



# Journal of the Senate

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## CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—38:

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

Excused: Senator Burt until 2:25 p.m.

## PRAYER

The following prayer was offered by former Senate President, Phil Lewis:

Let's lift our hearts and minds to God and ask for his blessing.

Our Heavenly Father, who has made the heaven and earth, we ask you today to bless this Senate and its leadership. We also, particularly, want to ask you to bless all of the older members who are visiting here today and remember those who can't be with us today who have passed on. We ask you to give the seated Senate the courage to do what is right for your people. Amen.

## PLEDGE

Senate Pages, Kristy Calhoun of Crawfordville and Alissa Michele Koerner of Jupiter, 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On motion by Senator Bankhead, by two-thirds vote **CS for SB 250** and **CS for SB 1288** were withdrawn from the Committee on Rules and Calendar; **CS for SB 272** was withdrawn from the Committee on Children, Families and Seniors; **CS for SB 630** was withdrawn from the Committee on Education; **SB 776** was withdrawn from the Committee on Regulated Industries; **CS for SB 1228** was withdrawn from the Committee on Criminal Justice; **SB 806** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means; and referred to the Committees on Governmental Reform and Oversight; Transportation; and Ways and Means; and **CS for SB 2044** was withdrawn from the Committee on Ways and Means and referred to the Committees on Community Affairs; and Ways and Means.

On motion by Senator Campbell, by two-thirds vote **SB 638**, **SB 640**, **SB 1902** and **SB 1200** were withdrawn from the committees of reference and further consideration.

On motion by Senator Childers, by two-thirds vote **SB 2320** was withdrawn from the committee of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 130**, **SB 152**, **CS for SB 270**, **SB 334**, **SB 684**, **CS for SB 1160**, **CS for SB's 1286 and 1446**, **SB 1344** and **CS for SB 1992** were withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan, by two-thirds vote **SB 52**, **CS for SB's 530 and 848**, **CS for SB 718**, **SB 1042**, **CS for SB 1084**, **CS for SB 1376**, **SB 1872**, **SB 2400** and **SB 2402** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **SB 766** was removed from the calendar and referred to the Committee on Judiciary; and **SB 2330** was withdrawn from the Committees on Commerce and Economic Opportunities; Governmental Reform and Oversight; and Ways and Means; and referred to the Committees on Commerce and Economic Opportunities; Health Care; and Ways and Means.

On motion by Senator Williams, by two-thirds vote **SB 2262** and **SB 2160** were withdrawn from the committees of reference and further consideration.

## MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. Friday, April 4, was set for filing amendments to Bills on Third Reading to be considered Monday, April 7.

## SPECIAL ORDER CALENDAR

On motion by Senator Hargrett—

**CS for SB 1002**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.066, F.S.; deleting a penalty for failure to provide proof of insurance to a law enforcement officer under certain circumstances; amending s. 316.2065; providing that a violation is a pedestrian violation; amending s. 316.2397, F.S.; authorizing motor fuel tankers to display amber lights; amending s. 316.645, F.S.; including reference to chapter 320, F.S. with respect to the arrest authority of an officer at the scene of a traffic accident; amending s. 318.1451, F.S.; authorizing the clerks of the court to establish notification procedures in regards to DUI schools; amending s. 318.18, F.S.; providing a fine for pedestrian and bicycle violations; revising the date by which the clerks of the court must transmit required

information; amending s. 318.19, F.S.; revising provisions with respect to infractions requiring a mandatory hearing, to include a cross-reference; creating ss. 319.40, 320.95, 322.70, 327.90, and 328.30, F.S.; authorizing the department to accept applications by electronic or telephonic means; amending s. 320.072, F.S.; providing an exemption to the additional fee imposed on certain motor vehicle registration transactions; creating s. 320.08048, F.S.; providing for sample license plates; providing a fee; amending s. 320.131, F.S.; revising provisions with respect to temporary tags; amending s. 321.24, F.S.; allowing an auxiliary of the Florida Highway Patrol to make arrests; amending s. 322.121, F.S.; conforming a cross-reference; amending s. 322.1615, F.S.; authorizing certain nighttime operation with respect to certain persons who have a learner's driver license; amending s. 322.32, F.S.; requiring certain knowledge for possession or display of certain invalid licenses to constitute a criminal violation; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations of driving privileges; providing penalties; amending s. 322.34, F.S.; providing penalties for driving with certain invalid driver's licenses; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations; providing penalties for habitual offenders; amending s. 328.16, F.S.; providing for the electronic transmission of certain lien information; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment:

**Amendment 1 (with title amendment)**—On page 22, between lines 2 and 3, insert:

Section 21. Subsection (1) of section 316.063, Florida Statutes, 1996 Supplement, is amended to read:

316.063 Duty upon damaging unattended vehicle or other property.—

(1) The driver of any vehicle which collides with, or is involved in an accident with, any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there either locate and notify the operator or owner of the vehicle or other property of the driver's name and address and the registration number of the vehicle he or she is driving, or shall attach securely in a conspicuous place in or on the vehicle or other property a written notice giving the driver's name and address and the registration number of the vehicle he or she is driving, and shall without unnecessary delay notify the nearest office of a duly authorized police authority. Every such stop shall be made without obstructing traffic more than is necessary. If a damaged vehicle is obstructing traffic, the driver shall make every reasonable effort to move the vehicle or have it moved so as not to obstruct the regular flow of traffic. Any person failing to comply with the provisions of this section shall be cited for a nonmoving violation, punishable as provided in chapter 318., upon conviction, be punished by a fine of not more than \$500 or by imprisonment for not more than 60 days or both.

Section 22. Subsections (3) and (4) of section 316.614, Florida Statutes, 1996 Supplement, are amended to read:

316.614 Safety belt usage.—

(3) As used in this section:

(a) "Motor vehicle" means a motor vehicle as defined in s. 316.003 that is operated on the roadways, streets, and highways of this state. The term does not include:

1. A school bus.
2. A bus used for the transportation of persons for compensation.
3. A farm tractor or implement of husbandry.
4. A truck of a net weight of more than 5,000 pounds.
5. A motorcycle, moped, or bicycle.
6. *The living quarters of a recreational vehicle.*

(b) "Safety belt" means a seat belt assembly that meets the requirements established under Federal Motor Vehicle Safety Standard No. 208, 49 C.F.R. s. 571.208.

(c) "Restrained by a safety belt" means being restricted by an appropriately adjusted safety belt which is properly fastened at all times when a motor vehicle is in motion.

(4) It is unlawful for any person:

(a) To operate a motor vehicle in this state unless each ~~front seat~~ passenger of the vehicle under the age of 16 years is restrained by a safety belt or by a child restraint device pursuant to s. 316.613, if applicable; or

(b) To operate a motor vehicle in this state unless the person is restrained by a safety belt.

Section 23. Paragraph (a) of subsection (1) of section 316.640, Florida Statutes, 1996 Supplement, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.

a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Game and Fresh Water Fish Commission, the Division of Law Enforcement of the Department of Environmental Protection, and law enforcement officers of the Department of Transportation each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle.

b. University police officers shall have authority to enforce all of the traffic laws of this state when such violations occur on or, *by agreement with the law enforcement agency have jurisdiction adjacent to* ~~about~~ any property or facilities that are under the guidance, supervision, regulation, or control of the State University System, except that traffic laws may be enforced off-campus when hot pursuit originates on-campus.

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the authority to enforce traffic laws of this state only as authorized by the provisions of chapter 570. However, nothing in this section shall expand the authority of the Office of Agricultural Law Enforcement at its agricultural inspection stations to issue any traffic tickets except those traffic tickets for vehicles illegally passing the inspection station.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

Section 24. Subsection (1) of section 316.655, Florida Statutes, is amended to read:

316.655 Penalties.—

(1) A violation of any of the provisions of this chapter, except those violations with a specific criminal charge, as enumerated in s. 318.17, are infractions, as defined in s. 318.13(3). Except for violations of s. 316.302, infractions of this chapter are punishable as provided in chapter 318. Any person convicted of a violation of or otherwise found to be in violation of s. 316.3025, s. 316.516, s. 316.545, or s. 316.550 or s. 316.063 shall be punished as specifically provided in that section.

Section 25. Subsection (4) of section 318.14, Florida Statutes, 1996 Supplement, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(4) Any person charged with a noncriminal infraction under this section who does not elect to appear shall pay the civil penalty and delinquent fee, if applicable, either by mail or in person, within 30 days of the date of receiving the citation, ~~unless the citation is for violation of s. 316.646, in which case payment may be made, either by mail or in person, within 20 days of the date of receiving the citation.~~ If the person cited follows the above procedure, he or she shall be deemed to have admitted the infraction and to have waived his or her right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings. Any person who is cited for a violation of s. 320.0605(1) or s. 322.15(1), or subject to a penalty under s. 320.07(3)(a) or s. 322.065, and who makes an election under this subsection shall submit proof of compliance with the applicable section to the clerk of the court. For the purposes of this subsection, proof of compliance consists of a valid driver's license or a valid registration certificate.

Section 26. Section 320.091, Florida Statutes, is created to read:

*320.091 Vehicles held in trust; license plates.—Any trust which provides the beneficial use of a vehicle registered to the trust to a person otherwise qualified for a special license plate pursuant to s. 320.0807, 320.083, 320.084, 320.0842, 320.0843, 320.0845, 320.086, 320.0863, 320.089, 320.0893, and 320.0898, may purchase the special license plate for the vehicle used by the qualified individual. The trustee shall provide an affidavit as to the terms of the trust related to the motor vehicle.*

Section 27. Section 320.535, Florida Statutes, is created to read:

*320.535 Airport vehicles and equipment; definition; exemption.—*

*(1) As used in this section, the term "airport fuel trucks and equipment" means trucks, trailers, containers, and other vehicles or equipment used for transporting aviation fuel.*

*(2) Airport fuel trucks and equipment shall be exempt from the provisions of this chapter which require the registration of motor vehicles, the payment of license taxes, and the display of license plates when operated or used for the purpose of transporting aviation fuel within the airport facility of any public-use airport of this state.*

*(3) The incidental operation of airport fuel trucks or equipment on the roads of this state within the airport facility while being operated for the purposes described in subsection (2) shall not deprive such vehicle of the exemption otherwise provided for in this section.*

Section 28. Subsection (3) is added to section 320.8232, Florida Statutes, to read:

320.8232 Establishment of uniform standards for used recreational vehicles and repair and remodeling code for mobile homes.—

(3) Any used mobile home that is moved from its site within a county or to another county must comply with the federal mobile home construction standards which were in effect at the time the mobile home was constructed which ensure safe, sanitary and livable housing. Standards for safe, sanitary and livable housing may include structural adequacy, plumbing, heating, electrical systems and fire and life safety. Any mobile home manufactured after 1968 and meeting the federal standards which were in effect at the time the mobile home was constructed shall be deemed to comply with all local habitation codes. Any mobile home con-

structed prior to 1968 must meet standards established by the department.

(a) The federal standards which were in effect at the time the mobile home was constructed may require the repair and renovation of mobile homes not meeting these standards. However, no provision of such standards shall be construed to require the home, or any component thereof, to meet a standard that exceeds the code to which the home was originally constructed. Inspection for compliance shall be pursuant to subparagraphs (1), (2), (3) and (4) of s. 320.8285.

(b) Local land use and zoning requirements, cleanliness requirements, fire zones, building setback and side and rear yard requirements, site development and property line requirements, subdivision control, and onsite installation requirements, as well as review and regulation of architectural and aesthetic requirements, are hereby specifically and entirely reserved to local jurisdiction. However, any architectural or aesthetic requirement imposed on the mobile home structure itself may pertain only to roofing and siding materials.

Section 29. Subsection (4) is added to section 322.38, Florida Statutes, to read:

322.38 Renting motor vehicle to another.—

(4) Any person renting a motor vehicle to another person is responsible for filling the fuel tank of the vehicle before delivering the vehicle to the lessee.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 26, after the semicolon (;) insert: amending 316.063, F.S.; providing maximum fine and term of imprisonment for damaging an unattended vehicle; amending s. 316.614, F.S., provides that the living quarters of a recreational vehicle is not included in the definition of a motor vehicle; providing that children under the age of 16 must wear a safety belt; amending s. 316.640, F.S.; authorizing university police officers to enforce traffic laws on property adjacent to the university; amending s. 316.655, F.S., correcting a cross-reference; amending s. 318.14, F.S.; extending the timeframe for a person to show proof of insurance to 30 days; creating s. 320.091, F.S.; authorizing the issuance of speciality license plates to vehicles held in trust; amending s. 320.535, F.S.; exempting airport fuel trucks and equipment from the payment of license taxes and the display of license plates when transporting aviation fuel within the airport facility of any public use airport; authorizing the incidental operation of airport fuel tanks or equipment on roads of this state within the airport facility; amending s. 320.8232, F.S.; providing that used mobile homes may be moved as long as the mobile home meets federal safety codes which were in effect at the time the mobile home was constructed; providing that certain aesthetic and land use and zoning requirements are reserved for local jurisdiction; amending s. 322.38, F.S.; providing that persons who rent motor vehicles must fill the fuel tank before renting the vehicle;

**MOTION**

On motion by Senator Hargrett, the rules were waived to allow the following amendments to be considered:

Senator Hargrett moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1A**—On page 3, lines 27 and 28, delete those lines and insert: violations occur on or adjacent to ~~about~~ any property or

**Amendment 1B**—On page 7, lines 22-30, delete those lines and insert: *The repair and renovation of mobile homes not meeting these standards may be required. However, no provision of such standards shall be construed to require the home, or any component thereof, to meet a standard that exceeds the code to which the home was originally constructed. Inspection for compliance shall be pursuant to subsections (1), (2), (3), and (4) of s. 320.8285. Local land use and zoning requirements, cleanliness*

**Amendment 1** as amended was adopted.

On motion by Senator Hargrett, further consideration of **CS for SB 1002** as amended was deferred.

On motion by Senator Williams—

**SB 98**—A bill to be entitled An act relating to outdoor advertising; amending s. 479.16, F.S.; allowing certain unpermitted signs in rural areas; prohibiting the implementation of this provision in certain circumstances; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 17, delete “8” and insert: 16 8

Pursuant to Rule 4.19, **SB 98** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Turner—

**CS for SB 442**—A bill to be entitled An act relating to education; creating a pilot project to promote school readiness for preschool children; requiring a report; providing an effective date.

—was read the second time by title.

Senator Turner moved the following amendment which was adopted:

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

Section 3. *From Federal funds appropriated to the Department of Education, up to \$150,000 may be expended to fund the pilot program.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 4, after “report;” insert: authorizing the use of certain funds;

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

On motion by Senator Rossin—

**CS for CS for SB's 566 and 626**—A bill to be entitled An act relating to the WAGES Program; amending s. 414.0252, F.S.; revising definitions; conforming terminology to reflect the reorganization of the Department of Health and Rehabilitative Services and the creation of the Department of Children and Family Services; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; deleting obsolete provisions; amending s. 414.027, F.S., relating to the WAGES Program statewide implementation plan; conforming terminology to reflect the redesignation of the Enterprise Florida Jobs and Education Partnership as the workforce development board; amending s. 414.028, F.S., relating to local WAGES coalitions; deleting a provision that allowed a member of a local coalition to benefit financially from transactions of the coalition under certain circumstances; requiring the local coalition to select an entity to administer the program and financial plan; amending s. 414.029, F.S.; specifying certain tax exemptions allowed to a business that provides jobs for program participants; amending s. 414.065, F.S., relating to work requirements; clarifying duties of the Department of Children and Family Services and the Department of Labor and Employment Security with respect to program implementation; specifying the age limit for qualifying to receive continuing support through a protective payee in circumstances involving a family member's repeated noncompliance with work requirements of the act; deleting obsolete provisions for implementing the program if the Federal Government failed to enact welfare-reform legislation; amending ss. 414.075, 414.085, 414.095, F.S., relating to resource and income eligibility standards and the determination of eligibility; clarifying certain requirements under which a person is eligible to participate in the WAGES Program; amending s. 414.105, F.S., relating to time limitations for receiving temporary cash assistance under the WAGES Program; deleting a future repeal of such provisions; amending s. 414.115, F.S.; clarifying circumstances under which assistance is limited if additional children are born to a family that receives temporary cash assistance;

amending s. 414.122, F.S.; revising procedures for the department in withholding payments based on evidence of fraud; amending s. 414.125, F.S.; providing for sanctions to be imposed if a participant fails to attend a conference with a school official as required under the Learnfare Program; amending s. 414.15, F.S., relating to diversion assistance; clarifying provisions for determining eligibility; amending s. 414.16, F.S., relating to emergency assistance; correcting a cross-reference; amending s. 414.175, F.S., relating to the review of waivers granted by the Federal Government; clarifying provisions; amending s. 414.20, F.S.; clarifying the duties of the Department of Labor and Employment Security with respect to support services provided under the WAGES Program; amending ss. 414.21, 414.22, 414.23, 414.24, F.S., relating to transitional benefits, evaluations, and the integrated delivery of services; clarifying the duties of the Department of Labor and Employment Security; amending s. 414.25, F.S., relating to an exemption from requirements for leasing real property; correcting provisions to reflect the creation of the Department of Children and Family Services; amending s. 414.27, F.S.; clarifying provisions for paying temporary cash assistance upon the death of the recipient; amending s. 414.28, F.S.; clarifying procedures for making a claim against the estate of a recipient of public assistance; amending s. 414.29, F.S.; providing that lists of persons who have received temporary cash assistance are a public record; amending s. 414.32, F.S.; clarifying provisions under which a person's food stamp allotment is reduced or terminated; amending s. 414.35, F.S., relating to emergency relief; clarifying provisions; amending s. 414.36, F.S.; clarifying requirements for the Department of Children and Family Services with respect to recovering overpayments of public assistance; amending s. 414.38, F.S.; clarifying duties of the department with respect to a pilot work experience and job training program for noncustodial parents; amending ss. 414.39, 414.40, F.S., relating to penalties for fraudulently obtaining public assistance and the Stop Inmate Fraud Program; revising provisions to reflect changes in terminology and the transfer of responsibility for persons receiving temporary cash assistance to the Department of Children and Family Services; amending s. 414.41, F.S., relating to the recovery of payments; requiring the Department of Children and Family Services to initiate an administrative disqualification hearing in certain instances; providing for a disqualification period; clarifying duties of the Agency for Health Care Administration with respect to collecting overpayments of Medicaid funds; amending s. 414.42, F.S.; revising provisions to reflect the responsibilities of the Department of Children and Family Services with respect to public assistance programs; amending ss. 414.44, 414.45, F.S.; authorizing the Department of Labor and Employment Security to collect data, make reports required under federal law, and adopt rules; amending s. 414.55, F.S.; requiring that the Governor take certain actions with respect to implementing a community work program; providing requirements for determining eligibility for individuals assigned to an ongoing evaluation; providing for the evaluation agreement to continue regardless of federal waivers; amending s. 402.313, F.S.; providing requirements for standards established for family day care homes that provide subsidized child care; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendments which were adopted:

**Amendment 1 (with title amendment)**—On page 5, lines 27-30, delete those lines and insert:

Section 2. Subsection (1) and paragraph (a) of subsection (2) of section 414.026, Florida Statutes, 1996 Supplement, are amended to read:

414.026 WAGES Program State Board of Directors.—

(1) There is created within the Executive Office of the Governor the WAGES Program State Board of Directors, which shall oversee the operation of the WAGES Program and shall advise and assist state agencies in implementing the WAGES Program. *There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member of the WAGES Program State Board of Directors or its employees or agents for any action taken by the board in the performance of its powers and duties under this chapter.*

And the title is amended as follows:

On page 1, line 9, following the semicolon (;) insert: providing immunity from liability for board members, agents, and employees;

**Amendment 2**—On page 6, line 31, before “member” insert: *nonvoting*

**Amendment 3**—On page 10, line 25, after “county” insert: *or municipal*

**Amendment 4 (with title amendment)**—On page 12, line 18, after the period (.) insert: *In developing and coordinating the program and financial plan, the local coalition shall consider issues related to the responsibility of fathers to support noncustodial children. Such consideration shall include, but need not be limited to:*

(a) *Activities that will improve the process for establishing paternity, which shall be developed in cooperation with the Division of Child Support Enforcement of the Department of Revenue, the Healthy Start Coalition, the Department of Health, and the Florida Coalition Against Domestic Violence.*

(b) *Work activities for noncustodial parents described in s. 414.065(8). In addition to court-ordered activities, the plan may include work activities that facilitate employment of noncustodial parents for whom a court order has not been issued.*

*To the extent permitted by federal law and determined appropriate by the local coalition, WAGES Program resources may be used for activities that are designed to encourage noncustodial parents to provide support for their children and that are consistent with program and financial guidelines established by the WAGES Program State Board of Directors. A local coalition is encouraged to use funding approaches that leverage other federal, state, or local funds, including, but not limited to, funds provided under workforce development programs, teen parent programs, and the Healthy Start Program.*

And the title is amended as follows:

On page 1, line 23, after the first semicolon (;) insert: providing additional duties for the local WAGES coalitions with respect to improving the process for establishing paternity for noncustodial parents and providing work activities for noncustodial parents;

**Amendment 5 (with title amendment)**—On page 12, between lines 26 and 27, insert:

(7) *There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member of a local WAGES coalition or its employees or agents for any lawful action taken by them in the performance of their powers and duties under ss. 414.028-414.029.*

And the title is amended as follows:

On page 1, line 23, following the first semicolon (;) insert: providing immunity from liability for coalition members, agents, and employees;

**Amendment 6 (with title amendment)**—On page 76, between lines 20 and 21, insert:

Section 39. Subsection (7) of section 409.2554, Florida Statutes, 1996 Supplement, is amended to read:

409.2554 Definitions.—As used in ss. 409.2551-409.2597, the term:

(7) “Public assistance” means food stamps, money assistance paid on the basis of Title IV-E and Title XIX of the Social Security Act, or temporary cash assistance paid under the WAGES Program.

(Renumber subsequent section.)

And the title is amended as follows:

On page 5, line 6, after the semicolon (;) insert: amending s. 409.2554, F.S.; redefining the term “public assistance” to conform;

Senator Sullivan moved the following amendment which was adopted:

**Amendment 7 (with title amendment)**—On page 76, between lines 20 and 21, insert:

Section 39. *Section 112 of chapter 96-175, Laws of Florida, is repealed.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 5, line 6, after the semicolon (;) insert: repealing s. 112 of ch. 96-175, Laws of Florida, that provides that certain authorized posi-

tions and funds may be transferred by the Executive Office of the Governor;

Senator Forman moved the following amendment which was adopted:

**Amendment 8 (with title amendment)**—On page 11, lines 4-8, delete those lines and insert: Notwithstanding paragraph (1)(b), in a region in which the duties of the two boards are combined, a person may be a member of the WAGES coalition even if the member, or the member’s principal, could benefit financially from transactions of the coalition. *However, members must recuse themselves from voting on all matters from which they or their principals could benefit financially. Failure to recuse on any such vote will constitute grounds for immediate removal from the local WAGES coalition.*

And the title is amended as follows:

On page 1, line 23, after the first semicolon (;) insert: prescribing grounds for removal of local coalition members;

Pursuant to Rule 4.19, **CS for CS for SB’s 566 and 626** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SB’s 780, 520 and 692** was deferred.

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On motion by Senator Harris—

**CS for SB 1756**—A bill to be entitled An act relating to economic development; amending s. 216.292, F.S.; authorizing an agency selling a building to accept the construction of a replacement building totally or partially in lieu of cash; amending s. 288.047, F.S.; proscribing certain uses of funds for the Quick-Response Training Program; creating s. 288.049, F.S.; authorizing Enterprise Florida, Inc., to establish a pilot matching grant program for the provision of job-training grants; requiring Enterprise Florida, Inc., to establish guidelines for the program; limiting the use of grant funds; requiring a grant agreement and a report on program results; specifying that the same proposal may not provide the basis for the award of training under this pilot training program and the Quick Response Training Program; amending s. 288.063, F.S.; proscribing certain uses of funds for contracts for economic development transportation projects; amending s. 288.1045, F.S.; providing for the qualified defense contractor tax refund program to be administered by the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the definition of an applicant under such program; proscribing certain uses of funds for such program; correcting a statutory reference; amending s. 288.106, F.S.; proscribing certain uses of funds for the tax refund program for qualified target industry businesses; amending s. 288.9015, F.S.; providing for the responsibilities of Enterprise Florida, Inc., with respect to workforce development to include participants in the WAGES Program; specifying that Enterprise Florida shall provide leadership in job creation, including jobs for residents who are economically disadvantaged or who are participants in the WAGES Program or otherwise receive public assistance; requiring Enterprise Florida, Inc., to prepare a guide and checklist for starting and operating a business in Florida; requiring Enterprise Florida, Inc., to develop and maintain certain records on regulatory requirements; amending s. 288.903, F.S.; providing additional requirements for the annual report of Enterprise Florida, Inc.; amending s. 288.905, F.S.; revising requirements for the strategic plan prepared by Enterprise Florida, Inc.; providing for modifications and updates to the strategic plan; providing for the submission of recommendations on development of certain business sectors; amending s. 288.9614, F.S.; authorizing the capital development board of Enterprise Florida, Inc., to take actions for the development of microenterprises; amending s. 288.9620, F.S.; requiring the Enterprise Florida, Inc., workforce development board to include participants in the WAGES Program within populations selected for resources, guidance, or services; amending s. 290.0411, F.S.; revising the legislative intent for the Florida Small Cities Community Development Block Grant Program Act to include pledging public money to guarantee loans; amending s. 290.044, F.S.; expanding administration of the Florida Small Cities Community Development Block Grant Program Fund to include loan guarantees; conforming provisions; creating s. 290.0455, F.S.; creating the Small Cities Community Development Block Grant Loan Guarantee Program; providing for the purpose, administration, and conditions of the program; authorizing the Depart-

ment of Community Affairs to pledge revenues from the community development block grant program in order to guarantee certain loans; amending s. 290.047, F.S.; exempting the loan guarantee program authorized under s. 290.0455, F.S., from certain grant ceiling requirements; providing for grant ceilings under the Community Development Block Grant Program to be reduced based on defaults on guaranteed loans; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to pledge community development block grant revenues to guarantee certain notes or obligations; amending s. 380.06, F.S.; requiring local government comprehensive plan amendments related to a proposed development of regional impact to be considered concurrently with the application for development approval; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or renewals of licenses; amending s. 455.2141, F.S.; authorizing the Agency for Health Care Administration to appoint the county tax collector as an agent of the agency for purposes of accepting applications for licenses or renewals of licenses; authorizing the Department of State to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; authorizing the Department of Labor and Employment Security to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; providing severability; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Harris and adopted:

**Amendment 1 (with title amendment)**—On page 5, line 29 through page 6, line 3, delete those lines and insert:

Section 3. (1) *Subject to specific appropriations in the General Appropriations Act, Enterprise Florida, Inc., may, for the 1997-1998 fiscal year, establish a pilot*

And the title is amended as follows:

On page 1, line 9, delete that line and insert: authorizing

**Amendment 2**—On page 27, lines 4-7, delete those lines and insert:

(c) The agreement shall be signed by the ~~director~~ secretary and the authorized officer of the qualified applicant ~~within 30 days after the entry of a final order certifying the qualified applicant pursuant to subsection (3).~~

**Amendment 3**—On page 29, between lines 25 and 26, insert:

(g) *A prorated tax refund, less a 5-percent penalty, shall be approved for a qualified applicant provided all other applicable requirements have been satisfied and the applicant proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment.*

**Amendment 4**—On page 39, delete line 1 and insert: *study and support of microenterprises. Such actions, subject to a specific appropriation in the General Appropriations Act, may*

**Amendment 5**—In title, on page 1, line 28, after the semicolon (;) insert: deleting a time requirement to sign agreements; providing for a prorated tax refund with penalty if jobs are less than projected;

Senator Harris moved the following amendments which were adopted:

**Amendment 6**—On page 5, line 7, after the period (.) insert: *The replacement building shall be consistent with the current and projected needs of the agency as agreed upon by the agency and the Department of Management Services.*

**Amendment 7**—On page 9, lines 27 and 28, delete those lines and insert: *unit entity* that is a subcontractor under a valid Department of Defense contract or any business *unit entity* that holds a valid

Pursuant to Rule 4.19, **CS for SB 1756** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

**SB 854**—A bill to be entitled An act relating to state lands; amending s. 253.68, F.S.; deleting a requirement that precludes the Board of Trustees of the Internal Improvement Trust Fund from granting a lease for aquaculture activities in areas objected to by resolution of the county commission; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 854** was placed on the calendar of Bills on Third Reading.

## SENATE REUNION

President Jennings requested that the following former Senate Presidents join her at the rostrum: Randolph Hodges, 1961-62; Mallory E. Horne, 1972-74; Dempsey J. Barron, 1974-76; Lew Brantley, 1976-78; Philip D. Lewis, 1978-80; W. D. Childers, 1980-82; John W. Vogt, 1986-88; Bob Crawford, 1988-90; Gwen Margolis, 1990-92; Ander Crenshaw, 1992-93; Pat Thomas, 1993-94; and James A. Scott, 1994-96.

The President also recognized former Senators David C. Lane, Republican Leader, 1972-74; John T. Ware, Republican Leader, 1974-76 and 1978-80; Kenneth A. Plante, Republican Leader, 1976-78; Senator James A. Scott, Republican Leader 1980-82; former Senator Pete Skinner, Democratic Leader 1980-82; Senators Toni Jennings, Republican Leader 1986-88; William G. (Doc) Myers, Republican Leader, 1988-90 and 1994-96; former Senator Ander Crenshaw, Republican Leader 1990-92; Senators Pat Thomas, Democratic Leader, 1992-93; W. G. (Bill) Bankhead, Republican Leader, 1992-94; Ronald A. Silver, Democratic Leader, 1993-94; Kenneth C. Jenne II, Democratic Leader, 1994-98; and Locke Burt, Republican Leader, 1996-98.

The following former members of the Senate and their guests, in attendance for the 1997 Senate Reunion, were welcomed by the President: former Governor Reubin O'D. Askew, his wife Donna Lou, and guests Dr. Lance De-Haven Smith and Westi Jo De-Haven Smith; Malcolm E. Beard, and his wife Mary Ellen; John R. Broxson, and his wife Christina; Doyle E. Carlton, Jr.; Judge C. Welborn Daniel, and guest, former senate employee, Faye Connell; Helen Gordon Davis; Timothy D. Deratany; Edgar M. Dunn, Jr.; Vince Fechtel, Jr., his wife Dixie and his daughters, Elizabeth and MaryKatherine; Pat Frank; Judge Elmer O. Friday, Jr., and his wife Jo; Winston W. (Bud) Gardner, Jr.; William M. Gillespie, and his wife Sally; Jim Glisson, and his wife Flora; Edmond J. Gong, and his wife Dana Clay; Jack D. Gordon; Bill Gorman, and his wife Toddy; Bill Grant, and his wife Janet; Tom Greene; Bill Gunter; Horry Hair, and his wife Frances; Mattox Hair; Beth Johnson, and her husband Bill Gibson; Karen Johnson; Robert M. (Bob) Johnson; Frederick B. Karl, and his wife Mercedes; Curt Kiser; David C. Lane, M.D.; Gerald A. Lewis; Tom Lewis, and his wife Marian Louise; Franklin B. Mann; Clark Maxwell, Jr.; David H. McClain, and his wife Carroll; Robert W. McKnight; Tom McPherson, and his wife Janet; Kenneth M. Myers; Judge T. Truett Ott, his wife Anita and grandson, Truett Gardner; Kenneth A. Plante, and his wife Sandy; Van B. Poole; Bob Saunders, and his wife Milly; Henry B. Saylor, and his wife Wyline; Judge Robert L. Shevin; Sherrill (Pete) Skinner, and his wife Ann; Tom Slade; Judge Guy Spicola, and his wife Georgie; Paul B. Steinberg, and his wife Sandra; George Stuart, Jr., and his wife Betty; Alan Trask, and his wife Irene; Judge John T. Ware, and his wife Joyce; Peter M. Weinstein; Lori Wilson; and Marlene Woodson-Howard.

The following special guests were also welcomed: Terri Jo Barron, wife of Senator Dempsey J. Barron; Catherine Brantley, wife of Senator Lew Brantley; Barbara Brannen, widow of Senator Bob Brannen, grandchildren Thomas Brannen, Kris Brannen and Todd Geiger, and guest Joy Figueredo; Margie Johnson, widow of Senator Dewey M. Johnson, and daughter Sandra Johnson; and Gwen Mathews, widow of Senator Jack Mathews, and daughter Kimball Mathews.

The President introduced the following new members of the Senate: Senators Walter (Skip) Campbell, Charlie Clary, Anna Cowin, Ron Klein and Tom Lee.

By the direction of the President, the Secretary read the names of former Senators who have passed away since the last reunion: John McCarty, John Fisher, James E. Connor, G. W. Williams and Curtis Peterson.

## SPECIAL REMEMBRANCE

**President Jennings:** Senators, as you know, we lost Curtis this summer. It was a real loss, as each loss of one of our members is. Many of us had the opportunity to serve with Curtis Peterson; others did not. Curtis' picture over there has flowers and a bill in his hand. For those whose eyesight is not as good as it used to be, it says on that bill, "An Act relating to education," because Curtis was a champion of education. He was not the first President I served with, but he was the second President and the first who I had the honor of being a chairman with. Curtis Peterson taught me a lot about the process.

Today we would like to remember Curtis for a few moments. For those of you who knew him and for those of you who have never had that experience, we'd like to tell you a little bit about the Curtis Peterson we knew. And I want you to know how special it is to me to have Ethel here with us today because Curtis and Ethel were a wonderful team and life partners; as it is to have Pete and Barbara and his granddaughters, Katie and Ginny. Those of you who were here when Curtis was President will remember when those girls were born. I'm starting to feel pretty old as I look at them. Curtis' family has come to participate in the Reunion of our Senate family and to be with us today to honor the memory of our beloved Curtis Peterson. Senators, if you would direct your attention to the screen above, we have just a few clips of Curtis Peterson.

By direction of the President, the following memorial resolution was read in full:

## MEMORIAL RESOLUTION

On motion by Senator Dantzler—

By Senator Dantzler—

**SR 2442**—A resolution expressing sorrow at the death of Senator N. Curtis Peterson, Jr.

WHEREAS, Senator N. Curtis Peterson, Jr., died July 19, 1996, and

WHEREAS, Senator Peterson served in the Florida Senate from 1972 to 1990, and as President of the Florida Senate from 1982 to 1984, and

WHEREAS, it is fitting that the Florida Senate commemorate the life and achievements of one of its former members who served his district and the state with distinction, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to pay its respects to the late Senator N. Curtis Peterson, Jr., and that the Florida Senate in session assembled does record this testimonial of esteem and bereavement:

IN MEMORIAM

N. CURTIS PETERSON, JR.

N. Curtis Peterson, Jr., was born in Lakeland, Florida, August 23, 1922, was educated at Florida Southern College and George Washington University, and served in the U.S. Coast Guard, during World War II on convoy duty in the Atlantic and Caribbean.

He married Ethel Schultz from Chicago, Illinois, and has two sons, Pete and Curtis, and four grandchildren, Katie, Ginny, Abigail, and Noah. While he managed to spend much time with his family, he also served as a church bus driver, a Little League umpire, a Boy Scout leader, and a Sunday school teacher. As his son Pete said, "He tried to be everyone's best friend, that's how he made us feel, we were all his best friend."

Senator Peterson was a lifelong resident of Lakeland, well known as a civic leader, for his frequent walks around Lake Morton, and as an active member of Southside Baptist Church located close to the house where he was born. He left his mark on Polk County by helping to bring a University of South Florida Campus to the county, pushing for the Polk County Parkway, and acting as a director of the Polk County Association for Retarded Citizens.

He was elected to the Senate in 1972, served as President from 1982 to 1984, and wore a rosebud in his lapel every day at the Capitol. His main legislative interest was education, and he served as chairman of

the Education Committee and the budget subcommittee dealing with education. He was instrumental in the passage of legislation increasing the standards for education, extending the school year, and increasing the number of credits required for graduation from high school.

He was the recipient of numerous awards, including the Allen Morris awards for "Most Effective Member of the Senate" in 1981 and for "Most Effective in Committee" in 1977 and 1980. He was one of the first licensed landscape architects in Florida, president of the Florida Nurserymen and Growers Association, a member of the American Association of Nurserymen, director and president of the Agribusiness Institute of Florida, president of the Agricultural Tax Council, and chairman of the Florida Agricultural Advisory Council.

BE IT FURTHER RESOLVED, that a copy of this resolution, signed by the President of the Senate and with the Seal of the Senate affixed, be transmitted to Mrs. Ethel Peterson, widow of Senator Curtis Peterson, as a tangible token of the sentiments of the Florida Senate and as a lasting symbol of the respect held by its members.

—was introduced out of order and read by title. On motion by Senator Dantzler, **SR 2442** was read the second time in full and unanimously adopted.

## SPECIAL GUESTS

The President introduced the following special guests who were present in the chamber: Ethel Peterson, widow of former President Curtis Peterson; Pete and Barbara Peterson, his son and daughter-in-law; and his granddaughters, Katie and Ginny.

The President presented copies of the resolution to the family.

## MOTION

On motion by Senator Latvala, the following remarks were ordered spread upon the Journal:

**Senator Dantzler:** Thank you, Madam President and Senators. It is my great privilege this morning to offer a few comments on the resolution. Let me begin by telling you about a phone call I received on the night that I was elected in 1982. That telephone call was from Senator Peterson. He was just getting ready to be the President of the Senate for that term. I was deeply honored that he would call me and congratulate me on my election; but he told me a couple of things that I would like to share with you.

First of all, he said that as an elected official, I was going to have the opportunity to meet the very finest people in the world and that has certainly been true. Now, he didn't tell me that I was going to meet all the others as well. But he did tell me I was going to have a chance to meet the very finest people in the world. I believe that now to be true and many of you in this chamber I would count among those.

The other thing he said was for me to always remember that the office I had just been elected to was not my office. It belonged to the people I was representing. I have always tried to remember that. I think for those Senators who are beginning their term here in the Senate, and their careers of public service, that would be a good thing for them to remember as well.

I had the chance to serve for a number of years, as I mentioned, in the House before I came to the Senate. I can tell you it was always a great comfort to those of us in the House to know that Curtis was here in the Senate. He was a master of the budgetary process. In fact, I used to believe that he had forgotten more about the budgetary process than I would ever know. But it was a great comfort to those of us down there to know he was down here and he would handle those things we were just not able to deal with on our side and he would deal with those parochial matters that were of particular interest to Polk County in a special way. So he did more for Polk County than you will ever know.

He has certainly left his mark. The President told us he is holding an education bill. I am told, Madam President, that it's not just an education bill, but it is the RAISE bill itself, which he is probably the most known for.

He was certainly a person who was involved in other policy areas as well. He worked a lot in the area of corrections. He used to talk to me



about that at great length. I don't want to overstate this, but in a very real sense, Curtis was almost a fatherly figure to me. He seemed to really take me under his wing in many regards, and he really helped me out during my first few years here in the Legislature. His impact on this state has been enormous but his impact on our county has been even more dramatic, in my view.

We are all aware of that part of his life, but I'm here to tell you also that he was a great husband and a great father as well. It was not uncommon at all for him, for example, to go home at lunch just to check on Ethel, to help out with lunch, and to make sure she was okay. I'm told that he loved his grandchildren, and as token of our appreciation, Mrs. Peterson and Pete, the members of the Polk County Legislative Delegation have some flowers we would like to present to you at this time. Let me just end by saying this: Curtis Peterson loved his state and he cared deeply about its future. I think if we can always remember that, we will be in good stead. We are saddened by his death, but his memory lifts our spirit. Thank you for giving me the chance to comment on the resolution. I would like to present these flowers at this time, Madam President.

**President Jennings:** Please do, Senator Dantzler. I don't think I ever saw a day that Curtis Peterson didn't have a fresh rosebud in his lapel.

**Senator Dantzler:** I also have a rosebud for his son.

**President Jennings:** We're going to have a few more remarks and then other Senators would like to share some thoughts. During Curtis' presidency, Senator Jack Gordon served as his Pro Tem. Jack, would you share some thoughts on the time you were with him in the Senate with all of us?

**Senator Gordon:** Yes, I really appreciate the opportunity. Curtis was here a year before me. There were a number of things about Curtis that we all knew him for. We knew him for his unfailing courtesy to every Senator and every staff member. I only know of one instance where Curtis sort of lost his cool. Senator Plante will remember it was in a debate about some strange bill requiring both male and female bathrooms in public places. I thought it was kind of silly, so I offered an amendment to add "and homes" so that everybody would have an equal protection thing. Senator Plante came immediately to my defense, pointing out that in his house, with all his children, that would be a wonderful way to solve morning traffic problems. Curtis finally got so upset that he said, "Stop fooling with me, stop fooling with me."

