



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

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

PRAYER

The following prayer was offered by Archbishop John C. Favalora, Archdiocese of Miami:

Almighty and eternal God, you have revealed your glory to all peoples. God of power and might, wisdom and justice, through you authority is rightly administered, laws are enacted and judgment is decreed.

Let the light of your divine wisdom direct the deliberations of this legislature and shine forth in all proceedings. May all seek to preserve peace, to promote happiness and to protect liberty.

We likewise commend to your unbound mercy the people of this great state we are called to serve. May we be preserved in that unity and peace which the world cannot give; and, after enjoying the blessings of this life, be admitted to those which are eternal.

We pray to you, who are Lord and God, forever and ever. Amen.

PLEDGE

Senate Pages, Alphonso Craig of Tallahassee and Parrish Lentz of Daytona Beach, 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 Sullivan, by two-thirds vote **CS for SB 26**, **CS for SB 82**, **CS for SB 186**, **CS for SB 266**, **CS for SB 284** and **CS for SB 288** were withdrawn from the Committee on Ways and Means.

On motion by Senator Gutman, by two-thirds vote **SB 166** and **SB 308** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **SB 306** was withdrawn from the Committees on Commerce and Economic Opportunities; and Community Affairs; and referred to the Committees on Community Affairs; and Commerce and Economic Opportunities; and **CS for SB 286** was withdrawn from the Committee on Ways and Means and referred to the Committees on Banking and Insurance; and Ways and Means.

MOTIONS

On motion by Senator Bankhead, a deadline of 10:00 a.m. Thursday, March 6, was set for filing amendments to Bills on Third Reading to be considered that day.

SPECIAL ORDER CALENDAR

On motion by Senator Harris—

CS for SB 458—A bill to be entitled An act relating to education; amending s. 229.565, F.S., relating to student performance standards; providing for the Commissioner of Education to adopt rules; amending s. 229.57, F.S., relating to the student assessment program; amending standards and procedures relating to the statewide program, district testing programs, and school testing programs and provisions relating to annual reports on the assessment program; amending s. 232.245, F.S.; raising the cumulative grade point average required for purposes of a district's comprehensive program for pupil progression; amending s. 232.2454, F.S.; revising provisions relating to student performance standards; amending s. 232.246, F.S.; revising credit requirements; allowing certain courses taken below the 9th grade to be used to satisfy high school graduation requirements; raising the cumulative grade point average that is required for high school graduation; restricting the award of credit toward high school graduation for enrollment in certain courses; correcting cross-references; amending s. 232.2462, F.S.; revising the definition of dual enrollment credit; amending s. 232.2463, F.S.; revising the high school grading system; amending s. 232.425, F.S.; raising the cumulative grade point average that is required for participation in interscholastic extracurricular student activities; amending s. 233.065, F.S.; allowing the posting of historic documents; amending s. 240.116, F.S.; providing requirements for student enrollment in dual enrollment courses; requiring the development of standards; amending s. 240.1161, F.S.; requiring district interinstitutional articulation agreements to include the process for the award of high school credit for dual enrollment courses; amending 240.529, F.S.; requiring standards for preparation of teachers for instruction of higher-level mathematics concepts; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 458** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

CS for SB 462—A bill to be entitled An act relating to education; amending s. 231.17, F.S.; revising educator certification requirements; specifying minimum competencies; making conforming changes; authorizing school districts to provide alternate certification programs and systems for demonstrating professional competencies; specifying minimum requirements; requiring approval by the Department of Education;

requiring demonstration of professional competencies within a certain period; providing exceptions; authorizing the Commissioner of Education to contract for written certification examinations; deleting state university responsibility for such examinations; deleting requirements for professional orientation programs; deleting requirements for certification to teach certain ages and grades; amending s. 231.24, F.S., relating to renewal of educator certification; providing for extensions of professional certificates; extending permission to use certain training for renewal of any certification specialization; deleting additional renewal requirements for certificate holders not employed in instructional positions; providing for reissuance of expired certificates; amending s. 240.529, F.S., relating to approval of teacher preparation programs; requiring emphasis on educator accomplished practices; deleting obsolete dates; deleting references to professional orientation programs; requiring higher education institutions to assist in continued program approval; deleting consideration of graduates of out-of-state and alternate preparation programs; making conforming changes in preservice field experiences; repealing s. 231.172, F.S., relating to alternate preparation programs for teachers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 462** was placed on the calendar of Bills on Third Reading.

On motion by Senator Harris—

SB 342—A bill to be entitled An act relating to school district personnel; amending s. 230.23, F.S., relating to powers and duties of district school boards; requiring the adoption of salary schedules based on performance assessments of instructional personnel; amending s. 230.33, F.S.; requiring superintendents to recommend salary schedules for instructional personnel based on performance assessments; amending s. 236.02, F.S., relating to participation in the Florida Education Finance Program; requiring expenditures for instructional personnel salaries based on performance assessments; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 342** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

CS for SB 460—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; requiring school districts to award college-ready high school diplomas to certain students; correcting obsolete references; creating s. 232.2466, F.S.; providing requirements for the college-ready diploma program; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 460** was placed on the calendar of Bills on Third Reading.

On motion by Senator Grant—

CS for SB 340—A bill to be entitled An act relating to school district personnel; amending s. 231.29, F.S.; revising performance assessments of school district instructional staff; requiring notice of unsatisfactory performance; requiring corrective action; providing for hearings; specifying district school board authority; requiring certain evaluations; amending s. 231.36, F.S.; revising contracts for school district instructional staff; specifying a probationary period; requiring performance assessments; providing for dismissal; requiring a probationary period for certain administrative staff; restricting issuance of professional service contracts; applying new performance assessment and appeal procedures upon renewal of a professional service contract; amending s. 231.3605, F.S., relating to educational support employees; limiting probationary status to employees hired before a certain date; providing that this act supersedes local laws; providing an effective date.

—was read the second time by title.

Senators Jenne and Dyer offered the following amendment which was moved by Senator Dyer:

Amendment 1 (with title amendment)—On page 1, line 26, insert:

Section 1. Paragraph (c) is added to subsection (1) of section 230.23, Florida Statutes, 1996 Supplement, to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(1) REQUIRE MINUTES AND RECORDS TO BE KEPT.—Require the superintendent, as secretary, to keep such minutes and records as are necessary to set forth clearly all actions and proceedings of the school board.

(c) *Records of employee contractual status, resignation, termination, and nonrenewal.*—The school board shall maintain, and annually furnish to the Department of Education, records disclosing the contractual status of each district employee and the reason for resignation, termination, or nonrenewal of any district employee.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 230.23, F.S.; requiring the school board to keep records of employee contractual status, resignation, termination, and nonrenewal;

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

Amendment 1A (with title amendment)—On page 1, line 30, delete “*resignation, termination,*” and insert: *termination*

And the title is amended as follows:

On page 2, line 12, delete “*resignation, termination,*” and insert: *termination*

Amendment 1 as amended was adopted.

