



Journal of the Senate

Number 5—Regular Session

Wednesday, March 10, 1999

CONTENTS

Bills on Third Reading 163, 170
 Bills Introduced After Deadline 181
 Call to Order 163
 Co-Sponsors 210
 Committee Substitutes, First Reading 207
 House Messages, First Reading 208
 Introduction and Reference of Bills 189
 Motions 163, 189
 Motions Relating to Committee Meetings 163
 Motions Relating to Committee Reference 163
 Reports of Committees 189
 Special Guests 167
 Special Order Calendar 167, 181

CALL TO ORDER

The Senate was called to order by President Jennings at 12:00 noon. A quorum present—39:

| | | | |
|-----------------|--------------|-------------|----------|
| Madam President | Dawson-White | Jones | Myers |
| Bronson | Diaz-Balart | Kirkpatrick | Rossin |
| Brown-Waite | Dyer | Klein | Saunders |
| Burt | Forman | Kurth | Scott |
| Campbell | Geller | Latvala | Sebesta |
| Carlton | Grant | Laurent | Silver |
| Casas | Gutman | Lee | Sullivan |
| Childers | Hargrett | McKay | Thomas |
| Clary | Holzendorf | Meek | Webster |
| Cowin | Horne | Mitchell | |

PRAYER

The following prayer was offered by Rev. Willie Lockett, Pastor, Mt. Moriah Baptist Church, Palm Bay:

Eternal, Everlasting and Most Merciful God, the giver and sustainer of every good and perfect gift, it is again that we come into thy presence. We ask that you not be angry for our coming too often, but we feel the need to say thank you.

We thank you for the privilege of being able to come to you with our petitions and we thank you for listening. We thank you for all the blessings that you have bestowed upon us. We thank you for what you shall do for us in days to come.

We thank you for the safe journey of these men and women who give of themselves for the good of this state. We pray that you will touch their hearts, consecrate their minds that they will legislate the kind of laws that will make our state a beacon light for others to follow.

Help them to make our great state the light that gives light unto all the world that they might see; that light that shall enhance housing, employment and education; that light that shall make our state a haven for the young and the elderly. Make our state the state you would have it to be. In your name, we pray. Amen.

PLEDGE

Senate Pages Bethany Donley of St. Cloud and Brooke Fuller of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Cowin, by two-thirds vote **SB 2004** was withdrawn prior to introduction.

On motion by Senator Campbell, by two-thirds vote **SB 1226**, **SB 300** and **SB 1112** were withdrawn from the committees of reference and further consideration.

On motion by Senator Sebesta, by two-thirds vote **SB 1086** was withdrawn from the committees of reference and further consideration.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator McKay, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet upon adjournment March 11 to establish the Special Order Calendar for Tuesday, March 16 and Wednesday, March 17.

MOTIONS

On motion by Senator McKay, a deadline of 5:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Thursday, March 11.

BILLS ON THIRD READING

CS for SB 374—A bill to be entitled An act relating to civil actions; creating s. 40.50, F.S.; providing for instructions to juries after the jury is sworn in; providing for the taking of notes under certain circumstances; providing for notebooks; providing for written questions; providing for final instructions; amending s. 44.102, F.S.; requiring that the court require mediation in certain actions for monetary damages; creating s. 44.1051, F.S.; providing for voluntary trial resolution; providing for the appointment of a trial resolution judge; providing for compensation; providing for fees; providing for the tolling of applicable statutes of limitation; providing for powers of trial resolution judges; providing for hearings and evidence; providing for appeal; providing for application; amending s. 57.105, F.S.; revising conditions for award of attorney's fees for presenting unsupported claims or defenses; authorizing damage awards against a party for unreasonable delay of litigation; authorizing the court to impose additional sanctions; amending s. 768.79, F.S.; providing for the applicability of offers of judgment and demand of judgment in cases involving multiple plaintiffs; providing that subsequent offers shall void previous offers; providing that prior to awarding costs and fees the court shall consider whether the proposal was reasonably rejected; amending s. 57.071, F.S.; providing criteria under which expert witness fees may be awarded as taxable costs; providing for expedited trials; amending s. 768.77, F.S.; deleting a requirement to itemize future damages on verdict forms; amending s. 768.78, F.S.; providing for proposals for structured settlements; requiring structured-settlement discussion in settlement negotiations; requiring assignment of liability for payment to a third-party assignee selected by the plaintiff; granting the plaintiff the right to select a settlement broker; providing for findings in orders approving or adopting a settlement; conforming provisions relating to alternative methods of payment of damage awards to changes made by the act; correcting a cross-reference; creating s. 47.025, F.S.; providing that certain venue provisions in a contract for improvement to real property are void; specifying appropriate venue for actions against resident contractors, subcontractors, sub-subcontractors, and materialmen; requiring the clerk of court to report certain information on negligence cases to the Office of the State Courts Administrator; amending s.

768.81, F.S.; providing for the apportionment of damages on the basis of joint and several liability when a party's fault exceeds a certain percentage; repealing s. 768.81(5), F.S.; relating to the applicability of joint and several liability to actions in which the total amount of damages does not exceed a specified amount; requiring the Department of Insurance to contract with an actuarial firm to conduct an actuarial analysis of expected reductions in judgments and related costs resulting from litigation reforms; specifying the basis and due date for the actuarial report; providing for a review of rate filings by certain types of insurers after a specified date; providing that such provisions do not limit the refund of excessive profits by certain insurers; creating s. 768.1256, F.S.; providing a government rules defense with respect to certain products liability actions; providing for rebuttable presumptions; providing an exception; amending s. 400.023, F.S., relating to actions brought on behalf of nursing home residents; providing that a party to any such action may not recover attorney's fees unless parties submit to mediation; specifying requirements for such mediation; providing for application; providing a standard for any award of punitive damages; increasing minimum financial responsibility requirements for physicians and osteopathic physicians and eliminating an alternative method of satisfying financial responsibility requirements for physicians and osteopathic physicians with hospital staff privileges; providing for severability; providing an effective date.

—as amended March 9 was read the third time by title.

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

Amendment 1—On page 24, line 21, after the period (.) insert: *However, the provisions of section 627.062(2)(g), Florida Statutes, which prohibit the department from disapproving as excessive any rate for which it has given final approval, or which has been deemed approved for a period of 1 year after the effective date of the filing, does not apply to this subsection.*

On motion by Senator Laurent, **CS for SB 374** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

| | | | |
|-----------------|--------------|-------------|----------|
| Madam President | Dawson-White | Jones | Myers |
| Bronson | Diaz-Balart | Kirkpatrick | Rossin |
| Brown-Waite | Dyer | Klein | Saunders |
| Burt | Forman | Kurth | Scott |
| Campbell | Geller | Latvala | Sebesta |
| Carlton | Grant | Laurent | Silver |
| Casas | Gutman | Lee | Sullivan |
| Childers | Hargrett | McKay | Thomas |
| Clary | Holzendorf | Meek | Webster |
| Cowin | Horne | Mitchell | |

Nays—None

CS for SB 376—A bill to be entitled An act relating to civil actions; creating s. 768.096, F.S.; providing an employer with a presumption against negligent hiring under specified conditions in an action for civil damages resulting from an intentional tort committed by an employee; amending s. 768.095, F.S.; revising the conditions under which an employer is immune from civil liability for disclosing information regarding an employee to a prospective employer; creating s. 768.071, F.S.; providing limitations on premises liability for a person or organization owning or controlling an interest in a business premises; amending s. 768.075, F.S.; modifying the conditions under which a person or organization owning or controlling an interest in real property is liable for a trespasser's injury or death; providing definitions; providing for the avoidance of liability to discovered and undiscovered trespassers under described circumstances; providing immunity from certain liability arising out of the attempt to commit or the commission of a felony; creating s. 768.36, F.S.; prohibiting a plaintiff from recovering damages if plaintiff is more than a specified percentage at fault due to the influence of alcoholic beverages or drugs; creating s. 768.098, F.S.; providing a limitation of liability for employee leasing under specified conditions; providing for severability; providing an effective date.

—as amended March 9 was read the third time by title.

On motion by Senator Lee, **CS for SB 376** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

| | | | |
|-----------------|--------------|-------------|----------|
| Madam President | Dawson-White | Jones | Myers |
| Bronson | Diaz-Balart | Kirkpatrick | Rossin |
| Brown-Waite | Dyer | Klein | Saunders |
| Burt | Forman | Kurth | Scott |
| Campbell | Geller | Latvala | Sebesta |
| Carlton | Grant | Laurent | Silver |
| Casas | Gutman | Lee | Sullivan |
| Childers | Hargrett | McKay | Thomas |
| Clary | Holzendorf | Meek | Webster |
| Cowin | Horne | Mitchell | |

Nays—None

CS for SB 378—A bill to be entitled An act relating to civil action; creating s. 768.725, F.S.; providing evidentiary standards for an award of punitive damages; amending s. 768.72, F.S.; revising provisions with respect to claims for punitive damages in civil actions; requiring clear and convincing evidence of gross negligence or intentional misconduct to support the recovery of such damages; providing definitions; providing criteria for the imposition of punitive damages with respect to employers, principals, corporations, or other legal entities for the conduct of an employee or agent; providing for the application of the section; amending s. 768.73, F.S.; revising provisions with respect to limitations on punitive damages; providing monetary limitations; providing an exception with respect to intentional misconduct; prohibiting the award of subsequent punitive damages against a defendant if punitive damages were previously awarded against the defendant for harm arising out of the same act or single course of conduct; providing an exception; specifying the basis for calculating attorney's fees on judgments for punitive damages; providing for the application of the section; creating s. 768.735, F.S.; providing that ss. 768.72(2)-(4), 768.725, and 768.73, F.S., relating to punitive damages, are inapplicable to specified causes of action; limiting the amount of punitive damages that may be awarded to a claimant in certain civil actions involving abuse or arising under ch. 400, F.S.; creating s. 768.736, F.S.; providing that ss. 768.725 and 768.73, F.S., relating to punitive damages, do not apply to intoxicated defendants; providing for severability; providing an effective date.

—as amended March 9 was read the third time by title.

On motion by Senator Webster, **CS for SB 378** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

| | | | |
|-----------------|--------------|-------------|----------|
| Madam President | Dawson-White | Jones | Myers |
| Bronson | Diaz-Balart | Kirkpatrick | Rossin |
| Brown-Waite | Dyer | Klein | Saunders |
| Burt | Forman | Kurth | Scott |
| Campbell | Geller | Latvala | Sebesta |
| Carlton | Grant | Laurent | Silver |
| Casas | Gutman | Lee | Sullivan |
| Childers | Hargrett | McKay | Thomas |
| Clary | Holzendorf | Meek | Webster |
| Cowin | Horne | Mitchell | |

Nays—None

CS for SB 236—A bill to be entitled An act relating to civil actions; amending s. 324.021, F.S.; providing a limitation on the liability for bodily injury, property, and economic damages for certain lessors and owners of motor vehicles; providing for applicability; amending s. 95.031; providing a statute of repose of 18 years; providing for severability; providing an effective date.

—as amended March 9 was read the third time by title.

On motion by Senator Latvala, **CS for SB 236** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

| | | | |
|-----------------|--------------|-------------|----------|
| Madam President | Dawson-White | Jones | Myers |
| Bronson | Diaz-Balart | Kirkpatrick | Rossin |
| Brown-Waite | Dyer | Klein | Saunders |
| Burt | Forman | Kurth | Scott |
| Campbell | Geller | Latvala | Sebesta |
| Carlton | Grant | Laurent | Silver |
| Casas | Gutman | Lee | Sullivan |
| Childers | Hargrett | McKay | Thomas |
| Clary | Holzendorf | Meek | Webster |
| Cowin | Horne | Mitchell | |

Nays—None

On motion by Senator Webster, consideration of **CS for SB 194** was deferred.

SB 34—A bill to be entitled An act relating to the West Volusia Hospital Authority; providing for the relief of Jose Alberto Cruz, Jr., a minor, and his parents and natural guardians, Nelida Cruz and Jose Alberto Cruz, Sr., for injuries and damages caused by the hospital's negligence; specifying use of the funds; providing an effective date.

—as amended March 5 was read the third time by title.

On motion by Senator Dyer, **SB 34** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

| | | | |
|-----------------|--------------|-------------|----------|
| Madam President | Dawson-White | Jones | Myers |
| Bronson | Diaz-Balart | Kirkpatrick | Rossin |
| Brown-Waite | Dyer | Klein | Saunders |
| Burt | Forman | Kurth | Scott |
| Campbell | Geller | Latvala | Sebesta |
| Carlton | Grant | Laurent | Silver |
| Casas | Gutman | Lee | Sullivan |
| Childers | Hargrett | McKay | Thomas |
| Clary | Holzendorf | Meek | |
| Cowin | Horne | Mitchell | |

Nays—1

Webster

SB 6—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Ana Quintana-Marquez and Juan Marquez, her husband, for injuries and damages sustained as a result of a collision with a Metro-Dade police car; providing an effective date.

—was read the third time by title.

On motion by Senator Forman, **SB 6** was passed and certified to the House. The vote on passage was:

Yeas—39

| | | | |
|-----------------|--------------|-------------|----------|
| Madam President | Dawson-White | Jones | Myers |
| Bronson | Diaz-Balart | Kirkpatrick | Rossin |
| Brown-Waite | Dyer | Klein | Saunders |
| Burt | Forman | Kurth | Scott |
| Campbell | Geller | Latvala | Sebesta |
| Carlton | Grant | Laurent | Silver |
| Casas | Gutman | Lee | Sullivan |
| Childers | Hargrett | McKay | Thomas |
| Clary | Holzendorf | Meek | Webster |
| Cowin | Horne | Mitchell | |

Nays—None

Consideration of **SB 22** was deferred.

SB 46—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Martha Sosa; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of Metropolitan Dade County; providing for reimbursement of all unreimbursed medical payments made by Medicaid up to the date that this bill becomes a law; providing an effective date.

—as amended March 5 was read the third time by title.

On motion by Senator Jones, **SB 46** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

| | | | |
|-----------------|--------------|-------------|----------|
| Madam President | Dawson-White | Jones | Myers |
| Bronson | Diaz-Balart | Kirkpatrick | Rossin |
| Brown-Waite | Dyer | Klein | Saunders |
| Burt | Forman | Kurth | Scott |
| Campbell | Geller | Latvala | Sebesta |
| Carlton | Grant | Laurent | Silver |
| Casas | Gutman | Lee | Sullivan |
| Childers | Hargrett | McKay | Thomas |
| Clary | Holzendorf | Meek | Webster |
| Cowin | Horne | Mitchell | |

Nays—None

SB 14—A bill to be entitled An act relating to the Department of Transportation; providing for the relief of Trey Anthony Alls for injuries sustained as a result of an automobile accident; providing for reimbursement of all unreimbursed medical payments made by Medicaid up to the date that this bill becomes a law; providing an effective date.

—as amended March 5 was read the third time by title.

On motion by Senator Holzendorf, **SB 14** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

| | | | |
|-----------------|--------------|-------------|----------|
| Madam President | Dawson-White | Jones | Rossin |
| Bronson | Diaz-Balart | Kirkpatrick | Saunders |
| Brown-Waite | Dyer | Klein | Scott |
| Burt | Forman | Kurth | Sebesta |
| Campbell | Geller | Latvala | Silver |
| Carlton | Grant | Lee | Sullivan |
| Casas | Gutman | McKay | Thomas |
| Childers | Hargrett | Meek | |
| Clary | Holzendorf | Mitchell | |
| Cowin | Horne | Myers | |

Nays—2

Laurent Webster

SB 20—A bill to be entitled An act relating to the Florida Department of Transportation; providing for the relief of Patricia D. Baker; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the Florida Department of Transportation; providing an effective date.

—as amended March 5 was read the third time by title.

On motion by Senator Grant, **SB 20** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

| | | | |
|-----------------|--------------|------------|-------------|
| Madam President | Childers | Geller | Kirkpatrick |
| Bronson | Clary | Grant | Klein |
| Brown-Waite | Cowin | Gutman | Kurth |
| Burt | Dawson-White | Hargrett | Latvala |
| Campbell | Diaz-Balart | Holzendorf | Laurent |
| Carlton | Dyer | Horne | Lee |
| Casas | Forman | Jones | McKay |

Meek
Mitchell
Myers
Nays—1
Webster

Rossin
Saunders
Sebesta
Silver
Sullivan
Thomas

Kirkpatrick
Klein
Kurth
Latvala
Laurent
Nays—None

Lee
McKay
Meek
Mitchell
Myers

Rossin
Saunders
Scott
Sebesta
Silver

Sullivan
Thomas
Webster

SB 24—A bill to be entitled An act relating to the City of Delray Beach; providing for the relief of the estate of Charlie Brown, Jr., for damages sustained as a result of the city's negligence in misplacing evidence relating to an accident that critically injured him; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **SB 24** was passed and certified to the House. The vote on passage was:

Yeas—39

| | | | |
|-----------------|--------------|-------------|----------|
| Madam President | Dawson-White | Jones | Myers |
| Bronson | Diaz-Balart | Kirkpatrick | Rossin |
| Brown-Waite | Dyer | Klein | Saunders |
| Burt | Forman | Kurth | Scott |
| Campbell | Geller | Latvala | Sebesta |
| Carlton | Grant | Laurent | Silver |
| Casas | Gutman | Lee | Sullivan |
| Childers | Hargrett | McKay | Thomas |
| Clary | Holzendorf | Meek | Webster |
| Cowin | Horne | Mitchell | |

Nays—None

SB 26—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Robert Rosado for injuries sustained due to the negligence of the county; providing an effective date.

—as amended March 5 was read the third time by title.

On motion by Senator Rossin, **SB 26** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

| | | | |
|-----------------|--------------|-------------|----------|
| Madam President | Dawson-White | Jones | Myers |
| Bronson | Diaz-Balart | Kirkpatrick | Rossin |
| Brown-Waite | Dyer | Klein | Saunders |
| Burt | Forman | Kurth | Scott |
| Campbell | Geller | Latvala | Sebesta |
| Carlton | Grant | Laurent | Silver |
| Casas | Gutman | Lee | Sullivan |
| Childers | Hargrett | McKay | Thomas |
| Clary | Holzendorf | Meek | Webster |
| Cowin | Horne | Mitchell | |

Nays—None

SB 22—A bill to be entitled An act relating to the relief of the children of Elionne Joseph; requiring Dade County to compensate her children for her death as a result of the negligence of the Dade Metro Police; providing an effective date.

—as amended March 5 was read the third time by title.

On motion by Senator Silver, **SB 22** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

| | | | |
|-----------------|----------|--------------|------------|
| Madam President | Carlton | Dawson-White | Grant |
| Bronson | Casas | Diaz-Balart | Gutman |
| Brown-Waite | Childers | Dyer | Holzendorf |
| Burt | Clary | Forman | Horne |
| Campbell | Cowin | Geller | Jones |

SB 32—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Jennifer Eubanks-Black, David Black, John Eubanks, and Ivy Dawn Eubanks, for injuries and damages sustained due to the negligence of the county; providing an effective date.

—as amended March 5 was read the third time by title.

On motion by Senator Myers, **SB 32** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

| | | | |
|-----------------|--------------|-------------|----------|
| Madam President | Dawson-White | Jones | Myers |
| Bronson | Diaz-Balart | Kirkpatrick | Rossin |
| Brown-Waite | Dyer | Klein | Saunders |
| Burt | Forman | Kurth | Scott |
| Campbell | Geller | Latvala | Sebesta |
| Carlton | Grant | Laurent | Silver |
| Casas | Gutman | Lee | Sullivan |
| Childers | Hargrett | McKay | Thomas |
| Clary | Holzendorf | Meek | |
| Cowin | Horne | Mitchell | |

Nays—1

Webster

SB 48—A bill to be entitled An act relating to the City of Clearwater; providing for the relief of Paul W. Gilfoyle, through his guardian Anne-Marie Cherokee Lindsey, for damages sustained in a collision with a police car driven by a city patrolman; providing an effective date.

—as amended March 9 was read the third time by title.

On motion by Senator Sullivan, **SB 48** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

| | | | |
|-----------------|--------------|-------------|----------|
| Madam President | Dawson-White | Jones | Myers |
| Bronson | Diaz-Balart | Kirkpatrick | Rossin |
| Brown-Waite | Dyer | Klein | Saunders |
| Burt | Forman | Kurth | Scott |
| Campbell | Geller | Latvala | Sebesta |
| Carlton | Grant | Laurent | Silver |
| Casas | Gutman | Lee | Sullivan |
| Childers | Hargrett | McKay | Thomas |
| Clary | Holzendorf | Meek | |
| Cowin | Horne | Mitchell | |

Nays—None

SB 40—A bill to be entitled An act relating to the City of Tallahassee; providing for the relief of Warren Weathington and his father, Carl Weathington, for injuries sustained as a result of the negligent conduct of tennis pros employed by the City of Tallahassee; providing for an appropriation by the City of Tallahassee; providing an effective date.

—as amended March 9 was read the third time by title.

On motion by Senator Campbell, **SB 40** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

| | | | |
|-----------------|-------------|----------|----------|
| Madam President | Brown-Waite | Campbell | Casas |
| Bronson | Burt | Carlton | Childers |

| | | | |
|--------------|-------------|----------|----------|
| Clary | Gutman | Latvala | Scott |
| Cowin | Hargrett | Laurent | Sebesta |
| Dawson-White | Holzendorf | Lee | Silver |
| Diaz-Balart | Horne | McKay | Sullivan |
| Dyer | Jones | Meek | Thomas |
| Forman | Kirkpatrick | Myers | Webster |
| Geller | Klein | Rossin | |
| Grant | Kurth | Saunders | |

Nays—None

SB 4—A bill to be entitled An act for the relief of Joseph Bellamy Farver; providing an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Department of Children and Family Services, formerly the Department of Health and Rehabilitative Services; providing an effective date.

—as amended March 9 was read the third time by title.

On motion by Senator Forman, **SB 4** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

| | | | |
|-----------------|--------------|-------------|----------|
| Madam President | Dawson-White | Jones | Myers |
| Bronson | Diaz-Balart | Kirkpatrick | Rossin |
| Brown-Waite | Dyer | Klein | Saunders |
| Burt | Forman | Kurth | Scott |
| Campbell | Geller | Latvala | Sebesta |
| Carlton | Grant | Laurent | Sullivan |
| Casas | Gutman | Lee | Thomas |
| Childers | Hargrett | McKay | |
| Clary | Holzendorf | Meek | |
| Cowin | Horne | Mitchell | |

Nays—1

Webster

On motion by Senator Jones, consideration of **SB 8** was deferred.

INTRODUCTION OF FORMER SENATOR

The President introduced former Senator Kenneth Jenne II who was present in the chamber.

SPECIAL ORDER CALENDAR

ADOPTION ACT AND REVISER BILLS

On motion by Senator McKay, by two-thirds vote **HB 1057** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

HB 1057—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 1999 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1999 shall be effective immediately upon publication; providing that general laws enacted during the 1997 regular session and prior thereto and not included in the Florida Statutes 1999 are repealed; providing that general laws enacted during the November 1997 special session, the 1998 regular session, and the 1999 regular session are not repealed by this adoption act.

—a companion measure, was substituted for **SB 836** and read the second time by title.

Pursuant to Rule 4.19, **HB 1057** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay, by two-thirds vote **HB 1037** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

HB 1037—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 11.149, 11.242, 11.46, 15.182, 20.19, 20.22, 20.23, 20.315, 20.316, 27.0055, 27.365, 27.702, 28.101, 34.201, 39.01, 39.0132, 39.3031, 39.503, 39.821, 49.011, 50.011, 50.031, 50.051, 63.0427, 63.162, 72.011, 90.4025, 90.953, 92.53, 97.1031, 101.62, 101.65, 104.047, 106.082, 110.112, 110.123, 112.19, 112.191, 112.215, 112.3135, 112.3143, 112.352, 112.361, 120.57, 120.595, 120.81, 121.011, 121.021, 121.046, 121.051, 121.091, 121.125, 121.40, 122.03, 125.0104, 154.503, 161.36, 163.01, 163.03, 163.360, 166.231, 175.021, 175.071, 185.06, 186.001, 186.003, 186.006, 186.505, 199.023, 206.97, 206.9915, 212.06, 212.08, 212.12, 212.20, 213.05, 213.053, 215.32, 215.58, 215.96, 216.0315, 216.136, 216.181, 216.236, 216.237, 216.346, 218.21, 218.65, 220.02, 228.053, 228.055, 228.0565, 229.593, 230.2305, 231.261, 232.246, 233.17, 235.05, 235.2197, 235.435, 236.08107, 236.1228, and 236.685, Florida Statutes; reenacting and amending s. 117.05(5), Florida Statutes; and reenacting ss. 90.503(1), 112.313(9), 197.222(1), and 206.59(4), Florida Statutes, pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—a companion measure, was substituted for **SB 838** and read the second time by title.

Pursuant to Rule 4.19, **HB 1037** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay—

SB 840—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 238.06, 240.1161, 240.1201, 240.147, 240.156, 240.20941, 240.2605, 240.275, 240.283, 240.285, 240.311, 240.319, 240.3195, 240.324, 240.331, 240.3315, 240.383, 240.4063, 240.408, 240.414, 240.4145, 240.498, 240.514, 240.551, 240.6054, 240.632, 242.3305, 246.041, 250.46, 252.939, 253.025, 255.05, 259.032, 259.101, 260.016, 270.10, 280.09, 280.11, 281.05, 281.06, 281.07, 281.08, 282.003, 282.005, 282.101, 282.20, 282.22, 282.3031, 282.3041, 282.310, 283.33, 284.31, 287.059, 287.0595, 287.064, 287.09431, 287.133, 287.151, 287.16, 288.039, 288.041, 288.052, 288.1066, 288.108, 288.1169, 288.1185, 288.770, 288.776, 288.853, 288.905, 288.9512, 288.9605, 288.9607, 288.9620, 290.0058, 290.0065, 290.009, 295.07, 295.085, 295.09, 295.14, 296.33, 298.225, 316.003, 316.072, 316.0747, 316.1955, 316.2126, 316.2399, 316.302, 316.515, 316.611, 318.13, 318.14, 318.21, 319.33, 320.03, 320.055, 320.08056, 320.08058, 320.0848, 320.1325, 322.12, 322.121, 322.292, 322.34, 322.57, 323.001, 325.202, 325.212, 327.25, 327.28, 331.303, 331.305, 331.308, 334.03, 336.01, 337.02, 337.023, 337.407, 338.22, 338.221, 338.222, 338.223, 338.225, 338.227, 338.228, 338.229, 338.231, 338.232, 338.239, 339.0805, 339.135, 341.321, 348.0005, 348.242, 349.21, 350.031, 350.0605, 354.01, 364.509, 366.072, 368.061, 370.06, 370.0605, 370.063, 370.0821, 370.12, 370.14, 370.142, 370.1535, 370.154, 372.023, 372.561, 372.57, 372.573, 372.661, 373.036, 373.0691, 373.213, 373.246, 373.414, 373.4149, 373.421, 373.4592, 373.59, 373.591, 374.976, 374.983, 375.041, 376.3071, 376.3072, 376.3078, 376.30781, 376.82, 378.901, 380.0555, 380.20, 380.205, 380.22, 381.0014, 381.0035, 381.004, 381.0065, 381.0068, 381.0203, 381.732, 381.733, 382.003, 382.356, 388.4111, 388.46, 390.0111, 390.0112, 393.063, 393.067, 394.4787, 395.002, 395.605, 400.0067, 400.051, 400.063, 400.417, 400.4174, 400.4256, 400.426, 400.427, 400.447, 400.471, 400.6085, 400.618, 400.6196, 402.161, 402.3055, 402.3057, 402.308, and 402.3115, Florida Statutes; reenacting and amending ss. 341.051(5) and 397.405, Florida Statutes; and reenacting ss. 240.2011, 266.0016, 295.11(2), 320.0848(9) and (10), 320.20(2), 328.17(1), 351.03, 351.034, 351.35, 351.36, 351.37, 354.01, 354.02, 354.03, 354.04, 354.05, 354.07, 361.025, 373.197(2), (3), 376.30711(2)(b), (c), and 377.703(3)(b), (c), (d), (e), (h), (i), (j), (k), (l), and (m), Florida Statutes, pursuant to s. 11.242, Florida Statutes; deleting provisions

which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 840** to **HB 1039**.