This whole education side of Curtis was remarkable in a number of dimensions. It was not only remarkable in terms of substance, but in terms of moving things along in the direction that he wanted. There may be some House members here that may have had the misfortune to sit on the Education Subcommittee budget hearings. I have never seen a negotiator like Curtis. I have seen him, time after time, drive House members right up the wall. He knew what he wanted and he was prepared to sit for the next three months till he got it.

He got a lot of the things that have done an awful lot to move education and he was mostly concerned with public education. He knew that if you were going to make any changes kindergarten through twelfth grade was the place that they would be made. That was the situation in which his closest advisor was not Jack Gordon, it was Ethel Peterson. I think we all should recall and understand the fact that Ethel had and still has a deep concern about the quality of the public schools of this state and she encouraged Curtis. Probably what made him able to sit there for all that period of time was knowing that if he came back without what he wanted to get, he was going to have a lot of trouble. Ethel had served a very real purpose.

I observed Curtis. We certainly came from different perspectives, as he represented the values of a Florida that is gone because there are too many people here. He understood why we had to change. There are some people who don't understand the difference between a state with four or five million people and a state with fifteen million people. Curtis represented, in many ways, the values of that five million- or three million-person state, but he never failed to see that you had to change the way the state was financed, and the way you dealt with people on an equal basis.

There are a variety of ways in which he was able to lead us forward. It was always good for him to have this conservative image and I would like to point this out to Senator Barron and Senator Childers. They had

a mild disagreement during the course of Senator Childers' presidency. I was the Appropriations Chairman and I brought a budget to the floor which was sent back. Curtis was given the responsibility of doing a new budget, because after all, this liberal Miami Beach banker was spending too much money. Curtis came back with a budget \$300 million more than mine and everybody said what a great, conservative budget this is. That taught me a lesson, that your reputation around here lasts a long time.

I'm sure Curtis' reputation is going to last a very long time; it really ought to, because his devotion to the principle that the office doesn't belong to the holder, it belongs to the people and how are we best going to serve the people was certainly his credo—a credo that very well could always be adopted. He will always be remembered very fondly and favorably by anyone that had contact with him as the epitome of those values. Thank you, Madam President.

**President Jennings:** Senator Bob Crawford served with Senator Peterson all of his House and Senate career. Senator Crawford, will you share some thoughts with us?

**Commissioner Crawford:** On behalf of Curtis' constituents back in good old Imperial Polk County, we appreciate very much this remembrance of Curtis today. I remember the day that we learned of Curtis' death. We were all here in Tallahassee when that bad news swept through the Capital. I've really never seen such a genuine feeling of sadness that came over Tallahassee that day. It's always too early when those things happen, but I think in Curtis' situation we all just felt like we needed more of him. We went down and saw Ethel. We had a great experience with Curtis and we miss him very much today.

Curtis started pretty early being interested in politics. For those of you who may not be that familiar, there is a long history of the Peterson family back in Polk County. His uncle, J. Harden Peterson, was a Congressman for a number of years. In 1941 Curtis served as a Page for the U.S. Congress. He was actually on the floor of the House of Representatives when President Franklin Roosevelt asked for a declaration of war; so his history goes way back and I think that incident got his interest. Some of the things you may not remember in Polk County politics: the first time Curtis ran for public office, he ran for the House. He had a worthy opponent named C. Fred Jones from Auburndale. C. Fred beat him by just a little bit and won the House seat which turned out to be the best thing that happened to Curtis. Not too long after that, an opening came up in the State Senate, so Curtis ran for the Senate and the good campaign he ran against Fred came through and he beat a fellow everybody thought would win, and that was Andy Ireland. Andy went on and ran for Congress and got elected. Curtis came to the Senate and instantly made a name for himself. In addition to education, of course, I am cognizant of the fact that Curtis was an expert on agriculture issues. As a nurseryman, he knew more about plant diseases and what we need to do for Florida agriculture than probably anybody who has ever served in the Florida Senate, and we really miss him for that. Madam President, when former presidents and all the future presidents here give their opening day inauguration speech, you wonder if anybody is really listening; I'm not sure that anybody does, but we presidents listen to what we say. I went back and read Curtis' speech that he gave November 16, 1982, and there was a line in there that speaks what Curtis Peterson was mostly all about. He said this, "And Senators, our first responsibility is not to do what they, the lobbyists or the members of the media think is best for Florida, but it is our responsibility to do what our conscience tells us is best for the people of the State of Florida." That was Curtis Peterson. He would take on anybody; he would take on the lobbyists, news media and sometimes they took it right on the chin when Curtis was at it. In education it didn't matter. If you had to fight with the teachers' union, you also had to fight with the administration. No matter who it was, Curtis was determined to do what was right on any issue he was involved in, and thankfully for the State of Florida, we had Curtis at the helm for a number of years. On this day it is great to remember what a great person Curtis Peterson was. Thank you, Madam President.

**Senator Beard:** Thank you, Madam President. I just want to recall an occasion. I was sitting on about eight bills down in Transportation and Senators started asking, "When are you going to hear my bill?" I said, "We'll get around to it." Then I got a letter from one. I went to the President and I said, "Mr. President, I have something happening that might become a problem for you. I'm holding some bills, eight of them, and I'm hearing some rumbles and perhaps they may be coming to you about it and I want to feel you out." He said, "Malcolm, let me tell you



something, boy. If a chairman don't know how to sit on a bill, he shouldn't be chairman."

**Senator Dudley:** I only served about four years with Senator Peterson, so I just want to say one thing about him as a Senator and then a few things about him as a person. I actually got to know him a lot better when he decided not to run for reelection. It was then that we did a lot of fishing together. Senator Horne is, I guess, the current heir of this lineage that came, certainly in modern times, from Curtis through Bob Johnson. I have also had the privilege of being a part of that.

**President Jennings:** You mean surviving Sub B Chairmen?

**Senator Dudley:** Surviving as Sub B Chairman on Education, that is correct. As a Senator, I will tell you that I have looked for ten years at the FEPF formula which is about a forty-two part formula as most of you know. I know that somewhere in there, there is a Polk County bump. I have not found it yet. I doubt that even in today's world of computers, that I will ever find it, but I want to tell Ethel—and Curtis as we talk to him today, as he listens to us—I know it is there. One of these days I'm going to find it.

Now, let me take a moment and talk about him as a person. I really got to know him after he left the Senate. My predecessor here, my immediate predecessor, I have two behind me, but my immediate predecessor, Frank Mann, and I from time to time had some differences because we are of different parties as Curtis and I were of different parties. Curtis thought that Frank Mann and I should—frankly, he thought that Frank could benefit a lot by having a friendship with me and learning some good qualities and he was right. Curtis took it upon himself to make Frank Mann and me fishing buddies. I don't think there are too many of you here that didn't have an occasion to fish with Curtis. I doubt there are any of you here that out-fished him. He caused Frank Mann and me to become fishing buddies. Frank and I miss fishing with Curtis, but thanks to Curtis, Frank and I can enjoy fishing. Thank you Curtis.

**President Jennings:** Senator Maxwell was the Republican Leader under Senator Peterson. Clark, would you share a thought or two with us.

**Senator Maxwell:** Thank you, Madam President. It is a pleasure to be here and talk about my good friend Curtis and to see Ethel and Pete again. Ethel and I know some things that we are not going to share with you today that we encountered. At the particular time that I served with Curtis, we had, I guess, a couple of odd couples working in education. I think, most particular, Jack Gordon, Curtis, Buddy McKay and I worked on a lot of the education reforms that are still in place today. Curtis always had the knack of doing exactly what Jack said. He always came out very conservative, no matter what the issue was.

I still remember somehow I ended up taking over from Curtis the fifth-cent sales tax and I think it was the first time a Republican leader had taken on a tax increase. It was kind of an interesting time, but I do remember what Jack said about Curtis in conference. He could not wait anybody. I remember when Frank Mann was in the House. Curtis and I were in the Senate and Frank had learned how to negotiate in conference. I still remember one day when we walked, Curtis and I needed to strategize, so we took a bathroom break. We went into the bathroom, looked in the mirror, looked at each other and Curtis said to me, "Do I look as bad as you do?" I said, "Curtis, in my opinion you look worse." He said, "You know, we need to splash some water on ourselves, comb our hair, get back out there and act like we are not the least bit tired." We did, and I think there were some House members who didn't even run for reelection because they couldn't handle any more of that. We were successful in moving forward.

It's just a pleasure to be here to pay tribute to my good friend Curtis who regularly out-fished me and out-thought me in the education area and others. Ethel, it is a pleasure to be here to say nice things about my friend Curtis and it is a pleasure to see you again. Thank you.

**Senator Thomas:** Curtis Peterson was one of those guys who would always greet the newcomers, the first term members, and try to make them feel at home. He had plenty of time to share with you and tell you the things you ought to do and ought not do.

When I first got here, I served on Subcommittee A of the Ways and Means Committee. I think Senator Jack Gordon was chairman, Senator

Barron was President, and maybe Senator Childers was the subcommittee chairman. We had an admonition to start trying to get waste out of the budget. I took it seriously. There was a thing called livestock theft bureau. I live out in the rural area, so I tried to figure out what it was since I had never heard of it. We had sheriffs and police chiefs and all those kind of people, and a law enforcement outfit, theft bureau in the department. I guess Commissioner Crawford still has it. I couldn't understand why you couldn't call your sheriff if somebody stole your cow. I wound up taking out about five positions out of the budget. Senator Barron and I both represented fifteen counties. A very dignified, well-to-do, former president of the Florida Cattlemen's Association drove to Tallahassee, came to the Senate and peeled the hide off my back. I was a freshman in the Senate and he was a big man that walked up and down the hallways telling everyone how bad I was.

He said, "No, hell, Pat Thomas ain't my Senator, I ain't got but one Senator and that is Dempsey Barron." Sure enough, I saw him camped out with Senator Barron, pretty soon the message came from Senator Barron to get that cut restored. I didn't know how to handle it, I sure didn't want it to happen, but it was Curtis who surfaced and said, "Now see here, don't you think, we better leave this alone? The man has surely embarrassed one of our Senators and we can't let that happen in the Senate." I felt like I was that little person that he wrapped his big arms around and loved. He left that feeling with everybody. When he woke up in the morning, he was an inspiration to everybody. Be you a Democrat, Republican or throwback or whatever you are, or were, he gave everyone a little inspiration to do a better job. If there was ever a conscientious person, as most of you have said, he really was the epitome of that.

He left some high standards for all of us. I am delighted to have met so many of you, but particularly, I am pleased that I was privileged to know Curtis Peterson, Ethel and his family.

We had the privilege to go to Europe with our wives, Mary Ann and Ethel. During that entire trip he was the gentleman who took care of everybody and was so kind to not only Ethel, but to us. He made you feel so wanted. I think that characterized his life. We are all richer for having been with him. Thank you.

**Senator Kirkpatrick:** Thank you, Madam President. Mine will be very short. Curtis Peterson has been my idol throughout my career in the Legislature. He taught me just about everything I know about education and how to deal with the education budget. But the thing I remember most about Curtis Peterson, and I think if you took time to listen to what Curtis said in that very appropriate clip that somebody searched through all the records and found, as he was talking about the steel on the rock, the controversies, how it gets contentious in this process, how that's good for the process (the Senate budget is going to come to the floor next Wednesday and then it'll move into conference) and, what Curtis always said to us, was that we needed to get away and spend some time together as colleagues. I will always remember the pressure that Curtis put on us to walk away from what we were doing and to get together as colleagues and spend some quality time together.

His most important way to do that was fishing. He organized those little fishing trips. He took us all over there to fish and to get that quiet time. I'm very appreciative that we are sort of returning to that opportunity to share this great burden that we carry with each other on a collegial basis. Curtis' memory, as far as I'm concerned, transcends the attitudes that we have had here in the Florida Senate because, as Senator Dudley said, he set a magnificent standard for all of us. If we can just behave as Curtis behaved, then we won't ever have to worry about what they say about us in the paper.

**Senator Mann:** Madam President, just a quick vignette. Senator Gordon made reference to it and Clark Maxwell did, too. Before I arrived in this august body, I was the Conference Chair of the House on the Education Budget Committee, my last official responsibility in the House before coming here. When I arrived in conference, there had been a budget item under IFAS for \$100,000 research on lethal yellow. That's what kills coconut palm trees and I represented Ft. Myers, the city of palms. It had just hit Lee County coming up from Dade to Collier, and a budget item that had been in the budget for years, \$100,000 annual research, suddenly disappeared from the budget as I went into conference with him. The palm fronds were falling all over Lee County. That \$100,000 must have cost me \$50 million before I got out of there. That's the Curtis', "I've got all day, Senators, all month or all year." He was beautiful, and that is a very true story. I don't know how many millions

it cost the House and some of their priorities to get my \$100,000 back in there. Curtis was also the one that told me, "Now son, when you left the House and came to the Senate, it definitely increased the IQ average of both bodies."

**Senator Barron:** I didn't intend to say anything, but I was just thinking about when I was here and serving with Curtis, sometime you would get legislation that you could see three or four different ways. You could see that you could make a decision in this direction or a decision in another direction and all of it would sound reasonable to you. When I'd get into that situation, I'd go and sit down with Curtis and ask him questions. He would tell me things. He didn't know whether I knew or didn't know what he was telling me, but when he got through I always knew what to do. Then I could go in and vote my conscience on that issue knowing that it was also Curtis' conscience.

He was a great, great person and a wonderful Senator and a good friend. I'm reminded of the poem, "The Bridge Builder" which I'm sure I've forgotten, but I will take a shot at it.

An old man, going a lone highway,  
Came at the evening, cold and gray,  
To chasm, vast and deep and wide,  
Through which was flowing a sullen tide.  
The old man crossed in the twilight dim;  
The sullen stream had no fears for him;  
But he turned when safe on the other side  
And built a bridge to span the tide.

"Old man," said a fellow pilgrim near,  
"You are wasting strength with building here;  
Your journey will end with the ending day;  
You never again must pass this way;  
You have crossed the chasm, deep and wide—  
Why build you the bridge at the eventide?"

The builder lifted his old gray head:  
"Good friend, in the path I have come," he said,  
"There followeth after me today  
A youth whose feet must pass this way.  
This chasm that has been naught to me  
To that fair-haired youth may a pit-fall be,  
He, too, must cross in the twilight dim;  
Good friend, I am building the bridge for him."

*Will Allen Dromgoole*

Like nobody that I served with in the Legislature, House and the Senate, for thirty-two years, Curtis had the best judgment and the best advice of anybody that I knew. Thank you.

**Senator Scott:** Madam President, Senators and all our former Senators, one of the things that Curtis Peterson said was that there's no limit to what you can accomplish if you don't care who gets the credit for it. Curtis, among other things, and I personally believe he's observing us today, was the most selfless person—he thought so much about other people. In that regard, I think he would probably want me to say, we've spent a lot of time here talking about him. I second every remark that's been said, and today is going to be one of our great and happy days. This Senate Reunion is one of the things that for twenty-one years here I've really thought a lot of.

A sad day was last July—I was then President of the Senate—when Curtis passed away. I was unable to go to Lakeland because I was out of the state. Ethel, I regretted that very much. I have a poem that I think typifies our feeling about all of you that are here today, and particularly, Curtis.

Around the corner I have a friend  
In this great city that has no end.  
As days go by and weeks rush on  
Before you know it a year is gone  
And I never see my old friend's face  
For life is a terrible swift race.  
He knows I like him just as well  
As in the days when I rang his bell  
and he rang mine.  
We were younger then  
Now we are busy tired men  
Tired with playing a foolish game,

Tired with trying to make a name,  
Tomorrow I say I will call on Jim  
Just to show that I'm thinking of him.  
Tomorrow comes and tomorrow goes  
And the distance between us grows and grows.  
Around the corner, yet miles away.  
Here's a telegram, sir—Jim died today.  
And that's what we get and regret in the end.  
Around the corner, a vanished friend.

What I would like to say is that the purpose—the true purpose of honoring all of our colleagues who have served before us—I think, is embodiment. We want you to know that maybe we don't call you every day and see how you are doing, but we do think about you and we are just so glad to have you here today.

When I came here, I had to put up with all this freshman stuff that Tom Lee had to put up with the other day. I finally finished a year here. I told Warren Henderson and Dempsey Barron, "I've had enough of this freshman stuff now I've finished a year." And they said, "Oh no. That's just the first semester freshman. Now you are a second semester freshman. And third, and fourth and so on." With the term limits, we're not going to have time for that, but we've got some great ones here.

I've been here so long I only have one predecessor here—Senator David Lane. When I first came here, Curtis said he hoped that I would not be as rambunctious as some of my predecessors. We do have some great ones, but what they've got to do, they've got to do what David Lane and a lot of these folks around here did that would stay up late at night and get up early in the morning. They had to learn to sleep fast. Well, these guys have got to learn fast because they don't get to be here very long. The qualities that you have and that you have passed to us and others that have served here, are alive and well. The dedication to the public good that Curtis Peterson and all of you have evidenced is here and we're going forward with a great group here. You met some of the freshmen today. We had some great ones that came in last year and we've already given them good positions because they can't be here that long.

I just want to say again that I know Curtis would feel that we should be celebrating all of your lives and we celebrate his, Ethel. Thank you, Madam President.

**President Jennings:** Thank you, Senator Scott. As I said before, Curtis Peterson taught many of us what this process was all about. What I remember about Curtis Peterson is that early on he said, "Now Toni, what time do you get up in the morning?" I said, "Oh", I was real concerned about what the question was leading to. I said, "Between six and six-thirty." He said, "Six-thirty." I said, "Yes, sir." So from then on when the phone rang at six-thirty in the morning, I knew it was Curtis Peterson. That laughter is from the others that got those phone calls and until Jim Scott came along, nobody had the nerve to call me before six-thirty in the morning.

## RECESS

On motion by Senator Bankhead, the Senate recessed at 12:11 p.m. to reconvene at 2:00 p.m.

## AFTERNOON SESSION

The Senate was called to order by the President at 2:12 p.m. A quorum present—40:

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	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

**SPECIAL ORDER CALENDAR, continued**

On motion by Senator Bankhead, by unanimous consent—

**SB 326**—A bill to be entitled An act relating to building designations; designating a building on the campus of the University of North Florida as the “J. Brooks Brown Hall”; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Harris moved the following amendment which was adopted:

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

Section 1. *The Florida International University College of Education Building is hereby designated “The Sanford and Dolores Ziff and Family Education Building” in honor of business leader, community philanthropist, and significant benefactor of Florida International University, Dr. Sanford L. Ziff, and his family.*

Section 2. *The School of Communication at the University of Central Florida is hereby designated the “Anthony J. Nicholson School of Communication” in recognition of his generosity.*

Section 3. *The president’s residence at the University of Central Florida is hereby designated “The Burnett House” in recognition of Al and Nancy Burnett for their support of numerous community activities and their contributions to the University of Central Florida, including funds to complete the first president’s residence at the university.*

Section 4. *The building currently known as Building 39, College of Health on the University of North Florida campus is hereby designated the “J. Brooks Brown Hall” in recognition of his contributions to the medical community of Jacksonville as well as his contributions to the University of North Florida.*

Section 5. *The residence hall known as 1st Court, Pei Residence Halls, located on the Sarasota Campus of New College at the University of South Florida, is hereby named the “Bob Johnson Residence Hall” in recognition of the tireless and dedicated service of Robert M. (Bob) Johnson to New College, to the University of South Florida, to our State University System, and to all of Florida’s students, from kindergarten through graduate school.*

Section 6. *The residence hall known as 3rd Court, Pei Residence Halls located on the Sarasota Campus of New College at the University of South Florida is hereby named the “Elaine and Harvey Rothenberg Residence Hall” in recognition of the tireless and dedicated services of Harvey Rothenberg to New College and the University of South Florida.*

Section 7. *The Residence Hall—Phase II being constructed for New College of University of South Florida students on the Sarasota Campus of the University of South Florida is hereby named the “Ann and Alfred Goldstein Residence Hall” in recognition of their contributions to the well being and betterment of the students of New College of the University of South Florida.*

Section 8. *The respective universities are authorized to erect markers for the designation made by this act.*

Section 9. This act shall take effect upon becoming law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the State University System; designating a building on the campus of the Florida International University “The Sanford and Dolores Ziff and Family Education Building”; designating the School of Communication at the University of Central Florida the “Anthony J. Nicholson School of Communication”; designating the president’s residence hall at the University of Central Florida “The Burnett House”; designating a building on the campus of the University of North Florida the “J. Brooks Brown Hall”; designating the residence hall known as 1st Court, Pei Residence Halls, located on the Sarasota Campus of New College at the University of South Florida, the “Bob Johnson Residence Hall”; designating the residence hall known as 3rd Court, Pei Residence Halls, located on the Sarasota Campus of New College at the University of South Florida the “Elaine and Harvey Rothenberg Residence Hall”; designating the Residence Hall—Phase II being constructed

for students on the Sarasota Campus of the University of South Florida the “Ann and Alfred Goldstein Residence Hall”; directing the respective universities to erect suitable markers; providing an effective date.

On motion by Senator Bankhead, by two-thirds vote **SB 326** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Grant, Gutman, Lee

On motion by Senator McKay, all Senators voting yea, not previously shown as co-sponsors, were recorded as co-sponsors of **SB 326**.

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

**CS for SB 1002**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.066, F.S.; deleting a penalty for failure to provide proof of insurance to a law enforcement officer under certain circumstances; amending s. 316.2065; providing that a violation is a pedestrian violation; amending s. 316.2397, F.S.; authorizing motor fuel tankers to display amber lights; amending s. 316.645, F.S.; including reference to chapter 320, F.S. with respect to the arrest authority of an officer at the scene of a traffic accident; amending s. 318.1451, F.S.; authorizing the clerks of the court to establish notification procedures in regards to DUI schools; amending s. 318.18, F.S.; providing a fine for pedestrian and bicycle violations; revising the date by which the clerks of the court must transmit required information; amending s. 318.19, F.S.; revising provisions with respect to infractions requiring a mandatory hearing, to include a cross-reference; creating ss. 319.40, 320.95, 322.70, 327.90, and 328.30, F.S.; authorizing the department to accept applications by electronic or telephonic means; amending s. 320.072, F.S.; providing an exemption to the additional fee imposed on certain motor vehicle registration transactions; creating s. 320.08048, F.S.; providing for sample license plates; providing a fee; amending s. 320.131, F.S.; revising provisions with respect to temporary tags; amending s. 321.24, F.S.; allowing an auxiliary of the Florida Highway Patrol to make arrests; amending s. 322.121, F.S.; conforming a cross-reference; amending s. 322.1615, F.S.; authorizing certain nighttime operation with respect to certain persons who have a learner’s driver license; amending s. 322.32, F.S.; requiring certain knowledge for possession or display of certain invalid licenses to constitute a criminal violation; defining the term “knowledge”; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations of driving privileges; providing penalties; amending s. 322.34, F.S.; providing penalties for driving with certain invalid driver’s licenses; defining the term “knowledge”; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations; providing penalties for habitual offenders; amending s. 328.16, F.S.; providing for the electronic transmission of certain lien information; providing an effective date.

—which was previously considered and amended this day.

**MOTION**

On motion by Senator Hargrett, the rules were waived to allow the following amendments to be considered:

Senator Hargrett moved the following amendment:

**Amendment 2 (with title amendment)**—On page 5, line 3 through page 6, line 15, delete those lines and insert:

Section 3. Section 316.645, Florida Statutes, is amended to read:

316.645 Arrest authority of officer at scene of a traffic accident.—A police officer who makes an investigation at the scene of a traffic accident may arrest any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this chapter, *chapter 320*, or chapter 322 in connection with the accident.

Section 4. Subsection (1) of section 318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.—

(1) The Department of Highway Safety and Motor Vehicles shall approve the courses of all driver improvement schools, as the courses relate to ss. 318.14(9), 322.0261, 322.095, and 322.291. The chief judge of the applicable judicial circuit may establish requirements regarding the location of schools within the judicial circuit *and the clerk of the court may establish any necessary procedures to notify the public of the authorized course being offered within each county*. A person may engage in the business of operating a driver improvement school that offers department-approved courses related to ss. 318.14(9), 322.0261, 322.095, and 322.291.

Section 5. Subsection (1) and paragraph (a) of subsection (8) of section 318.18, Florida Statutes, 1996 Supplement, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a non-criminal disposition pursuant to s. 318.14 are as follows:

(1) Fifteen dollars for all infractions of pedestrian regulations ~~under s. 316.130~~, all infractions of s. 316.2065, *unless otherwise specified* and other violations of chapter 316 by persons 14 years of age or under who are operating bicycles.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 8-10, delete those lines and insert: pedestrian violation; amending s. 316.645, F.S.;

Senator Hargrett moved the following substitute amendment which was adopted:

**Amendment 3 (with title amendment)**—On page 5, line 3 through page 7, line 5, delete those lines and insert:

Section 3. Subsection (1) of section 318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.—

(1) The Department of Highway Safety and Motor Vehicles shall approve the courses of all driver improvement schools, as the courses relate to ss. 318.14(9), 322.0261, 322.095, and 322.291. The chief judge of the applicable judicial circuit may establish requirements regarding the location of schools within the judicial circuit *and the clerk of the court may establish any necessary procedures to notify the public of the authorized course being offered within each county*. A person may engage in the business of operating a driver improvement school that offers department-approved courses related to ss. 318.14(9), 322.0261, 322.095, and 322.291.

Section 4. Subsection (1) and paragraph (a) of subsection (8) of section 318.18, Florida Statutes, 1996 Supplement, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a non-criminal disposition pursuant to s. 318.14 are as follows:

(1) Fifteen dollars for all infractions of pedestrian regulations ~~under s. 316.130~~, all infractions of s. 316.2065, *unless otherwise specified* and other violations of chapter 316 by persons 14 years of age or under who are operating bicycles.

(8)(a) Any person who fails to comply with the court's requirements or who fails to pay the civil penalties specified in this section within the 30-day period provided for in s. 318.14 must pay an additional civil penalty of \$12, \$2.50 of which must be deposited into the General Revenue Fund, and \$9.50 of which must be deposited in the Highway Safety Operating Trust Fund. There is hereby appropriated from the Highway Safety Operating Trust Fund for fiscal year 1996-1997 the amount of \$4 million. From this appropriation the department shall contract with the Florida Association of Court Clerks, Inc., to design, establish, operate, upgrade, and maintain an automated statewide Uniform Traffic Citation Accounting System to be operated by the clerks of the court which shall include, but not be limited to, the accounting for traffic infractions by type, a record of the disposition of the citations, and an accounting system for the fines assessed and the subsequent fine amounts paid to the clerks of the court. On or before ~~December 1, 1999~~, ~~October 1, 1998~~, the clerks of the court must provide the information required by this chapter to be transmitted to the department by electronic transmission pursuant to the contract.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 8-13, delete those lines and insert: pedestrian violation; amending s.

#### MOTION

On motion by Senator Latvala, the rules were waived to allow the following amendments to be considered:

Senator Latvala moved the following amendment:

**Amendment 4 (with title amendment)**—On page 7, between lines 17 and 18, insert:

Section . Subsection (5) of section 319.24, Florida Statutes, 1996 Supplement, is amended to read:

319.24 Issuance in duplicate; delivery; liens and encumbrances.—

(5)(a) Upon satisfaction of any first lien or encumbrance recorded at the department, the owner of the motor vehicle or mobile home, as shown on the title certificate, or the person satisfying the lien shall be entitled to demand and receive from the lienholder a satisfaction of the lien. If the lienholder, upon satisfaction of the lien and upon demand, fails or refuses to furnish a satisfaction thereof within 30 days after demand, he or she shall be held liable for all costs, damages, and expenses, including reasonable attorney's fees, lawfully incurred by the titled owner or person satisfying the lien in any suit brought in this state for cancellation of the lien. *A motor vehicle dealer acquiring ownership of a motor vehicle with an outstanding purchase money lien, shall pay and satisfy the outstanding lien within 10 working days of acquiring ownership. The lienholder receiving final payment as defined in s. 674.215 shall mail or otherwise deliver a lien satisfaction and the certificate of title indicating the satisfaction within 10 working days of receipt of such final payment or notify the person satisfying the lien that the title is not available within 10 working days of receipt of actual payment. If the lienholder is unable to provide the certificate of title and notifies the person of such, the lienholder shall provide a lien satisfaction and shall be responsible for the cost of a duplicate title, including fast title charges as provided in s. 319.323. The provisions of this paragraph shall not apply to electronic transactions pursuant to s. 319.24(9).*

(b) Following satisfaction of a lien, the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title. If the certificate of title was retained by the owner, the owner shall, within 5 days of the satisfaction of a lien, deliver the certificate of title to the lienholder and the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title. If there are no subsequent liens shown thereon, the certificate shall be delivered by the lienholder to the person satisfying the lien or encumbrance and an executed satisfaction on a form provided by the department shall be forwarded to the department by the lienholder within 10 days of satisfaction of the lien.

(c) If the certificate of title shows a subsequent lien not then being discharged, an executed satisfaction of the first lien shall be delivered by the lienholder to the person satisfying the lien and the certificate of

title showing satisfaction of the first lien shall be forwarded by the lienholder to the department within 10 days of satisfaction of the lien.

(d) If, upon receipt of a title certificate showing satisfaction of the first lien, the department determines from its records that there are no subsequent liens or encumbrances upon the motor vehicle or mobile home, the department shall forward to the owner, as shown on the face of the title, a corrected certificate showing no liens or encumbrances. If there is a subsequent lien not being discharged, the certificate of title shall be reissued showing the second or subsequent lienholder as the first lienholder and shall be delivered to either the new first lienholder or to the owner as indicated in the notice of lien filed by the new first lienholder. If the certificate of title is to be retained by the first lienholder on the reissued certificate, the first lienholder shall be entitled to retain the certificate of title except as provided in subsection (4) until his or her lien is satisfied. Upon satisfaction of the lien, the lienholder shall be subject to the procedures required of a first lienholder by subsection (4) and this subsection.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 23, after semicolon (;) insert: amending s. 319.24, F.S.; requiring motor vehicle dealers who purchase a motor vehicle to satisfy the outstanding lien within 10 days of purchase; requiring the lienholder to deliver the certificate of title indicating the lien satisfaction or notify the person satisfying the lien that the title is not available within 10 days of receipt of payment;

Senator Latvala moved the following substitute amendment which was adopted:

**Amendment 5 (with title amendment)**—On page 7, between lines 17 and 18, insert:

Section . Subsection (5) of section 319.24, Florida Statutes, 1996 Supplement, is amended to read:

319.24 Issuance in duplicate; delivery; liens and encumbrances.—

(5)(a) Upon satisfaction of any first lien or encumbrance recorded at the department, the owner of the motor vehicle or mobile home, as shown on the title certificate, or the person satisfying the lien shall be entitled to demand and receive from the lienholder a satisfaction of the lien. If the lienholder, upon satisfaction of the lien and upon demand, fails or refuses to furnish a satisfaction thereof within 30 days after demand, he or she shall be held liable for all costs, damages, and expenses, including reasonable attorney's fees, lawfully incurred by the titled owner or person satisfying the lien in any suit brought in this state for cancellation of the lien. *A motor vehicle dealer acquiring ownership of a motor vehicle with an outstanding purchase money lien, shall pay and satisfy the outstanding lien within 10 working days of acquiring ownership. The lienholder receiving final payment as defined in s. 674.215 shall mail or otherwise deliver a lien satisfaction and the certificate of title indicating the satisfaction within 10 working days of receipt of such final payment or notify the person satisfying the lien that the title is not available within 10 working days of receipt of such final payment. If the lienholder is unable to provide the certificate of title and notifies the person of such, the lienholder shall provide a lien satisfaction and shall be responsible for the cost of a duplicate title, including fast title charges as provided in s. 319.323. The provisions of this paragraph shall not apply to electronic transactions pursuant to s. 319.24(9).*

(b) Following satisfaction of a lien, the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title. If the certificate of title was retained by the owner, the owner shall, within 5 days of the satisfaction of a lien, deliver the certificate of title to the lienholder and the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title. If there are no subsequent liens shown thereon, the certificate shall be delivered by the lienholder to the person satisfying the lien or encumbrance and an executed satisfaction on a form provided by the department shall be forwarded to the department by the lienholder within 10 days of satisfaction of the lien.

(c) If the certificate of title shows a subsequent lien not then being discharged, an executed satisfaction of the first lien shall be delivered by the lienholder to the person satisfying the lien and the certificate of

title showing satisfaction of the first lien shall be forwarded by the lienholder to the department within 10 days of satisfaction of the lien.

(d) If, upon receipt of a title certificate showing satisfaction of the first lien, the department determines from its records that there are no subsequent liens or encumbrances upon the motor vehicle or mobile home, the department shall forward to the owner, as shown on the face of the title, a corrected certificate showing no liens or encumbrances. If there is a subsequent lien not being discharged, the certificate of title shall be reissued showing the second or subsequent lienholder as the first lienholder and shall be delivered to either the new first lienholder or to the owner as indicated in the notice of lien filed by the new first lienholder. If the certificate of title is to be retained by the first lienholder on the reissued certificate, the first lienholder shall be entitled to retain the certificate of title except as provided in subsection (4) until his or her lien is satisfied. Upon satisfaction of the lien, the lienholder shall be subject to the procedures required of a first lienholder by subsection (4) and this subsection.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: amending s. 319.24, F.S.; requiring motor vehicle dealers who purchase a motor vehicle to satisfy the outstanding lien within 10 days of purchase; requiring the lienholder to deliver the certificate of title indicating the lien satisfaction or notify the person satisfying the lien that the title is not available within 10 days of receipt of payment;

Senator Kirkpatrick moved the following amendment:

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

Section 5. Subsection (11) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a non-criminal disposition pursuant to s. 318.14 are as follows:

(11) Court costs which are to be in addition to the stated fine shall be imposed by the court in an amount not less than the following:

- For pedestrian infractions . . . . . \$ 3.
- For nonmoving traffic infractions . . . . . \$ 6.
- For moving traffic infractions . . . . . \$10.

*The chief judge of each judicial circuit is authorized to establish a maximum fee which shall not exceed \$30. A regional criminal justice assessment center or other local criminal justice access and assessment center may be funded from these court costs.*

And the title is amended as follows:

On page 1, line 20, after the first semicolon (;) insert: authorizing chief judges to set maximum court costs for civil traffic offenses; authorizing court costs for civil traffic offenses to be used to fund regional criminal justice assessment centers;

Senators Dudley and Kirkpatrick offered the following amendment to **Amendment 6** which was moved by Senator Dudley and adopted:

**Amendment 6A**—On page 1, lines 30 and 31, delete those lines and insert: *In no event may court costs imposed under this subsection exceed \$30. A regional*

**Amendment 6** as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1002** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

**CS for SB's 780, 520 and 692**—A bill to be entitled An act relating to economic development; creating ss. 212.097, 212.098, F.S.; creating the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; amending ss. 220.02, 220.13, F.S.; conforming provisions; creating s. 220.189, F.S.; allowing credit for the Rural Job Tax

Credit Program and the Urban High-Crime Area Job Tax Credit Program; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 2, line 27, following the period (.) insert: *The term also includes an employee leased from an employee leasing company licensed under chapter 468.*

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

**Amendment 1A**—On page 1, delete line 18 and insert: *employee leasing company licensed under chapter 468, if such employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.*

**Amendment 1** as amended was adopted.

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

**Amendment 2**—On page 3, line 9, delete “(6)” and insert: (8)

Senator Hargrett moved the following amendments which were adopted:

**Amendment 3**—On page 3, lines 6-22, delete those lines and insert:

(e) *“Qualified high-crime area” means an area selected by the Office of Tourism, Trade, and Economic Development in the following manner: every third year, the office shall rank and tier those areas nominated under subsection (8), according to the following prioritized criteria:*

1. *Highest arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, vandalism, and civil disturbances;*
2. *Highest reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism;*
3. *Highest percentage of reported index crimes that are violent in nature;*
4. *Highest overall index crime volume for the area; and*
5. *Highest overall index crime rate for the geographic area.*

**Amendment 4**—On page 8, delete line 7 and insert: *during any calendar year is \$5 million, of which \$1 million shall be exclusively reserved for Tier-one areas. The Department of*

**Amendment 5 (with title amendment)**—On page 18, line 9, after the period (.) insert: *The Office of Tourism, Trade, and Economic Development shall conduct a review of the Urban High-Crime Area Job Tax Credit and the Rural Job Tax Credit Program and submit its report to the Governor, President of the Senate, and the Speaker of the House of Representatives by February 1, 2000.*

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: *providing for a review of the programs;*

**Amendment 6**—On page 6, delete line 30 and insert: *125.011(1) may nominate no more than three high-crime areas.*

Pursuant to Rule 4.19, **CS for SB’s 780, 520 and 692** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

**CS for CS for SB 1154**—A bill to be entitled An act relating to growth management; amending s. 380.06, F.S.; revising statewide guidelines and standards and substantial deviations for developments of regional impact; amending s. 403.973, F.S.; providing for an expedited permitting process for economic development projects and comprehensive plan amendments; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment:

**Amendment 1**—On page 11, line 15, after the period (.) insert: *The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.*

Senator Hargrett moved the following substitute amendment which was adopted:

**Amendment 2**—On page 11, line 27, after the period (.) insert: *The agreement must also specify whether the significant traffic impacts on the interstate system will be mitigated through the implementation of a project or payment of funds to the Department of Transportation. Where funds are paid, the Department of Transportation must include in the 5-year work program transportation projects or project phases, in an amount equal to the funds received, to mitigate the traffic impacts associated with the proposed project.*

Senator Williams moved the following amendment which was adopted:

**Amendment 3 (with title amendment)**—On page 14, delete line 11 and insert:

Section 3. This act shall take effect upon becoming a law, except that subsections (5), (6), and (7) of section 403.973, Florida Statutes, shall take effect October 1, 1997.

And the title is amended as follows:

On page 1, delete line 9 and insert: *providing effective dates.*

Pursuant to Rule 4.19, **CS for CS for SB 1154** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

**CS for CS for SB’s 1306 and 1934**—A bill to be entitled An act relating to brownfields redevelopment; creating s. 376.77, F.S.; providing a short title; creating s. 376.78, F.S.; providing legislative intent; creating s. 376.79, F.S.; defining terms; creating s. 376.80, F.S.; providing for a brownfield program administration process; creating s. 376.81, F.S.; providing for brownfield site contamination cleanup criteria; creating s. 376.82, F.S.; providing for eligibility criteria and liability protection; creating s. 376.83, F.S.; providing penalties; providing for pilot projects; providing appropriations; requiring the Department of Environmental Protection to report annually to the Legislature; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

**Amendment 1**—On page 20, line 28, delete “s. 376.80(9)” and insert: *s. 376.80(10)*

Senators Dantzler and Latvala offered the following amendment which was moved by Senator Latvala:

**Amendment 2 (with title amendment)**—On page 27, between lines 20 and 21, insert:

Section 11. *Notwithstanding the December 31, 1996, deadline to file applications pursuant to subsection (12) of section 376.3071, Florida Statutes, the Department of Environmental Protection shall accept any applications for reimbursement of claims that were not received by the December 31, 1996 deadline solely because the U.S. Post Office or small package carrier service was unable to timely deliver the application on that date due to adverse weather conditions which prevented air travel. Reimbursement applications which the department returned because they were received beyond the deadline must be resubmitted and received by the department by September 1, 1997, with an affidavit explaining the facts surrounding the late delivery that has been sworn to or affirmed pursuant to chapter 117, Florida Statutes, from the small package carrier who delivered the late application. Such claims shall be eligible for payment in the same priority as if they had been received by 5:00 p.m., December 31, 1996.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 17, after "Legislature"; insert: providing an exception to deadline for receipt of reimbursement applications received pursuant to s. 376.3071, F.S.;

Senators Dantzler and Latvala offered the following amendments to **Amendment 2** which were moved by Senator Latvala and adopted:

**Amendment 2A**—On page 1, lines 14-17, delete those lines and on page 26, between lines 26 and 27 insert:

Section 10. *Notwithstanding the December 31, 1996,*

**Amendment 2B**—On page 1, line 28, after "affidavit" insert: *and other supporting documents, shipping reports, or other appropriate documentation*

**Amendment 2** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB's 1306 and 1934** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

**SB 702**—A bill to be entitled An act relating to the repeal of advisory bodies and other governmental entities; amending s. 27.36, F.S., to conform to the abolition of the Council on Organized Crime; amending s. 228.0875, F.S.; terminating the Governor's Summer Colleges Council; amending s. 230.71, F.S.; terminating the Intergenerational School Volunteer Advisory Board; amending s. 239.505, F.S.; terminating the Advisory Board on Constructive Youth Programs; repealing ss. 288.971, 288.972, 288.973, 288.974, 288.975, 288.976, 288.977, 288.980, F.S., to terminate the Florida Defense Conversion and Transition Commission and its related duties; amending s. 408.033, F.S., relating to local and state health planning; terminating the Statewide Health Council; amending ss. 186.022, 186.508, 240.5121, 395.604, 408.038, 408.039, 408.0455, F.S., and repealing ss. 186.003(9), 186.503(9), relating to definitions of the council, to conform; repealing chapter 30280, Laws of Florida, 1955, as amended, to terminate the Clay County Hospital District and the Clay County Hospital Authority; repealing chapter 57-700, Laws of Florida, as amended, to terminate the Suwanee River Authority; repealing chapter 59-1939, Laws of Florida, as amended, to terminate the Union County Development Authority; repealing chapter 67-2027, Laws of Florida, to terminate the Santa Rosa County Airport and Industrial Authority; repealing chapter 71-926, Laws of Florida, to terminate the Sumter County Hospital Authority; repealing s. 79, ch. 90-201, Laws of Florida, to terminate the International Language Institute Advisory Council; repealing s. 1, ch. 90-232, Laws of Florida, to terminate the Task Force on County Contributions to Medicaid; repealing proviso language in s. 1, ch. 91-193, Laws of Florida, to terminate the Commission on Long-Term Care; repealing s. 63, ch. 93-164, Laws of Florida, to terminate the Commission to Study the Safety and Security of Railroad-Highway Grade Crossings; repealing ss. 23, 24, ch. 94-292, Laws of Florida, to terminate the Florida Education Facilities Study Committee; repealing proviso language in s. 1A, ch. 94-357, Laws of Florida, to terminate the Task Force on Productivity Enhancement; providing effective dates.