Senators Jenne and Dyer offered the following amendment which was moved by Senator Dyer:

Amendment 2—On page 2, line 22, delete that line and insert:

(e) *Each school board shall establish a peer assistance process. The plan must provide a mechanism for assistance of persons who are placed on performance probation as well as offer assistance to other employees who request it.*

(f)(d) The school board shall provide training

Senator Dyer moved the following substitute amendment which was adopted:

Amendment 3—On page 2, line 22, delete that line and insert:

(e) *Each school board may establish a peer assistance process. The plan may provide a mechanism for assistance of persons who are placed on performance probation as well as offer assistance to other employees who request it.*

(f)(d) The school board shall provide training

Senator Harris moved the following amendment which was adopted:

Amendment 4—On page 3, line 6, after “*of*” insert: *improvement in*

Senators Jenne and Dyer offered the following amendments which were moved by Senator Dyer and adopted:

Amendment 5—On page 4, line 15, delete “*must be given*” and insert: *shall be placed on performance probation and governed by the provisions of this section for*

Amendment 6—On page 4, line 18, delete “*tolling*” and insert: *calculating*

Amendment 7—On page 6, line 24, after the period (.) insert: *The system must include a mechanism to give parents and teachers an opportunity to provide input into the administrator's performance assessment, when appropriate.*

Senators Jenne and Dyer offered the following amendment which was moved by Senator Dyer:

Amendment 8—On page 7, lines 14 and 15, delete “a period” and insert: *annual periods*

Senator Dyer moved the following substitute amendment which was adopted:

Amendment 9—On page 7, line 15, delete that line and insert: *period of not less than 1 year nor more than 3 years or not renewed at the discretion*

Senators Jenne, Dyer and Dantzler offered the following amendment which was moved by Senator Dyer and adopted:

Amendment 10—On page 7, line 16, after “board” insert: *for just cause, failure to meet school-board prescribed performance standards, or for failure to correct performance deficiencies under s. 231.29*

The vote was:

Yeas—28

Madam President	Childers	Hargrett	Meadows
Bankhead	Clary	Holzendorf	Ostalkiewicz
Bronson	Dantzler	Jenne	Rossin
Brown-Waite	Dyer	Jones	Scott
Burt	Forman	Klein	Silver
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner

Nays—12

Cowin	Dudley	Kirkpatrick	Myers
Crist	Harris	Lee	Sullivan
Diaz-Balart	Horne	McKay	Williams

Senators Jenne and Dyer offered the following amendment which was moved by Senator Dyer:

Amendment 11 (with title amendment)—On page 7, line 21, after the period (.) insert: *An employee who is dismissed or whose contract is not renewed pursuant to this subsection may, within 15 days after receipt of a written notice of dismissal or nonrenewal, submit a written request for a direct hearing before the school board in accordance with ss. 120.569 and 120.57 or a hearing before an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing must be conducted within 45 days after receipt of the written appeal and in accordance with chapter 120. A majority vote of the membership of the school board is required to sustain or change the recommended order of the administrative law judge. The determination of the school board is final as to the sufficiency or insufficiency of the grounds for termination of employment.*

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: *providing for a hearing before the school board or an administrative law judge following dismissal or contract nonrenewal;*

Senator Dyer moved the following substitute amendment which was adopted:

Amendment 12 (with title amendment)—On page 7, line 21, after the period (.) insert: *An employee who is dismissed or whose contract is not renewed pursuant to the subsection may, within 15 days after receipt of a written notice of dismissal or nonrenewal, submit a written request for a direct hearing before the school board. The hearing must be conducted within 45 days after receipt of the written request. In any proceeding in which the employee challenges the nonrenewal of a contract, the burden of proving that the nonrenewal is contrary to s. 231.36(1)(a)1. shall be with the employee. The determination of the school board is final as to the sufficiency or insufficiency of the grounds for termination or nonrenewal of employment.*

And the title is amended as follows:

In title, on page 1, line 13, after the semicolon (;) insert: *providing for a hearing before the school board following dismissal or contract nonrenewal; specifying burden of proof;*

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

Amendment 13—On page 12, line 6, delete “employee’s” and insert: *school board’s employee’s*

Senator Grant moved the following amendment which was adopted:

Amendment 14 (with title amendment)—On page 17, lines 11-18, delete those lines and insert:

Section 3. Subsection (2) of section 231.3605, Florida Statutes, is amended and a new subsection (3) is added to that section to read:

231.3605 Educational support employees.—

(2)(a) Each educational support employee *hired before July 1, 1997:*

(a) Shall be employed on probationary status for a period to be determined through the appropriate collective bargaining agreement or by school board rule in cases where a collective bargaining agreement does not exist.

(b) ~~Shall, upon successful completion of the probationary period, by the employee, the employee’s status shall continue his or her employment~~ from year to year unless the superintendent ~~dismisses~~ *terminates* the employee for reasons stated in the collective bargaining agreement, or in school board rule in cases where a collective bargaining agreement does not exist, or reduces the number of employees on a districtwide basis for financial reasons.

(c) ~~May be suspended with or without pay if the In the event a superintendent seeks dismissal termination of the an employee, the school board may suspend the employee with or without pay.~~ The employee shall receive written notice and shall have the opportunity to formally appeal the ~~dismissal termination~~. The appeals process shall be determined by the appropriate collective bargaining process or by school board rule in the event there is no collective bargaining agreement.

(3) *Each educational support employee hired after June 30, 1997:*

(a) *Shall receive a contract that is subject to annual review and renewal at the discretion of the school board upon recommendation of the superintendent. During the first 3 years of employment, the employee shall receive an annual contract. After the first 3 years of employment, the contract may be renewed for a period not to exceed 3 years at the discretion of the school board upon recommendation of the superintendent.*

(b) *May be dismissed by the superintendent during the term of the contract for reasons stated in the collective bargaining agreement, or in school board rule if a collective bargaining agreement does not exist, or due to reduction in force on a districtwide basis for financial reasons. If the superintendent seeks dismissal of the employee during the term of the contract for reasons other than reduction in force, the school board may suspend the employee with or without pay. The superintendent must provide the employee written notice of dismissal and an opportunity to formally appeal the dismissal. The appeals process shall be determined by the appropriate collective bargaining process or by school board rule if there is no collective bargaining agreement.*

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: *permitting annual and multi-year contracts for employees hired after a certain date; providing for dismissal; providing for appeals;*

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

Amendment 15—On page 5, line 12, delete “45” and insert: *60*

Amendment 16—On page 12, line 9, delete “45” and insert: *60 45*

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

On motion by Senator Bankhead, by two-thirds vote **HCR 775** was withdrawn from the Committee on Rules and Calendar.

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

HCR 775—A concurrent resolution amending Joint Rule One, Joint Rules of the Florida Legislature, relating to lobbyist registration and reporting.

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

That Joint Rule One, Joint Rules of the Florida Legislature, is hereby amended as follows:

Joint Rule One
Lobbyist Registration and Reporting

1.1—Those Required to Register; Exemptions; Committee Appearance Records

(1) All lobbyists before the Florida Legislature must register with the Joint Legislative Management Committee. Registration is required for each principal represented.

(2) As used in this rule, unless the context otherwise requires:

(a) “Designated lobbyist” means *the* a lobbyist who is appointed, by a the principal represented by two or more lobbyists, to file expenditure reports that include lobbying expenditures made directly by the principal the Consolidated Expenditure Report.

(b) “Legislative action” means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(c) “Lobby” or “lobbying” means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(d) “Lobbyist” means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a “lobbyist” unless the employee is principally employed for governmental affairs. “Principally employed for governmental affairs” means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer’s various relationships with government or representing the employer in its contacts with government. Any person employed by any executive, judicial, or quasi-judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.

(e) “Payment” or “salary” means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

(f) “Principal” means the person, firm, corporation, or other entity which has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; the individual members of the association are not principals merely because of their membership in the association.

(3) For purposes of this rule, the terms “lobby” and “lobbying” do not include any of the following:

(a) Response to an inquiry for information by any member, committee, or staff of the Legislature.

(b) An appearance in response to a legislative subpoena.

(c) Advice or services which arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.

(d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

(4) For purposes of registration and reporting, the term “lobbyist” does not include any of the following:

(a) A member of the Legislature.

(b) A person who is employed by the Legislature.

(c) A judge who is acting in that judge’s official capacity.

(d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer’s official capacity.

(e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

(f) A person employed by any executive, judicial, or quasi-judicial department of the state or community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record on a form to be provided by the respective house.

