing for discipline; amending s. 695.03, F.S., relating to acknowledgement and proof of certain instruments concerning real property; including civil-law notaries as officials before whom acknowledgements of proof may be made;

Pursuant to Rule 4.19, **CS for HB 1125** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

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

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—On page 6, between lines 15 and 16, insert:

Section 6. Subsection (7) is added to section 627.419, Florida Statutes, to read:

627.419 Construction policies.—

(9) *Notwithstanding any other provision of law, any health insurance policy, health care services plan, or other contract which provides anatomic pathology or clinical laboratory coverage, benefits or services which are performed or directed by pathologists licensed pursuant to chapter 458 or chapter 459 shall provide for payment to the provider for professional services.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 19, after the first semicolon (;) insert: amending s. 627.419, F.S., providing for certain provider payments to pathologists;

Pursuant to Rule 4.19, **CS for SB 228** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Harris—

**CS for SB 1258**—A bill to be entitled An act relating to health care; creating s. 381.0045, F.S.; creating the "Targeted Outreach for Pregnant Women Act of 1998"; providing purpose; requiring the Department of Health to establish a pilot program; providing requirements; requiring interim and final reports; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—On page 4, delete line 27 and insert:

Section 4. *There is appropriated to the Department of Health from the Tobacco Settlement Trust Fund the sum of \$15 million to replace the Tampa Branch Health Laboratory and the sum of \$600,000 for the Healthy Moms and Healthy Babies facility at the University of South Florida.*

Section 5. This act shall take effect October 1, 1998, except that this section and section 4 of this act shall take effect July 1, 1998.

And the title is amended as follows:

On page 1, lines 8 and 9, delete those lines and insert: reports; providing appropriations; providing effective dates.

Pursuant to Rule 4.19, **CS for SB 1258** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

**CS for HB 3227**—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; redefining the term "qualified professional" for purposes of providing certain substance abuse assessment or treatment services; requiring persons certified to provide such services in other states to meet Florida's certification requirements within a specified period after employment in this state; providing a grandfather clause for a specified period for persons with certain qualifications and experience; providing that certain certified professionals are exempt from meeting the additional statutory requirements for a qualified professional; providing an effective date.

—which was previously considered this day. Pending **Amendment 1** by Senator Cowin was withdrawn.

Pursuant to Rule 4.19, **CS for HB 3227** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1660** was deferred.

On motion by Senator Brown-Waite—

**CS for CS for SB 208**—A bill to be entitled An act relating to nursing home facilities; amending s. 400.121, F.S.; providing for an expedited administrative hearing upon the request of a licensee following an action by the Agency for Health Care Administration to suspend, deny, or revoke a facility's license; creating s. 400.215, F.S.; requiring certain nursing home facilities to investigate the background of their employees and of certain applicants for employment; providing for rescreening; specifying the period for which screenings are to remain valid, subject to certain conditions; authorizing nursing home facility administrators to acknowledge the receipt of background screening reports; requiring employees and applicants to pay the costs associated with background screening investigations; requiring the Department of Health and the Agency for Health Care Administration to determine certain exemptions from disqualification from employment; authorizing rulemaking; amending s. 415.107, F.S.; providing that the Department of Children and Family Services may impose a charge in an amount up to the actual cost for screening a volunteer; providing for applicability; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 208 to CS for HB's 3089 and 171**.

Pending further consideration of **CS for CS for SB 208** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for HB's 3089 and 171** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Brown-Waite—

**CS for HB's 3089 and 171**—A bill to be entitled An act relating to nursing facilities; amending s. 400.121, F.S.; providing procedure for administrative hearings on certain actions to deny, suspend, or revoke a nursing facility's license; creating s. 400.215, F.S.; requiring background screening for certain nursing facility employees; providing requirements for employers and employees; authorizing conditional status for certain employees; requiring the Agency for Health Care Administration to establish and maintain a database and provide certain information; providing for screening fees; providing for exemptions from disqualification; providing an exemption from rescreening for certain persons; providing for certain sharing of screening information among employers; providing for adoption of rules; specifying dates and conditions for compliance by employees and new applicants; repealing s. 400.211(5), F.S., relating to screening requirements for certified nursing assistants; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 208** as amended and read the second time by title.

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

**Amendment 1**—On page 5, line 3, after the period (.) insert: *The Department of Law Enforcement shall charge the agency for a level 1 or level 2 screening a rate sufficient to cover the costs of such screening pursuant to s. 943.053(3).*

Pursuant to Rule 4.19, **CS for HB's 3089 and 171** as amended was placed on the calendar of Bills on Third Reading.

**MOTION**

On motion by Senator Diaz-Balart, the rules were waived and time of recess was extended until completion of **CS for SB 390**, motions and announcements.

On motion by Senator Holzendorf, by two-thirds vote **CS for HB 159** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Holzendorf—

**CS for HB 159**—A bill to be entitled An act relating to community colleges; amending s. 240.498, F.S., relating to the Florida Education Fund; establishing the Community Faculty Diversity Program; providing for fellowships; requiring service or repayment; providing an effective date.

—a companion measure, was substituted for **CS for SB 390** and read the second time by title.

Senator Holzendorf moved the following amendment:

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

Section 1. Subsection (9) is added to section 240.498, Florida Statutes, to read:

240.498 Florida Education Fund.—

*(9) There is created the Community College Faculty Diversity Program of the Florida Education Fund, a collaborative effort of the State Board of Community Colleges and the Florida Education Fund, to provide the opportunity for ethnic minorities and women to attain greater representation as faculty, executive, administrative, and managerial personnel in the State Community College System. The faculty diversity program shall be limited to a fellowship program to be administered by the board of directors of the Florida Education Fund for this purpose.*

*(a) The board of directors shall provide, from funds appropriated for this purpose, financial, academic, and other support to those who are selected for participation in this program.*

*(b) The selection of participants must be made in accordance with policies established by the Florida Education Fund and adopted by the board of directors for that purpose and must be based, at least in part, on an assessment of potential for success, merit, and financial need. Such selection must be based in part upon whether the participants will be representative of geographic areas throughout the state. First preference must be given to participants who are employed by institutions where ethnic minorities and women are underrepresented in faculty and executive-level positions.*

*(c) Funds for this program must be appropriated directly to the Florida Education Fund to be distributed appropriately between the sponsoring institution and the selected fellows.*

*(d) Participants must agree in writing to return to the employing community college for a period of time equal to the amount of time for which the participant received aid, up to 3 years, or to repay the amount of aid received.*

*(e) During the period of participation, the community college that employs the fellow must agree to continue the fellow on the payroll at full salary and benefits, based on the salary earned by the participant at the time of initial entry into the program.*

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

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to universities and community colleges; amending s. 240.498, F.S., relating to the Florida Education Fund; establishing the Community Faculty Diversity Program; providing for awarding fellowships; requiring service or repayment; providing requirements of participants' employers; providing an effective date.

WHEREAS, the Florida Legislature recognizes the underrepresentation of ethnic and gender minorities as faculty and executive, administrative, and managerial personnel in Florida community colleges, and

WHEREAS, the Florida Legislature is interested in increasing the number of ethnic and gender minorities employed in these positions, and

WHEREAS, national availability statistics indicate a severe shortage of minorities holding the requisite degrees to enter the pool as faculty senior-level employees in Florida community colleges, and

WHEREAS, the Florida Legislature wishes to establish a means by which to develop, use, promote, and maintain human resources currently employed in the Florida Community College System, NOW, THEREFORE,

Senator Holzendorf moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (with title amendment)**—On page 2, between lines 25 and 26, insert:

Section 2. *The sum of \$250,000 is appropriated from the General Revenue Fund to the Community College Faculty Diversity Program for Fiscal Year 1998-1999 to implement this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 9, after the semicolon (;) insert: providing an appropriation;

Senators Holzendorf and Sullivan offered the following amendment to **Amendment 1** which was moved by Senator Holzendorf and adopted:

**Amendment 1B (with title amendment)**—On page 2, between lines 25 and 26, insert:

Section 2. Subsection (1) of section 228.055, Florida Statutes, is amended to read:

228.055 Regional autism centers.—

(1) Six Five regional autism centers are established to provide non-residential resource and training services for persons of all ages and of

all levels of intellectual functioning who have autism, as defined in s. 393.063; who have a pervasive developmental disorder that is not otherwise specified; who have an autistic-like disability; who have a dual sensory impairment; or who have a sensory impairment with other handicapping conditions. Each center shall be operationally and fiscally independent and shall provide services within its geographical region of the state. Each center shall coordinate services within and between state and local agencies and school districts but may not duplicate services provided by those agencies or school districts. The respective locations and service areas of the centers are:

(a) The Department of Communication Disorders at Florida State University, which serves Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties.

(b) The College of Medicine at the University of Florida, which serves Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Orange, Osceola, Putnam, Seminole, Sumter, Suwannee, and Union Counties.

(c) The University of Florida Health Science Center at Jacksonville, which serves Baker, Brevard, Clay, Duval, Flagler, Nassau, and St. Johns, and Volusia Counties.

(d) The Florida Mental Health Institute at the University of South Florida, which serves Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Okeechobee, Pasco, Pinellas, Polk, St. Lucie, and Sarasota Counties.

(e) The Mailman Center for Child Development at the University of Miami, which serves Broward, Dade, Monroe, and Palm Beach Counties.

(f) *The College of Health and Public Affairs at the University of Central Florida, which serves Brevard, Lake, Orange, Osceola, Seminole, Sumter, and Volusia Counties.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 9, after the semicolon (;) insert: increasing number of regional autism centers;

Senator Holzendorf moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1C (with title amendment)**—On page 2, between lines 25 and 26, insert:

Section 2. (1) *There is created the Leadership Board for Applied Research and Public Service to be staffed by the Institute of Science and Public Affairs at Florida State University. The purpose of the board is to focus, coordinate, and maximize university resources on current issues and events affecting Florida's residents and elected officials. Emphasis shall be placed on being responsive to and providing accurate, timely, useful, and relevant information to decisionmakers in state and local governments. The board shall set forth a process to provide comprehensive guidance and advice for improving the types and quality of services to be delivered by the State University System. Specifically, the board shall better identify and define the missions and roles of existing institutes and centers within the State University System, work to eliminate duplication and confusion over conflicting roles and missions, involve more students in learning with applied research and public service activities, and be organizationally separate from academic departments. The board shall meet at least quarterly. The board may create internal management councils that may include working institute and center directors. The board is responsible for, but is not limited to:*

(a) *Providing strategic direction, planning, and accompanying decisions that support a coordinated applied public service and research approach in the state.*

(b) *Addressing State University System policy matters and making recommendations to the Board of Regents as they relate to applied public service and research.*

(c) *Serving as a clearinghouse for services requested by public officials.*

(d) *Providing support for funding and fiscal initiatives involving applied public service and research.*

(2) *Membership of the board shall be:*

(a) *The Chancellor of the Board of Regents, who shall serve as chair.*

(b) *The director of the Office of Planning and Budgeting of the Executive Office of the Governor.*

(c) *The Secretary of the Department of Management Services.*

(d) *The Director of Economic and Demographic Research.*

(e) *The Director of the Office of Program Policy Analysis and Government Accountability.*

(f) *The President of the Florida League of Cities.*

(g) *The President of the Florida Association of Counties.*

(h) *The President of the Florida School Board Association.*

(i) *Five additional university president members, designated by the Chancellor, to rotate annually.*

(3) *The board shall prepare a report for the Board of Regents to be submitted to the Governor and the Legislature by January 1 of each year which summarizes the work and recommendations of the board in meeting its purpose and mission.*

Section 3. *For the 1998-1999 fiscal year, a recurring sum of \$450,000 is appropriated from the General Revenue Fund to the Leadership Board for Applied Research and Public Service.*

Section 4. *For the 1998-1999 fiscal year, \$200,000 is appropriated from the General Revenue Fund to the State Agency Dispute Resolution Demonstration Project at Florida State University.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 9, after the semicolon (;) insert: creating the Leadership Board for Applied Research and Public Service; providing for its membership and duties; providing an appropriation for the board; providing an appropriation for the State Agency Dispute Resolution Demonstration Project;

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for HB 159** as amended was placed on the calendar of Bills on Third Reading.

## RECONSIDERATION OF BILL

On motion by Senator Diaz-Balart, the rules were waived and—

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

—was recalled from Engrossing.

On motion by Senator Diaz-Balart, the Senate reconsidered the vote by which **Amendment 1** was adopted.

On motion by Senator Diaz-Balart, further consideration of **CS for SB 228** with pending **Amendment 1** was deferred.