—was read the second time by title.

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

**Amendment 1 (with title amendment)**—On page 2, line 24, insert:

Section 1. Subsection (5) of section 20.13, Florida Statutes, is amended to read:

20.13 Department of Insurance.—There is created a Department of Insurance.

(5) A Bureau of Financial and Support Services ~~and a Bureau of Information Systems~~ is created within the Division of Administration.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: amending s. 20.13, F.S.; deleting a reference to a Bureau of Insurance Systems in the Department of Insurance;

Senator Rossin moved the following amendment:

**Amendment 2 (with title amendment)**—On page 2, line 24, insert:

Section 1. Section 14.30, Florida Statutes, is transferred, renumbered as section 286.30, Florida Statutes, and amended to read:

~~286.30~~ 286.30 Commission on Government Accountability to the People.—

(1) There is created the Commission on Government Accountability to the People.

(2) The commission shall consist of 15 members appointed by the Governor, subject to confirmation by the Senate, with 9 members from the private sector and 6 members from the public sector. The members shall serve 4-year terms. Of the initial appointees, terms shall be staggered as follows: three members shall hold 1-year terms; four members shall hold 2-year terms; four members shall hold 3-year terms; and four members shall hold 4-year terms. The Governor shall fill all vacancies. Upon the request of the chair of the commission or upon his or her own initiative, the Governor may replace members who are absent from two commission meetings within any calendar year.

(3) The Governor shall appoint the initial chair. Subsequent chairs shall be elected by a majority vote of the commission, shall serve 1-year terms, and shall be eligible for reelection. The commission shall elect the vice chair from its membership.

(4) The commission shall hold a minimum of four regular meetings during the calendar year. Additional meetings may be called by the chair, or upon written request of a majority of the members of the commission. All meetings of the commission are public in accordance with the provisions of s. 286.011.

(5) The commission may establish such committees as it deems necessary to execute its powers and duties.

(6) Members of the commission shall not receive compensation for their service; however, they shall be entitled to per diem and travel expenses pursuant to s. 112.061. Public sector members shall perform their commission duties in addition to fulfilling their regular public duties.

(7) The commission shall be assigned to the *Department of Management Services* ~~Executive Office of the Governor~~ for administrative and fiscal accountability purposes, and the *Department of Management Services* ~~Executive Office of the Governor~~ shall provide administrative support and services to the commission; otherwise, the commission shall function independently of the control and direction of the Governor.

(8) The commission shall, by majority vote, employ and set the compensation of an executive director, who shall serve at the pleasure of the commission.



(9) The commission may adopt and enforce reasonable procedures necessary to facilitate the studies and reviews it is authorized to perform.

(10) The commission shall track the impact of state agency actions upon the well-being of Florida citizens by:

(a) Serving as a citizen board to review state agency performance, using agency strategic plans, reports from the Auditor General, the Executive Office of the Governor, and state agency internal auditors and inspectors general, and other sources as needed.

(b) Holding public hearings to allow state agencies which are operating under a performance-based program budget pursuant to s. 216.0172 the opportunity to explain factors which contributed to their success or failure in meeting performance measures.

(c) Receiving testimony from the public as to state agency performance.

(d) Assessing the progress of state agencies in meeting their missions, goals, and objectives.

(e) Making recommendations which could enhance the productivity of agencies, encourage continued agency improvement, ensure achievement of adopted performance standards, and assist state government in improving the efficiency and effectiveness of the services and products it provides.

(f) Preparing and submitting, by July 1 of each year, a report to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability a report summarizing the activities and findings of all assessments made by the commission.

State agencies shall cooperate with the commission and shall provide data and information available to enable the commission to perform its functions. The Executive Office of the Governor and the Auditor General may provide assistance, within available resources, to the commission as necessary.

*Section 2. Effective July 1, 1997, the Commission on Government Accountability to the People and all of its statutory powers, duties, and functions and all of its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds are transferred by a type two transfer, as defined in section 20.06, Florida Statutes, from the Executive Office of the Governor to the Department of Management Services. The administrative rules of the commission which are in effect immediately before such transfer shall remain in effect until specifically changed in the manner provided by law.*

Section 3. Subsection (2) of section 14.203, Florida Statutes, as created by section 50 of chapter 94-249, Laws of Florida, is amended to read:

14.203 State Council on Competitive Government.—It is the policy of this state that all state services be performed in the most effective and efficient manner in order to provide the best value to the citizens of the state. The state also recognizes that competition among service providers may improve the quality of services provided, and that competition, innovation, and creativity among service providers should be encouraged.

(2) There is hereby created the State Council on Competitive Government, which shall be composed of the Governor and Cabinet, sitting as the Administration Commission as defined in s. 14.202. The council, on its own initiative, the Office of Program Policy Analysis and Government Accountability, created pursuant to s. 11.51, or the Commission on Government Accountability to the People, created pursuant to s. 286.30 s. 14.30, may identify commercial activities currently being performed by state agencies and, if it is determined that such services may be better provided by requiring competition with private sources or other state agency service providers, may recommend that a state agency engage in any process, including competitive bidding, that creates competition with private sources or other state agency service providers.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to advisory bodies and other governmental entities; transferring, renum-

bering, and amending s. 14.30, F.S.; transferring the Commission on Government Accountability to the People from the Executive Office of the Governor to the Department of Management Services; transferring commission powers, duties, rules, appropriations, and personnel; amending s. 14.203, F.S., relating to the State Council on Competitive Government; correcting a cross-reference;

Senator Rossin moved the following amendment to **Amendment 2** which was adopted:

**Amendment 2A**—On page 2, line 29, delete “Governor” and insert: *Department of Management Services* ~~Governor~~

**Amendment 2** as amended was adopted.

Pursuant to Rule 4.19, **SB 702** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dudley—

**SB 596**—A bill to be entitled An act relating to coordinated business reporting; providing legislative findings and intent; creating the “Florida Business Coordination Act”; providing definitions; requiring the Department of State to create a master business index for certain purposes; designating the Secretary of State as the custodian of the index; providing duties of the department; requiring certain state agencies to maintain certain records; requiring the Secretary of State to conduct a study and develop legislation for certain purposes; repealing s. 119.092, F.S., relating to registration of federal employer registration numbers; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 596** to **HB 399**.

Pending further consideration of **SB 596** as amended, on motions by Senator Dudley, by two-thirds vote—

**HB 399**—A bill to be entitled An act relating to coordinated business reporting; providing legislative findings and intent; creating the “Florida Business Coordination Act”; providing definitions; requiring the Department of State to create a master business index for certain purposes; designating the Secretary of State as the custodian of the index; providing duties of the department; requiring the Secretary of State to conduct a study and develop legislation for certain purposes; providing an effective date.

—a companion measure, was substituted for **SB 596** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 399** was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf, by two-thirds vote **HB 253** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Holzendorf—

**HB 253**—A bill to be entitled An act relating to ad valorem tax administration; amending s. 197.222, F.S.; providing that the tax collector may accept a late payment of the first installment of ad valorem taxes prepaid by the installment method; providing a penalty; providing for distribution of penalty revenue; providing an effective date.

—a companion measure, was substituted for **CS for SB 658** and read the second time by title.

Pursuant to Rule 4.19, **HB 253** was placed on the calendar of Bills on Third Reading.

On motion by Senator Harris, by two-thirds vote **HB 599** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motions by Senator Harris, by two-thirds vote—

**HB 599**—A bill to be entitled An act relating to private activity bonds; amending s. 159.804, F.S.; deleting an expiration and legislative review provision; amending s. 159.8081, F.S.; increasing a threshold percentage for certain allocations from the manufacturing facility bond pool; providing an effective date.

—a companion measure, was substituted for **SB 882** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 599** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

**CS for SB 1486**—A bill to be entitled An act relating to Lake Apopka restoration; amending s. 373.461, F.S.; providing that interim phosphorus abatement measures apply unless certain conditions are met; providing that construction of certain stormwater facilities will be necessary unless certain conditions are met; providing for cost-sharing for the cost of certain facilities; limiting the price for acquisition of certain lands; providing for the deposit of proceeds from the sale of tangible personal property and for the use of such funds; providing for the establishment of Northwest Orange County Redevelopment Commission to develop a redevelopment plan for the impacted area; creating s. 290.0067, F.S.; providing for enterprise zone designation for certain communities impacted by Lake Apopka land acquisition; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Dyer moved the following amendment which was adopted:

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

Section 1. Paragraph (e) of subsection (1), paragraphs (a), (b), and (d), of subsection (4), and paragraphs (c) and (e) of subsection (5) of section 373.461, Florida Statutes, 1996 Supplement, are amended, and paragraphs (f), (g), and (h) are added to subsection (5) of that section, to read:

373.461 Lake Apopka improvement and management.—

(1) FINDINGS AND INTENT.—

(e) ~~If funds cannot be identified for acquisition of these agricultural lands,~~ It is the Legislature's intent to provide a process for development of phosphorus discharge limitations that will bring such discharges into compliance with state water quality standards and to provide for interim phosphorus abatement measures designed to further reduce phosphorus discharges from the Zellwood Drainage and Water Control District, which is the largest agricultural entity within the Lake Apopka Basin, ~~unless both of the timeframes specified in paragraph (4)(a) regarding purchase agreements and completion of purchases are met.~~ The Legislature finds that it is in the public interest to jointly share in the cost of implementing such interim phosphorus reduction measures with Zellwood.

(4) CONSTRUCTION OF STORMWATER MANAGEMENT SYSTEMS.—

(a) It is the intent of the Legislature that ~~in the event no funding mechanisms to purchase all the lands within Zellwood are in place by July 1, 1997,~~ construction of stormwater management facilities to store, treat, and recycle Zellwood's agricultural stormwater runoff will be necessary during the interim period while discharge limitations are being established for Lake Apopka, ~~unless both of the following are met:~~

1. ~~Agreements to purchase all the lands within Zellwood are executed by September 30, 1997, or a later execution deadline established by the United States for such agreements before reallocation of Commodity Credit Corporation funds made available to acquire Wetland Reserve program conservation easements within the Lake Apopka Partnership Project area; and~~

2. ~~All such purchases are completed pursuant to the terms of such agreements.~~

The Legislature finds that it is in the public interest for state, regional, and local revenue sources to be used along with Zellwood's revenue sources to finance the costs of acquiring land and constructing such facilities. One-third of the cost of the facilities shall be contributed by Zellwood, one-third by the state, and one-third by the district.

(b) Consistent with the funding formula outlined in paragraph (a), the state will provide up to \$2 million, with the same amount being committed by both Zellwood and the district, for a total of \$6 million. These funds shall be used for the purpose of acquiring the necessary land for and constructing a stormwater management facility, not to exceed 600 acres in total size, for Zellwood's farm runoff, together with the necessary pumps and other infrastructure associated with such facilities, provided that Zellwood's contribution shall be used for project purposes other than acquiring land. *If the total cost of the facilities exceeds \$6 million, the costs exceeding \$6 million shall be contributed by the state, Zellwood, and the district under the funding formula outlined in paragraph (a).*

(d) Construction of the stormwater retention and treatment facilities provided for in this section shall begin within 90 days after acquisition of interests in land necessary for the facilities *and the district's delivery of the design of the facilities to Zellwood, and shall be completed within 1 year thereafter.* After completion of the facilities, Zellwood shall be responsible for operation and maintenance so long as the facilities are used by Zellwood.

(5) PURCHASE OF AGRICULTURAL LANDS.—

(c) The district shall explore the availability of funding from all sources, including any federal, state, regional, and local land acquisition funding programs, to purchase the agricultural lands described in paragraph (a). It is the Legislature's intent that, if such funding sources can be identified, acquisition of the lands described in paragraph (a) may be undertaken by the district to purchase these properties from willing sellers. *However, the purchase price paid for acquisition of such lands that were in active cultivation during 1996 shall not exceed \$4,000 per acre for those lands characterized predominantly by muck soils and \$3,000 per acre for those lands characterized predominantly by mineral soils. These maximum purchase price limitations shall not include, nor be applicable to, that portion of the purchase price attributable to consideration of income described in paragraph (b), that portion attributable to related facilities, or closing costs.*

(e) If *all* the lands within Zellwood are purchased in accordance with this section prior to expiration of the consent agreement between Zellwood and the district, Zellwood shall be reimbursed for any costs described in subsection (4).

(f) 1. *Tangible personal property acquired by the district as part of related facilities pursuant to this section, and classified as surplus by the district, shall be sold by the Department of Management Services. The Department of Management Services shall deposit the proceeds of such sale in the Economic Development Trust Fund in the Executive Office of the Governor. The proceeds shall be used for the purpose of providing economic and infrastructure development in portions of northwestern Orange County which will be adversely affected economically due to the acquisition of lands pursuant to this subsection.*

2. *The Office of Tourism, Trade, and Economic Development shall, upon presentation of the appropriate documentation justifying expenditure of the funds deposited pursuant to this paragraph, pay any obligation for which it has sufficient funds from the proceeds of the sale of intangible personal property and which meets the limitations of paragraph (h). The authority of the Office of Tourism, Trade, and Economic Development to expend such funds shall expire 5 years from the effective date of this paragraph. Such expenditures may occur without future appropriation from the Legislature.*

3. *Funds deposited under this paragraph may not be used for any purpose other than those enumerated in paragraph (h).*

(g) There is established the "Northwest Orange County Redevelopment Advisory Committee." Membership of this committee shall consist of residents of Orange County and shall be constituted as follows: one member appointed by the President of the Senate; one member appointed

by the Speaker of the House of Representatives; one member appointed by the Mayor of Apopka; one member appointed by the Orange County Chairman; one member appointed by the chairman of the Central Florida Jobs and Education Partnership; one member appointed by the chairman of the Economic Development Commission of Mid-Florida; and one member, who shall serve as chair, appointed by the Governor. The committee shall continue in existence for a period of 5 years from the effective date of this paragraph. Any vacancy on the committee shall be filled for the remainder of the term in the manner the position was originally filled. All members of the committee shall serve for terms of 3 years and may be reappointed. Members of the committee shall serve without compensation, but may be reimbursed for travel and other reasonable expenses directly associated with operation of the committee. The committee shall function in an advisory capacity to the Orange County Commission in creating and implementing a redevelopment plan for the impacted area that is consistent with the approved comprehensive plan for Orange County.

(h) The Orange County Commission shall have authority to spend the proceeds of sales of tangible personal property authorized in paragraph (f) to implement the redevelopment plan adopted by the Orange County Commission. Of the total funds collected from the sale of the tangible personal property:

1. The commission may not expend more than:
  - a. Twenty percent for labor force training related to the redevelopment project;
  - b. Thirty-three percent for financial or economic incentives for business location or expansion in the redevelopment area; and
  - c. Four percent for administration, planning, and marketing the redevelopment plan.
2. The commission must spend those revenues not expended under subparagraph 1. for infrastructure needs necessary for the redevelopment project.

Section 2. Section 290.0067, Florida Statutes, is created to read:

*290.0067 Enterprise zone designation for communities impacted by Lake Apopka land acquisition.—Orange County may apply to the Office of Tourism, Trade and Economic Development for designation of one enterprise zone encompassing areas suffering adverse economic impacts due to governmental acquisition of Lake Apopka farm lands pursuant to s. 373.461. The application must be submitted by December 31, 1998, and must comply with the requirements of s. 290.0055, except s. 290.0055(3). Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section based upon when unemployment will occur due to the cessation of farming on lands acquired pursuant to s. 373.461. The zone shall terminate 5 years following the established effective date.*

Section 3. In addition to the sum of \$20 million appropriated in fiscal year 1996-1997, the sum of \$45 million is appropriated from the General Revenue Fund to the St. Johns River Water Management District for fiscal year 1997-1998, both sums to be used for the purpose of purchasing lands described in section 373.461(5)(a), Florida Statutes, and their related facilities. The \$45-million appropriation may be used only to acquire lands, and their related facilities, for which agreements for purchase have been executed by September 30, 1997, or such later execution deadline as is established by the United States for such agreements before reallocation of Commodity Credit Corporation funds that have been made available to acquire Wetland Reserve Program conservation easements on lands within the Lake Apopka Partnership Project area.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to Lake Apopka restoration; amending s. 373.461, F.S.; providing that interim phosphorus abatement measures apply unless certain conditions are met; providing that construction of certain stormwater facilities will be necessary unless certain conditions are met; providing for

cost-sharing for the cost of certain facilities; limiting the price for acquisition of certain lands; providing for the deposit of proceeds from the sale of tangible personal property and for the use of such funds; providing for the establishment of Northwest Orange County Redevelopment Advisory Committee to develop a redevelopment plan for the impacted area; creating s. 290.0067, F.S.; providing for enterprise zone designation for certain communities impacted by Lake Apopka land acquisition; providing an appropriation; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1486** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

**CS for SB 550**—A bill to be entitled An act relating to oil and gas drilling; amending s. 377.2425, F.S.; revising surety requirements for drilling permittees; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

**Amendment 1**—On page 1, lines 28-30 and on page 2, lines 1 and 2, delete those lines and insert: *as the Administration Commission, at the recommendation of the Department of Environmental Protection, shall set a reasonable amount of surety required under this subsection. The surety amount shall be based on the projected cleanup costs and natural resources damages resulting from a maximum oil spill and adverse hydrographic and atmospheric conditions that would tend to transport the oil into environmentally sensitive areas, as determined by the Department of Environmental Protection.*

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

Consideration of **SB 292** was deferred.

On motion by Senator Dyer—

**SB 1430**—A bill to be entitled An act relating to water resources; amending s. 373.083, F.S.; providing authority for the water management districts to accept funds for the planning and implementation of district undertakings and delegations; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1430** was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

**SB 150**—A bill to be entitled An act relating to the Florida Vessel Registration and Safety Law; amending s. 327.25, F.S.; providing an exemption from annual vessel registration fees for vessels owned and operated by the Safe Harbor Haven, Inc.; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 150** to **CS for HB 229**.

Pending further consideration of **SB 150** as amended, on motion by Senator Holzendorf, by two-thirds vote **CS for HB 229** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motions by Senator Holzendorf, by two-thirds vote—

**CS for HB 229**—A bill to be entitled An act relating to the Florida Vessel Registration and Safety Law; amending s. 327.25, F.S.; providing an exemption from annual vessel registration fees for vessels owned and operated by the Safe Harbor Haven, Inc.; amending s. 327.52, F.S.; revising language with respect to maximum loading and horsepower requirements for specified vessels and prohibiting the operation of vessels in an overloaded or overpowered condition; amending s. 327.73, F.S.;

creating a noncriminal infraction for overloaded and overpowered vessels; providing effective dates.

—a companion measure, was substituted for **SB 150** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 229** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

**SB 292**—A bill to be entitled An act relating to artificial reefs; amending s. 370.25, F.S.; providing requirements with respect to the artificial reef program within the Department of Environmental Protection; directing the department to establish criteria for determining eligibility of nonprofit organizations to apply for and receive available reef development funds; establishing an office to act as a coordinating authority for artificial reef construction; directing the department to develop a plan; providing that certain acts are unlawful; providing penalties; providing for disposal of certain materials; providing that certain persons are deemed responsible for violations; providing for administrative fines; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendment which was moved by Senator Klein:

**Amendment 1 (with title amendment)**—On page 4, line 16 through page 6, line 10, delete those lines and insert:

(6) *It is unlawful for any person to:*

(a) *Transport on or across state waters material which might reasonably be expected to be intended for placement in the water for artificial reef development purposes, unless a signed inspection manifest issued by the department or a department approved inspector, is on board the transporting vessel. The manifest will serve as authorization to use a valid artificial reef site, or shore staging area, will validate that the type of intended reef development material is permissible for use at the proposed permit site, will describe and quantify the inspected reef material being transported, include the coordinates of the proposed reef deployment destination, the valid reef site permit number, and a copy of the permit conditions for the reef site authorized for use. The manifest must be available for inspection upon request by any authorized law enforcement officer or designated employee of the department. The vessel captain or reef site permit holder must return a copy of the manifest along with the reef material placement coordinates and deployment date to the department within 30 days of placement of reef material.*

(b) *Store on a vessel material which might reasonably be expected to be intended for placement in the water for artificial reef development purposes, unless the materials have been inspected and approved or are scheduled to be inspected.*

(c) *Place materials in state waters outside zones permitted under the terms and conditions defined in the applicable environmental permits and under U.S. Army Corps of Engineers permits held by the department or a local government.*

(d) *Place in state waters materials that have not been inspected and approved by the department or a department approved inspector.*

(7)(a) *An initial violation of subsection (4) is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A subsequent violation of subsection (4) which is committed within 12 months after a previous violation of that subsection is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.*

(b) *If a violation of paragraph (a), paragraph (c), or paragraph (d) of subsection (4) occurs, a law enforcement officer must terminate a vessel's voyage and order the vessel operator to return immediately to port. The vessel operator must immediately dispose of the materials on shore according to applicable waste-disposal laws.*

(c) *If, at the time of the violation, the vessel that is involved in the violation:*

1. *Is moored, the registered owner of the vessel is responsible for the violation.*

2. *Is underway, the captain or operator of the vessel and the registered owner of the vessel are jointly responsible for the violation.*

(d) *In addition to the penalties imposed in paragraph (5)(a) any person convicted of violating subsection (4), regardless of whether adjudication was withheld or imposition of sentence deferred or suspended, the department shall assess civil penalties of up to \$5,000 and may suspend or revoke the vessel registration and may revoke existing reef-construction permits and other state marine licenses held by the violator.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, lines 11 and 12, delete "directing the department to develop a plan" and insert:

Senator Klein moved the following substitute amendment which was adopted:

**Amendment 2 (with title amendment)**—On page 4, line 16 through page 6, line 10, delete those lines and insert:

(6) *It is unlawful for any person to:*

(a) *Place artificial-reef-construction materials in state water outside zones permitted under the terms and conditions defined in the applicable environmental permits and under U.S. Army Corps of Engineers permits held by the department or a local government.*

(b) *Place in state waters artificial-reef-construction materials that have not been inspected and approved by the department or a department-certified inspector.*

(7)(a) *An initial violation of subsection (4) is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A subsequent violation of subsection (4) which is committed within 12 months after a previous violation of that subsection is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.*

(b) *If a violation of paragraph (a), paragraph (c), or paragraph (d) of subsection (4) occurs, a law enforcement officer must terminate a vessel's voyage and order the vessel operator to return immediately to port. The vessel operator must immediately dispose of the materials on shore according to applicable waste-disposal laws.*

(c) *If, at the time of the violation, the vessel that is involved in the violation:*

1. *Is moored, the registered owner of the vessel is responsible for the violation.*

2. *Is underway, the captain or operator of the vessel and the registered owner of the vessel are jointly responsible for the violation.*

(d) *In addition to the penalties imposed in paragraph (5)(a) any person convicted of violating subsection (4), regardless of whether adjudication was withheld or imposition of sentence deferred or suspended, the department shall assess civil penalties of up to \$5,000 and may suspend or revoke the vessel registration and may revoke existing reef-construction permits and other state marine licenses held by the violator.*

And the title is amended as follows:

On page 1, lines 11 and 12, delete "directing the department to develop a plan"

Pursuant to Rule 4.19, **SB 292** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

## MOTION

On motion by Senator Jenne, the rules were waived and time of recess was extended until consideration of **CS for HB's 461, 281 and 75.**

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

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Toni Jennings, President*

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for HB's 461, 281 and 75, as amended by the Conference Committee Report.

*John B. Phelps, Clerk*

### CONFERENCE COMMITTEE REPORT ON CS FOR HB'S 461, 281 AND 75

*The Honorable Toni Jennings  
President of the Senate*

April 2, 1997

*The Honorable Daniel Webster  
Speaker, House of Representatives*

Dear President Jennings and Speaker Webster:

Your Conference Committee on the disagreeing votes of the two houses on the Senate Amendment to CS for HB's 461, 281 and 75, same being:

An act relating to Elections

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate recede from its Amendment.
2. That the Senate and House of Representatives adopt Conference Committee Amendment 1, attached hereto and, by reference, made a part of this report.
3. That the Senate and House of Representatives pass CS for HB's 461, 281 and 75 as amended by said Conference Committee Amendment.

*s/Jack Latvala  
Chair  
s/Locke Burt  
s/Buddy Dyer*

*s/Lisa Carlton  
Chair  
s/Steven A. Geller  
s/John Thrasher*

Managers on the part  
of the Senate

Managers on the part of the  
House of Representatives

**Conference Committee Amendment 1 (with title amendment)**—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 106.37, Florida Statutes, is created to read:

*106.37 Willful violations.—A person willfully violates a provision of this chapter if the person commits an act while knowing that, or showing reckless disregard for whether, the act is prohibited under this chapter, or does not commit an act while knowing that, or showing reckless disregard for whether, the act is required under this chapter. A person knows that an act is prohibited or required if the person is aware of the provision of this chapter which prohibits or requires the act, understands the meaning of that provision, and performs the act that is prohibited or fails to perform the act that is required. A person shows reckless disregard for whether an act is prohibited or required under this chapter if the person wholly disregards the law without making any reasonable effort to determine whether the act would constitute a violation of this chapter.*

Section 2. Subsections (5) and (8) of section 106.011, Florida Statutes, are amended to read:

106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(5)(a) "Independent expenditure" means an expenditure by a person for the purpose of advocating the election or defeat of a candidate or the approval or rejection of an issue, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee. An expenditure for such purpose by a person having a contract with the candidate,

political committee, or agent of such candidate or committee in a given election period shall not be deemed an independent expenditure.

(b) *An expenditure for the purpose of advocating the election or defeat of a candidate which is made by the national, state, or county executive committee of a political party, including any subordinate committee of a national, state, or county committee of a political party, or by any political committee or committee of continuous existence, or any other person, shall not be considered an independent expenditure if the committee or person:*

1. *Communicates with the candidate, the candidate's campaign, or an agent of the candidate acting on behalf of the candidate, including any pollster, media consultant, advertising agency, vendor, advisor, or staff member; concerning the preparation of, use of, or payment for, the specific expenditure or advertising campaign at issue; or*

2. *Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with the candidate, the candidate's campaign, a political committee supporting the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign at issue; or*

3. *Makes a payment for the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by the candidate, the candidate's campaign, or an agent of the candidate, including any pollster, media consultant, advertising agency, vendor, advisor, or staff member; or*

4. *Makes a payment based on information about the candidate's plans, projects, or needs communicated to a member of the committee or person by the candidate or an agent of the candidate, provided the committee or person uses the information in any way, in whole or in part, either directly or indirectly, to design, prepare, or pay for the specific expenditure or advertising campaign at issue; or*

5. *After the last day of qualifying for statewide or legislative office, consults about the candidate's plans, projects, or needs in connection with the candidate's pursuit of election to office and the information is used in any way to plan, create, design, or prepare an independent expenditure or advertising campaign, with:*

a. *Any officer, director, employee, or agent of a national, state or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate; or*

b. *Any person whose professional services have been retained by a national, state or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate; or*

6. *After the last day of qualifying for statewide or legislative office, retains the professional services of any person also providing those services to the candidate in connection with the candidate's pursuit of election to office; or*

7. *Arranges, coordinates, or directs the expenditure, in any way, with the candidate or an agent of the candidate.*

(8) "Person" means an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. *The term includes a political party, political committee, or committee of continuous existence.*

Section 3. Section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1)(a) *Except for political parties, no person, political committee, or committee of continuous existence may, in any election, shall make contributions in excess of \$500 to any candidate for election to or retention in office or to any political committee supporting or opposing one or more candidates. in this state, for any election, in excess of the following amounts:*

1. ~~To a candidate for countywide office or to a candidate in any election conducted on less than a countywide basis, \$500.~~

- ~~2.—To a candidate for legislative or multicounty office, \$500.~~
- 3.—To a candidate for statewide office, \$500. Candidates for the offices of Governor and Lieutenant Governor on the same ticket ~~are shall be~~ considered a single candidate for the purpose of this section.
- ~~4.—To a political committee supporting or opposing one or more candidates, \$500.~~
- ~~5.—To a candidate for county court judge or circuit judge, \$500.~~
- ~~6.—To a candidate for retention as a judge of a district court of appeal, \$500.~~
- ~~7.—To a candidate for retention as a justice of the Supreme Court, \$500.~~

(b) 1. The contribution limits provided in this subsection ~~do shall~~ not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his or her own campaign.

2. Notwithstanding the limits provided in this subsection, ~~an no~~ unemancipated child under the age of 18 years of age may ~~not~~ make a contribution ~~in excess of \$100~~ to any candidate or to any political committee supporting one or more candidates, ~~in excess of \$100. The limitations provided by this subsection shall apply to each election.~~

(c) *The contribution limits of this subsection apply to each election.* For purposes of this subsection, the first primary, second primary, and general election ~~are shall be deemed~~ separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice of the Supreme Court or judge of a district court of appeal, there ~~is shall be~~ only one election, which ~~is shall be~~ the general election, and with respect to candidates for circuit judge or county court judge, there ~~are shall be~~ only two elections, which ~~are shall be~~ the first primary election and general election.

(2)(a) A candidate may not accept contributions from national, state, ~~including any subordinate committee of a national, state, or county committee of a political party,~~ and county executive committees of a political party, which contributions in the aggregate exceed \$50,000, no more than \$25,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election.

(b) ~~For the purposes of this subsection:~~

~~1.—Print, broadcast, cable, and mailing advertisements are contributions in an amount equal to their fair market value and shall be counted toward the contribution limits of this subsection.~~

~~2.—Polling services, research services, costs for campaign staff, professional consulting services technical assistance, and telephone calls voter mobilization efforts are not contributions to be counted toward the contribution limits of paragraph (a) this subsection. Any item not expressly identified in this paragraph as nonallocable is a contribution in an amount equal to the fair market value of the item and must be counted as allocable toward the \$50,000 contribution limits of paragraph (a). Nonallocable, in-kind contributions must be reported by the candidate under s. 106.07 and by the political party under s. 106.29.~~

(3)(a) Any contribution received by a candidate with opposition in an election or by the campaign treasurer or a deputy ~~campaign~~ treasurer of such a candidate on the day of that election or less than 5 days prior to the day of that election ~~must shall~~ be returned by him or her to the person or committee contributing it and ~~may shall~~ not be used or expended by or on behalf of the candidate.

(b) *Except as otherwise provided in paragraph (c),* any contribution received by a candidate or by the campaign treasurer or a deputy ~~campaign~~ treasurer of a candidate after the date at which the candidate withdraws his or her candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office ~~must shall~~ be returned to the person or political committee contributing it and ~~may shall~~ not be used or expended by or on behalf of the candidate.

(c) *With respect to any campaign for an office in which an independent or minor party candidate has filed as required in s. 99.0955 or s.*

*99.096, but whose qualification is pending a determination by the Department of State or supervisor of elections as to whether or not the required number of petition signatures was obtained:*

1. *The department or supervisor shall, no later than 3 days after that determination has been made, notify in writing all other candidates for that office of that determination.*

2. *Any contribution received by a candidate or the campaign treasurer or deputy campaign treasurer of a candidate after the candidate has been notified in writing by the department or supervisor that he or she has become unopposed as a result of an independent or minor party candidate failing to obtain the required number of petition signatures shall be returned to the person, political committee, or committee of continuous existence contributing it and shall not be used or expended by or on behalf of the candidate.*

(4) Any contribution received by the chair, campaign treasurer, or deputy campaign treasurer of a political committee supporting or opposing a candidate with opposition in an election or supporting or opposing an issue on the ballot in an election on the day of that election or less than 5 days prior to the day of that election ~~may shall~~ not be obligated or expended by the committee until after the date of the election.

(5) ~~A No person may not shall~~ make any contribution ~~in support of or opposition to a candidate for election or nomination, in support of or opposition to an issue, or to any political committee,~~ through or in the name of another, directly or indirectly, in any election. ~~The solicitation from, and contributions by, Candidates, political committees, and political parties may not solicit contributions from or make contributions party executive committees to any religious, charitable, civic, or other causes or organizations established primarily for the public good are expressly prohibited. However, it is shall not be construed as a violation of this subsection for a candidate, political committee, or political party executive committee to make gifts of money in lieu of flowers in memory of a deceased person or for a candidate to continue membership in, or make regular donations contributions paid from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate he or she has been a regular donor contributor for more than 6 months. A candidate may purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.~~

(6) *A political party may not accept any contribution which has been specifically designated for the partial or exclusive use of a particular candidate. Any contribution so designated must be returned to the contributor and may not be used or expended by or on behalf of the candidate.*

(7)(a)(6) Any person who knowingly and willfully makes ~~no more than one~~ a contribution in violation of subsection (1) or subsection (5), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (3), ~~commits is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any political party, political committee, or committee of continuous existence is convicted of knowingly and willfully violating any provision punishable under this paragraph section, it shall be fined not less than \$1,000 and not more than \$10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity or of a political party, political committee, or committee of continuous existence who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(b) *Any person who knowingly and willfully makes two or more contributions in violation of subsection (1) or subsection (5) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If any corporation, partnership, or other business entity or any political party, political committee, or committee of continuous existence is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$10,000 and not more than \$50,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation,*

partnership, or other business entity, or of a political committee, committee of continuous existence or political party who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8)(7) Except when otherwise provided in subsection (7), any person who knowingly and willfully violates any provision ~~the provisions~~ of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

(9)(8) ~~The provisions of~~ This section ~~does~~ shall not apply to the transfer of funds between a primary campaign depository and a savings account or certificate of deposit or to any interest earned on such account or certificate.

Section 4. Section 106.085, Florida Statutes, is amended to read:

106.085 Independent expenditures; unfair surprise prohibited; notice requirements; penalty.—

(1) Any individual, group, organization, political party, or committee making an independent expenditure in excess of \$1,000 on behalf of or in opposition to a candidate shall deliver notice in writing of such independent expenditure, a general description of the subject and content of such expenditure, as well as the amount of such expenditure and a detailed description of the media type or use of such expenditure, within 24 hours after obligating any funds for such expenditure. However, the notice of the obligation of the expenditure must be made at least 5 days prior to an election. An expenditure is obligated upon the purchase of any political advertising or the entering into any agreement, either oral or written, to purchase any political advertising. Such notice shall be delivered to all of the candidates in the affected race and to the qualifying officer of such candidates. The notice shall specifically state the name of the candidate whom the independent expenditure is designed to support or oppose. For purposes of this subsection, notice shall include, but is not limited to, personal hand delivery or overnight mail. Each new expenditure shall require the delivery or filing of an additional new notice.

(2)(a) If the political advertisement required to be noticed under subsection (1) is to be broadcast over any television station, including a cable television station, or a radio station, a copy of the actual advertisement must be provided with the notification, along with a listing of the stations airing the advertisement.

(b) If the political advertisement required to be noticed under subsection (1) is to be communicated through means other than the spoken word, a duplicate reproduced from the original advertisement to be used must be provided with the notification. The duplicate must clearly depict a copy of the pictures, artwork, and text used in the advertisement.

(c) If the political advertisement required to be noticed under subsection (1) is to be a telephone solicitation, a copy of the script of the telephone solicitation must be provided with the notification, along with the number of intended recipients.

(3)(2) A person who violates any provision of this section shall be liable for a civil fine of up to \$5,000 to be determined by the Florida Elections Commission or the entire amount equal to 10 percent of the expenditure not noticed, whichever is greater.

(4) This section does not prohibit a person from making an independent expenditure in support of or in opposition to any candidate or issue, unless otherwise prohibited by law, from expressing his or her opinion on any issue, or from purchasing any political advertisement or campaign material.

Section 5. Effective October 1, 1997, section 106.087, Florida Statutes, is created to read:

106.087 Independent expenditures; contribution limits; restrictions on political parties, political committees, and committees of continuous existence.—

(1)(a) As a condition of receiving a rebate of filing fees and party assessment funds pursuant to s. 99.061(2), s. 99.092(1), s. 99.103, or s.

103.121(1)(b), the chair or treasurer of a state or county executive committee shall take and subscribe to an oath or affirmation in writing. During the qualifying period for state candidates and prior to distribution of such funds, a printed copy of the oath or affirmation shall be filed with the Secretary of State and shall be substantially in the following form:

State of Florida  
County of . . . .

Before me, an officer authorized to administer oaths, personally appeared (name), to me well known, who, being sworn, says that he or she is the (title) of the (name of party) (state or specified county) executive committee; that the executive committee has not made, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official in the prior 6 months; that the executive committee will not make, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official, through and including the upcoming general election; and that the executive committee will not violate the contribution limits applicable to candidates under s. 106.08(2), Florida Statutes.

(Signature of committee officer)  
(Address)

Sworn to and subscribed before me this . . . . day of . . . ., 19 . . . ., at . . . .  
County, Florida.

(Signature and title of officer administering oath)

(b) Any executive committee found to have violated the provisions of the oath or affirmation in this section prior to receiving funds shall be ineligible to receive the rebate for that general election year.

(c) Any executive committee found to have violated the provisions of the oath or affirmation in this section after receiving funds shall be ineligible to receive the rebate from candidates qualifying for the following general election cycle.

(d) Any funds not distributed to the state or county executive committee pursuant to this section shall be deposited into the General Revenue Fund of the state.

(2)(a) Any political committee or committee of continuous existence that accepts the use of public funds, equipment, personnel, or other resources to collect dues from its members agrees not to make independent expenditures in support of or opposition to a candidate or elected public official. However, expenditures may be made for the sole purpose of jointly endorsing three or more candidates.

(b) Any political committee or committee of continuous existence that violates this subsection is liable for a civil fine of up to \$5,000 to be determined by the Florida Elections Commission or the entire amount of the expenditures, whichever is greater.

Section 6. Paragraph (c) of subsection (4) and subsection (8) of section 106.04, Florida Statutes, are amended to read:

106.04 Committees of continuous existence.—

(4)

(c) All committees of continuous existence shall file the original and one copy of their reports with the Division of Elections. In addition, a duplicate copy of each report shall be filed with the supervisor of elections in the county in which the committee maintains its books and records, except that if the filing officer to whom the committee is required to report is located in the same county as the supervisor no such duplicate report is required to be filed with the supervisor. Reports shall be on forms provided by the division and shall contain the following information:

1. The full name, address, and occupation of each person who has made one or more contributions to the committee during the reporting period, together with the amounts and dates of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is \$100 or less, the occupation of the contributor or principal type of business need not be listed, ~~and only the name and address are necessary.~~ However, for any contributions which represent the payment of dues by members in a fixed amount pursuant to the schedule on file with the Division of Elections, only the aggregate



amount of such contributions need be listed, together with the number of members paying such dues and the amount of the membership dues.

2. The name and address of each political committee or committee of continuous existence from which the reporting committee received, or the name and address of each political committee, committee of continuous existence, or political party to which it made, any transfer of funds, together with the amounts and dates of all transfers.

3. Any other receipt of funds not listed pursuant to subparagraph 1. or subparagraph 2., including the sources and amounts of all such funds.

4. The name and address of, and office sought by, each candidate to whom the committee has made a contribution during the reporting period, together with the amount and date of each contribution.

(8)(a) Any committee of continuous existence failing to file a report on the designated due date shall be subject to a fine. The fine shall be \$500 \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. The fine shall be assessed by the filing officer, and the moneys collected shall be deposited in the *Elections Commission Election Campaign Financing Trust Fund*. No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the treasurer of the committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. Upon receipt of the report, the filing officer shall determine the amount of fine which is due and shall notify the treasurer of the committee. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). An officer or member of a committee shall not be personally liable for such fine.