1.2—Method of Registration

(1) Each person who is required to register under Joint Senate and House Rule 1.1 must register on forms furnished by the Joint Legislative Management Committee, on which that person must state, under oath, that person’s name, business address, and phone number, the name and business address of each principal that person represents, the areas of that person’s legislative interest, and the extent of any direct business association or partnership that person has with any member of the Legislature. The Joint Legislative Management Committee or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the Joint Legislative Management Committee in writing within 15 days.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. *At the time of registration, the registrant shall provide a statement signed by the principal or principal’s representative that the registrant is authorized to represent the principal.* Any person required to register must renew the registration annually, in accordance with Joint Senate and House Rule 1.3.

(3) If a principal has one lobbyist registered, another lobbyist for that principal shall not be allowed to register until one of the lobbyists has been appointed by the principal in writing to the Joint Legislative Management Committee as the principal’s designated lobbyist for expenditure reporting. A principal may appoint its first registered lobbyist as the designated lobbyist upon that lobbyist’s registration and may change its designated lobbyist at any time.

(4) *A lobbyist shall promptly send a written statement to the Joint Legislative Management Committee cancelling the registration for a principal upon termination of the lobbyist’s representation of that principal. Notwithstanding this requirement, the Joint Legislative Management Committee may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the joint committee that the lobbyist is no longer authorized to represent that principal. Each person*

who registers must submit quarterly to the Joint Legislative Management Committee, on forms furnished by the committee, a signed and certified statement listing all lobbying expenditures and sources of funds for those expenditures as required in Joint Senate and House Rule 1.4. Reporting statements shall be filed on April 15, July 15, October 15, and January 15 of each year and shall include the expenditures for the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The reporting statement filed on January 15 shall also include cumulative totals for the previous calendar year. A reporting statement shall be considered timely filed if it is postmarked by the specified date. A request for an extension of time may be filed with the Joint Legislative Management Committee, on forms provided by the committee. The request for an extension must be signed and indicate that expenditures were incurred for the reporting period. An extension of 75 days shall be automatically granted as long as an extension request is filed by the date the reporting statement is due. To obtain an extension for a Consolidated Expenditure Report, the designated lobbyist must request the extension, and the extension shall cover all reports necessary to prepare the Consolidated Expenditure Report. A statement need not be filed for a reporting period if no expenditures have been made during that reporting period. However, the registrant shall certify in the report due January 15 that there were no expenditures during any reporting period for which a report was not filed. Reporting statements, when feasible, may be filed by electronic means.

(5) The Joint Legislative Management Committee shall publish on the first Monday of each regular session and weekly thereafter through the end of that session a compilation of the names of persons who have registered and the information contained in their registrations.

(6) The Joint Legislative Management Committee shall retain all original documents submitted under this section.

(7) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Legislature for the purposes of sections 112.3148 and 112.3149, Florida Statutes, relating to reporting and prohibited receipt of gifts and honoraria.

1.3—Registration Costs; Exemptions

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay an annual registration fee to the Joint Legislative Management Committee. The annual period runs from January 1 to December 31. These fees must be paid at the time of registration.

(2) The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection:

- (a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.
- (b) Two employees of the Game and Fresh Water Fish Commission.
- (c) Two employees of the Executive Office of the Governor.
- (d) Two employees of the Commission on Ethics.
- (e) Two employees of the Florida Public Service Commission.
- (f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The annual fee is up to \$50 per each house for a person to register to represent one principal and up to an additional \$10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the Joint Legislative Management Committee. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the Joint Legislative Management Committee. The fees collected by the Joint Legislative Management Committee under this joint policy shall be deposited in the State Treasury and credited to the appropriation for legislative expenses specifically to cover the costs incurred in administering this joint policy.

1.4—Periodic Reports Required

(1) *REPORTING DATES.*—Each person who registers pursuant to Joint Senate and House Rule 1.2 must submit to the Joint Legislative

Management Committee, on forms provided by the joint committee and for each reporting period required by this rule, a signed and certified statement listing all lobbying expenditures during the reporting period and the sources of funds for those expenditures as required in this rule. Reporting statements shall be filed no later than 45 days after the end of the reporting period. Unless a special session is called, only two reports are required each calendar year. The first report shall disclose expenditures made from January 1 through the date of adjournment of the regular session of the Legislature, including an extension, if any. The second report shall disclose expenditures for the remainder of the calendar year. However, whenever the Legislature convenes in a special session, a separate, supplemental report is required which shall disclose all expenditures incurred during the period since the end of the period covered by the last previous report required to be filed through adjournment of that special session. Following adjournment of a special session for which a separate, supplemental report is required, the next report required to be filed shall disclose all expenditures incurred from the date of adjournment of that special session through the end of the reporting period applicable to that next required report. It is the intent of this rule that each reporting period be separate from every other reporting period and that each expenditure be reported just once. In addition, any reporting statement may be filed by electronic means, when feasible.

(2) *TIMELINESS OF REPORTS.*—Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner. A certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

(3) *LOBBYIST'S EXPENDITURE REPORT.*—

(a) The Lobbyist's Expenditure Report shall include the name of the lobbyist and the name of the principal on whom the report is prepared. Expenditures for the reporting period shall be reported by the following categories: Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events; and Other. For each expenditure category, the report must identify the amount paid directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. Forms shall be provided by the Joint Legislative Management Committee.

(b) A lobbyist shall file a Lobbyist's Expenditure Report for each principal represented.

(c) When a principal has two or more lobbyists, the principal shall designate one lobbyist who will be responsible for filing a report which discloses the expenditures made directly by the principal and the expenditures of the designated lobbyist on behalf of the principal. The designated lobbyist is responsible for making a good faith effort to obtain the figures reported as lobbying expenditures made by the principal.

(d) When there are multiple lobbyists, only the designated lobbyist is to report expenditures made directly by the principal. When there are multiple lobbyists, only unduplicated amounts should be reported for expenditures initiated or expended by the lobbyist and paid for by the principal.

(e) The principal is responsible for the accuracy of the figures submitted to the lobbyist for reporting, and the lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist.

(4) *EXPENDITURES.*—

(a)(1) *DEFINITIONS MANNER OF REPORTING.*—

1. All lobbying expenditures shall be reported on an Individual Lobbyist's Expenditure Report or a Consolidated Expenditure Report. An "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made or controlled, directly or indirectly, by a lobbyist or principal for the purpose of lobbying. Each reporting individual shall make a good faith effort to report an expenditure and to report it in the appropriate category. If an expenditure fits in two or more categories, it shall be reported in the category to which the expense primarily relates. When an expenditure is not within any

defined category, it should be reported in the "Other" category. Expenditures shall be accounted for and reported on *an either a cash or accrual accounting basis. The basis selected shall be designated in the space provided on the applicable expenditure report and shall be the basis consistently used, during the entire calendar year, for reporting quarterly and annual expenditures.*

2. "Accrual accounting basis" means the method of accounting that recognizes expenses during the period in which they are incurred regardless of when they are actually paid.

(b)(2) Goodwill expenditures.—An expenditure shall be considered to have been intended to be for the purpose of engendering goodwill if it is a gift, an entertainment, any food or beverage, or any other item or service of similar personal benefit to a member or an employee of the Legislature, unless the member or employee is a relative of the lobbyist. A relative is an individual who is related to the member or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, *mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild*; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

(c)(3) Expenditure categories.—*Each reporting individual shall make a good faith effort to report an expenditure and to report it in the appropriate category. If an expenditure fits in two or more categories, it shall be reported in the category to which the expense primarily relates. When an expenditure is not within any defined category, it should be reported in the "Other" category.* The categories of expenditures used in this rule are as follows:

(a)1.a. "Communications" means dissemination of information, including, but not limited to, by means of the following:

I.a. Audio-visual materials; and

II.b. Signs, placards, banners, buttons, promotional materials, and other display materials;

together with any associated production services.

b.2. This category does not include media advertising, publications, or research.