**MOTION**

On motion by Senator Diaz-Balart, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, April 23.

**REPORTS OF COMMITTEES**

The Committee on Rules and Calendar submits the following Special and Continuing Order Calendar for Wednesday, April 22 and Thursday, April 23, 1998: CS for SB 1258, CS for CS for SB 1660, CS for CS for SB 208, CS for SB 390, CS for SB 726, SB 2242, SB 2222, CS for CS for SB 1044, CS for SB 248, CS for SB 544, CS for CS for SB 646, SB 756, CS for CS for SB 294, CS for SB 2474, CS for SB 1872, CS for SB 1466, SB 2504, CS for CS for SB 1024, SB 2534, CS for SB 2000, CS for SB 1960, SB 316, SB 1730, CS for SB 1192, CS for SB 1460, SB 2316, CS for SB 368, CS for SB 266, CS for SB 1540, CS for SB 1440, CS for SB 1908, CS for SB 2110, CS for SB 1230, CS for SB 2086, CS for SB 86, SB 282, CS for SB 720, CS for SB 840, CS for SB 506, CS for SB 1294, CS for CS for CS for SB 1432, SB 2478, CS for CS for SB 2288, CS for SB 1160, CS for SB 1626, CS for SB 1684, CS for SB 1722, SB 1976, CS for SB 1452, CS for SB 1736, SB 1306, CS for CS for SB 502, CS for SB 2324, CS for SB 2128, CS for SB 2092, SB 400, CS for SB 2346, CS for SB 1752, SB 854, CS for SB 514, CS for SB 152, SB 978, CS for SB 926, CS for SB 2076, SB 1738, CS for SB 2004, CS for SB 932, SB 1404, CS for SB 1430, CS for SB 1256, CS for SB 1506, CS for SB 1624, HB 3509

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

The Committee on Ways and Means recommends the following pass: SB 936 with 1 amendment

**The bill was referred to the Committee on Commerce and Economic Opportunities under the original reference.**

The Committee on Judiciary recommends the following pass: SB 2016 with 1 amendment

The Committee on Ways and Means recommends the following pass: SB 470 with 2 amendments, CS for CS for SB's 1190 and 868, SB 2332 with 1 amendment, SB 2370, SB 2372, SB 2374, SB 2376, SB 2378, SB 2380, SB 2382, SB 2384, SB 2386, SB 2388, SB 2390, SB 2392, SB 2394, SB 2396, SB 2398, SB 2400, SB 2402, SB 2404, SB 2406 with 1 amendment, SB 2408, SB 2410, SB 2412, SB 2414, SB 2416, SB 2418, SB 2420, SB 2422 with 1 amendment, SB 2424 with 1 amendment, SB 2426, SB 2428, SB 2430, SB 2432, SB 2434, SB 2436, SB 2438, SB 2440, SB 2442, SB 2444, SB 2446, SB 2448, SB 2450, SB 2452, SB 2456, SB 2458, SB 2460, SB 2462, SB 2464, SB 2466, SB 2490, SB 2492, SB 2494, SB 2496, SB 2498, SB 2506, SB 2508, SB 2510, SB 2512, SB 2514, SB 2516, SB 2518, SB 2520

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2008

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 1740

The Committee on Ways and Means recommends a committee substitute for the following: SB 1608

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

The Committee on Natural Resources recommends a committee substitute for the following: Senate Bills 2024 and 2648

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1556

The Committee on Education recommends committee substitutes for the following: SB 1852, SB 2214

The Committee on Health Care recommends a committee substitute for the following: SB 1170

The Committee on Natural Resources recommends a committee substitute for the following: SB 1396

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 2230

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

The Committee on Education recommends a committee substitute for the following: SB 2180

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

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1382, SB 2274

**The bills with committee substitutes attached were referred to the Committee on Transportation under the original reference.**

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: CS for SB 1594

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 2336

The Committee on Criminal Justice recommends committee substitutes for the following: SB 702, SB 1122, SB 1216

The Committee on Education recommends committee substitutes for the following: SB 1374, SB 1536, SB 1854

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: CS for SB 1604

The Committee on Regulated Industries recommends a committee substitute for the following: SB 440

The Committee on Transportation recommends a committee substitute for the following: Senate Bills 1492 and 1242

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1064

The Committee on Natural Resources recommends a committee substitute for the following: SB 1338

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1558

The Committee on Transportation recommends committee substitutes for the following: CS for CS for SB 92, CS for SB 604, CS for SB 1366

The Committee on Ways and Means recommends committee substitutes for the following: CS for SB 1554, SB 1686, SB 1688, SB 1690, SB 1692, SB 1694, SB 1696

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

**INTRODUCTION AND REFERENCE OF BILLS**

**FIRST READING**

By Senator Campbell—

**SB 2702**—A bill to be entitled An act relating to the West Parkland Water Management District, Broward County; repealing chapter 75-353, Laws of Florida, which creates the West Parkland Water Management District, to abolish the West Parkland Water Management District; transferring all obligations and assets to the City of Parkland; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

**SB 2704**—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 political subdivision of the State of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dudley—

**SB 2706**—A bill to be entitled An act relating to Central County Water Control District in Hendry County; amending chapter 70-702, Laws of Florida, as amended; requiring that two of the five supervisors of the district be elected by a vote of qualified electors residing in the district and establishing qualifications and procedures therefor; changing the annual meeting date; requiring payment of special assessments as a condition for voting at an annual meeting; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

**SB 2708**—A bill to be entitled An act relating to the South Broward Drainage District, Broward County; codifying the district's charter, chapter 67-904, Laws of Florida, as amended; providing that South Broward Drainage District is an independent special district; providing that all officers and employees of the district on the effective date of this act shall continue to hold their respective offices until their successors are elected or appointed; changing name of district manager to district director; revising obsolete agency and department references; providing for the district's plan for the drainage and reclamation of lands within the district to remain in full force and effect; deleting interest rate

provisions which conflict with section 31 of district's charter; deleting provision authorizing assessment of a tax on lands within the district which belong to the county, school district, or other political subdivisions; providing for deletion of obsolete or no longer required proceedings; revising inconsistent provisions; adding a brief description of sections of district charter which are not described; repealing all prior special acts of the Legislature relating to the South Broward Drainage District except as stated; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

**SB 2710**—A bill to be entitled An act relating to Tindall Hammock Irrigation and Soil Conservation District, Broward County; codifying the district's charter, chapter 27428, Laws of Florida, 1951, as amended; providing a provision that the district is an independent special district; providing for the appointment of the board of supervisors; providing for correction of scrivener's errors; revising obsolete constitution and statute references; revising obsolete roadway and agency references; providing that all rights, title, and ownership of property owned by the district will continue to be owned by the district and that all obligations, contracts, rules, resolutions, and regulations of the district will continue in effect and be valid as to the district; repealing all prior special acts of the Legislature relating to the Tindall Hammock Irrigation and Soil Conservation District; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Jones—

**SB 2712**—A bill to be entitled An act relating to Monroe County; amending ch. 97-345, Laws of Florida; correcting a scrivener's error; repealing ch. 89-410, Laws of Florida, and ch. 89-461, Laws of Florida, relating to the classified service of the sheriff's office; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dudley—

**SB 2714**—A bill to be entitled An act relating to the Bonita Springs Fire Control and Rescue District, Lee County; providing for a codification of special laws relating to the Bonita Springs Fire Control and Rescue District pursuant to s. 191.015, F.S.; providing legislative intent; codifying reenacting and amending all prior special acts; creating and establishing a fire control and rescue district in said county and fixing the boundaries of district; providing for a governing body; prescribing the powers of the board; authorizing the board to establish and maintain emergency medical services and equipment; authorizes the board to make rules and regulations; providing procedure for adopting a budget, giving the board the power to tax; providing procedure for assessing and collecting taxes; limiting tax collector's responsibility; providing for payment of expenses; requiring the treasurer to post a bond; providing that such act shall be construed liberally; providing for severability; providing for the repeal of chapters 65-1828, 68-90, 69-1242, 81-414, 96-500, and 96-545, Laws of Florida, and section 6 of 87-447, 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.

**SR 2716**—Not referenced.

By Senator Williams—

**SB 2718**—A bill to be entitled An act relating to the Town of Horse-shoe Beach, Dixie County; authorizing unrestricted use of fuel taxes under certain circumstances; providing an effective date.

Proof of publication of the required notice was attached.

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

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committees on Transportation; Governmental Reform and Oversight; Judiciary; and Senators Grant, Casas, Bronson and Kirkpatrick—

**CS for CS for CS for SB 92**—A bill to be entitled An act relating to public works; amending s. 73.0511, F.S.; providing for dispute resolution before the initiation of an eminent domain proceeding; providing for prelitigation notice by the condemning authority to fee owners and business owners; providing requirements with respect to written offers; providing for requests for business information; providing for exchange of appraisals and other documents; providing for letters of initial concern; providing for conferences between the parties; providing for disclosure of business records; providing for offers of business damages and counteroffers; providing for negotiations, mediation, and settlement; requiring the use of certified mail for delivery of certain documents; providing for notice in certain inverse condemnation proceedings; allowing modification of certain provisions by mutual agreement; amending s. 73.071, F.S.; revising provisions with respect to compensation that may be awarded by determination of a jury; revising circumstances under which compensation may be paid for damage to a business; allowing evidence of ability to mitigate damages; amending s. 73.092, F.S.; revising attorney's fees; amending s. 337.25, F.S., relating to the acquisition, lease, and disposal of real and personal property; conforming cross-references to changes made by the act; providing a statement of important state interest; repealing s. 337.27(2), s. 348.0008(2), s. 348.759(2), s. 348.957(2), s. 337.271, F.S., relating to the power of certain condemning authorities to acquire whole parcels of property; requiring that the Department of Transportation report to the Governor and the Legislature on the cost and effectiveness of certain provisions of the act; creating a working group to study the feasibility of establishing certain business assistance programs; providing for membership of the working group; requiring a report to the Governor and the Legislature; amending ss. 215.20, 215.22, F.S.; exempting certain proceeds of the county fuel tax and the Local Option Fuel Tax Trust Fund from the service charge paid into the General Revenue Fund; providing a schedule for implementing the exemption; amending s. 253.82, F.S.; providing for all transportation easements acquired under the Murphy Act to be conveyed to the Department of Transportation or the governmental entity currently having title to the adjacent roadway; requiring the establishment of a procedure for review of deeds containing transportation reservations acquired under the Murphy Act; setting requirements for the review process; providing for compensation of certain property owners when the reservation denies current economic use of the property; providing for mediation or arbitration; amending ss. 712.04, 712.05, F.S.; providing for the release of certain easements held by governmental entities; providing for preservation of certain road easement reservations pursuant to a road project scheduled to begin within a specified period; amending s. 479.15, F.S.; providing for relocation of lawful nonconforming signs; amending s. 337.19, F.S.; authorizing suits to be brought against the department for the breach of an expressed provision or an implied covenant; providing that liability may not be based on an oral modification of the written contract; providing effective dates.

By the Committee on Regulated Industries—

**CS for SB 440**—A bill to be entitled An act relating to pari-mutuel wagering; reviving and reenacting s. 550.09515, F.S., relating to thoroughbred horse taxes; reviving and reenacting s. 550.2625, F.S., relating

to thoroughbred horse purses; amending s. 550.615, F.S.; providing that certain permitholders are required or authorized to make broadcast signals available to other permitholders; amending s. 26 of chapter 96-364, Laws of Florida, abrogating the expiration of certain amendments to ss. 550.09515, 550.2625, F.S.; providing an effective date.

By the Committees on Transportation, Criminal Justice and Senators Lee and Forman—

**CS for CS for SB 604**—A bill to be entitled An act relating to the operation of vehicles or vessels while under the influence; amending s. 316.193; providing for impoundment or immobilization of a vehicle; providing circumstances for dismissal of the impoundment or immobilization order; amending s. 327.35, F.S.; providing for impoundment or immobilization of a vessel; providing circumstances for dismissal of a court's impoundment or immobilization order; providing an effective date.

By the Committee on Criminal Justice and Senators Grant, Casas, Latvala and Lee—

**CS for SB 702**—A bill to be entitled An act relating to elections; providing a short title; providing a statement of legislative intent; amending s. 104.271, F.S.; expanding applicability of the prohibition against making false or malicious charges against, or false statements about, candidates; eliminating the requirement of actual malice in the prohibition against making false statements about candidates and providing for personal liability with respect thereto; clarifying and providing penalties; providing an effective date.