(c) Any treasurer of a committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the treasurer of the committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The filing officer shall notify the Florida Elections Commission of the repeated late filing by a committee of continuous existence, the failure of a committee of continuous existence to file a report after notice, or the failure to pay the fine imposed.

(e) ~~The filing officer shall waive the fine for first time offenders who had no activity during the reporting period. The Division of Elections shall adopt rules to carry out the provisions of this paragraph. These rules shall provide for the following:~~

~~1. First time offenders include committees of continuous existence which have not previously been fined for failure to timely file a report pursuant to this section.~~

~~2. The committee of continuous existence must request waiver of the fine within 20 days after being notified by the filing officer that the report was not timely filed.~~

~~3. The request for waiver must be accompanied by a sworn oath by the treasurer of the committee stating that the committee has not previously been fined for the late filing of a report and that there was no activity during the reporting period. No activity shall mean that no funds were received or expenditures made during the reporting period.~~

~~4. The reporting period shall follow the schedules outlined in s. 106.07.~~

Section 7. Paragraph (a) of subsection (4) and subsection (8) of section 106.07, Florida Statutes, are amended to read:

106.07 Reports; certification and filing.—

(4)(a) Each report required by this section shall contain:

1. The full name, address, and occupation, if any of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. *For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation.* However, if the contribution is \$100 or less or is from a relative, as defined in s. 112.312, provided that the relationship is reported, the occupation of the contributor *or the principal type of business need not be listed, and only the name and address are necessary.*

2. The name and address of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.

3. Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations, and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

4. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1. through 3.

5. The total sums of all loans, in-kind contributions, and other receipts by or for such committee or candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

6. The full name and address of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually.

7. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually.

8. The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period.

9. The total sum of expenditures made by such committee or candidate during the reporting period.

10. The amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign.

11. A copy of each credit card statement which shall be included in the next report following receipt thereof by the candidate or political committee. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

12. The amount and nature of any separate interest-bearing accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

(8)(a) Any candidate or political committee failing to file a report on the designated due date shall be subject to a fine as provided in paragraph (b) for each late day, and, in the case of a candidate, such fine shall be paid only from personal funds of the candidate. The fine shall be assessed by the filing officer and the moneys collected shall be deposited:

1. In the *Elections Commission Election Campaign Financing Trust Fund*, in the case of a candidate for state office or a political committee that registers with the Division of Elections; or

2. In the general revenue fund of the political subdivision, in the case of a candidate for an office of a political subdivision or a political committee that registers with an officer of a political subdivision.

No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be *\$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each primary and general election, the fine shall be \$500* \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever if greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate. An officer or member of a political committee shall not be personally liable for such fine.

(c) Any candidate or chair of a political committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the candidate or chair of the political committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed.

~~(e) The filing officer shall waive the fine for first time offenders who had no activity during the reporting period. The Division of Elections shall adopt rules to carry out the provisions of this paragraph. These rules shall provide for the following:~~

~~1. First time offenders include candidates or political committees which have not previously been fined for failure to timely file a report pursuant to this section.~~

~~2. The candidate or political committee must request waiver of the fine within 20 days after being notified by the filing officer that the report was not timely filed.~~

~~3. The request for the waiver must be accompanied by a sworn oath by the candidate or the treasurer of the committee stating that the candidate or committee has not previously been fined for the late filing of a report as a candidate for public office or as a committee and that there was no activity during the reporting period. No activity shall mean that no contributions were received or expenditures made during the reporting period.~~

~~4. The reporting period shall follow the schedules outlined in this section.~~

Section 8. Section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties; *restrictions on contributions and expenditures; penalties assessment on contributions.* —

(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding the first primary election, the second primary election, and the general election. Each state executive committee shall file the original and one copy of its reports with the Division of Elections. Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists. Any *state or county executive committee political party* failing to file a report on the designated due date shall be subject to a fine as provided in *subsection (3) s. 106.07 for submitting late reports*. No separate fine shall be assessed for failure to file a copy of any report required by this section.

(2) The chair and treasurer of each *state or county executive committee* shall certify as to the correctness of each report filed by them on behalf of such committee. Any committee chair or treasurer who certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete *commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

*(3)(a) Any state or county executive committee failing to file a report on the designated due date shall be subject to a fine as provided in paragraph (b) for each late day. The fine shall be assessed by the filing officer and the moneys collected shall be deposited in the Elections Commission Trust Fund.*

*(b) Upon determining that a report is late, the filing officer shall immediately notify the chair of the executive committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$1,000 for a state executive committee, and \$50 for a county executive committee, per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, if an executive committee fails to file a report on the Friday immediately preceding the general election, the fine shall be \$10,000 per day for each day a state executive committee is late and \$500 per day for each day a county executive committee is late. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the chair. The filing officer shall determine the amount of the fine due based upon the earliest of the following:*

1. *When the report is actually received by such officer.*
2. *When the report is postmarked.*
3. *When the certificate of mailing is dated.*
4. *When the receipt from an established courier company is dated.*

*Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). An officer or member of an executive committee shall not be personally liable for such fine.*

*(c) The chair of an executive committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the chair of the executive committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.*

*(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by an executive committee, the failure of an executive committee to file a report after notice, or the failure to pay the fine imposed.*

*(4)(3) Any contribution received by a state or county executive committee less than 5 days before an election shall not be used or expended in behalf of any candidate, issue, or political party participating in such election.*

(5)(4) No state or county executive committee, in the furtherance of any candidate or political party, directly or indirectly, shall give, pay, or expend any money, give or pay anything of value, authorize any expenditure, or become pecuniarily liable for any expenditure prohibited by this chapter. However, the contribution of funds by one executive committee to another, or to established party organizations for legitimate party or campaign purposes, or to individual candidates of that party in general elections in amounts exceeding those set forth in s. 106.08 is not prohibited, but all such contributions shall be recorded and accounted for in the reports of the contributor and recipient.

(6)(a) *The national, state, and county executive committees of a political party may not contribute to any candidate any amount in excess of the limits contained in s. 106.08(2), and all contributions required to be reported under s. 106.08(2) by the national executive committee of a political party shall be reported by the state executive committee of that political party.*

(b) *A violation of the contribution limits contained in s. 106.08(2) is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A civil penalty equal to three times the amount in excess of the limits contained in s. 106.08(2) shall be assessed against any executive committee found in violation thereof.*

Section 9. Subsection (3) of section 106.021, Florida Statutes, is amended to read:

106.021 Campaign treasurers; deputies; primary and secondary depositories.—

(3) Except for independent expenditures, no contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state or on behalf of any political committee except through the duly appointed campaign treasurer of the candidate or political committee. However, expenditures may be made directly by any political committee or political party regulated by chapter 103 for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing three six or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidates for the purposes of this chapter.

Section 10. Section 106.1405, Florida Statutes, is amended to read:

106.1405 Use of campaign funds by candidates.—

If A candidate or the spouse of a candidate ~~may not intend to draw a salary from the campaign account of such candidate or use funds on deposit in a campaign account of such candidate to defray normal living expenses for the candidate or the candidate's family, other than expenses actually incurred for transportation, meals, and lodging by the candidate or a family member during travel in the course of the campaign, the candidate shall, at the same time he or she appoints a treasurer and designates his or her campaign depository, file with the officer before whom he or she qualifies a statement that the candidate intends to use the funds for such purposes. Unless the statement of intent is filed at such time, the funds shall not be so used.~~

Section 11. Subsection (1) of section 99.092, Florida Statutes, is amended to read:

99.092 Qualifying fee of candidate; notification of Department of State.—

(1) Each person seeking to qualify for nomination or election to any office, except a person seeking to qualify pursuant to s. 99.095 and except a person seeking to qualify as a write-in candidate, shall pay a qualifying fee, which shall consist of a filing fee and election assessment, to the officer with whom the person qualifies, and any party assessment levied, and shall attach the original or signed duplicate of the receipt for his or her party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his or her other qualifying papers. The amount of the filing fee is 34.5 percent of the annual salary of the office. ~~The amount of the filing fee equal to 1.5 percent of the annual salary of the office shall be transferred to the Election Campaign Financing Trust Fund. The remainder shall be distributed pursuant to s. 99.103. The amount of the election assessment is 1 percent of the annual salary of the office sought. The election assessment shall be deposited into the~~

Elections Commission Trust Fund. The amount of the party assessment is 2 percent of the annual salary. The annual salary of the office for purposes of computing the filing fee, election assessment, and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office as of July 1 immediately preceding the first day of qualifying. No qualifying fee shall be returned to the candidate unless the candidate withdraws his or her candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his or her candidacy before the last date to qualify, the candidate's qualifying fee shall be returned to his or her designated beneficiary, and, if the filing fee or any portion thereof has been transferred to the political party of the candidate, the Secretary of State shall direct the party to return that portion to the designated beneficiary of the candidate.

Section 12. Subsection (1) of section 99.093, Florida Statutes, is amended to read:

99.093 Municipal candidates; election assessment.—

(1) Each person seeking to qualify for nomination or election to a municipal office shall pay, at the time of qualifying for office, an election assessment. The election assessment shall be an amount equal to 14.5 percent of the annual salary of the office sought. Within 30 days after the close of qualifying, the qualifying officer shall forward ~~all assessments two-thirds of the amount~~ collected pursuant to this section to the Department of State for deposit in the Elections Commission Trust Fund ~~and one-third of the amount collected pursuant to this section shall be transferred to the Election Campaign Financing Trust Fund.~~

Section 13. Subsection (3) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(3) QUALIFYING FEE.—Each candidate qualifying for election to judicial office, except write-in judicial candidates, shall, during the time for qualifying, pay to the officer with whom he or she qualifies a qualifying fee, which shall consist of a filing fee and an election assessment, or qualify by the alternative method. The amount of the filing fee is 34.5 percent of the annual salary of the office sought. The amount of the election assessment is 1 percent of the annual salary of the office sought. The qualifying officer shall forward all filing fees to the Department of Revenue for deposit in the General Revenue Fund. ~~One-third of all filing fees deposited into the General Revenue Fund shall be subsequently transferred to the Election Campaign Financing Trust Fund. The election assessment shall be deposited into the Elections Commission Trust Fund. The annual salary of the office for purposes of computing the qualifying fee shall be computed by multiplying 12 times the monthly salary authorized for such office as of July 1 immediately preceding the first day of qualifying. This subsection shall not apply to candidates qualifying for retention to judicial office.~~

Section 14. Section 99.103, Florida Statutes, is amended to read:

99.103 Department of State to remit part of filing fees and party assessments of candidates to state executive committee.—

(1) If more than three-fourths of the full authorized membership of the state executive committee of any party was elected at the last previous election for such members and if such party is declared by the Department of State to have recorded on the registration books of the counties, as of the first Tuesday after the first Monday in January prior to the first primary in general election years, 5 percent of the total registration of such counties when added together, such committee shall receive, for the purpose of meeting its expenses, all filing fees collected by the Department of State from its candidates ~~less the amount transferred to the Election Campaign Financing Trust Fund pursuant to s. 99.092 and an amount equal to 15 percent of the filing fees after such transfer, which amount the Department of State shall deposit in the General Revenue Fund of the state.~~

(2) Not later than 20 days after the close of qualifying in even-numbered years, the Department of State shall remit 95 percent of all filing fees, ~~less the amount transferred to the Election Campaign Financing Trust Fund pursuant to s. 99.092 and the amount deposited in general revenue pursuant to subsection (1), or party assessments that~~

may have been collected by the department to the respective state executive committees of the parties complying with subsection (1). Party assessments collected by the Department of State shall be remitted to the appropriate state executive committee, irrespective of other requirements of this section, provided such committee is duly organized under the provisions of chapter 103. The remainder of filing fees or party assessments collected by the Department of State shall be remitted to the appropriate state executive committees not later than the date of the first primary.

Section 15. Section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(1) Each candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office shall, within 90 days, dispose of the funds on deposit in his or her campaign account and file a report reflecting the disposition of all remaining funds. Such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the candidate withdraws his or her candidacy, becomes unopposed, or is eliminated or elected. *However, if a candidate receives a refund check after all surplus funds have been disposed of, the check may be endorsed by the candidate and the refund disposed of under this section. An amended report must be filed showing the refund and subsequent disposition.*

(2) Any candidate required to dispose of funds pursuant to this section may, prior to such disposition, be reimbursed by the campaign, in full or in part, for any reported contributions by the candidate to the campaign.

(3) The campaign treasurer of a candidate who withdraws his or her candidacy, ~~becomes who has been eliminated as a candidate, who has become unopposed, or is eliminated as a candidate or who has been~~ elected to office and who has funds on deposit in a separate interest-bearing account or certificate of deposit shall, within 7 days ~~after~~ of the date of becoming unopposed or the date of such withdrawal, elimination, or election, transfer such funds and ~~the~~ accumulated interest earned thereon to the campaign account of the candidate for disposal ~~under in accordance with the provisions of this section. However, if the when~~ funds are in an account in which penalties will apply for withdrawal within the 7-day period, the campaign treasurer shall transfer such funds and ~~the~~ accumulated interest ~~earned thereon~~ as soon as the funds can be withdrawn without penalty, or within 90 days after the candidate becomes unopposed, withdraws his or her candidacy, or is eliminated or elected, whichever comes first.

(4)(a) Except as provided in paragraph (b), any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or any combination thereof:

1. Return pro rata to each contributor the funds ~~that which~~ have not been spent; ~~or have not been obligated to be spent, with respect to a campaign which has been conducted.~~

2. Donate the funds ~~that which~~ have not been spent ~~or have not been obligated to be spent~~ to a *charitable* charity organization or organizations ~~that which~~ meet the qualifications of s. 501(c)(3) of the Internal Revenue Code, ~~with respect to a campaign which has been conducted.~~

3. Give the funds ~~that which~~ have not been spent ~~or have not been obligated to be spent~~ to the political party of which such candidate is a registered member.

4. Give the funds ~~that which~~ have not been spent; ~~or have not been obligated to be spent, with respect to a campaign which has been conducted:~~

a. In the case of a candidate for state office, to the state, to be deposited in either the Election Campaign Financing Trust Fund or the General Revenue Fund, as designated by the candidate; or

b. In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.

(b) Any candidate required to dispose of funds pursuant to this section who has received contributions from the Election Campaign Financ-

ing Trust Fund shall return all surplus campaign funds to the Election Campaign Financing Trust Fund.

(5) A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may, in addition to the disposition methods provided in subsection (4), transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) \$10,000, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) \$5,000, for a candidate for multicounty office.

(c) \$2,500 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) \$1,000 multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) \$6,000, for a candidate for retention as a justice of the Supreme Court.

(f) \$3,000, for a candidate for retention as a judge of a district court of appeal.

(g) \$1,500, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate's public office. Such expenses may include travel expenses incurred by the officer or a staff member or expenses incurred in the operation of his or her office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

(6) Prior to disposing of funds pursuant to subsection (4) or transferring funds into an office account pursuant to subsection (5), any candidate who filed an oath stating that he or she was unable to pay the election assessment or fee for verification of petition signatures without imposing an undue burden on his or her personal resources or on resources otherwise available to him or her, or who filed both such oaths, or who qualified by the alternative method and was not required to pay an election assessment, shall reimburse the state or local governmental entity, whichever is applicable, for such waived assessment or fee or both. Such reimbursement shall be made first for the cost of petition verification and then, if funds are remaining, for the amount of the election assessment. If there are insufficient funds in the account to pay the full amount of either the assessment or the fee or both, the remaining funds shall be disbursed in the above manner until no funds remain. All funds disbursed pursuant to this subsection shall be remitted to the qualifying officer. Any reimbursement for petition verification costs which are reimbursable by the state shall be forwarded by the qualifying officer to the state for deposit in the General Revenue Fund. All reimbursements for the amount of the election assessment shall be forwarded by the qualifying officer to the Department of State for deposit in the Elections Commission Trust Fund.

(7) Any candidate required to dispose of campaign funds pursuant to this section shall do so within the time required by this section and shall, on or before the date by which such disposition is to have been made, file with the officer with whom reports are required to be filed pursuant to s. 106.07 a form prescribed by the Division of Elections listing:

- (a) The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;
- (b) The name and address of each person to whom an expenditure was made, together with the amount thereof and purpose therefor; and
- (c) The amount of such funds transferred to an office account by the candidate, together with the name and address of the bank in which the office account is located.

Such report shall be signed by the candidate and the campaign treasurer and certified as true and correct pursuant to s. 106.07. Any candidate failing to file a report on the designated due date shall be subject to a fine as provided in s. 106.07 for submitting late reports.

(8) Any candidate elected to office who transfers surplus campaign funds into an office account pursuant to subsection (5) shall file a report on the 10th day following the end of each calendar quarter until the account is closed. Such reports shall contain the name and address of each person to whom any disbursement of funds was made, together with the amount thereof and the purpose therefor, and the name and address of any person from whom the elected candidate received any refund or reimbursement and the amount thereof. Such reports shall be on forms prescribed by the Division of Elections, signed by the elected candidate, certified as true and correct, and filed with the officer with whom campaign reports were filed pursuant to s. 106.07(2).

(9) Any candidate, or any person on behalf of a candidate, who accepts contributions after such candidate has withdrawn his or her candidacy, after the candidate has become an unopposed candidate, or after the candidate has been eliminated as a candidate or elected to office *commits is guilty* of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) Any candidate who is required by the provisions of this section to dispose of funds in his or her campaign account and who fails to dispose of the funds in the manner provided in this section *commits is guilty* of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 16. Effective January 1, 1999, subsection (4) of section 106.141, Florida Statutes, as amended by this act, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(4)(a) Except as provided in paragraph (b), any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or any combination thereof:

- 1. Return pro rata to each contributor the funds that have not been spent or obligated.
- 2. Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of s. 501(c)(3) of the Internal Revenue Code.
- 3. Give *not more than \$10,000* of the funds that have not been spent or obligated to the political party of which such candidate is a member.
- 4. Give the funds that have not been spent or obligated:
  - a. In the case of a candidate for state office, to the state, to be deposited in either the Election Campaign Financing Trust Fund or the General Revenue Fund, as designated by the candidate; or
  - b. In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.

(b) Any candidate required to dispose of funds pursuant to this section who has received contributions from the Election Campaign Financing Trust Fund shall return all surplus campaign funds to the Election Campaign Financing Trust Fund.

Section 17. Section 106.143, Florida Statutes, is amended to read:

106.143 Political advertisements circulated prior to election; requirements.—

(1) Any political advertisement and any campaign literature published, displayed, or circulated prior to, or on the day of, any election shall:

- (a) Be marked "paid political advertisement" or with the abbreviation "pd. pol. adv."
- (b) Identify the persons or organizations sponsoring the advertisement.

(c)1.a. State whether the advertisement and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement; or

b. State who provided or paid for the advertisement and cost of production, if different from the source of sponsorship.

2. This paragraph shall not apply if the source of the sponsorship is patently clear from the content or format of the political advertisement or campaign literature.

This subsection does not apply to campaign messages used by a candidate and *the candidate's his or her* supporters *if those which* messages are designed to be worn by a person.

(2) Any political advertisement of a candidate running for partisan office ~~in any election~~ shall express the name of the political party of which the candidate is seeking nomination or is the nominee. If the candidate for partisan office is running as an independent candidate, any political advertisement of the candidate must state that the candidate is an independent candidate. ~~Any political advertisement endorsing the candidate shall expressly state whether the permission of the candidate has been obtained to advertise such endorsement.~~

(3) It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing *to the candidate* to make such representation. However, this ~~subsection section~~ does not apply to:

- (a) Editorial endorsement by any newspaper, radio or television station, or other recognized news medium.
- (b) Publication by a party committee advocating the candidacy of its nominees.

(4)(a) *Any political advertisement, including those paid for by a political party, other than an independent expenditure, offered by or on behalf of a candidate must be approved in advance by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution.*

(b) *Any person who makes an independent expenditure for a political advertisement shall provide a written statement that no candidate has approved the advertisement to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. The advertisement must also contain a statement that no candidate has approved the advertisement.*

(c) *This subsection does not apply to campaign messages used by a candidate and his or her supporters if those messages are designed to be worn by a person.*

(5)(4) No political advertisement of a candidate who is not an incumbent of the office for which *the candidate he or she* is running shall use the word "re-elect." Additionally, such advertisement must include the word "for" between the candidate's name and the office for which *the candidate he or she* is running, in order that incumbency is not implied. This subsection does not apply to bumper stickers or items designed to be worn by a person.

(6)(5) This section ~~does shall~~ not apply to novelty items *having a retail of nominal* value of \$10 or less which support, but do not oppose, a candidate or issue.

(7)(6) Any political advertisement which is published, displayed, or produced in a language other than English may provide the information required by this section in the language used in the advertisement.

(8)(7) Any person who willfully violates any provision the provisions of this section is subject to the civil penalties prescribed in s. 106.265.

Section 18. Section 106.147, Florida Statutes, is created to read:

*106.147 Telephone solicitation; disclosure requirements; prohibitions; exemptions; penalties.—*

(1)(a) Any telephone call supporting or opposing a candidate, elected public official, or ballot proposal must identify the persons or organizations sponsoring the call by stating either: "paid for by..." (insert name of persons or organizations sponsoring the call) or "paid for on behalf of..." (insert name of persons or organizations authorizing call). This paragraph does not apply to any telephone call in which both the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.

(b) Any telephone call conducted for the purpose of polling respondents concerning a candidate or elected public official which is a part of a series of like telephone calls that consists of fewer than 1,000 completed calls and averages more than two minutes in duration is presumed to be a political poll and not subject to the provisions of paragraph (a).

(c) No telephone call shall state or imply that the caller represents any person or organization unless the person or organization so represented has given specific approval in writing to make such representation.

(d) No telephone call shall state or imply that the caller represents a nonexistent person or organization.

(2) Any telephone call, not conducted by independent expenditure, supporting or opposing a candidate or ballot proposal, requires prior written authorization by the candidate or sponsor of the ballot proposal that the call supports. A copy of such written authorization must be placed on file with the qualifying officer by the candidate or sponsor of the ballot proposal prior to the time the calls commence.

(3)(a) Any person who willfully violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For purposes of paragraph (a), the term "person" includes any candidate; any officer of any political committee, committee of continuous existence, or political party executive committee; any officer, partner, attorney, or other representative of a corporation, partnership, or other business entity; and any agent or other person acting on behalf of any candidate, political committee, committee of continuous existence, political party executive committee, or corporation, partnership, or other business entity.

Section 19. Section 106.1475, Florida Statutes, is created to read:

*106.1475 Telephone solicitation; registered agent requirements; penalty.—*

(1) Any person or organization that conducts any business in this state which consists of making paid telephone calls supporting or opposing any candidate or elected public official must, prior to conducting such business, have and continuously maintain, for at least 180 days following the cessation of such business activities in the state, a registered agent for the purpose of any service of process, notice, or demand required or authorized by law and must file with the division a notice of such registered agent. Such registered agent must be an individual who is a resident of this state, a domestic corporation, or a foreign corporation authorized to do business in this state. However, this subsection does not apply to any person or organization already lawfully registered to conduct business in this state.

(2) For purposes of this section, conducting business in this state as specified in subsection (1) includes both placing telephone calls from a location in this state and placing telephone calls from a location outside this state to individuals located in this state.

(3)(a) The division shall create and maintain forms for the notice required by subsection (1), which, at a minimum, must elicit all of the following information:

1. The name, address, and telephone number of the registered agent.
2. The name, address, and telephone number of the person or organization conducting business in this state as specified in subsection (1).

(b) The person or organization conducting business in this state as specified in subsection (1) must immediately notify the division of any changes in the information required in paragraph (a).

(4) Any person or organization that violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 20. Section 106.148, Florida Statutes, is created to read:

*106.148 Disclosure of online computer solicitation.—A message placed on an information system accessible by computer by a candidate, political party, political committee, or committee of continuous existence, or an agent of any such candidate, party, or committee, which message is accessible by more than one person, other than an internal communication of the party, committee, or campaign, must include a statement disclosing all information required of political advertisements under s. 106.143.*

Section 21. Section 99.097, Florida Statutes, is amended to read:

*99.097 Verification of signatures on petitions.—*

(1) As determined by each supervisor, based upon local conditions, the checking of names on petitions may be based on the most inexpensive and administratively feasible of either of the following methods of verification:

(a) A name-by-name, signature-by-signature check of the number of authorized signatures on the petitions; or

(b) A check of a random sample, as provided by the Department of State, of names and signatures on the petitions. The sample must be such that a determination can be made as to whether or not the required number of signatures have been obtained with a reliability of at least 99.5 percent. Rules and guidelines for this method of petition verification shall be promulgated by the Department of State, which may include a requirement that petitions bear an additional number of names and signatures, not to exceed 15 percent of the names and signatures otherwise required. If the petitions do not meet such criteria, then the use of the verification method described in this paragraph shall not be available to supervisors.

(2) When a petitioner submits petitions which contain at least 15 percent more than the required number of signatures, the petitioner may require that the supervisor of elections use the random sampling verification method in certifying the petition.

(3)(a) A name on a petition, which name is not in substantially the same form as a name on the voter registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same. In any situation in which this code requires the form of the petition to be prescribed by the ~~division Department of State~~, no signature shall be counted toward the number of signatures required unless it is on a petition form prescribed by the ~~division Department of State~~.

(b) If a voter signs a petition and lists an address other than the legal residence where the voter is registered, the supervisor shall treat the signature as if the voter had listed the address where the voter is registered.

(4) The supervisor shall be paid in advance the sum of 10 cents for each signature checked or the actual cost of checking such signature, whichever is less, by the candidate, minor party, or person authorized by such minor party submitting the petition or, in the case of a petition to have an issue placed on the ballot, by the person or organization submitting the petition. However, if a candidate, person, or organization seeking to have an issue placed upon the ballot cannot pay such charges without imposing an undue burden on personal resources or upon the resources otherwise available to such candidate, person, or organization, such candidate, person, or organization shall, upon written certification

of such inability given under oath to the supervisor, be entitled to have the signatures verified at no charge. However, an oath in lieu of payment of the charges shall not be allowed to verify the signatures on a petition to obtain ballot position for a minor party. In the event a candidate, person, or organization submitting a petition to have an issue placed upon the ballot is entitled to have the signatures verified at no charge, the supervisor of elections of each county in which the signatures are verified at no charge shall submit the total number of such signatures checked in the county to the Comptroller no later than December 1 of the general election year, and the Comptroller shall cause such supervisor of elections to be reimbursed from the General Revenue Fund in an amount equal to 10 cents for each name checked or the actual cost of checking such signatures, whichever is less. In no event shall such reimbursement of costs be deemed or applied as extra compensation for the supervisor. Petitions shall be retained by the supervisors for a period of 1 year following the election for which the petitions were circulated.

(5) The results of a verification pursuant to paragraph (1)(b) may be contested in the circuit court by the candidate; an announced opponent; a representative of a designated political committee; or a person, party, or other organization submitting the petition. The contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court in the county in which the petition is certified or in Leon County if the petition covers more than one county within 10 days after midnight of the date the petition is certified; and the complaint shall set forth the grounds on which the contestant intends to establish his or her right to require a complete check of the names and signatures pursuant to paragraph (1)(a). In the event the court orders a complete check of the petition and the result is not changed as to the success or lack of success of the petitioner in obtaining the requisite number of valid signatures, then such candidate, unless the candidate has filed the oath stating that he or she is unable to pay such charges; announced opponent; representative of a designated political committee; or party, person, or organization submitting the petition, unless such person or organization has filed the oath stating inability to pay such charges, shall pay to the supervisor of elections of each affected county for the complete check an amount calculated at the rate of 10 cents for each additional signature checked or the actual cost of checking such additional signatures, whichever is less.

Section 22. Section 100.371, Florida Statutes, is amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(1)(a) *The sponsor of a constitutional amendment proposed by initiative must register as a political committee under s. 106.03 prior to taking or initiating any action with respect to that amendment.*

(b)(3) *After registering as a political committee, the sponsor of a constitutional an initiative amendment proposed by initiative shall, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and submit the text of the proposed initiative amendment and the petition format to the division for Secretary of State, with the form on which the signatures will be affixed, and shall obtain the approval of the Secretary of State of such form. The division Secretary of State shall promulgate rules pursuant to s. 120.54 prescribing the style and requirements of petition formats such form.*

(2)(a) *If the sponsor of a proposed initiative amendment intends to employ or contract with any person to gather voter signatures, the sponsor must, before employing or contracting with such person, file an affidavit with the division, the form of which shall be prepared by the division, giving notice of the intended use of paid petition circulators.*

(b) *A sponsor of a proposed initiative amendment who uses paid petition circulators shall provide to the division the name and address of each individual paid to gather petition signatures. Such information shall be filed at the time reports are filed pursuant to s. 106.07.*

(c) *Each paid petition circulator must place his or her name and address on each petition form for which he or she is gathering signatures on behalf of the sponsor of the proposed initiative amendment. The sponsor of a proposed initiative amendment is responsible for ensuring that the name and address of the paid circulator appear on the petition form prior to its submission to the supervisor for verification.*

(d) *A sponsor of a proposed initiative amendment who uses paid petition circulators may not file an oath of undue burden in lieu of paying the fee required by s. 99.097 for the verification of signatures gathered.*

(3)(4) *No later than 5 p.m. on the 151st day prior to the general election at which the proposed initiative amendment is to be voted on for a name-by-name, signature-by-signature verification and no later than 5 p.m. on the 121st day prior to the general election at which the proposed initiative amendment is to be voted on for a random-sampling verification, the sponsor shall submit signed and dated petition forms for that petition to each the appropriate supervisor of elections for verification as to the number of voters registered electors whose valid signatures appear thereon. Each signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are complied with. The supervisor shall promptly verify the signatures upon payment of the fee or filing of the oath of undue burden required by s. 99.097. Upon completion of verification, which shall occur no later than the 91st day prior to the general election, the supervisor shall execute a certificate indicating the total number of signatures checked, the number of signatures verified as valid and as being of registered electors, and the distribution of signatures by congressional district. This certificate shall be immediately transmitted to the division Secretary of State. The supervisor shall retain the signed and dated petition signature forms for at least 1 year following the election in which the proposed initiative amendment issue appeared on the ballot or until the division of Elections notifies the supervisors of elections that the committee which circulated the petition is no longer seeking to obtain ballot position.*

(4)(5) *The division Secretary of State shall determine from the verification certificates received from the supervisors of elections the total number of verified valid signatures and the distribution of such signatures by congressional district districts. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the division secretary shall issue a certificate of ballot position for that proposed initiative amendment and shall assign a designating number pursuant to s. 101.161. A petition is considered shall be deemed to be filed with the Secretary of State upon the date of the receipt by the division secretary of a certificate or certificates from the supervisors of elections indicating that the petition has been signed by the constitutionally required number of voters electors.*

(5)(4) *Constitutional amendments proposed by initiative shall be placed on the ballot for the next general election held more than occurring in excess of 90 days after from the certification of ballot position by the division Secretary of State.*

(6) *The division may Department of State shall have the authority to promulgate rules in accordance with s. 120.54 to carry out the provisions of this section.*

(2) *Such certification shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of valid signatures of electors have been submitted to and verified by the supervisors. Every signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are complied with.*

Section 23. Section 104.185, Florida Statutes, is amended to read:

104.185 *Petitions; knowingly signing a petition more than once; signing another person's name or a fictitious name.—*

(1) *It is unlawful for any person who knowingly signs to sign a petition or petitions for a particular issue or candidate, a minor political party, or an issue more than one time commits. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(2) *A person who signs another person's name or a fictitious name to any petition to secure ballot position for a candidate, a minor political party, or an issue commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 24. Subsection (3) is added to section 106.19, Florida Statutes, to read:

106.19 *Violations by candidates, persons connected with campaigns, and political committees.—*



(3) A political committee sponsoring a constitutional amendment proposed by initiative which submits a petition form gathered by a paid petition circulator which does not provide the name and address of the paid petition circulator on the form is subject to the civil penalties prescribed in s. 106.265.

Section 25. Any signature gathered on an authorized form for an initiative petition by a paid petition circulator which has been submitted prior to the effective date of this act may be kept and counted, if otherwise valid, and that form is not required to have the name and address of the paid petition circulator, nor is any such signature affected by the prohibition against filing an undue burden oath in lieu of paying the fee to have signatures verified, as provided by this act. However, any signature gathered on or after the effective date of this act is subject to the provisions of this act and, if payment is made to any person to solicit signatures after the effective date of this act, an undue burden oath may not be filed in lieu of paying the fee to have signatures verified. In addition, any initiative petition form approved by the Secretary of State prior to the effective date of this act may continue to be circulated.

Section 26. Subsections (1) and (2) of section 97.052, Florida Statutes, 1996 Supplement, are amended to read:

97.052 Uniform statewide voter registration application.—

(1) The department shall prescribe a uniform statewide voter registration application for use in this state.

(a) The uniform statewide voter registration application must be accepted for any one or more of the following purposes:

1. Initial registration.
2. Change of address.
3. Change of party affiliation.
4. Change of name.
5. Replacement of voter registration identification card.

(b) The department is responsible for printing the uniform statewide voter registration application and the voter registration application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993. The applications and forms must be distributed, upon request, to the following:

1. Individuals seeking to register to vote.
2. Individuals or groups conducting voter registration programs. A charge of 1 cent per application shall be assessed on requests for 10,000 or more applications.
3. The Department of Highway Safety and Motor Vehicles.
4. Voter registration agencies.
5. Armed forces recruitment offices.
6. Qualifying educational institutions.
7. Supervisors, who must make the applications and forms available in the following manner:
  - a. By distributing the applications and forms in their offices to any individual or group.
  - b. By distributing the applications and forms at other locations designated by each supervisor.
  - c. By mailing the applications and forms to applicants upon the request of the applicant.

(c) The uniform statewide voter registration application may not be reproduced by any private individual or group.

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

- (a) Full name.

- (b) Date of birth.
- (c) Address of legal residence.
- (d) Mailing address, if different.
- (e) County of legal residence.
- (f) Race or ethnicity that best describes the applicant:
  1. American Indian or Alaskan Native.
  2. Asian or Pacific Islander.
  3. Black, not of Hispanic origin.
  4. White, not of Hispanic origin.
  5. Hispanic.
- (g) Sex.
- (h) Party affiliation.
- (i) Whether the applicant needs assistance in voting.
- (j) Name and address where last registered.
- (k) Social security number (optional).
- (l) Telephone number (optional).

(m) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

~~(n) Date of signature.~~

~~(n)(e)~~ Whether the application is being used for initial registration, or to update a voter registration record, or to request a replacement registration identification card.

~~(o)(p)~~ Whether the applicant is a citizen of the United States.

~~(p)~~ That the applicant has not been convicted of a felony or, if convicted, has had his or her civil rights restored.

~~(q)~~ That the applicant has not been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.

The registration form shall be in plain language and designed so that convicted felons whose civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

Section 27. Subsection (1) and paragraph (a) of subsection (5) of section 97.053, Florida Statutes, are amended to read:

97.053 Acceptance of voter registration applications.—

(1) Voter registration applications, and changes in registration, and requests for a replacement registration identification card must be accepted in the office of any supervisor, the division, a driver license office, a voter registration agency, or an armed forces recruitment office when hand delivered by the applicant or a third party during the hours that office is open or when mailed.

(5)(a) A voter registration application is complete if it contains:

1. The applicant's name.
2. The applicant's legal residence address.
3. The applicant's date of birth, and
4. An indication that the applicant is a citizen of the United States.

5. An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

6. An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

7. Signature of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

Section 28. Section 97.071, Florida Statutes, is amended to read:

97.071 Registration identification card.—

(1) A registration identification card must be furnished to all voters registering under the permanent single registration system and must contain:

- (a) Voter's registration number.
- (b) Date of registration.
- (c) Full name.
- (d) Party affiliation.
- (e) Date of birth.
- (f) Race or ethnicity, *if provided by the applicant*.
- (g) Sex, *if provided by the applicant*.
- (h) Address of legal residence.
- (i) Precinct number.
- (j) Signature of supervisor.
- (k) Place for voter's signature.
- (l) Other information deemed necessary by the department.

(2) A voter may receive a replacement of a registration identification card by *providing a signed, written request for a replacement card to informing the supervisor, in writing, that the card was defaced, lost, or stolen*. Upon verification of registration, the supervisor shall issue the voter a duplicate card without charge.

(3) In the case of a change of name, address, or party affiliation, the supervisor must issue the voter a new registration identification card. However, a registration identification card indicating a party affiliation change made between the book-closing date for the first primary election and the date of the second primary election may not be issued until after the second primary election.

Section 29. Section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence within the same county, change of name, or change of party.—

(1) When an elector moves from the address named on that person's voter registration record to another address within the same county, the elector must *provide a signed, written notification of such move to notify the supervisor in writing of such change* and obtain a registration identification card reflecting the new address of legal residence.

(2) When the name of an elector is changed by marriage or other legal process, the elector must *provide a signed, written notification of such change to notify the supervisor in writing of the change* and obtain a registration identification card reflecting the *new name change*.

(3) When an elector seeks to change party affiliation, the elector must *provide a signed, written notification of such intent to notify the supervisor in writing* and obtain a *new* registration identification card *reflecting the new party affiliation, subject pursuant to the issuance restriction in s. 97.071(3)*.

(4) The supervisor shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of

address of legal residence, name, or party affiliation *and shall issue the new registration identification card as required by s. 97.071(3)*.

Section 30. Section 98.461, Florida Statutes, is amended to read:

98.461 Registration form, precinct register; contents.—A registration form, approved by the Department of State, containing the information required in s. 97.052 shall be filed alphabetically in the office of the supervisor as the master list of electors of the county. However, the registration forms may be microfilmed and such microfilms substituted for the original registration forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration form. Such microfilms or stored information shall be retained in the custody of the supervisor of elections. In the event the original registration forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State. As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451. A computer printout may be used at the polls as a precinct register in lieu of the registration books. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each registered elector: last name, first name, and middle name or initial; party affiliation; residence address; registration number; date of birth; sex, *if provided*; race, *if provided*; ~~state or country of birth~~; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register may also contain a list of the forms of identification approved by the Department of State, which shall include, but not be limited to, the voter registration identification card and Florida driver's license. The precinct register may also contain a space for the elector's signature, a space for the initials of the witnessing clerk or inspector, and a space for the signature slip or ballot number.

Section 31. Subsection (2) of section 104.011, Florida Statutes, is amended to read:

104.011 False swearing; submission of false voter registration information.—

(2) A person who willfully submits any false voter registration information commits a ~~felony~~ *misdemeanor* of the ~~third~~ *first* degree, punishable as provided in s. 775.082 or s. 775.083.

Section 32. Subsection (4) is added to section 104.012, Florida Statutes, to read:

104.012 Consideration for registration; interference with registration; soliciting registrations for compensation.—

(4) *A person who alters the voter registration application of any other person, without the other person's knowledge and consent, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 33. *Sections 98.391, 98.412, 98.431, and 98.441, Florida Statutes, and sections 98.401 and 98.421, Florida Statutes, as amended by chapter 95-147, Laws of Florida, are repealed.*

Section 34. Subsection (11) is added to section 97.012, Florida Statutes, to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

- (11) *Create and maintain a central voter file.*

Section 35. Present subsections (4) through (29) of section 97.021, Florida Statutes, 1996 Supplement, are renumbered as subsections (5) through (30), respectively, and a new subsection (4) is added to that section to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(4) *"Central voter file" means a statewide, centrally maintained database containing voter registration information of all counties in this state.*

Section 36. Subsection (3) of section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(3) Notwithstanding the provisions of *ss. s. 98.095 and 98.097*, each supervisor shall maintain for at least 2 years, and make available for public inspection and copying, all records concerning implementation of registration list maintenance programs and activities conducted pursuant to *ss. 98.065 and 98.075*. The records must include lists of the name and address of each person to whom an address confirmation final notice was sent and information as to whether each such person responded to the mailing, but may not include any information that is confidential or exempt from public record requirements under this code.

Section 37. Section 98.095, Florida Statutes, as amended by chapters 91-235 and 91-424, Laws of Florida, is amended to read:

98.095 County registers open to inspection; copies.—

(1)(a)1. The registration books of *each county in this state* are public records. *Any* Every citizen of the state is allowed to examine the registration books of *any county* while they are in the custody of the supervisor of *that county*, but is not allowed to make copies or extracts therefrom except as provided by this section.

2. Within 15 days of a request for voter registration information, the supervisor shall furnish any requested information, excluding *only* a voter's signature and social security number and such other information that is by statute specifically made confidential or is exempt from public records requirements, which the supervisor maintains pursuant to "The Florida Election Code."

(b) Notwithstanding the provision of paragraph (a), if after the most recent ~~an~~ election, if there is a request for information relating to electors who voted in *that the most recent* election, within 15 days of the request the supervisor shall either provide the information or allow the persons, entities, or agents thereof, as authorized in this section, to personally extract or copy the information.