2.(b) "Entertainment" means amusement or recreation, including, but not limited to, sporting, hunting, fishing, theatrical, artistic, cultural, and musical activities or events.

3.(c) "Food and Beverages" means meals, snacks or other edible substances, or liquids for drinking, including services associated therewith.

4.(d) "Lodging" means sleeping or living accommodations for an individual for one or more nights.

5.(e) "Media Advertising" means newspaper and magazine advertising, radio and television advertising, and outdoor advertising, including production services and copywriting services.

6.(f) "Other" means any item or service that is not included within one of the specified categories, but does not include any item or service that is not required by law to be reported.

7.(g) "Publications" means mass-produced, printed materials, including, but not limited to, magazines, newsletters, brochures, or pamphlets, which expressly encourage persons to communicate with members or employees of the Legislature to influence the official actions of members or employees of the Legislature or which are designed to communicate with members or employees of the Legislature.

8.(h) "Research" means procurement of information relating to a specific issue, regardless of the form or medium in which that information is provided, including, but not limited to, surveys, bill-tracking services,

information services, periodicals, and consultants or consultant services to gather data or statistics.

9.(i) "Special Events" means large-scale occurrences, including, but not limited to, receptions, banquets, dinners, or legislative days, to which more than 250 persons are invited and for which the expenditures associated with hosting the occurrence are negotiated with a catering service or facility at a single, set price or which include multiple expenditure categories.

10.(j) "Travel" means transporting an individual from one place to another, regardless of the means used.

(d)(4) Items that are not expenditures.—The term "expenditure" does not include:

1.(a) Contributions or expenditures reported pursuant to chapter 106, Florida Statutes; campaign-related personal services provided without compensation by individuals volunteering their time; or any other contribution or expenditure by a political party.

2.(b) A lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel. If the principal is a firm, corporation, association, or person, other than a natural person, the office expenses of the entity and the salaries of the officers of the entity, as well as expenses for their lodging, meals, and travel, are not lobbying expenditures. Office expenses include, but are not limited to, payment or obligation for rent or mortgage, utilities, postage, telephone service, employees' salaries, furniture, copies, computers, software, paper supplies, and custodial or maintenance services. Communications, publications, and research are office expenses if performed or produced by the lobbyist or principal or their employees. If those functions are performed by independent contractors, other than the lobbyist or principal or an affiliate controlled by the principal, they are expenditures reportable under the appropriate expenditure category.

3.(c) If an expense is incurred for a nonlobbying business purpose and the product of that expense is later used for a lobbying purpose, a reportable expenditure is not created.

(e)(5) Valuation of expenditures.—

1.(a) In calculating the amount of aggregate expenditures, a lobbyist or principal may, prior to prorating, round each entry up or down to the nearest \$5. A record is not required to be maintained for any amount that rounds to zero.

2.(b) The amount to be reported for an expenditure shall be determined using the actual cost to the lobbyist or principal or other person making the payment on behalf of the lobbyist or principal, less any compensation received by such lobbyist or principal in payment for the object of the expenditure. If a lobbyist or principal makes a contribution to an expenditure by another lobbyist or principal, the person making the contribution shall report the amount of the contribution as an expenditure, and the person receiving the contribution shall subtract the value of the contribution from the expenditure to be reported by that person.

3.(c) When a lobbyist has multiple principals, expenditures made for the purpose of engendering goodwill that are not attributable to one principal may be prorated among the lobbyist's principals or may be attributed to one principal.

4.(d) When a lobbyist has multiple principals, expenditures for research or other expenditures that may benefit several principals may be reported to the principal for whom the research was done or other expenditures incurred or prorated to those principals that may benefit from the research or other expenditures.

5.(e) The amount reported as an expenditure shall not include the amount of any additional expenses that are required as a condition precedent to eligibility to make an expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying or if it is paid to a charitable organization. If the amount expended for the condition precedent is primarily intended to be for a lobbying purpose and is not paid to a charitable organization, the total amount of the expenditure shall be reported as a lobbying expenditure. Initiation fees, membership fees, and booster fees are examples, although not exclusive examples, of additional expenses that are regu-

larly required as conditions precedent for eligibility to make other expenditures.

6.(f) A person providing transportation in a private automobile shall be considered to be making an expenditure at the rate of 20 cents per mile, and the amount of an expenditure made for transportation provided in other private conveyances shall be determined in accordance with the provisions of section 112.3148(7), Florida Statutes.

7.(g) A person providing lodging in a private residence shall be considered to be making an expenditure of \$29 per night.

8.(h) Expenditures made for more than one person may be attributed, on a pro rata basis, among all of the persons for whom the expenditure is made.

(5) *AGGREGATION OF EXPENDITURE FIGURES.*—For each reporting period, the Joint Legislative Management Committee shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Following the last report for each calendar year, the Joint Legislative Management Committee shall provide a total of expenditures reported as spent by and on behalf of each principal for that calendar year.

(6) *INDIVIDUAL LOBBYIST'S EXPENDITURE REPORT.*—

(a) When a principal has only one lobbyist, the lobbyist shall file quarterly, as provided in Joint Senate and House Rule 1.2, an Individual Lobbyist's Expenditure Report on forms provided by the Joint Legislative Management Committee. The report shall include the name of the lobbyist and the name of the principal on whom the report is prepared. Expenditures for the quarter shall be reported by the following categories: Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events; and Other. For each expenditure category, the report must identify the amount paid directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The report filed on January 15 shall contain cumulative totals for the calendar year.

(b) A lobbyist shall file an Individual Lobbyist's Expenditure Report for each principal represented, unless a Consolidated Expenditure Report is required to be filed for that principal.

(7) *CONSOLIDATED EXPENDITURE REPORT.*—

(a) When a principal has two or more lobbyists, the principal shall designate one lobbyist who will be responsible for filing the Consolidated Expenditure Report. Every lobbyist so designated shall file quarterly, as provided in Joint Senate and House Rule 1.2, a Consolidated Expenditure Report on forms provided by the Joint Legislative Management Committee. The Consolidated Expenditure Report shall include the name of the principal and the names of all of the lobbyists for that principal. A cumulative total by the expenditure categories of Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events; and Other shall be provided for all lobbyists on the report. The Consolidated Expenditure Report filed on January 15 shall contain cumulative totals for the calendar year.

(b) Each lobbyist identified on the Consolidated Expenditure Report must provide an Individual Lobbyist's Expenditure Report to the designated lobbyist, who shall attach all the Individual Lobbyist's Expenditure Reports for that principal, including the Individual Lobbyist's Expenditure Report of the designated lobbyist, to the Consolidated Expenditure Report. The designated lobbyist is responsible for attaching each Individual Lobbyist's Expenditure Report to the Consolidated Expenditure Report and completing the Consolidated Expenditure Report. The designated lobbyist is responsible for making a good faith effort to obtain the figures reported as lobbying expenditures made by the principal; however, the principal is responsible for the accuracy of the figures submitted to the designated lobbyist by the principal. The designated lobbyist is not responsible for the failure of another lobbyist to provide the Individual Lobbyist's Expenditure Report to the designated lobbyist and is not responsible for the contents of any Individual Lobbyist's Expenditure Report submitted by another lobbyist.

(c) When there are multiple lobbyists, only the designated lobbyist is to report expenditures made directly by the principal on the Consoli-

dated Expenditure Report. When there are multiple lobbyists, only unduplicated amounts should be reported for expenditures initiated or expended by the lobbyist and paid for by the principal.

