



# Journal of the Senate

Number 18—Regular Session

Friday, April 25, 1997

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## CALL TO ORDER

The Senate was called to order by the President at 1:30 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

Excused: Senator Sullivan periodically for the purpose of working on Appropriations

## PRAYER

The following prayer was offered by Faye Blanton, Secretary of the Senate:

Dear God, please bless these Senators and the decisions they make today.

In your Holy Name, Amen.

## PLEDGE

Senate Pages, David Ivarson and Dan Smith of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

David Ivarson was named Male Athlete of the Year by the National Association of Christian Athletes. As a basketball player, he scored over 2,000 career points and had 1,000 career rebounds. He is the son of Senate employee Lori Ivarson. Dan Smith was nominated to an All American Basketball Team. He scored over 20 points per game.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **SB 1994** was withdrawn from the Committee on Rules and Calendar; and **CS for SB 860** was withdrawn from the Committee on Judiciary.

On motion by Senator Dudley, by two-thirds vote **SB 12**, **CS for SB 38**, **CS for SB 318**, **SB 408**, **CS for CS for SB 548**, **SB 654**, **SB 730**, **CS for SB 768**, **CS for SB 806**, **CS for SB 860**, **SB 1044**, **CS for SB 1056**, **CS for SB 1232**, **CS for SB 1410**, **CS for SB 1432**, **CS for SB 1568**, **CS for SB 1686**, **CS for SB 1804**, **CS for SB 1866**, **CS for SB 1880**, **CS for SB 2050**, **SB 2054**, **SB 2062**, **SB 2150**, **CS for SB 2186**, **CS for SB 2224**, **SB 2330**, **SB 2386** and **SB 1662** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **SB 862**, **SB 1008** with pending point of order on **Amendment 2**, **CS for SB 2154**, **SB 2270**, **SB 2288** and **SJR 844** were withdrawn from the Committee on Rules and Calendar.

## MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the Special Order Calendar Subcommittee of the Committee on Rules and Calendar was granted permission to meet April 28 from 12:15 p.m. or upon adjournment of session until completion to establish the Special Order Calendar for Tuesday, April 29.

## MOTIONS

On motion by Senator Bankhead, a deadline of 8:30 a.m. Monday, April 28, was set for filing amendments to Bills on Third Reading to be considered that day.

## CONSIDERATION OF BILLS ON THIRD READING

On motion by Senator Sullivan, by unanimous consent—

**CS for CS for SB 858**—A bill to be entitled An act relating to education; establishing the Florida Bright Futures Scholarship Program; providing levels of award; providing for administration and funding; providing student eligibility and program requirements; providing for awards; providing requirements for qualification for a Florida Academic Scholars award, a Florida Merit Scholarship award, and a Florida Gold Seal Vocational Endorsement Scholarship award; providing a transition in eligibility for scholarship awards; amending s. 24.121, F.S.; providing for funding of the Florida Bright Futures Scholarship Program from the Educational Enhancement Trust Fund; repealing ss. 232.2465, 239.217, 240.402, 240.4021, and 240.4024, F.S., relating to the Florida Academic Scholars' Certificate Program, the Florida Gold Seal Vocational Endorsement Program, the Florida Undergraduate Scholars' Program, the Vocational Gold Seal Endorsement Scholarship Program, and the Florida Postsecondary Tuition Program; amending ss. 240.233, 232.246, 240.404, and 240.40242, F.S.; conforming cross-references and provisions; providing an effective date.

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

On motions by Senator Sullivan, **CS for CS for SB 858** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Latvala

On motion by Senator Scott, by two-thirds vote **CS for CS for HB 81** was withdrawn from the Committee on Ways and Means.

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

**CS for CS for HB 81**—A bill to be entitled An act relating to taxation of fuels; amending s. 206.01, F.S.; revising the definition of “reseller”; amending s. 206.026, F.S.; including blenders, carriers, and terminal operators in provisions which prohibit certain persons from holding a license; amending s. 206.27, F.S.; authorizing the Department of Revenue to make certain audit information available to the Department of Highway Safety and Motor Vehicles and providing for application of confidentiality and penalty provisions; amending s. 206.41, F.S.; revising the information required on the sales invoice executed in connection with a sale of motor or diesel fuel for which the purchaser claims a refund; authorizing submission of a schedule of transactions in lieu of invoices with a refund application; revising the department’s authority to refuse to grant a refund; revising the persons authorized to execute an invoice; including blenders in provisions relating to records and inspection; providing liability of terminal suppliers, importers, blenders, exporters, and wholesalers with respect to false or fraudulent refunds; creating s. 206.413, F.S.; specifying the persons liable for payment of the taxes imposed by s. 206.41, F.S.; specifying conditions under which Florida law applies when motor fuel is withdrawn from a terminal outside the state or transfer of ownership of motor fuel occurs outside the state; providing penalties for willfully evading or attempting to evade or defeat payment of tax when specified circumstances apply and providing liability for penalties; amending s. 206.414, F.S.; revising provisions which specify when certain taxes shall be collected and remitted by wholesalers and terminal suppliers; amending s. 206.43, F.S.; revising provisions relating to conditions under which a terminal supplier’s or importer’s allowance is deductible; amending s. 206.44, F.S.; revising applicability of penalties for failure to report or pay taxes due; amending s. 206.874, F.S.; providing that dyed diesel fuel may be purchased for use by a noncommercial vessel; amending s. 206.8745, F.S.; providing restrictions on claims for refund of the excise tax paid on undyed diesel fuel used by a noncommercial vessel; amending s. 206.91, F.S.; revising provisions relating to conditions under which a diesel fuel registrant’s allowance is deductible; amending s. 212.05, F.S.; providing for imposition of sales tax on diesel fuel used in a vessel and not taxed under chapter 206, F.S.; amending s. 212.0501, F.S.; revising the definition of “consumption, use, or storage by a trade or business” for purposes of the use tax on diesel fuel purchased for such purposes; revising provisions relating to collection of such tax by licensed sales tax dealers; amending s. 212.08, F.S.; providing that the partial sales tax exemption for motor vehicles engaged in interstate commerce applies to common carriers; including diesel fuel placed in certain separate tanks in the exemption; amending ss. 336.021 and 336.025, F.S.; revising provisions relating to application of the formula for determining administrative costs of the ninth-cent fuel tax and the local option fuel taxes; providing effective dates for reimposition of certain taxes under such sections; providing that the proceeds of the ninth-cent tax on fuel shall be used for transportation expenditures as defined by s. 336.025(7), F.S.; revising provisions relating to the distribution of local option taxes on diesel fuel; providing for deduction of service and administrative charges and dealer allowances; providing for an additional distribution to counties with a qualified new retail station and providing requirements with respect thereto; providing for distribution of any additional available taxes based on each county’s vehicular diesel fuel storage capacities and providing requirements with respect thereto; revising provisions which require that the local option tax of up to 5 cents on motor fuel be used for transportation expenditures necessary to meet requirements of the capital improvements element of an adopted comprehensive plan; providing effective dates.

—a companion measure, was substituted for **CS for SB 44** and by two-thirds vote read the second time by title. On motions by Senator Scott, by two-thirds vote **CS for CS for HB 81** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Bankhead, Kirkpatrick

On motion by Senator Rossin, by two-thirds vote **CS for HB 35** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

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

**CS for HB 35**—A bill to be entitled An act relating to victim and witness protection protocol; creating s. 914.25, F.S.; providing definitions for “victim or witness at risk of harm” and “serious felony offense”; authorizing law enforcement agencies to provide protective services, including temporary relocation services, under specified circumstances; providing a time limit for provision of such services; providing that law enforcement agencies may seek reimbursement for expenses incurred in providing protective services from the Victim and Witness Protection Review Committee; providing immunity from civil liability under certain circumstances; amending s. 943.031, F.S., relating to the Florida Violent Crime Council; establishing a Victim and Witness Protection Review Committee within the Florida Violent Crime Council; providing for membership and duties; authorizing the committee to use available funds to reimburse law enforcement agencies for protective services; providing for distribution of reimbursement funds; providing an effective date.

—a companion measure, was substituted for **CS for SB 176** as amended and by two-thirds vote read the second time by title. On motions by Senator Rossin, by two-thirds vote **CS for HB 35** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Bankhead, Grant, Kirkpatrick

**CS for HB 181**—A bill to be entitled An act relating to public records; creating s. 914.27, F.S.; providing an exemption from public records requirements for certain information held by various governmental entities and certain business entities relating to a victim of or witness to a crime obtained in connection with victim and witness protection services provided pursuant to s. 914.25, F.S., for certain information relating to

such person's family, and for information relating to the protection program and permanent relocation sites; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the third time by title.

On motions by Senator Rossin, **CS for HB 181** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**CS for SB 1930**—A bill to be entitled An act relating to sex offenders; amending s. 947.1405, F.S.; clarifying legislative intent regarding sentences that are eligible for conditional release supervision; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; amending s. 948.001, F.S.; defining the terms "sex offender probation" and "sex offender community control"; amending s. 948.03, F.S.; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; providing an effective date.

—was read the third time by title.

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

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

Section 1. Section 947.1405, Florida Statutes, 1996 Supplement, is amended to read:

947.1405 Conditional release program.—

(1) This section and s. 947.141 may be cited as the "Conditional Release Program Act."

(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution;

(b) Is sentenced as a habitual or violent habitual offender or a violent career criminal pursuant to s. 775.084; or

(c) Is found to be a sexual predator under s. 775.21 or former s. 775.23,

shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. *Such supervision shall be applicable to all sentences within the overall term of sentences if an inmate's overall term of sentences includes one or more sentences that are eligible for conditional release supervision as provided herein.* Effective July 1, 1994, and applicable for offenses committed on or after that date, the commission may require, as a condition of conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The commission, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. If an inmate has received a term of probation or community control supervision to be served after release from incarceration, the period of probation or community control must be substituted for the conditional release supervision. A panel of no fewer than two commissioners shall establish the terms and conditions of any such release. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.

(3) As part of the conditional release process, the commission shall determine:

(a) The amount of reparation or restitution.

(b) The consequences of the offense as reported by the aggrieved party.

(c) The aggrieved party's fear of the inmate or concerns about the release of the inmate.

(4) The commission shall provide to the aggrieved party information regarding the manner in which notice of any developments concerning the status of the inmate during the term of conditional release may be requested.

(5) Within 180 days prior to the tentative release date or provisional release date, whichever is earlier, a representative of the commission shall interview the inmate. The commission representative shall review the inmate's program participation, disciplinary record, psychological and medical records, and any other information pertinent to the impending release. A commission representative shall conduct a personal interview with the inmate for the purpose of determining the details of the inmate's release plan, including his planned residence and employment. The results of the interview must be forwarded to the commission in writing.

(6) Upon receipt of notice as required under s. 947.175, the commission shall conduct a review of the inmate's record for the purpose of establishing the terms and conditions of the conditional release. The commission may impose any special conditions it considers warranted from its review of the record. If the commission determines that the inmate is eligible for release under this section, the commission shall enter an order establishing the length of supervision and the conditions attendant thereto. However, an inmate who has been convicted of a violation of chapter 794 or found by the court to be a sexual predator is subject to the maximum level of supervision provided, with the mandatory conditions as required in subsection (7), and that supervision shall continue through the end of the releasee's original court-imposed sentence. The length of supervision must not exceed the maximum penalty imposed by the court.

(7)(a) Any inmate who is convicted of a crime committed on or after October 1, 1995, or who has been previously convicted of a crime committed on or after October 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is subject to conditional release supervision, ~~and who meets the criteria of s. 775.21 or former s. 775.23(2)(a) or (b)~~ shall have, in addition to any other conditions imposed, the following special conditions imposed by the commission:

1.(a) ~~A mandatory curfew from 10 p.m. to 6 a.m., if appropriate, during hours set by the commission. The court may designate another 8-hour period if the offender's employment precludes the above specified time, and such alternative is recommended by the Department of Corrections. If the court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.~~

2.(b) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate.

3.(c) Active participation in and successful completion of a sex offender treatment program *with therapists specifically trained to treat sex offenders*, at the releasee's own expense. ~~If a specially trained therapist, unless one~~ is not available within a 50-mile radius of the releasee's residence, *the offender shall participate in other appropriate therapy.*

4.(d) A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by *the victim, the offender's therapist, and the sentencing court* ~~commission~~.

5.(e) If the victim was under the age of 18, a prohibition, until successful completion of a sex offender treatment program, on unsupervised contact with a child under the age of 18, unless authorized by the commission without another adult present who is responsible for the child's welfare, has been advised of the crime, and is approved by the commission.

6.(f) If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the commission.

7.(g) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory ~~explicit~~ material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.

8.(h) A requirement that the releasee must submit two specimens of blood to the Florida Department of Law Enforcement to be registered with the DNA database.

9. *A requirement that the releasee make restitution to the victim, as determined by the sentencing court or the commission, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.*

10. *Submission to a warrantless search by the community control or probation officer of the probationer's or community controllee's person, residence, or vehicle.*

(b) *For a releasee whose crime was committed on or after October 1, 1997, in violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and who is subject to conditional release supervision, in addition to any other provision of this subsection, the commission shall impose the following additional conditions of conditional release supervision:*

1. *As part of a treatment program, participation in a minimum of one annual polygraph examination to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. The polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and at the expense of the sex offender. The results of the polygraph examination shall not be used as evidence in a hearing to prove that a violation of supervision has occurred.*

2. *Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.*

3. *A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.*

4. *If there was sexual contact, a submission to, at the probationer's or community controllee's expense, an HIV test with the results to be released to the victim or the victim's parent or guardian.*

5. *Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the court at the recommendation of the Department of Corrections.*

Section 2. Subsection (7) is added to section 948.001, Florida Statutes, to read:

948.001 Definitions.—As used in this chapter, the term:

(7) *"Sex offender probation" or "sex offender community control" means a form of intensive supervision, with or without electronic monitoring, which emphasizes treatment and supervision of a sex offender in accordance with an individualized treatment plan administered by an officer who has a restricted caseload and specialized training. An officer who supervises an offender placed on sex offender probation or sex offender community control must meet as necessary with a treatment provider and polygraph examiner to develop and implement the supervision and treatment plan, if a treatment provider and polygraph examiner specially trained in the treatment and monitoring of sex offenders are reasonably available.*

Section 3. Subsection (5) of section 948.03, Florida Statutes, 1996 Supplement, is amended to read:

948.03 Terms and conditions of probation or community control.—

(5)(a) *Conditions in this subsection do not require oral pronouncement at the time of sentencing and may be considered to be standard conditions of community supervision for offenders who are found to have violated the specified offenses. Effective for probationers or community controllees whose crime was committed on or after October 1, 1995, and who are placed under supervision for violation of chapter 794 or s. 800.04, s. 827.071, or s. 847.0145, the court must impose the following conditions in addition to all other standard and special conditions imposed:*

1.(a) ~~A mandatory curfew from 10 p.m. to 6 a.m., if appropriate, during hours set by the sentencing court. The court may designate another 8-hour period if the offender's employment precludes the above specified time, and such alternative is recommended by the Department of Corrections. If the court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.~~

2.(b) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the court.

3.(c) Active participation in and successful completion of a sex offender treatment program *with therapists specifically trained to treat sex offenders*, at the probationer's or community controllee's own expense. *If a specially trained therapist, unless one* is not available within a 50-mile radius of the probationer's or community controllee's residence, *the offender shall participate in other appropriate therapy.*

4.(d) A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by *the victim, the offender's therapist, and the sentencing court*.

5.(e) If the victim was under the age of 18, a prohibition, until successful completion of a sex offender treatment program, on unsupervised contact with a child under the age of 18, unless authorized by the sentencing court without another adult present who is responsible for the child's welfare, has been advised of the crime, and is approved by the ~~sentencing court commission~~.

6.(f) If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, day care center, park, playground, or other place where children regularly congregate.

7.(g) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually stimulating

visual or auditory ~~explicit~~ material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.

8.(h) A requirement that the probationer or community controllee must submit two specimens of blood to the Florida Department of Law Enforcement to be registered with the DNA data bank.

9.(i) A requirement that the probationer or community controllee make restitution to the victim, as ordered by the court under s. 775.089, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.

10. *Submission to a warrantless search by the community control or probation officer of the probationer's or community controllee's person, residence, or vehicle.*

(b) *Effective for a probationer or community controllee whose crime was committed on or after October 1, 1997, and who is placed on sex offender probation for a violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, in addition to any other provision of this subsection, the court must impose the following conditions of probation or community control:*

1. *As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender. The results of the polygraph examination shall not be used as evidence in court to prove that a violation of community supervision has occurred.*

2. *Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.*

3. *A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.*

4. *If there was sexual contact, a submission to, at the probationer's or community controllee's expense, an HIV test with the results to be released to the victim and/or the victim's parent or guardian.*

5. *Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the court at the recommendation of the Department of Corrections.*

Section 4. This act shall take effect October 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to sex offenders; amending s. 947.1405, F.S.; clarifying legislative intent regarding sentences that are eligible for conditional release supervision; requiring a curfew between specified hours; providing alternatives; revising requirements for treatment for sex offenders; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring that a sex offender submit to certain warrantless searches; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; amending s. 948.001, F.S.; defining the terms "sex offender probation" and "sex offender community control"; amending s. 948.03, F.S.; requiring a curfew between specified hours; providing alternatives; revising requirements for treatment for sex offenders; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring that a sex offender submit to certain warrantless searches; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; requiring such offender to submit to HIV testing; requiring such offender to submit to electronic monitoring; providing an effective date.

On motions by Senator Burt, **CS for SB 1930** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**CS for HB 493**—A bill to be entitled An act relating to the confidentiality of information of the Florida Violent Crime Council; amending s. 943.031, F.S.; providing certain exemptions from public records and public meetings requirements with respect to the council; providing exemptions for portions of meetings at which certain confidential records are discussed and for portions of records generated at exempt portions of meetings; providing for future review and repeal; providing a finding of public necessity; providing that the council is a criminal justice agency for purposes of chapter 119, F.S., relating to public records; providing an effective date.

—was read the third time by title.

On motions by Senator Gutman, **CS for HB 493** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**CS for CS for HB 379**—A bill to be entitled An act relating to carrying of self-defense weapons or devices; amending s. 790.001, F.S.; providing an exception for certain self-defense chemical sprays from the definition of "tear gas gun" or "chemical weapon or device"; providing a definition of "self-defense chemical spray" and "remote stun gun"; amending s. 790.01, F.S., relating to carrying concealed weapons; providing that self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices may be lawfully carried in a concealed manner in certain circumstances; clarifying language; providing for construction not to preclude criminal prosecutions; amending s. 790.053, F.S., relating to open carrying of weapons; providing that self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices may be lawfully carried in an open manner in certain circumstances; clarifying language; creating s. 790.054, F.S.; defining the offense of knowingly and willfully using self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices against a law enforcement officer engaged in official duties, and providing penalties therefor; providing effective dates.

—was read the third time by title.

On motions by Senator Bronson, **CS for CS for HB 379** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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**CS for SB 148**—A bill to be entitled An act relating to domestic violence; amending s. 741.29, F.S.; prescribing preferred arrest policy for a law enforcement officer investigating alleged domestic violence; requiring certain reports by law enforcement officers; defining the offense of violating pretrial release condition when original arrest was for act of domestic violence; providing penalties; amending s. 901.15, F.S.; prescribing public policy for arrest in domestic violence cases; providing for arrest of a person without warrant when there is probable cause to believe a person originally arrested for an act of domestic violence has violated a pretrial release condition; amending s. 921.0014, F.S.; providing for a sentencing multiplier in certain cases of domestic violence; amending s. 943.171, F.S.; requiring certain training for law enforcement officers; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **CS for SB 148** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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**SB 122**—A bill to be entitled An act relating to corrections; amending s. 28, ch. 95-283, Laws of Florida; prescribing additional guidelines with respect to the policy of requiring certain offenders to perform labor in chain-gang work groups; providing an effective date.

—as amended April 24 was read the third time by title.

Senator Dantzler moved the following amendment:

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

Section 1. Section 28 of chapter 95-283, Laws of Florida, is amended to read:

Section 28. (1) The Department of Corrections shall implement a plan by December 1, 1995, to require that selected inmates perform labor wearing leg irons in chain-gang work groups.

(2) By December 1, 1997, the plan must further provide that:

(a) The work groups must perform labor on highways that are part of the State Highway System, as defined in section 334.03, Florida Statutes, or other areas where the work groups will be viewed by the public, as determined by the Secretary of Corrections;

(b) Inmates selected for the work groups consist of those sentenced for the commission of any felony, with a primary focus on those inmates who are determined to have disciplinary problems or who have committed forcible felonies; and

(c) A work group may not consist of fewer than five inmates chained together or chained separately, at the discretion of the Secretary of Corrections.

Section 2. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to corrections; amending s. 28, ch. 95-283, Laws of Florida; prescribing additional guidelines with respect to the policy of requiring certain offenders to perform labor in chain-gang work groups; providing an effective date.

On motion by Senator Crist, further consideration of **SB 122** with pending **Amendment 1** was deferred.

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**CS for HB 787**—A bill to be entitled An act relating to criminal and juvenile justice; amending s. 39.024, F.S.; changing the membership of the Department of Juvenile Justice Standards and Training Commission to include contract providers and a representative of the business community; creating s. 39.086, F.S.; defining the terms “sexual misconduct” and “employee”; providing that it is a second degree felony for an employee to engage in sexual misconduct with a juvenile offender detained or supervised by the department; providing penalties; providing certain exceptions; prohibiting certain employment, or providing for dismissal from departmental employment, of a person who has engaged in sexual misconduct with a juvenile offender; requiring an employee who witnesses sexual misconduct, or who has reasonable cause to suspect that sexual misconduct has been committed, to report such incident; providing for notification to the inspector general, facility superintendent, and district juvenile justice manager; providing that it is a first degree misdemeanor to knowingly and willfully fail to make a report as required, or to prevent another from doing so, or to submit inaccurate or untruthful information; providing penalties; providing that it is a third degree felony to coerce or threaten another person to alter testimony or a report with respect to an incident of sexual misconduct; providing penalties; creating s. 39.087, F.S.; prohibiting the introduction, removal, or possession of, and other specified acts with respect to, contraband articles on the grounds of a juvenile detention facility or other commitment program; specifying articles that are contraband; providing penalties; providing exceptions; providing an effective date.

—as amended April 24 was read the third time by title.

On motions by Senator Clary, **CS for HB 787** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Rossin Silver Turner Williams  
Scott Thomas

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Sullivan

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**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.

—was read the third time by title.