Pending further consideration of **SB 840** as amended, on motion by Senator McKay, by two-thirds vote **HB 1039** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

HB 1039—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 238.06, 240.1161, 240.1201, 240.147, 240.156, 240.20941, 240.2605, 240.275, 240.283, 240.285, 240.311, 240.319, 240.3195, 240.324, 240.331, 240.3315, 240.383, 240.4063, 240.408, 240.414, 240.4145, 240.498, 240.514, 240.551, 240.6054, 240.632, 242.3305, 246.041, 250.46, 252.939, 253.025, 255.05, 259.032, 259.101, 260.016, 270.10, 280.09, 280.11, 281.05, 281.06, 281.07, 281.08, 282.003, 282.005, 282.101, 282.20, 282.22, 282.3031, 282.3041, 282.310, 284.31, 287.059, 287.0595, 287.064, 287.09431, 287.133, 287.151, 287.16, 288.039, 288.041, 288.052, 288.1066, 288.108, 288.1169, 288.1185, 288.770, 288.776, 288.853, 288.905, 288.9512, 288.9605, 288.9607, 288.9620, 290.0058, 290.0065, 290.009, 295.07, 295.085, 295.09, 295.14, 296.33, 298.225, 316.003, 316.072, 316.0747, 316.1955, 316.2126, 316.2399, 316.302, 318.13, 318.14, 318.21, 319.33, 320.03, 320.055, 320.08056, 320.08058, 320.0848, 320.1325, 322.12, 322.121, 322.292, 322.34, 322.57, 323.001, 325.202, 325.212, 327.25, 327.28, 331.303, 331.305, 331.308, 334.03, 336.01, 337.023, 337.407, 338.22, 338.221, 338.222, 338.223, 338.225, 338.227, 338.228, 338.229, 338.231, 338.232, 338.239, 339.0805, 339.135, 341.321, 348.0005, 348.242, 349.21, 350.031, 350.0605, 354.01, 364.509, 366.072, 368.061, 370.06, 370.0605, 370.063, 370.0821, 370.12, 370.14, 370.142, 370.153, 370.154, 372.023, 372.561, 372.57, 372.573, 372.661, 373.036, 373.0691, 373.213, 373.246, 373.414, 373.421, 373.4592, 373.59, 373.591, 374.976, 374.983, 375.041, 376.3071, 376.3072, 376.3078, 376.30781, 376.82, 378.901, 380.0555, 380.20, 380.205, 380.22, 381.0014, 381.0035, 381.004, 381.0065, 381.0068, 381.0203, 381.732, 381.733, 382.003, 382.356, 388.4111, 388.46, 390.0111, 390.0112, 393.063, 393.067, 394.4787, 395.002, 395.605, 400.0067, 400.051, 400.063, 400.417, 400.4174, 400.4256, 400.426, 400.427, 400.447, 400.471, 400.6085, 400.618, 400.6196, 402.161, 402.3055, 402.3057, 402.308, and 402.3115, Florida Statutes; reenacting and amending ss. 341.051(5) and 397.405, Florida Statutes; and reenacting ss. 240.2011, 266.0016, 295.11(2), 320.0848(9) and (10), 320.20(2), 328.17(1), 351.03, 351.034, 351.35, 351.36, 351.37, 354.01, 354.02, 354.03, 354.04, 354.05, 354.07, 361.025, 373.197(2), (3), 376.30711(2)(b), (c), and 377.703(3)(b), (c), (d), (e), (h), (i), (j), (k), (l), and (m), Florida Statutes, pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—a companion measure, was substituted for **SB 840** as amended and read the second time by title.

Senator McKay moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 172, delete lines 7-10

And the title is amended as follows:

On page 1, line 31, delete "366.072,"

Pursuant to Rule 4.19, **HB 1039** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay, by two-thirds vote **HB 1041** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

HB 1041—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 403.086, 403.0872, 403.08851, 403.703, 403.705, 403.706, 403.708, 403.715, 403.718, 403.7199, 403.726, 403.788, 403.9415, 404.056, 408.05, 408.061, 408.062, 408.08, 408.7042, 408.904, 409.145, 409.1685, 409.1757, 409.2355, 409.2564, 409.2576, 409.821, 409.905, 409.908, 409.910, 409.9116, 409.912, 411.202, 411.222, 411.232, 411.242, 414.065, 414.105, 415.102, 415.1055, 415.107, 419.001, 420.0004, 420.507, 420.525, 420.9072, 421.10, 421.33, 430.502, 435.03, 435.04, 440.02, 440.021, 440.14, 440.15, 440.185, 440.25, 440.38, 440.385, 440.49, 440.51, 442.20, 443.036, 443.041, 443.111, 443.141, 443.151, 443.171, 443.191, 446.22, 446.25, 455.01, 455.5651, 455.5653, 455.5654, 455.607, 455.621, 455.667, 458.311, 458.320, 459.0085, 459.018, 462.14, 466.014, 468.1655, 468.1695, 468.307, 468.505, 468.605, 469.005, 471.045, 473.302, 479.01, 481.222, 483.23, 483.825, 487.048, 489.103, 489.1136, 489.131, 489.133, 489.140, 489.141, 489.519, 489.531, 494.00421, 497.255, 500.03, 501.022, 501.0575, 501.608, 509.032, 509.302, 514.031, 517.021, 517.12, 550.1625, 550.2625, 550.375, 553.06, 553.141, 553.503, 553.506, 553.512, 553.73, 553.74, 559.807, 560.129, 561.1105, 561.20, 578.28, 585.74, 585.91, 589.101, 590.11, 593.111, 601.04, 601.155, 608.402, and 616.242, Florida Statutes; and reenacting ss. 415.1102, 440.191(1), and 483.811(6), Florida Statutes, pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—a companion measure, was substituted for **SB 842** and read the second time by title.

Pursuant to Rule 4.19, **HB 1041** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay—

SB 844—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 618.08, 620.78, 620.782, 620.783, 620.7851, 620.786, 620.788, 620.7885, 620.7887, 624.01, 624.123, 624.408, 624.439, 624.461, 624.502, 624.5092, 624.610, 625.52, 626.041, 626.101, 626.9541, 626.9543, 626.973, 627.0612, 627.162, 627.4147, 627.5515, 627.6617, 627.6699, 627.7295, 627.733, 627.848, 627.912, 627.9407, 628.461, 628.4615, 628.6013, 628.6016, 628.6017, 628.721, 629.401, 631.0515, 631.112, 631.57, 631.914, 633.161, 633.72, 641.2018, 641.20185, 641.30, 641.31071, 641.459, 641.495, 641.51, 641.512, 641.515, 658.2953, 658.90, 660.29, 663.02, 663.16, 671.105, 678.1021, 678.5031, 694.14, 697.05, 704.05, 713.01, 713.32, 718.103, 718.111, 719.106, 719.618, 721.84, 723.085, 734.1025, 741.01, 742.107, 743.0645, 743.065, 744.641, 744.704, 765.113, 766.1115, 766.207, 766.304, 766.316, 772.102, 773.02, 773.05, 775.0877, 784.07, 784.075, 790.0655, 794.024, 810.14, 812.014, 828.27, 901.15, 914.16, 914.17, 918.16, 921.0022, 921.0024, 922.095, 943.0435, 943.0585, 943.059, 943.14, 944.10, 944.606, 944.801, 948.01, 948.03, 948.08, 957.04, 960.003, 984.03, 984.226, 985.04, 985.203, 985.227, 985.231, 985.304, 985.31, 985.3141, 985.317, 985.401, 985.404, 985.41, 985.413, and 985.414, Florida Statutes; reenacting and amending ss. 641.3007 and 985.23, Florida Statutes; and reenacting ss. 624.610(3), 626.321(1), 626.730, 626.939, 743.07, 794.011, 831.31, 907.041(4), 925.037(5), 984.03(41), and 985.311(3), Florida Statutes, pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; im-

proving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 844** to **HB 1043**.

Pending further consideration of **SB 844** as amended, on motion by Senator McKay, by two-thirds vote **HB 1043** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

HB 1043—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 618.08, 620.78, 620.782, 620.783, 620.7851, 620.786, 620.788, 620.7885, 620.7887, 624.01, 624.123, 624.408, 624.439, 624.461, 624.502, 624.5092, 624.610, 625.52, 626.041, 626.101, 626.9541, 626.9543, 626.973, 627.0612, 627.162, 627.4147, 627.5515, 627.6617, 627.6699, 627.7295, 627.733, 627.848, 627.912, 627.9407, 628.461, 628.4615, 628.6013, 628.6016, 628.6017, 628.721, 629.401, 631.0515, 631.112, 631.57, 631.914, 633.161, 633.72, 641.2018, 641.20185, 641.30, 641.31071, 641.459, 641.495, 641.51, 641.512, 641.515, 658.2953, 658.90, 660.29, 663.16, 671.105, 678.1021, 678.5031, 694.14, 697.05, 704.05, 713.01, 713.32, 718.103, 718.111, 719.106, 719.618, 721.84, 723.085, 734.1025, 741.01, 742.107, 743.0645, 743.065, 744.641, 744.704, 765.113, 766.1115, 766.207, 766.304, 766.316, 772.102, 773.02, 773.05, 775.0877, 784.07, 784.075, 790.0655, 794.024, 810.14, 812.014, 828.27, 901.15, 914.16, 914.17, 918.16, 921.0022, 921.0024, 922.095, 943.0435, 943.0585, 943.059, 943.14, 944.10, 944.606, 944.801, 948.01, 948.03, 948.08, 957.04, 960.003, 984.03, 984.226, 985.04, 985.203, 985.227, 985.231, 985.304, 985.31, 985.3141, 985.317, 985.401, 985.404, 985.41, 985.413, and 985.414, Florida Statutes; reenacting and amending ss. 641.3007 and 985.23, Florida Statutes; and reenacting ss. 624.610(3), 626.321(1), 626.730, 626.939, 743.07, 794.011, 831.31, 907.041(4), 925.037(5), 984.03(41), and 985.311(3), Florida Statutes, pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—a companion measure, was substituted for **SB 844** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1043** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay—

SB 846—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending s. 44.102, Florida Statutes, and repealing ss. 794.03 and 838.15, Florida Statutes, to conform to judicial decisions holding said provisions or parts thereof unconstitutional.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 846** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay, by two-thirds vote **HB 1045** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

HB 1045—A reviser’s bill to be entitled An act relating to the Florida Statutes; repealing ss. 11.42(3)(b)2., 88.011, 88.012, 88.021, 88.031, 88.0405, 88.041, 88.051, 88.0515, 88.061, 88.065, 88.081, 88.091, 88.101, 88.105, 88.111, 88.121, 88.131, 88.141, 88.151, 88.161, 88.171, 88.181,

88.191, 88.193, 88.211, 88.221, 88.231, 88.235, 88.241, 88.251, 88.255, 88.261, 88.271, 88.281, 88.291, 88.295, 88.297, 88.311, 88.321, 88.331, 88.341, 88.345, 88.351, 88.351, 88.371, 201.131, 212.055(6), 231.1713, 231.601, 240.1201(10)(j), 240.605(5)(c), 253.025(7)(e)4., 259.032(12)(b)3., 287.057(22), 287.073(5), 290.0065(8), 290.0301, 290.0311, 290.032, 290.033, 290.034, 290.035, 290.036, 290.0365, 290.037, 290.038, 290.039, 290.0395, 327.25(13), 372.672(4), 375.041(3)(b), 376.319, 402.3015(10), 403.7195, 487.201, 487.202, 487.203, 487.204, 487.205, 487.206, 487.207, 550.09511(5), 616.261(2), 620.56, 620.565, 620.57, 620.575, 620.58, 620.585, 620.59, 620.595, 620.60, 620.605, 620.61, 620.615, 620.62, 620.625, 620.63, 620.635, 620.64, 620.645, 620.65, 620.655, 620.66, 620.665, 620.67, 620.675, 620.68, 620.685, 620.69, 620.695, 620.70, 620.705, 620.71, 620.715, 620.72, 620.725, 620.73, 620.735, 620.74, 620.745, 620.75, 620.755, 620.76, 620.765, 620.77, 627.09155, and 957.04(8), Florida Statutes, pursuant to s. 11.242, Florida Statutes; all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the Florida Statutes 1999 only through a reviser’s bill duly enacted by the Legislature.

—a companion measure, was substituted for **SB 848** and read the second time by title.

Pursuant to Rule 4.19, **HB 1045** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay, by two-thirds vote **HB 1047** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

HB 1047—A reviser’s bill to be entitled An act relating to the Florida Statutes; repealing ss. 61.181(2)(b)3., 95.11(5)(c), 186.007(5)(c), 206.045(1) and (2), 213.053(7)(k), 230.2306(1)(c), 232.246(6)(c), 239.505(12), 253.7821(2), 255.554, 288.90152, 290.009(4), 316.0747(2), 318.1451(5), 320.073, 322.292(5), 325.217(3), 327.25(12)(d), 339.2405(7)(a)6., 344.29, 369.313(3), 372.025(2)(b) and (d), 373.1965, 373.197(3), 374.976(4), 374.9785, 376.30711(7), 380.05(22)(b), 381.0056(7)(a), 381.0403(5)(b), 381.731(3), 393.002(8), 393.21, 400.702, 402.3026(3), 402.45(11), 403.08735(2), 403.4131(10), 403.7043(5), 403.7061(5), 403.714(2), 403.7191(3)(a), (b), (4)(c), and (8), 403.7192(2)(c), 403.7199(6), 403.722(5)(c) and (d), 409.1673(4)(b), 409.1674, 409.9125, 410.0245(1)(c), 411.222(3)(b), 413.605(5), 414.065(11)(b), 427.705(9), 440.151(1)(e), 446.045(3), 466.004(7), 467.209, 468.354(3)(b), 484.045(3), 509.215(6)(c), 550.09514(2)(e), 560.118(2)(c), 560.122, 590.026(6)(a), 593.114(3), 626.8414(2), 627.311(4)(q), 627.914(6), 636.005(4), 636.013, 636.014, 636.066(2), 678.101, 713.135(2), 721.301(2), 741.31(6), 753.003, 760.85, 760.851, 760.852, 760.853, 796.02, and 985.06(5), Florida Statutes, pursuant to s. 11.242, Florida Statutes; deleting provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.

—a companion measure, was substituted for **SB 850** and read the second time by title.

Pursuant to Rule 4.19, **HB 1047** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay, by two-thirds vote **HB 1049** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

HB 1049—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 40.011, 45.031, 50.051, 75.11, 83.56, 98.095, 99.021, 101.051, 101.111, 101.47, 101.49, 102.167, 105.031, 106.087, 125.411, 157.31, 196.111, 200.065, 236.32, 255.05, 298.301, 298.77, 372.312, 538.08, 538.24, 568.13, 591.29, 695.031, 709.08, 713.20, 713.22, 713.23, 718.116, 727.111, 765.303, 812.014, 849.38, 921.241, 921.242, and 932.66, Florida Statutes, to revise references to dates reading “19...” in forms in the Florida Statutes in anticipation of the approaching millennium.

—a companion measure, was substituted for **SB 852** and read the second time by title.

Pursuant to Rule 4.19, **HB 1049** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay—

SB 854—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 20.19, 20.22, 121.021, 121.055, 121.091, 121.35, 210.31, 212.02, 228.0565, 230.23005, 298.301, 322.056, 325.2135, 373.71, 403.0752, 440.442, 447.603, 455.217, 455.507, 455.511, 455.541, 455.561, 455.621, 455.631, 455.687, 481.329, 489.1195, 489.518, 489.553, 493.6305, 501.925, 517.021, 608.4381, 608.4384, 620.202, 620.205, 624.425, 626.321, 626.7355, 626.741, 626.792, 626.9325, 627.70161, 628.721, 631.929, 634.312, 651.114, 667.006, 686.602, 686.604, 686.605, 686.606, 686.611, 686.613, 721.84, 747.051, 916.303, 921.0024, and 985.03, Florida Statutes, to conform to the directive in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 854** to **HB 1051**.

Pending further consideration of **SB 854** as amended, on motion by Senator McKay, by two-thirds vote **HB 1051** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

HB 1051—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 20.19, 20.22, 121.021, 121.055, 121.091, 121.35, 210.31, 212.02, 228.0565, 230.23005, 298.301, 322.056, 325.2135, 373.71, 403.0752, 440.442, 447.603, 455.217, 455.507, 455.511, 455.541, 455.561, 455.621, 455.631, 455.687, 481.329, 489.1195, 489.518, 489.553, 493.6305, 501.925, 517.021, 608.4381, 608.4384, 620.202, 620.205, 624.425, 626.321, 626.7355, 626.741, 626.792, 626.9325, 627.70161, 628.721, 631.929, 634.312, 651.114, 667.006, 686.602, 686.604, 686.605, 686.606, 686.611, 686.613, 721.84, 916.303, 921.0024, and 985.03, Florida Statutes, to conform to the directive in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

—a companion measure, was substituted for **SB 854** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1051** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay, by two-thirds vote **HB 1053** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

HB 1053—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 11.50, 40.022, 61.13, 61.20, 90.503, 90.6063, 98.093, 110.205, 112.061, 120.80, 125.0109, 125.901, 154.205, 154.245, 166.0445, 186.901, 189.415, 194.013, 196.1975, 205.1965, 215.3208, 216.0172, 216.136, 218.65, 222.21, 228.093, 228.121, 229.8075, 229.832, 230.2305, 230.33, 231.02, 231.381, 232.0315, 232.2481, 232.36, 236.145, 236.602, 238.01, 239.301, 240.5121, 240.514, 240.705, 245.08, 252.35, 252.355, 252.36, 255.565, 284.40, 287.057, 287.155, 288.9620, 288.975, 290.009, 314.05, 316.613, 316.6135, 318.14, 321.19, 322.055, 322.20, 364.510, 370.0605, 370.16, 372.57, 372.6672, 373.309, 376.30, 376.3071, 377.712, 380.05, 380.0555, 381.731, 381.733, 383.0113, 383.335, 383.336, 390.0112, 393.002, 393.063, 393.064, 393.065, 393.066, 393.067, 393.0673, 393.0675, 393.071, 393.075, 393.11, 393.13, 393.15, 393.31, 393.32, 393.502, 393.503, 394.453, 394.457, 394.4615, 394.4781, 394.480, 394.66, 395.002, 395.1027, 395.1055, 395.1065, 395.4025, 397.311, 397.753, 397.754, 397.801, 400.0061, 400.0065, 400.0067, 400.0069, 400.0075, 400.0089, 400.021, 400.022, 400.179, 400.211, 400.23, 400.401, 400.431, 400.434, 400.4415, 400.462, 400.471, 400.914, 402.04, 402.06, 402.07, 402.12, 402.16, 402.165, 402.166, 402.167, 402.17, 402.18, 402.181, 402.19, 402.20, 402.24, 402.27, 402.28, 402.3015, 402.3026, 402.3115, 402.33, 402.35, 402.40, 402.45, 402.49,

402.50, 402.55, 403.061, 403.081, 403.085, 403.086, 403.088, 403.703, 403.7841, 403.786, 403.813, 403.851, 403.852, 403.855, 403.856, 403.858, 403.859, 403.861, 403.862, 403.8635, 403.864, 406.02, 408.033, 408.05, 408.061, 408.20, 408.301, 408.302, 409.166, 409.352, 409.901, 409.910, 409.911, 409.9112, 409.91151, 409.912, 409.914, 409.915, 409.916, 409.919, 409.942, 410.0245, 410.502, 411.224, 411.242, 411.243, 413.031, 415.104, 415.1113, 420.621, 421.10, 427.012, 430.015, 430.04, 435.02, 435.05, 435.08, 440.151, 442.005, 443.036, 446.205, 446.23, 446.25, 446.603, 446.604, 450.191, 450.211, 455.674, 458.3165, 458.331, 459.015, 461.013, 466.023, 467.009, 467.0125, 468.1685, 470.021, 470.025, 470.0301, 487.0615, 489.503, 489.551, 499.003, 499.004, 499.02, 499.022, 499.039, 499.051, 499.601, 499.61, 500.12, 501.001, 509.013, 509.032, 509.251, 509.291, 513.01, 561.121, 561.17, 561.19, 561.29, 570.42, 576.045, 585.15, 585.21, 624.424, 627.429, 627.6418, 627.6613, 627.736, 636.052, 641.22, 641.23, 641.261, 641.3007, 641.405, 641.406, 641.411, 641.412, 641.443, 641.454, 641.455, 651.021, 651.117, 713.77, 741.01, 741.29, 741.32, 742.08, 742.107, 744.474, 765.110, 766.105, 766.115, 766.305, 766.314, 768.28, 768.76, 775.0877, 775.16, 784.081, 790.157, 790.256, 796.08, 817.505, 873.01, 877.111, 893.02, 893.04, 893.11, 893.12, 893.15, 893.165, 895.09, 938.23, 944.012, 944.024, 944.17, 944.602, 944.706, 945.025, 945.10, 945.12, 945.35, 945.41, 945.47, 945.49, 947.13, 947.146, 947.185, 948.01, 949.02, 951.27, 958.12, and 960.003, Florida Statutes, pursuant to the directive of the Legislature in s. 1, ch. 98-224, Laws of Florida, to make specific changes in terminology 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 and to make further changes as necessary to conform the Florida Statutes to the organizational changes effected by previous acts of the Legislature.

—a companion measure, was substituted for **SB 856** and read the second time by title.

Pursuant to Rule 4.19, **HB 1053** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay, by two-thirds vote **HB 1055** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

HB 1055—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 121.021, 121.051, 121.052, 121.053, 121.055, 121.091, and 121.122, Florida Statutes, pursuant to the directive in s. 17, ch. 98-413, Laws of Florida, to change "Elected State and County Officers' Class" to "Elected Officers' Class" wherever the same appears in chapter 121.

—a companion measure, was substituted for **SB 858** and read the second time by title.

Pursuant to Rule 4.19, **HB 1055** was placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING

On motion by Senator Webster, by two-thirds vote **CS for CS for HB 113** was withdrawn from the Committee on Criminal Justice.

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

CS for CS for HB 113—A bill to be entitled An act relating to punishment of felons; amending s. 775.087, F.S., relating to felony reclassification and minimum sentence and other penalties for offenders who committed aggravated battery or committed certain acts involving a weapon, firearm, or destructive device during the commission of a felony; conforming terminology to changes made by the act; increasing from 3 to 10 years the minimum prison term for certain felonies or attempted felonies under specified circumstances when the offender possessed a firearm or destructive device during the commission of the offense or flight therefrom; providing exceptions; revising the category of such offenses to include murder, sexual battery, robbery, burglary,

arson, aggravated assault or aggravated battery, kidnapping, escape, aircraft piracy, aggravated child abuse, aggravated abuse of an elderly person or disabled adult, unlawful throwing, placing, or discharging of a destructive device or bomb, carjacking, home-invasion robbery, aggravated stalking, and trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, or other specified violation of s. 893.135(1), F.S.; providing for imposition of a 20-year minimum term of imprisonment when, in addition to such circumstances, the firearm or destructive device was discharged while the person was carrying, displaying, using, or threatening or attempting to use the firearm or destructive device; providing for imposition of a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison when, in further addition to such circumstances, the discharging of the firearm or destructive device resulted in infliction of death or great bodily harm upon any person; providing for construction; providing legislative intent with respect to punishment of offenders who possess, carry, display, use, or threaten or attempt to use firearms or destructive devices; providing imposition of the minimum term of imprisonment consecutive to any other term of imprisonment imposed; providing that the minimum term of imprisonment imposed is authorized by law regardless of the maximum sentence that may be imposed for the underlying felony; increasing from 8 to 15 years the minimum prison term for certain felonies or attempted felonies under specified circumstances when, during the commission of the offense, the offender possessed a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun; providing for the category of such offenses to include murder, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, aircraft piracy, aggravated child abuse, aggravated abuse of an elderly person or disabled adult, unlawful throwing, placing, or discharging of a destructive device or bomb, carjacking, home-invasion robbery, aggravated stalking, and trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, or other specified violation of s. 893.135(1); providing for imposition of a 20-year minimum term of imprisonment when, in addition to such circumstances, the semiautomatic firearm and its high-capacity detachable box magazine or a machine gun was discharged while the person was carrying, displaying, using, or threatening or attempting to use the semiautomatic firearm and its high-capacity detachable box magazine or a machine gun; providing for imposition of a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison when, in further addition to such circumstances, the discharging of the semiautomatic firearm and its high-capacity detachable box magazine or a machine gun resulted in infliction of death or great bodily harm upon any person; providing for construction; providing legislative intent with respect to punishment of offenders who possess, carry, display, use, or threaten or attempt to use a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun; providing for imposition of the minimum term of imprisonment consecutive to any other term of imprisonment imposed; providing that the minimum term of imprisonment imposed is authorized by law regardless of the maximum sentence that may be imposed for the underlying felony; providing for legislative policy and intent; providing for a report; requiring the state attorney to explain mandatory sentence deviations in writing; requiring state attorneys to submit such writings to its association where it must remain available to the public for at least 10 years; reenacting s. 921.0022(2), F.S., relating to the Criminal Punishment Code offense severity ranking chart, s. 921.0024(1)(b), F.S., relating to Florida Criminal Punishment Code worksheet computations and key, and s. 947.146(3)(b), F.S., relating to Control Release Authority, to incorporate said amendment in references; providing for public service announcements with respect to the penalties provided in the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 194** as amended and by two-thirds vote read the second time by title.

Senator Jones moved the following amendment which failed:

Amendment 1—On page 8, delete line 31 and insert: *of the felony such person intentionally and personally discharged a "firearm," as de-*

finied in s. 790.001, and proximately caused the death of or great bodily harm to another person, or a

Senator Webster moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 13, between lines 22 and 23, insert:

(4) *For purposes of imposition of minimum mandatory sentencing provisions of this section, with respect to a firearm, the term "possession" is defined as carrying it on the person or having it within immediate physical reach with ready access.*

And the title is amended as follows:

On page 4, line 19, after the semicolon (;) insert: providing for application of the definition of the term "possession";

Senator Meek moved the following amendment which was adopted:

Amendment 3—On page 20, line 26, after the period (.) insert: *In addition, the Office of the Governor shall place public service announcements directed to areas of the state which have the highest rate of firearms-related offenses to maximize the preventative aspects of advertising the penalties imposed by this act.*

Senator Webster moved the following amendment which was adopted:

Amendment 4—On page 14, line 17 through page 15, line 8, delete those lines and insert:

(2) *Effective July 1, 2000, each state attorney shall annually report to the Speaker of the House of Representatives, the President of the Senate, and the Executive Office of the Governor regarding the prosecution and sentencing of offenders who met the criteria in section 775.087(2) and (3), Florida Statutes. Cases in which a final disposition has not yet been reached shall be reported in a subsequent annual report.*

Pursuant to Rule 4.19, **CS for CS for HB 113** as amended was placed on the calendar of Bills on Third Reading.

CONSIDERATION OF BILL OUT OF ORDER

On motion by Senator Laurent, by two-thirds vote **HB 775** was withdrawn from the Committee on Judiciary.