1.5—Penalties for Late Filing

(1) Upon determining that a report is late, the person designated to review the timeliness of reports shall immediately notify the lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day.

(2) Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

(a) When a report is actually received by the lobbyist registration and reporting office;

(b) When the report is postmarked;

(c) When the certificate of mailing is dated; or

(d) When the receipt from an established courier company is dated.

(3) Such fine shall be paid within 20 days after receipt of the notice of payment due, unless appeal is made to the Joint Legislative Management Committee. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) A fine shall not be assessed against a lobbyist the first time any reports for which the lobbyist is responsible are not timely filed. However, to receive this one-time fine waiver, all reports for which the lobbyist is responsible must be filed within 20 days after receipt of notice that any reports have not been timely filed. A fine shall be assessed for any subsequent late-filed reports.

(5) The person designated to review the timeliness of reports shall notify the Joint Legislative Management Committee of the failure of a lobbyist to file a report after notice or of the failure of a lobbyist to pay the fine imposed.

1.6—Appeal of Fines; Hearings; Unusual Circumstances

(1) A lobbyist wishing to appeal or dispute a fine imposed in accordance with Joint Senate and House Rule 1.5 shall file with the Lobbyist Registration Office of the Joint Legislative Management Committee a notice of appeal within 20 days after the date of receipt of the notice of payment due, setting out with specificity the unusual circumstances surrounding the failure to file on the designated due date. A request for a hearing on the matter before the Joint Legislative Management Committee must be made within the same 20-day period. The notice of appeal may be accompanied by any documentation or evidence supporting the claim. Failure to timely file a notice of appeal as described in this subsection shall constitute a waiver of the right to appeal or to dispute a fine.

(2) The Joint Legislative Management Committee may waive the fine in whole or in part for good cause shown based on the unusual circumstances presented by the lobbyist.

(3) The term "unusual circumstances" for the purposes of this rule means uncommon, rare, or sudden events over which the person has no control and which directly result in the failure to meet the filing requirements.

1.7.5—Questions Regarding Registration

(1) A person may request in writing an informal opinion from the general counsel of the Joint Legislative Management Committee as to the application of this rule to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion which is issued shall be provided to the presiding officer of each house. The committees designated under section 11.045(4), Florida Statutes, may revise any informal opinion rendered by the general counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.

(2) Persons in doubt about the applicability or interpretation of this rule may submit in writing the facts for an advisory opinion to the committee of the respective house designated pursuant to section 11.045(4), Florida Statutes, and may appear in person before the committee in accordance with section 11.045(4), Florida Statutes.

1.81.6—Open Records

All of the lobbyist registration and expenditure reports received by the Joint Legislative Management Committee shall be available for public inspection and for duplication at reasonable cost.

1.91.7—Records Retention and Inspection

Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this rule, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

~~(1) For the period from July 1, 1993, to September 30, 1993, the statement of expenditures required by section 11.045, Florida Statutes (1991), shall be filed no later than January 15, 1994. For the period from October 1, 1993, to December 31, 1993, the applicable lobbyist report shall be filed as provided in Joint Senate and House Rule 1.4; however, cumulative totals are not required for calendar year 1993.~~

~~(2) Until January 1, 1995, the annual fee is \$50 per each house of the Legislature for a person to register to represent a principal and an additional \$10 per house for each additional principal that the person registers to represent.~~

~~(3) For persons who have paid the registration fee for the period July 1, 1992, to June 30, 1994, the registration is valid through June 30, 1994, and those persons may renew their registration for calendar year 1994 at a rate of one half the rate specified in subsection (2). Those renewal registrations expire on December 31, 1994.~~

~~(4) All persons who were required to register under Joint Senate and House Rule One as it existed on October 1, 1993, and who registered between that date and the date of adoption of the revisions to Joint Senate and House Rule One by this concurrent resolution, but who, under the revisions to Joint Senate and House Rule One by this concurrent resolution are no longer required to register, may, within 14 days after adoption of the revisions to Joint Senate and House Rule One by this concurrent resolution, withdraw from registration and receive a refund of all fees paid.~~

~~(5) All persons who were not required to register under Joint Senate and House Rule One as it existed on October 1, 1993, but who are required to register under the revisions to Joint Senate and House Rule One by this concurrent resolution, are given until January 1, 1994, to comply with the registration requirements of this rule.~~

—a companion measure, was substituted for **SCR 454** and by two-thirds vote read the second time in full.

On motion by Senator Bankhead, **HCR 775** was adopted and certified to the House. The vote on adoption was:

Yeas—40

Madam President Bronson Burt Casas
Bankhead Brown-Waite Campbell Childers

Clary Grant Kirkpatrick Ostalkiewicz
Cowin Gutman Klein Rossin
Crist Hargrett Kurth Scott
Dantzler Harris Latvala Silver
Diaz-Balart Holzendorf Lee Sullivan
Dudley Horne McKay Thomas
Dyer Jenne Meadows Turner
Forman Jones Myers Williams

Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 5, 1997: CS for SB 458, CS for SB 462, SB 342, CS for SB 460, CS for SB 340, SCR 454

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senators Kirkpatrick, Sullivan and Forman—

SB 998—A bill to be entitled An act relating to electronic commerce; amending s. 117.05, F.S.; specifying that certain seals be used on “paper” documents; creating s. 117.20, F.S.; providing application; specifying “electronic notarization”; providing for the Secretary of State to provide commissions for notaries public to perform electronic notarizations; providing procedures; requiring a fee; requiring notice of the compromise of certain keys; providing for suspension under certain circumstances; amending s. 215.322, F.S.; authorizing that guidelines rather than rules be prescribed for the use of debit cards; providing for collecting convenience fees instead of service fees; amending s. 282.20, F.S.; providing a definition; conforming certain references; specifying a formula for votes by members of the data processing board of the Technology Resources Center; revising the monetary threshold for approval by the policy board of acquisitions by the Technology Resource Center; creating s. 282.745, F.S.; authorizing the Secretary of State to establish a voluntary licensure program for private certification authorities; providing for fees; providing for rulemaking; authorizing the Secretary of State to enter into reciprocity agreements with other jurisdictions; amending s. 471.025, F.S.; providing for electronic engineering seals and digital signatures; prohibiting certain activities relating to digitally sealing or signing documents; amending s. 471.033, F.S.; providing for disciplinary action for illegal use of a digital signature; amending s. 472.025, F.S.; providing for electronic land surveying and mapping seals; prohibiting certain activities relating to digitally sealing or signing certain documents; authorizing the regulation of international attorney-notaries by the Secretary of State; providing for fees; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international attorney-notaries; providing for effect of acts of international attorney-notaries; providing for rulemaking; amending ss. 240.289 and 402.18, F.S., to conform; repealing ss. 118.01, 118.02, 118.03, and 118.04, F.S., relating to commissioners of deeds; providing an effective date.

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

By Senator Hargrett—

SB 1000—A bill to be entitled An act relating to registration of motor vehicles and vessels; providing for a registration period; providing an effective date.

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

By Senator Hargrett—

SB 1002—A bill to be entitled An act relating to highway safety; modifying provisions relating to operation of the Department of Highway Safety and Motor Vehicles; providing an effective date.

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

By Senator Hargrett—

SB 1004—A bill to be entitled An act relating to training programs to enhance employment in transportation industries; providing an effective date.

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

By Senator Silver—

SB 1006—A bill to be entitled An act relating to child custody; amending s. 61.13, F.S.; providing for consideration of spousal or child abuse in custody proceedings; reenacting ss. 39.408(3)(a) and 741.30(5)(a), F.S., relating to disposition hearings in dependency cases, and relating to temporary injunctions in domestic violence cases, to incorporate said amendment in references; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Silver—

SB 1008—A bill to be entitled An act relating to elections; changing the date of the second primary election in 1998; ensuring that all dates tied to the date of the second primary remain unchanged; providing an effective date.