On motions by Senator Dudley, **CS for SB 1246** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Forman Turner

Vote after roll call:

Yea—Kirkpatrick, Sullivan

Yea to Nay—Campbell, Diaz-Balart, Jones, Silver

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**CS for HB 1111**—A bill to be entitled An act relating to termination of parental rights; amending s. 39.464, F.S.; providing additional grounds for the termination of parental rights; amending s. 39.469, F.S.; revising language with respect to the powers of disposition of the court concerning termination of parental rights; amending s. 39.471, F.S.; providing that certain orders are admissible in evidence in subsequent adoption proceedings relating to the child; amending s. 61.13, F.S.; including reference to one of the grounds for termination of parental rights as a rebuttable presumption of detriment to the child when the court is determining matters relating to the custody of a minor child; providing an effective date.

—was read the third time by title.

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

**Amendment 1**—On page 2, lines 25-27, delete those lines and insert: *to be incarcerated will not end prior to the time the child will attain the age of 18 years;*

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

**Amendment 2**—On page 11, line 4, delete “on” and insert: “after”

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

**Amendment 3 (with title amendment)**—On page 11, between lines 2 and 3, insert:

Section 5. *The termination of parental rights does not affect the rights of grandparents.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: providing that termination of parental rights does not affect grandparents' rights;

On motions by Senator Burt, **CS for HB 1111** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—27

Madam President	Clary	Gutman	Lee
Bankhead	Cowin	Harris	McKay
Bronson	Crist	Holzendorf	Meadows
Brown-Waite	Diaz-Balart	Jenne	Myers
Burt	Dudley	Klein	Rossin
Campbell	Forman	Kurth	Silver
Childers	Grant	Latvala	

Nays—7

Dantzler	Jones	Thomas	Williams
Hargrett	Ostalkiewicz	Turner	

Vote after roll call:

Yea—Dyer, Kirkpatrick, Sullivan

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The Senate resumed consideration of—

**SB 122**—A bill to be entitled An act relating to corrections; amending s. 28, ch. 95-283, Laws of Florida; prescribing additional guidelines with respect to the policy of requiring certain offenders to perform labor in chain-gang work groups; providing an effective date.

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

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

**Amendment 2**—On page 1, lines 23 and 24, delete “*sentenced for the commission of forcible felonies as defined in section 776.08, Florida Statutes*” and insert: *inmates determined by the Department of Corrections*

On motions by Senator Crist, **SB 122** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—31

Madam President	Crist	Harris	Myers
Bankhead	Dantzler	Jenne	Ostalkiewicz
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dudley	Klein	Scott
Campbell	Forman	Latvala	Silver
Childers	Grant	Lee	Thomas
Clary	Gutman	McKay	Williams
Cowin	Hargrett	Meadows	

Nays—2

Kurth Turner

Vote after roll call:

Yea—Burt, Horne, Kirkpatrick, Sullivan

Yea to Nay—Forman

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On motion by Senator Bronson, by two-thirds vote **CS for CS for HB 907** was withdrawn from the Committees on Agriculture; Community Affairs; and Ways and Means.

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

**CS for CS for HB 907**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s.

581.011, F.S.; revising definition of the term "noxious weed"; amending s. 581.182, F.S.; renaming an advisory committee; repealing s. 3, ch. 92-153, Laws of Florida; amending s. 581.185, F.S.; creating the Endangered or Threatened Native Flora Conservation Grants Program in the Department of Agriculture and Consumer Services to provide grants for the protection, curation, propagation, reintroduction, and monitoring of endangered or threatened native flora; clarifying the scope of the Regulated Plant Index; abrogating the repeal of s. 581.186, F.S., relating to the Endangered Plant Advisory Council; amending s. 589.011, F.S.; authorizing the Division of Forestry to prohibit certain activities and providing penalties; authorizing leasing of property and structures to telecommunications providers; authorizing fees; creating s. 589.012, F.S.; creating the Friends of Florida State Forests Program; providing purpose; creating s. 589.013, F.S.; authorizing a direct-support organization for the Friends of Florida State Forests Program; amending s. 590.01, F.S.; providing Division of Forestry responsibility for forest and wild land fire protection; amending s. 590.02, F.S.; clarifying that a specific appropriation is not needed to build certain structures; amending s. 590.026, F.S.; clarifying requirements for prescribed burning; amending s. 601.58, F.S.; revising procedures relating to approval of a citrus fruit dealer's license application; amending s. 601.60, F.S.; authorizing the department to issue a provisional license; amending s. 601.67, F.S.; authorizing a fine against a person who operates as a citrus fruit dealer without a license; amending s. 602.065, F.S.; revising provisions relating to the deposit of certain funds for the eradication of citrus canker; amending s. 604.15, F.S.; revising definition of the term "agricultural products"; amending s. 500.03, F.S.; providing definitions relating to food products; reenacting s. 500.04(4) and (6), F.S., relating to prohibited acts, to incorporate amendments to ss. 500.12 and 500.147, F.S., in references; amending s. 500.11, F.S., relating to misbranded food; clarifying language; adding bottled water requirements; amending s. 500.12, F.S., relating to food and building permits; including existing fees for permits for operating bottled water plants or packaged ice plants; providing requirements; amending s. 500.121, F.S., relating to disciplinary procedures; providing for a fine for mislabeling; amending s. 500.147, F.S.; inserting inspection language for bottled water plants and packaged ice plants; authorizing a food safety inspection pilot program; providing criteria for the program; amending s. 500.171, F.S.; revising provisions authorizing an injunction; reenacting s. 500.177(1), F.S.; providing a penalty; amending s. 500.459, F.S.; providing definitions relating to water vending machines and conforming a requirement to the State Plumbing Code; amending s. 500.511, F.S., relating to fees, enforcement, and preemption; conforming cross references and deleting reference to certain water and ice operators and dealers; amending s. 526.3135, F.S.; clarifying compilation of a report; amending s. 531.44, F.S.; establishing authority to set procedures for verifying acceptable pricing practices; amending s. 531.50, F.S.; authorizing penalties for violation of provisions relating to weights and measures; providing for deposit of funds; amending s. 534.011, F.S.; providing for deposit of fees relating to the inspection and protection of livestock; amending s. 253.68, F.S.; modifying 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; repealing ss. 500.453, 500.455, 500.457, and 500.509, F.S., relating to bottled water and packaged ice regulation; providing for a state facility designation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2044** as amended and by two-thirds vote read the second time by title.

Senator Williams moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—On page 32, lines 1 and 2, delete those lines and insert:

Section 33. Effective July 1, 1997, subsection (5) of section 482.051, Florida Statutes, is amended, and subsection (6) is added to said section, to read:

482.051 Rules.—The department shall adopt rules to carry out the intent and purpose of this chapter. Prior to proposing the adoption of a rule, the department shall counsel with members of the pest control industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public, in conformity with this chapter and chapter 120, which require:

(5)(a) That any pesticide used for preconstruction soil treatments for the prevention of subterranean termites be applied in the amount, concentration, and treatment area in accordance with the label registered by the U.S. Environmental Protection Agency, so that a continuous chemical barrier is created between the structure and all of the vertical and horizontal areas beneath the structure; that a copy of the label of the registered pesticide being applied be carried in a vehicle at the site where the pesticide is being applied; and that the licensee must post a pretreatment tag on the building permit board for each application before leaving the site which sets forth: the name, address, and telephone number of the licensee; the location of the treatment site; the date of the application; the time the application was begun and the time the application was completed; the trade name of the chemical; the concentration of chemical used, written as a percentage of active ingredient; the number of gallons of finished spray applied; the square footage treated; the type of construction; the license tag number of the vehicle used for application; whether the treatment is complete or incomplete and, if not complete, the areas remaining to be treated; the signature of the applicator and his pest control identification card number. A copy of this tag must be retained by the licensee for a period of 3 years.

(b) The business licensee must establish a vertical barrier at the exterior foundation walls in stem-wall construction or exterior foundation edge of monolithic construction after grading and other construction-related soil disturbances have been completed. A record of this application documenting the date, the trade name of the chemical used, and the amount of chemical applied must be retained by the licensee for a period of 3 years. A notice of this treatment must be posted in a conspicuous location that is visible to the homeowner. This notice must be at least 3 inches by 5 inches and must consist of a material that will last at least 3 years. Such notice must include the business name, address, and date of treatment.

(6) That any pesticide used for postconstruction subterranean termite treatments must be used in accordance with the label directions. ~~and that the licensee maintain for 3 years the record of each preconstruction soil treatment, indicating the date of treatment, the location or address of the property treated, the total square footage of the structure treated, the type of pesticide applied, the concentration of each substance in the mixture applied, and the total amount of pesticide applied.~~

Section 34. Effective July 1, 1997, paragraph (f) of subsection (2) of section 482.071, Florida Statutes, is amended to read:

482.071 Licenses.—

(2)

(f) The department by rule may establish a procedure for expediting the processing of an application for license upon payment by the applicant of a special fee in an amount sufficient to cover the cost of such expedited process, but not exceeding \$50. *The department may charge a \$10 fee for issuance of duplicate licensure documents.*

Section 35. Effective July 1, 1997, subsection (12) is added to section 482.111, Florida Statutes, to read:

482.111 Pest control operator's certificate.—

(12) *A person certified under this chapter may perform as a certified applicator in a corresponding category of certification under chapter 487.*

Section 36. Effective July 1, 1997, subsection (3) of section 482.211, Florida Statutes, is amended to read:

482.211 Exemptions.—This chapter does not apply to:

(3) Pest control performed in greenhouses, in plant nurseries, or on agricultural crops, trees, groves, or orchards, *or in treatment of seeds or raw agricultural products.*

Section 37. Effective July 1, 1997, section 553.785, Florida Statutes, is created to read:

553.785 Florida Termite Advisory Council.—

(1) *There is created within the department the Florida Termite Advisory Council, consisting of seven members appointed by the secretary of the Department of Community Affairs. The members of the council shall represent the following groups and professions:*



(a) One member must be the secretary, or his designee, who is an employee of the Department of Community Affairs;

(b) One member must be the Commissioner of Agriculture, or his designee, who must be an employee of the Department of Agriculture and Consumer Services;

(c) One member must be a building official from a building department of a county or municipality, selected from a list of persons submitted by the Building Officials Association of Florida;

(d) Two members must be contractors licensed in the state, selected from a list submitted by the Florida Home Builders Association; and

(e) Two members must be pest control operators licensed in the state and chosen by the Department of Agriculture and Consumer Services.

(2) Within 30 days after October 1, 1997, the Secretary of Community Affairs shall appoint the members of the advisory council, of whom two members shall serve 4-year terms, two members shall serve 3-year terms, and three members shall serve 2-year terms. Thereafter, each appointee shall serve a 4-year term. Members shall receive no salary, but shall receive travel and expense reimbursement as provided in s. 112.061.

(3) The council shall advise and recommend to the commissioner and to the secretary, as appropriate, rules regulating construction and pest control practices regarding termite prevention which improve protection against structural damage caused by termites. The council may also make recommendations to the Legislature regarding statutory changes needed to improve protection against damage to buildings from termites.

(a) The rules forwarded by the council must clearly delineate the responsibilities of:

1. Contractors to employ building practices known to minimize termite infestation and to enhance the effectiveness of pest control chemicals;

2. Pest control operators to apply preventive chemicals using proper methods and strengths of chemicals; and

3. Homeowners to maintain current treatment and to avoid disturbing treated soils or placing landscaping or materials in such manner as to provide termites access to the wooden elements of the structure.

(b) The council shall review requests for additions to, deletions from, or modifications of building code provisions relating to termite prevention and shall issue advisory opinions and recommendations on such requests.

(c) The commissioner or the secretary, as appropriate, shall initiate rulemaking on such requests by the council, unless the commissioner or the secretary demonstrates that the proposed rule:

1. Does not protect the public from any significant and discernible harm or damages;

2. Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

3. Unnecessarily increases the cost of pest control services or of housing without a corresponding or equivalent public benefit. However, there shall not be created a presumption of the existence of any of the conditions cited in this subsection if the rule or proposed rule is challenged.

Section 38. Effective July 1, 1997, subsections (1) and (4) of section 482.155, Florida Statutes, are amended to read:

482.155 Limited certification for governmental pesticide applicators or private applicators.—

(1)(a) The department shall establish limited certification categories for the following persons who apply pesticides as part of their regular job duties and responsibilities:

1. Persons who apply pesticides only as governmental employees.

2. Persons who apply pesticides only to their own private property, and employees who apply pesticides to private property owned by their employers. This includes properties such as public buildings, schools, hospitals, nursing homes, grocery stores, restaurants, apartments, and

common areas of condominiums and any other private properties where the public may be exposed to pesticide applications.

(b) A person seeking limited certification under this subsection must pass an examination given or approved by the department. Each application for examination must be accompanied by an examination fee set by the department, in an amount of not more than \$150 or less than \$50; and a recertification fee of \$25 every 4 years. Until rules setting these fees are adopted by the department, the examination fee is \$50. Application for recertification must be accompanied by proof of having completed 4 classroom hours of acceptable continuing education. The department shall provide the appropriate reference material and make the examination readily accessible and available to all applicants at least quarterly or as necessary in each county.

(c) Certification obtained under this subsection does not authorize operation of a pest control business.

(4) Certification is not required under this chapter for ~~This section does not apply to~~ the application of disinfectants, sanitizers, or ready-to-use pesticides sold over the counter at retail in containers that are 1 gallon or less in volume, or 2 pounds or less in dry weight, if the application is done by a permanent employee only upon the government or private property of his employer.

Section 39. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 3, line 31, delete "providing an effective date." and insert: amending s. 482.051, F.S.; establishing rulemaking standards for treating new construction building sites; amending s. 482.071, F.S.; authorizing a duplicate licensure document fee; amending s. 482.111, F.S.; authorizing a certified pest control operator to be a certified applicator under ch. 487, F.S.; amending s. 482.211, F.S.; exempting the pest control treatment of seeds or raw agricultural products; creating s. 553.785, F.S.; creating the Florida Termite Advisory Council; amending s. 482.155, F.S.; specifying persons for whom limited certification categories are to be established; providing effective dates.

On motions by Senator Bronson, by two-thirds vote **CS for CS for HB 907** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, McKay

**CS for SB 2**—A bill to be entitled An act relating to postsecondary education; creating the minority teacher education scholars program; requiring a training program; providing for enrollment in the program; authorizing scholarships to certain students; authorizing incentive awards for public community colleges and certain public and private colleges and universities; providing restrictions; providing for repayment of scholarships; providing exceptions; creating the Florida Fund for Minority Teachers, Inc., in the College of Education at the University of Florida; requiring budget projections and a 7-year plan; authorizing scholarships and incentives; providing for a board of directors; providing responsibilities; limiting administrative costs; providing an effective date.

—was read the third time by title.

On motions by Senator Meadows, **CS for SB 2** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Burt, Kirkpatrick, McKay, Sullivan

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**CS for SB 798**—A bill to be entitled An act relating to instructional materials; amending s. 229.512, F.S.; prescribing power of the Commissioner of Education; amending s. 233.07, F.S.; deleting obsolete language relating to state instructional materials committee appointments; conforming provisions relating to committee meetings; providing a definition; amending s. 233.09, F.S.; requiring state instructional materials committees to adhere to procedures prescribed by the commissioner; revising provisions relating to evaluation of instructional materials by state instructional materials committees; deleting obsolete provisions; amending s. 233.11, F.S.; conforming language relating to committee procedures; amending s. 233.16, F.S.; providing procedures for evaluating instructional materials; authorizing a publisher or manufacturer to provide a cash deposit in lieu of a bond; revising provisions relating to preservation of contracts; amending s. 233.17, F.S.; providing for the commissioner to approve terms of adoption for instructional material; amending s. 233.18, F.S.; revising requirements for specimen copies of instructional materials; amending s. 233.25, F.S.; revising requirements for samples of nonprint instructional materials; revising requirements of publishers or manufacturers relating to description of instructional materials; conforming provisions; amending s. 233.34, F.S.; providing for use of certain materials; providing for a school or school district to use certain funds to purchase science laboratory materials and supplies when authorized in the General Appropriations Act; amending s. 233.46, F.S.; providing additional penalties for lost or damaged books; deleting obsolete provisions; amending s. 233.061, F.S.; providing required instruction; providing an effective date.

—as amended April 24 was read the third time by title.

On motions by Senator Clary, **CS for SB 798** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Turner

Vote after roll call:

Yea—Burt, Kirkpatrick, McKay, Sullivan

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Consideration of **SB 1652** was deferred.

**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.

—as amended April 24 was read the third time by title.

On motions by Senator Rossin, **CS for SB's 1286 and 1446** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Burt, Kirkpatrick, Sullivan

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**CS for HB 1001**—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.

—was read the third time by title.

On motions by Senator Rossin, **CS for HB 1001** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Sullivan

**CS for HB 549**—A bill to be entitled An act relating to warranty companies; amending s. 634.011, F.S.; redefining the term “motor vehicle” with respect to motor vehicle service agreement companies; amending s. 634.121, F.S.; authorizing such service agreement companies to limit both the time period within which a consumer may transfer the agreement and the number of transfers permissible; amending s. 634.301, F.S.; providing a definition; amending s. 634.312, F.S.; providing for a required element of home warranty contracts; creating s. 634.331, F.S.; providing that a home warranty may provide coverage of residential property listed for sale prior to the sale of such property under certain circumstances; amending s. 634.406, F.S.; revising language with respect to financial requirements; providing an effective date.

—was read the third time by title.

On motions by Senator Childers, **CS for HB 549** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Burt, Kirkpatrick, Sullivan

## INTRODUCTION OF FORMER REPRESENTATIVE

Senator Dudley introduced Congressman Jim Davis, a former member of the Florida House of Representatives, who was present in the chamber.

On motion by Senator Hargrett, by two-thirds vote **CS for HB 487** was withdrawn from the Committee on Banking and Insurance.

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

**CS for HB 487**—A bill to be entitled An act relating to premium finance companies; amending s. 627.828, F.S.; revising certain net worth requirements for applicants for a premium finance company license; providing for a surety bond under certain circumstances; requiring certain insurance coverage; providing criteria; providing penalties; authorizing the Department of Insurance to adopt rules; amending s. 627.8405, F.S.; specifying prohibited acts by a premium finance company; providing an effective date.

—a companion measure, was substituted for **CS for SB 1402** as amended and read the second time by title.

Senator Hargrett moved the following amendment which was adopted:

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

Section 1. Section 627.828, Florida Statutes, is amended to read:

627.828 License required.—

(1) Except as provided in ss. 627.901 and 627.902, no person shall engage in the business of a premium finance company unless licensed by the department. Every premium finance company licensed under the provisions of this part shall maintain at all times a net worth of \$35,000. However, in lieu of having a net worth of \$35,000, a premium finance company *that has a net worth of \$10,000* may file a surety bond or other

acceptable collateral with the department as approved by it in the amount of \$35,000, *which bond or collateral must be maintained.*

(2) The application for a license shall be in writing and in the form prescribed by the department. Every applicant shall provide *evidence proof* of a net worth of \$35,000 *attested by two officers of the company, or a \$35,000 surety bond and evidence of a net worth of \$10,000 attested by two officers of the company.* Assets to be used in computing the required net worth shall be determined by rules adopted by the department.

(3)(a) *Each premium finance company authorized under the provisions of this part shall maintain at all times an errors and omissions insurance policy of no less than \$500,000 covering the acts of its officers, employees, and agents. The policy may contain reasonable deductibles not to exceed 2 percent of the policy limits.*

(b)1. *A premium finance company with an unencumbered net worth of at least \$15 million may self-insure the errors and omissions coverage if it meets the requirements of this paragraph.*

2. *To qualify as a self-insurer the premium finance company must:*

a. *Have and maintain an unencumbered net worth of \$15 million, which shall be determined based on assets permissible for insurers pursuant to ss. 625.012 and 625.031;*

b. *Annually demonstrate as part of its annual report, to the satisfaction of the department, that the net-worth requirement is being met; and*

c. *Obtain, as a part of its annual application for licensure as a premium finance company, a certificate of self-insurance from the department to be renewed annually.*

3. *If the department finds that the premium finance company:*

a. *Is not maintaining at all times an unencumbered net worth of at least \$15 million; or*

b. *Is not, in good faith, covering the errors and omissions of its officers, employees and agents,*

*the department shall, in addition to other penalties under this code, revoke or suspend the certificate of self-insurance, and the premium finance company shall be subject to the requirements of paragraph (a).*

(c) *The department may adopt rules necessary to administer this subsection, including rules prescribing the necessary forms.*

(4)(3) A single license shall entitle the holder to operate more than one office.

(5)(4) At the time of filing an application for a license, the applicant shall pay to the department the license fee and, upon original application or upon application subsequent to denial of application, or revocation, suspension or surrender of a license, an investigation fee.

(6)(5) Such license shall state the name and address of the licensee, and a copy shall be kept conspicuously posted in each office of the licensee and shall not be transferable or assignable.

(7)(6) Prior to moving an existing office to another location, a licensee shall notify the department in writing of its intention to do so.

Section 2. Section 627.8405, Florida Statutes, is amended to read:

627.8405 ~~Prohibited acts premium~~ financing.—No premium finance company shall, in a premium finance agreement or other agreement, *finance the cost of or otherwise provide for the collection or remittance of dues, assessments, fees, or other periodic payments of money provide* financing for the cost of:

(1) A membership in an automobile club. The term “automobile club” means a legal entity which, in consideration of dues, assessments, or periodic payments of money, promises its members or subscribers to assist them in matters relating to the ownership, operation, use, or maintenance of a motor vehicle; however, this definition of “automobile club” does not include persons, associations, or corporations which are organized and operated solely for the purpose of conducting, sponsoring,

or sanctioning motor vehicle races, exhibitions, or contests upon race-tracks, or upon racecourses established and marked as such for the duration of such particular events. The words "motor vehicle" used herein have the same meaning as defined in chapter 320.

(2) An accidental death and dismemberment policy sold in combination with a personal injury protection and property damage only policy.

(3) Any product not regulated under the provisions of this insurance code.

This section also applies to premium financing by any insurance agent or insurance company under part XVI. The department shall promulgate rules to assure disclosure, at the time of sale, of coverages financed with personal injury protection.

Section 3. Section 627.848, Florida Statutes, 1996 Supplement, is amended to read:

**627.848 Cancellation of insurance contract upon default.—**

(1) When a premium finance agreement contains a power of attorney or other authority enabling the premium finance company to cancel any insurance contract listed in the agreement, the insurance contract shall not be canceled unless cancellation is in accordance with the following provisions:

(a)1. Not less than 10 days' written notice shall be mailed to each insured shown on the premium finance agreement of the intent of the premium finance company to cancel his insurance contract unless the defaulted installment payment is received within 10 days.

2. After expiration of such period, the premium finance company shall mail to the insurer a request for cancellation, specifying the effective date of cancellation and the unpaid premium balance due under the finance contract, and shall mail a copy thereof to the insured at his last known address as shown on the premium finance agreement.

(b) Every notice of cancellation shall include, in type or print of which its face shall not be smaller than 12 points, a statement that, if the insurance contract or contracts provide motor vehicle liability insurance required by the financial responsibility law, proof of financial responsibility is required to be maintained continuously for a period of 3 years, pursuant to chapter 324, and the operation of a vehicle without such financial responsibility is unlawful.