On motions by Senator Laurent, by unanimous consent—

HB 775—A bill to be entitled An act relating to civil actions; creating s. 40.50, F.S.; providing for instructions to juries after the jury is sworn in; providing for the taking of notes under certain circumstances; providing for written questions; providing for final instructions; amending s. 44.102, F.S.; requiring that the court require mediation in certain actions for monetary damages; amending s. 44.104, F.S.; providing for voluntary trial resolution upon the agreement of parties to a civil dispute; providing for the appointment and compensation of a trial resolution judge; providing guidelines for conducting a voluntary trial resolution; providing for enforcement and appeal; amending s. 57.105, F.S.; revising conditions for award of attorney's fees for presenting unsupported claims or defenses; authorizing damage awards against a party for unreasonable delay of litigation; authorizing the court to impose additional sanctions; amending s. 768.79, F.S.; providing for the applicability of offers of judgment and demand of judgment in cases involving multiple plaintiffs; providing that subsequent offers shall void previous offers; providing that prior to awarding costs and fees the court shall determine whether the offer was reasonable under the circumstances known at the time the offer was made; amending s. 57.071, F.S.; providing criteria under which expert witness fees may be awarded as taxable costs; providing for expedited trials; amending s. 768.77, F.S.; deleting a requirement to itemize future damages on verdict forms; amending s. 768.78, F.S.; providing for discussion of structured settlements; conforming provisions relating to alternative methods of payment of damage awards to changes made by the act; correcting a cross reference; amending s. 95.031, F.S.; imposing a 12-year statute of repose on actions founded upon violations of chapter 517; imposing a 12-year statute of repose on actions brought to recover for harm caused by products with a specified expected useful life; exempting certain categories of products from the statute of repose; imposing variable repose periods based on

specific warranties by the manufacturer; providing an exception for certain injuries; providing for tolling under particular circumstances; specifying the date by which certain actions must be brought or be otherwise barred by the statute of repose; amending s. 90.407, F.S.; providing limitations on the admissibility of subsequent remedial measures; providing exceptions; creating s. 768.044, F.S.; requiring the finder of fact, in certain product defect actions, to consider circumstances that existed at the time of manufacture; amending s. 95.11, F.S.; deleting a 5 year limit on commencing actions founded on chapter 517; creating s. 768.1256, F.S.; providing a government rules defense with respect to certain products liability actions; providing for a rebuttable presumption; creating s. 768.0705, F.S.; providing limitations on premises liability for a person or organization owning or controlling an interest in a business premises; providing an exception; providing for a presumption against liability for convenience businesses under specified circumstances; amending s. 768.075, F.S.; delineating the duty owed to trespassers by a person or organization owning or controlling an interest in real property; providing definitions; providing for the avoidance of liability to discovered and undiscovered trespassers under described circumstances; providing immunity from certain liability arising out of the attempt to commit or the commission of a felony; creating s. 768.725, F.S.; providing for evidentiary standards for an award of punitive damages; amending s. 768.72, F.S.; revising provisions with respect to claims for punitive damages in civil actions; requiring clear and convincing evidence of gross negligence or intentional misconduct to support the recovery of such damages; providing definitions; providing criteria for the imposition of punitive damages with respect to employers, principals, corporations, or other legal entities for the conduct of an employee or agent; providing for the application of the section; amending s. 768.73, F.S.; revising provisions with respect to limitations on punitive damages; providing monetary limitations; providing an exception with respect to intentional misconduct; providing for the effect of certain previous punitive damages awards; providing for the application of the section; creating s. 768.736, F.S.; providing that ss. 768.725 and 768.73, F.S., relating to punitive damages, do not apply to intoxicated defendants; amending s. 768.81, F.S.; providing for the apportionment of damages on the basis of joint and several liability when a party's fault exceeds a certain percentage; limiting the applicability of joint and several liability based on the amount of damages; providing for the allocation of fault to a nonparty; requiring that such fault must be proved by a preponderance of the evidence; amending s. 324.021, F.S.; providing the lessor of a motor vehicle under certain rental agreements shall be deemed the owner of the vehicle for the purpose of determining liability for the operation of the vehicle within certain limits; providing for the liability of the owner of a motor vehicle who loans the vehicle to certain users; limiting the liability of employers in a joint employment relationship under specific circumstances; providing exceptions and limitations; creating s. 768.735, F.S.; providing that ss. 768.72(2)-(5), 768.725, and 768.73, F.S., relating to punitive damages, are inapplicable to specified causes of action; limiting the amount of punitive damages that may be awarded to a claimant in certain civil actions involving abuse or arising under ch. 400, F.S.; amending s. 400.023(1), F.S., limiting the recovery of attorney fees; providing that an attorney may receive additional fees from his or her client; providing for severability; creating s. 768.737, F.S., providing for application of punitive damages statutes to arbitration; requiring the Office of Program Policy Analysis and Governmental Accountability to contract with an actuarial firm to conduct an actuarial analysis of expected reductions in judgments and related costs resulting from litigation reforms; specifying the basis and due date for the actuarial report; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

Senators Latvala, Laurent, Lee and Webster offered the following amendment which was moved by Senator Laurent:

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

Section 1. Paragraph (b) of subsection (9) of section 324.021, Florida Statutes, is amended, and paragraph (c) is added to that subsection, to read:

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

(9) OWNER; OWNER/LESSOR.—

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

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

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

3. *The owner who is a natural person and loans a motor vehicle to any permissive user shall be liable for the operation of the vehicle or the acts of the operator in connection therewith only up to \$100,000 per person and up to \$300,000 per incident for bodily injury and up to \$50,000 for property damage. If the permissive user of the motor vehicle is uninsured or has any insurance with limits less than \$500,000 combined property damage and bodily injury liability, the owner shall be liable for up to an additional \$500,000 in economic damages only arising out of the use of the motor vehicle. The additional specified liability of the owner for economic damages shall be reduced by amounts actually recovered from the permissive user and from any insurance or self-insurance covering the permissive user. Nothing in this subparagraph shall be construed to affect the liability of the owner for his or her own negligence.*

(c) *Application.—The limits on liability in subparagraphs (b)2. and 3. do not apply to an owner of motor vehicles that are used for commercial activity in the owner's ordinary course of business, other than a rental company that rents or leases motor vehicles. For purposes of this paragraph, the term "rental company" includes only an entity that is engaged in the business of renting or leasing motor vehicles to the general public and that rents or leases a majority of its motor vehicles to persons with no direct or indirect affiliation with the rental company. The term also includes a motor vehicle dealer that provides temporary replacement vehicles to its customers for up to 10 days. Furthermore, the limits on liability in subparagraphs (b)2. and 3. do not apply to a motor vehicle that has a gross vehicle weight of greater than 26,000 pounds or any vehicle designed to transport 16 or more passengers including the driver. Furthermore, the limits on liability in subparagraphs (b)2. and 3. do not apply to a motor vehicle that is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.), and that is required pursuant to such act to carry placards warning others of the hazardous cargo.*

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

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

(2)(a) ~~An action~~ Actions for products liability and fraud under s. 95.11(3) must be begun within the period prescribed in this chapter,

with the period running from the time the facts giving rise to the cause of action were discovered or should have been discovered with the exercise of due diligence, instead of running from any date prescribed elsewhere in s. 95.11(3), but in any event an action for fraud under s. 95.11(3) must be begun within 12 years after the date of the commission of the alleged fraud, regardless of the date the fraud was or should have been discovered.

(b) An action for products liability under s. 95.11(3) must be begun within the period prescribed in this chapter, with the period running from the date that the facts giving rise to the cause of action were discovered, or should have been discovered with the exercise of due diligence, rather than running from any other date prescribed elsewhere in s. 95.11(3), but in no event may an action for products liability under s. 95.11(3) be commenced unless the complaint is served and filed within 18 years after the date of delivery of the product to its first purchaser or lessee who was not engaged in the business of selling or leasing the product or of using the product as a component in the manufacture of another product, regardless of the date that the defect in the product was or should have been discovered. However, the 18-year limitation on filing an action for products liability does not apply if the manufacturer knew of a defect in the product and concealed or attempted to conceal this defect. In addition, the 18-year limitation does not apply if the claimant was exposed to or used a product capable of causing a latent disease and an injury caused by such exposure or use did not manifest itself until after the 18-year period. The provisions of this paragraph shall not apply to any aircraft which, at the time of the accident, was engaged in scheduled passenger-carrying operations.

Section 3. Any action for products liability which would not have been barred under section 95.031(2), Florida Statutes, prior to the amendments to that section made by this act may be commenced before July 1, 2003, and, if it is not commenced by that date and is barred by the amendments to section 95.031(2), Florida Statutes, made by this act, it shall be barred.

Section 4. Section 40.50, Florida Statutes, is created to read:

40.50 Jury duty and instructions in civil cases.—

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

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

(3) In any case in which the court determines that the trial could exceed 5 days, the court shall provide a notebook for each juror. Notebooks may contain:

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

(b) Jurors' notes.

(c) Witnesses' names and either photographs or biographies or both.

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

(e) A glossary of technical terms.

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

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

(4) The court shall permit jurors to have access to their notes and, in appropriate cases, notebooks during recesses and deliberations.

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

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

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

Section 5. Section 44.102, Florida Statutes, is amended to read:

44.102 Court-ordered mediation.—

(1) Court-ordered mediation shall be conducted according to rules of practice and procedure adopted by the Supreme Court.

(2) A court, under rules adopted by the Supreme Court:

(a) Must refer to mediation any filed civil action for monetary damages, unless:

1. The action is a landlord and tenant dispute that does not include a claim for personal injury.

2. The action is filed for the purpose of collecting a debt.

3. The action is a claim of medical malpractice.

4. The action is governed by the Florida Small Claims Rules.

5. The court determines that the action is proper for referral to non-binding arbitration under this chapter.

6. The parties have agreed to binding arbitration.

(b)(a) May refer to mediation all or any part of a filed civil action for which mediation is not required under this section.

(c)(b) In circuits in which a family mediation program has been established and upon a court finding of a dispute, shall refer to mediation all or part of custody, visitation, or other parental responsibility issues as defined in s. 61.13. Upon motion or request of a party, a court shall not refer any case to mediation if it finds there has been a history of domestic violence that would compromise the mediation process.

(d)(e) In circuits in which a dependency or in need of services mediation program has been established, may refer to mediation all or any portion of a matter relating to dependency or to a child in need of services or a family in need of services.

(3) Each party involved in a court-ordered mediation proceeding has a privilege to refuse to disclose, and to prevent any person present at the proceeding from disclosing, communications made during such proceeding. All oral or written communications in a mediation proceeding, other than an executed settlement agreement, shall be exempt from the requirements of chapter 119 and shall be confidential and inadmissible as evidence in any subsequent legal proceeding, unless all parties agree otherwise.

(4) There shall be no privilege and no restriction on any disclosure of communications made confidential in subsection (3) in relation to disciplinary proceedings filed against mediators pursuant to s. 44.106 and court rules, to the extent the communication is used for the purposes of such proceedings. In such cases, the disclosure of an otherwise privileged communication shall be used only for the internal use of the body

conducting the investigation. Prior to the release of any disciplinary files to the public, all references to otherwise privileged communications shall be deleted from the record. When an otherwise confidential communication is used in a mediator disciplinary proceeding, such communication shall be inadmissible as evidence in any subsequent legal proceeding. "Subsequent legal proceeding" means any legal proceeding between the parties to the mediation which follows the court-ordered mediation.

(5) The chief judge of each judicial circuit shall maintain a list of mediators who have been certified by the Supreme Court and who have registered for appointment in that circuit.

(a) Whenever possible, qualified individuals who have volunteered their time to serve as mediators shall be appointed. If a mediation program is funded pursuant to s. 44.108, volunteer mediators shall be entitled to reimbursement pursuant to s. 112.061 for all actual expenses necessitated by service as a mediator.

(b) Nonvolunteer mediators shall be compensated according to rules adopted by the Supreme Court. If a mediation program is funded pursuant to s. 44.108, a mediator may be compensated by the county or by the parties. When a party has been declared indigent or insolvent, that party's pro rata share of a mediator's compensation shall be paid by the county at the rate set by administrative order of the chief judge of the circuit.

(6)(a) When an action is referred to mediation by court order, the time periods for responding to an offer of settlement pursuant to s. 45.061, or to an offer or demand for judgment pursuant to s. 768.79, respectively, shall be tolled until:

1. An impasse has been declared by the mediator; or
2. The mediator has reported to the court that no agreement was reached.

(b) Sections 45.061 and 768.79 notwithstanding, an offer of settlement or an offer or demand for judgment may be made at any time after an impasse has been declared by the mediator, or the mediator has reported that no agreement was reached. An offer is deemed rejected as of commencement of trial.

Section 6. Section 44.1051, Florida Statutes, is created to read:

44.1051 Voluntary trial resolution.—

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

(2) *If the parties have entered into an agreement that provides for a method for appointment of a member of The Florida Bar in good standing for more than 5 years to act as trial resolution judge, the court shall proceed with the appointment as prescribed.*

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

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

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

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

(7) *The appointed trial resolution judge shall have such power to administer oaths or affirmations and to conduct the proceedings as the rules of court provide. At the request of any party, the trial resolution judge shall issue subpoenas for the attendance of witnesses and for the*

production of books, records, documents, and other evidence and may apply to the court for orders compelling attendance and production. Subpoenas shall be served and shall be enforceable as provided by law.

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

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

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

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

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

Section 7. Section 57.105, Florida Statutes, is amended to read:

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

(1) *Upon the court's initiative or motion of any party, the court shall award a reasonable attorney's fee to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney on any claim or defense at any time during a ~~in any~~ civil proceeding or action in which the court finds that ~~the losing party or the losing party's attorney knew or should have known that a claim or defense when initially presented to the court or at any time before trial:~~*

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

(b) Would not be supported by the application of then-existing law to those material facts. ~~there was a complete absence of a justiciable issue of either law or fact raised by the complaint or defense of the losing party; provided,~~

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

(2) *Subsection (1) does not apply if the court determines that the claim or defense was initially presented to the court as a good-faith attempt with a reasonable probability of changing then-existing law as it applied to the material facts.*

(3) *At any time in any civil proceeding or action in which the moving party proves by a preponderance of the evidence that any action taken by the opposing party, including, but not limited to, the filing of any pleading or part thereof, the assertion of or response to any discovery demand, the assertion of any claim or defense, or the response to any request by any other party, was taken primarily for the purpose of unreasonable delay, the court shall award damages to the moving party for the time necessitated by the conduct in question.*

(4) *The court also may impose such additional sanctions or other remedies as are just and warranted under the circumstances of the particular case, including, but not limited to, contempt of court, award of taxable costs, striking of a claim or defense, or dismissal of the pleading.*

(5)(2) *If a contract contains a provision allowing attorney's fees to a party when he or she is required to take any action to enforce the*

contract, the court may also allow reasonable attorney's fees to the other party when that party prevails in any action, whether as plaintiff or defendant, with respect to the contract. *This subsection applies to any contract entered into on or after October 1, 1988. This act shall take effect October 1, 1988, and shall apply to contracts entered into on said date or thereafter.*

Section 8. Subsections (3), (5), and (7) of section 768.79, Florida Statutes, are amended to read:

768.79 Offer of judgment and demand for judgment.—

(3) The offer shall be served upon the party to whom it is made, but it shall not be filed unless it is accepted or unless filing is necessary to enforce the provisions of this section. *In any case involving multiple party plaintiffs or multiple party defendants, an offer shall specify its applicability to each party and may specify any conditions thereof. Each individual party may thereafter accept or reject the offer as the offer applies to such party.*

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

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

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

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

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

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

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

Section 9. Section 57.071, Florida Statutes, is amended to read:

57.071 Costs; what taxable.—

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

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

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

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

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

(a) *The party retaining the expert witness files a written notice with the court and with each opposing party within 30 days after the entry of an order setting the trial date, which notice shall specify the expertise and experience of the expert, the rate of compensation of the expert witness, the subject matters or issues on which the expert is expected to render an opinion, and an estimate of the overall fees of the expert witness, including the fee for trial testimony. If the rate of compensation is hourly, the estimated overall fee may be stated in terms of estimated hours; and*

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

(c) *This section does not apply to any action proceeding under the Florida Family Law Rules of Procedure.*

Section 10. *Expedited trials.—Upon the joint stipulation of the parties to any civil case, the court may conduct an expedited trial as provided in this section. Where two or more plaintiffs or defendants have a unity of interest, such as a husband and wife, they shall be considered one party for the purpose of this section. Unless otherwise ordered by the court or agreed to by the parties with approval of the court, an expedited trial shall be conducted as follows:*

(1) *All discovery in the trial shall be completed within 60 days after the court enters an order adopting the joint expedited trial stipulation.*

(2) *All interrogatories and requests for production must be served within 10 days after the court enters an order adopting the joint expedited trial stipulation, and all responses must be served within 20 days after receipt.*

(3) *The court shall determine the number of depositions required.*

(4) *The case may be tried to a jury.*

(5) *The case must be tried within 30 days after the 60-day discovery cut-off.*

(6) *The trial must be limited to 1 day.*

(7) *The jury selection must be limited to 1 hour.*

(8) *The plaintiff will have 3 hours to present its case, including its opening, all of its testimony and evidence, and its closing.*

(9) *The defendant will have 3 hours to present its case, including its opening, all of its testimony and evidence, and its closing.*

(10) *The jury will be given "plain language" jury instructions at the beginning of the trial as well as a "plain language" jury verdict form. The jury instructions and verdict form must be agreed to by the parties.*

(11) *The parties will be permitted to introduce a written report of any expert and the expert's curriculum vitae instead of calling the expert to testify live at trial.*

(12) *At trial the parties may use excerpts from depositions, including video depositions, regardless of where the deponent lives or whether the deponent is available to testify.*

(13) *The Florida Evidence Code and the Florida Rules of Civil Procedure will apply.*

(14) *There will be no continuances of the trial absent extraordinary circumstances.*

Section 11. Section 768.77, Florida Statutes, is amended to read:

768.77 Itemized verdict.—

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

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

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

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

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

Section 12. Present subsection (1) of section 768.78, Florida Statutes, is amended and redesignated as subsection (2), present subsection (2) is redesignated as subsection (3), and a new subsection (1) is added to that section to read:

768.78 Alternative methods of payment of damage awards.—

(1) *In both pre-judgment and post-judgment cases, the parties shall specifically discuss the option and advantages for the plaintiff of settlement through use of structured periodic payments. If, in connection with a settlement, the plaintiff chooses to receive payment in the form of periodic payments, the defendant or the defendant's liability carrier is obligated to provide such payments, and the following apply:*

(a) *To the extent that the liability for payment of damages to the plaintiff qualifies for assignment under Section 130, or any successor section, of the Internal Revenue Code, as amended from time to time, the defendant or the defendant's liability carrier shall assign the liability to make such periodic payments to a third party assignee selected by the plaintiff.*

(b) *Once a structured settlement is agreed to by the parties, the defendant or the defendant's liability carrier may not withdraw from the agreement because of the plaintiff's choice of third-party assignee.*

(c) *The plaintiff has the right to select a licensed structured-settlement broker to place the structured settlement.*

(d) *Any order approving or adopting a settlement to which this subsection applies must include a finding that the settlement complies with this subsection.*

(e) *This subsection does not apply to cases the settlement of which is under \$50,000.*

(f) *Nothing in this subsection creates an additional cause of action against the defendant or his attorneys.*

(g) *This subsection applies only to cases impacted by s. 104(a)(1), (2), and (3) of the Internal Revenue Code.*

~~(2)(1)(a)~~ (a) In any action to which this part applies in which the court determines that ~~trier of fact~~ makes an award to compensate the claimant ~~includes for~~ future economic losses which exceed \$250,000, payment of amounts intended to compensate the claimant for these losses shall be made by one of the following means, unless an alternative method of payment of damages is provided in this section:

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

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

(b) In entering a judgment ordering the payment of such future damages by periodic payments, the court shall make a specific finding of the dollar amount of periodic payments which will compensate the judgment creditor for these future damages after offset for collateral sources. The total dollar amount of the periodic payments shall equal the dollar amount of all such future damages before any reduction to present value, less any attorney's fees payable from future damages in accordance with paragraph (f). The period of time over which the periodic payments shall be made is the period of years determined by the trier of fact in arriving

at its itemized verdict and shall not be extended if the plaintiff lives beyond the determined period. If the claimant has been awarded damages to be discharged by periodic payments and the claimant dies prior to the termination of the period of years during which periodic payments are to be made, the remaining liability of the defendant, reduced to present value, shall be paid into the estate of the claimant in a lump sum. The court may order that the payments be equal or vary in amount, depending upon the need of the claimant.

(c) As a condition to authorizing periodic payments of future damages, the court shall require the defendant to post a bond or security or otherwise to assure full payment of these damages awarded by the judgment. A bond is not adequate unless it is written by a company authorized to do business in this state and is rated A+ by Best's. If the defendant is unable to adequately assure full payment of the damages, the court shall order that all damages be paid to the claimant in a lump sum pursuant to the verdict. No bond may be canceled or be subject to cancellation unless at least 60 days' advance written notice is filed with the court and the judgment creditor. Upon termination of periodic payments, the court shall order the return of the security, or so much as remains, to the judgment debtor.

(d)1. In the event that the court finds that the judgment debtor has exhibited a continuing pattern of failing to timely make the required periodic payments, the court shall:

a. Order that all remaining amounts of the award be paid by lump sum within 30 days after entry of the order;

b. Order that, in addition to the required periodic payments, the judgment debtor pay the claimant all damages caused by the failure to timely make periodic payments, including court costs and attorney's fees; or

c. Enter other orders or sanctions as appropriate to protect the judgment creditor.

2. If it appears that the judgment debtor may be insolvent or that there is a substantial risk that the judgment debtor may not have the financial responsibility to pay all amounts due and owing the judgment creditor, the court may:

a. Order additional security;

b. Order that the balance of payments due be placed in trust for the benefit of the claimant;

c. Order that all remaining amounts of the award be paid by lump sum within 30 days after entry of the order; or

d. Order such other protection as may be necessary to assure the payment of the remaining balance of the judgment.

(e) The judgment providing for payment of future damages by periodic payments shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments or the period of time over which payments shall be made. Periodic payments shall be subject to modification only as specified in this subsection.

(f) Claimant's attorney's fee, if payable from the judgment, shall be based upon the total judgment, adding all amounts awarded for past and future damages. The attorney's fee shall be paid from past and future damages in the same proportion. If a claimant has agreed to pay her or his attorney's fees on a contingency fee basis, the claimant shall be responsible for paying the agreed percentage calculated solely on the basis of that portion of the award not subject to periodic payments. The remaining unpaid portion of the attorney's fees shall be paid in a lump sum by the defendant, who shall receive credit against future payments for this amount. However, the credit against each future payment is limited to an amount equal to the contingency fee percentage of each periodic payment. Any provision of this paragraph may be modified by the agreement of all interested parties.

(g) Nothing in this subsection shall preclude any other method of payment of awards, if such method is consented to by the parties.

Section 13. Section 47.025, Florida Statutes, is created to read:

47.025 *Actions against contractors.*—Any venue provision in a contract for improvement to real property which requires legal action involving a resident contractor, subcontractor, sub-subcontractor, or materialman, as defined in part I of chapter 713, to be brought outside this state is void as a matter of public policy. To the extent that the venue provision in the contract is void under this section, any legal action arising out of that contract shall be brought only in this state in the county where the defendant resides, where the cause of action accrued, or where the property in litigation is located, unless, after the dispute arises, the parties stipulate to another venue.

Section 14. Through the state's uniform case reporting system, the clerk of court shall report to the Office of the State Courts Administrator information from each settlement or jury verdict and final judgment in negligence cases as defined in section 768.81(4), Florida Statutes, as the President of the Senate and the Speaker of the House of Representatives deem necessary from time to time. The information shall include, but need not be limited to: the name of each plaintiff and defendant; the verdict; the percentage of fault of each; the amount of economic damages and noneconomic damages awarded to each plaintiff, identifying those damages that are to be paid jointly and severally and by which defendants; and the amount of any punitive damages to be paid by each defendant.

Section 15. Subsection (3) of section 768.81, Florida Statutes, is amended, and subsection (5) of that section is repealed, to read:

768.81 Comparative fault.—

(3) APPORTIONMENT OF DAMAGES.—In cases to which this section applies, the court shall enter judgment against each party liable on the basis of such party's percentage of fault and not on the basis of the doctrine of joint and several liability; provided that with respect to any party whose percentage of fault equals or exceeds that of a particular claimant and whose fault exceeds 25 percent, the court shall enter judgment with respect to economic damages against that party on the basis of the doctrine of joint and several liability.

~~(5) APPLICABILITY OF JOINT AND SEVERAL LIABILITY.—Notwithstanding the provisions of this section, the doctrine of joint and several liability applies to all actions in which the total amount of damages does not exceed \$25,000.~~

Section 16. (1) The Department of Insurance shall, after issuing a request for proposals, contract with a national independent actuarial firm to conduct an actuarial analysis, consistent with generally accepted actuarial practices, of the expected reduction in liability judgments, settlements, and related costs resulting from the provisions of this act. The analysis must be based on credible loss-cost data derived from the settlement or adjudication of liability claims, other than liability claims insured under private passenger automobile insurance or personal lines residential property insurance, accruing after October 1, 1999. The analysis must include an estimate of the percentage decrease in such judgments, settlements, and costs by type of coverage affected by this act, including the time period when such savings or reductions are expected.

(2) The report must be completed and submitted to the Department of Insurance by March 1, 2001.

(3) After March 1, 2001, the Department of Insurance shall review the filed rates of insurers and underwriting profits and losses for Florida liability insurance businesses and shall require any prospective rate modifications that the department deems necessary, consistent with the applicable rating law, in order to cause the rates of any specific insurer to comply with the applicable rating law. The department shall require each liability insurer's first rate filing after March 1, 2001, other than rate filings for private passenger automobile insurance or personal lines residential property insurance, to include specific data on the impact of this act on the insurer's liability judgments, settlements, and costs for the purpose of enabling the department and the Legislature to accurately monitor and evaluate the effects of this act.

(4) The report under subsection (1) is admissible in any proceedings relating to a liability insurance rate filing if the actuary who prepared the report is made available by the department to testify regarding the report's preparation and validity. Each party shall otherwise bear its own cost of any such proceeding.

(5) This section does not limit the authority of the department to order an insurer to refund excessive profits, as provided in sections 627.066 and 627.215, Florida Statutes.

Section 17. Subsections (6), (7), and (8) are added to section 400.023, Florida Statutes, to read:

400.023 Civil enforcement.—

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

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

1. Within 60 days after the filing of the responsive pleading or defensive motion, the parties shall:

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

b. Set a date for mediation.

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

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

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

a. Each party shall ensure that all persons necessary for complete settlement authority are present at the mediation.

b. Each party shall mediate in good faith.

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

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

(c) This subsection applies only to claims for liability and damages and does not apply to actions for injunctive relief.

(d) This subsection applies to all causes of action that accrue on or after October 1, 1999.

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

(8) In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.

Section 18. Effective October 1, 1999, the minimum per claim financial responsibility required under sections 458.320(2)(b) and (c) and 459.0085(2)(b) and (c), Florida Statutes, shall be increased from \$250,000 to \$500,000 and the minimum aggregate requirement specified in said sections shall be increased from \$750,000 to \$1,000,000; provided, further that the provisions of sections 458.320(5)(g) and 459.0085(5)(g),

Florida Statutes, respectively, shall not apply to any physician or osteopathic physician with hospital staff privileges.

Section 19. Section 768.1256, Florida Statutes, is created to read:

768.1256 Government rules defense.—

(1) In a product liability action brought against a manufacturer or seller for harm allegedly caused by a product, there is a rebuttable presumption pursuant to s. 90.302(1) that the product is not defective or unreasonably dangerous and the manufacturer or seller is not liable if, at the time the specific unit of the product was sold or delivered to the initial purchaser or user, the aspect of the product that allegedly caused the harm:

(a) Complied with federal or state codes, statutes, rules, regulations or standards relevant to the event causing the death or injury;

(b) The codes, statutes, rules, regulations or standards are designed to prevent the type of harm that allegedly occurred; and

(c) Compliance with the codes, statutes, rules, regulations or standards is required as a condition for selling or distributing the product.

(2) In a product liability action as described in subsection (1), there is a rebuttable presumption pursuant to s. 90.302(1) that the product is defective or unreasonably dangerous and the manufacturer or seller is liable if the manufacturer or seller did not comply with the federal or state codes, statutes, rules, regulations or standards which:

(a) Were relevant to the event causing the death or injury;

(b) Are designed to prevent the type of harm that allegedly occurred; and

(c) Require compliance as a condition for selling or distributing the product.

(3) This section does not apply to an action brought for harm allegedly caused by a drug that is ordered off the market or seized by the Federal Food and Drug Administration.

Section 20. Section 768.096, Florida Statutes, is created to read:

768.096 Employer presumption against negligent hiring.—

(1) In a civil action for the death of, or injury or damage to, a third person caused by the intentional tort of an employee, such employee's employer is presumed not to have been negligent in hiring such employee if, before hiring the employee, the employer conducted a background investigation of the prospective employee and the investigation did not reveal any information that reasonably demonstrated the unsuitability of the prospective employee for the particular work to be performed or for the employment in general. A background investigation under this section must include:

(a) Obtaining a criminal background investigation on the prospective employee under subsection (2);

(b) Making a reasonable effort to contact references and former employers of the prospective employee concerning the suitability of the prospective employee for employment;

(c) Requiring the prospective employee to complete a job application form that includes questions concerning whether he or she has ever been convicted of a crime, including details concerning the type of crime, the date of conviction and the penalty imposed, and whether the prospective employee has ever been a defendant in a civil action for intentional tort, including the nature of the intentional tort and the disposition of the action;

(d) Obtaining, with written authorization from the prospective employee, a check of the driver's license record of the prospective employee if such a check is relevant to the work the employee will be performing and if the record can reasonably be obtained; and

(e) Interviewing the prospective employee.

(2) To satisfy the criminal-background-investigation requirement of this section, an employer must request and obtain from the Department

of Law Enforcement a check of the information as reported and reflected in the Florida Crime Information Center system as of the date of the request.

(3) The election by an employer not to conduct the investigation specified in subsection (1) does not raise any presumption that the employer failed to use reasonable care in hiring an employee.

Section 21. Section 768.095, Florida Statutes, is amended to read:

768.095 Employer immunity from liability; disclosure of information regarding former or current employees.—An employer who discloses information about a former or current employee's job performance to a prospective employer of the former or current employee upon request of the prospective employer or of the former or current employee is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from civil liability for such disclosure or its consequences unless it is shown by clear and convincing evidence. For purposes of this section, the presumption of good faith is rebutted upon a showing that the information disclosed by the former or current employer was knowingly false or deliberately misleading, was rendered with malicious purpose, or violated any civil right of the former or current employee protected under chapter 760.

Section 22. Section 768.071, Florida Statutes, is created to read:

768.071 Business premises liability; areas outside enclosed buildings.—Notwithstanding any other provision of law to the contrary, a person or organization owning or controlling an interest in a business premises shall be liable for civil damages for the death of, or injury or damage to, an invitee or guest caused by a criminal act committed by a person who is not an employee or agent of the business and occurring on part of the business premises that is not within an enclosed building only if the person or organization owning or controlling an interest in the business premises disregarded his or her duty to protect invitees or guests on the property. For purposes of this section a person or organization owning or controlling an interest in a business premises may be found to have disregarded his or her duty to protect invitees or guests only if the person or organization owning or controlling an interest in the business premises knew that a criminal act was likely to occur on the portions of the property that are not within an enclosed building and failed to take any corrective action which could have prevented the injury.

Section 23. Section 768.075, Florida Statutes, is amended to read:

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

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

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

(3)(a) As used in this subsection, the term:

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

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

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

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

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

(4) A person or organization owning or controlling an interest in real property, or an agent of such person or organization, shall not be held liable for negligence that results in the death of, injury to, or damage to a person who is attempting to commit a felony or who is engaged in the commission of a felony on the property.