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

**CS for SB 1064**—A bill to be entitled An act relating to persons not legally authorized for employment; amending s. 287.012, F.S.; providing that, to be a "qualified bidder" with respect to providing personal property or services, a person must comply with any contract conditions prohibiting the employment of persons not legally authorized for such employment; amending s. 287.057, F.S.; requiring that invitations to bid, requests for proposal, and contracts shall contain notice specifying that contracts with a contractor who knowingly employs persons not legally authorized for such employment shall be subject to cancellation; providing the process for such cancellation; providing an effective date.

By the Committee on Criminal Justice and Senators Forman and Campbell—

**CS for SB 1122**—A bill to be entitled An act relating to child care facilities; creating the "Jeremy Fiedelholz Safe Day Care Act"; amending s. 402.319, F.S.; providing a penalty for making misrepresentations to certain persons regarding licensure or operation of a child care facility or family day care home; providing a penalty for culpable negligence or intentional act and the parent or guardian relied on a misrepresentation; amending s. 921.0022, F.S.; providing for ranking of violation on the offense severity ranking chart; providing an effective date.

By the Committee on Health Care and Senator Myers—

**CS for SB 1170**—A bill to be entitled An act relating to public hospital meetings and records; amending s. 395.3035, F.S.; defining "strategic plan" for purposes of provisions that provide for the confidentiality of such plans and of meetings relating thereto; providing an exemption from open meetings requirements for meetings at which such plans are modified or approved by the hospital's governing board; providing for public meeting and notice regarding strategic plans; providing for future review and repeal; authorizing the governing board of a public hospital to study issues relating to reduction or termination of a health service; requiring a public meeting for presentation of proposals; providing for public comment; restricting governing board adoption to proposals pres-

ented; providing conditions for the early release of transcripts of meetings at which such plans are discussed; prohibiting public hospitals from taking certain specified actions at closed meetings; requiring a public meeting prior to implementation of a strategic plan; requiring notice and access to certain materials upon request; providing a finding of public necessity; providing an effective date.

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By the Committee on Criminal Justice and Senator Crist—

**CS for SB 1216**—A bill to be entitled An act relating to corrections; amending s. 945.485, F.S., relating to subsistence fees with respect to prisoners; requiring a state correctional facility, or the Department of Corrections acting in its behalf, to seek reimbursement for costs of incarceration for a prisoner, including certain medical and dental expenses, which have not been reimbursed as otherwise provided by law; specifying order of sources of reimbursement; providing for deduction of the costs from the prisoner's cash account, placement of a lien against the account or the prisoner's other personal property, or reimbursement from the proceeds of the prisoner's insurance policy, health care corporation proceeds, or other source; providing that the lien may be carried over to future incarceration under certain circumstances; requiring the prisoner to cooperate with such reimbursement efforts; providing for sanctions in case of willful refusal to cooperate, including placement of a lien against the prisoner's cash account or other personal property and ineligibility to receive incentive gain-time; clarifying that the department is responsible for reimbursement efforts at the private correctional facilities; creating a task force within the Department of Corrections to investigate and analyze strategies to use in seeking reimbursement for inmate health care costs incurred during incarceration; providing an effective date.

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By the Committee on Natural Resources and Senator Latvala—

**CS for SB 1338**—A bill to be entitled An act relating to a special election to be held on September 1, 1998, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of Florida of a joint resolution amending Section 11 of Article VII of the State Constitution, which authorizes the issuance of state bonds to finance or refinance conservation, outdoor recreation, and water resource development projects; providing an effective date.

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

**CS for CS for SB 1366**—A bill to be entitled An act relating to motor vehicles; amending s. 521.004, F.S.; modifying the disclosure form for a motor vehicle lease; amending s. 681.102, F.S.; modifying definitions applicable to motor vehicle sales warranties; providing an effective date.

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By the Committee on Education and Senator Campbell—

**CS for SB 1374**—A bill to be entitled An act relating to education; creating the "Florida Maximum Class Size Goals Act"; providing intent; providing goals relating to class size in certain grade levels; providing for funding; providing for review of statutory mandates; requiring annual reports and a study based on class size reductions; amending s. 233.0612, F.S.; encouraging school boards to install character-development programs in elementary schools; providing an effective date.

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By the Committee on Criminal Justice and Senator Forman—

**CS for SB 1382**—A bill to be entitled An act relating to the operation of vehicles or vessels while under the influence; amending s. 316.193; providing for impoundment or immobilization of a vehicle; providing circumstances for dismissal of the impoundment or immobilization order; amending s. 327.35, F.S.; providing for impoundment or immobilization of a vessel; providing circumstances for dismissal of a court's impoundment or immobilization order; providing an effective date.

By the Committee on Natural Resources and Senators Sullivan, Crist, Lee, Diaz-Balart, Williams, Holzendorf, Kirkpatrick, Bronson, Brown-Waite, Forman, Harris, Ostalkiewicz, Klein, Thomas, McKay, Grant, Clary and Myers—

**CS for SB 1396**—A bill to be entitled An act relating to greenways and trails; providing purposes; amending s. 110.501, F.S.; revising the definition of "volunteer" to include persons who consent to certain use of real property; amending s. 260.012, F.S.; revising declaration of policy and legislative intent relating to the "Florida Greenways and Trails Act"; creating s. 260.0125, F.S.; providing rights and benefits of landowners whose lands are designated as greenways or trails; requiring the Department of Environmental Protection to post certain notices of trespass; providing for penalties; amending s. 260.013, F.S.; revising definitions; amending s. 260.014, F.S.; requiring the landowner's specific written consent for designation of lands as a part of the statewide system of greenways and trails; amending ss. 260.0141 and 260.018, F.S.; restricting certain construction or use of planning materials; amending s. 260.016, F.S., relating to powers of the department; providing for rules; providing penalties; providing for fees; providing for a process for designation of lands as a part of the state system of greenways and trails; authorizing negotiations with private landowners; authorizing incentives for certain landowners; directing the Department of Environmental Protection to erect a suitable memorial to Marjorie Harris Carr on the Cross Florida Greenways State Recreation Area; amending s. 259.041, F.S.; authorizing the Division of State Lands to use appraisals provided by a public agency or nonprofit organization; amending s. 259.101, F.S.; revising the date that certain unencumbered funds in the Preservation 2000 Trust Fund will be redistributed; providing for the sale of specified lands by the Board of Trustees of the Internal Improvement Trust Fund; providing for the deposit of funds from the sale; providing an effective date.

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By the Committee on Transportation and Senators Hargrett and Forman—

**CS for SB's 1492 and 1242**—A bill to be entitled An act relating to the transportation disadvantaged; creating s. 186.024, F.S.; requiring agencies to develop a joint strategic plan for providing services to the transportation disadvantaged; amending s. 427.011, F.S.; revising definitions; amending s. 427.012, F.S.; revising the membership of the Commission for the Transportation Disadvantaged; amending s. 427.013, F.S.; revising the purpose and responsibilities of the commission; creating s. 427.0133, F.S.; establishing functions and responsibilities of the Department of Transportation relating to the transportation disadvantaged; amending s. 427.0135, F.S.; revising the duties and responsibilities of agencies that purchase transportation disadvantaged services; amending s. 427.015, F.S.; revising the function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged; amending s. 427.0155, F.S.; revising the powers and duties of community transportation coordinators; creating s. 427.0156, F.S.; providing for the membership and organization of local coordinating boards; amending s. 427.0157, F.S.; revising the powers and duties of local coordinating boards; amending s. 427.0159, F.S.; revising provisions with respect to the Transportation Disadvantaged Trust Fund; amending s. 427.016, F.S.; revising provisions with regard to the expenditure of funds for the transportation disadvantaged; conforming provisions; providing an effective date.

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By the Committee on Education and Senator Turner—

**CS for SB 1536**—A bill to be entitled An act relating to high school graduation requirements; providing mathematics, science, and language requirements for the college-ready diploma; providing a minimum grade-point average; providing an effective date.

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By the Committees on Ways and Means; Natural Resources; and Senators Williams and Kirkpatrick—

**CS for CS for SB 1554**—A bill to be entitled An act relating to air pollution control revenues; amending s. 215.22, F.S.; exempting the Air

Pollution Control Trust Fund from a surcharge; amending s. 403.0872, F.S.; providing for adjustments in the major stationary source annual air-operation permit license fees; deleting obsolete provisions relating to a study that was conducted; changing the date for an audit of the major stationary source air-operation permit program; providing for continued funding of certain activities; providing an effective date.

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By the Committee on Criminal Justice and Senator Williams—

**CS for SB 1556**—A bill to be entitled An act relating to access to records and personal information by inmates and other offenders under correctional supervision; amending s. 945.10, F.S., relating to confidential information and other information available to inmates and offenders in the correctional system or under supervision; defining terms; prohibiting certain disclosure or use of certain “personal information about another person,” as defined, by an inmate or offender with intent to obtain a benefit from, harass, harm, or defraud such person; providing penalties; providing that an inmate or offender convicted of such offense is prohibited from subsequent participation in correctional work programs or other programs; providing that an inmate or offender convicted of such offense is subject to forfeiture of gain-time; providing for adoption of rules by the department; providing an effective date.

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By the Committee on Regulated Industries and Senator Rossin—

**CS for SB 1558**—A bill to be entitled An act relating to temporary licenses and permits under the Beverage Law; amending ss. 561.331, 561.181, F.S.; declaring that a temporary license under the Beverage Law is a distinct and separate classification; providing for limited validity; providing that, when a temporary license expires for specified reasons, the license not be continued or extended; revising conditions for validity of temporary licenses; amending s. 561.422, F.S.; providing an exception for a municipality or county with respect to limitations on temporary permits; providing an effective date.

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By the Committees on Commerce and Economic Opportunities; Regulated Industries; and Senator Klein—

**CS for CS for SB 1594**—A bill to be entitled An act relating to telephonic solicitations; amending s. 501.059, F.S.; providing legislative intent; revising provisions relating to telephonic solicitations; revising definitions; revising procedures for limiting or prohibiting telephonic solicitations; revising certain fees; providing for an affirmative defense; revising requirements regulating telephonic solicitations; requiring the Department of Agriculture and Consumer Services to provide certain notice of violations; providing for legislative review of certain fees; providing an effective date.

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By the Committees on Governmental Reform and Oversight; Judiciary; and Senator Harris—

**CS for CS for SB 1604**—A bill to be entitled An act relating to public access; creating the “Clerks of the Circuit Court Public Records Access Act”; requiring the clerks of the circuit court to make public records information available on the Internet by January 1, 2001; providing for security; providing a declaration of important state purpose; amending s. 318.18, F.S.; providing a funding source; providing an effective date.

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

**CS for SB 1608**—A bill to be entitled An act relating to credits against taxes; amending s. 220.02, F.S.; providing the order of credits against the corporate income tax or franchise tax; amending s. 220.03, F.S.; amending the definition of the term “child care facility startup costs” and defining the term “operation of a child care facility”; amending s. 220.12, F.S.; revising the definition of a taxpayer’s net income for corporate income tax purposes to delete the deduction of child care facility startup costs; creating s. 220.19, F.S.; authorizing a credit against the corporate income tax for child care facility startup costs and operation, and for

payment of an employee’s child care costs; providing limitations; requiring a recipient to refund a portion of tax credits received under certain conditions; providing eligibility and application requirements; providing for administration by the Department of Revenue; providing for future expiration; defining the term “corporation”; creating s. 624.5107, F.S.; authorizing a credit against insurance premium taxes for child care facility startup costs and operation and for payment of an employee’s child care costs; providing definitions; providing limitations; requiring a recipient to refund a portion of tax credits received under certain conditions; providing eligibility and application requirements; providing for administration by the Department of Revenue; providing for future expiration; providing an effective date.

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

**CS for SB 1686**—A bill to be entitled An act relating to ad valorem taxation (RAB); amending s. 193.075, F.S.; providing for certain recreation vehicle-type units to be considered mobile homes for purposes of ad valorem taxation; amending s. 197.162, F.S.; providing for discounts on early tax payments; amending s. 197.182, F.S.; providing for automatic refunds of overpayments of tax greater than \$5; amending s. 197.243, F.S.; redefining the term “household” to exclude boarders and renters; amending s. 197.252, F.S.; providing a formula for estimating household income; amending s. 197.253, F.S.; providing for notification by the property appraiser concerning homestead status; amending s. 197.332, F.S.; providing for collection of penalties, interest, and costs for delinquent taxes; amending s. 197.344, F.S.; providing for tax notices for lienholders, trustees, and vendees; amending s. 197.413, F.S.; providing for advertising costs to be added to delinquent taxes at the time of advertising; amending s. 197.432, F.S.; prescribing conditions for bidding on tax certificates; amending s. 197.443, F.S.; providing for recouping costs of advertising void tax certificates; providing for cancellation of tax certificates at the request of the owner; amending s. 197.542, F.S.; authorizing the clerk to refuse certain bids for lands sold at public auction; creating s. 197.4325, F.S.; providing a procedure for handling bad checks received for payment of taxes or tax certificates; providing an effective date.