(c) Upon receipt of a copy of the cancellation notice by the insurer or insurers, the insurance contract shall be canceled as of the date specified in the cancellation notice with the same force and effect as if the notice of cancellation had been submitted by the insured himself, whether or not the premium finance company has complied with the notice requirement of this subsection, without requiring any further notice to the insured or the return of the insurance contract.

(d) All statutory, regulatory, and contractual restrictions providing that the insured may not cancel his insurance contract unless he or the insurer first satisfies such restrictions by giving a prescribed notice to a governmental agency, the insurance carrier, a mortgagee, an individual, or a person designated to receive such notice for such governmental agency, insurance carrier, or individual shall apply when cancellation is effected under the provisions of this section. The insurer, in accordance with such prescribed notice when it is required to give such notice in behalf of itself or the insured, shall give notice to such governmental agency, person, mortgagee, or individual; and it shall determine and calculate the effective date of cancellation from the day it receives the copy of the notice of cancellation from the premium finance company.

(e) Whenever an insurance contract is canceled in accordance with this section, the insurer shall promptly return the unpaid balance due under the finance contract, up to the gross amount available upon the cancellation of the policy, to the premium finance company and any remaining unearned premium to the agent or the insured, or both, for the benefit of the insured or insureds. *The insurer shall notify the insured and the agent of the amount of unearned premium returned to the premium finance company and the amount of unearned commission held by the agent. The premium finance company within 15 days shall notify the insured and the agent the amount of unearned premium. Within 15 days of receipt of notification from the premium finance company, the agent shall return such amount including any unearned commission to*

*the insured or with the written approval of the insured apply such amount to the purchase of other insurance products regulated by the department. The department may adopt rules necessary to implement the provisions of this subsection.*

(f) If an insurance contract is canceled by an insurer upon the receipt of a copy of the cancellation notice from a premium finance company, and if such premium finance company has failed to provide the notice required by this subsection, the insured shall have a cause of action against the premium finance company for damages caused by such failure to provide notice.

(2) Any court of this state rendering or affirming a judgment or decree against a premium finance company and in favor of any named or omnibus insured or beneficiary arising out of a wrongful or improper cancellation of an insurance policy by such premium finance company shall award reasonable attorney's fees to the insured or beneficiary.

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: A bill to be entitled An act relating to premium finance companies and agreements; amending s. 627.828, F.S.; revising the net worth requirements for an applicant for a premium finance company license; authorizing a surety bond with a reduced net worth requirement; requiring that premium finance companies maintain Errors and Omissions Coverage and providing an exception; amending s. 627.8405, F.S.; revising prohibited acts by a premium finance company; amending s. 627.848, F.S.; requiring notification to the insured by the insurer and premium finance company on a canceled insurance contract, the amount of any unearned premium and unearned commission due to the insured after satisfaction of the contract; providing an effective date.

On motions by Senator Hargrett, by two-thirds vote **CS for HB 487** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Sullivan

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Consideration of **CS for SB 908** was deferred.

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**CS for SB 1754**—A bill to be entitled An act relating to economic development; authorizing the Secretary of State to appoint 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; amending s. 114, chapter 96-320, Laws of Florida; revising the definition and requirements relating to "matching private funds" for Enterprise Florida, Inc.; amending s. 14.2015, F.S.; removing redundant provisions; revising provisions allowing the Office of Tourism, Trade, and Economic Development to contract for administrative purposes; revising the office's responsibilities for planning meetings of leaders in business, government, and economic development; providing the office with rulemaking authority for specific programs; amending s. 15.182, F.S.; requiring certain state-funded musical, cultural, or artistic organizations to notify the Department of State of their international travel plans; directing the department, in conjunction with Enterprise Florida, Inc., to act as an

intermediary between such organizations and Florida businesses; requiring the Department of Lottery to determine the feasibility of marketing the Florida Lottery internationally; amending s. 48.194, F.S., relating to personal service outside the state; specifying that service of process on persons outside the United States may be required to comply with a certain international convention; authorizing the Office of Tourism, Trade, and Economic Development to establish a pilot matching grant program for the provision of job-training grants; requiring the establishment of 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; creating s. 110.191, F.S.; providing for state employee leasing under certain circumstances; providing criteria; providing requirements, providing limitations relating to certain positions; amending s. 110.205, F.S.; specifying positions leased under a state employee lease agreement as exempt from career service provisions; amending s. 288.012, F.S.; providing legislative intent; requiring the Office of Tourism, Trade, and Economic Development to develop a plan for State of Florida foreign offices; requiring each foreign office to have an operational plan; amending s. 288.047, F.S.; proscribing certain uses of funds for 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 deleting a time requirement to sign agreements; providing for a prorated tax refund with penalty if the number of jobs is less than projected; 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; providing for a waiver of requirements for the estimated annual average wage that must be paid by an applicant business; providing prerequisites and procedures; amending s. 288.7011, F.S.; revising authority for the Office of Tourism, Trade, and Economic Development to contract with a statewide certified development corporation; amending s. 288.772, F.S.; revising the definition of the term "board" with respect to the Florida Export Finance Corporation; amending s. 288.775, F.S.; requiring the board of the Florida Export Finance Corporation to create the Florida Export Finance Corporation guarantee account; amending s. 288.776, F.S.; revising the membership of the board of the Florida Export Finance Corporation; providing for appointment of members to the board; amending s. 288.777, F.S.; revising provisions relating to the appointment of a president for the Florida Export Finance Corporation; directing the board of the corporation to appoint such president; amending s. 288.7771, F.S.; revising the deadline for submitting an annual report for the Florida Export Finance Corporation; amending s. 288.816, F.S.; revising the responsibilities of the Secretary of State with respect to intergovernmental relations; requiring law enforcement agencies to inform the Department of State about the arrest or incarceration of foreign citizens; requiring the secretary to report to the Legislature on actions taken to inform law enforcement agencies on proper procedures relating to such arrest or incarceration; amending s. 288.8175, F.S.; authorizing the Florida linkage institutes to accept and administer funds from the Department of State for research and development of international trade; amending s. 288.901, F.S.; expanding an employee leasing program applicable to Enterprise Florida, Inc., to include an individual who, as of a specified date, is employed by the Executive Office of the Governor and has responsibilities related to the workforce development board; 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; amending s. 288.903, F.S.; requiring the president of Enterprise Florida, Inc., to coordinate Enterprise Florida, Inc., activities with respect to participants in the WAGES Program; amending s. 288.904, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., contracts and grants; 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; requiring that specific issues be included in the strategic plan; requiring the development of measurable objectives and performance outcomes; amending s. 288.906, F.S.; revising requirements for the annual report by Enterprise Florida, Inc.; requiring specific evaluations

and assessments to be included in the annual report; requiring an annual compliance and financial audit; amending s. 288.9414, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., international trade and economic development board contracts and grants; creating s. 288.9415, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer funds for international trade promotion grants; providing application criteria for such grants; directing the International Trade and Economic Development Board of Enterprise Florida, Inc., to review such grant applications and make recommendations to the Office of Tourism, Trade, and Economic Development; authorizing the Office of Tourism, Trade, and Economic Development to establish a targeted market pilot grant program to provide funding designed to match Florida businesses with international trade opportunities; providing application procedures and criteria; amending ss. 288.9514 and 288.9613, F.S.; revising prohibitions on participating in contracts and grants of certain Enterprise Florida, Inc., boards; authorizing the Office of Tourism, Trade, and Economic Development to contract with organizations in order to foster the development of microenterprises in the state; requiring the office to establish criteria for competitive evaluation of funding applications and program performance measures; requiring the office to adopt guidelines to administer the microenterprise development program; 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; revising prohibitions on participating in Enterprise Florida, Inc., workforce development board contracts and grants; 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 Department 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; creating s. 337.023, F.S.; authorizing the Department of Transportation, when selling a building, to accept the construction of a replacement building totally or partially in lieu of cash; providing for review and approval of such action; 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 and the Department of Labor and Employment Security to appoint the county tax collector as an agent of each department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; amending s. 468.520, F.S.; specifying that the term "employee leasing company" does not apply to a state agency or the judicial branch engaged in legislatively authorized employee leasing activities; amending s. 624.426, F.S.; exempting certain U.S. Customs surety bonds from the resident agent and counter-signature law; creating a tax refund program for hiring certain school-aged employees; providing for administration by the Office of Tourism, Trade, and Economic Development; providing definitions; providing for employment/tax refund agreements; providing penalties for fraudulent claims for refunds; providing for future repeal; repealing ss. 118.01, 118.02, 118.03, 118.04, F.S., relating to commissioners of deeds; repealing s. 14.2015(7), F.S., relating to authority for the Office of Tourism, Trade, and Economic Development to contract for assistance in administering certain programs and to use a percentage of appropriated funds for administrative purposes; providing funding, contingent upon appropriation for custom brokers and forwarders, specified trade groups,

and a trade and academic exchange office; providing severability; providing an effective date.

—as amended April 24 was read the third time by title.

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

**Amendment 1**—In title, on page 2, line 18, delete the comma (,) and insert: ;

**Amendment 2**—In title, on page 3, line 5, after “Development” insert: ;

**Amendment 3**—On page 12, line 8, delete “Section 3.” and insert: Section 114.

(Renumber subsequent sections.)

**Amendment 4**—On page 12, line 28, delete “8” and insert: 37.5

**Amendment 5 (with title amendment)**—On page 18, between lines 18 and 19, insert:

Section 6. *Enterprise Florida, Inc., in cooperation with the Department of Revenue, shall conduct a study of the advantages and revenue effects of exempting from section 212.031, Florida Statutes, leases of property which are part of a federally chartered Foreign Trade zone to persons or entities which engage in or facilitate the business of international trade in goods or services. Enterprise Florida, Inc., shall report the results of such study to the President of the Senate and the Speaker of the House of Representatives by January 1, 1998.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: requiring Enterprise Florida, Inc., and the Department of Revenue to conduct a study of the advantages and revenue effects of exempting from s. 212.031, F.S., leases of property which are part of a federally chartered Foreign Trade Zone;

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

**Amendment 6 (with title amendment)**—On page 51, line 21 through page 55, line 4, delete those lines and insert:

Section 15. Effective upon this act becoming a law, section 288.065, Florida Statutes, 1996 Supplement, is amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(1) The Rural Community Development Revolving Loan Fund Program is established in the Office of Tourism, Trade, and Economic Development to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic viability of rural communities. These funds may be used to finance initiatives directed toward maintaining or developing the economic base of rural communities, especially initiatives addressing employment opportunities for residents of these communities.

(2) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments within counties with populations less than 50,000, or any county that has a population of 100,000 or less and is contiguous to a county with a population less than 50,000, as determined by the most recent official estimate pursuant to s. 186.901, residing in incorporated and unincorporated areas of the county. Requests for loans shall be made by application to the Office of Tourism, Trade, and Economic Development. Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the local government and the Office of Tourism, Trade, and Economic Development. The loans shall be the legal obligations of the local government. All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants.

(3) The Office of Tourism, Trade, and Economic Development shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of

funding, application procedures, and application review procedures. The Office of Tourism, Trade, and Economic Development shall have final approval authority for any loan under this section.

(4) *Notwithstanding the provisions of s. 216.301, funds appropriated for this purpose shall not be subject to reversion.*

Section 16. Paragraph (b) of subsection (2), subsection (3), and paragraph (b) of subsection (4) of section 288.106, Florida Statutes, 1996 Supplement, are amended, and paragraphs (r) and (s) are added to subsection (2) of that section, to read:

288.106 Tax refund program for qualified target industry businesses.—

(2) DEFINITIONS.—As used in this section:

(b) “Average private sector wage in the area” means the statewide private sector average wage or the average of all private sector wages and salaries in the county or in the standard metropolitan area in which the business is located.

(r) “Rural county” means a county with a population of 75,000 or less.

(s) “Rural city” means a city with a population of 10,000 or less, or a city with a population of greater than 10,000 but less than 20,000 which has been determined by the Office of Tourism, Trade, and Economic Development to have economic characteristics such as, but not limited to, a significant percentage of residents on public assistance, a significant percentage of residents with income below the poverty level, or a significant percentage of the city’s employment base in agriculture-related industries.

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible taxes certified by the director which were paid by such business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (4). The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (6).

(b) The director may approve a qualified target industry business to receive tax refund payments of up to \$5,000 times the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or up to \$7,500 times the number of jobs if the project is located in an enterprise zone. A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (5)(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than \$1.5 million in refunds under this section in any single fiscal year, or more than \$2.5 million in any single fiscal year if the project is located in an enterprise zone. A qualified target industry may not receive more than \$5 million in refund payments under this section in all fiscal years, or more than \$7.5 million if the project is located in an enterprise zone. *Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation and that the relocation will create additional jobs.*

(c) After entering into a tax refund agreement under subsection (5), a qualified target industry business may receive refunds from the account for the following taxes due and paid by that business beginning with the first taxable year of the business which begins after entering into the agreement:

1. Taxes on sales, use, and other transactions under part I of chapter 212.
2. Corporate income taxes under chapter 220.
3. Intangible personal property taxes under chapter 199.
4. Emergency excise taxes under chapter 221.
5. Excise taxes on documents under chapter 201.
6. Ad valorem taxes paid, as defined in s. 220.03(1).
7. Insurance premium tax under s. 624.509.

However, a qualified target industry business may not receive a refund under this section for any amount of credit, refund, or exemption granted to that business for any of such taxes. If a refund for such taxes is provided by the office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified target industry business other than as provided in this section, the business shall reimburse the account for the amount of that credit, refund, or exemption. A qualified target industry business shall notify and tender payment to the office within 20 days after receiving any credit, refund, or exemption other than one provided in this section.

(d) A qualified target industry business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited into the General Revenue Fund.

2. Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) APPLICATION AND APPROVAL PROCESS.—

(b) To qualify for review by the office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average private sector wage in the area where the business is to be located or the statewide private sector average wage. *The office may waive this average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The wage requirement may only be waived for a project located in a rural city or county or in an enterprise zone and only when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing and the specific justification for the waiver recommendation must be explained. If the director elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.*

2. The target industry business's project must result in the creation of at least 10 jobs at such project.

3. The business activity or product for the applicant's project is within an industry or industries that have been identified by the office to be high-value-added industries that contribute to the area and to the economic growth of the state and that produce a higher standard of living for citizens of this state in the new global economy or that can be shown to make an equivalent contribution to the area and state's economic progress.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, lines 11-17, delete those lines and insert: 288.065, F.S.; providing that funds appropriated for the Rural Community Development Revolving Loan Fund are not subject to reversion; amending s. 288.106, F.S.; defining "rural county" and "rural city"; providing for determination of the "average wage in the area" for purposes of the tax refund program for qualified target industry businesses based on private sector wages only; proscribing certain uses of funds for such tax refund program; authorizing the Office of Tourism, Trade, and Economic Development to waive the annual wage requirement imposed as a condition of qualifying for review for participation in the program under certain circumstances; amending s. 288.7011, F.S.;

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

**Amendment 7 (with title amendment)**—On page 75, between lines 6 and 7, insert:

Section 31. (1)(a) *There is created a seven-member grant review panel to assist the International Trade and Economic Development Board of Enterprise Florida, Inc., in the grant review process. Three members of the panel shall be appointed by the Governor, two members*

*shall be appointed by the President of the Senate, and two members shall be appointed by the Speaker of the House of Representatives. A panel chair shall be selected by the members of the review panel from among the membership. Review panel members shall serve for a term of three years and may not be reappointed for a period of one year after serving a three year term. Initial appointments shall be staggered, with the Governor appointing one member for a three-year term, one member for a two-year term, and one member for a one-year term. Initial appointments by the President of the Senate and the Speaker of the House of Representatives shall also be staggered, with the President and the Speaker each appointing one member for a three-year term and each appointing one member for a two-year term.*

(b) *In appointing members to this panel, appointing officers should cooperate to insure that members represent geographically diversified portions of the state and include representation of minority persons as defined by s. 760.80. Members of the panel may not currently hold public office or be public employees, and must have at least five years experience in business, with expertise in areas relevant to the duties of the panel.*

(c) *The Governor may remove any member from the review panel for misconduct or malfeasance in office, neglect of duty, permanent inability to perform official duties, or commission of a felony.*

(2) *Enterprise Florida, Inc., shall establish criteria for reviewing grant applications. Such criteria shall, among other things, insure compliance with federal and state laws, promote participation in grant programs by diverse industries and businesses, and prohibit conflicts of interest in the awarding of such grants. The panel shall review grant applications and make recommendations to the International Trade and Economic Development Board of Enterprise Florida, Inc., concerning the relative merits of the applications. The panel shall provide a forum for public comment prior to voting on any grant application. Members of the panels shall not receive any compensation for their services but may be reimbursed by Enterprise Florida, Inc., for travel and expenses incurred in the performance of their duties.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 5, line 31, after the semicolon (;) insert: creating a grant review panel to assist the International Trade and Economic Development Board of Enterprise Florida, Inc.; providing for membership on the panel; providing for removal from the panel; providing duties for the panel;

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

**Amendment 8 (with title amendment)**—On page 98, between lines 14 and 15, insert:

Section 52. *In order to further the economic development goals of the state, an incentive to facilitate increased employment in Florida's boat motor and vessel manufacturing industry is hereby created so that vessels operated for test purposes by boat motor or vessel manufacturers shall be exempt from vessel speed regulations adopted after January 1, 1994. This provision shall only apply to tests conducted in the same waters in which tests were conducted prior to the adoption of such regulations. This provision shall not authorize the reckless or careless operation of vessels as otherwise prohibited by law.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 9, line 15, after the semicolon (;) insert: providing an incentive to facilitate increased employment in Florida's boat motor and vessel manufacturing industry; providing for application;

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

**Amendment 9 (with title amendment)**—On page 99, between lines 9 and 10, insert:

Section 57. *The Board of Regents is directed to conduct a study and submit recommendations to the Governor, President of the Senate, and the Speaker of the House of Representatives by February 1, 1998, outlining a unified, performance based strategy for the State University Sys-*

*tem's contribution to the economic development of this state. The study must examine how the State University System can enhance the state's domestic and international economic position.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 9, line 27, after the semicolon (;) insert: requiring a study by the Board of Regents;

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

**Amendment 10**—On page 10, lines 21-23, delete those lines and insert: *jurisdictions. A Florida international notary is not authorized to issue authentication instruments for use in a non-United States jurisdiction if the United States Department of State has determined that the jurisdiction does not have diplomatic relations with the United States or is a terrorist country, or if trade with the jurisdiction is prohibited under the Trading With the Enemy Act of 1917, as amended, 50 U.S.C. ss. 1, et seq.*

On motions by Senator Harris, **CS for SB 1754** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Burt, Sullivan

## SENATOR CRIST PRESIDING

**CS for CS for SB's 1688, 792, 1334 and 2254**—A bill to be entitled An act relating to workforce development education; requiring the Post-secondary Education Planning Commission to oversee implementation activities; requiring components of the implementation process; providing for a reporting system, program and curriculum design, cost study, staff development, and administrative procedures; providing for staff support; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; amending s. 228.041, F.S.; amending the definition of "career education"; amending ss. 231.614, 233.056, 233.0561, 235.15, 235.199, 235.435, F.S.; conforming provisions; amending s. 236.081, F.S.; deleting responsibilities for funding of vocational education and adult education from the Florida Education Finance Program; conforming provisions; requiring a school district to pay certain costs for high school students enrolled in community college adult education programs; amending s. 237.34, F.S.; changing certain reporting responsibilities; conforming provisions; amending s. 239.105, F.S.; amending definitions to conform; removing certain programs from the category of adult general education; conforming provisions; amending s. 239.113, F.S.; conforming provisions; creating s. 239.115, F.S.; creating the workforce development fund; providing definitions; authorizing funding for a program for disabled adults; requiring cost categories, output measures, and outcome measures; providing for certain student fees; providing state funding entitlements for workforce development program categories; delaying the implementation date for the workforce development performance based funding formula; amending s. 239.117, F.S.; conforming provisions; amending certain requirements regarding fee schedules for workforce development education; authorizing a higher fee for certain courses within a program; amending s. 239.201, F.S.; deleting a requirement for

delivery of certain programs; conforming provisions; amending s. 239.229, F.S.; deleting a requirement regarding supplemental vocational programs; conforming provisions; amending s. 239.249, F.S.; conforming provisions; amending s. 239.301, F.S.; deleting restrictions on the authority to provide certain programs; changing the funding category for college preparatory instruction; conforming provisions; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending s. 240.301, F.S.; amending the mission of community colleges; deleting restrictions; conforming provisions; amending s. 240.345, F.S.; revising certain requirements for fund sources; amending s. 240.35, F.S.; revising requirements for student fees at community colleges to conform; amending s. 240.359, F.S.; conforming provisions relating to fund sources; amending ss. 240.61, 242.3305, 242.331, 242.337; 288.047, 446.011, 446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing s. 239.109, F.S., relating to interinstitutional articulation agreements; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; providing an effective date.

—as amended April 24 was read the third time by title.

On motions by Senator Horne, **CS for CS for SB's 1688, 792, 1334 and 2254** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Burt, Sullivan

## SPECIAL ORDER CALENDAR

On motion by Senator Forman—

**SB 958**—A bill to be entitled An act relating to public notification concerning sexual predators; amending s. 775.21, F.S.; requiring the sheriff to advertise certain information regarding the release of sexual predators; providing an effective date.

—was read the second time by title.

Senators Forman and Burt offered the following amendment which was moved by Senator Forman:

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

Section 1. *This act may be cited as the "Public Safety Information Act."*

Section 2. Subsection (3) of section 415.5018, Florida Statutes, 1996 Supplement, is amended to read:

415.5018 District authority and responsibilities.—

(3) CHILD PROTECTIVE INVESTIGATION; COUNTY SHERIFF'S OFFICE OR LOCAL POLICE DEPARTMENT OPTION.—Within existing resources, a district, with the approval of the district health and human services board, and the secretary of the department shall enter into an agreement with a county sheriff's office or local police department that is jurisdictionally responsible to allow such law enforcement entity to assume a lead in conducting any potential criminal investigations as well as partial or full responsibility for conducting certain components of protective investigations under ss. 415.502-415.514 that are



related to cases involving a criminal investigation. The written agreement must specify how the requirements of ss. 415.502-415.514 will be met. *For the purposes of such agreement, the jurisdictionally responsible law enforcement entity is authorized to share Florida criminal history information that is not otherwise exempt from s. 119.07(1) with the district personnel directly responsible for child protective investigation and emergency child placement. The agencies entering into such agreement must comply with s. 943.0525 to the extent applicable. Criminal justice information provided by such law enforcement entity shall be used only for the purposes specified in the agreement and shall be provided at no charge.*

(a) The agreement between the district and the county sheriff's office or local police department must include the following assurances and information:

1. Assurance that the county sheriff's office or local police department will be in compliance with the procedural requirements of ss. 415.502-415.514.