Section 24. Section 768.36, Florida Statutes, is created to read:

768.36 Alcohol or drug defense.—

(1) As used in this section, the term:

(a) "Alcoholic beverage" means distilled spirits and any beverage that contains 0.5 percent or more alcohol by volume as determined in accordance with s. 561.01(4)(b).

(b) "Drug" means any chemical substance set forth in s. 877.111 or any substance controlled under chapter 893. The term does not include any drug or medication obtained pursuant to a prescription as defined in s. 893.02 which was taken in accordance with the prescription, or any medication that is authorized under state or federal law for general distribution and use without a prescription in treating human diseases, ailments, or injuries and that was taken in the recommended dosage.

(2) In any civil action, a plaintiff may not recover any damages for loss or injury to his or her person or property if the trier of fact finds that, at the time the plaintiff was injured:

(a) The plaintiff was under the influence of any alcoholic beverage or drug to the extent that the plaintiff's normal faculties were impaired or the plaintiff had a blood or breath alcohol level of 0.08 percent or higher; and

(b) As a result of the influence of such alcoholic beverage or drug the plaintiff was more than 50 percent at fault for his or her own harm.

Section 25. Section 768.098, Florida Statutes, is created to read:

768.098 Limitation of liability for employee leasing.—

(1) An employer in a joint employment relationship pursuant to s. 468.520 shall not be liable for the tortious actions of another employer in that relationship, or for the tortious actions of any jointly employed employee under that relationship, provided that:

(a) The employer seeking to avoid liability pursuant to this section did not authorize or direct the tortious action;

(b) The employer seeking to avoid liability pursuant to this section did not have actual knowledge of the tortious conduct and fail to take appropriate action;

(c) The employer seeking to avoid liability pursuant to this section did not have actual control over the day to day job duties of the jointly employed employee who has committed a tortious act nor actual control over the portion of a job site at which or from which the tortious conduct arose or at which and from which a jointly employed employee worked, and that said control was assigned to the other employer under the contract;

(d) The employer seeking to avoid liability pursuant to this section is expressly absolved in the written contract forming the joint employment relationship of control over the day to day job duties of the jointly employed employee who has committed a tortious act, and of the portion of the job site at which or from which the tortious conduct arose or at which and from which the jointly employed employee worked, and that said control was assigned to the other employer under the contract; and

(e) Complaints, allegations or incidents of any tortious misconduct or workplace safety violations, regardless of the source, are required to be reported to the employer seeking to avoid liability pursuant to this section by all other joint employers under the written contract forming the joint employment relationship, and that the employer seeking to avoid liability pursuant to this section did not fail to take appropriate action as a result of receiving any such report related to a jointly employed employee who has committed a tortious act.

(2) An employer seeking to avoid liability pursuant to this section shall not be presumed to have actual control over the day to day job duties of the jointly employed employee who has committed a tortious act, nor actual control over the portion of a job site at which or from which that employee worked, based solely upon the fact that the employee at issue is a leased employee.

(3) This section shall not alter any responsibilities of the joint employer who has actual control over the day to day job duties of the jointly employed employee and who has actual control over the portion of a job site at which or from which the employee is employed, which arises from s. 768.096.

Section 26. Section 768.725, Florida Statutes, is created to read:

768.725 Punitive damages; burden of proof.—In all civil actions the plaintiff must establish at trial by clear and convincing evidence its entitlement to an award of punitive damages. The "greater weight of the evidence" burden of proof applies to a determination of the amount of damages.

Section 27. Section 768.72, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

(4) The provisions of this section are remedial in nature and must be applied to all civil actions pending on October 1, 1999, in which the trial or retrial of the action has not commenced.

Section 28. Section 768.73, Florida Statutes, is amended to read:

768.73 Punitive damages; limitation.—

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

(b) ~~An If any award for punitive damages may not exceed exceeds the limitations limitation specified in paragraph (a), the award is presumed to be excessive and the defendant is entitled to remittitur of the amount in excess of the limitation unless the claimant demonstrates to the court by clear and convincing evidence that the defendant engaged in intentional misconduct or gross negligence and that the award is not excessive in light of the facts and circumstances which were presented to the trier of fact.~~

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

(2)(a) Except as provided in paragraph (b), punitive damages may not be awarded against a defendant in a civil action if that defendant establishes, before trial, that punitive damages have previously been awarded against that defendant in any state or federal court in any action alleging harm from the same act or single course of conduct for which the claimant seeks compensatory damages. For purposes of a civil action, the term "the same act or single course of conduct" includes acts resulting in the same manufacturing defects, acts resulting in the same defects in design, or failure to warn of the same hazards, with respect to similar units of a product.

(b) In subsequent civil actions involving the same act or single course of conduct for which punitive damages have already been awarded, if the court determines by clear and convincing evidence that the amount of prior punitive damages awarded was insufficient to punish that defendant's behavior, the court may permit a jury to consider an award of subsequent punitive damages. In permitting a jury to consider awarding subsequent punitive damages, the court shall make specific findings of fact in the record to support its conclusion. In addition, the court may consider whether the defendant's act or course of conduct has ceased. Any subsequent punitive damage awards must be reduced by the amount of any earlier punitive damage awards rendered in state or federal court.

(3) The claimant attorney's fees, if payable from the judgment, are, to the extent that the fees are based on the punitive damages, calculated based on the final judgment for punitive damages. This subsection does not limit the payment of attorney's fees based upon an award of damages other than punitive damages.

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

(5) The provisions of this section are remedial in nature and must be applied to all civil actions pending on October 1, 1999, in which the trial or retrial of the action has not commenced.

Section 29. Section 768.735, Florida Statutes, is created to read:

768.735 Punitive damages; exceptions; limitation.—

(1) Sections 768.72(2)-(4), 768.725, and 768.73 do not apply to any civil action based upon child abuse, abuse of the elderly, or abuse of the developmentally disabled or any civil action arising under chapter 400. Such actions are governed by applicable statutes and controlling judicial precedent.

(2)(a) In any civil action based upon child abuse, abuse of the elderly, or abuse of the developmentally disabled, or actions arising under chapter 400 and involving the award of punitive damages, the judgment for the total amount of punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages awarded to each person entitled thereto by the trier of fact, except as provided in paragraph (b). This subsection does not apply to any class action.

(b) If any award for punitive damages exceeds the limitation specified in paragraph (a), the award is presumed to be excessive and the defendant is entitled to remittitur of the amount in excess of the limitation unless the claimant demonstrates to the court by clear and convincing evidence that the award is not excessive in light of the facts and circumstances that were presented to the trier of fact.

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

(d) The jury may not be instructed or informed as to the provisions of this section.

Section 30. Section 768.736, Florida Statutes, is created to read:

768.736 Punitive damages; exceptions for intoxication.—Sections 768.725 and 768.73 do not apply to any defendant who, at the time of the act or omission for which punitive damages are sought, was under the influence of any alcoholic beverage or drug to the extent that the defendant's normal faculties were impaired, or who had a blood or breath alcohol level of 0.08 percent or higher.

Section 31. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 32. This act shall take effect October 1, 1999, except that this section and sections 1, 2, and 3 shall take effect July 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 civil actions; amending s. 324.021, F.S.; providing a limitation on the liability for bodily injury, property, and economic damages for certain lessors and owners of motor vehicles; providing for applicability; amending s. 95.031; providing a statute of repose of 18 years; creating s. 40.50, F.S.; providing for instructions to juries after the jury is sworn in; providing for the taking of notes under certain circumstances; providing for notebooks; providing for written questions; providing for final instructions; amending s. 44.102, F.S.; requiring that the court require mediation in certain actions for monetary damages; creating s. 44.1051, F.S.; providing for voluntary trial resolution; providing for the appointment of a trial resolution judge; providing for compensation; providing for fees; providing for the tolling of applicable statutes of limitation; providing for powers of trial resolution judges; providing

for hearings and evidence; providing for appeal; providing for application; amending s. 57.105, F.S.; revising conditions for award of attorney's fees for presenting unsupported claims or defenses; authorizing damage awards against a party for unreasonable delay of litigation; authorizing the court to impose additional sanctions; amending s. 768.79, F.S.; providing for the applicability of offers of judgment and demand of judgment in cases involving multiple plaintiffs; providing that subsequent offers shall void previous offers; providing that prior to awarding costs and fees the court shall consider whether the proposal was reasonably rejected; amending s. 57.071, F.S.; providing criteria under which expert witness fees may be awarded as taxable costs; providing for expedited trials; amending s. 768.77, F.S.; deleting a requirement to itemize future damages on verdict forms; amending s. 768.78, F.S.; providing for proposals for structured settlements; requiring structured-settlement discussion in settlement negotiations; requiring assignment of liability for payment to a third-party assignee selected by the plaintiff; granting the plaintiff the right to select a settlement broker; providing for findings in orders approving or adopting a settlement; conforming provisions relating to alternative methods of payment of damage awards to changes made by the act; correcting a cross-reference; creating s. 47.025, F.S.; providing that certain venue provisions in a contract for improvement to real property are void; specifying appropriate venue for actions against resident contractors, subcontractors, sub-subcontractors, and materialmen; requiring the clerk of court to report certain information on negligence cases to the Office of the State Courts Administrator; amending s. 768.81, F.S.; providing for the apportionment of damages on the basis of joint and several liability when a party's fault exceeds a certain percentage; repealing s. 768.81(5), F.S.; relating to the applicability of joint and several liability to actions in which the total amount of damages does not exceed a specified amount; requiring the Department of Insurance to contract with an actuarial firm to conduct an actuarial analysis of expected reductions in judgments and related costs resulting from litigation reforms; specifying the basis and due date for the actuarial report; providing for a review of rate filings by certain types of insurers after a specified date; providing that such provisions do not limit the refund of excessive profits by certain insurers; creating s. 768.1256, F.S.; providing a government rules defense with respect to certain products liability actions; providing for rebuttable presumptions; providing an exception; amending s. 400.023, F.S., relating to actions brought on behalf of nursing home residents; providing that a party to any such action may not recover attorney's fees unless parties submit to mediation; specifying requirements for such mediation; providing for application; providing a standard for any award of punitive damages; increasing minimum financial responsibility requirements for physicians and osteopathic physicians and eliminating an alternative method of satisfying financial responsibility requirements for physicians and osteopathic physicians with hospital staff privileges; creating s. 768.096, F.S.; providing an employer with a presumption against negligent hiring under specified conditions in an action for civil damages resulting from an intentional tort committed by an employee; amending s. 768.095, F.S.; revising the conditions under which an employer is immune from civil liability for disclosing information regarding an employee to a prospective employer; creating s. 768.071, F.S.; providing limitations on premises liability for a person or organization owning or controlling an interest in a business premises; amending s. 768.075, F.S.; modifying the conditions under which a person or organization owning or controlling an interest in real property is liable for a trespasser's injury or death; providing definitions; providing for the avoidance of liability to discovered and undiscovered trespassers under described circumstances; providing immunity from certain liability arising out of the attempt to commit or the commission of a felony; creating s. 768.36, F.S.; prohibiting a plaintiff from recovering damages if plaintiff is more than a specified percentage at fault due to the influence of alcoholic beverages or drugs; creating s. 768.098, F.S.; providing a limitation of liability for employee leasing under specified conditions; creating s. 768.725, F.S.; providing evidentiary standards for an award of punitive damages; amending s. 768.72, F.S.; revising provisions with respect to claims for punitive damages in civil actions; requiring clear and convincing evidence of gross negligence or intentional misconduct to support the recovery of such damages; providing definitions; providing criteria for the imposition of punitive damages with respect to employers, principals, corporations, or other legal entities for the conduct of an employee or agent; providing for the application of the section; amending s. 768.73, F.S.; revising provisions with respect to limitations on punitive damages; providing monetary limitations; providing an exception with respect to intentional misconduct; prohibiting the award of subsequent punitive damages against a defendant if punitive damages were previously awarded against the defendant for harm arising out of the same act or single course of conduct; providing an

exception; specifying the basis for calculating attorney's fees on judgments for punitive damages; providing for the application of the section; creating s. 768.735, F.S.; providing that ss. 768.72(2)-(4), 768.725, and 768.73, F.S., relating to punitive damages, are inapplicable to specified causes of action; limiting the amount of punitive damages that may be awarded to a claimant in certain civil actions involving abuse or arising under ch. 400, F.S.; creating s. 768.736, F.S.; providing that ss. 768.725 and 768.73, F.S., relating to punitive damages, do not apply to intoxicated defendants; providing for severability; providing effective dates.

Senator Forman moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 26, line 10, after the period (.) insert: *However, the provisions of section 627.062(2)(g), Florida Statutes, which prohibit the department from disapproving as excessive any rate for which it has given final approval, or which has been deemed approved for a period of 1 year after the effective date of the filing, does not apply to this subsection.*

Amendment 1 as amended was adopted.

On motions by Senator Laurent, by two-thirds vote **HB 775** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

| | | | |
|-----------------|--------------|-------------|----------|
| Madam President | Dawson-White | Jones | Myers |
| Bronson | Diaz-Balart | Kirkpatrick | Rossin |
| Brown-Waite | Dyer | Klein | Saunders |
| Burt | Forman | Kurth | Scott |
| Campbell | Geller | Latvala | Sebesta |
| Carlton | Grant | Laurent | Silver |
| Casas | Gutman | Lee | Sullivan |
| Childers | Hargrett | McKay | Thomas |
| Clary | Holzendorf | Meek | Webster |
| Cowin | Horne | Mitchell | |

Nays—None

MOTIONS TO INTRODUCE BILLS

Senator Campbell moved that the rules be waived and the following bill be introduced notwithstanding the fact that the final day had passed for introduction of claim bills:

A bill to be entitled An act relating to St. John's county; providing for the relief of William D. Mock and Susan G. Mock.

The motion was referred to the Committee on Rules and Calendar.

Senator Meek moved that the rules be waived and the following bill be introduced notwithstanding the fact that the final day had passed for introduction of claim bills:

A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Frank J. Ruck, Jr., and Marlene G. Ruck.

The motion was referred to the Committee on Rules and Calendar.

SPECIAL ORDER CALENDAR, continued

TRUST FUND BILLS

On motion by Senator Cowin—

CS for SB 1014—A bill to be entitled An act relating to trust funds; creating the School Readiness Trust Fund within the Executive Office of the Governor; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Senator Cowin moved the following amendment which was adopted:

Amendment 1—On page 3, delete lines 1-4 and insert:

Section 4. This act shall take effect on the same date that CS/CS SB 366, 1st Eng., or similar legislation, 1999 Regular Session, takes effect.

Pursuant to Rule 4.19, **CS for SB 1014** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1239** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1239—A bill to be entitled An act relating to trust funds; re-creating the Relocation and Construction Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 388** and read the second time by title.

Pursuant to Rule 4.19, **HB 1239** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1241** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1241—A bill to be entitled An act relating to trust funds; re-creating the Plant Industry Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 390** and read the second time by title.

Pursuant to Rule 4.19, **HB 1241** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1243** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1243—A bill to be entitled An act relating to trust funds; re-creating the Market Trade Show Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

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

Pursuant to Rule 4.19, **HB 1243** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1245** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1245—A bill to be entitled An act relating to trust funds; re-creating the Incidental Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 394** and read the second time by title.

Pursuant to Rule 4.19, **HB 1245** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1247** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1247—A bill to be entitled An act relating to trust funds; re-creating the General Inspection Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 396** and read the second time by title.

Pursuant to Rule 4.19, **HB 1247** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1249** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1249—A bill to be entitled An act relating to trust funds; re-creating the Contracts and Grants Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 400** and read the second time by title.

Pursuant to Rule 4.19, **HB 1249** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1251** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1251—A bill to be entitled An act relating to trust funds; re-creating the Citrus Inspection Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 402** and read the second time by title.

Pursuant to Rule 4.19, **HB 1251** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1253** was withdrawn from the Committee on Fiscal Policy.

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

HB 1253—A bill to be entitled An act relating to trust funds; re-creating the Agricultural Law Enforcement Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 404** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1253** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1255** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1255—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 406** and read the second time by title.

Pursuant to Rule 4.19, **HB 1255** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1257** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1257—A bill to be entitled An act relating to trust funds; re-creating the Working Capital Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 408** and read the second time by title.

Pursuant to Rule 4.19, **HB 1257** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1259** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1259—A bill to be entitled An act relating to trust funds; re-creating the Florida Saltwater Products Promotion Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 410** and read the second time by title.

Pursuant to Rule 4.19, **HB 1259** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1261** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1261—A bill to be entitled An act relating to trust funds; re-creating the Florida Agricultural Promotional Campaign Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 412** and read the second time by title.

Pursuant to Rule 4.19, **HB 1261** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1263** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1263—A bill to be entitled An act relating to trust funds; re-creating the Viticulture Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward cur-

rent balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 414** and read the second time by title.

Pursuant to Rule 4.19, **HB 1263** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1265** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1265—A bill to be entitled An act relating to trust funds; re-creating the Florida Quarter Horse Racing Promotion Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 416** and read the second time by title.

Pursuant to Rule 4.19, **HB 1265** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1267** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1267—A bill to be entitled An act relating to trust funds; re-creating the Pest Control Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 418** and read the second time by title.

Pursuant to Rule 4.19, **HB 1267** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1269** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1269—A bill to be entitled An act relating to trust funds; re-creating the Market Improvements Working Capital Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 420** and read the second time by title.

Pursuant to Rule 4.19, **HB 1269** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1273** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1273—A bill to be entitled An act relating to trust funds; re-creating the Federal Law Enforcement Trust Fund within the Department of Agriculture and Consumer Services without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; repealing s. 570.205(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—a companion measure, was substituted for **SB 424** and read the second time by title.

Pursuant to Rule 4.19, **HB 1273** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 1275** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Rossin—

HB 1275—A bill to be entitled An act relating to trust funds; re-creating the “Trust Funds -- no title” Trust Fund within the Department of Banking and Finance without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 426** and read the second time by title.

Pursuant to Rule 4.19, **HB 1275** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 1277** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Rossin—

HB 1277—A bill to be entitled An act relating to trust funds; re-creating the Anti-Fraud Trust Fund within the Department of Banking and Finance without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 428** and read the second time by title.

Pursuant to Rule 4.19, **HB 1277** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 1281** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Rossin—

HB 1281—A bill to be entitled An act relating to trust funds; re-creating the Consolidated Payment Trust Fund within the Department of Banking and Finance without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 432** and read the second time by title.

Pursuant to Rule 4.19, **HB 1281** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 1283** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Rossin—

HB 1283—A bill to be entitled An act relating to trust funds; re-creating the Working Capital Trust Fund within the Department of Banking and Finance without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 434** and read the second time by title.

Pursuant to Rule 4.19, **HB 1283** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 1285** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Rossin—

HB 1285—A bill to be entitled An act relating to trust funds; re-creating the Financial Institutions’ Regulatory Trust Fund within the Department of Banking and Finance without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 436** and read the second time by title.

Pursuant to Rule 4.19, **HB 1285** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 1287** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Rossin—

HB 1287—A bill to be entitled An act relating to trust funds; re-creating the Regulatory Trust Fund within the Department of Banking and Finance without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 438** and read the second time by title.

Pursuant to Rule 4.19, **HB 1287** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 1289** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Rossin—

HB 1289—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund within the Department of Banking and Finance without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 440** and read the second time by title.

Pursuant to Rule 4.19, **HB 1289** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 1291** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Rossin—

HB 1291—A bill to be entitled An act relating to trust funds; re-creating the Preneed Funeral Contract Consumer Protection Trust Fund within the Department of Banking and Finance without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 442** and read the second time by title.

Pursuant to Rule 4.19, **HB 1291** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 1293** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Rossin—

HB 1293—A bill to be entitled An act relating to trust funds; re-creating the Securities Guaranty Fund within the Department of Banking and Finance without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 444** and read the second time by title.

Pursuant to Rule 4.19, **HB 1293** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 1295** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Rossin—

HB 1295—A bill to be entitled An act relating to trust funds; re-creating the Mortgage Brokerage Guaranty Fund within the Department of Banking and Finance without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 446** and read the second time by title.

Pursuant to Rule 4.19, **HB 1295** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 1297** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Rossin—

HB 1297—A bill to be entitled An act relating to trust funds; re-creating the Miscellaneous Deduction Restoration Trust Fund within the Department of Banking and Finance without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 448** and read the second time by title.

Pursuant to Rule 4.19, **HB 1297** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 1299** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Rossin—

HB 1299—A bill to be entitled An act relating to trust funds; re-creating the Comptroller's Federal Equitable Sharing Trust Fund within the Department of Banking and Finance without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; repealing s. 17.43(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—a companion measure, was substituted for **SB 450** and read the second time by title.

Pursuant to Rule 4.19, **HB 1299** was placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas, by two-thirds vote **HB 1319** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Thomas—

HB 1319—A bill to be entitled An act relating to trust funds; re-creating the Florida Citrus Advertising Trust Fund within the Depart-

ment of Citrus without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 454** and read the second time by title.

Pursuant to Rule 4.19, **HB 1319** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1303** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1303—A bill to be entitled An act relating to trust funds; re-creating the Pari-mutuel Wagering Trust Fund within the Department of Business and Professional Regulation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 456** and read the second time by title.

Pursuant to Rule 4.19, **HB 1303** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1305** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1305—A bill to be entitled An act relating to trust funds; re-creating the Professional Regulation Trust Fund within the Department of Business and Professional Regulation without modification; carrying forward current balances and continuing current sources and uses; providing an effective date.

—a companion measure, was substituted for **SB 458** and read the second time by title.

Pursuant to Rule 4.19, **HB 1305** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1307** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1307—A bill to be entitled An act relating to trust funds; re-creating the Cigarette Tax Collection Trust Fund within the Department of Business and Professional Regulation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 460** and read the second time by title.

Pursuant to Rule 4.19, **HB 1307** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1309** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1309—A bill to be entitled An act relating to trust funds; re-creating the Alcoholic Beverage and Tobacco Trust Fund within the Department of Business and Professional Regulation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 462** and read the second time by title.

Pursuant to Rule 4.19, **HB 1309** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1311** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1311—A bill to be entitled An act relating to trust funds; recreating the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund within the Department of Business and Professional Regulation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 464** and read the second time by title.

Pursuant to Rule 4.19, **HB 1311** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1313** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1313—A bill to be entitled An act relating to trust funds; recreating the Administrative Trust Fund within the Department of Business and Professional Regulation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

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

Pursuant to Rule 4.19, **HB 1313** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1315** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1315—A bill to be entitled An act relating to trust funds; recreating the Hotel and Restaurant Trust Fund within the Department of Business and Professional Regulation without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 468** and read the second time by title.

Pursuant to Rule 4.19, **HB 1315** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1381** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1381—A bill to be entitled An act relating to trust funds; recreating the Clerk of the Court Child Support Enforcement Collection System Trust Fund within the Department of Revenue without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 470** and read the second time by title.

Pursuant to Rule 4.19, **HB 1381** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1383** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1383—A bill to be entitled An act relating to trust funds; recreating the Child Support Incentive Trust Fund within the Department of Revenue without modification; carrying forward current balances and continuing current sources and uses thereof; repealing s. 2, ch. 95-111, Laws of Florida; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—a companion measure, was substituted for **SB 472** and read the second time by title.

Pursuant to Rule 4.19, **HB 1383** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1385** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1385—A bill to be entitled An act relating to trust funds; recreating the Working Capital Trust Fund within the Department of Revenue without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 474** and read the second time by title.

Pursuant to Rule 4.19, **HB 1385** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1387** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1387—A bill to be entitled An act relating to trust funds; recreating the Intangible Tax Trust Fund within the Department of Revenue without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 476** and read the second time by title.

Pursuant to Rule 4.19, **HB 1387** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1389** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1389—A bill to be entitled An act relating to trust funds; recreating the Drug Enforcement Trust Fund within the Department of Revenue without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 478** and read the second time by title.

Pursuant to Rule 4.19, **HB 1389** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1391** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1391—A bill to be entitled An act relating to trust funds; recreating the Corporation Tax Administration Trust Fund within the Department of Revenue without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 480** and read the second time by title.

Pursuant to Rule 4.19, **HB 1391** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

SB 482—A bill to be entitled An act relating to the re-creation of the Child Support Enforcement Application and User Fee Trust Fund without modification; re-creating the Child Support Enforcement Application Fee Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 482** to **HB 1393**.

Pending further consideration of **SB 482** as amended, on motion by Senator Klein, by two-thirds vote **HB 1393** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1393—A bill to be entitled An act relating to trust funds; re-creating the Child Support Enforcement Application and Program Revenue Trust Fund within the Department of Revenue without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 482** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1393** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1395** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1395—A bill to be entitled An act relating to trust funds; re-creating the Firefighters' Supplemental Compensation Trust Fund within the Department of Revenue without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 484** and read the second time by title.

Pursuant to Rule 4.19, **HB 1395** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1397** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1397—A bill to be entitled An act relating to trust funds; re-creating the Certification Program Trust Fund within the Department of Revenue without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 488** and read the second time by title.

Pursuant to Rule 4.19, **HB 1397** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1399** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1399—A bill to be entitled An act relating to trust funds; re-creating the Grants and Donations Trust Fund within the Department of Revenue without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 490** and read the second time by title.

Pursuant to Rule 4.19, **HB 1399** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

SB 492—A bill to be entitled An act relating to the re-creation of the Revenue Audit Division Administrative Trust Fund within the Department of Revenue without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 492** to **HB 1401**.

Pending further consideration of **SB 492** as amended, on motion by Senator Klein, by two-thirds vote **HB 1401** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Klein—

HB 1401—A bill to be entitled An act relating to trust funds; re-creating the Revenue Audit Division Administrative Trust Fund within the Department of Revenue without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 492** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1401** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee, by two-thirds vote **HB 1149** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Lee—

HB 1149—A bill to be entitled An act relating to trust funds; re-creating the Black Contractors Bond Trust Fund within the Executive Office of the Governor without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

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

Pursuant to Rule 4.19, **HB 1149** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee, by two-thirds vote **HB 1151** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Lee—

HB 1151—A bill to be entitled An act relating to trust funds; re-creating the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 498** and read the second time by title.

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

On motion by Senator Lee, by two-thirds vote **HB 1153** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Lee—

HB 1153—A bill to be entitled An act relating to trust funds; recreating the Economic Development Trust Fund within the Office of Tourism, Trade, and Economic Development without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 500** and read the second time by title.

Pursuant to Rule 4.19, **HB 1153** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee, by two-thirds vote **HB 1155** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Lee—

HB 1155—A bill to be entitled An act relating to trust funds; recreating the Florida Investment Incentive Trust Fund within the Executive Office of the Governor without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 502** and read the second time by title.

Pursuant to Rule 4.19, **HB 1155** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee, by two-thirds vote **HB 1157** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Lee—

HB 1157—A bill to be entitled An act relating to trust funds; recreating the Grants and Donations Trust Fund within the Executive Office of the Governor without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 504** and read the second time by title.

Pursuant to Rule 4.19, **HB 1157** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee, by two-thirds vote **HB 1159** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Lee—

HB 1159—A bill to be entitled An act relating to trust funds; recreating the Planning and Budgeting System Trust Fund within the Executive Office of the Governor without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 506** and read the second time by title.

Pursuant to Rule 4.19, **HB 1159** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee, by two-thirds vote **HB 1161** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Lee—

HB 1161—A bill to be entitled An act relating to trust funds; recreating the Florida International Trade and Promotion Trust Fund within the Executive Office of the Governor without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

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

Pursuant to Rule 4.19, **HB 1161** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee, by two-thirds vote **HB 1163** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Lee—

HB 1163—A bill to be entitled An act relating to trust funds; recreating the Economic Development Transportation Trust Fund within the Executive Office of the Governor without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 510** and read the second time by title.

Pursuant to Rule 4.19, **HB 1163** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee, by two-thirds vote **HB 1165** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Lee—

HB 1165—A bill to be entitled An act relating to trust funds; recreating the Tourism Promotional Trust Fund within the Executive Office of the Governor without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 512** and read the second time by title.

Pursuant to Rule 4.19, **HB 1165** was placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin, by two-thirds vote **HB 1369** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Cowin—

HB 1369—A bill to be entitled An act relating to trust funds; recreating the State Property Insurance Trust Fund within the Department of Insurance without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 516** and read the second time by title.

Pursuant to Rule 4.19, **HB 1369** was placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin, by two-thirds vote **HB 1371** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Cowin—

HB 1371—A bill to be entitled An act relating to trust funds; recreating the Rehabilitation Administrative Expense Fund within the Department of Insurance without modification; carrying forward cur-

rent balances and continuing current sources and uses thereof; providing an effective date.

—a companion measure, was substituted for **SB 518** and read the second time by title.