(c) Actual costs of duplication of information authorized by this section for release to the public shall be charged in accordance with the provisions of s. 119.07.

(2) The information provided by the supervisor pursuant to this section shall be furnished only to:

- (a) The courts for the purpose of jury selection;
- (b) Municipalities;
- (c) Other governmental agencies;
- (d) Candidates, to further their candidacy;
- (e) Registered political committees, registered committees of continuous existence, and political parties or officials thereof, for political purposes only; and
- (f) Incumbent officeholders, to report to their constituents.

Such information shall not be used for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political or governmental activities, voter registration, law enforcement, or jury selection.

(3) Any person who acquires a ~~precinct~~ list of registered voters from the office of the supervisor shall take and subscribe to an oath which shall be in substantially the following form:

I hereby swear or affirm that I am a person authorized by s. 98.095, Florida Statutes, to acquire information on registered voters of . . . County, Florida; that the information acquired will be used only for the purposes prescribed in that section and for no other purpose; and that I will not permit the use or copying of such information by persons not authorized by the Election Code of the State of Florida.

(Signature of person acquiring list)

Sworn to and subscribed before me this . . . day of . . . , 19 . . . .

(Signature and title of person administering oath)

Section 38. Effective January 1, 1998, subsection (2) of section 98.095, Florida Statutes, as amended by chapter 91-235, Laws of Florida, is amended to read:

98.095 County registers open to inspection; copies.—

(2) The information provided by the supervisor pursuant to this section shall be furnished only to:

- (a) Municipalities;
- (b) Other governmental agencies;
- (c) Candidates, to further their candidacy;
- (d) Registered political committees, registered committees of continuous existence, and political parties or officials thereof, for political purposes only; and
- (e) Incumbent officeholders, to report to their constituents.

Such information shall not be used for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political or governmental activities, voter registration, or law enforcement.

Section 39. Section 98.097, Florida Statutes, is created to read:

98.097 Central voter file; administration by division; public access.—

(1) There is hereby established a central voter file, to be administered by the division, which shall be a statewide, centrally maintained database containing the voter registration information of all counties in this state.

(2) All voter registration records and other information in the central voter file, excluding any information that is confidential or exempt from public records requirements, shall be considered public records for the purposes of chapter 119.

(3) The central voter file shall be self-sustaining.

Section 40. Section 98.212, Florida Statutes, is amended to read:

98.212 Supervisors to furnish statistical and other information.—

(1)(a) Upon written request, supervisors shall, as promptly as possible, furnish to recognized public or private universities and senior colleges within the state, to state or county governmental agencies, and to recognized political party committees, statistical information for the purpose of analyzing election returns and results.

(b)(2) Supervisors may require reimbursement for any part or all of the actual expenses expense of supplying any such information requested under paragraph (a). For the purposes of this subsection, supervisors may use the services of any research and statistical personnel that may be supplied.

(c)(3) Lists of names submitted to supervisors for indication of registration or nonregistration or of party affiliation shall be processed at any time at cost, except that in no case shall the charge exceed 10 cents for each name on which the information is furnished.

(2)(4) The supervisors shall provide information as requested by the department for program evaluation and reporting to the Federal Election Commission pursuant to the National Voter Registration Act of 1993.

(3) The supervisors shall provide information as requested by the department for the creation and maintenance of the central voter file.

Section 41. Section 101.591, Florida Statutes, is amended to read:

101.591 Voting system audit.—

(1) The Legislature, upon specific appropriation and directive, may provide for an independent Department of State shall audit of, at least every 5 years, the voting system in any each county. Within 30 days after

completing the audit, the *person conducting the audit* Department of State shall furnish a copy of the audit to the supervisor of elections and the board of county commissioners.

(2) *An* The audit conducted pursuant to subsection (1) shall consist of a study and evaluation of the voting system used during any primary, general, municipal, or presidential preference primary election to provide reasonable assurance that the system is properly controlled, can accurately count votes, provides adequate safeguards against unauthorized manipulation and fraud, and complies with the requirements of law and rules of the Department of State.

Section 42. Paragraph (y) of subsection (1) of section 125.01, Florida Statutes, 1996 Supplement, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(y) Place questions or propositions on the ballot at any primary election, general election, or otherwise called special election, when agreed to by a majority vote of the total membership of the legislative and governing body, so as to obtain an expression of elector sentiment with respect to matters of substantial concern within the county. No special election may be called for the purpose of conducting a straw ballot. Any election costs, as defined in s. 97.021(9)(8), associated with any ballot question or election called specifically at the request of a district or for the creation of a district shall be paid by the district either in whole or in part as the case may warrant.

Section 43. *Effective July 1, 1997, the Florida Elections Commission and all of its statutory powers, duties, and functions and all of its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including those in the possession of or provided by the Division of Elections of the Department of State as administrative support and services to the Florida Elections Commission pursuant to section 106.24(4), Florida Statutes (1995), are transferred by a type one transfer, as defined in section 20.06(1), Florida Statutes, from the Department of State to a newly created Florida Elections Commission within the Department of Legal Affairs, Office of the Attorney General. The administrative rules of the commission, and the rules of the Division of Elections governing records, personnel, property, and funds related to the commission, which are in effect immediately before such transfer shall remain in effect until specifically changed in the manner provided by law.*

Section 44. Subsection (2) of section 104.271, Florida Statutes, is amended to read:

104.271 False or malicious charges against, or false statements about, opposing candidates; penalty.—

(2) Any candidate who, in a primary election or other election, with actual malice makes or causes to be made any statement about an opposing candidate which is false is guilty of a violation of this code. An aggrieved candidate may file a complaint with the *Florida Elections Commission* ~~Division of Elections~~ pursuant to s. 106.25. *The commission* ~~division~~ shall adopt rules to provide an expedited hearing ~~before the Florida Elections Commission~~ of complaints filed under this subsection. Notwithstanding any other provision of law, the ~~Florida Elections Commission~~ shall assess a civil penalty of up to \$5,000 against any candidate found in violation of this subsection, which shall be deposited to the account of the General Revenue Fund of the state.

Section 45. Subsection (2) of section 106.19, Florida Statutes, is amended to read:

106.19 Violations by candidates, persons connected with campaigns, and political committees.—

(2) Any candidate, campaign treasurer, or deputy treasurer; any chair, vice chair, or other officer of any political committee; any agent or person acting on behalf of any candidate or political committee; or any other person who violates paragraph (a), paragraph (b), or paragraph (d) of subsection (1) shall be subject to a civil penalty equal to ~~three~~ 3 times the amount involved in the illegal act. Such penalty may be in addition

to the penalties provided by subsection (1) and shall be paid into the General Revenue Fund of this state. ~~The Division of Elections shall have authority to bring a civil action in circuit court to recover such civil penalty.~~

Section 46. Subsection (7) of section 106.22, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

106.22 Duties of the Division of Elections.—It is the duty of the Division of Elections to:

(7) *Report to the Florida Elections Commission any failure to file a report or information required by this chapter or any apparent violation of this chapter. Investigate apparent or alleged violations of this chapter and recommend legal disposition of the violation as provided in s. 106.25.*

(11) *Conduct preliminary investigations into any irregularities or fraud involving voter registration or voting and report its findings to the state attorney for the judicial circuit in which the alleged violation occurred for prosecution, where warranted.*

(12) *Conduct random audits with respect to reports and statements filed under this chapter and with respect to alleged failure to file any reports and statements required under this chapter.*

Section 47. Subsection (1) of section 106.23, Florida Statutes, is amended to read:

106.23 Powers of the Division of Elections.—

(1) In order to carry out the responsibilities prescribed by *s. 106.22* ~~this chapter~~, the Division of Elections is empowered to subpoena and bring before its duly authorized representatives any person in the state, or any person doing business in the state, or any person who has filed or is required to have filed any application, document, papers or other information with an office or agency of this state or a political subdivision thereof and to require the production of any papers, books, or other records relevant to any investigation, including the records and accounts of any bank or trust company doing business in this state. Duly authorized representatives of the division are empowered to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful subpoena of the division or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the division may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the witness's possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this chapter.

Section 48. Section 106.24, Florida Statutes, is amended to read:

106.24 Florida Elections Commission; membership; powers; duties.—

(1)(a) There is created within the Department of *Legal Affairs, Office of the Attorney General, State* a Florida Elections Commission, hereinafter referred to as the commission. *The commission shall be a separate budget entity, and its director shall be the agency head for all purposes.* The commission shall not be subject to control, supervision, or direction by the Department of *Legal Affairs or the Attorney General State* in the performance of its duties, *including, but not limited to, personnel, purchasing transactions involving real or personal property, and budgetary matters.*

(b) *The commission* ~~It~~ shall be composed of *nine seven* members. *The President of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives shall each provide a list of six nominees to the Governor for initial appointment to the commission. The Governor may appoint two members to the commission from each list. If the Governor refuses to*

appoint two members from any of the respective lists, the Governor shall so inform the nominating officer and the nominating officer shall submit a new list of six nominees within 30 days. The new list must contain at least three nominees not included on the prior nominating list, including a chair, all of whom shall be appointed by the Governor with the approval of three members of the Cabinet and subject to confirmation by the Senate. The ninth commission member, who shall serve as chair of the commission, shall be appointed by the Governor. Each member of the commission is subject to confirmation by the Senate. The chair of the commission shall serve for a maximum term of 4 years, such term to run concurrently with the term of the appointing Governor and until a future successor is appointed. Other members of the commission appointed by the Governor shall serve for 4-year terms and until their successors are appointed. The chair of the commission shall be designated by the Governor.

(c) As the terms of members expire, excluding the chair, successors shall be appointed to 4-year terms and shall serve until their successors are appointed. Six months prior to the expiration of a commission member's term, the ranking officer of the political party in the respective house originally nominating the commission member shall submit a list of three nominees to the Governor. The Governor may appoint one of the listed nominees to the commission. If no nominee is selected from the list, the Governor shall so inform the nominating officer, who shall submit a list of three different nominees to the Governor within 30 days. Vacancies on the commission shall expeditiously be filled for the unexpired terms in the same manner of the original appointment to the vacated position.

(d) As the term of the chair of the commission expires or becomes vacant, a successor shall be appointed in the manner of the original appointment, and shall serve for a maximum of 4 years, such term to run concurrently with the term of the appointing Governor and until a future successor is appointed.

(e) In no event may any member Members of the commission may not serve more than two full terms. Members of the commission shall be paid travel and per diem as provided in s. 112.061 while in performance of their duties and in traveling to, from, and upon same. Of the nine seven members of the commission, no more than five four members shall be from the same political party at any one time.

(2) No member of the commission shall be a member of any county, state, or national committee of a political party; be an officer in any partisan political club or organization; or hold, or be a candidate for, any other public office. No person shall be appointed as a member of the commission who has held an elective public office or office in a political party within the year immediately preceding his or her appointment.

(3) The commission shall convene at the call of its chair or at the request of a majority of the members of the commission. The presence of five four members is required to constitute a quorum, and the affirmative vote of the majority of the members present is required for any action or recommendation by the commission. The commission may meet in any city of the state.

(4) The commission shall appoint an executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to adequately perform the functions of the commission, within budgetary limitations. All employees, except the executive director and attorneys, are subject to part II of chapter 110. The executive director shall serve at the pleasure of the commission and be subject to part III of chapter 110, except that the commission shall have complete authority for setting the executive director's salary. Attorneys employed by the commission shall be subject to part V of chapter 110. The Division of Elections shall provide administrative support and services to the commission to carry out its duties pursuant to this chapter. The division shall employ such staff as are necessary to adequately perform the functions of the commission, within budgetary limitations.

(5) Hearings shall be held before the commission, except that the chair may direct that any hearing be held before one member of the commission or a panel of less than the full commission. The commission shall adopt rules to provide for the filing of a report when hearings are held by a single commissioner or a panel, which rules shall prescribe the time for filing the report and the contents of the report.

(6) There is hereby established in the State Treasury an Elections Commission Trust Fund to be utilized by the Division of Elections and

the Florida Elections Commission in order to carry out their duties pursuant to ss. 106.24-106.28. The trust fund may also be used by the division, pursuant to its authority under s. 106.22(11), to provide rewards for information leading to criminal convictions related to voter registration fraud, voter fraud, and vote scams.

(7) The department, in consultation with The commission, shall develop a budget request pursuant to chapter 216 annually. The budget is not subject to change by the Department of Legal Affairs or the Attorney General, but it which shall be submitted by the Department of Legal Affairs to the Governor for transmittal to the Legislature.

(8) The commission is authorized to contract or consult with appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties.

Section 49. Section 106.25, Florida Statutes, 1996 Supplement, is amended to read:

106.25 Reports of alleged violations to Florida Elections Commission Department of State; disposition of findings.—

(1) Jurisdiction to investigate and determine violations of this chapter is vested in the Division of Elections and the Florida Elections Commission; however, nothing in this section limits the jurisdiction of any other officers or agencies of government empowered by law to investigate, act upon, or dispose of alleged violations of this code.

(2) The commission Division of Elections shall investigate and report to the Florida Elections Commission all violations of this chapter, but only after with or without having received either a sworn complaint or information reported to it by the Division of Elections, and may conduct random audits and investigations with respect to reports and statements filed under this chapter and with respect to the alleged failure to file any reports and statements required under this chapter. However, Any person, other than the division, having information of any violation of this chapter shall file a sworn complaint with the commission Division of Elections. Such sworn complaint shall state whether a complaint of the same violation has been made to any state attorney. Within 5 days after receipt of a sworn complaint, the commission shall transmit a copy of the complaint to the alleged violator.

(3) For the purposes of Florida Elections commission jurisdiction, a violation shall mean the willful performance of an act prohibited by this chapter or the willful failure to perform an act required by this chapter.

(4) The commission Division of Elections shall undertake a preliminary investigation to determine if the facts alleged in a sworn complaint or a matter initiated by the division constitute probable cause to believe that a violation has occurred. Upon completion of the preliminary investigation, the commission division shall, by written report, find probable cause or no probable cause to believe that this chapter or s. 104.271 has been violated.

(a) If no probable cause is found, the commission shall division may dismiss the case and the case shall become a matter of public record, except as otherwise provided in this section, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the commission division shall send to the complainant and the alleged violator.

(b) If probable cause is found, the commission division shall so notify the complainant and the alleged violator in writing and shall refer the case to the commission. All documents made or received in the disposition of the complaint shall become public records upon a finding by the commission.

In a case where probable cause is found by the commission, the commission shall make a preliminary determination to consider the matter or to refer the matter to the state attorney for the judicial circuit in which the alleged violation occurred.

(5) When there are disputed issues of material fact in a proceeding conducted under ss. 120.569 and 120.57, a person alleged by the Elections Commission to have committed a violation of the Florida Election Code may elect, within 30 days after the date of the filing of the commission's allegations, to have a hearing conducted by an administrative law judge in the Division of Administrative Hearings.

(6)(5) It is the duty of a state attorney receiving a complaint referred by the commission to investigate the complaint promptly and thoroughly; to undertake such criminal or civil actions as are justified by law; and to report to the commission the results of such investigation, the action taken, and the disposition thereof. The failure or refusal of a state attorney to prosecute or to initiate action upon a complaint or a referral by the commission shall not bar further action by the commission under this chapter.

(7)(6) Every sworn complaint filed pursuant to this chapter with the ~~Division of Elections or the Florida Elections~~ commission, every ~~division~~ investigation and investigative report or other paper of the ~~division or~~ commission with respect to a violation of this chapter, and every proceeding of the commission with respect to a violation of this chapter is confidential, is exempt from the provisions of ss. 119.07(1) and 286.011, and is exempt from publication in the Florida Administrative Weekly of any notice or agenda with respect to any proceeding relating to such violation, except under the following circumstances:

- (a) As provided in subsection (6) (5);
- (b) Upon a determination of probable cause or no probable cause by the commission; *or*
- ~~(c) After a finding of no probable cause is made by the division and the case is not appealed; or~~
- ~~(c)(d) For proceedings conducted with respect to appeals of fines levied by filing officers for the late filing of reports required by this chapter.~~

However, a complainant is not bound by the confidentiality provisions of this section. In addition, confidentiality may be waived in writing by the person against whom the complaint has been filed or the investigation has been initiated. If a finding of probable cause in a case is entered within 30 days prior to the date of the election with respect to which the alleged violation occurred, such finding and the proceedings and records relating to such case shall not become public until noon of the day following such election. When two or more persons are being investigated by the ~~commission division~~ with respect to an alleged violation of this chapter, ~~the division or~~ the commission may not publicly enter a finding of probable cause or no probable cause in the case until a finding of probable cause or no probable cause for the entire case has been determined. However, once the confidentiality of any case has been breached, the person or persons under investigation have the right to waive the confidentiality of the case, thereby opening up the proceedings and records to the public. Any person who discloses any information or matter made confidential by the provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(7) Dismissal of a case by the division, based on a finding of no probable cause, may be appealed to the commission by the complainant. Any complainant intending to appeal such dismissal must, within 30 days after the dismissal, file a request for a hearing before the commission with the division.~~

(8) Any person who files a complaint pursuant to this section while knowing that the allegations contained in such complaint are false or without merit commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 50. Section 106.26, Florida Statutes, is amended to read:

106.26 Powers of commission; rights and responsibilities of parties; findings by commission.—

(1) The commission shall, pursuant to rules adopted and published in accordance with chapter 120, consider *all sworn complaints filed with it and all matters reported to it by the Division of Elections or otherwise coming to its attention, including appeals of division dismissals of cases based on no probable cause. In order to carry out the responsibilities prescribed by this chapter, the commission is empowered to subpoena and bring before it, or its duly authorized representatives, any person in the state, or any person doing business in the state, or any person who has filed or is required to have filed any application, document, papers or other information with an office or agency of this state or a political subdivision thereof and to require the production of any papers, books, or other records relevant to any investigation, including the records and accounts of any bank or trust company doing business in this state. Duly*

*authorized representatives of the commission are empowered to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful subpoena of the commission or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the witness's possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this chapter. In order to carry out its duties, the commission may, whenever required, issue subpoenas and other necessary process to compel the attendance of witnesses before it. The chair thereof shall issue said process on behalf of the commission. The chair or any other member of the commission may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before the commission for the purpose of testifying in any matter about which the commission may desire evidence. The commission, whenever required, may also compel by subpoena the production of any books, letters, or other documentary evidence it may desire to examine in reference to any matter before it. The sheriffs in the several counties shall make such service and execute all process or orders when required by the commission. Sheriffs shall be paid for these services by the commission as provided for in s. 30.231. Any person who is served with a subpoena to attend a hearing of the commission also shall be served with a general statement informing him or her of the subject matter of the commission's investigation or inquiry and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.*

~~(2) Should any witness fail to respond to the lawful subpoena of the commission or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and direct the witness to respond to all lawful questions and to produce all documentary evidence in his or her possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly.~~

(2)(3) All witnesses summoned before the commission, other than on the request of the subject of a hearing, shall receive reimbursement for travel expenses and per diem at the rates provided in s. 112.061. However, the fact that such reimbursement is not tendered at the time the subpoena is served shall not excuse the witness from appearing as directed therein.

(3)(4) Upon request of any person having business before the commission, and with the approval of a majority of the commission, the chair or, in the chair's absence, the vice chair shall instruct all witnesses to leave the hearing room and retire to a designated place. The witness will be instructed by the chair or, in the chair's absence, the vice chair not to discuss his or her testimony or the testimony of any other person with anyone until the hearing has been adjourned and the witness discharged by the chair. The witness shall be further instructed that should any person discuss or attempt to discuss the matter under investigation with him or her after receiving such instructions the witness shall bring such matter to the attention of the commission. No member of the commission or representative thereof may discuss any matter or matters pertinent to the subject matter under investigation with witnesses to be called before the commission from the time that these instructions are given until the hearing has been adjourned and the witness discharged by the chair.

(4)(5) The commission, when interrogating witnesses as provided herein, shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced. This record shall include rulings of the chair, questions of the commission and its counsel, testimony or responses of witnesses, sworn written statements submitted to the commission, and all other pertinent matters. A witness at a

hearing, upon his or her advance request and at his or her own expense, shall be furnished a certified transcript of all testimony taken at the hearing.

(5)(6) Before or during a hearing, any person noticed to appear before the commission, or the person's counsel, may file with the commission, for incorporation into the record of the hearing, sworn written statements relevant to the purpose, subject matter, and scope of the commission's investigation or inquiry. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(6)(7) Any person whose name is mentioned or who is otherwise identified during a hearing being conducted by the commission and who, in the opinion of the commission, may be adversely affected thereby may, upon his or her request or upon the request of any member of the commission, appear personally before the commission and testify on his or her own behalf or, with the commission's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(7)(8) Upon the consent of a majority of its members, the commission may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No request to appear, appearance, or submission shall limit in any way the commission's power of subpoena. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(8)(9) Any person who appears before the commission pursuant to this section shall have all the rights, privileges, and responsibilities of a witness appearing before a court of competent jurisdiction.

(9)(10) If the commission fails in any material respect to comply with the requirements of this section, any person subject to subpoena or subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(10)(11) Whoever willfully affirms or swears falsely in regard to any material matter or thing before the commission shall be guilty of a felony of the third degree and punished as provided by s. 775.082, s. 775.083, or s. 775.084.

(11)(12) At the conclusion of its hearings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence presented at such hearings and shall proceed to determine by affirmative vote of a majority of the members present whether a violation of this chapter has occurred. Such determination shall promptly be made public. The order shall contain a finding of violation or no violation, together with brief findings of pertinent facts, and the assessment of such civil penalties as are permitted by this chapter or no such assessment and shall bear the signature or facsimile signature of the chair or vice chair.

(12) *The commission by rule may determine violations which constitute minor offenses that can be resolved without further investigation by means of a plea of nolo contendere and payment of a fine.*

(13) *The commission may not issue advisory opinions and must, in all its deliberations and decisions, adhere to statutory law and advisory opinions of the division.*

Section 51. Subsection (2) of section 106.265, Florida Statutes, is amended to read:

106.265 Civil penalties.—

(2) If any person, political committee, committee of continuous existence, or political party fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the *State Comptroller shall be responsible for collecting the civil penalties resulting from such action* ~~commission may bring an action in any circuit court of this state to enforce such penalty.~~

Section 52. *Transition provisions.—*

(1)(a) *The terms of all current members of the Florida Elections Commission shall expire at the end of the day, December 31, 1997, and new members shall be appointed to the commission prior to that date pursuant to the provisions of s. 106.24, Florida Statutes, as amended by this act, except that, in order to provide for staggered terms, the initial appointments shall be for terms beginning January 1, 1998, as follows:*

1. *Appointed nominees of the President of the Senate and the minority leader of the Senate shall each serve for a term of 3 years.*

2. *Appointed nominees of the Speaker of the House of Representatives and the minority leader of the House of Representatives shall each serve for a term of 2 years.*

(b) *Any current member of the commission may be appointed to the newly constituted commission established by this act.*

(2) *All complaints and other business pending before the commission at the close of business on December 31, 1997, shall be continued on January 1, 1998, by the newly constituted commission established by this act.*

(3) *In order to ease the transition to the newly constituted commission established by this act:*

(a) *The current members of the commission shall:*

1. *Initiate the adoption of rules, in accordance with chapter 120, Florida Statutes, necessary to carry out the expanded powers and duties of the commission required by this act.*

2. *Secure office space and do all things necessary to permit the members and staff of the commission to begin operating as provided by this act on July 1, 1997.*

(b) *The Director of the Division of Elections shall act as an advisor to the members of the new commission established by this act and shall provide assistance, as needed, in the adoption of rules and the assumption of duties from the division and former commission.*

(4) *This section shall take effect upon this act becoming a law.*

Section 53. Effective upon this act becoming a law, subsection (5) of section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(5) A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may, in addition to the disposition methods provided in subsection (4), transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) \$10,000, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) \$5,000, for a candidate for multicounty office.

(c) \$2,500 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) \$1,000 multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) \$6,000, for a candidate for retention as a justice of the Supreme Court.

(f) \$3,000, for a candidate for retention as a judge of a district court of appeal.

(g) \$1,500, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate's public office. Such expenses may include travel expenses



incurred by the officer or a staff member, *personal taxes payable on office account funds by the candidate or elected public official*, or expenses incurred in the operation of his or her office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

Section 54. Section 101.001, Florida Statutes, is amended to read:

101.001 ~~Registration and election districts, Precincts, and polling places; boundaries.—~~

(1) ~~Subject to the provisions of s. 101.002, each county election precinct, election district, and polling place in this state as defined and fixed is recognized and continued. Except as otherwise provided in paragraph (3)(a),~~ The board of county commissioners in each county, upon recommendation and approval of the supervisor, shall alter or create ~~new districts or precincts for voting in the county. Each precinct shall be numbered and, as nearly as practicable, shall be composed of contiguous and compact areas and shall be numbered.~~ The supervisor shall designate a polling place at a suitable location within each precinct. ~~The district or precinct shall not be changed thereafter except with the consent of the supervisor and a majority of the four members of the board of county commissioners and the supervisor. The board of county commissioners and the supervisor may have precinct boundaries conform to municipal boundaries in accordance with the provisions of s. 101.002, but, in any event, the registration books shall be maintained in such a manner that there may be determined therefrom the total number of electors in each municipality.~~

(2) When in any election there are fewer than 25 registered electors of the only political party having candidates on the ballot at any precinct, such precinct may be combined with other adjoining precincts ~~into one election district~~ upon the recommendation of the supervisor and the approval of the county commissioners. Notice of the combination of precincts ~~into election districts~~ shall be given in the same manner as provided in s. 101.71(2).

(3)(a)1.—~~No election precinct or district shall be created, divided, abolished, or consolidated, or the boundaries therein changed, during the period between January 1 of any year the last digit of which is 7 and December 1 of any year the last digit of which is 0.~~

2.—~~In addition to those periods of time during which change of precinct or district boundaries is not prohibited pursuant to subparagraph 1., the boundaries of election precincts and districts may be changed during the period between January 1 of any year the last digit of which is 7 and January 1 of any year the last digit of which is 0, when such change is due to the subdivision of an existing precinct or district or to municipal annexation, detachment, or consolidation or other such action.~~

(b)—~~The Secretary of State may, upon the request of a county, waive compliance with paragraph (a) if such county has met the requirements of the United States Bureau of the Census as set forth in its guidelines.~~

(3)(4)(a) Each supervisor of elections shall ~~provide and~~ maintain a suitable map drawn to a scale no smaller than 3 miles to the inch and clearly delineating all major observable features such as roads, streams, and railway lines and showing the current geographical boundaries of each precinct, ~~election district, representative district, and senatorial district, and other type of district~~ in the county *subject to the elections process in this code*. ~~A word description of the geographical boundaries shall be attached to each map.~~

(b)—~~Each supervisor of elections shall send a copy of each map with attached description to the Secretary of State no later than March 1 of any year the last digit of which is 7. No later than April 1 in any such~~

~~year, the Secretary of State shall transmit an appropriate copy or facsimile of each map to the United States Bureau of the Census.~~

(e) The supervisor of elections shall notify the Secretary of State in writing within 30 days of any reorganization of precincts ~~or election districts~~ and shall furnish a copy of the map showing the current geographical boundaries ~~and, designation, and word description~~ of each new precinct ~~or election district~~.

(4)(5) Within 10 days after there is any change in the division, number, or boundaries of the ~~election~~ precincts, or the location of the polling places, the supervisor of elections shall make in writing an accurate description of any new or altered ~~election~~ precincts, setting forth the boundary lines ~~and shall identify the location of each new or altered polling place. A copy of the document describing such changes shall be posted at the supervisor's office. thereof, so as to designate accurately the limits of each precinct. The supervisor of elections shall at the same time name, clearly define, and describe in writing the polling place which he or she has established in each new or altered election precinct or in any precinct in which he or she may have changed the polling place. Such changes shall be recorded in the office of the clerk of the circuit court for such county. Upon the recording of the changes, the supervisor of elections shall post a plainly written or printed copy at the courthouse in a conspicuous place.~~

Section 55. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 56. Except as otherwise provided in this act, this act shall take effect January 1, 1998; however, the amendment of section 100.371, Florida Statutes, by this act, relating to signature verification periods and random sampling for proposed initiative amendments, shall take effect on the effective date of amendments to the State Constitution approved by the electors at the general election to be held in November 1998 which authorize, or remove impediment to, enactment by the Legislature of the provisions of that section.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to elections; creating s. 106.37, F.S.; prescribing elements of a willful violation of the campaign financing law; amending s. 106.011, F.S.; redefining the term "independent expenditure"; redefining the term "person"; amending s. 106.08, F.S., relating to limitations on campaign contributions; revising restrictions on contributions by and prohibiting certain contributions to a political party; providing for certain notification relating to pending determinations of the qualification of independent and minor party candidates and the applicability of such determinations to candidates becoming unopposed and having to return certain contributions; amending s. 106.085, F.S.; revising notice requirements for certain independent expenditures; applying such requirements to political parties; providing penalties; creating s. 106.087, F.S.; providing restrictions on political parties, political committees, and committees of continuous existence that make independent expenditures or contribute amounts in excess of the contribution limits; providing penalties; amending ss. 106.04, 106.07, F.S.; modifying reporting requirements for campaign finance reports; increasing the fine for late filing of campaign finance reports by candidates, political committees, and committees of continuous existence; providing for deposit of such fines in the Elections Commission Trust Fund; eliminating an inoperable provision relating to certain first-time offenders; amending s. 106.29, F.S.; increasing the fine for late filing of campaign finance reports by political parties; prohibiting political parties from contributing to candidates beyond a specified amount; clarifying reporting requirements; providing penalties; amending s. 106.021, F.S.; reducing the required minimum number of candidates that may be jointly endorsed under certain circumstances without the expenditures therefor being considered as contributions to or expenditures on behalf of such candidates; amending s. 106.1405, F.S.; prohibiting the use of campaign funds for salary or personal expenses; amending ss. 99.092, 99.093, 105.031, F.S.; revising the candidate filing fee and the municipal candidate election assessment; amending s. 99.103, F.S., relating to distribution of party assessments and certain filing fees, to conform; amending s. 106.141, F.S.; providing requirements for disposition and reporting of surplus funds resulting from refund checks received after all other surplus funds have been disposed of; restricting the amount of surplus funds that may be

given to a political party; amending s. 106.143, F.S.; providing requirements for political advertisements with respect to candidate approval; creating s. 106.147, F.S.; providing disclosure requirements and prohibitions relating to political solicitation by telephone; providing an exemption; providing penalties; creating s. 106.1475, F.S.; requiring the appointment of a registered agent for any person or organization conducting certain political telephone solicitations; requiring the filing of a notice of such appointment with the Division of Elections of the Department of State and providing requirements of such notice; providing for long-arm jurisdiction over out-of-state persons or organizations conducting certain political telephone solicitations in this state; providing a penalty; creating s. 106.148, F.S.; providing disclosure requirements for political solicitation by online computer service; amending s. 99.097, F.S., relating to verification of signatures on petitions; clarifying petition requirements with respect to addresses; requiring advance payment for checking signatures; amending s. 100.371, F.S.; revising provisions relating to initiative amendments; requiring each initiative amendment to be on a petition form prescribed by the division; requiring the sponsor of a proposed initiative amendment to give the division notice of the use of paid petition circulators; requiring the sponsor of a proposed initiative amendment to provide the names and addresses of its paid petition circulators to the division; requiring paid petition circulators to place their names and addresses on each petition form gathered and requiring the sponsor of the proposed initiative amendment to ensure that such information has been provided prior to submission of the forms to the supervisors for verification; prohibiting the sponsor of a proposed initiative amendment who pays to have signatures collected from filing an oath of undue burden in lieu of paying the fee required to have signatures verified; providing a signature verification period; amending s. 104.185, F.S.; clarifying a prohibition against signing a petition more than once; prohibiting the signing of another person's name or a fictitious name on any petition for a candidate, a minor political party, or an issue; providing penalties; amending s. 106.19, F.S.; prohibiting the sponsor of a proposed initiative amendment from submitting petitions by a paid petition circulator without the name and address of the circulator on the petition form; providing penalties; providing applicability to petitions already initiated; amending s. 97.052, F.S.; providing an additional purpose for, and modifying the contents of, the uniform statewide voter registration application; providing for an assessment on requests for forms beyond a specified number from individuals or groups conducting voter registration programs; amending s. 97.053, F.S.; providing for acceptance of requests for a replacement registration identification card; requiring that an applicant provide additional information on the voter registration form to establish eligibility; amending ss. 97.071, 97.1031, F.S., relating to registration identification cards; changing notification requirements to receive an updated or replacement card; amending s. 98.461, F.S.; modifying the information required on the precinct register; amending s. 104.011, F.S.; increasing the penalty for willfully submitting false voter registration information; amending s. 104.012, F.S.; prohibiting the altering of a voter registration application of another person without that person's knowledge and consent; providing a penalty; repealing ss. 98.391-98.441, F.S., relating to automation in processing of voter registrations by means of data processing cards and the use of such cards at voting precincts; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a central voter file; amending s. 97.021, F.S.; defining "central voter file"; creating s. 98.097, F.S.; providing for creation and maintenance of the central voter file; providing that information in the central voter file not otherwise confidential or exempt from public records requirements is public information; requiring the central voter file to be self-sustaining; amending ss. 98.045, 98.095, F.S., relating to administration of voter registration and public access to registration information, respectively, to conform; amending s. 98.212, F.S.; requiring supervisors of elections to provide voter registration information to the division for the central voter file; amending s. 101.591, F.S.; providing for voting system audits only upon specific appropriation and directive of the Legislature; amending s. 125.01, F.S.; conforming a cross-reference; transferring the Florida Elections Commission from the Department of State to the Department of Legal Affairs, Office of the Attorney General; amending s. 104.271, F.S.; authorizing filing of complaints with the commission relating to false statements about candidates; amending s. 106.19, F.S.; eliminating authority of the Division of Elections to bring civil actions to recover certain civil penalties; amending s. 106.22, F.S.; deleting duties of the division relating to investigation of complaints; requiring the division to report certain information to the commission; requiring the division to conduct preliminary investigations into irregularities or fraud involving voter registration or voting and report the findings to the appropriate state attorney for prosecution, where warranted; requiring the division to

perform random audits relating to reports and statements required to be filed under ch. 106, F.S., relating to campaign financing; amending s. 106.23, F.S.; restricting powers of the division to issue subpoenas and administer oaths to specified duties; amending s. 106.24, F.S.; increasing membership of the commission; revising appointment procedures and criteria for membership on the commission; revising administrative and organizational structure of the commission; providing for appointment of an executive director and employment of staff; authorizing the commission to contract or consult with other state agencies for assistance as needed; amending s. 106.25, F.S.; vesting the commission with jurisdiction to investigate and determine violations of ch. 106, F.S.; requiring transmittal of a copy of a sworn complaint to the alleged violator; providing for an administrative hearing upon written request of the alleged violator; amending s. 106.26, F.S.; providing rulemaking authority to the commission relating to its investigative responsibilities; prohibiting the commission from issuing advisory opinions; providing for establishment by rule of minor offenses that may be resolved without further investigation by means of a plea of no contest and a fine; requiring the commission to adhere to statutory law and advisory opinions of the division; amending s. 106.265, F.S.; requiring the State Comptroller to collect fines resulting from actions of the commission in circuit court to enforce payment of civil penalties; providing for termination of terms of current members of the commission and appointment of new members; transferring to the commission all division records, personnel, property, and unexpended funds associated with the complaint investigation process under ch. 106, F.S.; providing for transition from the current commission to the newly constituted commission; amending s. 106.141, F.S.; clarifying use of office funds; amending s. 101.001, F.S., relating to election precincts; providing severability; providing effective dates, including contingent effective dates.

On motion by Senator Latvala, the rules were waived and the report of the Conference Committee on **CS for HB's 461, 281 and 75** was read the second time.

On motion by Senator Latvala, the Conference Committee Report was adopted and **CS for HB's 461, 281 and 75** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

#### Yeas—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	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

Nays—None

#### MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Monday, April 7.

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 3, 1997: CS for SB 1002, SB 98, CS for SB 442, CS for CS for SB's 566 and 626, CS for SB's 780, 520 and 692, CS for SB 1756, SB 854, CS for CS for SB 1154, CS for CS for SB's 1306 and 1934, SB 702, SB 596, CS for SB 658, SB 882, CS for SB 1486, CS for SB 550, SB 292, SB 1430, SB 150, SB 820, SB 222, SB 1086, CS for SB 1310, CS for SB 1238, CS for SB 300, SB 1498, SB 1528, SB 326, CS for SB 852, SB 732, SB 1922, SB 604, SB 664

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

The Committee on Health Care recommends the following pass: SB 1750, SB 1882 with 1 amendment

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

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The Committee on Community Affairs recommends the following pass: SB 1746 with 1 amendment, SB 2150 with 2 amendments

The Committee on Transportation recommends the following pass: SB 388

**The bills contained in the foregoing reports were referred to the Committee on Commerce and Economic Opportunities under the original reference.**

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The Committee on Children, Families and Seniors recommends the following pass: SB 2282 with 1 amendment

The Committee on Governmental Reform and Oversight recommends the following pass: SB 2178 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 902 with 3 amendments

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

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The Committee on Transportation recommends the following pass: SB 2314

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

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The Committee on Education recommends the following pass: SB 862, SB 1932

The Committee on Natural Resources recommends the following pass: SB 2054

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

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The Committee on Children, Families and Seniors recommends the following pass: SB 2250

The Committee on Criminal Justice recommends the following pass: SB 1982 with 2 amendments

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

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The Committee on Community Affairs recommends the following pass: CS for SJR 298

The Committee on Governmental Reform and Oversight recommends the following pass: SB 2288 with 1 amendment

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

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The Committee on Community Affairs recommends the following pass: SB 1108 with 1 amendment, SB 1320 with 1 amendment, CS for SB 1860

The Committee on Criminal Justice recommends the following pass: CS for SB's 412, 140 and 804 with 5 amendments, SB 928, SB 1872 with 1 amendment

The Committee on Governmental Reform and Oversight recommends the following pass: SB 228, SB 1414, SB 1662

The Committee on Health Care recommends the following pass: SB 1784, SB 1980

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

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The Committee on Governmental Reform and Oversight recommends the following pass: SB 174

The Committee on Health Care recommends the following pass: CS for SB 968, CS for SB 1682 with 2 amendments

The Committee on Judiciary recommends the following pass: SB 528, SB 1496 with 1 amendment

The Committee on Natural Resources recommends the following pass: SB 760 with 1 amendment, SB 1134

The Committee on Ways and Means recommends the following pass: SB 686 with 1 amendment, CS for SB's 780, 520 and 692 with 2 amendments, CS for SB 1486, CS for SB 1756 with 5 amendments

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

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The Committee on Banking and Insurance recommends the following not pass: SB 1326

The Committee on Education recommends the following not pass: SB 1142

**The bills contained in the foregoing reports were laid on the table.**

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The Committee on Community Affairs recommends a committee substitute for the following: SB 2012

The Committee on Health Care recommends committee substitutes for the following: SB 834, SB 1850, SB 2066

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

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The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 524, SB 1832

The Committee on Health Care recommends a committee substitute for the following: SB 504

The Committee on Regulated Industries recommends a committee substitute for the following: SB 214

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

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The Committee on Community Affairs recommends a committee substitute for the following: SB 936

The Committee on Education recommends a committee substitute for the following: SB 1904

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 908

The Committee on Criminal Justice recommends a committee substitute for the following: SB 716

The Committee on Health Care recommends a committee substitute for the following: SB 1814

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

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The Committee on Banking and Insurance recommends committee substitutes for the following: SB 362, SB 364

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 1836

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

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The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1456

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 1760

The Committee on Community Affairs recommends a committee substitute for the following: SB 1048

The Committee on Criminal Justice recommends committee substitutes for the following: SB 578, Senate Bills 1566 and 114

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 998

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

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The Committee on Community Affairs recommends a committee substitute for the following: SB 1466

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

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The Committee on Education recommends a committee substitute for the following: SB 1968

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

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The Committee on Agriculture recommends a committee substitute for the following: SJR 1266

The Committee on Banking and Insurance recommends committee substitutes for the following: Senate Bills 530 and 848, SB 700, Senate Bills 1286 and 1446, SB 1346, SB 1464, SB 1592

The Committee on Commerce and Economic Opportunities recommends committee substitutes for the following: SB 546, SJR 642, SB 918, SJR 986, SB 1660

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 64

The Committee on Education recommends committee substitutes for the following: SB 1318, SB 1376, SB 1542, SB 1704, SB 1944, SB 2050, SB 2168

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 718, CS for SB 786, SB 940, SB 972, SB 976, SB 2004

The Committee on Health Care recommends committee substitutes for the following: SB 1056, SB 1804

The Committee on Judiciary recommends committee substitutes for the following: SB 516, SB 698

The Committee on Transportation recommends a committee substitute for the following: CS for SB 964

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

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The Committee on Banking and Insurance recommends committee substitutes for the following: SB 990, SB 1314

The Committee on Community Affairs recommends committee substitutes for the following: SB 750, SB 1794, SB 1862

The Committee on Education recommends a committee substitute for the following: SB 2046

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1246

The Committee on Ways and Means recommends committee substitutes for the following: CS for SB 1154, CS for SB's 1306 and 1934

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

## REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Natural Resources recommends that the Senate confirm the appointments made by the Governor to the **Governing Board of the South Florida Water Management District** of Mitchell W. Berger, Vera M. Carter and Michael D. Minton for terms ending March 1, 2001.