2. Description of a protocol between the district and the county sheriff's office or local police department that at a minimum addresses the following:

- a. Response to reports of abuse and neglect.
- b. Investigations.
- c. Assessment of risk.
- d. Evidence gathering.
- e. Classification of reports.
- f. Appeals of classifications.
- g. Communication and involvement with the state attorney.
- h. Confidentiality of reports and access to information.
- i. Utilization of the child protection team.
- j. Storage and maintenance of records and other information.

3. Description of the transition of responsibility that assures the integrity and continuity of protective investigations.

4. Description of any necessary changes to department rules.

(b) County sheriff's office or local police department personnel assuming responsibility for conducting certain components of protective investigations shall receive training from the department relevant to child protective investigations and services.

(c) The secretary of the department shall dispose of a proposed agreement by approving or disapproving the agreement between a district and the county sheriff's office or local police department within 60 days after receipt. The secretary may negotiate modifications within this 60-day period.

Section 3. Subsection (4) of section 415.51, Florida Statutes, 1996 Supplement, is amended to read:

415.51 Confidentiality of reports and records in cases of child abuse or neglect.—

(4) The name of any person reporting child abuse, abandonment, or neglect may not be released to any person other than employees of the department responsible for child protective services or the central abuse hotline, or the appropriate state attorney or law enforcement agency, without the written consent of the person reporting. This does not prohibit the subpoenaing of a person reporting child abuse, abandonment, or neglect when deemed necessary by the court, the state attorney, or the department, provided the fact that such person made the report is not disclosed. Any person who reports a case of child abuse or neglect may, at the time he makes the report, request that the department notify him that a child protective investigation occurred as a result of the report. The department shall mail such a notice to the reporter within 10 days after completing the child protective investigation.

Section 4. Section 775.13, Florida Statutes, 1996 Supplement, is amended to read:

775.13 Registration of convicted felons, exemptions; penalties.—

(1) Any person who has been convicted of a felony in any court of this state shall, within 48 hours after entering any county in this state,

register with the sheriff of said county, be fingerprinted and photographed, and list the crime for which convicted, place of conviction, sentence imposed, if any, name, aliases, if any, address, and occupation.

(2) Any person who has been convicted of a crime in any federal court or in any court of a state other than Florida, or of any foreign state or country, which crime if committed in Florida would be a felony, shall forthwith within 48 hours after entering any county in this state register with the sheriff of said county in the same manner as provided for in subsection (1).

(3) Any person who is presently within any county of the state as of October 1, 1997, the effective date of this section shall likewise be required to register with the sheriff of such county by December 1, 1997 within 30 days after the effective date of this section, if such person would be required to register under the terms of subsection (1) or subsection (2), if he or she were entering such county.

(4) In lieu of registering with the sheriff sheriffs of the several counties of the state as required by this section, such registration may be made with the Department of Law Enforcement, and is shall be subject to the same terms and conditions as required for registration with the sheriff several sheriffs of the state. Any person so registering with the Department of Law Enforcement shall not be required to make further registration in any county in the state.

(5) The provisions of This section does law do not apply to an offender:

- (a) Who has had his or her civil rights restored;
- (b) Who has received a full pardon for the offense for which convicted;

(c) Whose conviction of a felony was more than 10 years prior to the time provided for registration under the provisions of this law and Who has been lawfully released from incarceration or other sentence or supervision for under a felony conviction and sentence for more than 5 years prior to such time for registration, unless the offender is a fugitive from justice on a felony charge or has been convicted of any offense since release from such incarceration or other sentence or supervision;

(d) Who is a parolee or probationer under the supervision of the Department of Corrections or is a probationer under the supervision of any county probation officer of the state or who has been lawfully discharged from such parole or probation;

(d)(e) Who is a parolee or probationer under the supervision of the United States Parole Commission if the commission knows of and consents to the presence of the offender in Florida or is a probationer under the supervision of any federal probation officer in the state or who has been lawfully discharged from such parole or probation; or

(e)(f) Who is a sexual predator and has registered as required under s. 775.21.

(6) Failure of any such convicted felon to comply with this section constitutes shall constitute a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7) All laws and parts of laws in conflict herewith are hereby repealed, provided that nothing in this section shall be construed to affect any law of this state relating to registration of criminals where the penalties are in excess of those imposed by this section.

Section 5. Subsections (4), (6), and (7) and paragraph (a) of subsection (9) of section 775.21, Florida Statutes, 1996 Supplement, are amended to read:

775.21 The Florida Sexual Predators Act; definitions; legislative findings, purpose, and intent; criteria; designation; registration; community and public notification; immunity; penalties.—

(4) SEXUAL PREDATOR CRITERIA.—

(a) For a current offense committed on or after October 1, 1993, and before October 1, 1995:

1. An offender who was found by the court under former s. 775.22 or former s. 775.23 to be a sexual predator is a "sexual predator" if the court

made a written finding that the offender was a sexual predator at the time of sentencing, as required by former s. 775.23. Such sexual predator must register or be registered as a sexual predator with the department, ~~and but is not~~ subject to community and public notification. *Upon notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify the community and the public of the presence of the sexual predator in a manner deemed appropriate by the sheriff or the chief of police.*

2. If an offender has been registered as a sexual predator by the Department of Corrections, the department, or any other law enforcement agency and:

a. The court did not, for whatever reason, make a written finding at the time of sentencing that the offender was a sexual predator, or

b. The offender was administratively registered as a sexual predator because the Department of Corrections, the department, or any other law enforcement agency obtained information which indicated that the offender met the sexual predator criteria based on a violation of a similar law in another jurisdiction,

the department shall remove that offender from the department's sexual predator list, and shall notify the state attorney who prosecuted the offense that triggered the administrative sexual predator designation for offenders described in sub-subparagraph a., or the state attorney of the county where the offender permanently or temporarily resides on October 1, 1996, for offenders described in sub-subparagraph b. The state attorney may bring the matter to the court's attention in order to establish that the offender meets the sexual predator criteria. If the court then makes a written finding that the offender is a sexual predator, the offender is designated as a sexual predator and must register or be registered as a sexual predator with the department, ~~but is not subject to community and public notification.~~ If the court does not make a written finding that the offender is a sexual predator, the offender is not designated as a sexual predator with respect to that offense, is not required to register or be registered as a sexual predator with the department, and is not subject to community and public notification.

(b) For a current offense committed on or after October 1, 1995, and before October 1, 1996:

1. An offender who was found by the court under former s. 775.22 or former s. 775.23 to be a sexual predator is a "sexual predator" if the court made a written finding that the offender was a sexual predator at the time of sentencing, as required by former s. 775.23. Such sexual predator must register or be registered with the department, and is subject to the community and public notification ~~provisions of former s. 775.225.~~ *Upon notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify the community and the public of the presence of the sexual predator in a manner deemed appropriate by the sheriff or the chief of police.*

2. If an offender has been registered as a sexual predator by the Department of Corrections, the department, or any other law enforcement agency and:

a. The court did not, for whatever reason, make a written finding at the time of sentencing that the offender was a sexual predator, or

b. The offender was administratively registered as a sexual predator because the Department of Corrections, the department, or any other law enforcement agency obtained information which indicated that the offender met the sexual predator criteria based on a violation of a similar law in another jurisdiction,

the department shall remove that offender from the department's sexual predator list, and shall notify the state attorney who prosecuted the offense that triggered the administrative sexual predator designation for offenders described in sub-subparagraph a., or the state attorney of the county where the offender permanently or temporarily resides on October 1, 1996, for offenders described in sub-subparagraph b. The state attorney may bring the matter to the court's attention in order to establish that the offender meets the sexual predator criteria. If the court makes a written finding that the offender is a sexual predator, the offender is designated as a sexual predator, must register or be registered as a sexual predator with the department, and is subject to the

community and public notification provisions under former s. 775.225. If the court does not make a written finding that the offender is a sexual predator, the offender is not designated as a sexual predator with respect to that offense ~~and~~ is not required to register or be registered as a sexual predator with the department, ~~and is not subject to the community and public notification provisions under former s. 775.225.~~

(c) For a current offense committed on or after October 1, 1996, upon conviction, an offender shall be designated as a "sexual predator" under subsection (5), and subject to registration under subsection (6) and community and public notification under subsection (7) if:

1. The felony meets the criteria of former ss. 775.22(2) and 775.23(2), specifically, the felony is:

a. A capital, life, or first degree felony violation of chapter 794 or s. 847.0145, or of a similar law of another jurisdiction; or

b. Any second degree or greater felony violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, or of a similar law of another jurisdiction, and the offender has previously been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 794.011(2), (3), (4), (5), or (8), s. 794.023, s. 800.04, s. 827.071, s. 847.0133, or s. 847.0145, or of a similar law of another jurisdiction;

2. The offender has not received a pardon for any felony or similar law of another jurisdiction that is necessary for the operation of this paragraph; and

3. A conviction of a felony or similar law of another jurisdiction necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(d) In order to be counted as a prior felony for purposes of this subsection, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense and sentenced or adjudicated separately from any other felony conviction that is to be counted as a prior felony. If the offender's prior enumerated felony was committed more than 10 years before the primary offense, it shall not be considered a prior felony under this subsection if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later.

(e) "Conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld.

#### (6) REGISTRATION.—

(a) A sexual predator must register with the department by providing the following information to the department:

1. Name, social security number, age, race, sex, date of birth, height, weight, hair and eye color, photograph, address of legal residence, address of any current temporary residence, date and place of any employment, date and place of each conviction, fingerprints, and a brief description of the crime or crimes committed by the offender.

2. Any other information determined necessary by the department, including criminal and corrections records, nonprivileged personnel, treatment, and abuse registry records, and evidentiary genetic markers when available.

*If the sexual predator is in the custody or control of, or under the supervision of, the Department of Corrections, or is in the custody of a private correctional facility, the sexual predator must may register directly with the department, or the Department of Corrections or any law enforcement agency may register the sexual predator with the department. The sexual predator is not required to make any further registration as a convicted felony offender in any county.*

(b) *If the Each sexual predator is not in the custody or control of, or under the supervision of, the Department of Corrections, or is not in the custody of a private correctional facility, and who is residing permanently or temporarily resides in the state, the sexual predator shall initially register in person at an office of the department, or at the sheriff's office in the county in which the predator permanently or temporarily resides, within 48 hours after establishing permanent or temporary residence in this state. If a sexual predator registers with the sheriff's office,*

*the sheriff shall take a photograph and a set of fingerprints of the predator and forward the photographs and fingerprints to the department, along with the information that the predator is required to provide pursuant to this section. outside of a correctional facility, jail, or secure treatment facility must register or be registered with the department within 48 hours after entering the county of permanent or temporary residence. A sexual predator who is registered with the department must provide written notification to the department of any change in permanent or temporary residence within 48 hours after arrival at the new place of permanent or temporary residence.*

*(c) Subsequent to the initial registration required under paragraph (b), a sexual predator shall register in person at a driver's license office of the Department of Highway Safety and Motor Vehicles within 48 hours after any change in the predator's permanent or temporary residence. At the driver's license office the sexual predator shall:*

*1. If otherwise qualified, secure a Florida driver's license, renew a Florida driver's license, or secure an identification card. The sexual predator shall identify himself or herself as a sexual predator who is required to comply with this section, provide his or her place of permanent or temporary residence, and submit to the taking of a photograph for use in issuing a driver's license, renewed license, or identification card, and for use by the department in maintaining current records of sexual predators.*

*2. Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver's license or identification card as required by this section.*

*3. Provide, upon request, any additional information necessary to confirm the identity of the sexual predator, including a set of fingerprints.*

*(d) Each time a sexual predator's driver's license or identification card is subject to renewal, the predator shall report in person to a driver's license office, regardless of whether the predator's residence has changed, and shall be subject to the requirements specified in paragraph (c). The Department of Highway Safety and Motor Vehicles shall forward to the department and to the Department of Corrections all photographs and information provided by sexual predators. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles is authorized to release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual predators as provided in this section.*

*(e) If the sexual predator initially registers at an office of the department, the department must notify the sheriff and the state attorney of the county and, if applicable, the police chief of the municipality, where the sexual predator permanently or temporarily resides within 48 hours after the sexual predator registers with the department or provides change of location information to the department.*

*(f) 1. The department is responsible for the on-line maintenance of current information regarding each registered sexual predator. The department must maintain hotline access for state, local, and federal law enforcement agencies to obtain instantaneous locator file and offender characteristics information on all released registered sexual predators for purposes of monitoring, tracking, and prosecution. The photograph and fingerprints do not have to be stored in a computerized format.*

*2. The department's sexual predator registration list, containing the information described in subparagraph (a)1., is a public record. The department is authorized to disseminate this public information by any means deemed appropriate, including operating a "900" telephone number for this purpose. When the department provides information regarding a registered sexual predator to the public, department personnel must advise the person making the inquiry that positive identification of a person believed to be a sexual predator cannot be established unless a fingerprint comparison is made, and that it is illegal to use public information regarding a registered sexual predator to facilitate the commission of a crime.*

*3. The department shall adopt guidelines as necessary regarding the registration of sexual predators and the dissemination of information regarding sexual predators as required by this section.*

*(g) A sexual predator must maintain registration with the department for the duration of his or her life, unless the sexual predator has had his or her civil rights restored, or has received a full pardon or has*

*had a conviction set aside in a postconviction proceeding for any felony sex offense that which met the criteria for the sexual predator designation. However, a sexual predator who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years and has not been arrested for any felony or misdemeanor offense since release, may petition the criminal division of the circuit court for the purpose of removing the sexual predator designation. The court has the discretion to grant or deny such relief.*

#### (7) COMMUNITY AND PUBLIC NOTIFICATION.—

*(a) Law enforcement agencies must inform the community and the public of a sexual predator's presence. Upon notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify the community and the public of the presence of the sexual predator in a manner deemed appropriate by the sheriff or the chief of police. Information provided to the community and the public regarding a sexual predator must include:*

- 1. The name of the sexual predator;*
- 2. A description of the sexual predator, including a photograph;*
- 3. The sexual predator's current address, including the name of the county or municipality if known;*
- 4. The circumstances of the sexual predator's offense or offenses; and*
- 5. Whether the age of the victim of the sexual predator's offense or offenses was, at the time of the offense, a minor or an adult.*

*This paragraph does not authorize the release of the name of any victim of the sexual predator.*

*(b) The sheriff or the police chief may coordinate the community and public notification efforts with the department. Statewide notification to the public is authorized, as deemed appropriate by local law enforcement personnel and the department.*

*(c) The department shall notify the public of all designated sexual predators through the Internet. The Internet notice shall include the information required by paragraph (a).*

*(d) The department shall adopt a protocol to assist law enforcement agencies in their efforts to notify the community and the public of the presence of sexual predators. The department, in consultation and cooperation with the Department of Highway Safety and Motor Vehicles, shall determine the feasibility of requiring sexual predators to have a special designation on any drivers license, identification card, or license tag issued in this state.*

#### (9) PENALTIES.—

*(a) A sexual predator who fails to register or be registered or who fails, after registration, to renew a driver's license or identification card or provide required location information, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 6. Section 943.046, Florida Statutes, is created to read:

#### 943.046 Notification of criminal offender information.—

*(1) Any state or local law enforcement agency may release to the public any criminal history information and other information regarding a criminal offender, including, but not limited to, public notification by the agency of the information, unless the information is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, this section does not contravene any provision of s. 943.053 which relates to the method by which an agency or individual may obtain a copy of an offender's criminal history record.*

*(2) A state or local law enforcement agency and its personnel are immune from civil liability for the release of criminal history information or other information regarding a criminal offender, as provided by this section.*

Section 7. Section 943.043, Florida Statutes, is created to read:

#### 943.043 Toll-free telephone number; sex-offender information.—

*(1) The department shall provide, through a toll-free telephone number, public access to information regarding sex offenders which is not*

confidential or exempt from public disclosure and which is reported to the department by the Department of Corrections as provided in s. 944.607 or by a sex offender as provided in s. 943.0435.

(2) The department shall provide to any person, upon request and at a reasonable cost determined by the department, a copy of the photograph of any sex offender or sexual predator which the department maintains in its files and a printed summary of the information that is available to the public under this section.

(3) The department and its personnel are immune from civil liability for damages for good-faith compliance with this section and shall be presumed to have acted in good faith by reporting information. The presumption of good faith is not overcome if technical or clerical errors are made by the department and its personnel in reporting the information, if the department and its personnel are unable to report information because the information has not been provided or reported by a person or agency required to provide or report the information to the department, or if the department and its personnel report information that was falsely reported without the knowledge of the department and its personnel.

Section 8. Section 943.0435, Florida Statutes, is created to read:

943.0435 Sex offenders required to report to the department; penalty.—

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

(a) "Sex offender" means a person who has been:

1. Convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or analogous offenses in another jurisdiction: s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, s. 847.0145, or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subparagraph.

2. Released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in subparagraph 1. For purposes of subparagraph 1., a sanction imposed in this state or in any other jurisdiction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(b) "Convicted" means the person has been determined guilty as a result of a plea or a trial, regardless of whether adjudication is withheld.

(2) A sex offender shall initially report in person at an office of the department, or at the sheriff's office in the county in which the offender permanently or temporarily resides, within 48 hours after establishing permanent or temporary residence in this state. A sex offender permanently resides in this state if the offender abides, lodges, or resides in a place for more than 2 consecutive weeks. A sex offender temporarily resides in this state if the offender abides, lodges, or resides in a place for 2 consecutive weeks or less, excluding a stay of 2 consecutive weeks or less at a different residence due to a vacation or an emergency or special circumstance that requires the sex offender to leave his or her place of permanent or temporary residence for 2 weeks or less. The sex offender shall provide his or her name, date of birth, race, sex, height, weight, hair and eye color, tattoos or other identifying marks, address of permanent or legal residence, or address of any current temporary residence, date and place of each conviction, and a brief description of the crime or crimes committed by the offender. If a sex offender reports at the sheriff's office, the sheriff shall take a photograph and a set of fingerprints of the offender and forward the photographs and fingerprints to the department, along with the information provided by the sex offender.

(3) Subsequent to the initial report required under subsection (2), a sex offender shall report in person at a driver's license office of the Department of Highway Safety and Motor Vehicles within 48 hours after any change in the offender's permanent or temporary residence. At the driver's license office the sex offender shall:

(a) If otherwise qualified, secure a Florida driver's license, renew a Florida driver's license, or secure an identification card. The sex offender shall identify himself or herself as a sex offender who is required to comply with this section. The sex offender shall provide any of the information specified in subsection (2), if requested. The sex offender shall

submit to the taking of a photograph for use in issuing a driver's license, renewed license, or identification card, and for use by the department in maintaining current records of sex offenders.

(b) Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver's license or identification card as required by this section.

(c) Provide, upon request, any additional information necessary to confirm the identity of the sex offender, including a set of fingerprints.

(4) Each time a sex offender's driver's license or identification card is subject to renewal, the offender shall report in person to a driver's license office, regardless of whether the offender's residence has changed, and shall be subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sex offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles is authorized to release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in ss. 943.043, 943.0435, and 944.606.

(5) This section does not apply to a sex offender who is also a sexual predator, as defined in s. 775.21. A sexual predator must register as required under s. 775.21.

(6) A sex offender who does not comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) The department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, and the personnel of those departments are immune from civil liability for damages for good-faith compliance with the requirements of this section, and shall be presumed to have acted in good faith in compiling, recording, and reporting information. The presumption of good faith is not overcome if a technical or clerical error is made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, or the personnel of those departments in compiling or providing information, or if information is incomplete or incorrect because a sex offender fails to report or falsely reports his or her current place of permanent or temporary residence.

Section 9. Section 944.607, Florida Statutes, is created to read:

944.607 Notification to Department of Law Enforcement of information on sex offenders.—

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

(a) "Sex offender" means a person who is in the custody or control of, or under the supervision of, the department or is in the custody of a private correctional facility on or after October 1, 1997, as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or analogous offenses in another jurisdiction: s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, s. 847.0145, or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this paragraph.

(b) "Conviction" means a determination of guilt as a result of a plea or trial, regardless of whether adjudication is withheld.

(2) In addition to notification and transmittal requirements imposed by any other provision of law, the department shall compile information on any sex offender and provide the information to the Department of Law Enforcement. The information shall be made available electronically to the Department of Law Enforcement as soon as this information is in the department's database and must be in a format that is compatible with the requirements of the Florida Crime Information Center.

(3) The information provided to the Department of Law Enforcement must include:

(a) The name of the sex offender and any alias, if known;

(b) The sex offender's most current address and place of permanent or temporary residence, including the name of the county or municipality

in which the offender permanently or temporarily resides and, if known, the intended place of permanent or temporary residence upon satisfaction of all sanctions;

(c) The legal status of the sex offender and the scheduled termination date of that legal status;

(d) The location of, and local telephone number for, any office of probation, community control, parole, conditional release, or control release which is responsible for supervising the sex offender;

(e) An indication of whether the victim of the offense that resulted in the offender's status as a sex offender was a minor;

(f) A physical description of the sex offender;

(g) The offense or offenses at conviction which resulted in the determination of the offender's status as a sex offender; and

(h) A digitized photograph of the sex offender which must have been taken within 60 days before the offender is released from the custody of the department or a private correctional facility by expiration of sentence under s. 944.275 or must have been taken by January 1, 1998, or within 60 days after the onset of the department's supervision of any sex offender who is on probation, community control, conditional release, parole, provisional release, or control release or who is supervised by the department under the Interstate Compact Agreement for Probationers and Parolees. If the sex offender is in the custody of a private correctional facility, the facility shall take a digitized photograph of the sex offender within the time period provided in this paragraph and shall provide the photograph to the department.

If any information provided by the department changes during the time the sex offender is under the department's control, custody, or supervision, the department shall update the information and provide it to the Department of Law Enforcement in the manner prescribed in subsection (2).

(4) The department and its personnel are immune from civil liability for damages for good-faith compliance with this section, and shall be presumed to have acted in good faith in compiling, recording, and providing information. The presumption of good faith is not overcome if technical or clerical errors are made by the department and its personnel in compiling, recording, or providing information, if the information compiled, recorded, or provided by the department and its personnel is incomplete because the information has not been provided to the department by a person or agency required to provide the information, or if the department and its personnel compile, record, or provide information that was falsely reported without the knowledge of the department and its personnel.