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

By Senators Kirkpatrick, Horne and Sullivan—

SB 1010—A bill to be entitled An act relating to the public records law; amending s. 119.07, F.S.; providing an exemption from public records requirements for credit card account numbers and debit card account numbers in the possession of a state agency or unit of local government; providing a finding of public necessity; providing an effective date.

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

By Senator Silver—

SB 1012—A bill to be entitled An act relating to chiropractic licensure; amending s. 460.403, F.S.; revising provisions governing the practice of chiropractic; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Silver—

SB 1014—A bill to be entitled An act relating to burglary and trespass; amending s. 810.011, F.S.; defining the term “curtilage” for purposes of the crimes of burglary and trespass; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senators Dantzler and Lee—

SB 1016—A bill to be entitled An act relating to culpable negligence; amending s. 784.05, F.S.; providing that a person commits the offense of exposing another to personal injury through culpable negligence, when such person knowingly has permitted the person's dog to run at large as a “pack of dogs,” as defined, and the pack of dogs inflicts significant personal injury; providing penalties; providing that a person commits the offense of exposing another to personal injury through culpable negligence when such person knowingly has permitted the person's dog to run at large as a pack of dogs and the death of any person occurs from injury inflicted by the pack of dogs; providing penalties; providing an effective date.

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

By Senator Meadows—

SB 1018—A bill to be entitled An act relating to the Florida Americans With Disabilities Accessibility Implementation Act; amending s. 553.502, F.S.; restating the intent of the act; amending s. 553.503, F.S.; adopting federal guidelines and the 1997 Florida Accessibility Code for Building Construction; amending s. 553.504, F.S.; revising exceptions to applicability of guidelines; amending s. 553.505, F.S.; revising exceptions to applicability of the Americans with Disabilities Act; amending s. 553.507, F.S.; revising exemptions from the act; amending s. 553.509, F.S.; revising vertical accessibility requirements; amending ss. 553.511, 316.1955, F.S.; revising requirements for parking facilities and spaces; providing an effective date.

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

By Senator Brown-Waite—

SB 1020—A bill to be entitled An act relating to juvenile sex offenders; amending ss. 39.045, 39.411, F.S.; requiring the Department of Juvenile Justice and the Department of Children and Family Services to seek a court order to notify the school superintendent of any child who has a known history of aggressive sexual behavior or who is an adjudicated juvenile sexual offender; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; providing an effective date.

—was referred to the Committees on Criminal Justice and Education.

By Senator Klein—

SB 1022—A bill to be entitled An act relating to juvenile and criminal justice; amending s. 39.0145, F.S., relating to punishment of a delinquent child for contempt of court and alternative sanctions; removing certain time limitations upon placement of a delinquent child held in contempt in a secure detention facility or secure residential commitment facility; amending s. 39.025, F.S., relating to district juvenile justice boards; revising requirements for application for a community juvenile justice partnership grant to remove the requirement for participation of the Department of Health and Rehabilitative Services; amending s. 39.044, F.S., relating to detention; providing for continued detention of a child who has failed to appear in court on two separate occasions on the same case; providing for extension up to 60 days of the time limits upon detention of a child, under specified circumstances; reenacting ss. 39.038(4), 39.042(2)(b), 39.0445, 39.049(5), 39.064(1), 790.22(8), relating to release or delivery from custody, use of detention, juvenile domestic violence offenders, release or delivery from custody, process and service, detention of a furloughed or escaped child, and weapons or firearms offenses by minors, to incorporate said amendment in references; amending s. 39.0471, F.S.; authorizing establishment of truancy programs by juvenile justice assessment centers; defining “truant student” to include enrolled students between 6 years of age and 18 years of age; amending s. 230.23161, F.S., relating to educational services in Department of Juvenile Justice programs; providing a maximum limitation on administrative costs under certain contracts by school districts for such

programs; amending s. 806.13, F.S., relating to criminal mischief; redefining first-degree misdemeanor criminal mischief to include damage to property greater than \$200 but less than \$500, and providing penalties therefor; redefining third-degree felony criminal mischief to include certain damages of \$500 or greater, and providing penalties therefor; amending s. 921.0012, F.S., relating to the sentencing guidelines offense penalties, to conform a cross-reference; amending s. 812.014, F.S., relating to theft; providing second-degree felony penalties for a person who commits grand theft of a motor vehicle and who has previously been convicted two or more times of motor vehicle theft; reenacting ss. 39.052(3)(a) and 538.23(2), F.S., relating to the transfer of a child for prosecution and offenses by secondary metal recyclers, to incorporate said amendment in references; providing for the Department of Juvenile Justice to receive a portion of certain moneys for the purpose of substance abuse treatment and mental health placements of delinquents; providing for juvenile justice district budgets to include discretionary funds for delinquents with special needs; providing for certain distributions of moneys by the juvenile justice district managers; providing an effective date.

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

By Senator Klein—

SB 1024—A bill to be entitled An act relating to growth management; amending s. 163.3187, F.S.; exempting amendments to a capital improvement element's schedule of capital improvements from the amendment limitation for comprehensive plans during any calendar year; providing that such amendments require only one public hearing; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Klein—

SB 1026—A bill to be entitled An act relating to the Secretary of State; directing the Secretary of State to appoint a State Song Commission to hold a contest for the selection of the official state song in Florida; directing the commission to provide for the rules of the contest; providing for a scholarship for the winner; directing the commission to prepare certain legislation; providing an effective date.

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

By Senator Klein—

SB 1028—A bill to be entitled An act relating to felonies arising from the use of destructive devices; amending s. 775.15, F.S., relating to time limitations upon prosecution; providing that prosecution for such felonies arising from use of a destructive device and resulting in personal injury may be commenced at any time; providing an effective date.

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

By Senator Klein—

SB 1030—A bill to be entitled An act relating to insurance; creating s. 627.7051, F.S.; requiring certain residential property insurers to provide for scheduled premium payments; limiting service charges and rates of interest; providing application; providing a definition; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Klein—

SB 1032—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.05, F.S.; exempting transactions in excess of \$500 from the tax on the sale of coins or currency; amending s. 212.08, F.S.; exempting sales of gold, silver, or platinum bullion in excess of \$500; providing for emergency rules; providing effective dates.

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

By Senator Klein—

SB 1034—A bill to be entitled An act relating to ad valorem tax assessment; amending s. 193.461, F.S.; providing that the property appraiser, when considering specified use factors applicable to an agricultural assessment, may rely on 5-year moving average data for certain crops; providing an effective date.

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

By Senator Klein—

SB 1036—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; revising requirements with respect to odometer readings for purposes of motor vehicle registration; providing additional requirements; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Latvala—

SB 1038—A bill to be entitled An act relating to trust funds; creating s. 403.8533, F.S.; creating the Drinking Water Revolving Loan Trust Fund within the Department of Environmental Protection; specifying the purposes of the trust fund; providing a conditional effective date.

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

By Senator Scott—

SB 1040—A bill to be entitled An act relating to district school board elections; requiring certain school districts to elect school district board members from single-member residence areas; providing an effective date.

—was referred to the Committees on Education; and Executive Business, Ethics and Elections.