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

## INTRODUCTION AND REFERENCE OF BILLS

### FIRST READING

**Senate Resolutions 2322—2326**—Not referenced.

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By Senator Silver—

**SB 2328**—A bill to be entitled An act relating to public lodging establishments; amending s. 509.215, F.S.; revising firesafety requirements for specified public lodging establishments; deleting obsolete language; amending s. 509.242, F.S.; revising classifications for public lodging establishments; providing that such classifications are for licensing purposes only; providing classification for "home stay inn"; amending s. 553.895, F.S.; removing obsolete firesafety requirements for public lodging establishments within the Florida Building Codes Act; providing an effective date.

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

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By Senator Brown-Waite—

**SB 2330**—A bill to be entitled An act relating to transitional living facilities for brain and spinal cord injured persons; creating pt. IX of ch.

400, F.S.; creating s. 400.905, F.S.; providing for licensure of transitional living facilities; creating s. 400.906, F.S.; providing definitions; creating s. 400.907, F.S.; establishing license and fee requirements; creating s. 400.908, F.S.; regulating sale or transfer of ownership of a facility; creating s. 400.909, F.S.; providing for denial, revocation, or suspension of a license and imposition of an administrative fine; creating s. 400.910, F.S.; providing for a moratorium on admissions; creating s. 400.911, F.S.; providing for initial licensure application; creating s. 400.912, F.S.; providing for renewal, expiration, and conditional licenses; creating s. 400.913, F.S.; requiring reports of abuse in facilities; creating s. 400.914, F.S.; providing for disposition of fees and fines; creating s. 400.915, F.S.; providing for violations and penalties; creating s. 400.916, F.S.; prohibiting rebates; providing penalties; creating s. 400.917, F.S.; prohibiting certain solicitations; allowing certain third-party supplementation; creating s. 400.918, F.S.; providing for injunctive proceedings; creating s. 400.919, F.S.; providing for receivership proceedings; creating s. 400.920, F.S.; providing for contracts; creating s. 400.921, F.S.; providing requirements for use of licensed personnel; creating s. 400.922, F.S.; providing for appropriateness of placements and examination of residents; creating s. 400.923, F.S.; providing for property and personal affairs of residents; providing a penalty; creating s. 400.924, F.S.; providing a resident bill of rights; creating 400.925, F.S.; providing for civil actions to enforce rights; creating s. 400.926, F.S.; providing right of entry and inspection; creating s. 400.927, F.S.; providing procedures for closing of facilities, including notice and penalties; creating s. 400.928, F.S.; providing for rules establishing standards; creating s. 400.929, F.S.; providing for maintenance of records and reports; amending s. 413.605, F.S.; providing additional duty of the advisory council on brain and spinal cord injuries; amending s. 413.273, F.S.; revising per diem and travel expenses for members of certain councils; amending s. 413.395, F.S.; authorizing incorporation of the Florida Independent Living Council; authorizing members' compensation and reimbursement for child care; amending s. 413.405, F.S., relating to the Rehabilitation Advisory Council; authorizing members' reimbursement for child care; repealing s. 400.805, F.S., relating to transitional living facilities for brain and spinal cord injured persons; providing an effective date.

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

**Senate Resolutions 2332 and 2334**—Not referenced.

By Senator Latvala—

**SB 2336**—A bill to be entitled An act relating to motor vehicle emissions and safety inspections; amending s. 325.206, F.S.; providing clarifying language regarding standards set by the Department of Environmental Protection; amending s. 325.207, F.S.; providing options regarding a required performance bond for certain contracts; amending s. 325.213, F.S.; deleting the authority of certain counties to contract for the testing of their vehicles; creating the Motor Vehicle Inspection Program Study Commission; providing for membership and duties of the commission; requiring a report; repealing s. 325.205, F.S., relating to a voluntary safety inspection; providing an appropriation; providing an effective date.

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

By Senators McKay and Bronson—

**SB 2338**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; defining the term "advertising agency"; exempting certain purchases by advertising agencies from the tax; providing for retroactive applicability in certain circumstances; providing an effective date.

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

By Senator Holzendorf—

**SB 2340**—A bill to be entitled An act relating to public officers and employees; amending s. 112.324, F.S.; requiring the Commission on Ethics to dismiss a complaint that involves a technical or minor error, under specified conditions; providing an effective date.

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

By Senator Jones—

**SB 2342**—A bill to be entitled An act relating to economic development; amending s. 290.0055, F.S.; allowing certain charter counties to apply to enlarge the boundary lines of enterprise zones in specified circumstances; providing for the review and approval of such applications based on specified criteria; providing an effective date.

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

**SR 2344**—Not referenced.

By Senator Rossin—

**SB 2346**—A bill to be entitled An act relating to health insurance contracts; amending ss. 627.6416, 627.6579, F.S.; amending the definition of the term "child health supervision services"; amending requirements for such services; providing requirements for the coverage of such services under health insurance policies and under group, blanket, or franchise health insurance policies; amending s. 641.31, F.S.; providing requirements for health maintenance contracts relating to coverage of newborn children and premiums relating thereto; requiring the continuing coverage, past the usual limiting age, of certain dependent children; providing an effective date.

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

By Senator Turner—

**SB 2348**—A bill to be entitled An act relating to capital outlay for public education; providing legislative intent to provide special help to certain high-growth, high-need school districts; providing for eligibility; providing for additional capital outlay funding; providing for implementation to the extent of funding provided in the General Appropriations Act; providing an effective date.

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

By Senator Turner—

**SB 2350**—A bill to be entitled An act relating to driver history records; amending s. 322.20, F.S.; increasing the amount of the fees that the Department of Highway Safety and Motor Vehicles may charge to provide transcripts of certain driver history records; providing an effective date.

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

By Senator Burt—

**SB 2352**—A bill to be entitled An act relating to nonresident public adjusters; providing a definition; providing qualifications; providing for licensing by the Department of Insurance; providing for appointment of the Insurance Commissioner and Treasurer as attorney for purpose of

service of process on a nonresident public adjuster; providing a criminal penalty; providing an effective date.

—was referred to the Committee on Banking and Insurance.

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By Senator Ostalkiewicz—

**SB 2354**—A bill to be entitled An act relating to education; authorizing a scholarship program for high school students graduating at the end of the eleventh grade; providing additional eligibility requirements; providing for allocation of a portion of funds to high schools and school districts; providing for transmission of funds to state community colleges and universities; authorizing adoption of rules; providing an effective date.

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

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By Senator Gutman—

**SB 2356**—A bill to be entitled An act relating to expressway authorities; amending s. 339.175, F.S.; amending the requirements for membership on metropolitan planning organizations in counties that have expressway authorities; amending s. 348.0003, F.S.; amending the requirements relating to the membership of the governing body of an expressway authority; amending s. 348.0004, F.S.; allowing the funding of intermodal facilities and multimodal corridors in specified counties; providing an effective date.

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

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By Senator Campbell—

**SB 2358**—A bill to be entitled An act relating to infant safety; amending s. 395.1023, F.S.; requiring each hospital to establish a policy regarding car seats for newborn babies upon their release from the facility; providing an effective date.

—was referred to the Committees on Transportation and Health Care.

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By Senator Kurth—

**SB 2360**—A bill to be entitled An act relating to the just valuation of property for ad valorem tax purposes; amending s. 193.011, F.S.; amending the considerations involved in determining the highest and best use of the property; providing an effective date.

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

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By Senator Ostalkiewicz—

**SB 2362**—A bill to be entitled An act relating to criminal penalties; creating the "Prison Releasee Reoffender Punishment Act"; amending s. 775.082, F.S.; providing that certain offenders are ineligible for sentencing under the sentencing guidelines under specified circumstances when the offender has been released from correctional custody without having served at least 85 percent of the offender's sentences and is convicted of a forcible felony or specified violation of s. 790.07, F.S., relating to having weapons while engaged in criminal offense, s. 800.04, F.S., relating to lewd, lascivious, or indecent assault or act upon or in the presence of a child, or chapter 827, F.S., relating to abuse of children; providing for such offender to be sentenced to specified mandatory minimum sentences; making such offender ineligible for parole, probation, or early release; providing for forfeiture by the offender of gain-time or other early release credits; amending s. 944.705, F.S., relating to release orientation program; requiring notice to certain released offenders by the Department of Corrections with respect to the new minimum mandatory sentencing provisions; providing for inadmissibility of certain evidence

or claims regarding departmental failure to provide such notice; providing an effective date.

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

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By Senators Scott and Campbell—

**SB 2364**—A bill to be entitled An act relating to the aviation fuel tax; amending s. 206.9825, F.S.; providing an exemption to the aviation fuel tax under certain circumstances; providing for the expiration of the exemption; providing an effective date.

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

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By Senator Bronson—

**SB 2366**—A bill to be entitled An act relating to the distribution of sales tax revenues; amending s. 212.20, F.S.; providing for a reduction of funds deposited into the Solid Waste Management Trust Fund and for redistributing those funds into the Aquatic Plant Control Trust Fund; providing an effective date.

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

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By Senator Gutman—

**SB 2368**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.06, F.S.; authorizing the designation of seaport duty-free zones by any county that contains a deepwater port; defining the term "seaport duty-free zone"; providing exemption from the sales and use tax for certain items purchased within seaport duty-free zones by cruise passengers who reside outside this state; providing procedures; providing for inapplicability of the exemption to certain commodities; providing violations; providing penalties; providing for the responsibility to issue cruise arrival-departure card numbers; requiring records to be kept; providing a mandatory fine for issuing a false or fraudulent arrival-departure card for the purpose of tax evasion; providing an effective date.

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

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By Senator Dyer—

**SB 2370**—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.02, F.S.; providing legislative intent; amending s. 562.14, F.S.; prohibiting certain vendors from allowing licensed premises to be rented, leased, or otherwise used during the hours in which the sale of alcoholic beverages is prohibited; providing exceptions; amending s. 562.45, F.S.; prohibiting counties or incorporated municipalities from adopting certain ordinances with respect to alcoholic beverages; providing exceptions; providing an effective date.

—was referred to the Committees on Regulated Industries and Community Affairs.

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By Senator Dyer—

**SB 2372**—A bill to be entitled An act relating to the limited access competitive grant program; amending s. 240.6045, F.S.; amending requirements for qualifying; providing an effective date.

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

By Senator Forman—

**SB 2374**—A bill to be entitled An act relating to the transportation disadvantaged; providing legislative findings and intent; amending s. 186.505, F.S.; providing responsibilities of regional planning councils; amending s. 287.042, F.S.; authorizing the Division of Purchasing of the Department of Management Services to make purchases related solely to transportation disadvantaged services within the Department of Transportation; amending s. 341.052, F.S.; deleting a reference to the Transportation Disadvantaged Commission; amending s. 427.011, F.S.; providing a definition; amending s. 427.013, F.S.; providing the responsibilities of the Department of Transportation and the Transportation Commission; amending s. 427.0135, F.S.; deleting references to the Transportation Disadvantaged Commission; amending s. 427.015, F.S.; deleting references to the Transportation Disadvantaged Commission; providing for recommendations by, and for submitting reports to, regional planning councils; amending s. 427.0157, F.S.; providing advisory duties for local coordinating boards; amending s. 427.0159, F.S.; transferring the administration of the Transportation Disadvantaged Trust Fund to the Department of Transportation; amending s. 427.016, F.S.; deleting references to the Transportation Disadvantaged Commission; transferring responsibilities of the commission to the Department of Transportation; providing that departments must submit to the Department of Transportation reports accounting for funds spent; repealing s. 427.012, F.S., relating to creating the Transportation Disadvantaged Commission; providing an effective date.

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

By Senator Forman—

**SB 2376**—A bill to be entitled An act relating to the Tri-County Commuter Rail Authority; amending s. 343.52, F.S.; defining the term “commuter rail-oriented development”; amending s. 343.54, F.S.; providing additional powers for the authority; providing an effective date.

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

By Senator Silver—

**SR 2378**—A resolution expressing the concern of the Florida Senate over proposed budget and personnel cuts at the National Hurricane Center.

—was referred to the Committee on Rules and Calendar.

By Senator Gutman—

**SB 2380**—A bill to be entitled An act relating to civil causes of action; limiting the ability of persons engaging in specified unlawful acts to recover certain damages; providing findings and intent; providing severability; providing an effective date.

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

By Senator Forman—

**SB 2382**—A bill to be entitled An act relating to ad valorem tax administration; amending s. 200.065, F.S., which provides requirements for the determination of the millage levied by taxing authorities; revising the form of the notice of tax increase that must be published by school districts; excluding certain amounts from proposed operating budget expenditures for purposes of the budget summary notice that taxing authorities must publish; revising the form of the notice of tax for school capital outlay that must be published by school districts; providing an effective date.

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

By Senator Gutman—

**SB 2384**—A bill to be entitled An act relating to education; providing state student financial aid to qualified state residents who are admitted to and attending specified institutions of postsecondary education; providing an effective date.

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

By Senator Hargrett—

**SB 2386**—A bill to be entitled An act relating to metropolitan transportation planning; amending ss. 339.135, 339.155, 339.175, F.S.; providing for metropolitan planning organizations to annually submit lists of project priorities to the Department of Transportation; reconciling state and metropolitan planning organization transportation plans; specifying deadlines and content; providing an effective date.

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

By Senator Myers—

**SB 2388**—A bill to be entitled An act relating to the Department of Health; transferring certain powers, duties, functions, and assets of the Department of Children and Family Services with respect to child abuse and child protection to the Department of Health; amending s. 20.43, F.S.; conforming to these transfers; amending ss. 20.19, 39.4031, 39.4032, 39.408, 119.07, 154.067, 232.50, 395.1023, 415.501, 415.50171, 415.50175, 415.5018, 415.503, 415.5055, 415.5095, 415.51, 415.514, F.S.; conforming provisions to the changes made by the act; providing an effective date.

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

By Senator Dyer—

**SB 2390**—A bill to be entitled An act relating to the practice of veterinary medicine; amending s. 474.203, F.S.; providing exemptions from ch. 474, F.S.; amending s. 474.211, F.S.; providing for the Board of Veterinary Medicine to approve criteria for providers of continuing education; amending s. 474.213, F.S.; increasing the maximum amount of administrative fines; providing for the expunction of a citation; amending s. 474.215, F.S.; requiring the registration of locations at which limited service clinics are held; providing for fees; exempting certain temporary rabies vaccination efforts from specified requirements; placing restrictions on the purposes of and fees charged for such temporary efforts; requiring notification of the board; providing for a premises permit for nonveterinarians; establishing conditions; providing for the denial, revocation, or suspension of a permit; providing violations; providing penalties; providing requirements attendant on revocation or suspension; creating s. 474.2155, F.S.; providing for investigation of alleged unlicensed activity; providing for an administrative complaint and for prosecution; authorizing the imposition of fines; providing for an appeal; providing for legal action relating to delinquent fines and assessments; providing an effective date.

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

**SR 2392**—Not referenced.

By Senator Crist—

**SB 2394**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; expanding the applicability of an exemption for motion picture or video equipment and sound



recording equipment used in production activities; providing an effective date.

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

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By Senator Jones—

**SB 2396**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for complimentary food and drinks provided in connection with the rental of transient living accommodations; providing an effective date.

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

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**SR 2398**—Not referenced.

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By the Committee on Ways and Means—

**SB 2400**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was referred to the Committee on Ways and Means.

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By the Committee on Ways and Means—

**SB 2402**—A bill to be entitled An act relating to implementing the fiscal year 1997-1998 General Appropriations Act; providing legislative intent; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1997-1998 for qualifying hospitals; amending s. 409.9116, F.S.; altering the formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services to advance certain moneys for certain contract services; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; amending s. 236.081, F.S., relating to the Florida Education Financing Program; authorizing funds to keep the district required local effort at a specified percentage of the district's total calculation; amending s. 240.605, F.S.; providing for funding of the Florida resident access grant in an amount specified in the General Appropriations Act; amending s. 15.09, F.S.; authorizing the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State; authorizing use of the Citrus Advertising Trust Fund; amending s. 253.783, F.S.; authorizing use of general revenue funds for repayment to Duval County; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing severability; providing an effective date.

—was referred to the Committee on Ways and Means.

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By Senator Hargrett—

**SB 2404**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.11, F.S.; providing an exemption from the requirement that certain dealers pay estimated taxes in the month for which the tax is estimated; amending s. 213.755, F.S.; providing an exemption from the provision that certain taxpayers may be required to remit taxes by electronic funds transfer; providing an effective date.

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

By Senator Grant—

**SB 2406**—A bill to be entitled An act relating to the tax on sales, use, or other transactions; amending s. 212.08, F.S.; providing an exemption for a commercial tenant's prorated share of the landlord's increased property taxes; providing an effective date.

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

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By Senator Gutman—

**SB 2408**—A bill to be entitled An act relating to workers' compensation; amending s. 440.13, F.S., relating to the provision of medical services and supplies under the Workers' Compensation Law; revising definitions; deleting certain limitations on chiropractic treatment; deleting requirements that a health care provider that renders services under the Workers' Compensation Law be certified by the Division of Workers' Compensation of the Department of Labor and Employment Security; deleting limitations on the authority of a health care provider to refer an employee to another health care provider; deleting certain limitations on reimbursement for specialty services; deleting a requirement for a copayment for medical services; amending s. 440.15, F.S.; increasing the period during which an employee is eligible for temporary disability benefits; revising the criteria used to establish the schedule of impairment benefits; increasing the rate of payment for impairment benefits; deleting an exemption for certain employers with respect to an obligation of an employer to rehire an employee; amending ss. 440.191, 440.192, F.S.; providing that an employee is entitled to be represented by an attorney before a judge of compensation claims; providing that the carrier is liable for the attorneys' fees and costs; providing that s. 440.20(12), F.S. (1990) applies to certain unsettled claims; repealing s. 440.20(11), F.S., relating to lump-sum payments in exchange for an employer's or carrier's release from liability; repealing s. 440.25(4)(j), F.S., relating to expedited resolution of claims that are under a specified amount; providing an effective date.

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

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By Senator Hargrett—

**SB 2410**—A bill to be entitled An act relating to Murphy Act lands; amending s. 253.82, F.S.; providing for the expiration of government claims to such lands when a landowner of record or the landowner's predecessor in title has paid ad valorem taxes on the lands for a specified period or the land has been exempt from ad valorem taxation for a specified period; providing for certain information to be recorded; requiring a governmental entity claiming an interest in such lands to record a statement of its claim and provide a copy of the statement to the landowner of record; providing a time limitation for suits on such claims; providing an effective date.

—was referred to the Committees on Judiciary and Natural Resources.

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**SR 2412**—Not referenced.

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By Senator Grant—

**SB 2414**—A bill to be entitled An act relating to academic degrees; amending s. 817.567, F.S.; providing for disclosure of unrecognized degrees; providing an effective date.

—was referred to the Committee on Education.

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By Senator Hargrett—

**SB 2416**—A bill to be entitled An act relating to trust funds; creating the Everglades Parkway Construction Trust Fund; providing for the

Department of Transportation to administer the fund; providing for funding of the trust fund; providing for termination of the trust fund; providing for the department and the Governor to recommend to the Legislature whether to terminate or re-create the trust fund; providing criteria and procedures for making the recommendation; providing an effective date.

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

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By Senator Silver—

**SB 2418**—A bill to be entitled An act relating to drug safety; temporarily prohibiting the prescription or use of the drug known as “PHENFEN,” pursuant to certain study findings; providing an effective date.

—was referred to the Committee on Health Care.

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By Senator Campbell—

**SB 2420**—A bill to be entitled An act relating to medicaid health maintenance organizations; creating s. 409.91221, F.S.; prescribing time for paying claims for services or goods by a provider; providing procedures for denying or contesting a claim; providing time limitations; providing notice; providing method for making payments, denying or contesting a claim, providing notice; providing interest on overdue payment of claim; providing for a waiver of a medicaid health maintenance organization’s rights under a provider contract and consequences for failure of an organization to comply with the provisions of the act; providing an effective date.

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

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**Senate Resolutions 2422 and 2424**—Not referenced.

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By Senator Klein—

**SB 2426**—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.642, F.S.; revising conditions under which an existing franchised motor vehicle dealer may protest a proposed additional or relocated motor vehicle dealer; amending s. 320.643, F.S.; revising requirements for a dealer in notifying a licensee of a prospective transfer, assignment, or sale of a franchise agreement; providing requirements for a licensee in notifying a dealer that such transfer, assignment, or sale has been disapproved; providing that a motor vehicle dealer may file a complaint with the Department of Highway Safety and Motor Vehicles; requiring that the department conduct a hearing; providing for an independent mediator; deleting certain restrictions on a licensee with respect to refusing to allow the sale, assignment, or transfer of a franchise agreement; amending s. 320.697, F.S.; revising the amount of damages that a licensee may be ordered to pay for pecuniary loss; providing an effective date.

—was referred to the Committees on Transportation and Judiciary.

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By Senators Diaz-Balart and Kirkpatrick—

**SB 2428**—A bill to be entitled An act relating to environmental mitigation; creating s. 373.4139, F.S.; providing for mitigation for mining activities within the Dade County Lake Belt; providing for the imposition of a fee on mined limerock and sand; providing procedures; providing for transferring proceeds into the Mitigation Trust Fund administered by Dade County; providing for the Department of Revenue to administer fee collection; providing for rulemaking, forms, audit procedures, and assessment of delinquent fees; providing for adjusting fee rates; providing uses for the fee proceeds; providing for the approval of expenditures from the trust fund; providing that payment of the fee satisfies specified mitigation requirements; amending s. 373.4149, F.S.; redesignating and amending the Dade County Lake Belt Plan, formerly

known as the Northwest Dade County Freshwater Lake Plan; providing legislative intent; defining the boundaries of the Dade County Lake Belt Area; amending the membership of the implementation committee; revising deadlines; requiring a Phase II report; allowing certain state agencies to enter into agreements with private individuals and entities and with governmental agencies, as specified; requiring state agencies to make certain lands available to the committee to be used for land exchanges under this act; creating s. 373.4415, F.S.; providing for the Department of Environmental Protection to delegate to Dade County authority to implement the permitting program for limerock mining in the Dade County Lake Belt; creating s. 378.4115, F.S.; providing for the Department of Environmental Protection to certify the Dade County Department of Environmental Resource Management to implement the reclamation program for limerock mining activities within the Dade County Lake Belt; providing restrictions; providing an effective date.

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

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By Senator Dyer—

**SB 2430**—A bill to be entitled An act relating to public records; creating s. 420.9077, F.S.; providing an exemption from public records requirements for personal financial information of an applicant for a housing assistance award; authorizing disclosure by court order; providing an expiration date; providing a finding of public necessity; providing a contingent effective date.

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

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By Senator Bronson—

**SR 2432**—A resolution urging the United States Environmental Protection Agency to reaffirm the existing air quality standards for ozone and particulate matter and for other purposes.

—was referred to the Committee on Rules and Calendar.

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By Senator Dyer—

**SB 2434**—A bill to be entitled An act relating to financial assistance for postsecondary education; amending s. 232.2465, F.S.; revising the academic qualifications required for designation as a Florida Academic Scholar; clarifying scholarship eligibility for such designees; amending s. 239.217, F.S.; clarifying eligibility standards for a vocational gold seal scholarship; clarifying provisions relating to the prohibition against receiving multiple state merit scholarships; repealing provisions relating to use of residual program balances by the Department of Education; amending s. 240.402, F.S.; reclassifying the Florida Undergraduate Scholars’ Program as an award designation; establishing scholarship award tiers under which award designees qualify; amending requirements for qualifying for award designation; amending application procedures; repealing provisions relating to departmental use of residual program balances and fund sources; making technical changes consistent with the restructuring of the program; amending s. 240.4021, F.S.; establishing postsecondary curriculum requirements for awarding a vocational gold seal endorsement scholarship; clarifying which institutions are eligible institutions at which such scholarships may be used; clarifying scholarship renewal requirements; clarifying the amount of scholarship awards to be issued by the department; clarifying scholarship eligibility provisions applicable to current recipients of vocational gold seal awards; making technical changes consistent with the restructuring of the program; amending s. 240.4024, F.S.; amending utilization and award provisions of the Florida Postsecondary Tuition Program; providing for forfeiture of awards by recipients who take remedial courses; amending high school graduation requirements for qualifying for the program; restructuring award tiers and maximum awards granted under the program; establishing academic requirements for each of several award tiers; amending requirements for renewing awards; incorporating into the program award-renewal requirements of the Florida Undergraduate Scholars’ Program; incorporating into the program the Challenger Astronauts Memorial Scholarship; clarifying program award

amounts to be issued by the department; establishing program scholarship provisions for current recipients of Florida Undergraduate Scholars' Awards; clarifying funding sources for the program; making technical changes consistent with the restructuring of the program; amending s. 240.4025, F.S.; amending a list of cross-references, to conform to substantive changes in the act; specifying scholarship program participation as a prerequisite to receiving a graduate award; amending s. 240.404, F.S.; amending a list of cross-references; clarifying residence requirements for the scholarship; amending s. 240.408, F.S.; amending a list of cross-references relating to expenditures for Challenger Astronauts Memorial awards; amending s. 240.4085, F.S.; amending a list of cross-references; prohibiting a Florida Postsecondary Tuition Program scholarship recipient from receiving money from a specified grant program; providing an effective date.

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

By Senator Dyer—

**SB 2436**—A bill to be entitled An act relating to affordable housing; amending s. 420.0005, F.S.; providing directions for use of the State Housing Trust Fund; creating s. 420.0007, F.S.; directing the Secretary of the Department of Community Affairs to contract with the Florida Housing Finance Corporation to provide affordable housing; amending s. 420.501, F.S.; conforming terminology; amending s. 420.502, F.S.; providing legislative findings; amending s. 420.503, F.S.; defining terms; amending s. 420.504, F.S.; renaming the Florida Housing Finance Agency as the Florida Housing Finance Corporation and revising its membership; amending s. 420.505, F.S.; conforming terminology; amending s. 420.506, F.S.; providing employment conditions for the executive director and other employees; creating s. 420.5061, F.S.; providing for the transfer of agency assets and liabilities; amending s. 420.507, F.S.; providing for powers of the corporation; amending s. 420.508, F.S.; revising requirements for loans for multi-family projects; establishing the Florida Housing Corporation Fund; amending s. 420.5087, F.S.; renaming the State Apartment Incentive Loan Trust Fund and transferring amounts to the renamed fund; conforming terminology; amending s. 420.5088, F.S.; renaming the Florida Homeownership Assistance Trust Fund and transferring amounts to the renamed fund; conforming terminology; amending s. 420.5089, F.S.; renaming the HOME Partnership Trust Fund and transferring amounts to the renamed fund; eliminating pilot programs; amending s. 420.509, F.S.; providing conditions for the issuance of bonds by the corporation; amending ss. 420.5091, 420.5092, F.S.; conforming terminology; amending s. 420.5099, F.S.; providing for allocation of the low-income housing tax credit; amending s. 420.51, F.S.; conforming terminology; amending s. 420.511, F.S.; directing the corporation to develop a strategic plan and make annual reports; amending s. 420.512, F.S.; providing for standards of conduct and conflicts of interest; amending s. 420.513, F.S.; providing for exemption from taxes; amending s. 420.514, F.S.; conforming terminology; creating s. 420.517, F.S.; directing the corporation to coordinate building and job training; amending s. 420.525, F.S.; renaming the Housing Predevelopment Trust Fund and transferring amounts to the renamed fund; amending ss. 420.526, 420.527, 420.528, 420.529, F.S.; conforming terminology; amending s. 420.602, F.S.; defining terms; amending s. 420.606, F.S.; providing for training and technical assistance; amending s. 420.9071, F.S.; defining terms for the State Housing Initiatives Partnership Program; amending s. 420.9072, F.S.; revising requirements for the State Housing Initiative Partnership Program; amending s. 420.9073, F.S.; raising the guaranteed minimum allocation; amending s. 420.9075, F.S.; providing for local housing assistance programs; amending s. 420.9076, F.S.; providing for the adoption of local housing incentive strategies; amending ss. 420.9078, 420.9079, F.S.; providing for the administration of and distribution from the Local Government Housing Trust Fund; repealing s. 420.5085, F.S., relating to energy conservation loans; repealing s. 420.5094, F.S., relating to the single-family mortgage revenue bond program; providing an effective date.

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

By Senator Campbell—

**SB 2438**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; providing for retention of membership in special risk class for certain members moved to nonspecial risk positions; providing for retroactive application; providing an effective date.

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

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committees on Community Affairs; Commerce and Economic Opportunities; and Senator Bronson—

**CS for CS for SB 64**—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; providing that certain high tourism impact counties may use certain tax revenues to acquire a convention center, pay the cost of constructing or renovating a convention center, or pay the debt service on bonds issued for such purposes; providing for the use of any remaining revenues; providing an effective date.

By the Committee on Regulated Industries and Senators Latvala, Williams, Dyer, Bronson and Campbell—

**CS for SB 214**—A bill to be entitled An act relating to telecommunications; creating ss. 125.421, 166.047, F.S.; specifying circumstances under which a county or other entity of local government may obtain or hold a certificate under chapter 364, F.S., relating to telecommunications companies; providing exceptions; amending s. 196.012, F.S.; providing that certain telecommunications services provided to the public for hire are not exempt from taxation unless provided by the operator of a public-use airport or provided by a public hospital; providing that certain property used to provide such services is exempt until a specified date; amending s. 199.183, F.S.; providing that telecommunications services provided to the public for hire by the state or a political subdivision are not exempt from intangible personal property taxes; providing exceptions; amending s. 212.08, F.S.; providing that telecommunications services provided to the public for hire by the state or a political subdivision are not exempt from sales or use taxes; providing exceptions; providing an effective date.

By the Committee on Banking and Insurance; and Senator Brown-Waite—

**CS for SB 362**—A bill to be entitled An act relating to the Statewide Provider and Subscriber Assistance Program; amending s. 408.7056, F.S.; providing definitions; revising criteria and procedures for review of grievances against a managed care entity by the statewide provider and subscriber assistance panel; providing for initial review by the Agency for Health Care Administration; providing for notice of the panel hearing; providing time requirements for panel hearings and recommendations, and consideration of the agency or the Department of Insurance; providing for notice; providing requirements for expedited or emergency hearings; authorizing the panel to take certain action; requiring written recommendations supported by findings of fact; providing for requests for patient records; authorizing an administrative fine for failure to timely provide records; providing for furnishing of evidence in opposition to panel recommendations; providing for adoption of panel recommendations in orders of the agency or department; authorizing imposition of fines and sanctions; requiring certain notice to subscribers and providers of their right to file grievances; providing for summary hearings; providing for administrative procedures; providing for attorney's fees; amending s. 641.511, F.S.; correcting a cross-reference; providing an effective date.

By the Committee on Banking and Insurance; and Senator Brown-Waite—

**CS for SB 364**—A bill to be entitled An act relating to the confidentiality of information obtained by the Agency for Health Care Administration and the Department of Insurance; amending s. 408.7056, F.S.; exempting from the public records law information that identifies a subscriber, or the spouse, relative, or guardian of a subscriber, who has filed a grievance under the Statewide Provider and Subscriber Assistance Program; providing for future legislative repeal and review; exempting from the public meetings law and public records law a meeting or document, or portion thereof, that specifically discloses personal and sensitive information regarding a subscriber's medical treatment or medical history; providing for future legislative repeal and review; providing a finding of public necessity; providing a contingent effective date.

By the Committee on Health Care and Senator Forman—

**CS for SB 504**—A bill to be entitled An act relating to health care; creating s. 154.501, F.S.; creating the "Primary Care Challenge Grant Act"; creating s. 154.502, F.S.; providing legislative findings and intent; creating s. 154.503, F.S.; providing for the creation and administration of the Primary Care Challenge Grant Program; creating s. 154.504, F.S.; providing for eligibility and benefits; creating s. 154.505, F.S.; providing an application process and requirements; authorizing contracts for health care services; creating s. 154.506, F.S.; providing for primary care challenge grant awards; providing for local matching funds; providing an effective date.

By the Committee on Judiciary and Senator Ostalkiewicz—

**CS for SB 516**—A bill to be entitled An act relating to proceedings that involve juveniles; creating the "Family Bill of Rights Act"; requiring the Department of Children and Family Services to obtain a court order before taking a child into custody; requiring an affidavit stating that the child appears to have been abused, neglected, or abandoned; providing penalties; amending s. 39.401, F.S.; conforming provisions to changes made by the act; amending s. 39.402, F.S.; modifying provisions that allow a child to be placed in a shelter prior to a court hearing; providing that a protective investigator or law enforcement officer may take a child into custody without a court order due to a medical emergency or if the child is subject to immediate harm or danger or if the child has no responsible adult immediately known and available to provide supervision or care; providing that a law enforcement officer may take a child into custody without a court order if the child is a runaway or truant from school; requiring the court to hold an emergency hearing on the continued removal of the child; providing for the court to issue an emergency order authorizing the removal of a child from the home; requiring the court to hold a shelter hearing within a specified time following issuance of the emergency order; requiring that a child's parent or guardian be notified before the shelter hearing; providing for the appointment of an attorney to represent the child's parent or guardian at the emergency shelter hearing; amending s. 39.404, F.S.; changing a time limitation on holding a child in custody to conform to changes made by the act; requiring that parents receive a copy of the petition 48 hours before arraignment hearing; amending s. 39.408, F.S.; revising the time within which an arraignment hearing must be held; providing that clear and convincing evidence is required to establish a child's dependency; conforming a cross-reference to changes made by the act; amending s. 39.409, F.S.; providing for the child's parent or guardian or the county to be awarded attorney's fees and costs upon dismissal of a case alleging dependency; amending s. 415.5017, F.S.; requiring department staff to audio-record or videotape all interviews with a child who is the subject of a report alleging abuse; amending ss. 415.504, 415.505, F.S.; modifying the manner in which reports of abuse or neglect may be given, received, and investigated; requiring that notice of additional rights be provided to the subject of an investigation; requiring the department to show cause prior to a court order authorizing the department to examine and interview a child; amending s. 415.51, F.S.; providing for the name of a person reporting child abuse or neglect and a copy of the department's file on the case to be released to certain alleged perpetrators upon order of the court; amending s. 415.513, F.S.; creating a civil cause of action for a person named as perpetrator in a false report against the person who made the false report; amending s. 933.18, F.S.; deleting a

provision authorizing a law enforcement officer to remove a child from a private dwelling; amending s. 39.038, F.S., relating to the release of a child from custody; conforming cross-references to changes made by the act; amending s. 39.044, F.S.; providing for the detention hearing for a juvenile to be held by means of closed-circuit television; amending s. 39.017, F.S.; conforming cross-reference to change made by the act; amending s. 39.415, F.S.; providing a cap on compensation awarded to an attorney appointed to represent a child's parent or guardian at an emergency shelter hearing; amending s. 57.111, F.S.; providing an award of attorney's fees to a prevailing parent; amending s. 61.16, F.S.; allowing an award of attorney's fees for a successful motion to gain access to the department's file; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Senators Childers, Dudley, Forman, Turner, Myers and Dyer—

**CS for SB 524**—A bill to be entitled An act relating to municipal firefighters' pension trust funds and municipal police officers' retirement trust funds; amending and revising the provisions of chapters 175 and 185, F.S.; defining "chapter plans" and "local law plans"; redefining "compensation" or "salary" for retirement purposes under these chapters; clarifying the applicability of minimum benefits for both chapter and local law plans; revising investment provisions to permit cities greater investment latitude to make foreign investments; eliminating discriminatory language in conformance with state and federal discrimination provisions; providing that certain benefits provided are a minimum and may not be diminished by any other state, local, or federal benefits; providing an exception; modifying the formula for calculating volunteer firefighter service retirement benefits; clarifying terminology relating to "sole and exclusive use of" premium tax funds and "extra benefits" by providing that moneys must be placed in a police-only or firefighter-only plan or a combined police and firefighter plan as opposed to placing moneys in any type of plan that includes general employees; providing for establishment of a new board and for transfer of assets in certain cases; creating s. 175.195, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 175.152, F.S., relating to contributions; repealing s. 175.251, F.S., relating to employment records that are required to be kept by the secretary of the board of trustees; repealing s. 175.291, F.S., relating to the requirement that the attorney for the municipality or special fire control district represent the board of trustees upon request and the option to employ independent counsel and other persons; repealing s. 175.321, F.S., relating to the application of certain provisions to municipalities and fire control districts; repealing s. 175.331, F.S., relating to the rights of firefighters under former law; repealing s. 175.391, F.S., relating to payment of attorney's fees and costs; repealing s. 185.14, F.S., relating to contributions; repealing s. 185.15, F.S., relating to contributions and new employees; creating s. 185.185, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 185.27, F.S., relating to the roster of retirees; repealing s. 185.29, F.S., relating to the city attorney representing the board of trustees; repealing s. 185.32, F.S., relating to exemptions from the chapter; repealing s. 185.36, F.S., relating to the rights of police officers under former laws; repealing s. 185.40, F.S., relating to costs and attorney's fees; providing an effective date.

By the Committee on Banking and Insurance; and Senators Scott and Campbell—

**CS for SB's 530 and 848**—A bill to be entitled An act relating to breast cancer treatment; creating s. 627.64171, F.S.; providing for length of stay and followup care for persons who have a mastectomy; prohibiting certain acts by insurers; providing that the act does not require a hospital stay; providing for cost-sharing; limiting the application of the law; providing exceptions; creating s. 627.64172, F.S.; providing requirements with respect to followup care; providing for a determination of a preexisting condition; amending s. 627.6419, F.S.; including insureds who have been free from breast cancer for a period of time in the coverage requirements; prohibiting an insurer from denying, canceling, or failing to renew a health or accident insurance policy or exclude coverage or benefits under certain conditions; amending s. 627.651, F.S.; applying certain requirements for group coverage to multiple-employer welfare arrangements; amending s. 627.6515, F.S.; applying certain requirements for group coverage to out-of-state groups; creating s. 627.66121,

F.S.; providing for length of stay and followup care for persons who have a mastectomy; prohibiting certain acts by insurers; providing that the act does not require a hospital stay; providing for cost-sharing; limiting the application of the law; providing exceptions; creating s. 627.66122, F.S.; providing requirements with respect to followup care; providing for a determination of a preexisting condition; amending s. 627.6699, F.S.; applying certain requirements for group coverage to coverage for small employers; creating s. 641.31096, F.S.; providing requirements with respect to followup care; providing for a determination of a preexisting condition; amending s. 641.31, F.S.; providing for length of stay and followup care for persons who have a mastectomy; prohibiting certain acts by health maintenance organizations; providing that the act does not require a hospital stay; providing for cost-sharing; limiting the application of the law; providing exceptions; providing a statement that the act fulfills an important state interest; providing an effective date.

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By the Committee on Commerce and Economic Opportunities; and Senators Jones, Diaz-Balart, Latvala, Campbell, Childers, Turner, Sullivan, Ostalkiewicz and Meadows—

**CS for SB 546**—A bill to be entitled An act relating to tax credits for charitable contributions to state contract providers; amending s. 199.023, F.S.; defining the term “state contract provider contribution”; creating s. 199.105, F.S.; providing a credit against the intangibles tax for charitable contributions to not-for-profit state contract provider organizations; providing for a reduction in state funding of recipient organizations; creating s. 220.185, F.S.; providing legislative policy and purpose; providing a credit against the corporate income tax for charitable contributions to not-for-profit state contract provider organizations; providing for a reduction in state funding of recipient organizations; amending s. 220.02, F.S.; providing for the order in which credits against the corporate income tax are to be taken; creating s. 624.5104, F.S.; providing a credit against the insurance premium tax for charitable contributions to not-for-profit state contract provider organizations; providing for a reduction in state funding of recipient organizations; providing an effective date.

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By the Committee on Criminal Justice and Senator Clary—

**CS for SB 578**—A bill to be entitled An act relating to victim assistance; amending s. 960.001, F.S.; granting the victim of a crime standing to assert the rights of the victim; providing an effective date.

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

**CS for SJR 642**—A joint resolution proposing an amendment to Section 2 of Article VII of the State Constitution, relating to tax rates, and the creation of Section 19 of Article VII of the State Constitution and Section 22 of Article XII of the State Constitution, to prohibit the imposition of taxes on intangible personal property.