Pursuant to Rule 4.19, **HB 1371** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator McKay, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, March 11.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 10, 1999: SB 836, SB 838, SB 840, SB 842, SB 844, SB 846, SB 848, SB 850, SB 852, SB 854, SB 856, SB 858, CS for SB 1014, SB 388, SB 390, SB 392, SB 394, SB 396, SB 400, SB 402, SB 404, SB 406, SB 408, SB 410, SB 412, SB 414, SB 416, SB 418, SB 420, SB 424, SB 426, SB 428, SB 432, SB 434, SB 436, SB 438, SB 440, SB 442, SB 444, SB 446, SB 448, SB 450, SB 454, SB 456, SB 458, SB 460, SB 462, SB 464, SB 466, SB 468, SB 470, SB 472, SB 474, SB 476, SB 478, SB 480, SB 482, SB 484, SB 488, SB 490, SB 492, SB 496, SB 498, SB 500, SB 502, SB 504, SB 506, SB 508, SB 510, SB 512, SB 516, SB 518, SB 522, SB 524, SB 526, SB 528, SB 534, SB 536, SB 538, SB 540, SB 542, SB 544, SB 546, SB 548, SB 550, SB 552, SB 554, SB 556, SB 558, SB 560, SB 566, SB 568, SB 570, SB 572, SB 574, SB 576, SB 578, SB 580, SB 582, SB 584, SB 586, SB 588, SB 590, SB 592, SB 594, SB 596, SB 598, SB 600, SB 604, SB 606, SB 608, SB 610, SB 612, SB 614, SB 616, SB 618, SB 620, SB 622, SB 624, SB 626, SB 628, SB 630, SB 634, SB 636, SB 640, SB 642, SB 644, SB 646, SB 648, SB 652, SB 422, SB 430, SB 452, SB 638, SB 650, SB 398, SB 494, SB 514, SB 520, SB 530, SB 532, SB 562, SB 564, SB 602, SB 632, SB 654, SB 656, SB 114, SB 876, SB 248, SB 670

Respectfully submitted,
John McKay, Chairman

The Committee on Criminal Justice recommends the following pass: SB 936

The Committee on Fiscal Policy recommends the following pass: CS for SB 144, SB 168, CS for SB 714, CS for SB 716

The Committee on Fiscal Resource recommends the following pass: CS for SB 108

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

The Committee on Criminal Justice recommends committee substitutes for the following: SB 748, SB 772

The Committee on Natural Resources recommends a committee substitute for the following: SB 864

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1326

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 312, SB 982, SB 990, SB 1238, SB 1264

The Committee on Fiscal Policy recommends a committee substitute for the following: CS for SB 1468

The Committee on Natural Resources recommends a committee substitute for the following: SB 1180

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 Clary—

SB 1642—A bill to be entitled An act relating to the Medikids program; amending s. 409.8132, F.S.; eliminating restrictions on MediPass participation in the Medikids program; providing an effective date.

—was referred to the Committee on Health, Aging and Long-Term Care.

By Senator Gutman—

SB 1644—A bill to be entitled An act relating to state taxation; providing for a credit against residential electric utility bills; providing conditions with respect to the credit; providing legislative intent; providing an appropriation; providing an effective date.

—was referred to the Committees on Regulated Industries and Fiscal Resource.

By Senators Sullivan and Horne—

SB 1646—A bill to be entitled An act relating to education; stating an intent to increase standards for the preparation, certification, and professional development of educators; directing the Department of Education to review statutes and rules governing certification to increase efficiency, rigor, and alternatives in the certification process; requiring a report; amending s. 24.121, F.S.; specifying conditions for withholding allocations from the Educational Enhancement Trust Fund; amending s. 229.592, F.S.; prohibiting the waiver of a required report of out-of-field teachers; amending s. 230.23, F.S., relating to district school board powers and duties; requiring certain performance-based pay for school administrators and instructional personnel; amending s. 231.02, F.S.; correcting a reference; amending s. 231.0861, F.S.; requiring the State Board of Education to approve criteria for selection of certain administrative personnel; authorizing school districts to contract with private entities for evaluation and training of such personnel; amending s. 231.085, F.S.; specifying principals' responsibilities for assessing performance of school personnel and implementing the Sunshine State Standards; amending s. 231.087, F.S.; requiring the State Board of Education to adopt rules governing the training of school district management personnel; providing for review and repeal of the Management Training Act; requiring recommendations; amending s. 231.09, F.S.; prescribing duties of instructional personnel; amending s. 231.096, F.S.; requiring a school board plan to ensure the competency of teachers with out-of-field teaching assignments; amending s. 231.145, F.S.; revising purpose to reflect increased requirements for certification; amending s. 231.15, F.S.; authorizing certification based on demonstrated competencies; requiring rules of the State Board of Education to specify certain competencies; requiring consultation with postsecondary education boards; amending s. 231.17, F.S.; revising prerequisites for certification; requiring demonstration of general knowledge before temporary certification; increasing the requirement that teachers know and use mathematics, technology, and intervention strategies with students; deleting alternative ways to demonstrate general knowledge competency; amending s. 231.174, F.S., relating to district programs for adding certification coverages; removing limitation to specific certification areas; amending s. 231.29, F.S.; requiring certain personnel-performance assessments to be primarily based on student performance; amending s. 231.546, F.S.; specifying duties of the Education Standards Commission; amending s. 231.600, F.S.; prescribing the responsibilities of school dis-

strict professional-development programs; amending s. 240.529, F.S.; revising criteria for initial and continuing approval of teacher-preparation programs; increasing the requirements for a student to enroll in and graduate from a teacher-education program; requiring annual reports of program performance; creating certain institutes for intensive inservice training in reading, mathematics, and algebra; providing criteria for instruction, admissions, and evaluation; authorizing professional development academies to meet human resource development needs of educators, school, and school districts; providing for organization and operation by public and private partners; providing for funding; specifying duties of the Commissioner of Education; repealing s. 231.601, F.S., relating to purpose of inservice training for instructional personnel; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By Senator Laurent—

SB 1648—A bill to be entitled An act relating to juvenile justice; creating s. 985.421, F.S.; clarifying the role of the Department of Juvenile Justice in administering the Youth Welfare Trust Fund; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Laurent—

SB 1650—A bill to be entitled An act relating to juvenile justice; creating s. 985.423, F.S.; specifying the Department of Juvenile Justice's duties in administering and maintaining the Care and Maintenance Trust Fund for juvenile offenders; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator McKay—

SB 1652—A bill to be entitled An act relating to civil actions; creating s. 40.50, F.S.; providing for instructions to juries after the jury is sworn in; providing for the taking of notes under certain circumstances; providing for notebooks; providing for written questions; providing for final instructions; amending s. 44.102, F.S.; requiring that the court require mediation in certain actions for monetary damages; creating s. 44.1051, F.S.; providing for voluntary trial resolution; providing for the appointment of a trial resolution judge; providing for compensation; providing for fees; providing for the tolling of applicable statutes of limitation; providing for powers of trial resolution judges; providing for hearings and evidence; providing for appeal; providing for application; amending s. 57.105, F.S.; revising conditions for award of attorney's fees for presenting unsupported claims or defenses; authorizing damage awards against a party for unreasonable delay of litigation; authorizing the court to impose additional sanctions; amending s. 768.79, F.S.; providing for the applicability of offers of judgment and demand of judgment in cases involving multiple plaintiffs; providing that subsequent offers shall void previous offers; providing that prior to awarding costs and fees the court shall determine whether the offer was reasonable under the circumstances known at the time the offer was made; amending s. 57.071, F.S.; providing criteria under which expert witness fees may be awarded as taxable costs; providing for expedited trials; amending s. 768.77, F.S.; deleting a requirement to itemize future damages on verdict forms; amending s. 768.78, F.S.; conforming provisions relating to alternative methods of payment of damage awards to changes made by the act; correcting a cross-reference; creating s. 47.025, F.S.; providing that certain venue provisions in a contract for improvement to real property are void; specifying appropriate venue for actions against resident contractors, subcontractors, and sub-subcontractors; requiring the clerk of court to report certain information on negligence cases to the Office of the State Courts Administrator; amending s. 768.81, F.S.; providing for the apportionment of damages on the basis of joint and several liability when a party's fault exceeds a certain percentage; providing for the allocation of fault to a nonparty; requiring that such fault must be proved by a preponderance of the evidence; repealing s. 768.81(5), F.S., relating to the applicability of joint and several liability to actions in which the total amount of damages does not exceed a specified amount;

requiring the Department of Insurance to contract with an actuarial firm to conduct an actuarial analysis of expected reductions in judgments and related costs resulting from litigation reforms; specifying the basis and due date for the actuarial report; providing for a review of rate filings by certain types of insurers after a specified date; providing that such provisions do not limit the refund of excessive profits by certain insurers; amending s. 324.021, F.S.; providing a limitation on the liability for bodily injury, property, and economic damages for certain lessors and owners of motor vehicles; providing for applicability; creating s. 768.096, F.S.; providing an employer with a presumption against negligent hiring under specified conditions in an action for civil damages resulting from an intentional tort committed by an employee; amending s. 768.095, F.S.; revising the conditions under which an employer is immune from civil liability for disclosing information regarding an employee to a prospective employer; creating s. 768.071, F.S.; providing limitations on premises liability for a person or organization owning or controlling an interest in a business premises; providing for a presumption against liability; providing conditions for the presumption; amending s. 768.075, F.S.; modifying the conditions under which a person or organization owning or controlling an interest in real property is liable for a trespasser's injury or death; providing definitions; providing for the avoidance of liability to discovered and undiscovered trespassers under described circumstances; providing immunity from certain liability arising out of the attempt to commit or the commission of a felony; creating s. 768.36, F.S.; prohibiting a plaintiff from recovering damages if plaintiff is more than a specified percentage at fault due to the influence of alcoholic beverages or drugs; creating s. 768.725, F.S.; providing evidentiary standards for an award of punitive damages; amending s. 768.72, F.S.; revising provisions with respect to claims for punitive damages in civil actions; requiring clear and convincing evidence of gross negligence or intentional misconduct to support the recovery of such damages; providing definitions; providing criteria for the imposition of punitive damages with respect to employers, principals, corporations, or other legal entities for the conduct of an employee or agent; providing for the application of the section; amending s. 768.73, F.S.; revising provisions with respect to limitations on punitive damages; providing monetary limitations; providing an exception with respect to intentional misconduct; providing for the effect of certain previous punitive damages awards; specifying the basis for calculating attorney's fees on judgments for punitive damages; providing for the application of the section; creating s. 768.735, F.S.; providing that ss. 768.72(2)-(4), 768.725, and 768.73, F.S., relating to punitive damages, are inapplicable to specified causes of action; limiting the amount of punitive damages that may be awarded to a claimant in certain civil actions involving abuse or arising under ch. 400, F.S.; creating s. 768.736, F.S.; providing that ss. 768.725 and 768.73, F.S., relating to punitive damages, do not apply to intoxicated defendants; providing requirements for a contract for contingency fees in an action for personal injury, property damages, or death due to injury; providing notice requirements; limiting the amount of contingency fees following an offer of early settlement; providing certain exceptions; providing for severability; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

SB 1654—A bill to be entitled An act relating to civil actions; creating s. 40.50, F.S.; providing for instructions to juries after the jury is sworn in; providing for the taking of notes under certain circumstances; providing for notebooks; providing for written questions; providing for final instructions; amending s. 44.102, F.S.; requiring that the court require mediation in certain actions for monetary damages; creating s. 44.1051, F.S.; providing for voluntary trial resolution; providing for the appointment of a trial resolution judge; providing for compensation; providing for fees; providing for the tolling of applicable statutes of limitation; providing for powers of trial resolution judges; providing for hearings and evidence; providing for appeal; providing for application; amending s. 57.105, F.S.; revising conditions for award of attorney's fees for presenting unsupported claims or defenses; authorizing damage awards against a party for unreasonable delay of litigation; authorizing the court to impose additional sanctions; amending s. 768.79, F.S.; providing for the applicability of offers of judgment and demand of judgment in cases involving multiple plaintiffs; providing that subsequent offers shall void previous offers; providing that prior to awarding costs and fees the court shall determine whether the offer was reasonable under the circumstances known at the time the offer was made; amending s.

57.071, F.S.; providing criteria under which expert witness fees may be awarded as taxable costs; providing for expedited trials; amending s. 768.77, F.S.; deleting a requirement to itemize future damages on verdict forms; amending s. 768.78, F.S.; conforming provisions relating to alternative methods of payment of damage awards to changes made by the act; correcting a cross-reference; creating s. 47.025, F.S.; providing that certain venue provisions in a contract for improvement to real property are void; specifying appropriate venue for actions against resident contractors, subcontractors, and sub-subcontractors; requiring the clerk of court to report certain information on negligence cases to the Office of the State Courts Administrator; amending s. 768.81, F.S.; providing for the apportionment of damages on the basis of joint and several liability when a party's fault exceeds a certain percentage; providing for the allocation of fault to a nonparty; requiring that such fault must be proved by a preponderance of the evidence; repealing s. 768.81(5), F.S., relating to the applicability of joint and several liability to actions in which the total amount of damages does not exceed a specified amount; requiring the Department of Insurance to contract with an actuarial firm to conduct an actuarial analysis of expected reductions in judgments and related costs resulting from litigation reforms; specifying the basis and due date for the actuarial report; providing for a review of rate filings by certain types of insurers after a specified date; providing that such provisions do not limit the refund of excessive profits by certain insurers; amending s. 324.021, F.S.; providing a limitation on the liability for bodily injury, property, and economic damages for certain lessors and owners of motor vehicles; providing for applicability; creating s. 768.096, F.S.; providing an employer with a presumption against negligent hiring under specified conditions in an action for civil damages resulting from an intentional tort committed by an employee; amending s. 768.095, F.S.; revising the conditions under which an employer is immune from civil liability for disclosing information regarding an employee to a prospective employer; creating s. 768.071, F.S.; providing limitations on premises liability for a person or organization owning or controlling an interest in a business premises; providing for a presumption against liability; providing conditions for the presumption; amending s. 768.075, F.S.; modifying the conditions under which a person or organization owning or controlling an interest in real property is liable for a trespasser's injury or death; providing definitions; providing for the avoidance of liability to discovered and undiscovered trespassers under described circumstances; providing immunity from certain liability arising out of the attempt to commit or the commission of a felony; creating s. 768.36, F.S.; prohibiting a plaintiff from recovering damages if plaintiff is more than a specified percentage at fault due to the influence of alcoholic beverages or drugs; creating s. 768.725, F.S.; providing evidentiary standards for an award of punitive damages; amending s. 768.72, F.S.; revising provisions with respect to claims for punitive damages in civil actions; requiring clear and convincing evidence of gross negligence or intentional misconduct to support the recovery of such damages; providing definitions; providing criteria for the imposition of punitive damages with respect to employers, principals, corporations, or other legal entities for the conduct of an employee or agent; providing for the application of the section; amending s. 768.73, F.S.; revising provisions with respect to limitations on punitive damages; providing monetary limitations; providing an exception with respect to intentional misconduct; providing for the effect of certain previous punitive damages awards; specifying the basis for calculating attorney's fees on judgments for punitive damages; providing for the application of the section; creating s. 768.735, F.S.; providing that ss. 768.72(2)-(4), 768.725, and 768.73, F.S., relating to punitive damages, are inapplicable to specified causes of action; limiting the amount of punitive damages that may be awarded to a claimant in certain civil actions involving abuse or arising under ch. 400, F.S.; creating s. 768.736, F.S.; providing that ss. 768.725 and 768.73, F.S., relating to punitive damages, do not apply to intoxicated defendants; providing for severability; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Casas—

SB 1656—A bill to be entitled An act relating to driver improvement schools; amending s. 318.14, F.S.; increasing the number of times a person cited for certain traffic infractions may elect to attend a driver improvement course in lieu of making a court appearance; amending s. 318.1452, F.S.; requiring that the Department of Highway Safety and Motor Vehicles monitor course presentations by driver improvement schools; requiring the use of department-approved teaching methodologies; requiring that instructors be certified by the provider; providing

requirements for certification; providing exceptions for instructors certified before a specified date; providing requirements for conducting driver improvement courses; requiring that course providers pay application fees and fees for certain studies conducted by the department; providing a fee for persons who enroll in a driver improvement course by court order; requiring that the department conduct certain studies to test the effectiveness of courses; requiring the department to adopt rules; amending s. 322.0261, F.S.; revising requirements for attending driver improvement courses for persons convicted of, or who plead nolo contendere to, certain traffic offenses; creating s. 322.02615, F.S.; requiring that certain persons who are convicted of, or who plead nolo contendere to, certain noncriminal traffic offenses attend a mandatory driver improvement course; requiring the department to cancel the driver's license of any person who fails to complete the course as required; amending s. 322.095, F.S.; providing additional requirements for traffic law education courses; requiring the use of department-approved teaching methodologies; requiring that course providers pay application fees and fees for certain studies conducted by the department; requiring that the department conduct studies of traffic law education courses; deleting a requirement that the department conduct financial audits of course providers; providing requirements for the use of proceeds from the fees collected from course participants; amending s. 322.271, F.S.; providing that enrollment in a department-approved advanced driver improvement course may qualify a person for license reinstatement under certain circumstances; amending s. 322.291, F.S.; requiring that proof of completion of a driver improvement course be presented to the department prior to license reinstatement; deleting a requirement that a person's license be cancelled for failing to complete such a course within a specified period; amending s. 627.06501, F.S.; conforming a cross-reference to changes made by the act; providing an effective date.

—was referred to the Committees on Transportation and Fiscal Policy.

By Senator Casas—

SB 1658—A bill to be entitled An act relating to trust funds; re-creating the Education and General Student and Other Fees Trust Fund within the Department of Education without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Casas—

SB 1660—A bill to be entitled An act relating to trust funds; re-creating the University of Florida Health Center Operations and Maintenance Trust Fund within the Department of Education without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Horne—

SB 1662—A bill to be entitled An act relating to insurance; amending s. 627.311, F.S.; authorizing the use of policyholder surplus to fund workers' compensation joint underwriting plan deficits; prohibiting insurers from providing workers' compensation to certain employers; defining the term "affiliated person," as used in s. 627.311, F.S.; exempting the plan from premium taxation; exempting the plan from assessments under ch. 440, F.S.; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Fiscal Resource.

By Senator Horne—

SB 1664—A bill to be entitled An act relating to training centers; establishing training school consolidation pilot projects; providing for

transfer of responsibility for the operation of existing programs; providing for the transfer of real property; providing program requirements; providing for exemptions from statutes and rules; requiring the Department of Education to shift all FTE and other funding from a school district to a receiving community college; providing a guideline for the future approval of programs; requiring a study; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By Senator Mitchell—

SB 1666—A bill to be entitled An act relating to child protection; amending s. 39.001, F.S., relating to purpose and intent of ch. 39, F.S.; conforming and clarifying provisions and references; amending s. 39.0015, F.S., relating to child abuse prevention training in the district school system; amending s. 39.01, F.S.; revising and conforming definitions; amending s. 39.011, F.S., relating to immunity from liability; amending s. 39.0121, F.S., relating to rulemaking authority; amending s. 39.013, F.S.; clarifying and conforming provisions relating to procedures, jurisdiction, and right to counsel; amending s. 39.0132, F.S.; reducing the period during which the court must preserve records pertaining to a dependent child; providing for admission of termination of parental rights orders as evidence in subsequent proceedings; creating s. 39.01345, F.S.; providing criteria and guidelines for appointment of attorney to represent an indigent parent; providing for attorney's fees and costs; providing for creation and enforcement of liens; amending s. 39.202, F.S.; revising provisions relating to confidentiality of reports and records; amending s. 39.206, F.S., relating to imposition of administrative fines for false reporting; amending s. 39.301, F.S.; revising provisions relating to initiation of protective investigation; amending s. 39.302, F.S.; conforming a cross-reference; amending s. 39.3035, F.S., relating to child advocacy centers; amending s. 39.304, F.S., relating to medical examination and treatment; amending ss. 39.311, 39.312, and 39.313, F.S., relating to the Family Builders Program; amending s. 39.395, F.S., relating to detaining a child; amending s. 39.401, F.S., relating to taking a child into custody; amending s. 39.402, F.S.; revising provisions relating to placement in a shelter; providing for parents' right to continuance of shelter hearing to obtain counsel; requiring the shelter order to require certain financial information from the parent or legal custodian; providing timeframe for review of shelter placement; amending s. 39.407, F.S., relating to medical and psychological examinations; amending s. 39.501, F.S., relating to petition for dependency; amending s. 39.502, F.S., relating to notice, process, and service; amending s. 39.503, F.S., relating to identifying or locating a parent; amending s. 39.504, F.S., relating to injunction pending disposition of petition; amending s. 39.506, F.S.; revising provisions relating to arraignment hearings; specifying when failure of a person to appear constitutes consent to a dependency adjudication; amending s. 39.507, F.S., relating to adjudicatory hearings; amending s. 39.508, F.S.; revising provisions relating to disposition hearings and orders; providing for permanency status of the child; specifying conditions for termination of departmental supervision and cessation of judicial reviews; amending s. 39.5085, F.S., relating to the Relative Caregiver Program; amending s. 39.509, F.S., relating to grandparents' rights; amending s. 39.510, F.S., relating to appeal; amending s. 39.601, F.S.; revising and clarifying case plan requirements; amending s. 39.602, F.S., relating to case planning for a child in out-of-home care; amending s. 39.603, F.S.; conforming timeframes relating to court approvals of case planning; amending s. 39.701, F.S.; revising and clarifying timeframes relating to judicial reviews; specifying that notice is not required for persons present at the previous hearing; providing for a parent's partial compliance with the case plan; requiring that certain updated documentation be furnished to the court; amending s. 39.702, F.S., relating to citizen review panels; amending s. 39.703, F.S., relating to initiation of proceedings to terminate parental rights; amending s. 39.704, F.S., relating to exemption from judicial review; amending s. 39.801, F.S., relating to procedures, jurisdiction, and notice for termination of parental rights; providing notice and consequences regarding failure to appear at advisory hearings; providing for service of subpoenas by agents of the department or guardian ad litem; amending s. 39.802, F.S., relating to petition for termination of parental rights; amending s. 39.805, F.S., relating to no answer to petition or pleadings required; amending s. 39.806, F.S.; revising grounds for termination of parental rights; revising timeframe for identification or location of parent in provisions relating to termination of parental rights; amending s. 39.807, F.S., relating to right to counsel; revising timeframe

for provision of certain reports to all parties; amending s. 39.808, F.S., relating to advisory hearing and pretrial status conference; amending s. 39.811, F.S., relating to powers and order of disposition; amending s. 39.814, F.S., relating to oaths, records, and confidential information; amending s. 39.815, F.S., relating to appeal; amending s. 39.822, F.S., relating to appointment of guardian ad litem for abused, abandoned, or neglected child; specifying timeframe for provision of reports to all parties; amending ss. 63.0427 and 419.001, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Children and Families; Judiciary; and Fiscal Policy.

By Senator Klein—

SB 1668—A bill to be entitled An act relating to domestic violence; creating s. 741.316, F.S.; providing a definition; providing for the review of fatal and near fatal domestic violence incidents by a domestic violence fatality prevention task force or a domestic violence fatality review team; providing immunity from certain liability; providing for attorneys' fees and court costs in certain actions; providing an effective date.

—was referred to the Committees on Children and Families; and Criminal Justice.

By Senator Casas—

SB 1670—A bill to be entitled An act creating the Student Loan Operating Trust Fund within the Department of Education; creating the trust fund, specifying its uses, and providing for its exemption from the termination requirements of the State Constitution; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Laurent—

SB 1672—A bill to be entitled An act relating to water resources; creating s. 373.1501, F.S.; providing legislative findings; prescribing duties of the South Florida Water Management District with respect to the Central and Southern Florida Project; amending s. 373.026, F.S.; prescribing duties of the Department of Environmental Protection with respect to the findings and recommendations of the district; providing for legislative review; providing an effective date.

—was referred to the Committees on Natural Resources and Fiscal Policy.

By Senator Kirkpatrick—

SB 1674—A bill to be entitled An act relating to economic development; providing legislative findings and declarations with respect to the global competition that is encountered by the state in attracting certain high-impact business facilities; creating the Florida Economic Opportunities Incentive Fund within the Office of Tourism, Trade, and Economic Development; providing for the transfer of moneys to the fund; limiting the amount of moneys that may be transferred to the fund in any one fiscal year; requiring Enterprise Florida, Inc., to evaluate and recommend high-impact facilities eligible for a payment of moneys from the fund; requiring that such payments be approved by the Governor, following consultation with the President of the Senate and the Speaker of the House of Representatives; providing certain requirements for the contract awarding moneys from the fund; providing a contingent effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Fiscal Policy.

By Senator Forman—

SB 1676—A bill to be entitled An act relating to cross-reporting of family violence; amending ss. 39.201 and 828.073, F.S.; requiring animal control officers or other agents appointed under s. 828.03, F.S., to report known or suspected child abuse, abandonment, or neglect; providing a penalty; creating s. 39.208, F.S.; requiring persons who are required to report or investigate child abuse, abandonment, or neglect under ch. 39, F.S., to report known or suspected animal abuse, maltreatment, neglect, or abandonment; specifying information to be reported; providing a penalty; providing an effective date.

—was referred to the Committee on Children and Families.

By Senator Meek—

SB 1678—A bill to be entitled An act relating to the criminal justice system; amending s. 316.2045, F.S.; prohibiting minors from standing or approaching vehicles on any public street, highway, road, or state transportation facility right-of-way for purposes of soliciting; providing a civil penalty; amending s. 943.13, F.S.; providing minimum qualifications for employment for correctional probation officers and persons employed by a private entity under contract with the Department of Corrections or with a county commission; creating s. 944.6125, F.S.; providing that certain women who are confined by the Department of Corrections must be placed in a correctional facility located within a reasonable distance from the residence of the minor child of the confined woman; providing for a child-friendly environment; providing for the application of the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Comprehensive Planning, Local and Military Affairs; and Fiscal Policy.

By Senator Klein—

SB 1680—A bill to be entitled An act relating to health insurance coverage for infertility; creating ss. 627.64062, 627.65742, F.S., and amending s. 641.31, F.S.; requiring coverage by health insurance policies, group, franchise, and blanket health insurance policies, and health maintenance contracts for diagnosis and treatment of infertility under certain circumstances; providing requirements and criteria; providing limitations; providing definitions; providing an exception for certain religious organizations; providing application; excluding payments for donor eggs or certain medical services; amending ss. 627.651, 627.6515, 627.6699, F.S.; providing for application to group contracts and plans of self insurance, out-of-state groups, and standard, basic, and limited health benefit plans; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; and Fiscal Policy.

By Senator Klein—

SB 1682—A bill to be entitled An act relating to limited liability companies; amending s. 220.02, F.S.; declaring legislative intent that certain companies are exempt from the corporate income tax; revising legislative intent with respect to the amendment of s. 220.02, F.S., by chapter 98-101, Laws of Florida; amending s. 220.03, F.S.; redefining the term "corporation" for purposes of the corporate income tax; amending s. 220.13, F.S.; redefining the term "taxable income" of limited liability companies for purposes of determining "adjusted federal income"; amending s. 608.471, F.S.; exempting certain limited liability companies from income taxation; amending s. 608.441, F.S.; revising conditions under which a limited liability company will be dissolved; amending s. 199.023, F.S.; redefining the term "intangible personal property" for purposes of the taxation thereof; amending s. 199.185, F.S.; exempting interests in limited liability companies from intangible personal property taxation; providing an effective date.

—was referred to the Committees on Fiscal Resource; and Commerce and Economic Opportunities.

By Senators Meek, Dawson-White, Jones and Dyer—

SB 1684—A bill to be entitled An act relating to property and services procurement; amending s. 240.205, F.S.; requiring that the Board of Regents comply with the minority business enterprise program; amending s. 240.227, F.S.; requiring that university presidents comply with the minority business enterprise program; amending s. 287.012, F.S.; redefining the terms "agency" and "office"; creating s. 287.085, F.S.; providing for price preferences in historically underutilized business zones; creating s. 287.086, F.S.; creating a small business enterprise program with goals, incentives, and size standards; amending s. 287.0943, F.S.; revising certification criteria for certain minority business enterprises; amending s. 287.09431, F.S.; providing for flexibility in statewide reciprocal certification agreements; amending s. 287.09451, F.S.; creating the Commission on Small Business and Economic Development composed of the Governor and Cabinet; renaming the Minority Business Advocacy and Assistance Office as the Small Business and Economic Development Office; revising procedural requirements for property and services expenditure percentages for specified minorities; requiring the office to develop procedures to establish dollar goals by procurement category for certain agencies; providing an expiration date; providing for the appointment of a Minority Business Ombudsman; creating a mentor and protege program; creating s. 287.09452, F.S.; establishing the Small and Minority Business Management and Technical Assistance Program; providing state purposes; providing for participation; providing program criteria and requirements; providing duties of the Small Business and Economic Development Office; authorizing the office to engage in certain financial activities for program purposes; requiring a report; creating s. 287.0946, F.S.; authorizing the Small Business and Economic Development Office to establish a linked-deposit program for minority and small business enterprises; providing an expiration date; amending s. 290.0075, F.S.; extending the expiration date of the enterprise-zone linked-deposit program; amending ss. 17.11, 255.102, 287.042, 287.057, 287.0947, 288.703, F.S.; conforming provisions; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Fiscal Policy.

By Senators Meek, Dawson-White, Jones and Dyer—

SB 1686—A bill to be entitled An act relating to trust funds; creating the Small and Minority Business Trust Fund; providing for administration by the Small Business and Economic Development Office of the Commission on Small Business and Economic Development for certain purposes; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Fiscal Policy.