By Senator Klein—

SB 1042—A bill to be entitled An act relating to international banking; amending s. 655.059, F.S.; providing for access to books and records of international banking corporations under certain circumstances; amending s. 663.01, F.S.; revising a definition; amending s. 663.07, F.S.; clarifying exclusion of certain deposits, borrowings, and credit of international banking facilities from total assets and liabilities; clarifying certain cash and security deposit requirements for international bank agencies or international branches; creating ss. 663.16-663.181, F.S.; providing for liquidation of international bank agencies and branches; providing definitions; providing for possession of a business and property by the Department of Banking and Finance; providing for inventory of assets; providing for wages; providing for deposit of certain assets; providing for appointment of agents and judges; providing for repudiation of contracts; providing for liability on repudiation or termination of contracts; providing for retention of certain security interests under qualified financial contracts; providing for effects on leases under repudiated contracts; providing for effect of possession of an international

banking corporation by the department; providing for damages; requiring notice of taking possession; providing criteria; providing for disposition of certain property; providing for claims; providing procedures; exempting the department from paying certain fees; providing for challenging possession of an international banking corporation by the department; repealing s. 663.02(2), F.S., relating to applicability of certain state banking laws to certain financial institutions; providing an effective date.

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

By Senator Rossin—

SB 1044—A bill to be entitled An act relating to revenues for foster care and related services; amending s. 409.1671, F.S.; requiring that the Department of Children and Family Services establish policies and procedures for certifying local funds used to match Title IV-E federal funds; requiring that excess funds resulting from local match funds be returned to the agency providing the excess funds; providing an effective date.

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

By Senator Klein—

SB 1046—A bill to be entitled An act relating to universal access to health care; providing legislative intent; providing definitions; creating the Florida Universal Health Access Plan; establishing the Florida Universal Health Access and Cost Containment Commission; providing commission responsibilities; providing for the appointment and responsibilities of an executive director; providing for implementation and administration of the plan; providing for deposit and use of certain moneys in the Florida Universal Health Access Trust Fund; establishing Florida Universal Health Access Trust Fund accounts; establishing a Health Professional Education and Training Fund; providing eligibility for health benefits under the plan; providing for covered and noncovered health services; providing access to participating providers; providing for reimbursement; providing for revenues and premium determinations; instructing the Agency for Health Care Administration to seek federal waivers; providing reporting requirements; providing an appropriation; providing an effective date.

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

By Senator Klein—

SB 1048—A bill to be entitled An act relating to community organizations; creating “The Community Asset Protection Act”; providing that all records and procedures relating to the transfer of the assets or management authority of a community organization to outside interests are open to the public; providing definitions; providing legislative intent; providing notice; providing for inspection and copying of records; providing an effective date.

—was referred to the Committees on Community Affairs and Judiciary.

By Senator Silver—

SB 1050—A bill to be entitled An act relating to partnership filings administered by the Department of State; amending s. 620.8101, F.S.; defining the terms “foreign limited liability partnership” and “limited liability partnership” and redefining the term “statement”; amending ss. 620.8103, 620.8105, 620.81055, 620.8106, 620.8201, 620.8303, 620.8304, 620.8306, 620.8307, 620.8701, 620.8702, 620.8703, 620.8704, 620.8801, 620.8805, 620.8806, 620.8807, 620.8903, 620.8906, 620.8907, F.S.; conforming statutory cross-references; providing for registration requirements; providing document filing fees; providing for governing law; providing for partners’ liability; providing for actions for and against part-

ners; providing for purchase of dissociated interests; providing for settlement and contribution; providing for conversions; providing for the effect of merger; creating ss. 620.9001, 620.9002, 620.9003, 620.9004, 620.9101, 620.9102, 620.9103, 620.9104, 620.9105, 620.187, F.S.; adopting the model act provisions of the limited liability partnership act into the Revised Uniform Partnership Act of 1995; providing for statement of qualification, name, annual report, statement of foreign qualification, effect of failure to qualify, activities not constituting transacting business, action by Attorney General, and limited liability limited partnerships; amending s. 865.09, F.S.; providing for conditions for exemption from fictitious name registration; providing for the use of corporate names; redesignating s. 620.90, F.S., as s. 620.9901, F.S., relating to applicability; redesignating s. 620.91, F.S., as s. 620.9902, F.S., relating to a saving clause; repealing ss. 620.78, 620.781, 620.782, 620.783, 620.784, 620.785, 620.786, 620.787, 620.788, 620.7885, 620.7887, 620.789, F.S., relating to registered limited liability partnerships; providing an effective date.

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

By Senator Klein—

SB 1052—A bill to be entitled An act relating to civil immunity of the district school board; providing legislative intent; exempting the district school board and its officers and employees, personnel or staff, school volunteers or teacher’s aides, and agents from certain liabilities for tort and other civil claims arising out of, and directly resulting from, use of school property or facilities for “community and recreational purposes,” as defined; providing an exception; providing an effective date.

—was referred to the Committees on Education; Judiciary; and Governmental Reform and Oversight.

By Senator Klein—

SB 1054—A bill to be entitled An act relating to county court assessments; amending s. 34.191, F.S.; providing that the county commission may assign the collection of fines, court costs, and other costs imposed by the county court and remaining unpaid after a certain period to a private attorney or collection agency under specified circumstances; providing for authorization by the county commission of any additional fee to offset collection costs; providing an effective date.

—was referred to the Committees on Community Affairs; and Governmental Reform and Oversight.

By Senator Klein—

SB 1056—A bill to be entitled An act relating to health care; creating s. 381.0408, F.S.; creating the Public Health Partnership Council on Stroke; providing responsibility and duties; providing council membership; directing the Department of Health to contract for certain services; providing for administrative location of the council at the Institute of Public Health at Florida Agricultural and Mechanical University; providing for members’ per diem and travel expenses; requiring a report; providing for legislative review of council accomplishments; providing an appropriation; providing an effective date.

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

By Senator Brown-Waite—

SB 1058—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; modifying the regulatory requirements of certain entities that provide health services under Medicaid; deleting a rule-making requirement for the Department of Insurance; deleting duplicative provisions relating to Medicaid recipient selection of provider entities; creating s. 636.0145, F.S.; exempting from certain regulatory requirements

prepaid limited health service organizations that serve only Medicaid clients; providing an effective date.

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

By Senator McKay—

SB 1060—A bill to be entitled An act relating to the Florida Life and Health Insurance Guaranty Association; amending s. 631.718, F.S.; prescribing a limit on assessments against certain member insurers of the association; providing an effective date.

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

By Senator Silver—

SB 1062—A bill to be entitled An act relating to workers' compensation; amending s. 440.15, F.S.; prohibiting benefits to prisoners during periods of confinement in a public institution; providing for recovery of lost compensation in certain situations; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Criminal Justice.

By Senator McKay—

SB 1064—A bill to be entitled An act relating to drycleaning contamination; amending s. 376.301, F.S.; redefining the term "real property owner"; amending s. 376.303, F.S.; providing for registration of active and inactive facilities; amending s. 376.3078, F.S.; declaring intent to encourage voluntary cleanup and for a liberal construction of immunity; providing standards of rehabilitation liability for active and inactive facilities; establishing standards for gross negligence; providing for the retroactive application of burden of proof in certain administrative proceedings; revising standards for reporting solvent spills outside containment structures; revising negligence standards for failure to follow solvent containment requirements; providing for voluntary site rehabilitation immunity; providing for the applicability of immunity from liability for real property owners; amending s. 376.308, F.S.; providing for immunity; amending s. 376.313, F.S.; conforming a statutory cross-reference; amending s. 376.70, F.S.; providing for payment of registration fees and collection of gross receipts taxes; providing conditions for eligibility in the cleanup program when taxes have not been paid; providing an effective date.

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

By Senator Williams—

SB 1066—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.81, F.S.; providing that an educational unit does not need to publish the preliminary text of proposed rules in the Florida Administrative Weekly; providing that educational units must publish notices of rule development by publication in a newspaper of general circulation; providing that an educational unit need not publish a notice of change in the Florida Administrative Weekly; providing that an educational unit need not publish a notice of a public meeting, hearing, or workshop in the Florida Administrative Weekly; amending s. 120.545, F.S.; conforming a statutory cross-reference; providing an effective date.