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By the Committee on Judiciary and Senators Dudley, Jones, Burt, Campbell, Crist, Grant, Horne, Rossin, Silver and Williams—

**CS for SB 698**—A bill to be entitled An act relating to enforcement of child support; amending s. 61.052, F.S.; requiring that all initial pleadings in all dissolution of marriage actions contain the social security numbers of all parties; amending s. 61.13, F.S.; providing for enforcement of an award of health care coverage; requiring that all child support orders contain the social security numbers of all parties to the action; amending s. 61.1301, F.S.; providing for inclusion of an income deduction order in an order establishing, enforcing, or modifying a child support obligation; making conforming changes; providing for enforcement of income deduction; amending s. 61.13016, F.S.; providing for suspension of a driver's license or motor vehicle registration for failure to comply with a subpoena; specifying requirements for giving a delinquent child-support obligor notice of delinquency and intent to suspend; amending s. 322.245, F.S.; providing notice in accordance with s. 61.13016, F.S.; amending s. 61.1354, F.S.; providing for provision of child support arrearage information to or obtaining consumer credit

reports from consumer reporting agencies; providing rulemaking authority; amending s. 61.14, F.S.; providing for modification of a child support award without a change in circumstances pursuant to periodic review; providing rulemaking authority; amending s. 61.1812, F.S.; providing a new source of funding for the child support enforcement program; amending s. 61.1814, F.S.; providing for deposit of money from specified fines; amending s. 61.30, F.S.; providing for modification of a child support award without a change in circumstances pursuant to periodic review; providing for determination and imputation of income on a monthly basis in determining a child support award; providing that in adjusting a child support award based on independent income of child, money from a part-time job or supplemental security income is not to be included; amending s. 88.1011, F.S.; providing definitions; amending ss. 88.1021, 88.2031, and 88.2051, F.S.; making technical changes; amending s. 88.2071, F.S.; providing for determination of controlling child support order; amending ss. 88.3011, 88.3031, F.S.; making technical changes; amending s. 88.3041, F.S.; providing duties of initiating state when responding state has not adopted act; amending ss. 88.3051, 88.3061, F.S.; deleting provision for service of process by first class mail; amending s. 88.3071, F.S.; deleting provisions for service of process by first class mail and attorney and client relationship; amending s. 88.5011, F.S.; deleting duties of employer under foreign state income deduction order; transferring and renumbering s. 88.5021, F.S.; creating s. 88.50215, F.S.; providing duties of employer under foreign state income deduction order; creating s. 88.5031, F.S.; providing for compliance with multiple income deduction orders; creating s. 88.5041, F.S.; providing for immunity from civil liability; creating s. 88.5051, F.S.; providing for penalties for noncompliance; creating s. 88.5061, F.S.; providing for contest of income deduction order by obligor; amending s. 88.6051, F.S.; deleting provisions specifying method of notice, content of notice, and notice to employer; amending s. 88.6061, F.S.; deleting provisions for contest of registered order and for notice by first class mail; amending s. 88.6111, F.S.; providing procedures for order modification if multiple orders exist; amending s. 88.6121, F.S.; making technical changes; creating s. 88.6131, F.S.; providing for modification of foreign order when all parties live in this state; creating s. 88.6141, F.S.; providing for notice of modification of order to tribunal that issued order; amending s. 88.7011, F.S.; making technical changes; creating s. 88.9051, F.S.; providing rulemaking authority; amending s. 213.053, F.S.; providing that that department may release confidential tax payer information to any state or local child support enforcement program; amending s. 231.17, F.S.; requiring that applications for teaching certificates contain the social security number of the applicant; amending s. 382.008, F.S.; requiring that all certificates of death or fetal death contain the social security number of the decedent, if available; amending s. 320.05, F.S.; providing that the department is to release records to child support enforcement agency; amending s. 382.013, F.S.; providing for use of register of births for comparison with state child support case registry; amending s. 402.308, F.S.; requiring that applications for child care facilities licenses contain the social security number of the applicant; amending s. 409.2554, F.S.; conforming a cross-reference; amending s. 409.2561, F.S.; providing for application of child support guidelines to determination of public assistance reimbursement obligation; amending s. 409.2564, F.S.; providing the department with authority to subpoena information and to impose a fine for failure to comply; providing authority to change child support payee; providing authority for increasing child support award to include delinquencies; amending s. 409.2564, F.S.; providing an effective date; providing for reporting arrearages to the Secretary of the U.S. Department of Health and Human Services; providing rulemaking authority; amending s. 409.25641, F.S.; providing procedures for processing interstate enforcement requests; providing rulemaking authority; amending s. 409.25645, F.S.; making technical changes; amending s. 409.25656, F.S.; authorizing the department to garnish obligors' wages; providing that levy notice remains in effect until final resolution of action contesting notice; establishing continuing obligation of notice of property in possession or control; prohibiting transfer or disposal of property within effective period of notice; authorizing the department to bring action to compel compliance with levy; providing rules authority; creating s. 409.25657, F.S.; requiring financial institutions to cooperate with the Department of Revenue to develop and operate a data match system; providing rulemaking authority; amending s. 409.2567, F.S.; conforming provisions; amending s. 409.2574, F.S.; providing for service of notice of income deduction; amending s. 409.2577, F.S.; providing an effective date; requiring the Department of Revenue to notify the U.S. Department of Health and Human Services of reasonable evidence of domestic violence or child abuse the disclosure of which could be harmful to parent or child; creating s. 409.2578, F.S.; providing state child support agency access to employment information; providing

an administrative fine; providing rulemaking authority; creating s. 409.25785, F.S.; providing an effective date; creating a state directory of new hires; providing for transition of new hire reporting and for operation of directory; requiring all employers to furnish information concerning newly hired employees; providing for notice of wage withholding; providing for use and disclosure of new hire information; amending s. 409.2579, F.S.; prohibiting the state child support enforcement agency from disclosing to one party to a protective order information concerning the location of the other party; providing rulemaking authority; providing that the child support agency may report specified information pertaining to injury, neglect, or exploitation of a child to an appropriate agency or official when the child's health is threatened; amending s. 409.2598, F.S.; providing that the state child support agency may take action against the license of an obligor who fails to comply with a subpoena; providing procedures; amending s. 443.171, F.S.; providing that a governmental agency need not file an employment record relating to specified employees; amending s. 443.1715, F.S.; providing for confidentiality of employment records of specified governmental employees; repealing s. 443.175, F.S., which provides for a pilot project on reports of new hire information; amending s. 455.213, F.S.; requiring that all applications for professional or occupational licenses contain the social security number of the applicant; amending s. 455.2141, F.S.; requiring that all applications for licenses within the jurisdiction of the Agency for Health Care Administration contain the social security number of the applicant; amending s. 548.021, F.S.; requiring that applications for licenses for pugilistic exhibitions contain the social security number of the applicant; amending s. 626.171, F.S.; requiring that applications for various insurance licenses contain the social security number of the applicant; amending s. 741.04, F.S.; requiring that affidavits to obtain a marriage license contain the social security number of both parties; amending s. 742.031, F.S.; requiring that the social security number of each party be entered on an order of paternity; providing for prima facie evidence of expenses of genetic testing; requiring a temporary order for child support upon clear and convincing evidence of paternity; creating s. 742.032, F.S.; requiring each party to a paternity action to file specified information with the court; providing for use of such information in subsequent action; amending s. 742.10, F.S.; providing for rescission of acknowledgment of paternity; providing additional notice requirements; amending s. 742.105, F.S.; providing for effect of a foreign paternity order that is based upon an acknowledgment of paternity; amending s. 742.12, F.S.; requiring scientific testing for paternity; establishing criteria therefor; amending s. 943.053, F.S.; requiring the Department of Law Enforcement to disclose criminal justice information to the state child support agency; providing for draft requests for a proposal by the Department of Revenue; providing for a report to the Legislature on the draft proposals; providing certain time limitations for developing and submitting the draft proposals; providing an effective date.

By the Committee on Banking and Insurance; and Senator Bronson—

**CS for SB 700**—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; providing definitions; amending s. 517.051, F.S.; deleting an exemption from securities registration requirements for investment companies; amending s. 517.07, F.S.; prohibiting the sale of certain securities; requiring the Department of Banking and Finance to issue a permit upon granting a registration; amending s. 517.081, F.S.; providing additional authority to the Department of Banking and Finance relating to registration requirements; providing for filing certain alternative information; providing requirements; amending ss. 517.082, 517.101, F.S.; deleting obsolete cross-references; amending s. 517.12, F.S.; exempting commodity trading advisers from certain registration requirements under certain circumstances; providing for a reduced assessment fee under certain circumstances; amending s. 517.1203, F.S.; providing for termination of allocation of certain assessment fee revenues to the Securities Guaranty Fund under certain circumstances; amending s. 517.131, F.S.; specifying an allocation of certain assessment fee revenues to the Securities Guaranty Fund under certain circumstances; providing effective dates.

By the Committee on Criminal Justice and Senators Horne and Campbell—

**CS for SB 716**—A bill to be entitled An act relating to sentencing; repealing ss. 921.0001, 921.001, 921.0011, 921.0012, 921.0013,

921.0014, 921.0015, 921.0016, 921.005, F.S., relating to the statewide sentencing guidelines; providing for application; creating the Florida Criminal Punishment Code; providing for the code to apply to felonies committed on or after a specified date; creating s. 921.002, F.S.; providing for the Legislature to develop, implement, and revise a sentencing policy; specifying the principles embodied by the Criminal Punishment Code; providing requirements for sentencing a defendant for more than one felony; authorizing a court to impose a sentence below the permissible sentencing range; specifying the level of proof required to justify such a sentence; creating s. 921.0021, F.S.; providing definitions; creating s. 921.0022, F.S.; providing an offense severity ranking chart to be used in computing a sentence score for a felony offender; creating s. 921.0023, F.S.; providing for ranking felony offenses that are unlisted on the severity ranking chart; creating s. 921.0024, F.S.; providing a worksheet for computing sentence points under the Criminal Punishment Code; providing for points to be assessed based on the offender's legal status; providing for sentencing multipliers; providing requirements for the state attorney and the Department of Corrections in preparing scoresheets; requiring the clerk of the circuit court to distribute scoresheets and transmit copies to the Department of Corrections; creating s. 921.0026, F.S.; specifying circumstances that constitute mitigating circumstances for purposes of sentencing; amending s. 20.315, F.S.; deleting a requirement that the Florida Corrections Commission review proposed changes to the statewide sentencing guidelines; amending s. 39.0581, F.S.; providing for the criteria under which a juvenile is committed to a maximum-risk residential program to be based on the ranking of the offense under the Criminal Punishment Code; amending s. 775.0823, F.S.; providing for a person convicted of certain violent offenses against a law enforcement officer, correctional officer, state attorney, assistant state attorney, justice, or judge to be sentenced under the Criminal Punishment Code; amending s. 775.084, F.S.; deleting a requirement that the courts submit reports to the Sentencing Commission; conforming a reference to changes made by the act; amending ss. 775.0845, 775.087, 775.0875, F.S., relating to wearing a mask while committing an offense, possessing a weapon while committing a felony, and taking a law enforcement officer's firearm; requiring that such offenses be ranked under the Criminal Punishment Code; amending s. 777.03, F.S., relating to the offense of being an accessory to a crime; providing for ranking such offense; amending s. 777.04, F.S.; requiring that a person convicted of criminal attempt, criminal solicitation, or criminal conspiracy be sentenced under the Criminal Punishment Code; amending s. 782.051, F.S.; requiring that certain offenses that result in bodily injury be ranked under the Criminal Punishment Code; amending s. 784.08, F.S.; requiring that a person convicted of assault and battery against an elderly person be sentenced under the Criminal Punishment Code; amending ss. 794.023, 874.04, F.S., relating to sexual battery by multiple perpetrators and to criminal street-gang activity; requiring that such offenses be ranked under the offense severity ranking chart of the Criminal Punishment Code; amending s. 893.13, F.S., relating to the offense of selling, manufacturing, or possessing certain controlled substances; conforming provisions to changes made by the act; amending s. 893.135, F.S.; requiring that a person convicted of certain drug-trafficking offenses be sentenced under the Criminal Punishment Code; amending s. 893.20, F.S.; requiring that a person convicted of engaging in a continuing criminal enterprise be sentenced under the Criminal Punishment Code; amending s. 921.187, F.S., relating to disposition and sentencing; conforming provisions to changes made by the act; amending s. 921.188, F.S.; providing certain conditions based on the Criminal Punishment Code under which a felon may be placed in a local detention facility; amending ss. 924.06, 924.07, F.S., relating to appeals; deleting a provision that allows a defendant to appeal a sentence imposed outside a range formerly permitted under chapter 921, F.S.; authorizing the state to appeal a sentence imposed below the range permitted by the Criminal Punishment Code; amending s. 944.17, F.S.; requiring that the sentencing scoresheet for a prisoner be submitted to the Department of Corrections; amending ss. 947.141, 947.146, 947.168, F.S., relating to violations of conditional release or control release and parole eligibility; conforming provisions to changes made by the act; amending s. 948.015, F.S., relating to presentence reports; conforming provisions to changes made by the act; amending s. 948.034, F.S., relating to terms and conditions of probation; conforming references; amending s. 948.51, F.S.; revising requirements for a county or county consortium in developing a public safety plan to conform to changes made by the act; amending s. 958.04, F.S., relating to judicial disposition of youthful offenders; providing certain limitations on sentences based on the Criminal Punishment Code; amending s. 921.0014, F.S.; providing requirements for the state attorney with respect to preparing sentencing scoresheets; amending ss. 397.705, 893.15, F.S.; re-

quiring that a referral of an offender to a treatment provider or to drug rehabilitation be in addition to adjudication or imposition of sentence rather than as an alternative to adjudication or imposition of sentence; amending s. 921.001, F.S.; providing for certain persons sentenced on or after a specified date whose recommended sentence is a nonstate prison sanction to be eligible for incarceration up to a specified period; amending s. 921.0016, F.S.; deleting a provision that allows and expressly prohibits addiction to be a mitigating circumstance for purposes of sentencing; providing effective dates.

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By the Committee on Governmental Reform and Oversight; and Senators Kirkpatrick, Horne and Sullivan—

**CS for SB 718**—A bill to be entitled An act relating to state financial matters; amending s. 215.322, F.S.; authorizing state agencies and the judicial branch and units of local government to accept charge cards or debit cards upon recommendation of the Office of Planning and Budgeting and prior approval of the Treasurer; amending s. 282.20, F.S.; defining “customers” of the Division of Information Services and prescribing its duties with respect thereto; eliminating the Technology Resource Center data processing policy board; creating s. 282.21, F.S.; authorizing the Department of Management Services to collect fees for use of electronic information services; creating s. 282.22, F.S.; declaring legislative intent with respect to availability and use of products and materials developed by or under the direction of the department; providing an effective date.

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By the Committee on Community Affairs and Senators Latvala, Brown-Waite, Kurth, Dudley, Grant, Crist, Lee, Cowin, Sullivan, Dyer, McKay, Myers, Campbell, Dantzler and Burt—

**CS for SB 750**—A bill to be entitled An act relating to mobile homes; amending s. 723.003, F.S.; defining the term “pass-on charge”; amending s. 723.037, F.S.; requiring a mobile home park owner to disclose material factors that justify a change in rentals, services, utilities, or rules; amending s. 723.0381, F.S.; deleting court-ordered arbitration; amending s. 723.063, F.S.; providing for the participation of mobile home owners’ associations in certain legal actions; amending s. 723.071, F.S.; providing conditions for the sale of mobile home parks to mobile home owners; revising the definition of the term “affiliate”; providing an effective date.

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By the Committees on Governmental Reform and Oversight; Education; and Senators Sullivan, Kirkpatrick, Grant, Horne, Williams, Ostalciewicz, Bronson and Turner—

**CS for CS for SB 786**—A bill to be entitled An act relating to high school athletics; directing the Commissioner of Education to designate an organization to govern athletes in the public schools; requiring by-laws establishing eligibility for student participation in athletic competition; providing for the structure, duties, and responsibilities of the organization; requiring a due process procedure; providing for bylaws to require member schools to adopt nationally recognized rules for sports; providing an effective date.

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By the Committee on Health Care and Senators Brown-Waite, Myers, Dudley, Silver, Rossin and Campbell—

**CS for SB 834**—A bill to be entitled An act relating to health care service programs; amending s. 641.315, F.S.; deleting obsolete dates and revising provisions; providing additional criteria for certain provider contracts; requiring that the governing body of a health maintenance organization provide notice and the opportunity for a hearing before terminating or failing to renew the contract of a health care provider; providing for applicability; providing certain exceptions; deleting certain due process procedural guidelines; providing notice requirements; providing requirements for the hearing panel appointed by a health maintenance organization; requiring that the governing body of a health maintenance organization render a final decision within a specified time; amending s. 641.3903, F.S.; prohibiting health maintenance organizations from taking certain retaliatory action against providers of health

care services; providing an effective date.

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By the Committee on Banking and Insurance; and Senators Grant and Holzendorf—

**CS for SB 908**—A bill to be entitled An act relating to surplus lines insurance; amending s. 626.921, F.S.; creating a nonprofit association named the “Florida Surplus Lines Service Office”; providing findings; requiring surplus lines agents to be members of the association; providing duties; requiring the office to collect a service fee from surplus lines agents; providing for a board of governors; providing for appointment of board members; requiring a plan of operation to be submitted to the Department of Insurance; requiring the department to conduct examinations of the association; providing for limitations of liability for the association under certain circumstances; amending s. 626.931, F.S.; requiring surplus lines agents, foreign insurers, and alien insurers to file a quarterly report with the Florida Surplus Lines Service Office; amending s. 626.932, F.S.; requiring surplus lines agents to pay a surplus lines tax to the office; requiring the service office to remit the taxes and interest to the department within a specified time; excluding from the term “premium” a service fee; creating s. 626.9325, F.S.; imposing a service fee on premiums charged for surplus lines insurance; requiring surplus lines agents to collect the fee and pay the fee to the office; requiring interest under certain circumstances; providing for application; specifying use of such fees; providing definitions; amending s. 626.918, F.S.; revising surplus and trust fund requirements for alien surplus lines insurers; lowering surplus requirements for surplus lines insurers meeting certain conditions; providing for severability; providing an effective date.

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

**CS for SB 918**—A bill to be entitled An act relating to ad valorem taxation; amending s. 192.001, F.S.; defining the term “computer software” for purposes of imposing ad valorem taxes; specifying circumstances under which computer software constitutes personal property; amending s. 196.012, F.S.; redefining the term “educational institution,” for purposes of the exemption of such institutions from ad valorem taxation, to include certain schools providing postgraduate dental education; providing for application of the act; providing an effective date.

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By the Committee on Community Affairs and Senator Gutman—

**CS for SB 936**—A bill to be entitled An act relating to criminal mischief; amending s. 806.13, F.S., relating to criminal mischief offenses and penalties; providing for reclassification of a misdemeanor violation of said section involving less than \$1,000 property damage when the offender has one or more prior convictions under said section; providing legislative intent; providing that a county or municipality is not preempted by state law from establishing an ordinance which prohibits the marking of graffiti or other graffiti-related offense and penalizes such offense with higher penalties than those provided by state law or with mandatory penalties; providing for the court to provide a disposition of the case no less severe than such higher or mandatory penalties in certain juvenile proceedings for violation of the ordinance; amending s. 901.15, F.S., relating to circumstances for arrest without a warrant; providing for such arrest when there is probable cause to believe that the person has committed criminal mischief or a graffiti-related offense; providing an effective date.

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By the Committee on Governmental Reform and Oversight; and Senators Kirkpatrick, Sullivan and Forman—

**CS for SB 940**—A bill to be entitled An act relating to information resources management; amending s. 11.39, F.S.; revising the duties of the Legislative Information Technology Resource Committee; amending s. 120.52, F.S.; providing an additional exclusion to the definition of “rule”; amending ss. 186.021 and 186.022, F.S.; revising provisions relating to state agency strategic plans; creating s. 216.0446, F.S.; authorizing a mechanism for the review of agency strategic plans and legislative



budget requests that pertain to information resource management needs; naming this mechanism the Technology Review Workgroup; amending s. 216.181, F.S., requiring a review and approval process for agencies' proposed actions on budget items for specified information resource management initiatives or projects; amending s. 282.003, F.S.; revising the short title of ch. 282, F.S.; creating s. 282.005, F.S.; providing legislative intent with respect to information resources management; repealing s. 282.1021, F.S., which requires the Division of Communications of the Department of Management Services to develop a biennial plan for communications services; amending s. 282.102, F.S.; requiring the Division of Communications to publish electronically and in hard copy a portfolio of its services; specifying the information to be included in the portfolio; amending s. 282.303, F.S.; revising definitions; creating s. 282.3031, F.S.; providing for assignment of information resources management responsibilities; creating s. 282.3032, F.S.; providing guiding principles for development and implementation of information systems; creating s. 282.3041, F.S.; providing for information resources management responsibilities within state agencies; creating s. 282.3055, F.S.; creating the position of Chief Information Officer; providing duties; creating s. 282.3063, F.S.; requiring an Agency Annual Information Resources Management Report; creating s. 282.3091, F.S.; creating the Technology Council; providing legislative intent; providing powers and duties; creating s. 282.3093, F.S.; providing legislative intent with respect to the State Technology Office; providing powers and duties; creating s. 282.310, F.S.; requiring a state annual report on information resources management; creating s. 282.315, F.S.; creating the Chief Information Officers Council; providing legislative intent; providing purposes and membership of the council; amending s. 282.20, F.S., relating to the Technology Resource Center; removing references to the Information Resource Commission; amending s. 282.313, F.S.; revising provisions relating to data processing policy boards; amending s. 282.318, F.S.; revising security requirements for data and information technology resources; amending s. 282.322, F.S., relating to special monitoring for designated information resources management projects; providing for the assumption of specified responsibilities by the Technology Review Workgroup; amending s. 282.404, F.S., relating to the Geographic Information Board; requiring the board to develop a strategic plan; removing references to the Information Resource Commission; revising the membership of the Geographic Information Advisory Council; repealing s. 282.004, F.S., relating to legislative intent with respect to information resources management and paperwork reduction; repealing s. 282.304, F.S., which provides for the creation of the Information Resource Commission; repealing s. 282.307, F.S., which requires each department to submit a strategic plan for information resources management; repealing s. 282.308, F.S., which requires each state university to prepare a strategic plan for information resources management; repealing s. 282.312, F.S., which requires the submission of annual performance reports to the Information Resource Commission; repealing s. 287.0735, F.S., which requires the review of contracts relating to the acquisition of information technology resources by the Information Resource Commission; repealing s. 287.073(5), (6), (7), and (8), F.S., which creates the Information Technology Resource Procurement Advisory Council within the Department of Management Services; repealing s. 216.0445, F.S., relating to budget evaluation by the Information Resource Commission; repealing s. 282.309, F.S., which requires the preparation of strategic plans for information resources management by the judicial branch; repealing s. 282.311, F.S., which provides for information resource managers; repealing s. 282.305, F.S., which provides powers and duties of the Information Resource Commission and the Board of Regents with respect to information resources management; repealing s. 282.3061, F.S., which provides for a State Strategic Plan for Information Resources Management; repealing s. 282.3062, F.S., which requires an annual report on information resources management by the Information Resource Commission; repealing s. 282.314, F.S., which creates the Information Resources Management Advisory Council; amending s. 215.90, F.S.; renaming the "Florida Fiscal Accounting Management Information System Act" the "Florida Financial Management Information System Act"; amending s. 215.91, F.S.; providing legislative intent; amending s. 215.92, F.S.; revising definitions; amending s. 215.93, F.S.; providing for the Florida Financial Management Information System; amending s. 215.94, F.S.; revising language with respect to the designation, duties, and responsibilities of the functional owners; amending s. 215.95, F.S.; providing for the Financial Management Information Board; amending s. 215.96, F.S.; revising language with respect to the coordinating council; providing for design and coordination staff; amending s. 216.141, F.S.; revising language with respect to budget system procedures and planning and programming by state agencies; creating a Health Information Systems Council; providing for coordination and

sharing of health-related data; amending ss. 20.19, 20.316, 20.41, F.S., to conform and correct cross-references; amending s. 112.3145, F.S.; removing voting members of the Information Technology Resource Procurement Advisory Council from the definition of "specified state employee"; amending s. 216.031, F.S.; correcting a cross-reference; amending ss. 216.235, 216.236, F.S., to conform; amending s. 287.042, F.S., relating to the powers, duties, and functions of the Division of Purchasing of the Department of Management Services, to conform; amending s. 287.073, F.S.; conforming the definition of "information technology resources"; amending s. 943.08, F.S.; requiring the council to approve a strategic plan; requiring that the current staff of the Information Resource Commission be given priority consideration for vacant or new positions; requiring that the records of the Information Resource Commission be transferred to the State Technology Office; providing for the repeal of the administrative rules of the Information Resource Commission on June 30, 1998; providing for the transfer of specified unexpended appropriations to the Technology Review Workgroup; providing an effective date.

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By the Committees on Transportation, Community Affairs and Senator Brown-Waite—

**CS for CS for SB 964**—A bill to be entitled An act relating to fuel taxes; amending ss. 336.021, 336.025, F.S.; amending the purposes for which the local option fuel tax on motor fuel and diesel fuel and the ninth-cent fuel tax on motor fuel and diesel fuel may be used; providing an effective date.

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

**CS for SB 972**—A bill to be entitled An act relating to vehicles used by state agencies; amending s. 20.055, F.S.; requiring agency inspectors general to report on employee use of state motor vehicles; amending s. 287.16, F.S., relating to the powers of the Division of Motor Pool of the Department of Management Services; authorizing the division to operate a centralized vehicle leasing program; providing for the deposit of lease payments; specifying the use of lease payments; requiring a report to be submitted biennially to agency inspectors general; amending s. 287.17, F.S.; providing definitions; providing criteria to be followed by an agency head in assigning a state-owned motor vehicle to an employee; providing an effective date.

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

**CS for SB 976**—A bill to be entitled An act relating to consumer protection; amending ss. 496.405, 496.419, 496.420, and 496.424, F.S.; revising the provisions of the Solicitation of Contributions Act to revise the authority of the Department of Agriculture and Consumer Services to make rules; establishing a fee; providing authority of the department with respect to registration and solicitation requirements; amending ss. 501.013, 501.014, 501.015, 501.016, and 501.019, F.S.; revising provisions of law regulating health studios to provide an exemption from regulation for certain country clubs, to authorize rules, to eliminate a penalty for certain late registrations, to require the registration number in certain printed material, to revise provisions relating to security requirements, and to revise penalties with respect to health studio violations; amending s. 501.021, F.S.; deleting the definition of "division" with respect to home solicitation sales; amending s. 501.022, F.S.; deleting language with respect to persons engaging in home solicitation sales in more than one county in the state to eliminate certain certificates; amending s. 501.052, F.S.; providing that the Attorney General or state attorney shall enforce the act; amending s. 501.143, F.S.; providing for registration fees with respect to dance studios; eliminating reference to such fees set by the department; providing for penalties for violations of rules or orders adopted pursuant to such rules; revising provisions with respect to rulemaking authority; amending s. 501.605, F.S.; providing for the fee for licensing of commercial telephone sellers; deleting reference to the authority of the department to set such fees; amending s. 501.607, F.S.; revising provisions with respect to licensure of salespersons; eliminating reference to the department to set license fees; amending s. 501.612, F.S.; revising provisions with respect to grounds for

denial of licensure; amending s. 501.626, F.S.; revising provisions with respect to rulemaking authority; amending s. 539.001, F.S.; revising the Florida Pawnbroking Act to provide definitions, to provide that local occupational licenses may not be issued without providing proof of a state license; revising provisions with respect to administrative penalties; providing for a notice of noncompliance rather than a letter of concern, and to provide for rulemaking authority; amending ss. 559.801-559.813, F.S.; revising the Sale of Business Opportunities Act; revising definitions; revising provisions with respect to the disclosure statement; providing increased requirements with respect to required filings with the department; requiring that written contracts be given to the purchaser at a certain number of days before signing; revising provisions with respect to remedies and enforcement; providing for rulemaking authority; amending ss. 559.903, 559.904, 559.905, 559.921, and 559.9221, F.S.; revising the Florida Motor Vehicle Repair Act; revising definitions; revising the registration fee schedule; revising requirements with respect to registration certificates; providing criteria for denying or refusing to renew the registration of a motor vehicle repair shop; providing for additional remedies; revising provisions with respect to the Motor Vehicle Repair Advisory Council; creating s. 559.92201, F.S.; providing for rulemaking authority; amending s. 559.927, F.S.; revising the definition of the term "seller of travel" with respect to the Florida Sellers of Travel Act; amending s. 559.928, F.S.; providing registration fees; requiring an annual affidavit and filing fee by agents; amending s. 559.929, F.S.; revising provisions with respect to security requirements; amending s. 559.9295, F.S.; providing for the effect of the submission of vacation certificate documents; providing for alternative document filing; establishing the timeframe for the department to respond with respect to document submissions; amending s. 559.9335, F.S.; providing for additional acts which are violations; revising provisions with respect to rules; amending s. 559.9355, F.S.; revising provisions with respect to administrative remedies and penalties; repealing s. 559.8015, F.S., relating to applicability to advertisers of business opportunities; providing an effective date.

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

**CS for SJR 986**—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 22 of Article XII of the State Constitution relating to exemption from ad valorem taxation of certain tangible personal property.

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By the Committee on Banking and Insurance; and Senator Rossin—

**CS for SB 990**—A bill to be entitled An act relating to insurance; creating s. 626.7355, F.S.; providing for temporary customer representative's licenses; specifying qualifications; limiting use of such licenses; specifying responsibility for acts of the licensee; requiring submission of certain information; limiting functions of licensees; specifying term of license; prohibiting renewability; requiring appointment; authorizing administrative actions against licensees; providing an effective date.

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By the Committee on Governmental Reform and Oversight; and Senators Kirkpatrick, Sullivan and Forman—

**CS for 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 notice of the compromise of certain keys; providing for suspension under certain circumstances; amending s. 215.322, F.S.; providing that a state agency, the judicial branch, and units of local government may use a credit card, charge card, or debit card upon recommendation of the Office of Planning and Budgeting and prior approval of the Treasurer; amending s. 282.20, F.S.; providing a definition; conforming certain references; requiring approval of the Office of Planning and Budgeting for acceptance of any new customer other than a state agency that will use more than a specified percentage of the previous year's revenue; eliminating the Technology Resource Center data processing policy board; 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 Secretary of State to commission Florida international notaries; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international 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; repealing s. 282.313, F.S., relating to data processing policy boards; providing an effective date.

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By the Committee on Community Affairs and Senator Klein—

**CS for 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.

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By the Committee on Health Care and Senator Klein—

**CS for 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.

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By the Committees on Ways and Means; Community Affairs; and Senator Williams—

**CS for CS for SB 1154**—A bill to be entitled An act relating to growth management; amending s. 380.06, F.S.; revising statewide guidelines and standards and substantial deviations for developments of regional impact; amending s. 403.973, F.S.; providing for an expedited permitting process for economic development projects and comprehensive plan amendments; providing an effective date.

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

**CS for SB 1246**—A bill to be entitled An act relating to state minimum building codes; amending s. 553.73, F.S.; restricting the contents of State Minimum Building Codes; providing an effective date.

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By the Committee on Agriculture and Senators Bronson, Horne, Williams, Brown-Waite, Casas, Ostalkiewicz, Harris, McKay, Turner, Childers, Latvala, Cowin, Myers, Lee, Grant, Campbell and Kirkpatrick—

**CS for SJR 1266**—A joint resolution proposing amendments to Section 6 of Article IV and Section 1 of Article VII of the State Constitution, relating to executive departments and taxation.

By the Committee on Banking and Insurance; and Senators Rossin and Forman—

**CS for SB's 1286 and 1446**—A bill to be entitled An act relating to insurance; creating s. 627.06501, F.S.; authorizing motor vehicle insurers to offer premium reductions when the principal driver of an insured vehicle has completed an approved driver improvement course; prescribing conditions and limits on such offer; amending s. 318.1451, F.S.; providing for an assessment fee to be paid by persons taking such a course; amending s. 627.419, F.S.; specifying that advertisements by insurers in a language other than English do not modify a policy in English; providing limitations; amending s. 627.727, F.S.; providing a presumption in favor of insurers and their agents and employees that coverage has been rejected or reduced by an insured who signs a form prescribed by the Department of Insurance; amending s. 627.728, F.S.; providing for electronic notice of cancellation and nonrenewals; allowing notice of cancellation by postal proof of mailings; amending s. 627.7288, F.S.; providing that deductibles in a policy that provides comprehensive coverage provided to an insured by an authorized insurer do not apply to motor vehicle glass deductibles; creating s. 627.72951, F.S.; permitting temporary binding of coverage; providing an effective date.

By the Committees on Ways and Means; Natural Resources; and Senators Latvala and Hargrett—

**CS for CS for SB's 1306 and 1934**—A bill to be entitled An act relating to brownfields redevelopment; creating s. 376.77, F.S.; providing a short title; creating s. 376.78, F.S.; providing legislative intent; creating s. 376.79, F.S.; defining terms; creating s. 376.80, F.S.; providing for a brownfield program administration process; creating s. 376.81, F.S.; providing for brownfield site contamination cleanup criteria; creating s. 376.82, F.S.; providing for eligibility criteria and liability protection; creating s. 376.83, F.S.; providing penalties; providing for pilot projects; providing appropriations; requiring the Department of Environmental Protection to report annually to the Legislature; providing an effective date.

By the Committee on Banking and Insurance; and Senator Clary—

**CS for SB 1314**—A bill to be entitled An act relating to the State Fire Marshal; amending s. 633.061, F.S.; providing a limitation upon licensees; providing requirements for licensees; providing procedures for licensure; prescribing what constitutes unlawful activity; providing for training; providing for duties of the State Fire Marshal; amending s. 633.071, F.S.; providing standards for tagging; providing for inspection reports; amending s. 633.175, F.S.; providing authority for law enforcement officers or fire department officials; providing for civil immunity; providing for notice of release of investigative records; amending s. 633.35, F.S.; providing standards for private entities that provide the services of firefighters; providing standards for firefighters; amending s. 633.511, F.S.; redesignating certain classifications; amending s. 633.514, F.S.; providing for permitholders; providing an effective date.

By the Committee on Education and Senator Williams—

**CS for SB 1318**—A bill to be entitled An act relating to postsecondary education; amending s. 240.1201, F.S.; providing that certain students taking courses in airport rescue and firefighting, or related courses are classified as residents for tuition purposes; providing an effective date.

By the Committee on Banking and Insurance; and Senator Bronson—

**CS for SB 1346**—A bill to be entitled An act relating to insurance; amending s. 626.321, F.S.; authorizing certain entities that hold a limited license for credit life or disability to sell credit property insurance; providing an effective date.

By the Committee on Education and Senator Cowin—

**CS for SB 1376**—A bill to be entitled An act relating to education; amending s. 230.03, F.S.; conforming a cross-reference; repealing s. 230.105(9), F.S., relating to ballot proposition wording for single-member representation for district school boards; amending s. 230.22, F.S.; revising provisions relating to general powers of school boards; amending s. 230.23, F.S.; revising provisions relating to powers and duties of school boards; amending s. 230.2301, F.S.; revising provisions relating to parent meetings with school district personnel; amending s. 230.2303, F.S.; revising provisions relating to the Florida First Start Program; deleting provisions relating to evaluation, monitoring, and coordination; amending s. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; deleting provisions relating to plans, plan approval, monitoring, and annual reports; repealing s. 230.23135, F.S., relating to the Florida Council on Student Services; amending s. 230.2316, F.S.; revising provisions relating to dropout prevention; deleting definitions, certain program criteria, and provisions requiring program plans and staff development; amending s. 230.23161, F.S.; conforming a cross-reference; amending s. 230.2317, F.S.; revising provisions relating to a multiagency service network for students with severe emotional disturbance; amending s. 230.2318, F.S.; authorizing school resource officer programs; deleting program plan requirements; repealing s. 230.23185, F.S., relating to a statewide crime watch program; amending s. 230.303, F.S., relating to compensation for school superintendents; deleting obsolete language; amending s. 230.33, F.S.; revising provisions relating to duties and responsibilities of superintendents; amending s. 230.331, F.S., relating to reproduction and destruction of district school records; amending s. 230.35, F.S., relating to schools under the control of the school board and superintendent; repealing ss. 230.59, 230.643, 230.655, and 230.71, F.S., relating to educational communications systems, transcripts for vocational-technical center students, education programs in correctional facilities, and intergenerational school volunteer programs; amending s. 232.01, F.S., and repealing ss. 232.04 and 232.045, F.S.; combining provisions relating to school attendance requirements; amending s. 232.021, F.S.; conforming provisions; amending s. 232.0225, F.S.; revising provisions relating to absence for religious instruction or holidays; repealing s. 232.023, F.S., relating to falsification of attendance records; amending s. 232.03, F.S.; conforming cross-references; repealing s. 232.032(2) and 232.034, F.S., relating to an investigation of tuberculosis incidence and a medical exemption for transporting students; amending s. 232.06, F.S.; revising provisions relating to school attendance certificates of exemption; amending s. 232.09, F.S.; conforming a cross-reference; repealing ss. 232.10, 232.13, and 232.165, F.S., relating to explanation of student absence, reports of exceptional children, and nonissuance or suspension of driver's license based on student enrollment; amending s. 232.17, F.S.; revising provisions relating to enforcement of school attendance; deleting reference to attendance assistants; amending s. 232.19, F.S.; conforming provisions; repealing ss. 232.245(2) and (3) and 232.2452, F.S., relating to requirements for school district programs for pupil progression and report cards; repealing s. 232.2461, F.S., relating to model curriculum standards; amending s. 232.2462, F.S.; deleting attendance requirements for receipt of high school credit; amending s. 232.2465, F.S.; revising a requirement for qualification as a Florida Academic Scholar; repealing s. 232.2468, F.S., relating to graduation, habitual truancy, and dropout rates; amending s. 228.041, F.S.; defining the terms "graduation rate," "habitual truancy rate," and "dropout rate"; repealing ss. 232.257 and 232.258, F.S., relating to the School Safety Program and school and community resource grants; amending s. 232.271, F.S.; conforming provisions; repealing ss. 232.276, 232.3015, 232.303, and 232.304, F.S., relating to parenting workshops, outreach programs, interagency student services, and multiagency coordinating councils; amending s. 232.425, F.S., relating to student standards for participation in extracurricular extracurricular student activities; defining the term "extracurricular"; providing for the accessibility of such activities to home education students; repealing s. 233.011, F.S., relating to accountability in curriculum, instructional materials, and testing; amending s. 233.061, F.S.; revising provisions relating to required instruction; creating s. 233.0612, F.S.; providing authorized instruction; repealing ss. 233.0615, 233.06411, 233.0645, 233.065, 233.0661, 233.0662, 233.0663(2), (3), (4), (5), (6), and (7), 233.067, 233.0671, 233.0672, and 233.068(3) and (4), F.S., relating to a character development and law education program, a free enterprise and consumer education program, voting instruction, patriotic programs, certain requirements of the drug abuse and resistance education program, comprehensive health education and substance abuse prevention, courses of study in the care of

nursing home patients, instruction in acquired immune deficiency syndrome, and planning and implementation of a career development and applied technology program; amending s. 233.07, F.S.; deleting obsolete language; renumbering s. 234.041, F.S., relating to school buses; repealing s. 234.0515, F.S., relating to transportation of students by private transportation companies; repealing ss. 234.061 and 234.091, F.S., relating to designation of routes and school bus driver qualifications, to conform; amending and renumbering s. 234.302, F.S., relating to school crossing guards; amending ss. 24.121, 39.01, 228.053, 228.061, 228.121, 229.0535, 229.565, 229.58, 229.592, 229.594, 229.8055, 231.085, 231.095, 231.1725, 231.381, 236.013, 236.081, 236.0811, 236.0812, 236.1228, 239.101, 239.229, 397.405, 402.22, 415.5015, 450.121, 493.6102, and 561.025, F.S.; conforming cross-references and conforming provisions; repealing s. 236.0842, F.S., relating to approval for drop-out prevention programs, to conform; providing an effective date.

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By the Committee on Banking and Insurance; and Senator Williams—

**CS for SB 1456**—A bill to be entitled An act relating to insurance; creating s. 624.22, F.S.; providing the purpose of ch. 624, F.S.; declaring legislative intent regarding adequate regulation of insurers and reinsurers; requiring that, upon the insolvency of a non-U.S. insurer or reinsurer certain security be maintained in the U.S. and that claims be filed with the state with regulatory oversight; providing a legislative declaration that the matters are fundamental to the business of insurance in accordance with federal law; amending s. 624.610, F.S.; providing an additional form of approved reinsurance, subject to certain conditions; amending s. 624.424, F.S.; revising the length of time an insurer may engage the same accountant or partner of an accounting firm; amending s. 626.321, F.S.; authorizing certain entities that hold a limited license for credit life or disability insurance to sell credit property insurance; amending s. 627.311, F.S.; providing civil immunity for certain persons associated with the Florida Joint Underwriting Association; providing an exception; providing an effective date.