Section 10. Section 944.605, Florida Statutes, 1996 Supplement, is amended to read:

944.605 Inmate release; notice by Department of Corrections, Control Release Authority, or Parole Commission.—

(1) Within 6 months before the release of an inmate from the custody of the Department of Corrections or a private correctional facility by expiration of sentence under s. 944.275, any release program provided by law, or parole under chapter 947, or as soon as possible if the offender is released earlier than anticipated, notification of such anticipated release date shall be made known by the appropriate agency to the chief original sentencing judge of the circuit in which the offender was sentenced, the appropriate state attorney, the original arresting law enforcement agency, the Department of Law Enforcement, and the sheriff as chief law enforcement officer of the county in which the inmate plans to reside. If the original sentencing judge is no longer available, such notice shall be sent to the chief judge of the circuit in which the offender was sentenced. In addition, unless otherwise requested by the victim or the personal representative of the victim, the state attorney, the Department of Corrections, the Control Release Authority, or the Parole Commission, whichever is appropriate, shall notify such person within 6 months before the inmate's release, or as soon as possible if the offender is released earlier than anticipated, when if the name and address of such victim or representative of the victim has been furnished to the agency. The state attorney shall provide the latest address documented for the victim to the sheriff with the other documents required by law for the delivery of inmates to those agencies for service of sentence. For

the purposes of this section, the Parole Commission or the Control Release Authority is the appropriate agency for any type of release it grants, and the Department of Corrections is the appropriate agency for any type of release it authorizes. This section does not imply any repeal or modification of any provision of law relating to notification of victims.

(2) Within 60 ~~120~~ days before the anticipated release of an inmate under subsection (1), a digitized photograph ~~except for an inmate for which notification is required under subsection (3) or s. 944.606, an exit photo~~ of the inmate to be released shall be made by the Department of Corrections or a private correctional facility, whichever has custody of the inmate. If a private correctional facility makes the digitized photograph, this photograph shall be provided to the Department of Corrections. Additionally, the digitized photograph, whether made by the Department of Corrections or a private correctional facility, shall be ~~taken and~~ placed in the inmate's file. The Department of Corrections shall make the digitized photograph available electronically to the Department of Law Enforcement as soon as the digitized photograph is in the department's database and must be in a format that is compatible with the requirements of the Florida Crime Information Center. The department shall provide a copy of the digitized photograph to a local law enforcement agency upon request.

(3) If an inmate is to be released after having served one or more sentences for a conviction of robbery, sexual battery, home-invasion robbery, or carjacking, or an inmate to be released has a prior conviction for robbery, sexual battery, home-invasion robbery, or carjacking or similar offense, in this state or in another jurisdiction, and if such prior conviction information is contained in department records, the appropriate releasing agency shall release to the sheriff of the county in which the inmate plans to reside, and, if the inmate plans to reside within a municipality, to the chief of police of that municipality, the following information, which must include, but need not be limited to:

- (a) Name;
- (b) Social security number;
- (c) Date of birth;
- (d) Race;
- (e) Sex;
- (f) Height;
- (g) Weight;
- (h) Hair and eye color;
- (i) Tattoos or other identifying marks;
- (j) Fingerprints; and
- (k) A digitized photograph as provided in subsection (2) ~~taken not more than 90 days before the date of the inmate's release.~~

The department, the Parole Commission, or the Control Release Authority shall release the information specified in this subsection within 6 months prior to the discharge of the inmate from the custody of the department.

Section 11. Section 944.606, Florida Statutes, 1996 Supplement, is amended to read:

944.606 Sexual offenders; notification upon release.—

(1) As used in this section:

(a) "Conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld.

(b) "Sexual offender" means a person who has been convicted of a felony violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, or a violation of a similar law of another jurisdiction, when the department has received verified information regarding such conviction; an offender's computerized criminal history record is not, in and of itself, verified information.

(2) The Legislature finds that sexual offenders, especially those who have committed their offenses against minors, often pose a high risk of engaging in sexual offenses even after being released from incarceration or commitment and that protection of the public from sexual offenders is a paramount governmental interest. Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Releasing sexual offender information to law enforcement agencies and to persons who request such information, and releasing such information to the public by a law

enforcement agency or public agency, will further the governmental interests of public safety.

(3)(a) The department must provide information regarding any sexual offender who is being released after serving a period of incarceration for any offense, as follows:

1. The department must provide: the sexual offender's name *and any alias, if known; the correctional facility from which the sexual offender is released; the sexual offender's* social security number, race, sex, date of birth, height, weight, and hair and eye color; date and county of sentence and each crime for which the offender was sentenced; a copy of the offender's fingerprints and a digitized photograph taken within ~~60~~ **90** days before of release; the date of release of the sexual offender; and the offender's intended residence address, if known. *If the sexual offender is in the custody of a private correctional facility, the facility shall take the digitized photograph of the sexual offender within 60 days before the sexual offender's release and provide this photograph to the Department of Corrections and also place it in the sexual offender's file.*

2. The department may provide any other information deemed necessary, including criminal and corrections records, nonprivileged personnel and treatment records, when available.

(b) The department must provide the information described in subparagraph (a)1. to:

1. The sheriff of the county from where the sexual offender was sentenced;

2. The sheriff of the county and, if applicable, the police chief of the municipality, where the sexual offender plans to reside; and

3. *The Florida Department of Law Enforcement; and*

~~4.3.~~ Any person who requests such information,

either within 6 months prior to the anticipated release of a sexual offender, or as soon as possible if an offender is released earlier than anticipated. *All such information provided to the Department of Law Enforcement must be available electronically as soon as the information is in the agency's database and must be in a format that is compatible with the requirements of the Florida Crime Information Center.*

(c) Upon request, the department must provide the information described in subparagraph (a)2. to:

1. The sheriff of the county from where the sexual offender was sentenced; and

2. The sheriff of the county and, if applicable, the police chief of the municipality, where the sexual offender plans to reside,

either within 6 months prior to the anticipated release of a sexual offender, or as soon as possible if an offender is released earlier than anticipated.

(d) Upon receiving information regarding a sexual offender from the department, *the Department of Law Enforcement*, the sheriff or the chief of police shall provide the information described in subparagraph (a)1. to any individual who requests such information *and may release the information to the public in any manner deemed appropriate, unless the information so received is confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.*

(4) This section ~~authorizes~~ **does not authorize** the department or any law enforcement agency to notify the community and the public of a sexual offender's presence in the community. However, with respect to a sexual offender who has been found to be a "sexual predator" under chapter 775, the Florida Department of Law Enforcement or any other law enforcement agency must inform the community and the public of the sexual predator's presence in the community, as provided in chapter 775. *Release of information pursuant to this section does not constitute unauthorized public disclosure of information that relates to sexual predators under chapter 775.*

(5) An elected or appointed official, public employee, or agency is immune from civil liability for damages resulting from the release of information under this section.

Section 12. Section 947.177, Florida Statutes, 1996 Supplement, is amended to read:

947.177 Inmate release; notice by Department of Corrections, Control Release Authority, or Parole Commission.—

(1) Within 6 months before the release of an inmate from the custody of the Department of Corrections *or a private correctional facility* by expiration of sentence under s. 944.275, control release under s. 947.146, or parole under this chapter, *or as soon as possible if the offender is released earlier than anticipated*, notification of such release date shall be made known by the appropriate agency to the ~~chief original sentencing judge of the circuit in which the offender was sentenced~~, the appropriate state attorney, ~~the original arresting law enforcement agency~~, and the sheriff as chief law enforcement officer of the county in which the inmate plans to reside. ~~If the original sentencing judge is no longer available, such notice shall be sent to the chief judge of the circuit in which the offender was sentenced.~~ In addition, unless otherwise requested by the victim or the personal representative of the victim, the state attorney, the Department of Corrections, or the Parole Commission, whichever is appropriate, shall notify such person within 6 months before the inmate's release, *or as soon as possible if the offender is released earlier than anticipated*, when if the name and address of the victim or representative of the victim has been furnished to the agency. The state attorney shall provide the latest address documented for the victim to the sheriff with the other documents required by law for the delivery of inmates to those agencies for service of sentence. For the purposes of this section, the Parole Commission or the Control Release Authority is the appropriate agency for any type of release it grants, and the Department of Corrections is the appropriate agency for any type of release it authorizes. This section does not imply any repeal or modification of any provision of law relating to notification of victims.

(2) Within ~~60~~ **420** days before the anticipated release of an inmate, ~~a digitized photograph except for an inmate for which notification is required under subsection (3) or s. 944.606, an exit photo~~ of the inmate to be released shall be made by the Department of Corrections or a private correctional facility, whichever has custody of the inmate. *If a private correctional facility makes the digitized photograph, this photograph shall be provided to the Department of Corrections. Additionally, the digitized photograph, whether made by the Department of Corrections or a private correctional facility, shall be taken and placed in the inmate's file. The Department of Corrections shall make the digitized photograph available electronically to the Department of Law Enforcement as soon as the digitized photograph is in the agency's database and must be in a format that is compatible with the requirements of the Florida Crime Information Center.*

(3) If an inmate is to be released after having served one or more sentences for a conviction of robbery, sexual battery, home-invasion robbery, or carjacking, or an inmate to be released has a prior conviction for robbery, sexual battery, home-invasion robbery, or carjacking or similar offense, in this state or in another jurisdiction, and if such prior conviction information is contained in records of the Department of Corrections, the appropriate releasing agency shall release to the sheriff of the county in which the inmate plans to reside, and, if the inmate plans to reside within a municipality, to the chief of police of that municipality, the following information, which must include, but need not be limited to:

- (a) Name;
- (b) Social security number;
- (c) Date of birth;
- (d) Race;
- (e) Sex;
- (f) Height;
- (g) Weight;
- (h) Hair and eye color;
- (i) Tattoos or other identifying marks;
- (j) Fingerprints; and
- (k) A digitized photograph as provided in subsection (2) ~~taken not more than 90 days before the date of the inmate's release.~~

The Department of Corrections, the Parole Commission, or the Control Release Authority shall release the information specified in this subsection within 6 months prior to the discharge of the inmate from the custody of the Department of Corrections.

Section 13. Present subsections (2), (3), (4), (5), and (6) of section 948.06, Florida Statutes, are redesignated as subsections (3), (4), (5), (6), and (7), respectively, and a new subsection (2) is added to that section, to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(2)(a) When any state or local law enforcement agency investigates or arrests a person for committing, or attempting, soliciting, or conspiring to commit, a violation of: s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, or s. 847.0145, the law enforcement agency shall contact the Department of Corrections to verify whether the person under investigation or under arrest is on probation, community control, parole, conditional release, or control release.

(b) If the law enforcement agency finds that the person under investigation or under arrest is on probation, community control, parole, conditional release, or control release, the law enforcement agency shall immediately notify the person's probation officer or release supervisor of the investigation or the arrest.

Section 14. Paragraph (f) of subsection (3) of section 921.0012, Florida Statutes, 1996 Supplement, is amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
775.21(9)	3rd	Failure to register; failure to renew driver's license or identification card.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report of deadly explosive or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.

Florida Statute	Felony Degree	Description
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014(2)(b)	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at \$100 or more, but less than \$20,000.
827.03(1)	3rd	Abuse of a child.
827.03(3)(c)	3rd	Neglect of a child.
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
943.0435(6)	3rd	Sex offenders; failure to comply with reporting requirements.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

Section 15. Section 921.0017, Florida Statutes, is amended to read:

921.0017 Credit upon recommitment of offender serving split sentence.—Effective for offenses committed on or after January 1, 1994, if an offender's probation or community control is revoked and the offender is serving a split sentence pursuant to s. 948.01, upon recommitment to the Department of Corrections, the court shall order credit for time served only, without considering any type of gain-time earned before release to supervision, or any type of sentence reduction granted to avoid prison overcrowding, including, but not limited to, any sentence reduction resulting from administrative gain-time, provisional credits, or control release. The court shall determine the amount of jail-time credit to be awarded for time served between the date of arrest as a violator and the date of recommitment, and shall direct the Department of Corrections to compute and apply credit for all other time served previously on the prior sentence for the offense for which the offender is being recommitment. This section does not affect or limit the department's authority to forfeit gain-time under ss. 944.28(1) and 948.06(7) 948.06(6).



Section 16. *At the time of sentencing of any offender for an offense involving a victim who, at the time the offense was committed, was a minor, the court shall stamp on the face of the judgment "VICTIM IS A MINOR" and shall note this fact on any document or information sent to the Department of Law Enforcement for its incorporation into the criminal justice information system of the Department of Law Enforcement.*

Section 17. This act shall take effect October 1, 1997.

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 release of public records information regarding criminal offenders; creating the "Public Safety Information Act"; 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 a law enforcement agency; amending s. 775.13, F.S.; revising registration requirements for convicted felons; amending s. 775.21, F.S.; revising requirements for public notification of the presence of a sexual predator; revising registration requirements for sexual predators; requiring a sexual predator to register at a driver's license office of the Department of Highway Safety and Motor Vehicles following a change in permanent or temporary residence and obtain a driver's license or identification card; requiring that a sexual predator renew such license or identification card; providing a penalty; creating s. 943.046, F.S.; authorizing a state or local law enforcement agency to release to the public criminal offender information that is not exempt from public disclosure under the public records law; providing immunity from civil liability for a law enforcement agency and its personnel in releasing such information; creating s. 943.043, F.S.; requiring the Department of Law Enforcement to provide a toll-free telephone number for public access to information regarding sex offenders; requiring that the department provide to the public upon request a copy of the photograph of a sex offender or sexual predator and a summary of information that is publicly available; providing immunity from civil liability for the department and its personnel in reporting information; providing that the department and its personnel are presumed to have acted in good faith; creating s. 943.0435, F.S.; providing definitions; requiring sex offenders to report their current place of permanent or temporary residence to the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles within a specified time and upon moving to a new place of residence; providing procedures for reporting; providing a penalty for failing to report as required; providing immunity from civil liability for the Department of Law Enforcement, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, and the personnel of those departments in compiling, recording, and reporting information regarding sex offenders; providing that those departments and the personnel of those departments are presumed to have acted in good faith; creating s. 944.607, F.S.; requiring that the Department of Corrections provide information to the Department of Law Enforcement on sex offenders who are in the custody or control of, or under the supervision of, the Department of Corrections or the custody of a private correctional facility on or after a specified date; providing immunity from civil liability for the Department of Corrections and its personnel in compiling, recording, and reporting information regarding sex offenders; providing that the department and its personnel are presumed to have acted in good faith; amending ss. 944.605, 947.177, F.S.; revising requirements for the Department of Corrections, the Control Release Authority, and the Parole Commission with respect to notifying judges and law enforcement agencies of the anticipated release of an inmate; requiring that a digitized photograph be made of the inmate; requiring that this information be provided to the Department of Law Enforcement; amending s. 944.606, F.S., relating to the release of information regarding certain sex offenders by the Department of Corrections; requiring that this information be provided to the Department of Law Enforcement; providing that the release of such information does not constitute unauthorized public disclosure under the Florida Sexual Predators Act; amending s. 948.06, F.S.; requiring state and local law enforcement agencies to verify if a person under investigation or under arrest for certain sexual offenses is on probation, community control, parole, conditional release, or control release; requiring the law enforcement agency to notify the person's probation officer or release supervisor of the investigation or the arrest; amending s. 921.0012, F.S.; ranking under the sentencing guidelines the offenses of failure to register, including failure to renew a driver's license or identification card, and failure of sex offenders to comply with reporting requirements; amending s. 921.0017, F.S., relating to credit upon recommitment of an offender serving a split sentence; conforming a cross-reference to changes made by the act; requiring the court, at the time of

sentencing, to note on the judgment if the victim is a minor and provide such information to the Department of Law Enforcement; providing an effective date.

WHEREAS, the Legislature and law enforcement agencies recognize that the release of criminal history information or other information regarding criminal offenders is essential to the public's safety and welfare, and

WHEREAS, the Legislature intends to provide specific statutory direction whereby a law enforcement agency, of its own volition or in response to a request for a public record, may release to the public criminal history information and other information regarding criminal offenders, including public notification of this information, and

WHEREAS, the Legislature intends that criminal history information and other information regarding criminal offenders which is subject to release to the public shall consist only of information that is subject to public disclosure under section 119.07(1), Florida Statutes, the state public records law, and under Section 24(a), Article I of the State Constitution, and

WHEREAS, the Legislature intends that the order of priority, the methods of dissemination of criminal history information compiled from intrastate sources by the Department of Law Enforcement, and the assessment of costs for the production of this information, as provided in section 943.053, Florida Statutes, shall be maintained, and

WHEREAS, the Legislature finds that the public is especially concerned about certain sex offenders, and

WHEREAS, the Legislature intends to enhance public access to information regarding certain sex offenders by creating a public-access telephone number for releasing this information, and

WHEREAS, the Legislature intends that information released through the public-access telephone number shall consist only of information that is subject to public disclosure under section 119.07(1), Florida Statutes, the state public records law, and under Section 24(a), Article I of the State Constitution, and

WHEREAS, the Legislature finds that current law authorizes law enforcement agencies to release to the public criminal information on certain sex offenders which is provided to these agencies by the Department of Corrections, but prohibits these agencies from providing public or community notification of this information, and

WHEREAS, the Legislature further finds that this information is subject to public disclosure under section 119.07(1), Florida Statutes, the state public records law, and under Section 24(a), Article I of the State Constitution, and

WHEREAS, the Legislature intends to authorize public or community notification of this information, and

WHEREAS, the Legislature intends that a state or local law enforcement agency that investigates or arrests a person for certain sexual offenses shall verify whether the person is on probation or some form of release supervision, and, if so verified, shall inform the person's probation officer that the person is under investigation or arrest for a sexual offense, NOW, THEREFORE,

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

**Amendment 1A (with title amendment)**—On page 38, between lines 13 and 14, insert:

Section 17. (1) *There is appropriated to the Florida Department of Law Enforcement the sum of \$311,680 from the General Revenue Fund, and five positions are allocated to the department, for fiscal year 1997-1998. Of the funds appropriated to the Department of Law Enforcement, the sum of \$209,750 may be expended for recurring costs.*

(2) *There is appropriated to the Department of Corrections the sum of \$141,160 from the General Revenue Fund for fiscal year 1997-1998. Of the funds appropriated to the Department of Corrections, the sum of \$31,200 may be expended for recurring costs.*



(3) *There is appropriated to the Department of Highway Safety and Motor Vehicles the sum of \$31,748 from the Highway Safety Operating Trust Fund for fiscal year 1997-1998.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 42, line 9, after the semicolon (;) insert: providing appropriations; providing for uses of certain appropriations;

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **SB 958** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

### CONSIDERATION OF BILLS ON THIRD READING

On motion by Senator Ostalkiewicz, by two-thirds vote **CS for HB 387** was withdrawn from the Committees on Natural Resources and Criminal Justice.

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

**CS for HB 387**—A bill to be entitled An act relating to wildlife; creating s. 372.7015, F.S.; providing a fine for the illegal taking or killing of wildlife or game; providing for the disposition of the fine; creating s. 372.7016, F.S.; establishing a “Voluntary Authorized Hunter Identification Program”; providing that persons who hunt on private land enrolled in the program must have identification and authorization available while hunting when demanded by law enforcement officers; providing definitions; providing penalties for violations; amending s. 810.09, F.S.; providing that unauthorized persons shooting lethal projectiles across private land are guilty of trespassing; providing definitions; providing penalties; providing an effective date.

—a companion measure, was substituted for **SB 1652** as amended and read the second time by title.

Senator Ostalkiewicz moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 24 through page 2, line 4, delete those lines and insert:

*372.7015 Illegal killing, taking, possessing, or selling wildlife or game; fines; disposition of fines.—In addition to any other penalty provided by law, any person who violates the criminal provisions of this chapter and rules adopted pursuant to this chapter by illegally killing, taking, possessing, or selling game or fur-bearing animals as defined in s. 372.001(3) or s. 372.001(4) in or out of season while violating chapter 810 shall pay a fine of \$250 for each such violation, plus court costs and any restitution ordered by the court. All fines collected under this section shall be deposited into the Game and Fresh Water Fish Commission's State Game Trust Fund.*

On motions by Senator Ostalkiewicz, by two-thirds vote **CS for HB 387** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Burt, Dyer, Sullivan

### SPECIAL ORDER CALENDAR, continued

On motion by Senator Dudley, by two-thirds vote **HB 131** was withdrawn from the Committee on Judiciary.

On motion by Senator Dudley—

**HB 131**—A bill to be entitled An act relating to foreign records of regularly conducted business activity; amending s. 92.60, F.S.; providing for admissibility in civil proceedings of such records under a specified exception to the hearsay rule; requiring 60 days' written notice of a party's intention to offer civil trial evidence of such records; providing an effective date.

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

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

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

Section 1. Subsection (2) of section 92.60, Florida Statutes, is amended, present subsection (4) of that section is redesignated as subsection (5) and amended, and a new subsection (4) is added to that section, to read:

92.60 Foreign records of regularly conducted business activity.—

(2) In a criminal *or civil* proceeding in a court of the State of Florida, a foreign record of regularly conducted business activity, or a copy of such record, shall not be excluded as evidence by the hearsay rule if a foreign certification attests that:

(a) Such record was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;

(b) Such record was kept in the course of a regularly conducted business activity;

(c) The business activity made such a record as a regular practice; and

(d) If such record is not the original, it is a duplicate of the original; unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness.

(4) *No evidence in such records in the form of opinion or diagnosis is admissible under subsection (2) unless such opinion or diagnosis would be admissible under ss. 90.701-90.705 if the person whose opinion is recorded were to testify to the opinion directly.*

(5)(4) At the arraignment or as soon after the arraignment as practicable, or 60 days prior to a civil trial, a party intending to offer in evidence under this section a foreign record of regularly conducted business activity shall provide written notice of that intention to each other party. A motion opposing admission in evidence of such record shall be made by the opposing party and determined by the court before trial. Failure by a party to file such motion before trial shall constitute a waiver of objection to such record or duplicate, but the court for cause shown may grant relief from the waiver.

Section 2. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to foreign records of regularly conducted business activity; amending s. 92.60, F.S.; providing for admissibility in civil proceedings of such records under a specified exception to the hearsay rule; requiring 60 days' written notice of a party's intention to offer civil trial evidence of such records; providing an effective date.

On motions by Senator Dudley, by two-thirds vote **HB 131** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

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	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Madam President, Sullivan

**CS for SB 2068**—A bill to be entitled An act relating to emergency medical services; amending ss. 365.171, 395.1027, F.S.; requiring a local governmental entity that operates a “911” emergency telephone system to enter into an agreement with the regional poison control center; requiring that the agreement include a protocol under which the poison control center is consulted with respect to each emergency call that involves exposure to a toxic substance; creating s. 365.172, F.S.; limiting the liability of persons and entities involved in the wireless provision of emergency “911” service; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—On page 4, lines 13-25, delete those lines and renumber subsequent section.

And the title is amended as follows:

On page 1, lines 11-14, delete those lines and insert: substance; providing an effective date.

On motions by Senator Lee, by two-thirds vote **CS for SB 2068** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Madam President, Sullivan

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

—was read the second time by title.