By Senators Meek, Dawson-White, Cowin and Scott—

SB 1688—A bill to be entitled An act relating to unemployment compensation; creating 443.1716, F.S.; requiring the Department of Labor and Employment Security to contract with consumer-reporting agencies to provide creditors with secured electronic access to employer-provided information relating to the quarterly wages reports; providing conditions; requiring consent from the credit applicant; prescribing information that must be included in the written consent; limiting use of the information released; requiring the department to establish minimum audit, security, net worth, and liability insurance standards and other requirements it considers necessary; providing that any revenues generated from a contract with a consumer reporting agency must be used to pay the entire cost of providing access to the information; providing that any additional revenues generated must be paid into the department's trust fund for the administration of the unemployment compensation system; providing restrictions on the release of information under the act; defining the term "consumer-reporting" agency; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Fiscal Policy.

By Senator Geller—

SB 1690—A bill to be entitled An act relating to transfers of structured settlement agreements; providing definitions; providing that the transfer of structured settlement payment rights is not effective unless the transfer is authorized by a final court order; requiring that the court order be based on specified findings; providing disclosure requirements; requiring that the payee establish that the transfer is necessary to avoid imminent financial hardship; requiring that the payee receive independent professional advice; providing requirements for a transfer that contravenes the terms of the structured settlement; providing that the circuit courts have nonexclusive jurisdiction for authorizing such transfers; providing requirements for filing an application for authorization of a transfer; requiring that notice be served on all interested parties; providing that the requirements of the act may not be waived; providing that the act does not authorize transfers in contravention of applicable law; providing an effective date.

—was referred to the Committees on Judiciary and Fiscal Policy.

By Senator Latvala—

SB 1692—A bill to be entitled An act relating to representative and senatorial districts; declaring legislative intent; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Latvala—

SB 1694—A bill to be entitled An act relating to congressional redistricting; declaring legislative intent; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Klein—

SB 1696—A bill to be entitled An act relating to limited liability companies; amending ss. 608.401, 608.402, 608.403, 608.404, 608.406, 608.407, 608.408, 608.4081, 608.4082, 608.409, 608.4101, 608.411, 608.415, 608.416, 608.4211, 608.422, 608.4225, 608.423, 608.4231, 608.4232, 608.425, 608.426, 608.4261, 608.427, 608.428, 608.432, 608.433, 608.434, 608.436, 608.4362, 608.4363, 608.437, 608.438, 608.4381, 608.4383, 608.4384, 608.441, 608.4421, 608.444, 608.447, 608.448, 608.4481, 608.449, 608.4492, 608.4511, 608.452, 608.455, 608.463, 608.471, 608.502, 608.503, 608.504, 608.505, 608.507, 608.508, 608.512, 608.5135, F.S.; revising provisions of chapter 608, F.S., relating to limited liability companies; clarifying and updating such provisions to reflect current operating procedures; providing for requirements, limitations, procedures, rights, liabilities, reports, fees, and penalties; creating s. 608.4115, F.S.; providing for correcting certain articles of organization; providing for effect; creating s. 608.4226, F.S.; providing for resolving conflicts of interest; creating s. 608.4235, F.S.; providing for agency of members and managers; creating s. 608.4236, F.S.; providing for delegation of rights and powers to manage; creating s. 608.4237, F.S.; providing for membership termination upon bankruptcy; creating s. 608.439, F.S.; providing for conversion of certain entities to a limited liability company; creating s. 608.601, F.S.; providing for member's derivative actions; creating ss. 608.701, 608.702, and 608.703, F.S.; providing for application of certain case law for certain purposes; providing for receiving certificates and certified copies into evidence; providing for interrogatories by the Department of State; repealing s. 608.4062, F.S., relating to foreign limited liability companies; repealing s. 608.412, F.S., relating to supplemental affidavit of capital contributions; repealing s. 608.424, F.S., relating to contracting debts; repealing s. 608.4494, F.S., relating to deposit with the Department of Banking and Finance; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Judiciary; and Fiscal Policy.

By Senator Klein—

SB 1698—A bill to be entitled An act relating to cemeteries; amending s. 497.003, F.S.; prescribing exemptions from regulations; amending s. 497.005, F.S.; defining the term "religious institution"; amending s. 497.103, F.S.; deleting an examination fee; amending s. 497.213, F.S.; increasing annual license fees; amending ss. 497.341, 497.405, F.S.; conforming provisions; amending s. 497.407, F.S.; providing application fees and annual renewal fees for certificates of authority; increasing fees; amending s. 497.431, F.S.; deleting an examination fee; requiring the Department of Banking and Finance to conduct a review and submit a report regarding ch. 497, F.S.; providing an appropriation; providing effective dates.

—was referred to the Committees on Banking and Insurance; and Fiscal Resource.

By Senator Grant—

SB 1700—A bill to be entitled An act relating to the Medicaid program; amending s. 409.910, F.S.; requiring providers to use the standard tape or electronic billing format adopted by the Agency for Health Care Administration, or to accept paper billing submitted by the agency; creating s. 409.9101, F.S.; creating the "Medicaid Estate Recovery Act"; providing legislative intent; allowing the agency to recover amounts expended for Medicaid assistance from the estate of a deceased recipient; providing exceptions; providing criteria to be used by the agency in granting waivers on the grounds of undue hardship; providing procedures and guidelines; providing restrictions on the computation of attorney's fees; amending s. 409.913, F.S.; allowing the agency to withhold Medicaid payments in whole or in part when there is evidence of fraud, abuse, or crime; amending s. 733.212, F.S.; providing that Medicaid is a reasonably ascertainable creditor of a decedent in specified circumstances; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Judiciary; and Fiscal Policy.

By Senator Holzendorf—

SB 1702—A bill to be entitled An act relating to public schools; creating pilot programs to provide for planning among schools in a common feeder system; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By Senator Cowin—

SB 1704—A bill to be entitled An act relating to education; providing an intent to demonstrate benefits of a program to prepare new teachers and to provide certain professional development activities to support them; providing for recruitment of persons to participate in a fellowship program by means of forgivable loans; providing standards and conditions for eligibility for the program; assigning responsibility for recruitment; requiring regional review committees; providing for selection of certain postsecondary education institutions to participate in the program; providing standards and conditions for receipt and forgiveness of a loan; providing conditions for repayment of loans not eligible for loan forgiveness; authorizing conditions for deferment of repayment; providing for a revolving fund; establishing a professional development program for recipients of a fellowship and other college graduates; providing standards for recruitment of participating teachers, school districts, and postgraduate programs; requiring certain conditions of employment of participants; establishing tiers of sequential professional development activities; creating a not-for-profit organization to be administratively assigned to the Executive Office of the Governor; providing for appointment of members of its board of directors; authorizing the employment of staff; providing its duties and responsibilities; providing for cooperation with an office of the Department of Education; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By Senator Meek—

SB 1706—A bill to be entitled An act relating to privacy; prohibiting retail establishments and their employees and agents from directly observing or using video cameras or other surveillance equipment to observe customers in dressing rooms, fitting rooms, changing rooms, or rest rooms; providing penalties; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Mitchell—

SB 1708—A bill to be entitled An act relating to corporations; amending s. 607.1430, F.S.; revising the criteria for dissolution of a corporation in a proceeding brought by the Department of Legal Affairs; providing for dissolution in a proceeding brought by any state agency; including as a criteria for such dissolution that the corporation has been voluntarily or administratively dissolved for a specified period; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Campbell—

SB 1710—A bill to be entitled An act relating to drug-free workplace programs; amending s. 287.087, F.S.; providing additional requirements in order for a business to be certified as having a drug-free workplace and given preference in contracts by the state or local governments; amending s. 440.101, F.S.; requiring that certain employers in the construction industry implement a drug-free workplace program; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Commerce and Economic Opportunities.

By Senator Meek—

SB 1712—A bill to be entitled An act relating to consumer protection; amending s. 496.404, F.S.; revising definitions; amending s. 496.405, F.S.; providing additional information to be included within initial registration statements for charitable organizations and sponsors; prohibiting an employee of a charitable organization or sponsor from soliciting contributions on behalf of the charitable organization or sponsor under specified conditions; amending s. 496.409, F.S.; revising and providing additional information to be included within application for registration or renewal of registration as a professional fundraising consultant; prohibiting a person from acting as a professional fundraising consultant under specified circumstances; amending s. 496.410, F.S.; revising and providing additional information to be included within application for registration or renewal of registration as a professional solicitor; revising provisions that prohibit a person from acting as a professional solicitor; amending s. 496.420, F.S.; revising provisions relating to civil remedies and enforcement; amending ss. 501.604, 501.616, F.S.; prohibiting certain telephone calls by a commercial telephone seller or salesperson; amending s. 539.001, F.S.; revising license requirements under the Florida Pawnbroking Act; revising conditions of eligibility for license; requiring specified persons to file certain documentation upon application for license; requiring the submission of fingerprints with each initial application for licensure; requiring the Division of Consumer Services to submit fingerprints of each applicant for licensure to the Florida Department of Law Enforcement; requiring the Florida Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation; providing an additional condition under which a pawnbroker license may be suspended or revoked; amending s. 559.803, F.S.; revising provisions relating to required information contained in disclosure statements with respect to the sale or lease of business opportunities; amending s. 559.805, F.S.; requiring a seller of business opportunities to file additional information with the department; reenacting s. 559.815, F.S.; providing a penalty; amending s. 559.903, F.S.; revising the definition of “motor vehicle” for the purposes of pt. IX of ch. 559, F.S., relating to repair of motor vehicles; amending s. 559.904, F.S.; requiring the department to post a specified sign at any motor vehicle repair shop

that has had its registration suspended or revoked or that has been determined to be operating without a registration; providing a second-degree misdemeanor penalty for defacing or removing such a sign, for operating without a registration, or for operating with a revoked or suspended registration; authorizing the department to impose administrative sanctions; amending s. 741.0305, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Regulated Industries; and Fiscal Policy.

By Senator Hargrett—

SB 1714—A bill to be entitled An act relating to public records; amending s. 447.605, F.S.; providing for disclosure of certain identifying information about a public employee which is exempt from public records requirements to the employee’s certified bargaining agent under certain conditions; providing an effective date.

—was referred to the Committee on Governmental Oversight and Productivity.

By Senator Gutman—

SB 1716—A bill to be entitled An act relating to auctioneering; amending s. 468.385, F.S.; providing for examination not prepared or administered by the Board of Auctioneers; amending s. 468.388, F.S.; deleting exceptions from a requirement that auctions be conducted pursuant to a written agreement; amending s. 468.389, F.S.; providing for disciplinary action against licensees who fail to account for certain property; amending s. 468.395, F.S.; revising provisions relating to the Auctioneer Recovery Fund; providing for recovery from the fund pursuant to an order issued by the board; deleting a requirement that notice be given to the board before bringing certain suits; providing limitations on bringing claims for certain acts; providing subrogation rights for the fund; providing an effective date.

—was referred to the Committees on Regulated Industries and Fiscal Policy.

By Senator Silver—

SB 1718—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from the public records law for specified information relating to certain municipal employees who are human resources practitioners; providing legislative findings; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Senator Klein—

SB 1720—A bill to be entitled An act relating to the revenue sharing with municipal governments; amending s. 218.215, F.S.; creating the Supplemental Revenue Sharing Trust Fund for Municipalities; providing for an annual appropriation; providing for future repeal; creating s. 218.2455, F.S.; authorizing the supplemental revenue sharing distribution to municipalities; providing for use of the proceeds; providing for administration; providing future repeal; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Resource.

By Senator Clary—

SB 1722—A bill to be entitled An act relating to assisted living facilities; amending s. 400.4178, F.S.; revising training requirements for staff that provide special care for residents who have Alzheimer’s disease or

related disorders; amending s. 400.424, F.S.; amending provisions relating to contracts between the facilities and their residents; amending s. 400.4255, F.S.; revising guidelines for providing nursing services to residents; allowing facilities to honor do-not-resuscitate orders; amending s. 400.427, F.S.; prohibiting a staff member's acting as a resident's attorney-in-fact, with exceptions; amending s. 400.441, F.S., relating to rule-making authority; deleting firesafety requirements from the rulemaking authority of the Department of Elderly Affairs; providing authority to make rules pertaining to advertising, nursing services, and security; deleting authority to dispose of fees and fines; removing from the facilities the responsibility for the medical regulation of chemical restraints; deleting a requirement to send proposed rule drafts to the Legislature; allowing the Department of Elderly Affairs, rather than the Agency for Health Care Administration, to provide waivers from department rules; requiring the department, rather than the agency, to develop abbreviated inspection procedures and standards; deleting a requirement of an annual report; creating s. 400.4411, F.S.; providing firesafety standards; amending s. 400.452, F.S., relating to departmental training requirements; allowing the department to charge a fee for approving training curricula and training providers; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Senator Scott—

SB 1724—A bill to be entitled An act relating to juvenile detention; amending s. 985.211, F.S.; requiring a probable cause affidavit or written report to be made within a time certain; requiring such affidavit or report to be filed with the clerk of circuit court within a time certain; amending s. 985.215, F.S.; providing for increased holding times for children charged with offenses of certain severity; amending s. 985.218, F.S.; requiring petitions for delinquency to be filed within a time certain under certain circumstances; authorizing the court to extend such times under certain circumstances; requiring release from custody under certain circumstances; providing an effective date.

—was referred to the Committees on Criminal Justice and Fiscal Policy.

By Senator Meek—

SB 1726—A bill to be entitled An act relating to certain social work services; creating part XV of chapter 468, F.S., to provide regulatory provisions applicable to certain social work practice; providing intent and definitions; creating an advisory council within the Department of Health; providing for appointment and terms of members and location of headquarters; providing for rules; providing for different levels of licensure and practice; providing for licensure by examination or endorsement; providing for biennial renewal of licenses; providing for inactive status and reactivation of inactive licenses; providing fees; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome; providing continuing education requirements and providing for approval of continuing education providers, programs, and courses; providing grounds for disciplinary action and specifying criminal violations; prohibiting sexual misconduct; providing penalties; providing exemptions from regulation under the part; providing that communications between licensees and clients are confidential; providing requirements for the maintenance and transfer of records; requiring display of license at practice location; requiring professional designation on promotional materials; repealing s. 491.0145, F.S., relating to certified master social workers, to conform; amending s. 491.0149, F.S., relating to display of license and use of professional title on promotional materials, to conform; repealing s. 491.015, F.S., relating to duties of the Department of Health as to certified master social workers, to conform; providing applicability to current certificateholders; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Senator Meek—

SB 1728—A bill to be entitled An act relating to public school technical academy pilot projects; establishing public school technical academy pilot projects; providing for incentive grants; providing student eligibility requirements; providing graduation requirements; requiring the development and adoption of rules; amending s. 229.57, F.S.; requiring students eligible for enrollment in a public school technical academy to be provided an opportunity to take the high school competency test, upon request; requiring an appropriation; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By Senators Meek, Diaz-Balart and Forman—

SB 1730—A bill to be entitled An act relating to road designations; designating a portion of State Road 9 from 58th Street to County Line Road as the "Carrie P. Meek Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Meek—

SB 1732—A bill to be entitled An act relating to court costs in domestic violence cases; creating s. 938.14, F.S.; providing for imposition of an additional mandatory court cost upon a person found to have committed an act of domestic violence; providing for waiver of the court cost; providing for collection by the clerk of the court; providing for deposit of such court costs in the Domestic Violence Trust Fund; providing for certain disbursements in accordance with specified provisions relating to funding of domestic violence centers; providing an effective date.

—was referred to the Committees on Children and Families; Criminal Justice; and Fiscal Policy.

By Senator Casas—

SB 1734—A bill to be entitled An act relating to trust funds; creating s. 292.085, F.S.; creating the Department of Veterans' Affairs Tobacco Settlement Trust Fund; providing for sources of moneys and purposes; providing for reversion of funds to the Lawton Chiles Endowment Fund for Children and Elders; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Casas—

SB 1736—A bill to be entitled An act relating to trust funds; re-creating the State Student Financial Assistance Trust Fund within the Department of Education without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Casas—

SB 1738—A bill to be entitled An act relating to trust funds; re-creating the Child Support Incentive Trust Fund within the Department of Revenue without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Meek—

SB 1740—A bill to be entitled An act relating to school attendance; amending s. 232.01, F.S.; revising provisions relating to eligibility for enrollment in public kindergartens; authorizing the enrollment of certain children who are determined to be ready for entrance into kindergarten; providing eligibility requirements; providing school district requirements; authorizing the state board to adopt rules; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By Senator Brown-Waite—

SB 1742—A bill to be entitled An act relating to the Department of Corrections; amending s. 20.315, F.S.; revising department goals; revising the organization of the state correctional system; authorizing the Secretary of Corrections to appoint assistant secretaries, directors, and other persons in specified areas of program responsibility; providing for the administration of department operations through regions; deleting requirements that the regions follow judicial circuits; deleting provisions authorizing the appointment of regional directors; revising requirements for the annual department budget; amending ss. 944.31, 944.331, F.S.; providing for the department's office of general counsel rather than the inspector general to oversee inmate grievances; providing an effective date.

—was referred to the Committees on Criminal Justice and Fiscal Policy.

By Senator Lee—

SB 1744—A bill to be entitled An act relating to bond financing; amending s. 159.612, F.S.; authorizing housing finance authorities under the Florida Housing Finance Authority Law to issue refunding bonds for certain purposes; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Policy.

By Senators Lee and Brown-Waite—

SB 1746—A bill to be entitled An act relating to sentencing; creating the "Three-Strike Violent Felony Offender Act"; amending s. 775.082, F.S.; redefining the term "prison releasee reoffender"; revising legislative intent; amending s. 775.084, F.S., relating to sentencing of habitual felony offenders, habitual violent felony offenders, and violent career criminals; redefining the terms "habitual felony offender" and "habitual violent felony offender"; revising the alternative time periods within which the habitual felony offender or habitual violent felony offender could have committed the felony to be sentenced; providing that the felony to be sentenced could have been committed either while the defendant was serving a prison sentence or other sentence, or within 5 years of the defendant's release from a prison sentence, probation, community control, or other sentence, under specified circumstances when the sentence was imposed as a result of a prior conviction for a felony, enumerated felony, or other qualified offense; removing certain references to "commitment" and otherwise conforming terminology; revising criteria for a prior conviction or a prior felony for purposes of sentencing as a habitual felony offender, habitual violent offender, or violent career criminal; providing that the placing of a person on probation without an adjudication of guilt shall be treated as a prior conviction regardless of when the subsequent offense was committed; removing certain requirements that, in order to be counted as a prior felony, the felony must have resulted in prior conviction sentenced separately from any other felony conviction counted as a prior felony; defining "three-time violent felony offender"; providing a category of enumerated felony offenses within the definition, including arson, sexual battery, robbery, kidnapping, aggravated child abuse, aggravated abuse of an elderly person or disabled adult, aggravated assault, murder, manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, unlawful throwing, placing, or discharging of a destructive device or bomb, armed burglary, aggravated battery, aggravated stalk-

ing, or certain qualified offenses; requiring the court to sentence a defendant as a three-time violent felony offender and impose certain mandatory minimum terms of imprisonment under specified circumstances when the defendant is to be sentenced for committing, or conspiring or attempting to commit, any of the enumerated felony offenses and the defendant has previously been convicted of committing, or conspiring or attempting to commit, any two of the enumerated felony offenses; providing penalties; providing procedures and criteria for court determination if the defendant is a three-time violent felony offender; providing for sentencing as a three-time violent felony offender; providing mandatory term of imprisonment for life when the three-time violent felony offense for which the defendant is to be sentenced is a felony punishable by life; providing mandatory prison term of 30 years when the three-time violent felony offense is a first-degree felony; providing mandatory prison term of 15 years when the three-time violent felony offense is a second-degree felony; providing mandatory prison term of 5 years when the three-time violent felony offense is a third-degree felony; providing for construction; providing that certain sentences imposed before July 1, 1999, are not subject to s. 921.002, F.S., relating to the Criminal Punishment Code; requiring a three-time violent felony offender to serve 100 percent of the court-imposed sentence; providing for ineligibility of a three-time violent felony offender for parole, control release, or early release; amending ss. 784.07 and 784.08, F.S.; providing minimum terms of imprisonment for persons convicted of aggravated assault or aggravated battery of a law enforcement officer or a person 65 years of age or older; amending s. 790.235, F.S., relating to prohibitions against, and penalties for, unlawful possession or other unlawful acts involving a firearm, an electric weapon or device, or a concealed weapon by a violent career criminal; conforming cross-references to changes made by the act; creating s. 794.0115, F.S.; defining "repeat sexual batterer"; providing within the definition a category of enumerated felony offenses in violation of s. 794.011, F.S., relating to sexual battery; requiring the court to sentence a defendant as a repeat sexual batterer and impose a 10-year mandatory minimum term of imprisonment under specified circumstances when the defendant is to be sentenced for committing, or conspiring or attempting to commit, any of the enumerated felony violations of s. 794.011, F.S., and the defendant has previously been convicted of committing, or conspiring or attempting to commit, any one of certain enumerated felony offenses involving sexual battery; providing penalties; providing procedures and criteria for court determination if the defendant is a repeat sexual batterer; providing for sentencing as a repeat sexual batterer; providing for construction; amending s. 794.011, F.S., to conform references to changes made by the act; amending s. 893.135, F.S.; redefining the offense of trafficking in cannabis to include unlawful sale, purchase, manufacture, delivery, bringing into the state, or possession of cannabis in excess of 25 pounds or 300 cannabis plants; providing mandatory minimum prison terms and mandatory fine amounts for trafficking in specified quantities of cannabis, cocaine, or illegal drugs; providing for sentencing pursuant to the Criminal Punishment Code of offenders convicted of trafficking in specified quantities of cannabis; providing that an offender who is sentenced to a mandatory minimum term upon conviction of trafficking in specified quantities of cannabis, cocaine, illegal drugs, phencyclidine, methaqualone, amphetamine, or flunitrazepam is not eligible for statutory gain-time or other form of early release prior to serving the minimum sentence; providing exceptions; providing penalties; reenacting s. 397.451(7), F.S., relating to the prohibition against dissemination of state funds to service providers convicted of certain offenses, s. 782.04(4)(a), F.S., relating to murder, s. 893.135(1), F.S., relating to lease or rent for the purpose of trafficking in a controlled substance, s. 903.133, F.S., relating to the prohibition against bail on appeal for certain felony convictions, s. 907.041(4)(b), F.S., relating to pretrial detention and release, s. 921.0022(3)(g), (h), and (i), F.S., relating to the Criminal Punishment Code offense severity ranking chart, s. 921.0024(1)(b), F.S., relating to the Criminal Punishment Code worksheet computations and scoresheets, s. 921.142(2), F.S., relating to sentencing for capital drug trafficking felonies, s. 943.0585, F.S., relating to court-ordered expunction of criminal history records, and s. 943.059, F.S., relating to court-ordered sealing of criminal history records, to incorporate said amendment in references; amending s. 943.0535, F.S., relating to aliens and criminal records; requiring clerks of the courts to furnish criminal records to United States immigration officers; requiring state attorneys to assist clerks of the courts in determining which defendants are aliens; requiring the Governor to place public service announcements explaining the provisions of this act; providing an effective date.

—was referred to the Committees on Criminal Justice and Fiscal Policy.

By Senators Dyer, Diaz-Balart, Silver, Saunders, Holzendorf, Brown-Waite, Clary and Forman—

SB 1748—A bill to be entitled An act relating to comparative fault; amending s. 768.81, F.S.; limiting further the application of joint and several liability; providing an exception; providing an effective date.

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

By Senator Lee—

SJR 1750—A joint resolution proposing amendments to Section 1 of Article VII and Section 21 of Article XII of the State Constitution relating to a limitation on state appropriations.

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

By Senators Holzendorf and Forman—

SB 1752—A bill to be entitled An act relating to civil actions against insurers; amending s. 624.155, F.S.; providing that an insurer that has offered in writing to an insured that it will pay its applicable policy limits as directed by the insured has no duty to settle claims under the requirements of the section; providing that an insurer is liable for damages not covered by its policy or damages exceeding its policy limits only if the insurer's conduct was the proximate cause of the damage; repealing s. 627.736(4)(f), F.S., relating to when personal injury protection benefits are due from an insurer; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and Fiscal Policy.

By Senator Holzendorf—

SB 1754—A bill to be entitled An act relating to insurance; creating s. 626.092, F.S.; prohibiting employee leasing representatives from selling certain types of insurance unless they are licensed as insurance agents by the Department of Insurance; prohibiting specified activities by persons that do not hold an insurance license; amending s. 626.916, F.S.; providing that certain conditions that are required before insurance coverage is eligible for export do not apply to contracts or policies that procure coverage in a geographic area for which the Florida Windstorm Underwriting Association is providing coverage; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Fiscal Policy.

SB 1756—Previously referenced.

By Senator Lee—

SB 1758—A bill to be entitled An act relating to telecommunications; providing legislative intent relating to local telecommunications services; providing an effective date.

—was referred to the Committees on Regulated Industries and Fiscal Policy.

By Senator Lee—

SB 1760—A bill to be entitled An act relating to the aerial application of pesticides; providing legislative intent; amending s. 593.21, F.S.; directing the Department of Health to study the health effects of the aerial application of malathion; amending s. 593.22, F.S.; requiring earlier notice of the aerial application of a pesticide; providing for diagnostic

and treatment costs; providing an appropriation; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; Health, Aging and Long-Term Care; and Fiscal Policy.

By Senator Bronson—

SB 1762—A bill to be entitled An act relating to taxes; amending s. 212.06, F.S.; providing that a use tax does not apply to persons, corporations, and specified affiliated groups who secure fill dirt from a location that they own for use on their own property; providing an effective date.

—was referred to the Committees on Fiscal Resource; and Commerce and Economic Opportunities.

By Senator Kirkpatrick—

SB 1764—A bill to be entitled An act relating to public records; expressing the legislative intent to establish a public records exemption for certain international trade and economic development data; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Rules and Calendar.

By Senator Kirkpatrick—

SB 1766—A bill to be entitled An act relating to public records; amending s. 288.1251, F.S.; providing an exemption from public records requirements for information held by the Office of Film Commissioner relating to specified information with respect to the business activities of private persons, partnerships, or corporations in the entertainment industry, when such confidentiality is requested; providing a penalty for violation of the act; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Rules and Calendar.

By Senator Dyer—

SB 1768—A bill to be entitled An act relating to criminal offenses; amending s. 775.085, F.S.; providing enhanced penalties for offenses committed against a child or an older adult; deleting provisions that limit the imposition of enhanced penalties for an offense against an older adult to those offenses that evidence prejudice based on the victim's advanced age; amending s. 777.04, F.S.; providing that it is a second-degree felony to solicit a minor to commit an offense prohibited by law; specifying elements of the offense; providing for ranking the offense for purposes of sentencing under the sentencing guidelines; requiring that a sentence of imprisonment imposed for the offense of soliciting a minor be served consecutively to any other sentence imposed for an offense committed during the course of the same criminal transaction; amending s. 921.0022, F.S., relating to the offense severity ranking chart; providing for ranking the offense of soliciting a minor to commit an offense prohibited by law; providing an effective date.

—was referred to the Committees on Criminal Justice and Fiscal Policy.

By Senator Bronson—

SB 1770—A bill to be entitled An act relating to commercial development and capital improvements; creating s. 288.1175, F.S.; providing for funding an Opryland facility; providing qualification requirements and application procedures; providing for audits and recertification; amend-

ing s. 212.20, F.S.; providing for the distribution of funds to an Opryland facility applicant; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; and Fiscal Policy.

By Senators Childers and Forman—

SB 1772—A bill to be entitled An act relating to optometrists; amending s. 395.0191, F.S.; providing for the granting to certified doctors of optometry staff membership at licensed facilities; limiting such membership privileges; providing an effective date.

—was referred to the Committee on Health, Aging and Long-Term Care.

By Senator Lee—

SB 1774—A bill to be entitled An act relating to state-owned property; expressing the intent of the Legislature to provide for the management of specified state-owned property and for the future uses of that property; providing an appropriation; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

By Senator Campbell—

SB 1776—A bill to be entitled An act relating to driver's licenses; amending s. 322.08, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to require driver's license applicants to submit fingerprints; prohibiting the department from issuing a driver's license before completing an examination of the applicant's record; requiring the department to request and receive information from, and exchange information with, other jurisdictions; authorizing the department to adopt rules; providing an effective date.

—was referred to the Committees on Transportation, Criminal Justice and Fiscal Policy.