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

**CS for SB 1688**—A bill to be entitled An act relating to taxation (RAB); amending s. 212.02, F.S.; redefining the term “retail sales” to revise standards for the exclusion of packaging materials; redefining the term “sales price” to exclude certain federal tax; redefining the term “use” to exclude the loan of an automobile for use by a driver education program; amending s. 212.03, F.S.; revising provisions for eligibility for the exemption provided for rental in trailer parks and similar facilities; amending s. 212.031, F.S.; providing partial exemption for rentals of certain property used as residential facilities for the aged; exempting utility charges paid by a tenant in specified circumstances; providing taxability of charges for canceling or terminating a lease; amending s. 212.04, F.S.; providing standards for determining taxability of components of packages sold by travel agents; exempting fees for entering sporting events from the admissions tax when spectators at such events are charged the tax; amending s. 212.05, F.S.; prescribing the entities that are considered selling dealers for purposes of the sales, storage, and use tax on aircraft and boats; providing for return of aircraft to the state without incurring tax liability in certain circumstances; providing taxability for property originally exempt which is converted to the owner’s use; providing guidelines for taxability of lease or rental of motor vehicles; providing taxability of sales of newspapers; providing guidelines for taxability of newspaper and magazine inserts; providing taxability of certain sales by florists; providing for calculating tax on prizes distributed by concessionaires; amending s. 212.06, F.S.; providing taxability of newspapers, magazines, and periodicals used by the publisher thereof; amending s. 212.18, F.S.; providing for rules relating to registration of vending machines and newspaper rack machines; providing an effective date.

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

**CS for SB 1690**—A bill to be entitled An act relating to taxes on sales, use, and other transactions (RAB); amending s. 212.0506, F.S.; revising

guidelines for tax liability of service warranties; amending s. 212.0515, F.S.; providing tax liability for sales of nonfood items from vending machines; revising eligibility for rewards; amending s. 212.054, F.S.; revising guidelines for determination of exemption from partial sales surtaxes; amending s. 212.0598, F.S.; revising provisions relating to determination of air carriers' tax liability; amending s. 212.06, F.S.; revising guidelines for determining tax liability of certain personal property; providing a presumption with respect to tax liability for sales of motor vehicles; providing for a use tax on certain aircraft; defining the terms "real property," "fixtures," and "improvements to real property," for purposes of determining when a person is improving real property; providing guidelines for determining tax liability on rock, shell, fill dirt, and similar materials; providing an effective date.

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

**CS for SB 1692**—A bill to be entitled An act relating to the tax on sales, use, and other transactions (RAB); amending s. 212.02, F.S.; defining the terms "itinerant merchant," "flea market operator, manager, lessor, or owner," "agricultural commodity," "farmer," and "livestock"; amending s. 212.07, F.S.; prescribing dealer liability for certain tax; prescribing tax liability for sales of race horses in claiming races; amending s. 212.08, F.S.; exempting certain sales of racing dogs; disallowing a sales tax exemption for purchases made by an employee of an exempt organization when such payment is made by the employee; amending s. 212.09, F.S.; revising provisions regulating credits for trade-ins; amending s. 212.17, F.S.; providing for reimbursement of certain taxes paid by dealers; amending s. 212.18, F.S.; prescribing procedures for remittance of tax on sales at flea markets; providing an effective date.

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

**CS for SB 1694**—A bill to be entitled An act relating to taxation (RAB); amending s. 212.08, F.S., relating to the tax on sales, use, and other transactions; revising the sales tax exemption provided for food and drinks; providing definitions; exempting additional medical supplies and equipment; defining the term "prescriptions"; revising the exemption for school books and school lunches; providing exemptions with respect to parent-teacher organizations and associations, to schools with grades K through 12, to mobile home lot improvements, and to sales of certain personal property supported through the Veterans Administration; providing a partial exemption for certain commercial fishing vessels; providing guidelines for determining applicability of sales surtaxes to certain transactions; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining the taxability of specific products; providing membership requirements; amending s. 213.22, F.S.; providing for the issuance of technical assistance advisements; providing an effective date.

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

**CS for SB 1696**—A bill to be entitled An act relating to the tax on sales, use, and other transactions (RAB); amending s. 212.08, F.S.; revising eligibility standards for the partial exemption for farm equipment; providing additional uses to which equipment may be put and be eligible for the exemption; revising exemption standards for water; exempting disinfectants, pesticides, weed killers, certain seeds, cuttings, seedlings, plants, and specified packaging items in agricultural use; exempting paint color cards and other color samples available at no charge; providing guidelines for determining applicability of exemption for sales to a governmental entity to sales of tangible personal property to contractors for incorporation into public works; providing guidelines for determining applicability of sales surtaxes to certain transactions; authorizing aircraft to be returned to the state under specified circumstances without incurring tax liability; providing an effective date.

By the Committee on Community Affairs and Senator Meadows—

**CS for SB 1740**—A bill to be entitled An act relating to local government; creating ss. 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, and 163.2526, F.S., the Urban Infill and Redevelopment Act; providing legislative findings; providing definitions; authorizing counties and municipalities to designate urban infill and redevelopment areas based on specified criteria; requiring preparation of a plan or designation of an existing plan and providing requirements with respect thereto; requiring a public hearing; providing for amendment of the local comprehensive plan; providing that counties and municipalities that have adopted such plan may issue revenue bonds and employ tax increment financing under the Community Redevelopment Act and exercise powers granted to community redevelopment neighborhood improvement districts; requiring a report by certain state agencies; providing a program for grants to counties and municipalities with urban infill and redevelopment areas; providing for review and evaluation of the act and requiring a report; amending s. 163.3180, F.S.; authorizing exemptions from the transportation facilities concurrency requirement for developments located in an urban infill and redevelopment area; amending s. 163.3187, F.S.; providing that comprehensive plan amendments to designate such areas are not subject to statutory limits on the frequency of plan amendments; including such areas within certain limitations relating to small scale development amendments; amending s. 187.201, F.S.; including policies relating to urban policy in the State Comprehensive Plan; amending s. 380.06, F.S., relating to developments of regional impact; increasing certain numerical standards for determining a substantial deviation for projects located in certain urban infill and redevelopment areas; amending s. 163.375, F.S.; authorizing acquisition by eminent domain of property in unincorporated enclaves surrounded by a community redevelopment area when necessary to accomplish a community development plan; amending s. 171.0413, F.S., relating to municipal annexation procedures; deleting a requirement that a separate referendum be held in the annexing municipality when the annexation exceeds a certain size; providing procedures by which a county or combination of counties and the municipalities therein may develop and adopt a plan to improve the efficiency, accountability, and coordination of the delivery of local government services; providing for initiation of the process by resolution; providing requirements for the plan; requiring approval by the local governments' governing bodies and by referendum; authorizing municipal annexation through such plan; amending s. 166.251, F.S.; revising provisions with respect to service fees for dishonored checks; providing an effective date.

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By the Committee on Education and Senator Kirkpatrick—

**CS for SB 1852**—A bill to be entitled An act relating to student grants; amending s. 216.136, F.S.; providing duties of the Education Estimating Conference; amending s. 240.409, F.S.; authorizing eligibility determination and grant distribution for the Florida Public Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; amending s. 240.4095, F.S.; authorizing eligibility determination and grant distribution for the Florida Private Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; amending s. 240.4097, F.S.; authorizing eligibility determination and grant distribution for the Florida Postsecondary Student Assistance Grant Program to be conducted by the receiving institution; specifying a dollar value range for grant awards; providing an effective date.

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By the Committee on Education and Senator Kirkpatrick—

**CS for SB 1854**—A bill to be entitled An act relating to the State University System; amending s. 240.235, F.S.; authorizing each university president to submit a plan to the Board of Regents to increase matriculation and tuition fees for specified professional programs; providing a limit on such increase; specifying certain contents of plans; providing for the retention of revenue; amending s. 240.4042, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Criminal Justice and Senator Lee—

**CS for SB 2008**—A bill to be entitled An act relating to delinquent acts or criminal offenses committed by juveniles; amending s. 90.610, F.S., relating to conviction of certain crimes as impeachment; providing that certain adjudications of delinquency are admissible into evidence for impeachment purposes; amending s. 921.0011, F.S.; redefining the term “prior record” with respect to specified provisions relating to sentencing; providing for scoring as adult offenses an offender’s prior juvenile offenses that would be crimes if committed by an adult; providing for a withholding of an adjudication of delinquency or an adjudication of guilt to be considered a conviction for certain purposes relating to sentencing; providing for expiration; amending s. 921.0021, F.S.; redefining the term “prior record” with respect to specified provisions relating to sentencing; providing for scoring as adult offenses an offender’s prior juvenile offenses that would be crimes if committed by an adult; amending s. 943.0515, F.S., relating to retention of criminal history records of minors; providing for an offender’s criminal history record of forcible or nonforcible felonies charged as an adult to be merged and retained as a part of the person’s adult criminal history record, under specified circumstances; amending s. 985.03, F.S.; defining “violation of supervision” with respect to specified provisions relating to delinquency; amending s. 985.04, F.S., relating to oaths, records, and confidential information; providing for public disclosure of all of a juvenile’s prior history of acts that would be crimes if committed by an adult, and of orders of disposition for such acts; providing for a withholding of an adjudication of delinquency or an adjudication of guilt to be considered a conviction for certain purposes relating to disclosure of the records; reenacting s. 985.31(4)(k), F.S., relating to serious or habitual juvenile offenders, to incorporate said amendment in a reference; amending s. 985.05, F.S., relating to court records; providing for nonapplicability of certain record-keeping requirements to nonconfidential juvenile history records; providing for admissibility in other civil or criminal proceedings of certain court records of juvenile proceedings; providing for merger of a defendant’s record of prior delinquent acts with the defendant’s adult record, under specified circumstances; amending s. 985.211, F.S., relating to release or delivery from custody; providing for reference to violation of supervision in certain written reports or probable cause affidavits; amending s. 985.21, F.S., relating to intake and case management; providing that the state attorney may take certain actions unless otherwise required by law; amending s. 985.213, F.S., relating to use of detention; conforming references; reenacting s. 985.208(1), relating to detention of furloughed child or escapee on authority of the department, and s. 985.219(5), relating to process and service, to incorporate said amendment in references; amending s. 985.219, F.S.; providing a civil penalty for any parent, legal guardian, or adult relative who fails to produce a child for a court appearance; repealing s. 985.218(6), F.S., relating to petitions for delinquency; removing provisions requiring the dismissal of a petition with prejudice when the adjudicatory hearing is not commenced within 90 days; removing provisions authorizing the court to extend the 90-day period; amending s. 985.226, F.S., relating to criteria for discretionary waiver and mandatory waiver of juvenile court jurisdiction; providing for the state attorney to file a motion requesting the court to transfer a child of at least 14 years of age for criminal prosecution, under specified circumstances; providing for exceptions; amending s. 985.227, F.S., relating to discretionary direct-file criteria and mandatory direct-file criteria; permitting the filing of an information when a child was 14 or 15 years of age at the time the child attempted to commit any one of specified offenses; requiring the state attorney to file an information for certain illegal acts when the child committing the act is at least 16 years of age and has a specified history of delinquent acts; revising duties of the court and guidelines for transfer of cases pertaining to the child when a child is transferred for adult prosecution; removing a requirement for annual updating by the state attorney of direct-file policies and guidelines; providing that the information filed pursuant to specified provisions may include all charges that are based on the same act, criminal episode, or transaction as the primary offense; amending s. 985.228, F.S., relating to adjudicatory hearings, to conform an exception to the construction of “conviction”; amending s. 985.231, F.S.; revising powers of disposition in delinquency cases; conforming references; providing for exceptions to conform to changes made by the act; amending s. 985.233, F.S., relating to sentencing powers, procedures, and dispositional alternatives for juveniles prosecuted as adults; revising sentencing alternatives in cases when a child is prosecuted on indictment and other cases; providing that a court may withhold adjudication of guilt and place the child on probation or community control to be supervised by the Department of Corrections, under specified circumstances; providing for completion of a commitment program recommended by the