Senator Silver moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 10, after “On” insert: *or after*

On motions by Senator Silver, by two-thirds vote **CS for SB 1068** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Madam President, Sullivan

**CS for SB 1018**—A bill to be entitled An act relating to the Florida Americans With Disabilities Accessibility Implementation Act; amending s. 553.502, F.S.; restating the intent of the act; amending s. 553.503, F.S.; adopting federal guidelines and requiring the 1997 Florida Accessibility Code for Building Construction to be adopted in accordance with ch. 120, F.S.; amending s. 553.504, F.S.; revising exceptions to applicability of guidelines; amending s. 553.505, F.S.; revising exceptions to applicability of the Americans with Disabilities Act; amending s. 553.507, F.S.; revising exemptions from the act; amending s. 553.509, F.S.; revising vertical accessibility requirements; amending ss. 553.511, 316.1955, F.S.; revising requirements for parking facilities and spaces; amending s. 553.512, F.S.; revising the conditions for granting waivers; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 1018** to **CS for HB 1707**.

#### SENATOR BURT PRESIDING

Pending further consideration of **CS for SB 1018** as amended, on motion by Senator Meadows, by two-thirds vote **CS for HB 1707** was withdrawn from the Committees on Commerce and Economic Opportunities; and Community Affairs.

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

**CS for HB 1707**—A bill to be entitled An act relating to the Florida Americans With Disabilities Accessibility Implementation Act; amending s. 553.502, F.S.; restating the intent of the act; amending s. 553.503, F.S.; adopting federal guidelines and requiring the 1997 Florida Accessibility Code for Building Construction to be adopted in accordance with ch. 120, F.S.; amending s. 553.504, F.S.; revising exceptions to applicability of guidelines; amending s. 553.505, F.S.; revising exceptions to applicability of the Americans with Disabilities Act; amending s. 553.507, F.S.; revising exemptions from the act; amending s. 553.509, F.S.; revising vertical accessibility requirements; amending ss. 553.511 and 316.1955, F.S.; revising requirements for parking facilities and spaces; amending s. 318.18, F.S.; providing for the dismissal of a citation for illegally parking in a parking space for disabled persons under certain circumstances; providing for the payment of a dismissal fee; amending s. 553.512, F.S.; revising the conditions for granting waivers; repealing s. 553.510, F.S., relating to the national standard for accessibility and usability of private property features; providing an effective date.

—a companion measure, was substituted for **CS for SB 1018** as amended and by two-thirds vote read the second time by title. On motions by Senator Meadows, by two-thirds vote **CS for HB 1707** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Bankhead	Brown-Waite	Campbell	Clary
Bronson	Burt	Childers	Cowin

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

Nays—None

Vote after roll call:

Yea—Madam President

On motion by Senator Brown-Waite—

**CS for SB 948**—A bill to be entitled An act relating to medical practitioners; requiring physicians, osteopathic physicians, podiatrists, and chiropractors to furnish specified biographical and other data to the Department of Health; requiring the department to verify certain of the information and compile the information submitted and other public record information into a practitioner profile of each licensee and to make the profiles available to the public; providing for rules; providing duties of practitioners to update information and duties of the department to update profiles; providing for retention of information in superseded profiles; amending ss. 458.311, 458.313, 458.319, F.S.; requiring applicants for licensure or relicensure as physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 459.0055, 459.008, F.S.; requiring applicants for licensure or relicensure as osteopathic physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 460.406, 460.407, F.S.; requiring applicants for licensure or relicensure as chiropractors to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 461.006, 461.007, F.S.; requiring applicants for licensure or relicensure as podiatrists to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; requiring the agency to issue an emergency order suspending the license of a physician or osteopathic physician for certain violations; amending s. 455.2285, F.S.; requiring additional information in the annual report by the department and by the agency; creating s. 455.2478, F.S.; providing that reports on professional liability actions and information relating to bankruptcy proceedings of specified health care practitioners which are in the possession of the Department of Health are public records; requiring the department to make such information available to persons who request it; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; providing for a toll-free telephone number for reporting complaints relating to medical care; providing applicability; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendment:

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

Section 1. (1) *Each person who applies for initial licensure as a physician under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, must, at the time of application, and each physician who applies for license renewal under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, must, in conjunction with the renewal of such license and under procedures adopted by the Department of Health, and in addition to any other information that may be required from the applicant, furnish the following information to the Department of Health:*

(a)1. *The name of each medical school that the applicant has attended, with the dates of attendance and the date of graduation, and a description of all graduate medical education completed by the applicant, excluding any coursework taken to satisfy medical licensure continuing education requirements.*

2. *The name of each hospital at which the applicant has privileges.*
3. *The address at which the applicant will primarily conduct his or her practice.*
4. *Any certification that the applicant has received from a specialty board that is recognized by the board to which the applicant is applying.*
5. *The year that the applicant began practicing medicine.*
6. *Any appointment to the faculty of a medical school which the applicant currently holds and an indication as to whether the applicant has had the responsibility for graduate medical education within the most recent 10 years.*
7. *A description of any criminal offense of which the applicant has been found guilty, regardless of whether adjudication of guilt was withheld, or to which the applicant has pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony or misdemeanor if committed in this state must be reported. If the applicant indicates that a criminal offense is under appeal and submits a copy of the notice for appeal of that criminal offense, the department must state that the criminal offense is under appeal if the criminal offense is reported in the applicant's profile. If the applicant indicates to the department that a criminal offense is under appeal, the applicant must, upon disposition of the appeal, submit to the department a copy of the final written order of disposition.*

8. *A description of any final disciplinary action taken within the previous 10 years against the applicant by the agency regulating the profession that the applicant is or has been licensed to practice, whether in this state or in any other jurisdiction, by a specialty board that is recognized by the American Board of Medical Specialties, the American Osteopathic Association, or a similar national organization, or by a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home. Disciplinary action includes resignation from or nonrenewal of medical staff membership or the restriction of privileges at a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home taken in lieu of or in settlement of a pending disciplinary case related to competence or character. If the applicant indicates that the disciplinary action is under appeal and submits a copy of the document initiating an appeal of the disciplinary action, the department must state that the disciplinary action is under appeal if the disciplinary action is reported in the applicant's profile.*

(b) *In addition to the information required under paragraph (a), each applicant who seeks licensure under chapter 458, chapter 459, or chapter 461, Florida Statutes, and who has practiced previously in this state or in another jurisdiction or a foreign country must provide the information required of licensees under those chapters pursuant to section 455.247, Florida Statutes. An applicant for licensure under chapter 460, Florida Statutes, who has practiced previously in this state or in another jurisdiction or a foreign country must provide the same information as is required of licensees under chapter 458, Florida Statutes, pursuant to section 455.247, Florida Statutes.*

(2) *Before the issuance of the licensure renewal notice required by section 455.273, Florida Statutes, the Department of Health shall send a notice to each person licensed under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, at the licensee's last known address of record with the department, regarding the requirements for information to be submitted by those practitioners pursuant to this section in conjunction with the renewal of such license and under procedures adopted by the department.*

(3) *Each person who has submitted information pursuant to subsection (1) must update that information in writing by notifying the Department of Health within 45 days after the occurrence of an event or the attainment of a status that is required to be reported by subsection (1). Failure to comply with the requirements of this subsection to update and submit information constitutes a ground for disciplinary action under each respective licensing chapter and section 455.227(1)(k), Florida Statutes. For failure to comply with the requirements of this subsection to update and submit information, the department or board, as appropriate, may refuse to issue a license to any person applying for initial licensure who fails to submit and update the required information or may issue a citation to any licensee who fails to submit and update the required information and may fine the licensee up to \$50 for each day that*

the licensee is not in compliance with this subsection. The citation must clearly state that the licensee may choose, in lieu of accepting the citation, to follow the procedure under section 455.225, Florida Statutes. If the licensee disputes the matter in the citation, the procedures set forth in section 455.225, Florida Statutes, must be followed. However, if the licensee does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the licensee's last known address.

(4)(a) An applicant for initial licensure must submit a set of fingerprints to the Department of Health in accordance with section 458.311, section 458.313, section 459.0055, section 460.406, or section 461.006, Florida Statutes.

(b) An applicant for renewed licensure must submit a set of fingerprints for the initial renewal of his or her license after January 1, 2000, to the agency regulating that profession in accordance with procedures established under section 458.319, section 459.008, section 460.407, or section 461.007, Florida Statutes.

(c) The Department of Health shall submit the fingerprints provided by an applicant for initial licensure to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant. The department shall submit the fingerprints provided by an applicant for a renewed license to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check for the initial renewal of the applicant's license after January 1, 2000; for any subsequent renewal of the applicant's license the department shall submit the required information for a statewide criminal history check of the applicant.

(5) Each person who is required to submit information pursuant to this section may submit additional information. Such information may include, but is not limited to:

(a) Information regarding publications in peer-reviewed medical literature within the previous 10 years.

(b) Information regarding professional or community-service activities or awards.

(c) Languages, other than English, used by the applicant to communicate with patients and identification of any translating service that may be available at the place where the applicant primarily conducts his or her practice.

(d) An indication of whether the person participates in the Medicaid program.

Section 2. (1) Beginning July 1, 1999, the Department of Health shall compile the information submitted pursuant to section 1 into a practitioner profile of the applicant submitting the information, except that the Department of Health may develop a format to compile uniformly any information submitted under paragraph 1(4)(b).

(2) On the profile required under subsection (1), the department shall indicate if the information provided under section 1(1)(a)7. is not corroborated by a criminal history check conducted according to this subsection. If the information provided under section 1(1)(a)7. is corroborated by the criminal history check, the fact that the criminal history check was performed need not be indicated on the profile. The department, or the board having regulatory authority over the practitioner acting on behalf of the department, shall investigate any information received by the department or the board when it has reasonable grounds to believe that the practitioner has violated any law that relates to the practitioner's practice.

(3) The Department of Health may include in each practitioner's practitioner profile that criminal information that directly relates to the practitioner's ability to competently practice his or her profession. The department must include in each practitioner's practitioner profile the following statement: "The criminal history information, if any exists, may

be incomplete; federal criminal history information is not available to the public."

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, Florida Statutes, a statement of how the practitioner has elected to comply with the financial responsibility requirements of section 458.320 or section 459.0085, Florida Statutes. The department shall include, with respect to practitioners licensed under chapter 458, chapter 459, or chapter 461, Florida Statutes, information relating to liability actions which have been reported under section 455.247 or section 627.912, Florida Statutes, within the previous 10 years for any paid claim that exceeds \$5,000. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other physicians within the same specialty to the extent such information is available to the Department of Health. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

(5) The Department of Health may include in the practitioner's practitioner profile any other information that is a public record of any governmental entity and that relates to a practitioner's ability to competently practice his or her profession. However, the department must consult with the board having regulatory authority over the practitioner before such information is included in his or her profile.

(6) Upon the completion of a practitioner profile under this section, the Department of Health shall furnish the practitioner who is the subject of the profile a copy of it. The practitioner has a period of 30 days in which to review the profile and to correct any factual inaccuracies in it. The Department of Health shall make the profile available to the public at the end of the 30-day period. The department shall make the profiles available to the public through the World Wide Web and other commonly used means of distribution.

(7) Making a practitioner profile available to the public under this section does not constitute agency action for which a hearing under section 120.57, Florida Statutes, may be sought.

Section 3. The Department of Health shall update each practitioner's practitioner profile periodically. An updated profile is subject to the same requirements as an original profile with respect to the period within which the practitioner may review the profile for the purpose of correcting factual inaccuracies.

Section 4. Effective upon this act becoming a law, the Department of Health must develop or contract for a computer system to accommodate the new data collection and storage requirements under this act pending the development and operation of a computer system by the Department of Health for handling the collection, input, revision, and update of data submitted by physicians as a part of their initial licensure or renewal to be compiled into individual practitioner profiles. The Department of Health must incorporate any data required by this act into the computer system used in conjunction with the regulation of health care professions under its jurisdiction. The department must develop, by the year 2000, a schedule and procedures for each practitioner within a health care profession regulated within the Division of Medical Quality Assurance to submit relevant information to be compiled into a profile to be made available to the public. The Department of Health is authorized to contract with and negotiate any interagency agreement necessary to develop and implement the practitioner profiles. The Department of Health shall have access to any information or record maintained by the Agency for Health Care Administration, including any information or record that is otherwise confidential and exempt from the provisions of chapter 119, Florida Statutes, and Section 24(a), Article I of the State Constitution, so that the Department of Health may corroborate any information that physicians are required to report under section 1 of this act.

Section 5. Effective upon this act becoming a law, the Department of Health shall adopt rules for the form of a practitioner profile that the agency is required to prepare. The Department of Health, pursuant to chapter 120, Florida Statutes, must hold public workshops for purposes of rule development to implement this section. An agency to which information is to be submitted under this act may adopt by rule a form for the submission of the information required under section 1.

Section 6. *Information in superseded practitioner profiles must be maintained by the Department of Health, in accordance with general law and the rules of the Department of State.*

Section 7. Paragraph (g) is added to subsection (1) of section 458.311, Florida Statutes, 1996 Supplement, to read:

458.311 Licensure by examination; requirements; fees.—

(1) Any person desiring to be licensed as a physician shall apply to the department to take the licensure examination. The department shall examine each applicant whom the board certifies:

(g) *Has submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.*

Section 8. Subsection (1) of section 458.313, Florida Statutes, 1996 Supplement, is amended to read:

458.313 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee not to exceed \$500 set by the board, demonstrates to the board that he:

(a) Has met the qualifications for licensure in s. 458.311(1)(b)-(g) ~~s. 458.311(1)(b)-(f)~~;

(b) Has obtained a passing score, as established by rule of the board, on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX), the United States Medical Licensing Examination (USMLE), or the examination of the National Board of Medical Examiners, or on a combination thereof, provided that said examination or combination of examinations required shall have been so taken within the 10 years immediately preceding the filing of his application for licensure under this section; and

(c) Shows evidence of the active licensed practice of medicine in another jurisdiction, for at least 2 of the immediately preceding 4 years, or completion of board-approved postgraduate training within the year preceding the filing of an application for licensure.

Section 9. Subsection (1) of section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application, evidence that the applicant has actively practiced medicine or has been on the active teaching faculty of an accredited medical school within the previous 4 years, and a fee not to exceed \$500; provided, however, that if the licensee is either a resident physician, assistant resident physician, fellow, house physician, or intern in an approved postgraduate training program, as defined by the board by rule, the fee shall not exceed \$100 per annum. If the licensee has not actively practiced medicine within the previous 4 years, the board shall require that the licensee successfully complete a board-approved clinical competency examination prior to renewal of the license. "Actively practiced medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community or public health, as defined by this chapter, including physicians practicing administrative medicine. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up*

*to \$50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 10. Subsection (1) of section 459.0055, Florida Statutes, 1996 Supplement, is amended to read:

459.0055 General licensure requirements.—

(1) Except as otherwise provided herein, any person desiring to be licensed or certified as an osteopathic physician pursuant to this chapter shall:

(a) Complete an application form and submit the appropriate fee to the department;

(b) Be at least 21 years of age;

(c) Be of good moral character;

(d) Have completed at least 3 years of preprofessional postsecondary education;

(e) Have not previously committed any act which would constitute a violation of this chapter, unless the board determines that such act does not adversely affect the applicant's present ability and fitness to practice osteopathic medicine;

(f) Not be under investigation in any jurisdiction for an act which would constitute a violation of this chapter. If, upon completion of such investigation, it is determined that the applicant has committed an act which would constitute a violation of this chapter, the applicant shall be ineligible for licensure unless the board determines that such act does not adversely affect the applicant's present ability and fitness to practice osteopathic medicine;

(g) Have not had an application for a license to practice osteopathic medicine denied or a license to practice osteopathic medicine revoked, suspended, or otherwise acted against by the licensing authority of any jurisdiction unless the board determines that the grounds on which such action was taken do not adversely affect the applicant's present ability and fitness to practice osteopathic medicine. A licensing authority's acceptance of a physician's relinquishment of license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician, shall be considered action against the osteopathic physician's license;

(h) Have met the criteria set forth in s. 459.006, s. 459.007, s. 459.0075, s. 459.0077, or s. 459.021, whichever is applicable;:

(i) *Submit to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.*

Section 11. Subsection (1) of section 459.008, Florida Statutes, is amended to read:

459.008 Renewal of licenses and certificates.—

(1) The department shall renew a license or certificate upon receipt of the renewal application and fee. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department,*

along with payment in an amount equal to the costs incurred by the Department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to \$50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.

Section 12. Paragraph (g) is added to subsection (1) of section 460.406, Florida Statutes, 1996 Supplement, to read:

**460.406 Licensure by examination.—**

(1) Any person desiring to be licensed as a chiropractic physician shall apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed \$100 which shall be nonrefundable. There shall also be an examination fee not to exceed \$500 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization, which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant who the board certifies has:

(g) *Submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.*

Section 13. Subsection (1) of section 460.407, Florida Statutes, is amended to read:

**460.407 Renewal of license.—**

(1) The department shall renew a license upon receipt of the renewal application and the fee set by the board not to exceed \$500. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to \$50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for*

*a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 14. Paragraph (f) is added to subsection (1) of section 461.006, Florida Statutes, to read:

**461.006 Licensure by examination.—**

(1) Any person desiring to be licensed as a podiatrist shall apply to the department to take the licensure examination. The department shall examine each applicant who the board certifies:

(f) *Has submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.*

Section 15. Subsection (1) of section 461.007, Florida Statutes, is amended to read:

**461.007 Renewal of license.—**

(1) The department shall renew a license upon receipt of the renewal application and a fee not to exceed \$350 set by the board. *An applicant for a renewed license must also submit the information required under section 1 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under section 1 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to \$50 for each day that the applicant is not in compliance with the requirements of section 1 of this act. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.*

Section 16. Section 455.225, Florida Statutes, 1996 Supplement, is amended to read:

**455.225 Disciplinary proceedings.—**Disciplinary proceedings for each board shall be within the jurisdiction of the department or the Agency for Health Care Administration, as appropriate.

(1)(a) The department or the Agency for Health Care Administration, for the boards under their respective jurisdictions, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department or the agency, or of any rule adopted by the department, the agency, or a regulatory board in the department or the agency has occurred. In order to determine legal sufficiency, the department or the agency may require supporting information or documentation. The department or the agency may investigate, and the department, the agency, or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department or the agency may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial,

and if the department or the agency has reason to believe, after preliminary inquiry, that the alleged violations in the complaint are true. The department or the agency may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department or the agency has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department or the agency may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, a rule of the agency, or a rule of a board.

(b) Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6), when an investigation of any subject is undertaken, the department or the agency shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chairman of the respective board or the chairman of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department or the agency may withhold notification. The department or the agency may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(2) The department and the Agency for Health Care Administration shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. *For purposes of this section, it is the intent of the Legislature that the term "expeditiously" means that the agency, for disciplinary cases under its jurisdiction, should complete the report of its initial investigative findings and recommendations concerning the existence of probable cause within 6 months after its receipt of the complaint. The failure of the agency, for disciplinary cases under its jurisdiction, to comply with the time limits of this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure.* When its investigation is complete and legally sufficient, the department or the agency shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department or the agency. The report shall contain the investigative findings and the recommendations of the department or the agency concerning the existence of probable cause. At any time after legal sufficiency is found, the department or the agency may dismiss any case, or any part thereof, if the department or the agency determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department or the agency shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department or the agency dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(3) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department or the agency may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Each board, or the department or the agency if there is no board, shall establish by rule those minor violations under this provision which do not endanger the public health, safety, and welfare and which do not demonstrate a serious inability to practice the profession. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department or the Agency for Health Care Administration, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the

department or the agency. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, willing to serve, and is authorized to do so by the board chairman. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department or the agency shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department or the agency, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department or the agency. The secretary may grant extensions of the 15-day and the 30-day time limits. ~~If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department or the agency may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists.~~ In lieu of a finding of probable cause, the probable cause panel, or the department or the agency when there is no board, may issue a letter of guidance to the subject. ~~If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the agency, for disciplinary cases under its jurisdiction, must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit.~~ If the probable cause panel finds that probable cause exists, it shall direct the department or the agency to file a formal complaint against the licensee. The department or the agency shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department or the agency shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department or the agency may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department or the agency shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department or the agency shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department or the agency within 1 year after the filing of a complaint. *The agency, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department or agency within 1 year after the filing of the complaint. Annually, the agency, for disciplinary cases under its jurisdiction if there is no board, or each board must establish a plan to reduce or otherwise close any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the agency within 1 year after the filing of the complaint.* A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the Health Care Trust Fund or the Professional Regulation Trust Fund, as appropriate. All proceedings of the probable cause panel are exempt from s. 120.525.

(5) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.



(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (4) being excused, or the department when there is no board, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the department or the agency.

(7) The department or the Agency for Health Care Administration, as appropriate, shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a licensee pursuant to s. 120.60(6) shall be conducted by the Secretary of Business and Professional Regulation or his designee or the Director of Health Care Administration or his designee, as appropriate, who shall issue the final summary order.

(9)(a) The department or the Agency for Health Care Administration, as appropriate, shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

*(b) In any disciplinary case under the jurisdiction of the Agency for Health Care Administration for which probable cause has been found, the Agency for Health Care Administration shall provide to the person who filed the complaint a copy of the administrative complaint and:*

*1. A written explanation of how an administrative complaint is resolved by the disciplinary process.*

*2. A written explanation of how and when the person may participate in the disciplinary process.*

*3. A written notice of any hearing before the Division of Administrative Hearings or the regulatory board at which final agency action may be taken.*

*(c) In any disciplinary case for which probable cause is not found, the Agency for Health Care Administration shall so inform the person who filed the complaint and notify that person that he or she may, within 60 days, provide any additional information to the probable cause panel which may be relevant to the decision. In any administrative proceeding under s. 120.57, the person who filed the disciplinary complaint shall have the right to present oral or written communication relating to the alleged disciplinary violations or to the appropriate penalty.*

(10) The complaint and all information obtained pursuant to the investigation by the department or the Agency for Health Care Administration are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department or the agency, or until the regulated professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first. Upon completion of the investigation and pursuant to a written request by the subject, the department or the agency shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. Notwithstanding s. 455.241, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation, if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain the confidentiality of patient records pursuant to s. 455.241. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days, unless an extension of time has been granted by the department or the agency. This subsection does not prohibit the department or the Agency for Health Care Administration from providing such information to any law enforcement agency or to any other regulatory agency.

(11) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complainant or witness acted in bad faith or with malice in providing such information.

(12)(a) No person who reports in any capacity, whether or not required by law, information to the department or the Division of Health

Quality Assurance of the Agency for Health Care Administration with regard to the incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 shall be held liable in any civil action for reporting against such health care provider if such person acts without intentional fraud or malice.

(b) No facility licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the agency about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without intentional fraud or malice.

(c) In any civil suit brought outside the protections of paragraphs (a) and (b), where intentional fraud or malice is alleged, the person alleging intentional fraud or malice shall be liable for all court costs and for the other party's reasonable attorney's fees if intentional fraud or malice is not proved.