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By the Committee on Community Affairs and Senator Dyer—

**CS for SB 1466**—A bill to be entitled An act relating to the Department of Community Affairs; amending s. 163.3180, F.S.; revising an exemption to the concurrency requirements of local government comprehensive plans for development that constitutes a de minimis impact; amending s. 163.3184, F.S.; revising the definition of the term “in compliance”; revising the effective date of local government comprehensive plans or amendments in an area of critical state concern; amending s. 163.3187, F.S.; providing that certain counties may adopt certain small-scale amendments to the local government comprehensive plan; creating an exception to the requirement that local governments adopt plan amendments twice a year; amending s. 163.3189, F.S.; providing an exception, applicable to local governments in an area of critical state concern, to procedures for effectuating a comprehensive plan amendment after the commission’s determination of noncompliance; amending s. 380.05, F.S.; providing for state land planning agency approval or rejection of certain local government land development regulations by agency order; providing for state land planning agency approval or rejection of certain local government comprehensive plans and amendments; amending s. 380.051, F.S.; deleting certain rulemaking duties of the department with respect to the Florida Keys area of critical state concern; amending s. 380.06, F.S.; deleting certain rulemaking duties of the department with respect to areawide developments of regional impact; requiring an evaluation of statutory provisions relating to evaluation and appraisal of comprehensive plans; providing an effective date.

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By the Committee on Education and Senator Grant—

**CS for SB 1542**—A bill to be entitled An act relating to public school parental choice; amending s. 228.057, F.S.; requiring school districts with a controlled open enrollment program to afford preferred access to the program to parents of students in multiple session schools; providing an effective date.

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

**CS for SB’s 1566 and 114**—A bill to be entitled An act relating to the representation of persons sentenced to death; amending s. 27.701, F.S.; transferring the capital collateral regional counsels to the executive branch; providing for the office of capital collateral representative to be replaced by three capital collateral regional counsels appointed within the northern, middle, and southern regions of the state; providing for nominations of the regional counsels by the Supreme Court Judicial Nominating Commission; requiring the Governor to appoint the regional counsels; providing for terms of office; prohibiting a regional counsel from running for or accepting appointment to a state office for a specified period after leaving office; specifying the duties of the capital collateral regional counsel; establishing the independence of the regional offices but consolidating the administrative functions of three offices within the Justice Administrative Commission; authorizing the court to assess attorney’s fees and costs against a nonindigent or indigent-but-able-to-contribute defendant; providing for a determination of indigency; requiring the regional counsel to provide certain reports to the President of the Senate, the Speaker of the House of Representatives, and the Commission on the Administration of Justice in Capital Cases; amending s. 27.703, F.S.; providing for the appointment of substitute counsel in instances of conflict of interest; establishing qualifications for appointed counsel; establishing a rate of compensation for attorney’s fees in such cases; amending s. 27.704, F.S.; authorizing the capital collateral regional counsel to appoint assistant counsel, investigators, and support personnel; providing employment qualifications for certain positions; amending s. 27.705, F.S.; providing for the capital collateral counsel to be paid under the General Appropriations Act; providing for the payment of office and travel expenses; requiring the regional counsel to submit a pay plan each year to the Justice Administrative Commission; amending s. 27.706, F.S.; prohibiting the capital collateral regional counsel and full-time assistants from engaging in the private practice of law; amending s. 27.707, F.S.; authorizing investigators employed by the capital collateral regional counsel to serve subpoenas and court orders; amending s. 27.708, F.S.; providing for access to persons sentenced to death who are incarcerated; requiring the regional counsel and contracted private counsel to comply with the Rules of Criminal Procedure; requiring the regional counsel to approve requests for public records made by assistant counsel or appointed counsel; creating the Commission on the Administration of Justice in Capital Cases; providing for membership; setting terms of membership; providing for the selection of a chair; providing for per diem and travel expenses; requiring quarterly meetings of the commission; providing for the Executive Office of the Governor to staff the commission; requiring the commission to review the administration of justice in capital collateral cases, receive relevant public input, review the operation of the regional offices of capital collateral counsel, and advise and make recommendations to the Governor, Legislature, and Supreme Court; requiring that the commission hear complaints regarding the practice of any such office; amending s. 16.01, F.S.; requiring that the Attorney General act as co-counsel in capital collateral proceedings; amending s. 924.051, F.S.; limiting collateral and postconviction relief in any capital case to motions that allege newly discovered evidence or a change in the law; prohibiting the testimony of an expert witness in any such case unless approved by the court; providing recommendations for the Supreme Court; providing an effective date.

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By the Committee on Banking and Insurance; and Senator McKay—

**CS for SB 1592**—A bill to be entitled An act relating to continuing care contracts; amending s. 651.011, F.S.; revising definitions; amending s. 651.013, F.S.; specifying application of additional laws to providers of continuing care; amending s. 651.015, F.S.; revising certain filing fee provisions; amending s. 651.022, F.S.; deleting certain escrow agreement requirements; limiting the Department of Insurance’s authority to approve certain applications; amending s. 651.023, F.S.; clarifying provisions for applications for certificates of authority; revising criteria for granting certain mortgages; limiting department authority to approve certain applications; deleting certain provisions for renewal of certificates of authority; amending s. 651.0235, F.S.; providing for continuing validity of certificates of authority; amending s. 651.026, F.S.; requiring a filing fee for annual reports; providing requirements for financial reports and information; amending s. 651.033, F.S.; revising investment criteria for escrow accounts; revising criteria for managing and administering escrow accounts; amending s. 651.035, F.S.; clarifying minimum

liquid reserve requirements; decreasing certain escrow operating reserve requirements; requiring providers to maintain a renewal and replacement reserve in escrow; providing criteria; providing requirements for use of such reserves; amending s. 651.051, F.S.; requiring certain notice before removal of certain assets and records from the state; amending s. 651.055, F.S.; requiring submittal to and approval by the department of all continuing care contracts and addenda; revising continuing care agreement provisions to apply to continuing care contracts; amending s. 651.061, F.S.; providing criteria and requirements for certain refunds to residents upon termination of contracts; amending s. 651.065, F.S.; applying certain waiver provisions to continuing care contracts; amending s. 651.071, F.S.; applying preferred claims provisions to continuing care contracts in receivership; amending s. 651.091, F.S.; requiring providers to make available for review certain master plans and plans for expansion or development; requiring providers to furnish residents a copy of resident's rights; requiring filing of certain information with the department; amending s. 651.095, F.S.; requiring department approval of certain provider advertising; limiting certain provider advertising; amending s. 651.105, F.S.; applying examination and inspection provisions to continuing care contracts; amending s. 651.106, F.S.; providing additional grounds for refusal, suspension, or revocation of certificates of authority; providing continuing requirements for providers after revocation of a certificate; amending s. 651.107, F.S.; clarifying status of certificates of authority not reinstated; creating s. 651.1081, F.S.; specifying remedies in cases of unlawful sales by providers; amending s. 651.111, F.S.; broadening the department's inspection authority; amending s. 651.114, F.S.; applying delinquency proceedings and remedial rights provisions to continuing care contracts; clarifying certain notice requirements relating to release of certain escrow funds; amending s. 651.1151, F.S.; requiring accessibility by residents or resident organizations to management services contracts; amending s. 651.118, F.S.; clarifying a receivership provision; amending s. 651.121, F.S.; requiring the Continuing Care Advisory Council to assist the department in certain actions; repealing s. 651.041, F.S., relating to use of reserves for investment purposes; providing an effective date.

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By the Committee on Education and Senator Grant—

**CS for SB 1704**—A bill to be entitled An act relating to student fees; amending s. 240.235, F.S.; defining fees; providing for fee ranges; providing budget procedures; restricting the use of fee revenue for certain purposes; providing an effective date.

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By the Committee on Children, Families and Seniors; and Senators Harris and Brown-Waite—

**CS for SB 1760**—A bill to be entitled An act relating to child welfare; amending s. 39.01, F.S., relating to definitions with respect to specified provisions relating to juvenile proceedings; redefining the term "diligent search"; defining the term "next of kin"; amending s. 39.401, F.S., relating to taking a child alleged to be dependent into custody; requiring the Department of Children and Family Services to request a child's parent or custodian to disclose certain information regarding parents, prospective parents, and next of kin; amending s. 39.402, F.S., relating to placement in a shelter; providing for the court to require parent or custodian present at emergency shelter hearing to provide certain information on the record regarding parents, prospective parents, or next of kin; amending s. 39.405, F.S.; revising certain guidelines relating to filing of affidavit of diligent search in dependency cases; removing requirement for appointment of guardian ad litem, under specified circumstances; amending s. 39.4051, F.S., relating to special procedures in dependency cases when identity or location of parent is unknown; revising duties of the Department of Children and Family Services with respect to diligent searches; reenacting s. 39.462(1)(a), F.S., relating to process and service in proceedings to terminate parental rights, to incorporate an amendment in references thereto; creating s. 39.4052, F.S.; requiring written notice to identified adult relatives of a child taken into care; creating s. 39.4053, F.S.; prescribing duties of the department and guidelines relating to due diligence in the identification and notification of parents, relatives, and custodians of a child in departmental custody; amending s. 39.41, F.S., relating to powers of disposition; providing for diligent search; conforming terminology; amending s. 39.4625, F.S., relating to special procedures in termination of parental rights cases when identity or location of parent is unknown; revising guidelines relating to court

inquiry and diligent search; reenacting s. 39.462(1)(a), F.S., relating to elements of petition for termination of parental rights, to incorporate an amendment in references thereto; amending s. 39.464, F.S., relating to grounds for termination of parental rights; conforming provisions relating to diligent search; reenacting s. 39.4611(1)(a) and (b) and (2), to incorporate an amendment in references thereto; amending s. 415.5018, F.S.; providing for the sharing of certain criminal history information; amending s. 415.51, F.S.; providing for the release of certain confidential reports to law enforcement; amending s. 415.505, F.S., relating to child protective investigations and institutional child abuse or neglect investigations; requiring the agent of the department to request the parent or custodian to disclose certain information regarding parents, prospective parents, or next of kin when child is taken into custody; providing an effective date.

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By the Committee on Community Affairs and Senator Burt—

**CS for SB 1794**—A bill to be entitled An act relating to alarm system contracting; amending s. 489.505, F.S.; modifying a definition; amending s. 489.518, F.S.; providing exceptions to training and background check requirements; amending s. 489.529, F.S.; providing an exception to an alarm verification requirement; creating s. 489.5315, F.S.; clarifying occupational licensure requirements; providing an effective date.

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By the Committee on Health Care and Senator Kurth—

**CS for SB 1804**—A bill to be entitled An act relating to assisted living facilities; amending s. 400.407, F.S.; modifying the number of monitoring visits that must be made by the Agency for Health Care Administration to an assisted living facility licensed to provide extended congregate care services; changing the requirements for admission to an assisted living facility licensed to provide extended congregate care services; amending s. 400.408, F.S.; requiring certain individuals with knowledge of unlicensed assisted living facility activity to be subject to disciplinary action; amending s. 400.426, F.S.; authorizing use of a certain assessment to fulfill medical examination requirements; amending s. 400.628, F.S.; prohibiting the use of restraints in adult family care homes; requiring a study and a report by September 1, 1998 from the Department of Elderly Affairs on certified medication technicians; providing an effective date.

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By the Committee on Health Care and Senator Jones—

**CS for SB 1814**—A bill to be entitled An act relating to regulation of health care professions; amending s. 402.48, F.S., relating to health care services pools; increasing the period of registration; updating a definition and a provision relating to meeting financial responsibility requirements; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration, the Department of Business and Professional Regulation, or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending s. 455.2285, F.S.; revising requirements for information that is disclosed in the annual report; amending s. 457.102, F.S.; revising definitions applicable to the regulation of acupuncture; amending s. 457.105, F.S.; revising qualifications for licensure to practice acupuncture; revising fees; conforming terminology; amending s. 457.107, F.S.; revising licensure renewal fees; conforming terminology; amending s. 457.1085, F.S.; revising requirements on the adoption of rules relating to infection control and on the use of acupuncture needles; amending ss. 457.103, 457.108, 457.109, and 457.116, F.S., to conform; amending s. 458.303, F.S.; eliminating references to physician's trained assistants; amending s. 458.305, F.S.; updating the definition of "department"; amending s. 458.307, F.S.; revising provisions relating to probable cause panels of the Board of Medicine; amending s. 455.206, F.S.; conforming a cross-reference; amending s. 458.311, F.S.; revising requirements for licensure of physicians by examination; revising an educational and postgraduate training requirement; allowing certain applicants to complete a specified fellowship to partially satisfy the licensing requirements; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing persons in certain training programs to take the examination under certain

circumstances; amending s. 458.313, F.S.; revising requirements for licensure of physicians by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; authorizing additional requirements prior to certification of eligibility for licensure; conforming a cross-reference; eliminating a provision authorizing licensure under a period of supervision; providing conditions for reactivation of certain licenses issued by endorsement; amending s. 458.317, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of medicine; amending s. 458.319, F.S.; clarifying requirements for renewal of license to practice medicine; revising recent-practice requirements; amending s. 458.320, F.S.; conforming a cross-reference; requiring physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 458.331, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 458.3312, F.S.; prohibiting physicians from falsely representing that they are board-certified specialists; amending s. 458.345, F.S., relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; providing requirements for the prescribing of medicinal drugs; amending s. 458.346, F.S.; providing for meetings of the Public Sector Physician Advisory Committee; amending ss. 458.347 and 459.022, F.S.; revising requirements for certification as a physician assistant; updating terminology; amending s. 458.3485, F.S.; requiring medical assistants to be under the direct supervision of a licensed physician; providing for rules; amending s. 459.003, F.S.; updating the definition of "department"; providing that certain terms are equivalent; amending s. 459.021, F.S.; repealing ss. 460.413(1)(bb) and 460.413(1)(cc), relating to grounds for disciplinary action; revising terminology relating to osteopathic medicine; revising provisions relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible at each hospital using such residents for the hospital's semiannual reports to the department; requiring certain notice to the executive director of the board; providing that registrants are subject to specified disciplinary provisions; amending s. 459.0075, F.S., relating to limited licenses; eliminating the requirement that applicants for a limited license be retired from the practice of osteopathic medicine; restricting certain limited licensees to noncompensated practice; requiring the payment of fees if a person receives compensation for the practice of osteopathic medicine; amending s. 459.0085, F.S.; conforming a cross-reference; requiring osteopathic physicians not carrying medical malpractice insurance to post notice and provide a written statement thereof; providing for acknowledgment that the patient has been so informed; amending s. 459.015, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 459.0152, F.S.; prohibiting osteopathic physicians from falsely representing that they are board-certified specialists; amending ss. 240.4067, 390.011, 395.0191, 408.035, 409.905, 415.102, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 456.31, 459.006, 462.01, 468.301, 468.302, 476.044, 477.0135, 483.291, 621.03, 627.351, 627.357, 627.6482, 725.01, 766.101, 766.103, 766.105, 766.110, 817.234, and 945.047, F.S.; conforming and correcting terminology relating to osteopathic medicine; amending s. 460.403, F.S.; updating the definition of "department"; amending s. 460.413, F.S.; repealing ss. 460.413(1)(bb) and 460.413(1)(cc), relating to grounds for disciplinary action; revising grounds for disciplinary action; providing penalties; providing criteria for determining the applicable penalty; providing certain evidentiary standards; providing authority and procedure to enjoin a chiropractor from providing medical services under certain circumstances; reenacting ss. 320.0848(9), 455.236(4)(g), and 766.111(2), F.S., relating to parking permits for disabled persons, prohibited referrals to home health agencies, and unnecessary diagnostic testing, to incorporate the amendment to s. 460.413, F.S., in references thereto; amending s. 460.4165, F.S.; revising a provision relating to the fee accompanying applications to supervise chiropractic physician's assistants; amending s. 461.003, F.S.; updating the definition of "department"; amending s. 461.013, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 461.018, F.S.; clarifying a provision relating to the limited practice of podiatry in designated areas of need; amending s. 464.003, F.S.; revising a definition to update authority over regulation of nursing; amending ss.

464.004, 464.008, 464.009, 464.012, 464.013, and 464.014, F.S., to conform; amending s. 464.018, F.S.; revising grounds for disciplinary action; providing penalties; conforming terminology; amending s. 464.019, F.S., relating to approval of nursing programs; providing for a program review fee; conforming terminology; creating s. 464.0205, F.S.; providing for certification of retired volunteer nurses; providing requirements, qualifications, fees, and restrictions; amending s. 464.022, F.S.; providing an exemption from regulation relating to certain nurses accompanying and caring for patients temporarily residing in this state; amending s. 465.003, F.S.; updating the definition of "department"; amending s. 465.004, F.S.; increasing the membership of the Board of Pharmacy; revising membership qualifications; amending s. 465.014, F.S.; increasing the number of pharmacy technicians who may be supervised by a licensed pharmacist; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising a ground for disciplinary action; providing penalties; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 466.003, F.S.; updating the definition of "department"; amending s. 466.006, F.S., relating to the examination of dentists; revising prerequisites for certain applicants to take the examination; amending s. 466.017, F.S.; eliminating obsolete provisions relating to the utilization of general anesthesia and parenteral conscious sedation by licensed dentists; amending s. 466.028, F.S.; revising grounds for disciplinary action; providing penalties; amending s. 468.1115, F.S.; revising and providing exemptions from regulation as a speech-language pathologist or audiologist; amending s. 468.1125, F.S.; updating the definition of "department"; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing requirements for cross-discipline licensure; amending s. 468.1185, F.S.; revising licensure requirements; conforming a reference; amending s. 468.1195, F.S.; revising continuing education requirements; providing for adoption of standards of approval of continuing education providers; creating s. 468.1201, F.S.; requiring instruction on human immunodeficiency virus and acquired immune deficiency syndrome as a condition of being granted a license or certificate to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for certification as a speech-language pathology or audiology assistant; conforming a reference; amending s. 468.1245, F.S.; revising provisions relating to certain complaints concerning hearing aids; amending s. 468.1295, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; creating s. 468.1296, F.S.; prohibiting sexual misconduct in the practice of speech-language pathology and audiology, for which there are penalties; amending s. 468.1655, F.S.; updating the definition of "department"; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.203, F.S.; revising definitions applicable to regulation of occupational therapy; amending s. 468.205, F.S.; replacing the Occupational Therapy Council with a Board of Occupational Therapy Practice; providing for qualifications, appointments, and terms of board members; providing for the filling of vacancies on the board; amending s. 468.209, F.S.; revising educational requirements for licensure as an occupational therapist or occupational therapy assistant; providing for licensure of certain applicants without meeting such educational requirements; providing for certain temporary permits; requiring documentation of continuing education for certain applicants; amending s. 468.211, F.S.; providing a restriction on the number of times an applicant may fail the examination and requiring remediation after a certain number; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending ss. 468.351, 468.352, 468.354, 468.355, 468.356, 468.357, 468.358, 468.359, 468.36, 468.361, 468.363, 468.364, 468.365, 468.366, and 468.368, F.S.; repealing s. 468.362, F.S., relating to continuing education; providing for licensure of respiratory care practitioners and respiratory therapists; eliminating references to certification and registration; updating the definition of "department"; revising terminology; revising approval of educational programs; eliminating annual continuing education requirements for certain persons; providing penalties; amending s. 478.42, F.S.; updating the definition of "department"; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; amending s. 478.46, F.S.; revising requirements relating to issuance of temporary permits; conforming a cross-reference and terminology; amending s. 478.47, F.S.; revising requirements for licensure by endorsement; amending s. 478.52, F.S.; prohibiting the operation of unlicensed electrolysis facilities; providing penalties; amending s. 480.033, F.S.; revising the definition of "board"; updating the definition of "department"; amending s. 480.034, F.S.; eliminating an exemption from regulation applicable to

certain skin treatments and weight-loss programs; amending s. 480.035, F.S.; renaming the Board of Massage as the Board of Massage Therapy; amending s. 480.041, F.S.; eliminating provisional licensure to practice massage therapy; amending s. 480.0415, F.S.; authorizing an increase in the number of classroom hours of continuing education that may be required for renewal of a license to practice massage therapy; amending s. 480.042, F.S.; revising what examinations must measure; repealing s. 480.0425, F.S., relating to inactive status; amending s. 480.043, F.S.; revising provisions relating to the transfer of licenses; amending s. 480.044, F.S.; revising provisions relating to fees; amending s. 480.047, F.S.; prohibiting the practice of massage therapy without a license unless exempted from licensure; creating s. 480.0485, F.S.; prohibiting sexual misconduct in the practice of massage therapy, for which there are disciplinary actions; amending s. 20.43, F.S., relating to the Department of Health; conforming terminology; updating a reference; amending s. 381.81, F.S., to conform; amending s. 483.800, F.S.; revising policy and purpose relating to regulation of clinical laboratory personnel; amending s. 483.801, F.S.; providing a regulatory exemption relating to advanced registered nurse practitioners; amending s. 483.803, F.S.; updating the definition of "department"; providing definitions; amending s. 483.809, F.S.; revising licensing provisions; authorizing an alternative examination for public health laboratory scientists; creating s. 483.812, F.S.; providing for licensure of public health laboratory scientists; amending s. 483.813, F.S.; extending the period of a temporary license for clinical laboratory personnel; providing a period for a conditional license; amending s. 483.823, F.S.; revising provisions relating to qualifications of clinical laboratory personnel; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; providing penalties; creating s. 483.828, F.S.; providing penalties for specified violations; amending s. 483.901, F.S., the "Florida Medical Physicists Act"; providing that the Advisory Council of Medical Physicists is an advisory rather than a regulatory body; increasing the number and terms of council members; clarifying initial and other appointment provisions; revising provisions relating to council meetings; revising licensure requirements; clarifying that the required continuing education hours are to be satisfied biennially and that the organizations providing such education must be approved by the Department of Health; revising and providing grounds for disciplinary action; revising and providing criminal acts; providing an administrative fine; providing penalties; eliminating a provision authorizing a licensure exception; amending s. 484.041, F.S.; updating the definition of "department"; amending s. 484.042, F.S.; updating a reference, to conform; amending s. 484.051, F.S.; updating a reference, to conform; amending s. 486.021, F.S.; updating the definition of "department"; amending s. 486.023, F.S.; increasing the membership of the Board of Physical Therapy Practice; amending ss. 486.031 and 486.081, F.S.; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending s. 486.041, F.S.; revising provisions relating to applying for a license as a physical therapist and to the fee therefor; amending s. 486.051, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist; amending s. 486.102, F.S.; revising accreditation provisions relating to licensure as a physical therapist assistant; amending s. 486.103, F.S.; revising provisions relating to applying for a license as a physical therapist assistant and to the fee therefor; amending s. 486.104, F.S.; revising provisions relating to examination of applicants for licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.125, F.S.; providing for recovery of the actual costs of investigation and prosecution; amending s. 641.495, F.S.; requiring a health maintenance organization to designate as medical director a state-licensed physician or osteopathic physician; providing an effective date.

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

**CS for SB 1832**—A bill to be entitled An act relating to public records; amending s. 110.1091, F.S.; revising provisions which specify that communications relating to a state employee's participation in an employee assistance program are confidential, and which provide a public records exemption for records relating thereto; providing an exception; creating ss. 125.585 and 166.0444, F.S.; providing that certain communications relating to a county or municipal employee's participation in such a program are confidential; providing an exemption from public records requirements for records relating to such participation; providing exceptions; providing for future review and repeal; providing a finding of

public necessity; providing an effective date.

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

**CS for SB 1836**—A bill to be entitled An act relating to assisted living facilities; suspending provisions of s. 400-4075, F.S., and ch. 58A-5.029, F.A.C.; amending s. 400.402, F.S.; revising definitions; providing additional definitions; amending s. 400.407, F.S.; revising requirements for monitoring visits conducted by a representative of the Agency for Health Care Administration; revising requirements for admitting an individual to a facility that provides extended congregate care services; deleting an additional license fee assessed against facilities that provide limited mental health services; amending s. 400.4075, F.S.; revising requirements for a facility in obtaining a limited mental health license; requiring a facility that holds a limited mental health license to maintain a copy of the community living support plan and a cooperative agreement for each mental health resident and verify that such resident meets certain requirements; amending s. 400.426, F.S.; revising provisions to reflect the transfer of certain duties to the Department of Children and Family Services; providing that an assessment completed through the Comprehensive Assessment and Review for Long-Term Care Services (CARES) Program fulfills certain requirements for a medical examination; requiring certain documentation for a mental health resident who resides in an assisted living facility that holds a limited mental health license; providing for an evaluation of a mental health resident in certain instances; amending s. 394.455, F.S.; revising provisions to reflect the transfer of duties to the Department of Children and Family Services; creating s. 394.4574, F.S.; providing requirements under the Baker Act for the Department of Children and Family Services with respect to a mental health resident who resides in an assisted living facility that holds a limited mental health license; Providing the department with certain responsibilities related to a mental health resident; amending s. 409.912, F.S.; requiring an entity that provides Medicaid prepaid health services to coordinate health care services with an assisted living facility in certain instances; requiring a workgroup to be established; requiring a report; providing an effective date.

By the Committee on Health Care and Senator Forman—

**CS for SB 1850**—A bill to be entitled An act relating to genetic testing; amending s. 760.40, F.S.; defining the term "genetic testing"; providing standards for consent to genetic testing; providing standards for disclosure of results; providing civil penalties; providing public records exemptions; providing requirements upon insurers; providing exemptions; providing legislative findings; providing an effective date.

By the Committee on Community Affairs and Senator Burt—

**CS for SB 1862**—A bill to be entitled An act relating to lost property; amending s. 705.103, F.S.; providing procedure for notice of disposal by a law enforcement agency of certain lost property; providing an effective date.

By the Committee on Education and Senator Rossin—

**CS for SB 1904**—A bill to be entitled An act relating to possession of weapons on school property; amending s. 790.115, F.S.; providing that it is a third-degree felony to exhibit a razor blade, box cutter, or knife having a blade greater than a specified length on the grounds or facilities of any school, school bus, or school bus stop, or within a specified distance of the real property that comprises a public or private school during school hours; removing a provision that permits the carrying of a firearm in a vehicle under certain conditions; providing an effective date.

By the Committee on Education and Senator Dyer—

**CS for SB 1944**—A bill to be entitled An act relating to public school choice; amending s. 236.083, F.S.; directing the Legislature to designate



additional funds for student transportation to school districts that offer a controlled open enrollment program; providing an effective date.

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By the Committee on Education and Senator McKay—

**CS for SB 1968**—A bill to be entitled An act relating to enforcement of compulsory school attendance; amending s. 232.19, F.S.; requiring each public school principal to notify the district school board of students who accumulate a specified number of unexcused absences; authorizing the governing body of a private school to provide such information to the Department of Education; requiring that the Department of Highway Safety and Motor Vehicles withhold issuance of or suspend the driver's license or a learner's driver's license of a student who fails to satisfy school attendance requirements; requiring the Department of Juvenile Justice, the Department of Children and Family Services, and the school districts to develop cooperative agreements for working with habitual truants and their families; providing for an additional fine to be imposed against a parent who fails to comply with the compulsory school-attendance requirements; providing that proceeds of the fine be used to fund truancy prevention programs; amending s. 322.05, F.S., relating to the issuance of driver's licenses; conforming provisions to changes made by the act; amending s. 322.09, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a driver's license or restricted license to a person under a specified age who does not meet requirements for school attendance and is not otherwise exempt from such requirements; creating s. 322.091, F.S.; providing that a minor is not eligible for driving privileges unless the minor is enrolled in school or a home-education program, has received a high school diploma or certificate, is enrolled in certain other educational activities, or obtains a certificate of exemption or hardship waiver; requiring the Department of Highway Safety and Motor Vehicles to notify a minor before the department suspends the minor's driving privileges because of noncompliance with school-attendance requirements; providing for a hardship waiver; providing for a hearing before the public school principal or the designee of the governing body of a private school; providing for the department to reinstate a minor's driving privileges following compliance with school-attendance requirements for a specified period; requiring the department to report to school districts on students whose driving privileges are suspended; providing an effective date.

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By the Committee on Governmental Reform and Oversight; and Senators Williams, Gutman, Rossin, Campbell and Turner—

**CS for SB 2004**—A bill to be entitled An act relating to the Department of Management Services; amending s. 20.04, F.S.; exempting the department from certain structural requirements imposed on executive agencies; amending s. 20.22, F.S.; revising the organizational structure of the department; directing the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill; providing for the preservation of the administrative rules of the department until specifically changed as provided by law; amending s. 110.1127, F.S.; revising language with respect to employee security checks; amending s. 110.1165, F.S.; revising the requirements with respect to procedures for relief with respect to executive branch personnel errors; amending s. 110.201, F.S.; providing for personnel rules, records, and reports for employees and positions in the career service; amending s. 110.207, F.S.; directing the department to facilitate the statewide planning and implementation of the career service broadbanding compensation and classification system; amending s. 110.217, F.S.; removing date requirements with respect to appointments and promotions; amending s. 110.403, F.S.; revising language with respect to the powers and duties of the department; amending s. 110.406, F.S.; revising language with respect to data collection for the Senior Management Service; amending s. 110.602, F.S.; directing the department to designate all positions in the Select Exempt Service as either managerial/policymaking, professional, or nonmanagerial/nonpolicymaking; amending s. 110.606, F.S., relating to data collection for the Selected Exempt Service; amending s. 216.235, F.S.; revising language with respect to the Innovative Investment Program; providing legislative intent; providing for composition and responsibilities of the State Innovation Committee; providing for responsibilities of the department, the Information Resource Commission, and the review board; amending s. 255.21, F.S.; providing that buildings or facilities open to the general public must comply with the provisions of part V of chapter 553, F.S., relating to

handicapped accessibility; repealing s. 110.1097, F.S., relating to personnel system improvements for the Department of Health and Rehabilitative Services; amending ss. 255.28, 255.30, 255.507, F.S.; eliminating references to rules; amending s. 282.105, F.S.; providing that certain educational entities shall be eligible to use the state SUNCOM Network; amending s. 287.042, F.S.; revising language with respect to the powers of the Division of Purchasing of the Department of Management Services; amending s. 364.511, F.S.; providing that all net revenue realized through the leasing of available satellite transponder time, after deducting the costs of performing the management functions, shall be recycled to support the Florida Distance Learning Network; repealing s. 282.1021, F.S., relating to the State Implementation Plan for Communications Services; amending s. 282.307, F.S.; conforming to the act; creating the Workforce 2000 Study Commission; providing for membership; providing powers and duties of the commission; requiring reports; providing for staffing of the commission; providing an appropriation; expressing legislative intent to reorganize the Department of Management Services and to revise the laws relating to the Career Service and Select Exempt Service Systems, the Innovation Investment Program, public property and publicly owned buildings, and the Correctional Privatization Commission; amending s. 957.03, F.S.; providing that the Correctional Privatization Commission shall be a separate budget entity, not subject to supervision by the department; providing an effective date.

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By the Committee on Community Affairs and Senator Jenne—

**CS for SB 2012**—A bill to be entitled An act relating to hurricane preparedness and mitigation; amending s. 215.555, F.S.; providing for a specified portion of moneys appropriated from the investment income of the Florida Hurricane Catastrophe Fund to be appropriated to the Department of Community Affairs for programs, loan subsidies, grants, and demonstration projects; providing for loan subsidies and direct assistance to be provided to policyholders of the Florida Windstorm Underwriting Association; requiring the department to develop the program in consultation with an advisory council; providing for membership of the advisory council; providing for a specified portion of moneys appropriated from the investment income of the Florida Hurricane Catastrophe Fund to be appropriated to the Department of Insurance for the purpose of consumer education and information; requiring the Department of Insurance to consult with the Department of Community Affairs before expending funds; providing for a specified portion of moneys appropriated from the investment income of the Florida Hurricane Catastrophe Fund to be appropriated to the State University System to support programs of research and development; requiring that such moneys be matched by in-kind funds or services; requiring the Department of Community Affairs to report annually to the Legislature; providing an effective date.

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By the Committee on Education and Senator Brown-Waite—

**CS for SB 2046**—A bill to be entitled An act relating to unlawful activity on school property; requiring a school principal, school official, or school employee who has knowledge of or information concerning criminal or delinquent activity committed on school property or at a school-sponsored function to report such activity to a law enforcement agency; requiring the district school board to enter into an agreement with local law enforcement agencies to specify misdemeanor incidents to be reported to a law enforcement agency; requiring annual review of the agreement; providing an effective date.

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By the Committee on Education and Senator Clary—

**CS for SB 2050**—A bill to be entitled An act relating to the Advanced International Certificate of Secondary Education Program; amending s. 236.081, F.S.; establishing student full-time equivalent membership in the program; amending s. 240.116, F.S.; directing the Department of Education to assist school districts in implementing a pilot program under the Advanced International Certificate of Secondary Education Program; providing an effective date.

By the Committee on Health Care and Senators Brown-Waite and Forman—

**CS for SB 2066**—A bill to be entitled An act relating to managed health care entities; amending s. 636.003, F.S.; exempting certain persons from the definition of prepaid limited health service organization; amending s. 641.19, F.S.; providing definitions; defining the terms “fiduciary services,” “fiscal intermediary services,” and “fiscal intermediary services organization”; amending s. 641.315, F.S.; prohibiting provider contracts from restricting a provider’s ability to communicate certain information to subscribers; creating s. 641.316, F.S., relating to fiscal intermediary services; providing legislative intent; requiring registration; requiring that a fidelity bond be posted with the Department of Insurance; prohibiting collection of certain payments from subscribers; amending s. 641.47, F.S.; defining terms; amending s. 641.495, F.S.; requiring designation of a state-licensed physician or osteopath as medical director; amending s. 641.51, F.S.; requiring out-of-network referrals to specialists, under certain circumstances; requiring written procedures for standing referrals for individuals who require ongoing specialty care for chronic and disabling conditions; requiring certain continued access to terminated treating providers for subscribers with a life-threatening or a disabling and degenerative condition, and for certain pregnant subscribers; providing limitations; requiring a report to the Agency for Health Care Administration concerning access, quality of care, and customer satisfaction data; requiring adoption of certain recommendations for preventive pediatric health care; amending s. 641.511, F.S.; requiring a grievance procedure and an expedited grievance procedure for reviewing the denial of urgently needed health care services; establishing procedural requirements; providing a time limit; amending s. 641.54, F.S.; requiring disclosure to subscribers, upon request, of certain policies, procedures, and processes relating to authorization and referral for services, determination of medical necessity, quality of care, prescription drug benefits, confidentiality of medical records, approval or denial of experimental or investigational treatments, addressing the needs of non-English-speaking subscribers, and examining qualifications of and the credentialing of providers; requiring a report to the agency concerning changes in authorization and referral criteria or the process used to determine medical necessity; creating the Florida Commission on Integrated Health Care Delivery Systems; providing for composition of the commission; requiring a report; providing for staffing and appointments; providing for expiration of the commission; providing an effective date.

By the Committee on Education and Senator Latvala—

**CS for SB 2168**—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; requiring certain input; creating s. 231.2905, F.S.; creating the Florida School Recognition Program to provide financial awards to selected faculty and staff of identified schools; providing criteria for selection; 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.

**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>For Term Ending</i>
<i>Office and Appointment</i>	
Board of Architecture and Interior Design Appointee: Anderson, Gere Timberlake, Pensacola	10/31/2000

*Office and Appointment*

*For Term  
Ending*

Florida Citrus Commission Appointee: Evans, James Emmett III, Vero Beach	05/31/2000
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling Appointee: Connor, Olga Arazoza, Miami	10/31/2000
Board of Trustees of Palm Beach Community College Appointee: Johnston, Harry A., West Palm Beach	05/31/1997
Education Standards Commission Appointees: Huckabay, George Eugene, Auburndale McDavis, Roderick John, Gainesville	09/30/1999 09/30/1999
Electrical Contractors’ Licensing Board Appointees: Abreu, Arnaldo Luis, Miami Roberts, Lewis Christmas, Lakeland	10/31/2000 10/31/2000
Board of Directors, Technology Development Board Appointee: Gabremariam, Fassil, Tampa	06/14/1998
Board of Directors, Workforce Development Board Appointee: Alexis, Patricia Augustina, Miramar	06/05/2000
Florida Housing Finance Agency Appointee: Martin, Richard Charles, Jacksonville	11/13/1998 11/13/2000
State Board of Independent Colleges and Universities Appointee: Milton, Fredrick Timothy, Daytona	09/30/1999
State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools Appointee: Whibbs, Vincent John, Jr., Pensacola	07/01/1999
Governor’s Mansion Commission Appointee: Douglass, William Dexter, Tallahassee	09/30/2000
National Conference of Commissioners on Uniform State Laws Appointee: Stagg, Clyde Lawrence, Tampa	06/05/1999
Historic Tallahassee Preservation Board of Trustees Appointee: Dunlap, Janice Dickens, Tallahassee	06/30/1999
Florida Real Estate Appraisal Board Appointee: Callaway, Mary M., Pensacola	10/31/2000
Jacksonville Sports Development Authority Appointee: Arnold, Charles Warner, Jr., Jacksonville	09/30/1999
<b>[Referred to the Committee on Executive Business, Ethics and Elections.]</b>	
Governing Board of the Northwest Florida Water Management District Appointee: de Lorge, John Oldham, Cantonment	03/01/2001
<b>[Referred to the Committees on Natural Resources; and Execu- tive Business, Ethics and Elections.]</b>	

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

*The Honorable Toni Jennings, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 229; has passed as amended HB 399, HB 599 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committee on Transportation and Representative Fuller and others—

**CS for HB 229**—A bill to be entitled An act relating to the Florida Vessel Registration and Safety Law; amending s. 327.25, F.S.; providing an exemption from annual vessel registration fees for vessels owned and operated by the Safe Harbor Haven, Inc.; amending s. 327.52, F.S.; revising language with respect to maximum loading and horsepower requirements for specified vessels and prohibiting the operation of vessels in an overloaded or overpowered condition; amending s. 327.73, F.S.; creating a noncriminal infraction for overloaded and overpowered vessels; providing effective dates.

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

By Representative Flanagan and others—

**HB 399**—A bill to be entitled An act relating to coordinated business reporting; providing legislative findings and intent; creating the "Florida Business Coordination Act"; providing definitions; requiring the Department of State to create a master business index for certain purposes; designating the Secretary of State as the custodian of the index; providing duties of the department; requiring the Secretary of State to conduct a study and develop legislation for certain purposes; providing an effective date.

(Substituted for **SB 596** on the Special Order Calendar this day.)

By the Committee on Business Development and International Trade; and Representative Putnam and others—

**HB 599**—A bill to be entitled An act relating to private activity bonds; amending s. 159.804, F.S.; deleting an expiration and legislative review provision; amending s. 159.8081, F.S.; increasing a threshold percentage

for certain allocations from the manufacturing facility bond pool; providing an effective date.

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

### RETURNING MESSAGES—FINAL ACTION

*The Honorable Toni Jennings, President*

I am directed to inform the Senate that the House of Representatives has passed SB 68, CS for SB 160, CS for SB 290, SB 332, CS for SB 778; and has passed CS for SB 284 by the required Constitutional three-fifths vote of the membership.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

### ENROLLING REPORTS

CS for SB 462 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 1, 1997.

*Faye W. Blanton, Secretary*

### CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 27 was corrected and approved.

### CO-SPONSORS

Senators Bronson—SB 1638; Clary—SB 648, SB 1548; Cowin—SB 648; Crist—SB 648; Forman—SB 354, CS for SB 1726; Grant—SB 1600, SB 1638; Hargrett—SB 392; Harris—SB 1638; Horne—SB 152, SB 1638; Klein—SB 872; Latvala—SB 932; Lee—SJR 2286; McKay—SB 648; Ostalkiewicz—SB 1638; Silver—SB 648; Sullivan—SB 648; Turner—SB 1598

### RECESS

On motion by Senator Bankhead, the Senate recessed at 4:41 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 11:30 a.m., Monday, April 7.

### SENATE PAGES

March 31 - April 4, 1997

Matthew Anderson, Tallahassee; Jeremiah Ansley, Ft. Lauderdale; Christina Calaluca, Weston; Kimberly Calaluca, Weston; Kristy Calhoun, Crawfordville; Joseph Chase, Deerfield Beach; Nekittrae Davis, Quincy; Gillian Goldman, Sarasota; Joshua Green, Lighthouse Point; James Hamman, DeLand; Lena Irvine, Pensacola; Jim Junecko, Leesburg; Alissa Michele Koerner, Jupiter; John Lindner, Tallahassee; Troy Lucas, Miami; Hillary McMullen, Belle Glade; John James Spears, Davie; and Melissa Webster, Freeport

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