Department of Juvenile Justice as a special condition of the probation or community control; authorizing a judge in adult court to access the juvenile commitment programs for sentencing purposes; providing that the juvenile would not be required to pay supervision costs to the Department of Corrections while participating in a Department of Juvenile Justice commitment program; prohibiting imposition of juvenile sanctions when the state attorney’s motion to transfer and certify the child for prosecution as an adult is granted under specified provisions; revising guidelines for sentencing to juvenile sanctions; removing a requirement that the court stay adjudication of guilt when the child is sentenced to juvenile sanctions under specified provisions; removing provisions that the adjudication of delinquency shall not be deemed to be a conviction or operate to impose civil disabilities resulting from a conviction; removing a prohibition against the imposition of a combination of juvenile and adult sanctions; reenacting s. 985.225(3) and (4), relating to indictment of a juvenile, and s. 985.31(3)(k), relating to serious or habitual juvenile offenders, to incorporate said amendment in references; amending s. 985.309, F.S., relating to criteria for placement of a child in a boot camp program; providing for boot camp placement of a child at least 14 years of age who has not entered a plea of guilty or nolo contendere to, or been adjudicated of, a capital felony, life felony, or violent felony of the first degree; providing for early-intervention boot camp placement of a child at least 12 years of age under specified circumstances; providing for certain minimum periods of participation in after-care; authorizing operation of an early-intervention boot camp program by the Department of Juvenile Justice, or a county or municipality; providing purpose of program; providing criteria for disqualification from participation in the early-intervention boot camp program; reenacting s. 985.231(1)(j), relating to powers of disposition in delinquency cases, s. 985.31(3)(l), relating to serious or habitual juvenile offenders, s. 985.311(3)(i), relating to intensive residential treatment programs for offenders less than 13 years of age, and s. 985.314(1)(a), relating to commitment programs for juvenile felony offenders, to incorporate said amendment in references; amending s. 985.404, F.S., relating to administration of the juvenile justice continuum; specifying factors to be considered in the report ranking commitment programs; amending s. 984.307, F.S.; postponing the date on which the authority of the Department of Juvenile Justice to create or operate juvenile assignment centers is scheduled to expire; providing an effective date.

By the Committee on Natural Resources and Senators Latvala and Laurent—

**CS for SB’s 2024 and 2648**—A bill to be entitled An act relating to the Florida Forever Program; creating s. 259.202, F.S.; providing for the Florida Forever Program Act; providing legislative findings and intent relating to the acquisition of lands for conservation, ecosystem restoration, recreation, water resource and water supply development, and urban green space and recreational opportunities; providing a process for surplus Florida Forever lands; authorizing the sale of up to \$3 billion in bonds to implement the Florida Forever Program; providing for alternatives to fee simple acquisitions, providing a limitation on such acquisitions; providing a funding mechanism for the State Lands Management Trust Fund, which is to be created by general law; providing for the continuation of existing debt service payments for prior bond issues; providing uses for the State Lands Management Trust Fund; creating the Preservation 2000 Program Review Study Commission; providing for membership of the commission and its duties; requiring a report; providing an appropriation; amending s. 259.032, F.S.; revising eligibility requirements for payments in lieu of taxes; providing for payments in lieu of taxes to school boards, as well as to Glades County to compensate the county for its tax loss due to the opening of a prison; amending s. 259.041, F.S.; authorizing the Division of State Lands to use appraisal reports provided by nonprofit organizations or public agencies; amending s. 259.101, F.S.; requiring the Department of Environmental Protection to fund certain fixed capital outlay projects; requiring the Southwest Florida Water Management District to fund water supply development activities; providing a limitation and requirements; requiring the South Florida Water Management District to fund Everglades restoration; requiring an extraordinary vote of the Board of Trustees of the Internal Improvement Trust Fund before an acquisition may be made in a county having more than 35 percent of its lands in public ownership; providing a limitation on the acquisition of projects using less than fee acquisition alternatives; delaying the redistribution of certain funds; revising accounting procedures relating to a redistribution of certain Preservation 2000 moneys; amending s. 373.59, F.S.; revising

eligibility requirements for payments in lieu of taxes; providing for payments in lieu of taxes to school boards; authorizing the Board of Trustees of the Internal Improvement Trust Fund to transfer specified lands to Walton County at a specified price, providing limitations on the use of those lands; amending s. 253.82, F.S.; providing for all transportation easements acquired under the Murphy Act to be conveyed to the Department of Transportation or the governmental entity currently having title to the adjacent roadway; requiring the establishment of a procedure for review of deeds containing transportation reservations acquired under the Murphy Act; setting requirements for the review process; providing for compensation of certain property owners when the reservation denies current economic use of the property; providing for mediation or arbitration; amending ss. 712.04, 712.05, F.S.; providing for the release of certain easements held by governmental entities; providing for preservation of certain road easement reservations pursuant to a road project scheduled to begin within a specified period; providing an effective date.

By the Committee on Education and Senator Holzendorf—

**CS for SB 2180**—A bill to be entitled An act relating to school safety; amending s. 229.58, F.S.; providing duties of school advisory councils with respect to School Environmental Safety Incident Reports; amending s. 230.2318, F.S.; providing duties of school resource officers with respect to School Environmental Safety Incident Reports; creating s. 232.2565, F.S.; requiring development of school programs; providing reporting requirements; providing for a School Environmental Safety Incident Report; providing duties of the Department of Education; providing duties of the Office of Program Policy Analysis and Government Accountability in evaluating school safety reporting procedures; providing for school safety awards; amending s. 232.26, F.S.; providing for reporting school safety issues; providing an effective date.

By the Committee on Education and Senator Clary—

**CS for SB 2214**—A bill to be entitled An act relating to postsecondary education; amending s. 240.551, F.S.; renaming the Florida Prepaid Postsecondary Education Expense Program, Board, and Trust Fund the Florida Prepaid College Program, Board, and Trust Fund, respectively; reordering provisions and providing technical revisions; deleting obsolete provisions; conforming cross-references; permitting soliciting and contracting for records administration services; providing for the inclusion of certain fees within advance payment contracts for tuition; amending s. 222.22, F.S.; conforming provisions; amending s. 732.402, F.S.; exempting Florida Prepaid College Program contracts from the probate claims of creditors; reenacting ss. 731.201(13) and 735.301(1), F.S., relating to probate, to incorporate the amendment to s. 732.402, F.S., in references; providing an effective date.

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

**CS for SB 2230**—A bill to be entitled An act revising the “Uniform Commercial Code—Letters of Credit”; creating ss. 675.5101-675.5117, F.S.; revising provisions of the code relating to letters of credit; defining terms; providing formal requirements; providing consideration; providing time and effect of establishment of credit; providing advice of credit, confirmation, error in statement of terms; providing “notation credit”; prescribing issuer’s obligation to its customers; providing availability of credit in portions; providing warranties on transfer and presentment; prescribing time allowed for honor or rejection; providing indemnities; providing issuer’s duty and privilege to honor; providing a right to reimbursement; providing remedy for dishonor or anticipatory repudiation; providing transfer and assignment; providing insolvency of bank holding funds for documentary credit; amending ss. 671.105, 672.512, 679.103, 679.104, 679.105, 679.106, 679.304, 679.305, F.S.; conforming provisions to changes made by the act; repealing ss. 675.101, 675.102, 675.103, 675.104, 675.105, 675.106, 675.107, 675.108, 675.109, 675.110, 675.111, 675.112, 675.113, 675.114, 675.115, 675.116, 675.117, F.S., relating to letters of credit; repealing 95.11(5)(c), F.S., relating to the statute of limitations with respect to bulk transfers; providing an effective date.

By the Committee on Criminal Justice and Senator McKay—

**CS for SB 2274**—A bill to be entitled An act relating to driving under the influence of alcohol or drugs; amending s. 322.34, F.S.; providing that a motor vehicle is subject to forfeiture under the Florida Contraband Act if the motor vehicle is driven by a person under the influence of alcohol or drugs and the person’s license is suspended as a result of a prior conviction for driving under the influence; requiring that notification of the impoundment or seizure be sent to the Department of Highway Safety and Motor Vehicles; amending s. 932.701, F.S., relating to definitions with respect to the Florida Contraband Act; redefining the term “contraband article” to conform to changes made by the act; reenacting s. 932.703, F.S., relating to forfeiture of contraband articles, to incorporate the amendment to s. 932.701, F.S., in references; providing an effective date.

By the Committees on Community Affairs, Regulated Industries and Senator Clary—

**CS for CS for SB 2336**—A bill to be entitled An act relating to regulation of contracting; amending s. 468.603, F.S.; providing definitions; creating s. 468.604, F.S.; providing responsibilities of building code administrators, plans examiners, and inspectors; amending s. 468.605, F.S.; providing membership of the Florida Building Code Administrators and Inspectors Board; amending s. 468.609, F.S.; providing standards for certification as an inspector, building code administrator, or plans examiner; eliminating the board’s authority to issue temporary certificates; amending s. 468.617, F.S.; providing that nothing prohibits local governments from contracting with certified persons to perform inspections; amending s. 468.627, F.S.; increasing the initial examination fee; creating ss. 471.045, 481.222, F.S.; allowing architects and professional engineers to perform the duties of building code inspectors in specified circumstances; providing disciplinary guidelines; providing restrictions; amending s. 489.129, F.S.; deleting a ground for discipline; requiring the department to provide certain information to a contractor who is the subject of a complaint; amending s. 489.131, F.S.; specifying the department’s authority to investigate complaints; requiring local boards to have consumer members; amending s. 469.001, F.S.; redefining the terms “abatement” and “survey”; defining the term “project designer”; amending s. 469.002, F.S., relating to exemptions from state regulation of asbestos abatement; revising an exemption applicable to certain asbestos-related activities done by government employees; revising certain existing exemptions; amending s. 469.004, F.S.; eliminating provisions relating to prerequisites to issuance of a license and to continuing education; amending s. 469.005, F.S.; revising licensure requirements for asbestos consultants and asbestos contractors relating to required coursework; amending s. 469.006, F.S.; requiring applicants for business licensure to submit evidence of financial responsibility and an affidavit attesting to having obtained the required workers’ compensation, public liability, and property damage insurance; amending s. 469.013, F.S.; revising continuing education requirements applicable to asbestos surveyors, management planners, and project monitors; repealing s. 469.015, F.S., relating to seals; amending ss. 255.551, 376.60, and 469.014, F.S.; conforming cross-references; amending s. 489.103, F.S.; providing exemptions from regulation for the sale, delivery, assembly, or tie-down of prefabricated portable sheds under certain conditions; amending s. 489.105, F.S.; revising and providing definitions applicable to contractors; amending s. 489.107, F.S.; eliminating reference to board jurisdiction over examinations; requiring the Construction Industry Licensing Board and the Electrical Contractors’ Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.113, F.S.; providing that expansion of the scope of practice of any type of contractor does not limit the scope of practice of any existing type of contractor unless the Legislature expressly provides such limitation; repealing s. 489.1135, F.S., which provides for certification of underground utility and excavation contractors; creating s. 489.1136, F.S.; providing for medical gas certification for plumbing contractors who install, improve, repair, or maintain conduits used to transport gaseous or partly gaseous substances for medical purposes; requiring certain coursework; requiring an examination for certain persons; providing for discipline and penalties; providing a definition; amending s. 553.06, F.S.; providing that plumbing contractors who install, improve, repair, or maintain such conduits shall be governed by the National Fire Prevention Association Standard 99C; amending s. 489.115, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances;