Section 17. Present subsections (8) and (9) of section 455.2285, Florida Statutes, are renumbered as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

455.2285 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department and the Agency for Health Care Administration are each directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

*(8) A description of any effort by the agency, for any disciplinary cases under its jurisdiction, to reduce or otherwise close any investigation or disciplinary proceeding not before the Division of Administrative Hearings under chapter 120 or otherwise not completed within 1 year after the initial filing of a complaint under this chapter.*

Section 18. Subsection (5) of section 458.320, Florida Statutes, 1996 Supplement, is amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(14).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 458.317 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at an accredited medical school or in its main teaching hospitals. Such person may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the medical school.



(e) Any person holding an active license under this chapter who is not practicing medicine in this state. If such person initiates or resumes any practice of medicine in this state, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of medicine or maintains a part-time practice of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding \$10,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the medical practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time; probation for a period of 3 years or longer; or a fine of \$500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time physicians who meet state requirements are exempt from the financial responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either \$100,000, if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or \$250,000, if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

2. *The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.*

3.2. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4.3. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5.4. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

Section 19. Subsection (5) of section 459.0085, Florida Statutes, 1996 Supplement, is amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, and subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(14).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 459.0075 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his teaching duties at a college of osteopathic medicine. Such person may engage in the practice of osteopathic medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the college of osteopathic medicine.

(e) Any person holding an active license under this chapter who is not practicing osteopathic medicine in this state. If such person initiates or resumes any practice of osteopathic medicine in this state, he must notify the department of such activity.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of osteopathic medicine or maintains a part-time practice of osteopathic medicine of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding \$10,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time, probation for a period of 3 years or longer, or a fine of \$500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of an osteopathic physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician's license, shall be construed as action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with the provisions of this paragraph.

7. The licensee shall submit biennially to the department a certification stating compliance with the provisions of this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or to provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time osteopathic physicians who meet state requirements are exempt from the financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either \$100,000, if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or \$250,000, if the osteopathic physician is licensed pursuant to this chapter and maintains

hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he shall be subject to disciplinary action unless, within 30 days from the date of mailing, he either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

2. *The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.*

3.2. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4.3. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5.4. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required to either post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.

Section 20. Section 455.2478, Florida Statutes, is created to read:

*455.2478 Reports of professional liability actions; bankruptcies; Department of Health's responsibility to provide.—*

(1) *The report of a claim or action for damages for personal injury which is required to be provided to the Department of Health under s. 455.247 or s. 627.912 is public information except for the name of the claimant or injured person, which remains confidential as provided in s. 455.247(2)(d) and s. 627.912(2)(e). The Department of Health shall, upon request, make such report available to any person.*

(2) Any information in the possession of the Department of Health which relates to a bankruptcy proceeding by a practitioner of medicine licensed under chapter 458, a practitioner of osteopathic medicine licensed under chapter 459, a podiatrist licensed under chapter 461, or a dentist licensed under chapter 466 is public information. The Department of Health shall, upon request, make such information available to any person.

Section 21. Section 627.912, Florida Statutes, 1996 Supplement, is amended to read:

627.912 Professional liability claims and actions; reports by insurers.—

(1) Each self-insurer authorized under s. 627.357 and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed under ~~pursuant to the provisions of~~ chapter 458, to a practitioner of osteopathic medicine licensed under ~~pursuant to the provisions of~~ chapter 459, to a podiatrist licensed under ~~pursuant to the provisions of~~ chapter 461, to a dentist licensed under ~~pursuant to the provisions of~~ chapter 466, to a hospital licensed under ~~pursuant to the provisions of~~ chapter 395, to a crisis stabilization unit licensed under part IV of chapter 394, to a health maintenance organization certificated under part I of chapter 641, to clinics included in chapter 390, to an ambulatory surgical center as defined in s. 395.002, or to a member of The Florida Bar shall report in duplicate to the Department of Insurance any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured's professional services or based on a claimed performance of professional services without consent, if the claim resulted in:

- (a) A final judgment in any amount.
- (b) A settlement in any amount.
- (c) A final disposition not resulting in payment on behalf of the insured.

Reports shall be filed with the department and, if the insured party is licensed under ~~pursuant to~~ chapter 458, chapter 459, chapter 461, or chapter 466, with the ~~Agency for Health Care Administration Department of Business and Professional Regulation~~, no later than 30 ~~60~~ days following the occurrence of any event listed in paragraph (a), paragraph (b), or paragraph (c). The ~~Agency for Health Care Administration Department of Business and Professional Regulation~~ shall review each report and determine whether any of the incidents that resulted in the claim potentially involved conduct by the licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. The ~~Agency for Health Care Administration Department of Business and Professional Regulation~~, as part of the annual report required by s. 455.2285, shall publish annual statistics, without identifying licensees, on the reports it receives, including final action taken on such reports by the ~~agency Department of Business and Professional Regulation~~ or the appropriate regulatory board.

- (2) The reports required by subsection (1) shall contain:
  - (a) The name, address, and specialty coverage of the insured.
  - (b) The insured's policy number.
  - (c) The date of the occurrence which created the claim.
  - (d) The date the claim was reported to the insurer or self-insurer.
  - (e) The name and address of the injured person. This information is confidential and exempt from the provisions of s. 119.07(1), and must not be disclosed by the department without the injured person's consent, except for disclosure by the department to the ~~Agency for Health Care Administration Department of Business and Professional Regulation~~. This information may be used by the department for purposes of identifying multiple or duplicate claims arising out of the same occurrence.
  - (f) The date of suit, if filed.
  - (g) The injured person's age and sex.
  - (h) The total number and names of all defendants involved in the claim.

(i) The date and amount of judgment or settlement, if any, including the itemization of the verdict ~~as required under s. 768.48~~, together with a copy of the settlement or judgment.

(j) In the case of a settlement, such information as the department may require with regard to the injured person's incurred and anticipated medical expense, wage loss, and other expenses.

(k) The loss adjustment expense paid to defense counsel, and all other allocated loss adjustment expense paid.

(l) The date and reason for final disposition, if no judgment or settlement.

(m) A summary of the occurrence which created the claim, which shall include:

- 1. The name of the institution, if any, and the location within the institution at which the injury occurred.
- 2. The final diagnosis for which treatment was sought or rendered, including the patient's actual condition.
- 3. A description of the misdiagnosis made, if any, of the patient's actual condition.
- 4. The operation, diagnostic, or treatment procedure causing the injury.
- 5. A description of the principal injury giving rise to the claim.
- 6. The safety management steps that have been taken by the insured to make similar occurrences or injuries less likely in the future.

(n) Any other information required by the department to analyze and evaluate the nature, causes, location, cost, and damages involved in professional liability cases.

(3) Upon request by the ~~Agency for Health Care Administration Department of Business and Professional Regulation~~, the department shall provide ~~the that~~ ~~agency department~~ with any information received under ~~pursuant to~~ this section related to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466. For purposes of safety management, the department shall annually provide the Department of Health and Rehabilitative Services with copies of the reports in cases resulting in an indemnity being paid to the claimants.

(4) ~~There shall be no liability on the part of, and no cause of action of any nature shall arise against, any insurer reporting hereunder or its agents or employees or the department or its employees is not liable for any action taken by them under pursuant to this section, except that the department shall impose a fine of \$250 per day per case against an insurer that violates the requirements of this section. This subsection applies to claims accruing on or after October 1, 1997.~~

Section 22. The Agency for Health Care Administration shall establish a toll-free telephone number for public reporting of complaints relating to medical treatment or services provided by health care professionals.

Section 23. Subsection (1) of section 458.316, Florida Statutes, is amended to read:

458.316 Public health certificate.—

(1) Any person desiring to obtain a public health certificate shall submit an application fee not to exceed \$300 and shall demonstrate to the board that he is a graduate of an accredited medical school and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, or is licensed to practice medicine without restriction in another jurisdiction in the United States and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, and shall meet the requirements in s. 458.311(1)(a)-(g) ~~s. 458.311(1)(a)-(f)~~ and (5).

Section 24. Section 458.3165, Florida Statutes, is amended to read:

458.3165 Public psychiatry certificate.—The board shall issue a public psychiatry certificate to an individual who remits an application fee

not to exceed \$300, as set by the board, who is a board-certified psychiatrist, who is licensed to practice medicine without restriction in another state, and who meets the requirements in *s. 458.311(1)(a)-(g) s. 458.311(1)(a)-(f)* and (5).

(1) Such certificate shall:

(a) Authorize the holder to practice only in a public mental health facility or program funded in part or entirely by state funds.

(b) Be issued and renewable biennially if the secretary of the Department of Health and Rehabilitative Services and the chairman of the department of psychiatry at one of the public medical schools or the chairman of the department of psychiatry at the accredited medical school at the University of Miami recommend in writing that the certificate be issued or renewed.

(c) Automatically expire if the holder's relationship with a public mental health facility or program expires.

(d) Not be issued to a person who has been adjudged unqualified or guilty of any of the prohibited acts in this chapter.

(2) The board may take disciplinary action against a certificate-holder for noncompliance with any part of this section or for any reason for which a regular licensee may be subject to discipline.

Section 25. Paragraph (a) of subsection (1) of section 458.317, Florida Statutes, is amended to read:

458.317 Limited licenses.—

(1)(a) Any person desiring to obtain a limited license shall:

1. Submit to the board, with an application and fee not to exceed \$300, an affidavit stating that he has been licensed to practice medicine in any jurisdiction in the United States for at least 10 years and has retired or intends to retire from the practice of medicine and intends to practice only pursuant to the restrictions of a limited license granted pursuant to this section. If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he will not receive monetary compensation for any service involving the practice of medicine, the application fee and all licensure fees shall be waived.

2. Meet the requirements in *s. 458.311(1)(b)-(g) s. 458.311(1)(b)-(f)* and (5). If the applicant graduated from medical school prior to 1946, the board or its appropriate committee may accept military medical training or medical experience as a substitute for the approved 1-year residency requirement in *s. 458.311(1)(f)*.

Section 26. Except as otherwise provided in this act, this act shall take effect October 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to medical practitioners; requiring physicians, osteopathic physicians, podiatrists, and chiropractors to furnish specified biographical and other data to the Department of Health; requiring the department to verify certain of the information and compile the information submitted and other public record information into a practitioner profile of each licensee and to make the profiles available to the public; providing for rules; providing duties of practitioners to update information and duties of the department to update profiles; providing for retention of information in superseded profiles; amending ss. 458.311, 458.313, 458.319, F.S.; requiring applicants for licensure or relicensure as physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 459.0055, 459.008, F.S.; requiring applicants for licensure or relicensure as osteopathic physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 460.406, 460.407, F.S.; requiring applicants for licensure or relicensure as chiropractors to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 461.006, 461.007, F.S.; requiring applicants for licensure or relicensure as podiatrists to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administra-

tion or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending ss. 458.320, 459.0085, F.S.; requiring the agency to issue an emergency order suspending the license of a physician or osteopathic physician for certain violations; amending s. 455.2285, F.S.; requiring additional information in the annual report by the department and by the agency; creating s. 455.2478, F.S.; providing that reports on professional liability actions and information relating to bankruptcy proceedings of specified health care practitioners which are in the possession of the Department of Health are public records; requiring the department to make such information available to persons who request it; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; providing for a toll-free telephone number for reporting complaints relating to medical care; providing applicability; amending ss. 458.316, 458.3165, 458.317, F.S.; conforming cross-references; providing an effective date.

Senator Brown-Waite moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A**—On page 4, lines 20-22, delete those lines and insert: *department or board, as appropriate, may:*

(a) *Refuse to issue a license to any person applying for initial licensure who fails to submit and update the required information.*

(b) *Issue a*

Senator Sullivan moved the following amendment to **Amendment 1**:

**Amendment 1B (with title amendment)**—On page 48, between lines 3 and 4, insert:

Section 26. *Termination or non-renewal of a health care practitioner contract; hearing; exception.—Effective July 1, 1997, for all contracts executed after July 1, 1997, and by January 1, 1998, for health care practitioner contracts in existence as of July 1, 1997, a health maintenance organization may not terminate or fail to renew a contract with a health care practitioner unless the health maintenance organization provides the health care practitioner with a written explanation of the reasons for the proposed contract termination or non-renewal and an opportunity for a review or hearing to examine such proposed contract action. Before a contract termination or non-renewal can take effect, the review or hearing process must be completed. Each health maintenance organization must develop a practitioner appeals process that provides a right to a review or hearing relating to the termination or non-renewal of a health care practitioner contract. The practitioner appeals process must provide for a review or hearing before a panel appointed by the health maintenance organization. The panel shall be comprised of three persons appointed by the health maintenance organization. At least one person on such a panel must be a clinical peer in the same discipline and the same or similar specialty as the health care practitioner under review or who is the subject of a hearing. The panel may consist of more than three persons. However, the number of clinical peers on such a panel must constitute one-third or more of the total membership of the panel. This section does not apply if the contract termination or non-renewal involves imminent harm to a patient's health or is based on a final disciplinary action by the health care practitioner's licensing board or other governmental agency which restricts the authorization of the health care practitioner to practice.*

Section 27. Paragraph 641.315(6)(b), Florida Statutes, 1996 Supplement, is repealed.

(Renumber subsequent section.)

And the title is amended as follows:

On page 50, line 14, after the semicolon (;) insert: *providing requirements for health maintenance organization contracts with health care practitioners; providing an effective date; providing for applicability; prohibiting contract termination or non-renewal subject to a review or hearing; providing for a practitioner appeals process; providing exceptions; repealing paragraph 641.315(6)(b), F.S., 1996 Supplement, providing a contract termination procedure relating to contracts to which health maintenance organizations and health care providers are parties;*

## POINT OF ORDER

Senator Grant raised a point of order that pursuant to rule 7.1 **Amendment 1B** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

On motion by Senator Sullivan, **Amendment 1B** was withdrawn.

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 948** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

**SB 884**—A bill to be entitled An act relating to confidentiality of records relating to practitioner profiles; providing that information obtained for the purpose of creating such profiles is exempt from public-records disclosure; providing findings of public necessity; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendment which was moved by Senator Brown-Waite and adopted:

**Amendment 1 (with title amendment)**—On page 2, delete line 4, and insert: *the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, Florida Statutes, and shall stand repealed on October 2, 2002, unless reviewed and saved from repeal through reenactment by the Legislature.*

And the title is amended as follows:

On page 1, line 7, after “necessity,” insert: providing for future review and repeal;

Pursuant to Rule 4.19, **SB 884** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bankhead—

**SB 2250**—A bill to be entitled An act relating to long-term care; providing legislative findings and intent; creating the “Long-Term Care Community Diversion Pilot Project Act”; providing definitions; providing for evaluation of criteria and procedures for long-term care through community diversion pilot projects; providing for design and implementation of pilot projects; providing for funding and participant cost-sharing; providing for selection of pilot project areas; providing service requirements; providing for quality of care standards; authorizing contracts for managed care services; revising certificate-of-need nursing home bed need methodology to accommodate pilot project development; requiring annual reports; requiring independent evaluation of pilot projects; specifying responsibilities of the Department of Elderly Affairs and the Agency for Health Care Administration; creating the long-term care interagency advisory council; providing for appointment of members; providing council duties; amending s. 400.071, F.S.; authorizing the agency to consider specified certificate-of-need review criteria for nursing homes; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 2250** to **HB 1523**.

Pending further consideration of **SB 2250** as amended, on motion by Senator Bankhead, by two-thirds vote **HB 1523** was withdrawn from the Committees on Children, Families and Seniors; Health Care; and Ways and Means.

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

**HB 1523**—A bill to be entitled An act relating to long-term care; providing legislative findings and intent; creating the “Long-Term Care Community Diversion Pilot Project Act”; providing definitions; providing for evaluation of criteria and procedures for long-term care through community diversion pilot projects; providing for funding and participant cost-

sharing; providing for selection of pilot project areas; providing service requirements; providing for quality of care standards; authorizing contracts for managed care services; revising certificate-of-need nursing home bed need methodology to accommodate pilot project development; requiring annual reports; requiring independent evaluation of pilot projects; specifying responsibilities of the Department of Elderly Affairs and the Agency for Health Care Administration; creating the long-term care interagency advisory council; providing for appointment of members; providing council duties; amending s. 400.071, F.S.; authorizing the agency to consider specified certificate-of-need review criteria for nursing homes; providing an effective date.

—a companion measure, was substituted for **SB 2250** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1523** was placed on the calendar of Bills on Third Reading.

## MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until consideration of **CS for SB 1420**.

On motion by Senator Brown-Waite—

**CS for CS for SB 496**—A bill to be entitled An act relating to the regulation of orthotists and prosthetists; providing definitions; creating the Board of Orthotists and Prosthetists; establishing membership requirements; providing for the adoption of rules; providing licensure requirements; providing for fees; creating an educational programs task force; providing for licensure without examination; providing for provisional licenses; providing for license renewal; providing for temporary licenses; prohibiting certain acts and providing penalties; providing exemptions from licensure; prohibiting the use of certain titles by unlicensed persons; providing for construction; providing that provisions relating to the regulation and licensure of orthotic fitters or orthotic fitter assistants is not applicable to licensed pharmacists under certain conditions; providing an effective date.

—was read the second time by title.

## THE PRESIDENT PRESIDING

Senator Brown-Waite moved the following amendment which was adopted:

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

Section 1. *Definitions.*—As used in this act, the term:

(1) “Agency” means the Agency for Health Care Administration.

(2) “Board” means the Board of Orthotists and Prosthetists.

(3) “Department” means the Department of Health.

(4) “Orthosis” means a medical device used to provide support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity, but does not include the following assistive technology devices: upper extremity adaptive equipment used to facilitate the activities of daily living, including specialized utensils, combs, and brushes; finger splints; wheelchair seating and equipment that is an integral part of the wheelchair and not worn by the patient; elastic abdominal supports that do not have metal or plastic reinforcing stays; arch supports; nontherapeutic accommodative inlays and nontherapeutic accommodative footwear, regardless of method of manufacture; unmodified, over-the-counter shoes; prefabricated foot care products; durable medical equipment such as canes, crutches, or walkers; dental appliances; or devices implanted into the body by a physician. For purposes of this subsection, “accommodative” means designed with the primary goal of conforming to the individual’s anatomy and “inlay” means any removable material upon which the foot directly rests inside the shoe and which may be an integral design component of the shoe.

(5) “Orthotic fitter” means a person who is licensed to practice orthotics, pursuant to a licensed physician’s written prescription, whose scope

of practice is limited to fitting prefabricated cervical orthoses not requiring more than minor modification; pressure gradient hose; trusses; custom-molded therapeutic footwear; prefabricated spinal orthoses, except for those used in the treatment of scoliosis, rigid body jackets made of thermoformable materials, and "halo" devices; and prefabricated orthoses of the upper and lower extremities, except for those used in the treatment of bone fractures.

(6) "Orthotic fitter assistant" means a person who is licensed to practice orthotics, pursuant to a licensed physician's written prescription, whose scope of practice is limited to fitting, without modification, prefabricated soft cervical orthoses; prefabricated soft spinal supports; pressure gradient hose; trusses; and soft prefabricated orthoses for the upper and lower extremities.

(7) "Orthotics" means the practice, pursuant to a licensed physician's written prescription, of evaluating, treatment formulating, measuring, designing, fabricating, assembling, fitting, adjusting, servicing, or providing the initial training necessary to accomplish the fitting of an orthosis or pedorthic device; however, the repair, replacement, adjustment, or servicing of any existing orthosis may be performed without an additional prescription from the patient's physician, unless the original prescription states otherwise. If a patient is under the care of a licensed occupational therapist or physical therapist, the orthotist must consult with the therapist if the therapist has requested consultation regarding the fitting, design, or fabrication of an orthosis or regarding treatment with an orthosis.

(8) "Orthotist" means a person licensed to practice orthotics pursuant to this chapter.

(9) "Pedorthic device" means therapeutic shoes, shoe modifications made for therapeutic purposes, prosthetic fillers of the forefoot, and foot orthoses for use from the ankle and below, but does not include arch supports; nontherapeutic accommodative inlays and nontherapeutic accommodative footwear, regardless of method of manufacture; unmodified, over-the-counter shoes; or prefabricated foot care products. For purposes of this subsection, "accommodative" means designed with the primary goal of conforming to the individual's anatomy and "inlay" means any removable material upon which the foot directly rests inside the shoe and which may be an integral design component of the shoe.

(10) "Pedorthics" means the practice, pursuant to a licensed physician's written prescription, of evaluating, treatment formulating, measuring, designing, fabricating, assembling, fitting, adjusting, servicing, or providing the initial training necessary to accomplish the fitting of a pedorthic device; however, the repair, replacement, adjustment, or servicing of any existing pedorthic device may be performed without an additional prescription from the patient's physician, unless the original prescription states otherwise. If a patient is under the care of a licensed occupational therapist or physical therapist, the pedorthist must consult with the therapist if the therapist has requested consultation regarding the fitting, design, or fabrication of a pedorthic device or regarding treatment with a pedorthic device.

(11) "Pedorthist" means a person licensed to practice pedorthics pursuant to this chapter.

(12) "Prosthesis" means a medical device used to replace a missing appendage or other external body part, including an artificial limb, hand, or foot. It does not include surgically implanted devices or artificial eyes; dental appliances; ostomy products; cosmetic devices such as breast prostheses, eyelashes, or wigs; or other devices that do not have a significant impact on the musculoskeletal functions of the body.

(13) "Prosthetics" means the practice, pursuant to a licensed physician's written prescription, of evaluating, treatment formulating, measuring, designing, fabricating, assembling, fitting, adjusting, servicing, or providing the initial training necessary to accomplish the fitting of a prosthesis, except the repair, replacement, adjustment, or servicing of any existing prosthesis may be performed without an additional prescription from the patient's physician, unless the original prescription states otherwise. If a patient is under the care of a licensed occupational therapist or physical therapist, the prosthetist must consult with the therapist if the therapist has requested consultation regarding the fitting, design, or fabrication of a prosthesis or regarding treatment with a prosthesis.

(14) "Prosthetist" means a person licensed to practice prosthetics pursuant to this chapter.

(15) "Prosthetist-orthotist" means a person licensed to practice as a prosthetist and as an orthotist.

Section 2. Board of Orthotists and Prosthetists; appointment; membership; terms; headquarters.—

(1) The Board of Orthotists and Prosthetists is created within the Department of Health and shall consist of seven members appointed by the Governor and confirmed by the Senate.