By Senator Kirkpatrick—

SB 1778—A bill to be entitled An act relating to entertainment industry incentives; creating s. 288.1258, F.S.; authorizing entertainment industry production companies to apply for approval by the Office of the Film Commissioner as a qualified production company for the purpose of receiving sales tax exemptions; directing the office to develop application procedures; providing for denial and revocation of a certificate of exemption; providing a penalty for falsification of an application or unauthorized use of a certificate of exemption; providing categories of qualification for a certificate of exemption; providing duties of the Department of Revenue with respect to issuance of a certificate of exemption for qualified production companies; requiring the Office of the Film Commissioner to keep specified records; requiring an annual report to the Legislature; amending s. 212.031, F.S., relating to the tax on the lease or rental of or license in real property; providing that the exemption for property used as an integral part of the performance of qualified production services inures to the taxpayer upon presentation of a certificate of exemption issued under s. 288.1258, F.S.; amending s. 212.06, F.S.; providing that the exemption for fabrication labor used in the production of a qualified motion picture inures to the taxpayer upon presentation of a certificate of exemption issued under s. 288.1258, F.S.; amending s. 212.0602, F.S., which exempts the purchase or lease of materials, equipment, and other items by specified educational entities, institutions, or organizations under certain limited circumstances; expanding the exemption to include the license in or lease of real property by, and support operations of, such educational institutions; amending s. 212.08, F.S.; providing that the exemption for certain motion picture or video equipment and sound recording equipment shall be a point of sale exemption rather than by refund; providing that the exemption

inures to the taxpayer upon presentation of a certificate of exemption issued under s. 288.1258, F.S.; providing that the partial exemption for master tapes, records, films, or video tapes inures to the taxpayer upon presentation of a certificate of exemption issued under s. 288.1258, F.S.; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain information with the Office of the Film Commissioner; providing contingent effective dates.

—was referred to the Committees on Fiscal Resource; and Commerce and Economic Opportunities.

By Senator Rossin—

SCR 1780—A concurrent resolution amending Joint Rules 4, 5, and 6 of the Joint Rules of the Legislature.

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

By Senators Latvala and Dyer—

SB 1782—A bill to be entitled An act relating to elections; amending s. 97.071, F.S.; deleting procedures for mailing voter registration identification cards; amending s. 99.092, F.S.; requiring that filing fees paid by certain candidates be deposited in the Elections Commission Trust Fund; amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absent electors; amending s. 101.68, F.S.; modifying information that must be included on an absentee ballot; amending s. 101.647, F.S.; prescribing information that an absent elector's designee must include with an absentee ballot; amending s. 103.101, F.S.; moving the date for the presidential preference primary to the first Tuesday in March in each presidential election year; amending s. 104.047, F.S.; prohibiting the receipt of a fee or benefit for witnessing an absentee ballot; providing a criminal penalty; amending s. 105.031, F.S.; providing that filing fees paid by judicial candidates shall be deposited in the Elections Commission Trust Fund; providing that filing fees paid by school board candidates be deposited in the Elections Commission Trust Fund; amending s. 106.011, F.S.; redefining the term "contribution"; amending s. 106.071, F.S.; reducing the amount of allowable contribution for an independent expenditure; amending s. 106.15, F.S.; prohibiting candidates from using county, municipality, or special district employees in their campaigns during working hours; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Fiscal Resource.

By Senator Lee—

SB 1784—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.09515, F.S.; prescribing the tax rate on handle for certain live thoroughbred performances; repealing obsolete provisions; providing an effective date.

—was referred to the Committees on Regulated Industries and Fiscal Resource.

By Senator Campbell—

SB 1786—A bill to be entitled An act relating to automatic teller machine transaction surcharges; creating s. 655.966, F.S.; prohibiting financial institutions from imposing surcharges on transactions at certain automatic teller machines; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Agriculture and Consumer Services.

By Senator Dawson-White—

SB 1788—A bill to be entitled An act relating to sexual violence in prisons; creating the “Protection Against Sexual Violence in Florida Jails and Prisons Act”; amending ss. 944.35, 951.23, F.S.; requiring the Department of Corrections to develop a course relating to sexual assault identification and prevention as part of the correctional officer training program; requiring the department and county and municipal detention facilities to provide an orientation program and counseling; requiring reporting of sexual assault by department employees; creating s. 951.221, F.S.; prohibiting sexual misconduct by employees of county or municipal detention facilities; providing for termination of employment under certain circumstances; providing penalties; providing an effective date.

—was referred to the Committees on Criminal Justice and Fiscal Policy.

By Senator Holzendorf—

SB 1790—A bill to be entitled An act relating to the Florida Hurricane Catastrophe Fund; amending s. 215.555, F.S.; clarifying legislative findings; revising definitions; revising reimbursement contract provisions relating to equalization charges, reimbursable loss reporting, auditing of insurers, and confidentiality of certain audit information; revising reimbursement premium provisions relating to collection of interest; revising revenue bond provisions relating to emergency assessments against insurers, legislative findings as to the Florida Hurricane Catastrophe Fund Finance Corporation, and protections for bondholders; authorizing the State Board of Administration to enforce reimbursement contracts; providing severability; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Fiscal Policy.

By Senator Sullivan—

SB 1792—A bill to be entitled An act relating to ad valorem taxation; amending s. 193.062, F.S.; revising the date for filing tangible personal property tax returns; amending s. 193.063, F.S.; requiring, rather than authorizing, the property appraiser to grant an extension for filing a tangible personal property tax return upon request; revising the limitation on such extension; amending s. 193.073, F.S., relating to duties of the property appraiser upon discovery of an erroneous or incomplete statement of personal property; revising dates to conform; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Resource.

By Senators Kirkpatrick and Mitchell—

SB 1794—A bill to be entitled An act relating to postsecondary remediation; amending s. 239.301, F.S., relating to adult general education; revising a provision relating to funding for college-preparatory classes; amending s. 240.1161, F.S., relating to district interinstitutional articulation agreements; authorizing the provision of performance incentive funds for the effective implementation of remedial reduction plans; amending s. 240.117, F.S., relating to common placement testing for public postsecondary education; revising a provision relating to funding for college-preparatory classes; amending s. 240.124, F.S.; providing exceptions to the requirement that students enrolled in the same course more than twice pay the full cost of instruction and not be included in calculations for state funding purposes; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By Senator Dawson-White—

SB 1796—A bill to be entitled An act relating to amusement games or machines; amending s. 849.161, F.S.; providing that chapter 849, F.S.,

is not applicable to certain coin-operated games; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Regulated Industries.

By Senator Holzendorf—

SB 1798—A bill to be entitled An act relating to property insurance; expressing the legislative intent to revise property insurance laws in order to reduce the size and exposure of the residual markets; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Fiscal Policy.

By Senator Latvala—

SB 1800—A bill to be entitled An act relating to health insurance; creating the Florida Health Endowment Association as a nonprofit entity to provide insurance coverage to individuals whose health insurance has been involuntarily terminated for reasons other than nonpayment of premiums; providing for the association to be governed by a board of directors; providing membership of the board; providing terms of office; providing for the board members to be reimbursed for expenses; providing immunity from liability for board members and employees of the association; requiring the board to adopt a plan and rules to administer the act; providing additional duties of the board; requiring that the board report to the Governor and Legislature each year; specifying the powers of the board; requiring the board to select a plan administrator; specifying the period of service of the administrator; providing duties of the administrator; providing for payment of the administrator for expenses; requiring that the plan offer a renewable policy that provides specified coverage; requiring that the plan offer major medical expense coverage similar to that provided by the state group health insurance program; providing for covered expenses; providing for premiums, deductibles, and coinsurance; requiring that the board establish premium schedules; providing for payment of coverage if the costs exceed the deductible within a policy year; providing an exclusion for preexisting conditions under specified circumstances; providing for other sources of insurance to be primary; providing a cause of action for the association for the recovery of benefits; providing that the provision of health insurance is not an entitlement; providing for coverage to be insured by the Florida Health Endowment Association; authorizing the board to contract with insurers for disease management services; providing tax credits for insurance companies that contribute to the Florida Health Endowment Association; providing for unused tax credits to be claimed by a transferee; providing for the plan to be terminated if it becomes financially infeasible; repealing ss. 627.648, 627.6482, 627.6484, 627.6486, 627.6487, 627.64871, 627.6488, 627.6489, 627.649, 627.6492, 627.6494, 627.6496, 627.6498, Florida Statutes, contingent upon the opening of the plan; providing an appropriation; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; and Fiscal Policy.

By Senator Latvala—

SB 1802—A bill to be entitled An act relating to trust funds; creating the Florida Health Endowment Trust Fund within the State Board of Administration; providing for sources of moneys in the trust fund; providing for an annual carryforward of funds; providing for the trust fund to be used solely for the purposes of the Florida Health Endowment Association; providing a contingent effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging and Long-Term Care; and Fiscal Policy.

By Senator Forman—

SB 1804—A bill to be entitled An act relating to mitigation banking; amending s. 373.403, F.S.; redefining the term “offsite regional mitiga-

tion”; amending s. 373.4136, F.S.; requiring the adoption of a uniform functional assessment methodology rule; revising standards for determining the boundaries of a mitigation service area; providing for the processing of mitigation bank permits; amending s. 373.414, F.S.; requiring a mitigation bank permit before the acceptance of a cash donation in certain instances; providing for consideration of cumulative impacts; providing an effective date.

—was referred to the Committees on Natural Resources and Fiscal Policy.

By Senator Thomas—

SB 1806—A bill to be entitled An act relating to workers’ compensation; amending s. 440.02, F.S.; defining the term “net direct written premium”; amending s. 440.49, F.S.; revising the method of calculating payments to the Special Disability Trust Fund; amending s. 440.51, F.S.; revising the method of determining expenses of administration; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Fiscal Policy.

By Senators Jones, Diaz-Balart, Dyer, Cowin, Casas, Forman, Silver, Meek and Gutman—

SB 1808—A bill to be entitled An act relating to child support; amending s. 61.14, F.S.; revising evidence that constitutes a final judgment by operation of law when support payments made through a local depository are delinquent; amending s. 61.181, F.S.; authorizing the Department of Revenue to exempt a depository from participation in the automated child support enforcement system; providing exemptions for specified depositories; repealing s. 61.1826(9), F.S., relating to penalties for depositories that fail to participate in the State Disbursement Unit or the non-title IV-D component of the State Case Registry; providing an effective date.

—was referred to the Committees on Children and Families; and Fiscal Resource.

By Senator Campbell—

SB 1810—A bill to be entitled An act relating to public records; exempting records made or received by the Department of Health or emergency medical services licensees with respect to allegations of impairment by emergency medical technicians or paramedics, identifying information about students in emergency medical technician or paramedic education programs, emergency medical services licensees against which complaints have been filed, and patients transported or treated by emergency medical services licensees from public records requirements; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Rules and Calendar.

By Senators Saunders and Campbell—

SB 1812—A bill to be entitled An act relating to insurance; amending s. 626.753, F.S.; revising restrictions on certain activities of nonresident general lines agents and solicitors; amending s. 626.792, F.S.; revising restrictions on the activities of nonresident life agents; amending s. 626.835, F.S.; revising restrictions on the activities of nonresident health agents; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Forman—

SB 1814—A bill to be entitled An act relating to charter schools capital outlay funding; amending s. 228.0561, F.S.; revising provisions relating to capital outlay funding for charter schools; providing for certain charter schools established by municipalities to be eligible for funding; requiring the development and adoption of a definition of “overcrowded area”; establishing a maximum funding level; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By Senator Thomas—

SB 1816—A bill to be entitled An act relating to the state lotteries; creating s. 24.1153, F.S.; authorizing the assignment of certain prizes pursuant to a court order and providing requirements therefor; providing for the securing of funds offset for child-support payments or debts owed to a state agency; exempting the Department of the Lottery from liability upon payment of an assigned prize; authorizing a fee to defray the administrative expenses associated with such assignments; providing circumstances under which such court orders may no longer be issued; amending ss. 24.115, 24.118, F.S., relating to payment of prizes and unlawful assignment or transfer of a right to claim a prize, to conform; providing an effective date.

—was referred to the Committee on Fiscal Resource.

By Senator Campbell—

SB 1818—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for any sale or lease to an organization that is exempt from federal income tax and that has as its primary function raising funds for organizations that hold or qualify to hold a consumer’s certificate of exemption issued by this state; providing for retroactive application; providing an effective date.

—was referred to the Committees on Fiscal Resource; and Commerce and Economic Opportunities.

By Senator Campbell—

SB 1820—A bill to be entitled An act relating to pawnbroking, second-hand dealers, and stolen property; amending s. 539.001, F.S.; defining terms; modifying findings required of the Division of Consumer Services of the Department of Agriculture and Consumer Services for orders imposing penalties; requiring approval of pawnbroker transaction forms; revising content of such forms; revising recordkeeping requirements for pawnbrokers to provide that the sheriff or the director of the department of public safety is designated as the central repository for copies of all pawnbroker transaction forms collected by law enforcement officials; providing for submission of pawnbroker transaction forms to the sheriff or public safety director upon request; requiring pawnbrokers to computerize their records by a specified date; providing for a statewide system for collecting and accessing pawnshop ticket and second-hand dealer information; designating the sheriffs as administrators of the system; providing authorized law enforcement officials access to the database; designating the sheriffs’ offices as central repositories responsible for the transfer of information to the statewide database; providing that the sheriffs, in consultation with the Florida Police Chiefs and the Department of Law Enforcement, must establish standards for transmitting information into the statewide system; prescribing certain prohibited acts; modifying hold order procedures; providing a penalty; amending s. 539.003, F.S.; deleting an exception to confidentiality of records of pawnbroker transactions; amending s. 538.04, F.S.; providing for electronic transfer of transactions of secondhand goods; authorizing law enforcement agencies to provide a secondhand dealer with a computer and necessary equipment for the electronic transfer of transactions of secondhand goods; providing procedures with respect to the

electronic transfer of transactions of secondhand goods; providing an effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; and Fiscal Policy.

By Senator Gutman—

SB 1822—A bill to be entitled An act relating to dietetics and nutrition practice; revising part X of chapter 468, F.S., relating to dietetics and nutrition practice, to revise terminology and include regulatory provisions for clinical nutrition practice; amending s. 468.501, F.S.; revising the short title; amending s. 468.502, F.S.; revising purpose and intent; amending s. 468.503, F.S.; revising and providing definitions; amending s. 468.504, F.S., relating to the requirement to be licensed, to conform; amending s. 468.505, F.S.; revising and providing exemptions from regulation; conforming a cross-reference; amending s. 468.506, F.S.; renaming the Dietetics and Nutrition Practice Council; creating the Clinical Nutrition Practice Council; providing for appointment of members; providing powers and duties; providing for compensation; reenacting s. 468.507, F.S., to provide rulemaking authority to the Board of Medicine for such regulation; reenacting and amending s. 468.508, F.S.; providing rulemaking authority to the board to establish fees; clarifying a fee; amending s. 468.509, F.S.; conforming terminology; amending s. 468.51, F.S.; providing requirements for licensure as a clinical nutritionist; providing for fees; providing for relicensure of nutrition counselors as clinical nutritionists; amending s. 468.511, F.S., relating to temporary permits to practice dietetics and nutrition, to conform; creating s. 468.5115, F.S.; providing requirements for a temporary permit to practice clinical nutrition; amending s. 468.512, F.S.; authorizing the use of specified titles relating to dietetics/nutrition practice and clinical nutrition practice; amending s. 468.513, F.S.; conforming terminology; creating s. 468.5135, F.S.; providing requirements for licensure as a clinical nutritionist by endorsement; providing for fees; amending s. 468.514, F.S.; conforming terminology; reenacting and amending s. 468.515, F.S.; granting the board rulemaking authority relating to inactive licenses and the requirements to reactivate them, including continuing education; conforming terminology; amending s. 468.517, F.S.; prohibiting certain acts; providing a penalty; amending s. 468.518, F.S.; providing grounds for disciplinary action; providing penalties; requiring council concurrence for the suspension or revocation of a licensee under its jurisdiction; amending s. 20.43, F.S.; conforming terminology; amending ss. 501.0573, 501.0575, F.S.; conforming cross-references; amending ss. 627.6408, 627.65745, F.S.; providing that health insurance policies may require that nutrition counseling required in conjunction with other diabetes treatment services be provided by a licensed dietitian/nutritionist or licensed clinical nutritionist; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Senator Campbell—

SB 1824—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information contained in a notice of an adverse incident submitted to the Department of Health; limiting the circumstances under which such information may be admissible in a civil or administrative action; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Rules and Calendar.

By Senator Silver—

SB 1826—A bill to be entitled An act relating to release of employee information by employers; amending s. 768.095, F.S.; expanding provisions relating to employer immunity from liability and disclosure of information regarding former employees to include immunity from liability for current employers and disclosure of information with respect to current employees; providing specified requirements of employers

with respect to a background investigation of an applicant for employment or appointment as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; providing requirements with respect to an authorization to release information; providing a penalty for non-compliance; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Mitchell—

SB 1828—A bill to be entitled An act relating to health information privacy; creating s. 627.433, F.S.; limiting carrier disclosure of health information under certain circumstances; requiring disclosure of health information pursuant to court order under certain circumstances; providing definitions; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Scott—

SB 1830—A bill to be entitled An act relating to filings with the Department of State; amending s. 606.03, F.S.; providing definitions; amending s. 606.04, F.S.; specifying purposes and use of a master business index; providing requirements for participating agencies; authorizing the department to create a directory of business activity for certain purposes; creating s. 606.06, F.S.; authorizing the department to use a uniform business report for certain purposes; amending ss. 495.071, 607.0121, 607.1622, 608.4511, 617.0121, 617.1622, 865.09, F.S.; authorizing the department to prescribe forms; providing for use of the uniform business report as a substitute for certain reporting and renewal requirements; amending s. 620.177, F.S.; providing additional requirements for annual reports; authorizing use of the uniform business report; amending ss. 15.16, 607.0120, 607.0123, 607.0124, 607.0125, 607.0127, 607.0141, F.S.; providing for electronic filing of documents; revising certain filing requirements; amending s. 607.01401, F.S.; providing definitions relating to electronic filing; amending s. 339.12, F.S.; conforming a cross-reference; repealing s. 15.09(1)(d); repealing s. 15.091(2), F.S., relating to filing or copying fees; repealing s. 607.1622(1)(g), (h), F.S., relating to information in required corporate annual reports describing intangible tax liability and contributions into the Election Campaign Financing Trust Fund; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Fiscal Policy.

By Senator Casas—

SB 1832—A bill to be entitled An act relating to the Florida Insurance Code; defining the term "collateral protection insurance" for purposes of the code; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Fiscal Policy.

By Senator Meek—

SB 1834—A bill to be entitled An act relating to elections; creating s. 101.675, F.S.; requiring periodic updating of the signatures of certain voters to facilitate signature verification of absentee ballots; requiring the supervisors of elections to send such voters a notice to sign and return for such purpose; requiring the notice sent to Hispanic registrants to be in both English and Spanish; authorizing such updating at the main office or any branch office of the supervisor; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Fiscal Policy.

By Senator Grant—

SB 1836—A bill to be entitled An act relating to surplus lines insurance; amending s. 626.916, F.S.; increasing a fee for certain policies; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Fiscal Resource.

By Senator Childers—

SB 1838—A bill to be entitled An act relating to public meetings; amending s. 286.011, F.S.; revising provisions which authorize state and local governmental entities to meet with the entity’s attorney in private under certain conditions; providing additional persons who may attend such meetings; revising the subjects that may be discussed at such meetings; revising notice requirements; revising provisions which specify when the transcript becomes a public record; revising the penalty for violation; providing for liberal construction; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Comprehensive Planning, Local and Military Affairs.

By Senator Holzendorf—

SB 1840—A bill to be entitled An act relating to community colleges; providing an appropriation to the Commissioner of Education to enter into an agreement with the Southern Regional Education Board to support a “Compact for Faculty Diversity Program” to increase the number of minority personnel holding doctoral degrees in selected Florida community colleges; providing for scholarships; establishing a process for selection of community college and minority participants; providing requirements of doctoral candidates; requiring service or repayment; requiring rules; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By Senator Campbell—

SB 1842—A bill to be entitled An act relating to the Florida Windstorm Underwriting Association; amending s. 627.351, F.S.; requiring the State Board of Administration to adopt a plan for agreements to be made among property insurers for the equitable apportionment among them of windstorm insurance; deleting certain requirements relating to the plan of operation and apportionment of assessments; deleting provisions relating to arbitration of rate filings; prescribing standards for rates of the association; providing legislative intent that the association function as a residual market; deleting certain conditions relating to eligibility for coverage through the association; deleting qualifying provisions relating to the applicability of the mandate that all property insurers provide windstorm insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Fiscal Resource.

By Senator Clary—

SB 1844—A bill to be entitled An act relating to certificates of need; amending s. 408.036, F.S.; eliminating from certificate-of-need requirements projects involving an addition of beds by new construction or alteration or an increase in licensed bed capacity; eliminating nursing home facilities from certificate-of-need requirements; amending s. 408.039, F.S.; eliminating provisions relating to preferences in the certificate-of-need review process for nursing homes in geographically underserved areas; amending s. 408.040, F.S.; conforming provisions relating to certificate-of-need applications; amending ss. 430.705, 400.702, F.S.; conforming provisions relating to calculation of nursing home bed needs; repealing s. 400.071(8), F.S., relating to certificate-of-need requirement for licensure of nursing homes; repealing s. 408.032(17), F.S., relating to definition of “nursing home geographically underserved area”; repealing

ss. 408.034(4) and 430.708, F.S., relating to calculation of nursing home bed needs; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Senator Sebesta—

SB 1846—A bill to be entitled An act relating to the tax on diesel fuel; amending s. 206.8745, F.S.; providing for a refund of tax paid on undyed diesel fuel consumed by the engine of a motor coach during idle time for certain purposes; defining “motor coach”; providing an effective date.

—was referred to the Committees on Fiscal Resource and Transportation.

By Senator Clary—

SB 1848—A bill to be entitled An act relating to educational facilities; transferring the SMART Schools Clearinghouse from the Department of Management Services to the Department of Education; amending s. 235.15, F.S.; requiring validation of certain surveys; repealing s. 235.186, F.S., relating to effort index grants; amending ss. 235.175, 235.185, 235.188, 235.217, 235.218, F.S.; conforming provisions; deleting obsolete provisions; repealing s. 235.4355, F.S., relating to SMART Schools Small County Assistance Program for fiscal year 1998-1999; amending s. 46 of ch. 97-384, Laws of Florida, relating to appropriations for School Infrastructure Thrift Program awards and effort index grants; limiting the appropriation to such awards; deleting funding for and references to effort index grants; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Fiscal Policy.

By Senator Jones—

SB 1850—A bill to be entitled An act relating to declared states of emergency; requiring that certain offenses be reclassified to the next higher degree if the offense is committed during a state of emergency or a mandatory evacuation order; specifying the offenses that are subject to reclassification; providing for ranking such offenses under chapter 921, F.S., for purposes of sentencing; amending s. 236.081, F.S.; authorizing a school district to request that its funding under the Florida Education Finance Program be recalculated if, following a disaster, the district’s enrollment falls as a result of the disaster; providing for retroactive application; creating s. 252.375, F.S.; requiring that, following a major disaster or emergency, preference be given in awarding contracts to organizations, firms, and individuals that do business in the area affected by the major disaster or emergency; providing effective dates.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; and Fiscal Policy.

By Senator Jones—

SB 1852—A bill to be entitled An act relating to a motorsports complex facility; creating s. 288.1171, F.S.; providing that the Office of Tourism, Trade, and Economic Development shall screen applicants for funding pursuant to s. 212.20, F.S., as a motorsports complex facility, and certify one applicant as such a facility; specifying requirements for the applicant and the facility; providing duties of the office and the Department of Revenue; providing the amount of funds to be distributed to the applicant and providing for use of such funds; requiring annual recertification; amending s. 212.20, F.S.; providing for monthly distribution of a portion of sales tax proceeds under ch. 212, F.S., to such facility; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; and Fiscal Policy.

By Senator Campbell—

SB 1854—A bill to be entitled An act relating to certificates of need; repealing ss. 408.031-408.045, F.S., the Health Facility and Services Development Act; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Senator Silver—

SB 1856—A bill to be entitled An act relating to the Florida Retirement System; creating a trust fund for deposit of contributions to the preservation plan established under s. 121.091(15), F.S.; prescribing ownership and use of assets; providing a contingent effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

By Senator Silver—

SB 1858—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; creating a preservation of benefit plan within the system to provide benefits to certain employees and beneficiaries who are entitled to them but who are prohibited from receiving them under federal law; providing duties of the Division of Retirement; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

By Senator Campbell—

SB 1860—A bill to be entitled An act relating to medical malpractice; amending s. 766.207, F.S.; revising provisions relating to voluntary binding arbitration of medical malpractice claims; providing for the effect of an offer to submit to voluntary binding arbitration with respect to allegations contained in the claimant's notice of intent letter; revising provisions relating to the arbitration panel; revising provisions relating to qualifications of arbitrators; revising rate of compensation for medical negligence claims arbitrators; revising provisions relating to damages; deleting provisions relating to certain rules; amending s. 766.209, F.S.; revising provisions relating to the effect of failure to offer or accept voluntary binding arbitration; increasing certain damage award limits; providing an effective date.

—was referred to the Committees on Judiciary; Rules and Calendar; and Fiscal Policy.

By Senator Holzendorf—

SB 1862—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for the sale of a motor vehicle to a nonresident; providing requirements with respect thereto; providing an effective date.

—was referred to the Committees on Fiscal Resource and Transportation.

By Senator Klein—

SB 1864—A bill to be entitled An act relating to the long-term-care community diversion pilot projects; amending s. 430.703, F.S.; defining the term "other qualified provider"; amending s. 430.707, F.S.; authorizing the Department of Elderly Affairs to contract with other qualified providers to provide long-term care within the pilot projects; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Senator Webster—

SB 1866—A bill to be entitled An act relating to the use of force by law enforcement officers or correctional officers; amending s. 776.06, F.S.; providing that the term "deadly force" does not include the discharge of a firearm during and within the scope of his or her official duties which is loaded with a less-lethal munition; defining the term "less-lethal munition"; providing that a law enforcement officer or correctional officer is not civilly or criminally liable for the good-faith use of any less-lethal munition; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Kirkpatrick—

SB 1868—A bill to be entitled An act relating to reviews of school districts; amending s. 11.51, F.S.; requiring that the Office of Program Policy Analysis and Government Accountability conduct reviews of school districts' best financial management practices; amending s. 11.515, F.S.; providing requirements for the review; specifying the scope of the review; amending ss. 230.23025, 230.23026, F.S.; providing requirements for the Office of Program Policy Analysis and Government Accountability in conducting reviews; requiring that the best financial management practices adopted by the Commissioner of Education be used in a review; providing a review cycle for school districts; requiring that the General Appropriations Act designate the school districts that are subject to review; requiring that the district school board vote to implement any plan of action contained in a report issued following a review; repealing s. 230.2302, F.S., relating to school performance reviews; providing an effective date.

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

By Senator Clary—

SB 1870—A bill to be entitled An act relating to presentence investigation reports; amending s. 921.231, F.S.; requiring that the Department of Corrections provide the nonconfidential portions of a presentence investigation report to the defendant, the defendant's attorney, and the victim or family of a homicide victim; amending s. 945.10, F.S.; authorizing the limited release of certain confidential investigative records of the Department of Corrections; amending s. 960.001, F.S.; requiring that the state attorney release a copy of the presentence investigation report to the victim, the victim's parent or guardian, or the victim's next of kin; requiring that confidential information be redacted from the report; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Mitchell—

SB 1872—A bill to be entitled An act relating to campaign financing; expressing the legislative intent to reform the laws relating to campaign financing; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By Senator Cowin—

SB 1874—A bill to be entitled An act relating to termination of pregnancy; creating s. 782.091, F.S.; providing that it is a felony of the second degree to destroy a fetus during parturition with premeditated intent to cause the death of the fetus; providing penalties; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Criminal Justice; and Fiscal Policy.

By Senator Clary—

SB 1876—A bill to be entitled An act relating to termination of pregnancies; amending s. 390.011, F.S.; redefining the term “abortion clinic”; amending s. 390.0112, F.S.; conforming reporting requirements; providing penalties for failing to file reports; amending s. 390.014, F.S.; increasing the maximum licensure fee; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Senator Jones—

SB 1878—A bill to be entitled An act relating to euthanasia of animals; amending s. 828.058, F.S.; revising the agents and method of administering agents used to euthanize animals; limiting who may perform such procedures; specifying training and continuing education requirements for such persons; providing criteria for euthanasia procedures; providing limitations on the storage and transportation of euthanasia agents; amending s. 828.065, F.S.; revising euthanasia guidelines for the euthanasia of animals sold by pet shops; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; and Fiscal Policy.

By Senator Jones—

SB 1880—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; prohibiting charter schools from employing persons who have been dismissed by a school district or have resigned in lieu of disciplinary action; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By Senator Clary—

SB 1882—A bill to be entitled An act relating to personnel of the school system; amending s. 24.121, F.S.; providing for funding of the Project Teach Tuition Reimbursement Program from the Educational Enhancement Trust Fund; creating s. 231.64, F.S.; creating the Project Teach Tuition Reimbursement Program; providing eligibility requirements; providing for funding and distribution of funds; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By Senator Brown-Waite—

SB 1884—A bill to be entitled An act relating to medical practice; creating s. 458.351, F.S.; requiring licensure of any physician, wherever located, who has primary authority over the care or diagnosis of a patient located in this state; providing an exception; providing applicability with respect to transmission of radiographic images; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Senator Geller—

SB 1886—A bill to be entitled An act relating to windstorm insurance risk apportionment; amending s. 627.351, F.S.; deleting a requirement that certain insureds lose their eligibility for the Florida Windstorm Underwriting Association under certain circumstances; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Fiscal Policy.