amending s. 489.119, F.S.; detailing what constitutes an incomplete contract for purposes of work allowed a business organization under temporary certification or registration; amending s. 489.140, F.S.; eliminating a provision that requires the transfer of surplus moneys from fines into the Construction Industries Recovery Fund; amending s. 489.141, F.S.; clarifying provisions relating to conditions for recovery from the fund; eliminating a notice requirement; revising a limitation on the making of a claim; amending s. 489.142, F.S.; revising a provision relating to powers of the Construction Industry Licensing Board with respect to actions for recovery from the fund, to conform; amending s. 489.143, F.S.; revising provisions relating to payment from the fund; amending s. 489.503, F.S., relating to exemptions from part II of chapter 489, F.S., relating to electrical and alarm system contracting; revising an exemption that applies to telecommunications, community antenna television, and radio distribution systems, to include cable television systems; providing exemptions relating to the monitoring of alarm systems by law enforcement employees or officers or fire department employees or officials, by employees of state or federally chartered financial institutions, or by employees of a business; amending s. 489.505, F.S., and repealing subsection (24), relating to the definition of "limited burglar alarm system contractor"; redefining terms applicable to electrical and alarm system contracting; defining the term "monitoring"; amending s. 489.507, F.S.; requiring the Electrical Contractors' Licensing Board and the Construction Industry Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.509, F.S.; eliminating reference to the payment date of the biennial renewal fee for certificateholders and registrants; eliminating an inconsistent provision relating to failure to renew an active or inactive certificate or registration; providing for transfer of a portion of certain fees applicable to regulation of electrical and alarm system contracting to fund certain projects relating to the building construction industry and continuing education programs related thereto; amending s. 489.511, F.S.; revising eligibility requirements for certification as an electrical or alarm system contractor; authorizing the taking of the certification examination more than three times and providing requirements with respect thereto; eliminating an obsolete provision; amending s. 489.513, F.S.; revising registration requirements for electrical contractors; amending s. 489.517, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; providing for verification of public liability and property damage insurance; amending s. 489.519, F.S.; authorizing certificateholders and registrants to apply for voluntary inactive status at any time during the period of certification or registration; authorizing a person passing the certification examination and applying for licensure to place his or her license on inactive status without having to qualify a business; amending s. 489.521, F.S.; providing conditions on qualifying agents qualifying more than one business organization; providing for revocation or suspension of such qualification for improper supervision; providing technical changes; amending s. 489.525, F.S.; revising reporting requirements of the Department of Business and Professional Regulation to local boards and building officials; providing applicability with respect to information provided on the Internet; amending s. 489.533, F.S.; revising and providing grounds for discipline; providing penalties; reenacting s. 489.518(5), F.S., relating to alarm system agents, to incorporate the amendment to s. 489.533, F.S., in a reference thereto; amending s. 489.537, F.S.; authorizing registered electrical contractors to install raceways for alarm systems; providing that licensees under part II, ch. 489, F.S., are subject, as applicable, to certain provisions relating to local occupational license taxes; amending ss. 489.539, 553.19, F.S.; updating electrical and alarm standards; adding a national code relating to fire alarms to the minimum electrical and alarm standards required in this state; amending s. 489.505, F.S.; defining the term "fire alarm system agent"; creating s. 489.5185, F.S.; providing requirements for fire alarm system agents, including specified training and fingerprint and criminal background checks; providing for fees for approval of training providers and courses; providing applicability to applicants, current employees, and various licensees; requiring an identification card and providing requirements therefor; providing continuing education requirements; providing disciplinary penalties; creating s. 501.937, F.S.; providing requirements for use of professional titles by industrial hygienists and safety professionals; providing definitions; providing that violation of such requirements is a deceptive and unfair trade practice; 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 CS for SB 188, SB 230 and SB 288 which became law without his signature on April 21, 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 CS for HB 757, CS for HB 3035, CS for HB 3391, CS for HB 3511, CS for CS for HB 4181, HB 4281, HB 4483, HB 4561, HB 4681, HB 4741, HB 4747; has passed as amended CS for HB 29, CS for HB 1087, CS for CS for HB 1093, HB 1269, CS for HB 1381, HB 1719, HB 3217, CS for HB 3327, CS for HB 3373, CS for HB 3733, HB 3823, HB 3965, HB 4163, HB 4279, HB 4431, HB 4783 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committees on Governmental Operations; Health Care Standards and Regulatory Reform; and Representative D. Prewitt—

**CS for CS for HB 757**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information about patients of home medical equipment providers which is obtained by employees or service providers or the licensing agency; providing an exemption from public records requirements for information obtained by the Agency for Health Care Administration or a home medical equipment provider in connection with background screening of prospective employees of the provider; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By the Committee on Civil Justice and Claims; and Representative Meek and others—

**CS for HB 3035**—A bill to be entitled An act for the relief of Freddie Lee Pitts and Wilbert Lee; providing for a hearing to be conducted by the Division of Administrative Hearings; requiring the Department of Legal Affairs to represent the state; providing a contingent appropriation to compensate Freddie Lee Pitts and Wilbert Lee, if appropriate; providing a contingent appropriation for the payment of attorneys' fees; providing an effective date.

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

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

**CS for HB 3391**—A bill to be entitled An act relating to protection of victims who apply for or receive public assistance; amending s. 414.0252, F.S.; defining “domestic violence” with respect to specified provisions relating to temporary family assistance; amending s. 414.028, F.S., relating to local WAGES coalitions; prescribing responsibilities of a local WAGES coalition and the WAGES Program State Board of Directors with respect to development of a plan for victims of domestic violence; providing requirements and guidelines for the local WAGES coalition plan; amending s. 414.065, F.S., relating to work requirements; providing exceptions from the work requirements for certain individuals at risk of domestic violence; providing exceptions for a specified period for certain individuals impaired by past incidents of domestic violence, under certain circumstances; reenacting s. 414.20, F.S., relating to support services, to incorporate said amendment in a reference; amending s. 414.095, F.S., relating to determination of eligibility for the WAGES program; providing that a person who has been battered or subject to extreme cruelty in the United States by a spouse or parent is a “qualified noncitizen” under specified circumstances; providing for program applicants or participants to receive certain information regarding services available from domestic violence centers or organizations and to request referrals thereto; amending s. 414.105, F.S., relating to time limitations on temporary cash assistance; permitting domestic violence victims to be granted hardship exemptions to allow 3 continuous years of benefits, not subject to certain percentage limitations, under specified circumstances; amending s. 414.115, F.S., relating to limited temporary cash assistance for children born to families receiving temporary cash assistance; providing for nonapplicability to certain victims of specified provisions limiting such assistance under certain circumstances; providing an effective date.

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

By the Committee on Law Enforcement and Public Safety; and Representative Constantine and others—

**CS for HB 3511**—A bill to be entitled An act relating to driver license revocations; amending s. 322.26, F.S.; providing for permanent revocation of a driver license for murder resulting from the operation of a motor vehicle and for vehicular homicide; amending s. 322.271, F.S.; providing for petition for reinstatement under certain circumstances; creating s. 322.275, F.S.; providing for the authority of the court to authorize reinstatement of permanently revoked driver license; amending s. 322.28, F.S.; revising language with respect to the period of suspension or revocation; conforming current language to the act; creating s. 322.283, F.S.; providing for the commencement of the period of suspension or revocation for incarcerated offenders; providing for notification to the Department of Highway Safety and Motor Vehicles; creating s. 322.341, F.S.; providing penalties for driving while a license is permanently revoked; providing an effective date.

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

By the Committees on Transportation and Economic Development Appropriations; Community Affairs; and Representative Constantine and others—

**CS for CS for HB 4181**—A bill to be entitled An act relating to a statewide unified building code; amending ss. 468.621, F.S.; providing an additional ground for certain disciplinary actions; amending ss. 471.033, 481.225, 481.2251, and 481.325, F.S.; providing for additional fines for certain violations of the Florida Building Code; amending s. 468.602, F.S.; clarifying application of an exemption for certain persons; amending ss. 468.609, 468.627, 471.017, 471.019, 481.215, 481.313, 489.115, 489.1455, and 489.5335, F.S.; requiring certificateholders, licensees, or registrants to prove completion of certain education requirements relating to the Florida Building Code; providing certain core curriculum or continuing education requirements for certain license, certificate, or registration renewals; authorizing certain licensing boards to require certain specialized or advanced education courses; creating s.

455.2286, F.S.; requiring the Department of Business and Professional Regulation to implement an automated information system for certain purposes; providing requirements relating to such system; amending s. 489.103, F.S.; exempting certain residential structures from certain construction contracting requirements; amending s. 489.117, F.S.; clarifying certain information provision requirements for local jurisdictions relating to specialty contractor licensure and discipline; amending s. 489.513, F.S.; requiring local jurisdictions to provide certain information to certain licensing boards; requiring such boards to maintain and provide such information through an automated information system; providing for local responsibility for imposing certain disciplinary action; authorizing imposition of penalties by ordinance; amending s. 489.517, F.S.; requiring certificateholders or registrants to provide proof of completion of certain education courses; authorizing the electrical contractors’ licensing board to require certain education courses; amending s. 489.533, F.S.; revising a ground for certain disciplinary action; amending s. 553.06, F.S.; requiring the Florida Building Commission to adopt the State Plumbing Code; amending s. 553.19, F.S.; requiring the commission to adopt certain electrical standards as part of the Florida Building Code and to revise and maintain such standards; amending s. 553.71, F.S.; revising certain definitions; renaming the Board of Building Codes and Standards as the Florida Building Code Commission; amending s. 553.72, F.S.; revising legislative intent; amending s. 553.73, F.S.; providing for adoption of the Florida Building Code to replace the State Minimum Building Codes; providing for legislative approval; providing purposes; requiring the Florida Building Commission to adopt the code; providing requirements and criteria for the code; providing for resolution of conflicts between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code; providing requirements; providing for local technical amendments to the code; providing procedures and requirements; providing limitations; requiring counties to establish compliance review boards for certain purposes; providing requirements; authorizing local governments to adopt amendments to the code; providing requirements; providing procedures for challenges by affected parties; providing for appeals; requiring the commission to update the code periodically; authorizing the commission to adopt technical amendments to the code under certain circumstances; providing requirements; providing for exempting certain buildings, structures, and facilities from the code; specifying nonapplication of the code under certain circumstances; prohibiting administration or enforcement of the code for certain purposes; amending s. 553.74, F.S.; replacing the State Board of Building Codes and Standards with the Florida Building Commission; providing for additional membership; providing for continuation of terms of existing board members; amending ss. 553.75, 553.76, and 553.77, F.S., to conform; providing additional powers of the commission; requiring commission staff to attend certain meetings; requiring the commission to develop and publish descriptions of roles and responsibilities of certain persons; authorizing the commission to provide plans review and approval of certain public buildings; creating s. 553.781, F.S.; providing for licensee accountability; authorizing local jurisdictions to impose fines and order certain disciplinary action for certain violations of the Florida Building Code; providing for challenges to such actions; requiring the Department of Business and Professional Regulation and local jurisdictions to report such disciplinary actions; providing for disposition and use of such fines; providing construction; providing for suspension of certain permitting privileges under certain circumstance; amending s. 553.79, F.S., to conform; authorizing owners of certain buildings to designate such buildings as threshold buildings for certain purposes; providing for local government enforcement of the Florida Building Code under certain circumstances; amending s. 553.80, F.S.; authorizing certain additional permit fees and reinspection fees under certain circumstances; requiring certain agencies to provide support to local governments for certain purposes; specifying certain code enforcement requirements for state universities, community colleges, and public school districts; preserving authority of certain local governments to enforce code requirements; providing construction; creating s. 553.841, F.S.; providing for establishing a building code training program; providing requirements; providing criteria; authorizing the Florida Building Commission to enter into contracts for certain purposes; requiring the assistance and participation of certain state agencies; creating s. 553.842, F.S.; providing for a system for product evaluation and approval; providing requirements; providing procedures; providing for challenging, review, and appeal of certain evaluations; authorizing the commission to charge fees for certain certifications and reviews; providing exceptions; amending s. 553.905, F.S.; exempting certain HVAC equipment from additional insulation requirements; amending s. 633.01, F.S.; authorizing the Department of Insurance to issue declaratory statements of certain firesafety codes; creating s. 633.0215, F.S.;

requiring the Department of Insurance to adopt certain fire prevention and life safety codes; providing requirements; providing for temporary effect of local amendments to such codes; providing providing procedures for adopting or rescinding local amendments to such codes; requiring the department to update such codes periodically; providing for technical amendments to such codes; providing exceptions to application of such codes for certain purposes; amending s. 633.025, F.S.; specifying adoption by local jurisdictions of certain firesafety codes; authorizing local jurisdictions to adopt more stringent firesafety standards under certain circumstances; providing procedures; providing limitations; deleting obsolete provisions; amending s. 633.085, F.S.; clarifying certain inspection duties of the State Fire Marshal; amending s. 633.72, F.S.; specifying cooperation between the Florida Fire Code Advisory Council and the Florida Building Commission under certain circumstances; requiring administrative staff of the State Fire Marshal to attend certain meetings and coordinate efforts for consistency between certain codes; amending ss. 125.69, 161.54, 161.56, 162.21, 166.0415, 489.127, 489.131, 489.531, 489.537, 500.459, 553.18, and 627.351, F.S., to conform; requiring the Florida Building Commission to submit the Florida Building Code to the Legislature for approval; requiring the commission to recommend changes to the law to conform to adoption of the Florida Building Code; providing for future repeal of local amendments to certain building codes; providing for readoption; requiring the State Fire Marshal, the Florida Building Commission, and the Commissioner of Education to establish a select committee for certain purposes; providing for committee membership; providing duties of the committee; requiring a report to the Legislature; requiring the Department of Management Services to conduct a pilot project to study the effects of installing an ozonation water treatment system for a cooling tower on state buildings; requiring a report to the Legislature; repealing s. 471.003(2)(f), F.S., relating to engineering faculty exemption from registration requirements; repealing s. 489.539, F.S., relating to adoption of electrical standards; repealing s. 553.73(5), F.S., relating to a presumption of compliance with certain building code requirements; providing for future repeal of s. 489.120, F.S., relating to an automated information system; providing for future repeal of s. 489.129(1)(d), F.S., relating to disciplinary action for knowing violations of building codes; providing for future repeal of parts I, II, and III of chapter 553, F.S., relating to the Florida Plumbing Control Act, the Florida Electrical Code, and glass standards; providing appropriations; providing effective dates.