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

By Senator Silver—

SB 1068—A bill to be entitled An act relating to retirement; providing future periodic open enrollment periods for state retirees who want to obtain health coverage; providing conditions; providing eligibility; providing an effective date.

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

By Senator Silver—

SB 1070—A bill to be entitled An act relating to health care; amending s. 381.0406, F.S.; prohibiting rural health networks from denying membership to certain health care providers based solely on the provider's category of licensure; amending s. 408.706, F.S.; prohibiting such discrimination against applicants for participation in an accountable health partnership's provider network; requiring accountable health partnerships to demonstrate and ensure such nondiscrimination; providing for complaints; providing for cease and desist orders; providing for revocation of designation as an accountable health partnership; amending ss. 627.6471, 627.6472, F.S.; defining "reasonable access," with regard to the operation of preferred provider contracts and exclusive provider organizations, to prohibit such discrimination; requiring an exclusive provider organization's plan of operation to demonstrate such nondiscrimination; amending ss. 641.21, 641.405, F.S.; requiring the application for a health maintenance organization or prepaid health clinic certificate of authority to be accompanied by a plan of operation demonstrating such nondiscrimination; amending s. 641.315, F.S.; prohibiting health maintenance organizations from engaging in such discrimination in its provider contracts; creating s. 641.3923, F.S.; prohibiting a person, entity, or health maintenance organization from engaging in such discrimination in establishing its provider panel; requiring health maintenance organizations to demonstrate and ensure such nondiscrimination; providing for complaints; providing for hearings; providing for cease and desist orders; providing for suspension or revocation of a health maintenance organization's certificate of authority; providing an effective date.

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

By Senator Burt—

SB 1072—A bill to be entitled An act relating to elections; amending s. 101.141, F.S., relating to specifications for the primary election ballot; providing clarification with respect to charter county offices on the ballot; repealing s. 230.08, F.S., relating to nomination of school board members in primary elections; amending s. 228.053, F.S.; conforming a cross-reference, to conform; providing an effective date.

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

By Senator Latvala—

SB 1074—A bill to be entitled An act relating to water protection; amending s. 403.8532, F.S.; establishing drinking water and source water financial and technical assistance programs and providing for use of funds; amending s. 403.860, F.S.; establishing an administrative fine for certain violations; creating s. 403.8615, F.S.; directing the Department of Environmental Protection to establish requirements for water systems commencing operation after October 1, 1999; creating ss. 403.865-403.876, F.S.; defining certain terms; requiring operators of water or wastewater treatment plants to have an operator's license issued by the Department of Environmental Protection; allowing a utility to have more stringent requirements; authorizing the department to adopt rules; authorizing the secretary of the department to appoint the Technical Advisory Council for Water and Domestic Wastewater Operator Certification; authorizing the department to establish fees for applications, examinations, licensing and renewal, and record keeping; establishing grounds for disciplinary action; providing for a type two transfer of certain responsibilities of the Department of Professional Regulation

to the Department of Environmental Protection; providing a grandfather clause for certified operators; amending s. 163.01, F.S.; providing for the development of facilities that serve members of interlocal agreements; amending s. 403.087, F.S.; increasing the term for which certain permits may be issued by the Department of Environmental Protection; providing for renewal of operation permits for domestic wastewater treatment facilities for up to a specified term under certain circumstances at the same fee; providing an exception; requiring the department to keep certain records; repealing ss. 468.540, 468.541, 468.542, 468.543, 468.544, 468.545, 468.546, 468.547, 468.548, 468.549, 468.550, 468.551, and 468.552, F.S., relating to water and wastewater operator certification by the Department of Business and Professional Regulation; providing an appropriation; providing an effective date.

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

By Senator Burt—

SB 1076—A bill to be entitled An act relating to Volusia County; providing for members of the Volusia County School Board to be elected on a nonpartisan basis; prescribing procedures for qualification for office and for conducting elections for members of the board; ratifying referendum election; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Burt—

SB 1078—A bill to be entitled An act relating to Volusia County; amending ch. 70-966, Laws of Florida, which establishes the charter government of the county; establishing nonpartisan election of school board members; ratifying the referendum election; providing for the repeal of laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Barbers' Board Appointee: Capostagno, Frank, Winter Park	10/31/2000
Florida Building Code Administrators and Inspectors Board Appointees: Fuchs, Donald Lee, Jr., Oviedo Gregg, Ada Mijares, Belleair	10/31/2000 10/31/2000
Florida Corrections Commission Appointee: Revell, Ernest Guy, Jr., Tallahassee	06/30/2000
State of Florida Correctional Medical Authority Appointee: Hicks, Thomas Lynn, Tallahassee	07/01/1999
Board of Employee Leasing Companies Appointee: Bloomer, Donna Mary, Pensacola	10/31/2000
Board of Directors, Enterprise Florida, Inc. Appointee: Blue, Barbara Ann, Tampa	07/01/2000
Board of Directors, Workforce Development Board Appointees: Habif, Josefina Bonet, Key Biscayne	06/05/2000

<i>Office and Appointment</i>	<i>For Term Ending</i>
Lenard, Marilyn P., Tallahassee	06/05/2000
Board of Professional Geologists Appointee: Enos, Gabrielle Mitzn, Tampa	10/31/2000
Commission on Government Accountability to the People Appointee: Cosio Carballo, Isabel Cristina, Hollywood	08/21/2000
Florida Housing Finance Agency Appointee: Lee, Edward, Jr., Panama City	11/13/2000
Florida Commission on Human Relations Appointee: Jenkins, Whitfield, Ocala	09/30/2000
State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools Appointee: McCormick, Fenwick Donald, Ocala	07/01/1997
Board of Medicine Appointee: Murray, Louis Charles, Orlando	10/31/2000
National Conference of Commissioners on Uniform State Laws Appointee: Ehrhardt, Charles W., Tallahassee	06/05/1999
Board of Pilot Commissioners Appointee: Alonso-Poch, Manuel, Miami	10/31/2000
East Central Florida Regional Planning Council, Region 6 Appointee: Lamar, Howell Arthur, Titusville	10/01/1997
Tampa Bay Regional Planning Council, Region 8 Appointees: Davis, Albert, Tampa Young, Helen Wright, Tampa	10/01/1998 10/01/1997
Board of Trustees of the John and Mable Ringling Museum of Art Appointee: Cook, Marlow Webster, Sarasota	11/05/2000
Florida Commission on Veterans' Affairs Appointee: Ogilvie, Victor Nicholas, Altamonte Springs	11/16/2000
[Referred to the Committee on Executive Business, Ethics and Elections.]	
Board of Regents Appointee: Moyle, Jon Cameron, Jupiter	01/01/2003
[Referred to the Committees on Education; and Executive Business, Ethics and Elections.]	
Executive Director of Southwest Florida Water Management District Appointee: Vergara, Emilio De, Bradenton	Pleasure of the Board
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District Appointee: Starkey, Jay B. III, New Port Richey	03/01/1999
[Referred to the Committees on Natural Resources; and Executive Business, Ethics and Elections.]	

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 adopted HCR 775 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Rules, Resolutions, and Ethics; and Representative Thrasher and others—

HCR 775—A concurrent resolution amending Joint Rule One, Joint Rules of the Florida Legislature, relating to lobbyist registration and reporting.

—was referred to the Committee on Rules and Calendar

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 4 was corrected and approved.

CO-SPONSORS

Senators Dudley, Diaz-Balart, Sullivan and Cowin withdrew as co-sponsors of CS for SB 340.

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:27 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 3:15 p.m., Thursday, March 6.

**FLORIDA SENATE
TALLAHASSEE, FLORIDA 32399-1100**