By Senator Horne—

SB 1888—A bill to be entitled An act relating to public school funding; creating the Task Force on Public School Funding; providing for the appointment and organization of the task force; specifying powers and duties; specifying duties of the Department of Education; requiring certain reports and public hearings; repealing s. 236.081, F.S., relating to the Florida Education Finance Program; providing an appropriation; providing an effective date.

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

By Senator Diaz-Balart—

SB 1890—A bill to be entitled An act relating to motor vehicles; amending s. 715.05, F.S.; requiring notice to the insurer of certain unclaimed or impounded vehicles; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Saunders—

SB 1892—A bill to be entitled An act relating to health care; amending s. 408.7056, F.S.; revising standards and procedures for hearing grievances under the statewide provider and subscriber assistance program; revising panel membership; providing for the issuance and judicial review of final orders; amending s. 641.51, F.S.; revising requirements for indicators of access and quality of care which health maintenance organizations and prepaid health clinics must submit to the Agency for Health Care Administration; deleting a requirement that each such organization conduct a customer satisfaction survey; revising guidelines relating to recommendations for preventive pediatric health care which must be submitted to the agency; amending s. 641.58, F.S.; revising guidelines for expending moneys from the Health Care Trust Fund; creating the Health Care Information Council within the Agency for Health Care Administration; providing for council membership, terms of office, and election of officers; providing for reimbursement for travel and per diem expenses; providing for an executive director, staff, and consultants; providing duties of the council; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Senators Grant, Horne, Kirkpatrick, Diaz-Balart, Webster and Kurth—

SB 1894—A bill to be entitled An act relating to economic development; amending s. 288.095, F.S.; revising criteria for approval of applications for tax refunds for economic development purposes by the Office of Tourism, Trade, and Economic Development; capping the amount of refunds that may be made in a fiscal year; amending s. 288.106, F.S.; revising criteria for approval of tax refunds under the tax refund program for qualified target industry businesses; redefining the terms “expansion of an existing business,” “local financial support exemption option,” and “rural county”; defining the term “authorized local economic development agency”; extending the refund program to additional counties; revising the amount of refunds; providing requirements for waiver of minimum standards; prescribing duties of the office director; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; and Fiscal Resource.

By Senator Silver—

SB 1896—A bill to be entitled An act relating to children and families; creating the Families First program demonstration project to provide home visiting by nurses to first-time parents and their infants, for a

specified period; providing for integration and coordination of services with existing programs; providing for expected outcomes and critical elements; providing for specialized services; providing duty of the Department of Health to develop, implement, and administer the program; authorizing application for a federal Medicaid waiver; specifying criteria for implementation; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Senator Brown-Waite—

SB 1898—A bill to be entitled An act relating to Department of Highway Safety and Motor Vehicles; repealing s. 322.142(5) and (6), F.S., relating to color photographic or digital imaged licenses; eliminating provisions permitting the Department of Highway Safety and Motor Vehicles to sell certain information related to driver's licenses and other information; providing an effective date.

—was referred to the Committee on Transportation.

Senate Bills 1900—1950—Not Referenced.

By Senator Casas—

SB 1952—A bill to be entitled An act relating to trust funds; creating s. 215.5601, F.S.; creating the Lawton Chiles Endowment Fund for Children and Elders; providing definitions; providing legislative intent; specifying the purposes and uses of endowment funds; providing for administration of the endowment by the State Board of Administration; providing for the availability of endowment funds; providing appropriations; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Casas—

SB 1954—A bill to be entitled An act relating to trust funds; creating s. 20.425, F.S.; creating the Agency for Health Care Administration Tobacco Settlement Trust Fund; providing for sources of moneys and purposes; providing for reversion of funds to the Lawton Chiles Endowment Fund for Children and Elders; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Fiscal Policy.

Senate Bills 1956—1958—Not referenced

By Senator Casas—

SB 1960—A bill to be entitled An act creating a trust fund; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Casas—

SB 1962—A bill to be entitled An act creating a trust fund; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Casas—

SB 1964—A bill to be entitled An act creating a trust fund; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Casas—

SB 1966—A bill to be entitled An act relating to trust funds; creating s. 20.195, F.S.; creating the Department of Children and Family Services Tobacco Settlement Trust Fund; providing for sources of moneys and purposes; providing for reversion of funds to the Lawton Chiles Endowment Fund for Children and Elders; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Casas—

SB 1968—A bill to be entitled An act relating to trust funds; creating s. 430.42, F.S.; creating the Department of Elderly Affairs Tobacco Settlement Trust Fund; providing for sources of moneys and purposes; providing for reversion of funds to the Lawton Chiles Endowment Fund for Children and Elders; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Casas—

SB 1970—A bill to be entitled An act relating to trust funds; re-creating the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund within the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By Senator Casas—

SB 1972—A bill to be entitled An act relating to trust funds; re-creating the Florida Organ and Tissue Donor Education and Procurement Trust Fund within the Agency for Health Care Administration without modification; carrying forward current balances and continuing current sources and uses thereof; repealing s. 2, ch. 95-316, Laws of Florida; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was referred to the Committee on Fiscal Policy.

Senate Bills 1974—2072—Not Referenced.

By Senator Casas—

SB 2074—A bill to be entitled An act relating to the Public Access Data System Trust Fund; amending s. 15.09, F.S.; authorizing the use of funds in the Public Access Data Systems Trust Fund for operations of the Department of State; deleting provisions limiting use of such funds; providing an effective date.

—was referred to the Committee on Fiscal Policy.

COMMITTEE SUBSTITUTES

FIRST READING

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

CS for SB 312—A bill to be entitled An act relating to health insurance; amending s. 627.6645, F.S.; revising the notice requirements for cancellation or nonrenewal of a group health insurance policy; specifying conditions under which the insurer may retroactively cancel coverage due to nonpayment of premium; amending s. 627.6675, F.S.; revising the time limits for an employee or group member to apply for an individual converted policy when termination of group coverage is due to failure of the employer to pay the premium; revising the requirements for the premium for the converted policy; allowing a group insurer to contract with another insurer to issue an individual converted policy under certain conditions; amending s. 641.3108, F.S.; revising the notice requirements for cancellation or nonrenewal of a health maintenance organization contract; specifying conditions under which the organization may retroactively cancel coverage due to nonpayment of premium; amending s. 641.3922, F.S.; revising the time limits for an employee or group member to apply for a converted contract from a health maintenance organization when termination of group coverage is due to failure of the employer to pay the premium; revising the requirements for the premium for the converted contract; providing an effective date.

By the Committee on Criminal Justice and Senators Diaz-Balart, Horne, Silver and Meek—

CS for SB 748—A bill to be entitled An act relating to pretrial detention; amending s. 907.041, F.S.; permitting the court to order pretrial detention under specified circumstances when it finds a substantial probability that a defendant committed the charged crime of DUI manslaughter as defined by s. 316.193, F.S., relating to driving under the influence, and that the defendant poses the threat of harm to the community; specifying certain conditions that would support a finding that the defendant poses the threat of harm to the community; reenacting s. 790.065(2)(c), F.S., relating to sale and delivery of firearms, s. 943.0585, F.S., relating to court-ordered expunction of criminal history records, and s. 943.059, F.S., relating to court-ordered sealing of criminal history records, to incorporate such amendment in references; providing an effective date.

By the Committee on Criminal Justice and Senator Rossin—

CS for SB 772—A bill to be entitled An act relating to robbery by sudden snatching; creating s. 812.131, F.S.; defining the offense of robbery by sudden snatching; providing penalties for robbery by sudden snatching; providing construction; amending s. 921.0022, F.S.; providing for ranking robbery by sudden snatching within levels 5 and 7 of the offense severity ranking chart; providing an effective date.

By the Committee on Natural Resources—

CS for SB 864—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 20.325, F.S.; specifying the divisions in the Fish and Wildlife Conservation Commission; transferring the duties of the Marine Fisheries Commission assigned to the Board of Trustees of the Internal Improvement Trust Fund to the commission; transferring the duties of the Game and Fresh Water Fish Commission to the Fish and Wildlife Conservation Commission; transferring certain duties of the Department of Environmental Protection, Division of Marine Resources and Division of Law Enforcement, to the Fish and Wildlife Conservation Commission; amending s. 20.255, F.S.; providing for the organization and powers of the Department of Environmental Protection; specifying legal duties of the Department of Legal Affairs and state attorneys; providing for a transition advisory committee to determine the appropriate number of support service personnel to be transferred; amending s. 206.606, F.S.; revising the distribution of funds; amending s. 259.101, F.S.; providing for the sale of conservation lands; amending s. 370.0603, F.S.; establishing the Marine Resources Conservation Trust Fund in the Fish and Wildlife Conservation Commission; amending s. 370.0608, F.S.; revising the use of license fees by

the Fish and Wildlife Conservation Commission; amending s. 370.16; transferring certain activities related to oysters and shellfish to the Fish and Wildlife Conservation Commission; amending s. 370.26, F.S.; transferring certain activities related to aquaculture to the Fish and Wildlife Conservation Commission; amending s. 932.7055, F.S.; providing for funds to be deposited into the Forfeited Property Trust Fund; amending ss. 20.055, 23.21, 120.52, 120.81, 163.3244, 186.003, 186.005, 229.8058, 240.155, 252.365, 253.05, 253.45, 253.75, 253.7829, 253.787, 255.502, 258.157, 258.397, 258.501, 259.035, 259.036, 282.1095, 282.404, 285.09, 285.10, 288.021, 288.975, 316.640, 320.08058, 327.02, 327.25, 327.26, 327.28, 327.30, 327.35215, 327.395, 327.41, 327.43, 327.46, 327.48, 327.70, 327.71, 327.731, 327.74, 327.803, 327.804, 327.90, 328.01, 339.281, 341.352, 369.20, 369.22, 369.25, 370.01, 370.021, 370.028, 370.06, 370.0605, 370.0615, 370.062, 370.063, 370.0805, 370.081, 370.092, 370.093, 370.1107, 370.1111, 370.12, 370.13, 370.14, 370.1405, 370.142, 370.1535, 370.17, 370.31, 372.001, 372.01, 372.0215, 372.0222, 372.0225, 372.023, 372.025, 372.03, 372.051, 372.06, 372.07, 372.071, 372.072, 372.0725, 372.073, 372.074, 372.105, 372.106, 372.12, 372.121, 372.16, 372.26, 372.265, 372.27, 372.31, 372.57, 372.5714, 372.5717, 372.5718, 372.574, 372.651, 372.653, 372.66, 372.661, 372.662, 372.663, 372.664, 372.6645, 372.667, 372.6672, 372.672, 372.673, 372.674, 372.70, 372.701, 372.7015, 372.7016, 372.72, 372.73, 372.74, 372.76, 372.761, 372.77, 372.7701, 372.771, 372.85, 372.86, 372.87, 372.88, 372.89, 372.901, 372.911, 372.912, 372.92, 372.921, 372.922, 372.97, 372.971, 372.98, 372.981, 372.99, 372.9901, 372.9903, 372.9904, 372.9906, 372.991, 372.992, 372.995, 373.1965, 373.453, 373.455, 373.4595, 373.465, 373.466, 373.591, 375.021, 375.311, 375.312, 376.121, 378.011, 378.036, 378.409, 380.061, 388.45, 388.46, 403.0752, 403.0885, 403.413, 403.507, 403.508, 403.518, 403.526, 403.527, 403.5365, 403.7841, 403.786, 403.787, 403.9325, 403.941, 403.9411, 403.961, 403.962, 403.972, 403.973, 487.0615, 581.186, 585.21, 597.003, 597.004, 597.006, 784.07, 790.06, 790.15, 828.122, 832.06, 843.08, 870.04, 943.1728, F.S.; conforming provisions to the State Constitution and this act; repealing s. 370.025, F.S., which provides policies for the Marine Fisheries Commission; repealing s. 370.026, F.S., which provides for the creation of the Marine Fisheries Commission; repealing s. 370.027, F.S., which provides for rulemaking authority; repealing s. 372.021, F.S., which provides for the powers of the Game and Fresh Water Fish Commission; repealing s. 372.061, F.S., which provides for meetings of the Game and Fresh Water Fish Commission; repealing s. 403.261, F.S., which provides for the repeal of rulemaking jurisdiction over air and water pollution; directing the preparation of a reviser's bill; providing an effective date.

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

CS for SB 982—A bill to be entitled An act relating to motor vehicle insurance policies; creating s. 627.7277, F.S.; requiring insurers to give the policyholder notice of the renewal premium; providing methods of sufficiency of notice; providing for continuation of policy coverage at existing rates if the insurer fails to comply; providing an effective date.

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

CS for SB 990—A bill to be entitled An act relating to trust powers; amending s. 660.41, F.S.; excluding certain banks or associations and trust companies from a prohibition against exercising certain powers and duties and acting within certain capacities in this state; providing an effective date.

By the Committee on Natural Resources and Senators Bronson and Forman—

CS for SB 1180—A bill to be entitled An act relating to water pollution operation permits; amending s. 403.088, F.S.; providing that a permit may require compliance with an accompanying order; providing that an administrative law judge may issue interim permits for the construction, operation, and maintenance of certain facilities in stormwater treatment areas under certain conditions; requiring the administrative law judge to conduct hearings prior to granting a contested motion for an interim permit; providing an effective date.

By the Committee on Banking and Insurance; and Senator Brown-Waite—

CS for SB 1238—A bill to be entitled An act relating to health maintenance organizations; amending s. 641.31, F.S.; revising the procedures and standards for rate changes made by an organization; deleting current provisions that allow rate changes to be implemented immediately upon filing with the Department of Insurance, subject to disapproval; requiring rate changes to be filed with the department a specified time period prior to use; providing that a filing is deemed approved after a certain time period absent affirmative approval or disapproval by the department; making conforming changes; providing an effective date.

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

CS for SB 1264—A bill to be entitled An act relating to consumer finance; amending s. 516.03, F.S.; increasing an application fee; amending ss. 516.05, 520.997, F.S.; requiring licensees to notify the Department of Banking and Finance before relocating a business; requiring a licensee to report bankruptcy filings to the department; amending ss. 516.07, 520.995, F.S.; providing additional grounds for certain disciplinary actions; amending ss. 516.11, 520.996, F.S.; deleting a schedule of examination fees; providing criteria for paying travel expenses and per diem allowances to examiners; amending s. 615.12, F.S.; requiring that licensees make accounts and records available to the Department of Banking and Finance; amending ss. 520.02, 520.31, 520.61, F.S.; providing additional definitions; amending ss. 520.03, 520.32, 520.52, 520.63, F.S.; clarifying procedures for obtaining certain licenses and imposing certain license application and renewal fees; requiring department notification before relocating certain offices; amending s. 520.07, F.S.; providing for calculating the amount financed; requiring disclosure of additional information under certain installment contracts; requiring evidence of satisfaction of lien under certain installment contracts; amending s. 520.085, F.S.; authorizing certain additional charges under certain installment contracts; providing for a deferment of the due date of certain contracts; providing a fee; providing for the extension of insurance coverage; providing disclosure requirement; amending s. 520.34, F.S.; authorizing sellers under retail installment contracts to collect a processing fee under certain circumstances; amending s. 520.994, F.S.; authorizing rules to allow electronic submission of forms, documents, and fees; amending ss. 559.9232, 681.102, and 697.05, F.S.; conforming cross-references; providing effective dates.

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

CS for SB 1280—A bill to be entitled An act relating to financial institutions; amending s. 655.0385, F.S.; revising the time period within which state financial institutions must notify the department concerning the appointment or employment of certain individuals; authorizing the Department of Banking and Finance to exempt certain financial institutions from reporting requirements relating to directors and executive officers; providing for the adoption of rules; amending s. 655.948, F.S.; revising notice and disclosure requirements; exempting certain financial institutions from reporting requirements; amending s. 658.26, F.S.; providing for certain financial institutions to establish branches by filing a written notice; providing an effective date.

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

CS for SB 1326—A bill to be entitled An act relating to mortgage brokers and lenders; amending s. 494.001, F.S.; revising definitions; amending s. 494.0011, F.S.; authorizing the Department of Banking and Finance to adopt rules; amending s. 494.0012, F.S.; requiring the Department of Banking and Finance to charge a fee for certain examinations; deleting a limitation on aggregate amount of examination fees; requiring the department to conduct certain examinations in this state; providing an exception; revising travel expense and per diem subsistence requirements for licensees; amending s. 494.00125, F.S.; deleting references to registrations and permits; amending s. 494.0016, F.S.; specifying department prescription by rule of certain required information; creating s. 494.00165, F.S.; prohibiting certain advertising activities; requiring a record of certain advertisements; amending s. 494.0025,

F.S.; deleting certain prohibited advertising activities; prohibiting payment of a mortgage transaction fee or commission to other than certain actively licensed persons; amending s. 494.0031, F.S.; providing for licensure of mortgage brokerage business branches; increasing license fees; deleting references to registrations and permits; amending s. 494.0032, F.S.; providing for renewal of branch licenses; increasing license renewal fees; providing for reversion of licenses to inactive status under certain circumstances; providing for reactivation of licenses; providing for a reactivation fee; amending s. 494.0033, F.S.; specifying an application fee; clarifying provisions; amending s. 494.00331, F.S.; prohibiting simultaneous multiple licensures; amending s. 494.0034, F.S.; deleting an automatic license expiration provision; clarifying provisions; amending s. 494.0036, F.S.; requiring a license to operate a mortgage brokerage business branch office; requiring display of licenses; amending s. 494.0038, F.S.; clarifying the timing of certain disclosures; amending s. 494.0039, F.S.; revising mortgage brokerage business principal place of business requirements; amending s. 494.004, F.S.; including pleas of nolo contendere to certain crimes within certain licensee reporting requirements; requiring licensees to report conviction or pleas of nolo contendere to felonies; requiring licensees to provide the department with certain information relating to associated mortgage brokers; requiring the department to adopt certain rules; amending s. 494.0041, F.S.; revising the list of acts constituting grounds for disciplinary action; amending s. 494.0061, F.S.; providing for mortgage lender branch office licenses; increasing a license fee; clarifying provisions; amending s. 494.0062, F.S.; providing for correspondent mortgage lender branch office licenses; increasing a license fee; clarifying provisions; amending s. 494.0064, F.S.; providing for renewal of certain licenses; increasing license renewal fees; providing for reversion of licenses to inactive status; deleting an automatic license expiration provision; amending s. 494.0066, F.S.; requiring mortgage lender and correspondent mortgage lender branch office licenses; increasing license fees; amending s. 494.0067, F.S.; requiring display of certain licenses; requiring registration of loan originators; requiring certain information relating to loan originators; amending s. 494.0072, F.S.; revising a list of certain acts constituting grounds for disciplinary action; clarifying application of certain disciplinary actions; amending s. 494.0073, F.S.; providing for mortgage lenders or correspondent mortgage lenders to act as mortgage brokerage businesses; repealing s. 494.0037, F.S., relating to books, accounts, and records; providing effective dates.

By the Committees on Fiscal Policy, Criminal Justice and Senator Brown-Waite—

CS for CS for SB 1468—A bill to be entitled An act relating to statewide drug control; providing definitions; providing legislative intent and findings with respect to the need to address the problem of substance abuse in this state and the development of a state drug-control strategy; creating the Office of Drug Control within the Executive Office of the Governor; providing for the office to be headed by a director appointed by the Governor, subject to Senate confirmation; providing purpose and duties of the Office of Drug Control; requiring the director of the Office of Drug Control to report annually to the Governor and Legislature; creating the Statewide Drug Policy Advisory Council within the Executive Office of the Governor; providing for membership of the advisory council; providing for terms of office; providing for payment of per diem and travel expenses; providing duties of the advisory council; requiring that the advisory council make recommendations to the Governor and Legislature for developing and implementing a state drug-control strategy; requiring that the advisory council make recommendations for funding programs and services; providing other duties of the advisory council; authorizing the chairperson of the advisory council to appoint workgroups; requiring an annual report; amending s. 397.821, F.S., relating to juvenile substance abuse impairment prevention and early intervention councils; conforming provisions to changes made by the act; repealing ss. 397.801(1), 397.811(2), F.S., relating to the Statewide Coordinator for Substance Abuse Impairment Prevention and Treatment; providing an appropriation; providing effective dates.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for HB 113, HB 775; has passed by

the required Constitutional three-fifths vote of the membership HB 1177, HB 1253 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committees on Corrections; Crime and Punishment; and Representative Crist and others—

CS for CS for HB 113—A bill to be entitled An act relating to punishment of felons; amending s. 775.087, F.S., relating to felony reclassification and minimum sentence and other penalties for offenders who committed aggravated battery or committed certain acts involving a weapon, firearm, or destructive device during the commission of a felony; conforming terminology to changes made by the act; increasing from 3 to 10 years the minimum prison term for certain felonies or attempted felonies under specified circumstances when the offender possessed a firearm or destructive device during the commission of the offense or flight therefrom; providing exceptions; revising the category of such offenses to include murder, sexual battery, robbery, burglary, arson, aggravated assault or aggravated battery, kidnapping, escape, aircraft piracy, aggravated child abuse, aggravated abuse of an elderly person or disabled adult, unlawful throwing, placing, or discharging of a destructive device or bomb, carjacking, home-invasion robbery, aggravated stalking, and trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, or other specified violation of s. 893.135(1), F.S.; providing for imposition of a 20-year minimum term of imprisonment when, in addition to such circumstances, the firearm or destructive device was discharged while the person was carrying, displaying, using, or threatening or attempting to use the firearm or destructive device; providing for imposition of a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison when, in further addition to such circumstances, the discharging of the firearm or destructive device resulted in infliction of death or great bodily harm upon any person; providing for construction; providing legislative intent with respect to punishment of offenders who possess, carry, display, use, or threaten or attempt to use firearms or destructive devices; providing imposition of the minimum term of imprisonment consecutive to any other term of imprisonment imposed; providing that the minimum term of imprisonment imposed is authorized by law regardless of the maximum sentence that may be imposed for the underlying felony; increasing from 8 to 15 years the minimum prison term for certain felonies or attempted felonies under specified circumstances when, during the commission of the offense, the offender possessed a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun; providing for the category of such offenses to include murder, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, aircraft piracy, aggravated child abuse, aggravated abuse of an elderly person or disabled adult, unlawful throwing, placing, or discharging of a destructive device or bomb, carjacking, home-invasion robbery, aggravated stalking, and trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, or other specified violation of s. 893.135(1); providing for imposition of a 20-year minimum term of imprisonment when, in addition to such circumstances, the semiautomatic firearm and its high-capacity detachable box magazine or a machine gun was discharged while the person was carrying, displaying, using, or threatening or attempting to use the semiautomatic firearm and its high-capacity detachable box magazine or a machine gun; providing for imposition of a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison when, in further addition to such circumstances, the discharging of the semiautomatic firearm and its high-capacity detachable box magazine or a machine gun resulted in infliction of death or great bodily harm upon any person; providing for construction; providing legislative intent with respect to punishment of offenders who possess, carry, display, use, or threaten or attempt to use a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun; providing for imposition of the minimum term of imprisonment consecutive to any other term of imprisonment imposed;

providing that the minimum term of imprisonment imposed is authorized by law regardless of the maximum sentence that may be imposed for the underlying felony; providing for legislative policy and intent; providing for a report; requiring the state attorney to explain mandatory sentence deviations in writing; requiring state attorneys to submit such writings to its association where it must remain available to the public for at least 10 years; reenacting s. 921.0022(2), F.S., relating to the Criminal Punishment Code offense severity ranking chart, s. 921.0024(1)(b), F.S., relating to Florida Criminal Punishment Code worksheet computations and key, and s. 947.146(3)(b), F.S., relating to Control Release Authority, to incorporate said amendment in references; providing for public service announcements with respect to the penalties provided in the act; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Judiciary and Representative Byrd—

HB 775—A bill to be entitled An act relating to civil actions; creating s. 40.50, F.S.; providing for instructions to juries after the jury is sworn in; providing for the taking of notes under certain circumstances; providing for written questions; providing for final instructions; amending s. 44.102, F.S.; requiring that the court require mediation in certain actions for monetary damages; amending s. 44.104, F.S.; providing for voluntary trial resolution upon the agreement of parties to a civil dispute; providing for the appointment and compensation of a trial resolution judge; providing guidelines for conducting a voluntary trial resolution; providing for enforcement and appeal; amending s. 57.105, F.S.; revising conditions for award of attorney's fees for presenting unsupported claims or defenses; authorizing damage awards against a party for unreasonable delay of litigation; authorizing the court to impose additional sanctions; amending s. 768.79, F.S.; providing for the applicability of offers of judgment and demand of judgment in cases involving multiple plaintiffs; providing that subsequent offers shall void previous offers; providing that prior to awarding costs and fees the court shall determine whether the offer was reasonable under the circumstances known at the time the offer was made; amending s. 57.071, F.S.; providing criteria under which expert witness fees may be awarded as taxable costs; providing for expedited trials; amending s. 768.77, F.S.; deleting a requirement to itemize future damages on verdict forms; amending s. 768.78, F.S.; providing for discussion of structured settlements; conforming provisions relating to alternative methods of payment of damage awards to changes made by the act; correcting a cross reference; amending s. 95.031, F.S.; imposing a 12-year statute of repose on actions founded upon violations of chapter 517; imposing a 12-year statute of repose on actions brought to recover for harm caused by products with a specified expected useful life; exempting certain categories of products from the statute of repose; imposing variable repose periods based on specific warranties by the manufacturer; providing an exception for certain injuries; providing for tolling under particular circumstances; specifying the date by which certain actions must be brought or be otherwise barred by the statute of repose; amending s. 90.407, F.S.; providing limitations on the admissibility of subsequent remedial measures; providing exceptions; creating s. 768.044, F.S.; requiring the finder of fact, in certain product defect actions, to consider circumstances that existed at the time of manufacture; amending s. 95.11, F.S.; deleting a 5 year limit on commencing actions founded on chapter 517; creating s. 768.1256, F.S.; providing a government rules defense with respect to certain products liability actions; providing for a rebuttable presumption; creating s. 768.0705, F.S.; providing limitations on premises liability for a person or organization owning or controlling an interest in a business premises; providing an exception; providing for a presumption against liability for convenience businesses under specified circumstances; amending s. 768.075, F.S.; delineating the duty owed to trespassers by a person or organization owning or controlling an interest in real property; providing definitions; providing for the avoidance of liability to discovered and undiscovered trespassers under described circumstances; providing immunity from certain liability arising out of the attempt to commit or the commission of a felony; creating s. 768.725, F.S.; providing for evidentiary standards for an award of punitive damages; amending s. 768.72, F.S.; revising provisions with respect to claims for punitive damages in civil actions; requiring clear and convincing evidence of gross negligence or intentional misconduct to support the recovery of such damages; providing definitions; providing criteria for the imposition of punitive damages with respect to employers, principals, corporations, or other legal entities for the conduct of an employee

or agent; providing for the application of the section; amending s. 768.73, F.S.; revising provisions with respect to limitations on punitive damages; providing monetary limitations; providing an exception with respect to intentional misconduct; providing for the effect of certain previous punitive damages awards; providing for the application of the section; creating s. 768.736, F.S.; providing that ss. 768.725 and 768.73, F.S., relating to punitive damages, do not apply to intoxicated defendants; amending s. 768.81, F.S.; providing for the apportionment of damages on the basis of joint and several liability when a party's fault exceeds a certain percentage; limiting the applicability of joint and several liability based on the amount of damages; providing for the allocation of fault to a nonparty; requiring that such fault must be proved by a preponderance of the evidence; amending s. 324.021, F.S.; providing the lessor of a motor vehicle under certain rental agreements shall be deemed the owner of the vehicle for the purpose of determining liability for the operation of the vehicle within certain limits; providing for the liability of the owner of a motor vehicle who loans the vehicle to certain users; limiting the liability of employers in a joint employment relationship under specific circumstances; providing exceptions and limitations; creating s. 768.735, F.S.; providing that ss. 768.72(2)-(5), 768.725, and 768.73, F.S., relating to punitive damages, are inapplicable to specified causes of action; limiting the amount of punitive damages that may be awarded to a claimant in certain civil actions involving abuse or arising under ch. 400, F.S.; amending s. 400.023(1), F.S., limiting the recovery of attorney fees; providing that an attorney may receive additional fees from his or her client; providing for severability; creating s. 768.737, F.S., providing for application of punitive damages statutes to arbitration; requiring the Office of Program Policy Analysis and Governmental Accountability to contract with an actuarial firm to conduct an actuarial analysis of expected reductions in judgments and related costs resulting from litigation reforms; specifying the basis and due date for the actuarial report; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Education Appropriations and Representative Wise—

HB 1177—A bill to be entitled An act relating to trust funds; re-creating the Teacher Certification Examination Trust Fund within the Department of Education without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By the Committee on General Government Appropriations and Representative Sembler—

HB 1253—A bill to be entitled An act relating to trust funds; re-creating the Agricultural Law Enforcement Trust Fund within the Department of Agriculture and Consumer Services without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Fiscal Policy.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 9 was corrected and approved.

CO-SPONSORS

Senators Campbell—SB 1556; Forman—SB 1556; Myers—SB 1556

RECESS

On motion by Senator McKay, the Senate recessed at 2:57 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:30 p.m., Thursday, March 11.