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

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By the Committee on Education Innovation and Representative Melvin—

**HB 4281**—A bill to be entitled An act relating to school improvement and education accountability; amending ss. 229.592 and 230.23, F.S.; providing for the organization of Florida Distinguished Educator School Improvement Teams; providing for technical assistance and training for schools operating under an assistance and intervention plan; providing for the use of Florida Distinguished Educator School Improvement Teams to assist in the development and implementation of school improvement plans and assistance and intervention plans; 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 Lacasa—

**HB 4483**—A bill to be entitled An act instructing the Division of Statutory Revision to make necessary changes to conform the Florida Statutes to the name change of the Department of Health and Rehabilitative Services and the divestiture of programs of the former department to other departments or agencies; transferring and renumbering ss. 408.601, 408.602, 408.603, and 408.604, F.S.; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Rules and Calendar.

By the Committee on Water and Resource Management; and Representative Carlton—

**HB 4561**—A bill to be entitled An act relating to marine fisheries; amending s. 370.01, F.S.; redefining the terms “closed season” and “non-resident alien” and alphabetizing definitions; amending s. 370.021, F.S.; providing that specified violations of administrative rules, the Florida Statutes, and the constitutional ban on the use of certain nets are major violations; providing penalties; prohibiting a court from suspending, deferring, or withholding adjudication of guilt in specified circumstances; providing for the suspension of violators’ licenses and prohibiting participation in the fishing during the period of suspension; providing restrictions on operation; deleting obsolete provisions; requiring a court to notify the Department of Environmental Protection of the disposition of cases; amending s. 370.026, F.S.; deleting obsolete references to commissioners’ terms; amending s. 370.0605, F.S.; authorizing agents of the Game and Fresh Water Fish Commission to enforce provisions relating to licenses; amending s. 370.062, F.S.; deleting a requirement for rulemaking for the issuance of tarpon tags; deleting a requirement for the annual issuance of tarpon tags; amending s. 370.0821, F.S.; revising the mesh size of a recreational net allowed in St. Johns County; amending s. 370.12, F.S.; relating to protection of mammalian dolphins; amending s. 370.1405, F.S.; relating to reporting requirements for crawfish wholesalers and retailers; amending s. 370.25, F.S.; clarifying criminal, civil, and administrative penalties; repealing s. 370.015, F.S., relating to obsolete Suwannee River Authority; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.092(3) and (4), F.S., relating to penalties on use of proscribed nets; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permit; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.12(4), F.S.; related to manta rays; repealing s. 370.13(2), F.S., relating to a major violation involving stone crabs; repealing s. 370.135(2), (3), and (4), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.14(6), F.S., relating to a major violation involving crawfish; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), (e), and (5)(b), (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; repealing section 370.1611, F.S., relating to an oyster depuration plant; providing an effective date.

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

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By the Committee on Health Care Standards and Regulatory Reform; and Representative Jones—

**HB 4681**—A bill to be entitled An act relating to regulation of professions; amending s. 455.225, F.S.; revising probable cause provisions and eliminating or revising obsolete references; amending s. 455.564, F.S.; authorizing the Department of Health and regulatory boards thereunder to refuse to issue an initial license under circumstances relating to ongoing investigations or prosecutions; providing for certain alternative continuing education credit; amending s. 455.565, F.S.; requiring certain applicants for restricted licensure as a physician to submit a set of fingerprints; amending s. 455.574, F.S.; providing the Department of Health rulemaking authority with respect to examinations; amending ss. 20.43, 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.211, 400.491, 400.518, 408.061, 408.704, 409.2598, 409.908, 415.1055, 415.5055, 415.51, 440.13, 455.209, 455.213, 455.218, 455.2285, 455.565, 455.5651, 455.641, 455.651, 455.698, 455.717, 457.103, 458.307, 458.311, 458.3115, 458.3124, 458.319, 458.331, 458.343, 458.347, 459.004, 459.008, 459.015, 459.019, 459.022, 460.4061, 460.407, 461.007, 462.01, 463.002, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 467.003, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.518, 468.523, 468.526, 468.532, 468.535, 468.701, 468.703, 468.707, 468.711, 468.719, 468.801, 468.811, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 471.038, 472.015, 473.3035,

473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.002, 484.003, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.00515, 490.009, 490.015, 491.004, 491.0047, 491.005, 491.009, 491.015, 492.103, 492.113, 627.6407, 627.6619, 627.668, 627.912, 636.039, 641.27, 641.316, 641.55, 766.106, 766.305, 766.308, 766.314, 817.505, 865.09, and 937.031, F.S.; correcting references, cross references, definitions, and terminology relating to authority and jurisdiction of the Department of Health; amending ss. 215.20, 391.208, 391.217, 400.5575, 408.20, and 641.60, F.S.; correcting cross references relating to the Health Care Trust Fund; amending ss. 39.01, 320.0848, 322.125, 381.0031, 381.026, 381.0261, 381.0302, 382.002, 395.0191, 395.0195, 395.1041, 395.301, 404.22, 409.906, 415.1034, 415.503, 415.504, 440.106, 440.13, 440.134, 440.15, 455.654, 455.684, 455.691, 455.694, 455.697, 455.698, 456.31, 456.32, 459.002, 460.403, 460.404, 460.405, 460.406, 460.408, 460.411, 460.412, 460.413, 460.4166, 461.001, 461.002, 461.003, 461.004, 461.006, 461.009, 461.012, 461.013, 461.0134, 461.014, 461.015, 461.018, 462.01, 464.003, 468.301, 468.302, 468.304, 468.307, 468.314, 476.044, 477.0135, 483.901, 486.021, 486.161, 621.03, 627.351, 627.357, 627.419, 627.6482, 641.316, 641.425, 725.01, 766.101, 766.102, 766.103, 766.105, 766.110, 766.1115, 817.234, 893.02, 945.047, and 984.03, F.S.; revising terminology relating to chiropractic and podiatric medicine; retitling chapters 460 and 461, F.S., to conform; providing an effective date.

—was referred to the Committee on Health Care.

By the Committee on Health Care Standards and Regulatory Reform; and Representative Jones—

**HB 4741**—A bill to be entitled An act relating to managed health care; amending s. 641.316, F.S.; revising fidelity bond requirements for fiscal intermediary services organizations; providing surety bond requirements for such organizations; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committee on Colleges and Universities; and Representative Casey—

**HB 4747**—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 240.40201, F.S.; providing responsibilities of school principals; revising provisions relating to payment for awards; amending s. 240.40202, F.S.; providing additional student eligibility requirements for an initial award; amending s. 240.40205, F.S.; revising student eligibility requirements for receipt of a Florida Academic Scholars award; specifying fees for which payment may be made; amending s. 240.40206, F.S.; revising student eligibility requirements for receipt of a Florida Merit Scholars award; specifying fees for which payment may be made; amending s. 240.40207, F.S.; restricting the use of a Florida Gold Seal Vocational Scholars award; specifying fees for which payment may be made; revising provisions relating to transfer of awards and providing requirements; amending s. 240.40208, F.S., to conform; providing an effective date.

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

By the Committee on Community Affairs and Representative Greene and others—

**CS for HB 29**—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.011, F.S.; authorizing the granting of exemption to property entitled to a charitable exemption for the 1994 tax year for which application was not timely filed under certain circumstances; providing for cancellation of taxes assessed and outstanding tax certificates; providing for expiration; amending s. 196.195, F.S.; specifying that certain nonprofit corporations are nonprofit for purposes of determining eligibility for the religious, literary, scientific, or charitable ad valorem tax exemption and providing requirements for establishing such status; amending s. 196.196, F.S.; providing an additional criterion

for use in determining whether property is being used for a charitable, religious, scientific, or literary purpose; providing an effective date.

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

By the Committee on Health Care Standards and Regulatory Reform; and Representative Goode and others—

**CS for HB 1087**—A bill to be entitled An act relating to health care; amending s. 641.51, F.S.; requiring health maintenance organizations to provide a subscriber continued access to a treating physician terminated by the organization; providing limitations; amending s. 641.315, F.S.; revising the notice requirements for termination of provider contracts; providing an effective date.

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

By the Committees on Finance and Taxation; Elder Affairs and Long Term Care; and Representative Crist and others—

**CS for CS for HB 1093**—A bill to be entitled An act relating to taxation of homes for the aged; amending s. 196.1976, F.S.; providing that the provisions of s. 196.1975, F.S., relating to the ad valorem tax exemption for nonprofit homes for the aged, are severable, rather than nonseverable; creating s. 196.1977, F.S.; providing an exemption for each apartment in certain continuing care facilities occupied by a person who holds a continuing care contract, who makes the apartment his or her permanent home, and who is not eligible for homestead exemption; providing procedures and requirements; providing legislative intent; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Community Affairs.

By Representative Healey and others—

**HB 1269**—A bill to be entitled An act relating to vehicular homicide; amending s. 782.071, F.S.; redefining the offense of “vehicular homicide” to include the killing of a viable fetus by any injury to the mother which would be vehicular homicide if it resulted in the death of the mother; providing a right of action for civil damages; providing a definition; providing penalties; reenacting ss. 921.0022(3)(h) and 960.03(3), F.S., relating to the Criminal Punishment Code offense severity ranking chart and the definition of “crime” with respect to the Florida Crimes Compensation Act, respectively, to incorporate said amendment in references; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart, to conform terminology; providing an effective date.

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

By the Committee on Crime and Punishment; and Representative Heyman and others—

**CS for HB 1381**—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 or 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.

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

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By Representative Feeney and others—

**HB 1719**—A bill to be entitled An act relating to professions, occupations, and businesses; prohibiting specified state agencies from penalizing a person for violating specified rules of which he had no knowledge; prohibiting such agencies from enforcing rules applicable to the collection of taxes or to professions, occupations, or businesses when specified conditions are met; providing exceptions; providing a defense for enforcement actions in specified circumstances; providing exceptions; providing an effective date.

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

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By Representative Murman and others—

**HB 3217**—A bill to be entitled An act relating to the privatization of foster care and related services; amending s. 409.1671, F.S.; providing legislative intent; defining the terms "privatize," "related services," and "eligible lead community-based provider"; requiring the Department of Children and Family Services to develop a plan to accomplish statewide privatization within a specified time period and to submit the plan to the Governor and to designated legislative officials by a specified date; providing plan requirements; requiring the department to state whether and why privatization cannot be accomplished in a particular district or portion of a district and how the department will address the obstacles to privatization; providing for legal services; requiring that child welfare legal services be provided by specified providers; providing for case management responsibilities; providing for quality assurance; providing requirements for and restrictions upon funding for privatization; creating s. 415.5071, F.S.; providing for a model program for child protective investigative services, to be initiated in specified districts; requiring the department to contract with sheriffs in those districts; providing responsibilities of the department; requiring a report; providing for funding; providing for the creation of a specified committee which shall submit a required report; providing an effective date.

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

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By the Committee on Family Law and Children; and Representative Villalobos and others—

**CS for HB 3327**—A bill to be entitled An act relating to sexual predators; creating the "Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act"; creating s. 916.30, F.S.; providing findings and intent; creating s. 916.31, F.S.; providing definitions; creating s. 916.32, F.S.; requiring certain notice to the state attorney of anticipated release of specified persons who may meet the criteria for a sexually violent predator; requiring provision of certain records and information by the agency with jurisdiction to the state attorney; providing certain immunity from liability of the agency with jurisdiction, the state attorney, and their employees and service providers; creating s. 916.33, F.S.; providing for petition to have such person declared a sexually violent predator; creating s. 916.34, F.S.; providing for determination of probable cause and taking respondent into custody; providing for transfer of the respondent to a secure facility for evaluation under specified circumstances when the court finds probable cause to believe that the respondent is a sexually violent predator; creating s. 916.35, F.S.; providing for trial on the issue of whether a person is a

sexually violent predator; creating s. 916.36, F.S.; providing for commitment of a person determined to be a sexually violent predator; creating s. 916.37, F.S.; requiring annual examination of persons committed; creating s. 916.38, F.S.; requiring detention and commitment to conform to constitutional requirements; creating s. 916.39, F.S.; providing for petitions for release; creating s. 916.40, F.S.; providing that the Department of Children and Family Services is responsible for specified evaluation and treatment costs; providing for reimbursement; providing for court orders for certain disclosures to the department by the committed person of income and assets; providing for imposition and assessment of certain financial liabilities for payment of daily subsistence and treatment costs based on specified criteria; providing for notice and contest of the assessment; providing for survival of the order directing payment against the person's estate; creating s. 916.41, F.S.; providing for notice to victims; creating s. 916.42, F.S.; providing severability; creating s. 916.43, F.S.; providing for access to certain records; providing an effective date.

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

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By the Committee on Crime and Punishment; and Representative Tamargo and others—

**CS for HB 3373**—A bill to be entitled An act relating to pretrial detention; amending s. 907.041, F.S.; revising criteria for pretrial detention; deleting requirement for additional court findings for pretrial detention; permitting pretrial detention for any violation of conditions of pretrial release or bond which, in the discretion of the court, supports a finding that no condition of release can reasonably protect the community from physical harm, assure the presence of the accused at trial, or assure the integrity of the judicial process; deleting limitation upon detention period when detention is based on threat of harm to the community; authorizing a court to detain a defendant at a bail hearing without separate hearing or motion for pretrial detention; authorizing the state to orally move for pretrial detention anytime the defendant is before the court for a bail hearing; providing for construction; repealing Rules 3.131 and 3.132, Florida Rules of Criminal Procedure, relating to pretrial release and pretrial detention, to the extent of inconsistency with the act; amending s. 901.31, F.S.; providing for cancellation of bond under certain circumstances; providing an effective date.

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

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By the Committee on Crime and Punishment; and Representative Byrd and others—

**CS for HB 3733**—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 said 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; requiring notice to offender to be provided; 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 said 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 the person, property, or residence of any of specified offenders under certain circumstances; limiting authority for searches of residences; requiring report when residence is searched; defining reasonable grounds; 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," 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 when a court may place a defendant on probation or into community control, and s. 958.14, F.S., relating to violation of probation or community control program, to incorporate said amendment in references; providing an effective date.

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

By Representative Boyd—

**HB 3823**—A bill to be entitled An act relating to the Cedar Key Special Water and Sewerage District in Levy County; codifying laws governing the independent special district; revising the name of the district; establishing revised district boundaries; revising the election procedures for district commissioners; providing for administrative secretary; granting power and duties to Board; authorizing district to issue bonds and to prescribe duties and procedures; giving the Board the power to tax and providing procedures; requiring the advertising and bidding on district work over a certain amount; granting additional powers to Board; providing the qualifications of district electors; stating the Legislature is not restricted in its ability to modify boundaries and bond principal maximums; exempting the district from paying taxes on its property and income; providing for severability; repealing chapters 63-1569, 75-426, 76-416, 80-531, and 87-528, 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.

By Representative Spratt—

**HB 3965**—A bill to be entitled An act relating to the Immokalee Water and Sewer District, an independent special district in Collier County, as created by chapter 78-494, Laws of Florida, as amended; providing for a codified charter of its special acts in a single act and repealing all prior special acts relating to the Immokalee Water and Sewer District, as required by chapter 97-255, Laws of Florida; defining its boundaries; providing definitions; authorizing the district to operate a water and sewer system; providing for a governing board of the district; restricting the use of funds of the district; providing the powers of the board; providing for water rates and service charges; providing for special assessments; providing for the collection of rates and charges; requiring certain persons to connect to the sewer system established under the act under certain circumstances; providing a declaration of policy; providing for annual audits; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Colleges and Universities; and Representative Casey and others—

**HB 4163**—A bill to be entitled An act relating to postsecondary education; amending s. 240.61, F.S., relating to the college reach-out program; revising the criteria for participating in the college reach-out program; requiring the Postsecondary Education Planning Commission to determine the frequency of certain assessments; revising the reporting date; repealing ss. 240.154 and 240.278, F.S., relating to proposals for undergraduate enhancement and the Quality Assurance Fund; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Governmental Rules and Regulations; and Representative Wallace and others—

**HB 4279**—A bill to be entitled An act relating to state government; requiring the Joint Administrative Procedures Committee to publish certain statistics relating to rules in its annual report; directing the Office of Program Policy Analysis and Government Accountability to conduct a study and prepare a report on the cost of state regulation and providing requirements with respect thereto; providing an appropriation; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Rules and Calendar.

By the Committee on Business Regulation and Consumer Affairs; and Representative Ogles—

**HB 4431**—A bill to be entitled An act relating to talent agencies; amending and renumbering s. 468.401, F.S. as 501.940, F.S.; providing definitions; amending and renumbering s. 468.412, F.S. as s. 501.941; providing requirements and prohibitions associated with practicing as a talent agent; providing that failure to comply is deemed an unfair or deceptive practice under part II of the ch 501; creating s. 501.942, F.S.; exempting attorneys from penalties and remedies provided in bill; repealing ss. 468.402, 468.403, 468.404, 468.405, 468.406, 468.407, 468.408, 468.409, 468.410, 468.411, 468.413, 468.414, 468.415, F.S.; providing an effective date.

—was referred to the Committees on Regulated Industries; and Governmental Reform and Oversight.

By Representative Constantine—

**HB 4783**—A bill to be entitled An act relating to local government; creating ss. 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, and 163.2526, F.S., the Urban Infill and Redevelopment Act; providing legislative findings; providing definitions; authorizing counties and municipalities to designate urban infill and redevelopment areas based on specified criteria; requiring preparation of a plan or designation of an existing plan and providing requirements with respect thereto; requiring a public hearing; providing for amendment of the local comprehensive plan; providing that counties and municipalities that have adopted such plan may issue revenue bonds and employ tax increment financing under the Community Redevelopment Act and exercise powers granted to community redevelopment neighborhood improvement districts; requiring a report by certain state agencies; providing a program for grants to counties and municipalities with urban infill and redevelopment areas; providing for review and evaluation of the act and requiring a report; amending s. 163.3180, F.S.; authorizing exemptions from the transportation facilities concurrency requirement for developments located in an urban infill and redevelopment area; amending s. 163.3187, F.S.; providing that comprehensive plan amendments to designate such areas are not subject to statutory limits on the frequency of plan amendments; including such areas within certain limitations relating to small scale development amendments; amending s. 187.201, F.S.; including policies relating to urban policy in the State Comprehensive Plan; amending s. 380.06, F.S., relating to developments of regional impact; increasing certain numerical standards for determining a substantial deviation for projects located in certain urban infill and redevelopment

areas; amending s. 163.375, F.S.; authorizing acquisition by eminent domain of property in unincorporated enclaves surrounded by a community redevelopment area when necessary to accomplish a community development plan; amending s. 171.0413, F.S., relating to municipal annexation procedures; deleting a requirement that a separate referendum be held in the annexing municipality when the annexation exceeds a certain size; providing procedures by which a county or combination of counties and the municipalities therein may develop and adopt a plan to improve the efficiency, accountability, and coordination of the delivery of local government services; providing for initiation of the process by resolution; providing requirements for the plan; requiring approval by the local governments' governing bodies and by referendum; authorizing municipal annexation through such plan; amending s. 166.251 F.S.; revising provisions with respect to service fee for dishonored checks; providing an effective date.

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

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### RETURNING MESSAGES ON SENATE BILLS

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendment(s) to CS for SB 1402 and has acceded to the request of the Senate for the appointment of a conference committee.

The Speaker has appointed the following Representatives as conferees on the part of the House: Representatives Morse, Meek, Stabins and Carlton (alternate).

*John B. Phelps, Clerk*

**CS for SB 1402**—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; providing an additional duty of the Secretary of State; amending s. 97.021, F.S.; revising the definition of absent elector; amending s. 97.041, F.S.; providing that holders of a homestead exemption may be registered only in the county and precinct in which is located the property for which the homestead exemption has been granted; providing an exception; amending s. 97.052, F.S.; requiring that certain information relating to homestead exemptions be included in the uniform statewide voter registration application; requiring that the last four digits of the applicant's social security number and the applicant's driver license or Florida identification number be included in the uniform statewide voter registration application; amending s. 196.111, F.S.; providing for notice of termination of homestead exemption; creating s. 196.115, F.S.; providing for termination of homestead exemption and subsequent disqualification upon registration as an elector in another precinct; amending s. 196.121, F.S.; requiring homestead exemption forms to include notice of the requirements for factual determination of permanent residency by the property appraiser and notice of the requirements relating to voter registration and the potential loss of homestead exemption; amending s. 97.053, F.S.; requiring that the last four digits of the applicant's social security number be included on a voter registration application for the application to be complete; creating s. 97.056, F.S.; requiring persons who register by mail to vote in person the first time; providing exceptions; amending s. 97.071, F.S.; providing for the mailing of a registration identification card to the voter; creating s. 98.0975, F.S.; requiring the division to compare information in the central voter file with other computer databases; amending s. 98.461, F.S.; revising the contents of the precinct register; amending s. 98.471, F.S.; requiring a voter to show a picture identification at the polls; amending s. 100.041, F.S.; providing for the terms of charter county commissioners; amending s. 101.62, F.S.; restricting telephone requests for absentee ballots; revising the methods of delivery of absentee ballots; amending s. 101.64, F.S.; revising the Voter's Certificate; providing reasons for voting absentee; requiring additional information of a witness; creating s. 101.647, F.S.; providing for the return of absentee ballots; amending s. 101.65, F.S.; revising the instructions to absent electors to conform; creating s. 101.657, F.S.; providing for in-person absentee voting; creating s. 101.66, F.S.; requiring absent electors to

personally vote the ballot; providing exceptions; amending s. 101.68, F.S., relating to canvassing of absentee ballots; revising the requirement for legal ballots; requiring the supervisor of elections to notify certain absent electors whose ballots were rejected; creating s. 104.047, F.S.; providing penalties for offenses relating to absentee ballots and voting; amending s. 104.012, F.S.; increasing the penalty for interfering with registration and for altering a voter registration application; amending s. 104.013, F.S.; increasing the penalty for the unauthorized use, possession, or destruction of a voter registration identification card; amending s. 104.031, F.S.; increasing the penalty for making a false declaration to secure assistance in voting; amending s. 104.045, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.0515, F.S.; increasing the penalty for interfering with voting rights; amending s. 104.061, F.S.; increasing the penalty for corruptly influencing voting; amending s. 104.081, F.S.; increasing the penalty for employers who threaten employees regarding voting; amending s. 104.24, F.S.; increasing the penalty for a person who fraudulently uses the name of another in voting; amending s. 104.42, F.S.; authorizing the supervisor of elections to investigate fraud in registration and voting; amending s. 117.05, F.S.; requiring a notary public to witness an absentee ballot at no charge; amending ss. 106.25, 106.26, 106.265, 106.27, F.S.; authorizing the Florida Elections Commission to investigate violations of chapter 104, F.S.; providing procedures; providing a time period for filing complaints with the commission; providing for civil penalties; amending s. 106.265, F.S.; requiring the Department of Revenue to collect civil fines levied by the Florida Elections Commission; providing an appropriation; providing effective dates.

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### RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 200, CS for SB 930 and SB 1972.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

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### COMMITTEE MEMBERSHIP CHANGE

The President announced the change in status of Senator Latvala from an alternate member to a full member of the Conference Committee on Civil Litigation Reform.

### ENROLLING REPORTS

SB 142, SB 222, CS for SB 482, CS for CS for SB 626, SB 712, SB 734, SB 768, SB 770, CS for CS for SB 1046, CS for SB 1052, SB 1334, SB 1336 and SB 1350 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 22, 1998.

*Faye W. Blanton, Secretary*

### CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 21 was corrected and approved.

### VOTES RECORDED

Senator Rossin was recorded as voting "yea" on the following bills which were considered April 22: CS for HB 161, HB 3125, CS for HB 3161, HB 3205, HB 3239, HB 3289, HB 3889, CS for HB 4065, CS for SB 280, CS for SB 498, CS for SB 608, CS for SB 844, SB 864, SB 1724, CS for SB 1878, SB 1944, SB 2314 and CS for CS for SB 2524.

### RECESS

On motion by Senator Diaz-Balart, the Senate recessed at 6:12 p.m. to reconvene at 9:45 a.m., Thursday, April 23.