(2) The members of the board must be residents of this state. One member must be a practicing prosthetist with 3 years' experience after receiving a Bachelor of Science degree in Orthotics and Prosthetics; one member must be a practicing prosthetist with at least 6 years' experience after certification by a national certifying body; one member must be a practicing orthotist with 3 years' experience after receiving a Bachelor of Science degree in Orthotics and Prosthetics; one member must be a practicing orthotist with at least 6 years' experience after certification by a national certifying body; two members must be prosthetic or orthotic users who are not deriving economic benefit from the fitting or dispensing of orthotic or prosthetic devices and who have never been orthotists or prosthetists or members of a closely related profession; and one member must be a physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, who has extensive knowledge of orthotics or prosthetics. One of the prosthetist or orthotist members must have received training in pedorthics and have 3 years of pedorthic experience as part of his or her practice.

(3) Members of the board shall be appointed for terms of 4 years each and shall serve until their successors are appointed. However, for the purpose of staggering terms, two of the original board members shall serve terms of 4 years each, two shall serve terms of 3 years each, two shall serve terms of 2 years each, and one shall serve a term of 1 year, as designated by the Governor. Members may be reappointed for additional terms.

(4) The provisions of chapter 455, Florida Statutes, relating to activities of regulatory boards apply to the board.

(5) The board shall maintain its official headquarters in Tallahassee.

Section 3. Authority to adopt rules.—The board shall adopt rules to administer this act, including rules relating to standards of practice for orthotists, prosthetists, and pedorthists.

Section 4. Licensure requirements.—

(1) The department shall issue a license to practice orthotics, prosthetics, or pedorthics to qualified applicants. Licensure shall be granted independently in orthotics, prosthetics, or pedorthics, but a person may be licensed in more than one such discipline.

(2) An applicant for licensure must apply to the department on a form prescribed by it in order to take the appropriate licensure examination, including a practical examination demonstrating clinical patient management, when appropriate, and written examinations, one of which demonstrates orthotic, prosthetic, or pedorthic problem-solving skills. The board may accept the examination results of a national orthotic, prosthetic, or pedorthic standards organization in lieu of administering the state examination. In such cases, the department shall set fees appropriate to the level of practitioner and shall examine each applicant who the board verifies:

(a) Has completed the application form and paid an application fee, not to exceed \$500, which shall be nonrefundable, an examination fee and the actual per applicant costs to the department for purchase or development of the examination, and a license fee not to exceed \$500;

(b) Is of good moral character;

(c) Is 18 years of age or older;

(d) Has completed the appropriate educational preparation, including practical training requirements; and

(e) Has successfully completed an appropriate clinical internship in the professional area for which the license is sought.

(3) In addition to the requirements in subsection (2), to be licensed as:

(a) An orthotist, the applicant must have:

1. A Bachelor of Science degree in Orthotics and Prosthetics from a regionally accredited college or university, or a bachelor's degree with a certificate in orthotics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board; and

2. An appropriate internship of 1 year of qualified experience, as determined by the board, or a residency program recognized by the board.

(b) A prosthetist, the applicant must have:

1. A Bachelor of Science degree in Orthotics and Prosthetics from a regionally accredited college or university, or a bachelor's degree with a certificate in prosthetics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board; and

2. An internship of 1 year of qualified experience, as determined by the board, or a residency program recognized by the board.

(c) An orthotic fitter, the applicant must have:

1. A high school diploma or its equivalent;
2. A minimum of 40 hours of training in orthotics education, as approved by the board; and
3. Two years of experience in orthotics, as approved by the board.

(d) An orthotic fitter assistant, the applicant must have:

1. A high school diploma or its equivalent; and
2. A minimum of 40 hours of training in orthotics education, as approved by the board.

(e) A pedorthist, the applicant must have:

1. A high school diploma or its equivalent;
2. A minimum of 120 hours of training, as approved by the board; and
3. An internship of 80 hours of qualified working experience, as determined by the board.

(4) The board shall provide for an alternative to the requirements set forth in paragraphs (3)(a) and (b), which shall include an associate degree, including courses in the anatomical, biological, and physical sciences, and a minimum of 3 years' clinical experience, after receiving the degree, under the direct supervision of an orthotist, prosthetist, or prosthetist-orthotist in the discipline for which licensure is sought. This subsection is repealed July 1, 2002.

#### Section 5. Orthotists and Prosthetists Educational Programs Task Force.—

(1) There is created, within the Department of Health, the Orthotists and Prosthetists Educational Programs Task Force to assist the Board of Orthotists and Prosthetists in developing the proper educational requirements and minimum professional knowledge, competencies, and skills necessary for licensure of practitioners under this act. After review of existing national certifying examinations, the task force must make recommendations regarding the availability of examinations meeting the identified professional knowledge, competencies, and skills. The task force must also make recommendations related to the availability of public and private educational and training programs within the state and strategies for addressing unmet needs. The task force must make its recommendations to the board and to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the applicable legislative committees of substance by January 15, 1998. The task force shall consist of five members appointed by the Secretary of Health, one of whom shall be designated by the secretary as chair. Members shall serve at the pleasure of the secretary.

(2) The task force shall meet at least once annually and may meet as often as is necessary. The chair, a quorum of the task force, or the department shall have the authority to call other meetings. A quorum is neces-

sary for the purpose of conducting official business of the task force. Three members of the task force shall constitute a quorum.

(3) The task force shall use accepted rules of procedure to conduct its meetings. The department shall keep on file a complete record of each meeting.

(4) Members of the task force shall receive no compensation for their services, but shall be entitled to receive per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(5) The task force may hold public hearings and may request that the department use its power to obtain information or evidence for consideration by the task force. The department shall provide administrative and staff support services relating to the functions of the task force.

#### Section 6. Licensure without examination; provisional licensure.—

(1) A person who has practiced orthotics, prosthetics, or pedorthics in this state for the required period since July 1, 1990, who, before March 1, 1998, applies to the department for a license to practice orthotics, prosthetics, or pedorthics, may be licensed as a prosthetist, orthotist, prosthetist-orthotist, orthotic fitter, orthotic fitter assistant, or pedorthist, as determined from the person's experience and educational preparation, without meeting the educational requirements set forth in section 4 of this act, upon receipt of the application fee and licensing fee and after the board has completed an investigation into the applicant's background and experience. The board shall require an application fee not to exceed \$500, which shall be nonrefundable. The board shall complete its investigation within 6 months after receipt of the application. The period of experience required for licensure under this subsection is 5 years for a prosthetist; 2 years for an orthotic fitter, an orthotic fitter assistant, or a pedorthist; and 5 years for an orthotist whose scope of practice is defined under section 1(7) of this act.

(2)(a) A person who has received certification as an orthotist, a prosthetist, or a prosthetist-orthotist from a national certifying body and who has practiced orthotics or prosthetics in this state for at least 2 years but less than 5 years is eligible for a provisional license.

(b) An applicant for provisional licensure shall submit proof that he or she has been actively practicing as a nationally certified orthotist, prosthetist, or prosthetist-orthotist, an application fee, and a provisional license fee.

(c) A provisional licensee is required to practice under supervision of a fully licensed orthotist, prosthetist, or prosthetist-orthotist for up to 3 years in order to meet the 5-year experience requirement of subsection (1) to be licensed as an orthotist, prosthetist, or prosthetist-orthotist.

(d) After appropriate investigation, the board shall license as an orthotist, prosthetist, or prosthetist-orthotist the provisional licensee who has successfully completed the period of experience required and otherwise meets the requirements of subsection (1).

(e) The board shall require an application fee, not to exceed \$500, which is nonrefundable, and a provisional licensure fee, not to exceed \$500.

(3) An applicant who has received certification as an orthotist, a prosthetist, a prosthetist-orthotist, or a pedorthist from a national certifying body which requires the successful completion of an examination, may be licensed under this section without taking an additional examination. An applicant who has not received certification from a national certifying body which requires the successful completion of an examination shall be required to take an examination as determined by the board. This examination shall be designed to determine if the applicant has the minimum qualifications needed to be licensed under this section. The board may charge an examination fee and the actual per applicant cost to the department for purchase or development of the examination.

(4) This section is repealed July 1, 2002.

#### Section 7. Biennial renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application fee, not to exceed \$500, as set by the board.

(2) The board shall adopt rules establishing a procedure for the biennial license renewal.



(3) The board may by rule prescribe continuing education requirements and approve course criteria, not to exceed 30 hours biennially, as a condition for license renewal. The board shall establish a procedure for approving continuing education courses and may set a fee for continuing education course approval.

Section 8. *Temporary license.*—The board may adopt rules governing the issuance of temporary licenses.

(1) The board may issue a temporary license to:

(a) An applicant for licensure who has recently moved to this state and has applied for a license, if the applicant is licensed in another state and that state has standards comparable to those in this state as determined by the board.

(b) An applicant certified by a national certifying organization whose highest current educational and training requirements are equal to or exceed the requirements in this act, as determined by the board, and who presents proof that he or she has been actively engaged in the practice of orthotics, prosthetics, or pedorthics within 5 years prior to the application.

(2) A temporary license shall be issued for a limited period of time, not to exceed 1 year, and is renewable for up to 1 additional year.

(3) At the end of the temporary license period, if the person holding a temporary license has made application for full licensure under the appropriate licensure category, the board may grant the appropriate license upon receipt of the license fee and after the board has completed an investigation and evaluation of the applicant's education and experience.

Section 9. *Support personnel.*—A person must be licensed to practice orthotics, prosthetics, or pedorthics in this state. However, a licensed orthotist, prosthetist, or pedorthist may delegate duties to nonlicensed supportive personnel if those duties are performed under the direct supervision of a licensed orthotist, prosthetist, or pedorthist. In such instances the supervising licensee is responsible for all acts performed by such persons.

Section 10. *Prohibitions; penalties.*—

(1) A person may not:

(a) Make a false or fraudulent statement in any application, affidavit, or statement presented to the board or in any proceeding before the board.

(b) Practice orthotics, prosthetics, or pedorthics without a license issued pursuant to this act unless otherwise exempt.

(2) A person who violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Section 11. *Disciplinary proceedings.*—

(1) The following acts are grounds for disciplinary action against a licensee and the issuance of cease and desist orders or other related action by the department, pursuant to s. 455.227, Florida Statutes, against any person who engages in or aids in a violation.

(a) Attempting to procure a license by fraudulent misrepresentation.

(b) Having a license to practice orthotics, prosthetics, or pedorthics revoked, suspended, or otherwise acted against, including the denial of licensure in another jurisdiction.

(c) Being convicted or found guilty of or pleading *nolo contendere* to, regardless of adjudication, in any jurisdiction, a crime that directly relates to the practice of orthotics, prosthetics, or pedorthics, including violations of federal laws or regulations regarding orthotics, prosthetics, or pedorthics.

(d) Filing a report or record that the licensee knows is false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only reports or records that are signed in a person's capacity as a licensee under this act.

(e) Advertising goods or services in a fraudulent, false, deceptive, or misleading manner.

(f) Violation of this act or chapter 455, Florida Statutes, or any rules adopted thereunder.

(g) Violation of an order of the board, agency, or department previously entered in a disciplinary hearing or failure to comply with a subpoena issued by the board, agency, or department.

(h) Practicing with a revoked, suspended, or inactive license.

(i) Gross or repeated malpractice or the failure to deliver orthotic, prosthetic, or pedorthic services with that level of care and skill which is recognized by a reasonably prudent licensed practitioner with similar professional training as being acceptable under similar conditions and circumstances.

(j) Failing to provide written notice of any applicable warranty for an orthosis, prosthesis, or pedorthic device that is provided to a patient.

(2) The board may enter an order imposing one or more of the penalties in s. 455.227(2), Florida Statutes, against any person who violates any provision of subsection (1).

Section 12. *Exemptions from licensure.*—

(1) This act does not apply to:

(a) A person who is licensed under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes;

(b) A person performing services for the Federal Government, if the person provides orthotic, prosthetic, or pedorthic care solely under the direction or control of the organization by which that person is employed;

(c) A person fulfilling the supervised residency or internship experience requirements of this act;

(d) A student, fellow, or trainee in orthotics, prosthetics, or pedorthics pursuing a course of study at a regionally accredited college or university or working in a recognized training center or research facility, if the activities and services are part of a course of study under a supervisor licensed under this act;

(e) An instructor in a regionally accredited university or college, while performing regularly assigned work under the curriculum of such a school; or

(f) A person engaged exclusively in the fabricating, fitting, or servicing of devices excluded under this act.

(2) This act does not require an additional license of, or regulate the practice of, any other licensed health care professional within the state, or prevent a qualified member of any other profession or any person employed under the supervision of such a licensed professional from doing work of a nature consistent with that person's training, as long as the person does not hold himself or herself out to the public as a licensee under this act.

(3) The provisions of this act relating to orthotics or pedorthics do not apply to any licensed pharmacist or to any person acting under the supervision of a licensed pharmacist. The practice of orthotics or pedorthics by a pharmacist or any of the pharmacist's employees acting under the supervision of a pharmacist shall be construed to be within the meaning of the term "practice of the profession of pharmacy" as set forth in s. 465.003(12), Florida Statutes, and shall be subject to regulation in the same manner as any other pharmacy practice. The Board of Pharmacy shall develop rules regarding the practice of orthotics and pedorthics by a pharmacist. Any pharmacist or person under the supervision of a pharmacist engaged in the practice of orthotics or pedorthics shall not be precluded from continuing that practice pending adoption of these rules.

Section 13. *Use of titles.*—A person must be licensed under this act to represent himself or herself as a licensed orthotist or prosthetist or use in connection with his or her name the words "orthotist," "prosthetist," "prosthetist-orthotist," "orthotic fitter," "orthotic fitter assistant," "pedorthist," or abbreviations, titles, or insignia indicating that he or she is an orthotist, prosthetist, prosthetist-orthotist, orthotic fitter, orthotic fitter assistant, or pedorthist.



Section 14. This act shall take effect July 1, 1997.

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 regulation of orthotists, prosthetists, and pedorthists; providing definitions; creating the Board of Orthotists and Prosthetists; establishing membership requirements; providing for the adoption of rules; providing licensure requirements; providing for fees; creating the Orthotists and Prosthetists Educational Programs Task Force; providing for licensure without examination; providing for provisional licenses; providing for license renewal; providing for temporary licenses; prohibiting certain acts and providing penalties; providing exemptions from licensure; prohibiting the use of certain titles by unlicensed persons; providing for construction; providing that the provisions of the act relating to orthotics do not apply to licensed pharmacists or persons acting under the supervision of licensed pharmacists; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 496** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

**CS for SB 1682**—A bill to be entitled An act relating to health insurance; amending s. 627.6406, F.S., relating to coverage for maternity care; prohibiting an insurer from imposing certain limitations on benefits, coverage, or reimbursement; amending s. 627.6425, F.S.; requiring an insurer that provides individual coverage to renew or continue coverage; providing certain exceptions; requiring an insurer to provide notice of discontinuation; authorizing an insurer to modify coverage; revising requirements for renewability of individual coverage; creating s. 627.6475, F.S.; providing for an individual reinsurance pool; providing purpose; providing definitions; providing applicability and scope; providing requirements for availability of coverage; requiring maintenance of records; providing an election for carriers; providing an election process; requiring operations of the program to be subject to the board of the Florida Small Employer Reinsurance Program; requiring the establishment of a separate account; providing for standards to assure fair marketing; authorizing the Department of Insurance to adopt rules; creating s. 627.6487, F.S.; providing for guaranteed availability of health insurance coverage to eligible individuals; prohibiting an insurer or health maintenance organization from declining coverage for eligible individuals or imposing preexisting conditions; providing definitions; providing certain exceptions; creating s. 627.64871, F.S.; providing for application of requirements for certification of coverage; providing exceptions; creating s. 627.6512, F.S.; exempting certain group health insurance policies from specified requirements with respect to excepted benefits; amending s. 627.6561, F.S., relating to exclusions for preexisting conditions; providing definitions; specifying circumstances under which an insurer may impose an exclusion for a preexisting condition; providing exceptions; providing requirements for creditable coverage; providing for an election of methods for calculating creditable coverage; requiring disclosure of certain elections; providing for establishing creditable coverage; providing exceptions; requiring an issuer to provide certification pursuant to rules adopted by the department; creating s. 627.65615, F.S.; providing for special enrollment periods for employees and dependents; specifying conditions for special enrollment periods; creating s. 627.65625, F.S.; prohibiting an insurer from discriminating against individual participants and beneficiaries based on health status; creating s. 627.6571, F.S.; specifying circumstances under which an insurer that issues group health insurance policies must renew or continue coverage; providing for notice of discontinuation; providing a process for notification; authorizing an insurer to modify coverage; amending s. 627.6574, F.S., relating to coverage for maternity care; prohibiting a group, blanket, or franchise policy from imposing certain limitations on enrolling or renewing coverage; prohibiting an insurer from imposing certain limitations on benefits, coverage, or reimbursement; prohibiting an insurer from providing monetary payments or rebates; amending s. 627.6675, F.S.; revising time limitations for application for and payment of a converted policy; requiring an insurer to offer a standard health benefit plan; amending s. 627.6699, F.S., relating to the Employee Health Care Access Act; revising definitions; providing requirements for policies with respect to preexisting conditions; providing exceptions; requiring special enrollment periods; authorizing a small carrier to deny coverage under certain circumstances; revising requirements for renewing coverage; increasing membership of the board of the Small Employer Health Reinsurance

Program; requiring a small employer to disclose certain information with respect to a health benefit plan; creating s. 627.94075, F.S.; authorizing the issuance of federally qualified long-term care insurance contracts; requiring policies and applications to disclose whether a policy is or is not federally qualified for favorable tax treatment; providing rule-making authority to the department for this purpose; creating s. 641.2018, F.S.; authorizing a health maintenance organization to offer high deductible contracts to certain employers; amending s. 641.31, F.S.; revising requirements for a health maintenance contract that provides coverage for maternity care; prohibiting a health maintenance organization from denying eligibility to enroll or to renew coverage; prohibiting such an organization from imposing certain limitations on benefits, coverage, or reimbursement; prohibiting such an organization from providing monetary payments or rebates; amending s. 641.3102, F.S.; prohibiting health maintenance organizations from declining to offer coverage to an eligible individual under s. 627.6487, F.S.; creating s. 641.31071, F.S., relating to exclusions for preexisting conditions; providing definitions; specifying circumstances under which a health maintenance organization may impose an exclusion for a preexisting condition; providing exceptions; providing requirements for creditable coverage; providing for an election of methods for calculating creditable coverage; requiring disclosure of certain elections; providing for establishing creditable coverage; providing exceptions; requiring a health maintenance organization to provide certification pursuant to rules adopted by the department; creating s. 641.31072, F.S.; requiring a health maintenance organization to provide for special enrollment periods under a contract for employees and dependents; providing conditions for special enrollment periods; creating s. 641.31073, F.S.; prohibiting a health maintenance organization from discriminating against individual participants and beneficiaries based on health status; creating s. 641.31074, F.S.; requiring a health maintenance organization to renew or continue coverage of certain group health insurance contracts; requiring notice of discontinuation; prescribing a process for notification; authorizing a health maintenance organization to modify coverage; amending s. 641.3921, F.S.; clarifying circumstances under which a health maintenance organization may issue a converted contract; amending s. 641.3922, F.S.; revising the time limitation for applying for a converted contract; requiring a health maintenance organization to offer a standard health benefit plan; providing that the act fulfills an important state interest; repealing s. 627.6576, F.S., relating to a prohibition against discriminating against handicapped persons under policies of group, blanket, or franchise health insurance; providing for application of the act; providing for application of the act with respect to a plan or contract maintained pursuant to a collective bargaining agreement; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendment which was moved by Senator Diaz-Balart and adopted:

**Amendment 1 (with title amendment)**—On page 28, between lines 3 and 4, insert:

Section 6. Section 627.6489, Florida Statutes, is created to read:

*627.6489 Disease Management Program.—*

(1) *The association may contract with insurers to provide disease management services for insurers that elect to participate in the association disease management program.*

(2) *An insurer that elects to contract for such services shall provide the association with all medical records and claims information necessary for the association to effectively manage the services.*

(3) *Monies collected by the association for providing disease management services shall be used by the association to pay administrative expenses associated with the disease management program. No costs related to the disease management program provided to an insurer shall be assessed against any other insurer.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 6, after the first semicolon (;) insert: creating s. 627.6489, F.S.; authorizing the Florida Comprehensive Health Association to contract with insurers to provide disease management services;

The Committee on Health Care recommended the following amendment which was moved by Senator Diaz-Balart:

**Amendment 2 (with title amendment)**—On page 70, line 18 through page 71, line 11, delete those lines and insert:

Section 15. Section 627.9404, Florida Statutes, 1996 Supplement, is amended to read:

627.9404 Definitions.—For the purposes of this part:

(1) “Long-term care insurance” means any insurance policy or rider advertised, marketed, offered, or designed to provide coverage on an expense-incurred, indemnity, prepaid, or other basis for one or more necessary or medically necessary diagnostic, preventive, therapeutic, curing, treating, mitigating, rehabilitative, maintenance, or personal care services provided in a setting other than an acute care unit of a hospital. Long-term care insurance shall not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income protection coverage, accident only coverage, specified disease or specified accident coverage, or limited benefit health coverage.

(2) “Applicant” means:

(a) In the case of an individual long-term care insurance policy, the person who seeks to contract for benefits.

(b) In the case of a group long-term care insurance policy, the proposed certificateholder.

(3) “Certificate” means any certificate issued under a group long-term care insurance policy, which policy has been delivered or issued for delivery in this state.

(4) “Chronically ill” means certified by a licensed health care practitioner as:

(a) Being unable to perform, without substantial assistance from another individual, at least 2 activities of daily living for a period of at least 90 days due to a loss of functional capacity;

(b) Having a level of disability similar to the level of disability described in paragraph (a); or

(c) Requiring substantial supervision for protection from threats to health and safety due to severe cognitive impairment.

(5)(4) “Cognitive impairment” means a deficiency in a person’s short-term or long-term memory, orientation as to person, place, and time, deductive or abstract reasoning, or judgment as it relates to safety awareness.

(6) “Licensed health care practitioner” means any physician, registered professional nurse, licensed social worker, or any individual who meets any requirements prescribed by rule by the Commissioner of Insurance.

(7) “Maintenance or Personal Care Services” means any care the primary purpose of which is the provision of needed assistance with any of the disabilities as a result of which the individual is a chronically ill individual, including the protection from threats to health and safety due to severe cognitive impairment.

(8)(5) “Policy” means any policy, contract, subscriber agreement, rider, or endorsement delivered or issued for delivery in this state by any of the entities specified in s. 627.9403.

(9) “Qualified long-term care services” means necessary diagnostic, preventive, curing, treating, mitigating, and rehabilitative services, and maintenance or personal care services which are required by a chronically ill individual and are provided pursuant to a plan of care prescribed by a licensed health care practitioner.

(10) “Qualified long-term care insurance policy” means an accident and health insurance contract as defined in s. 7702B(b) of the Internal Revenue Code.

Section 16. Subsection (1) of section 627.9407, Florida Statutes, is amended, and subsection (12) is added to that section, to read:

627.9407 Disclosure, advertising, and performance standards for long-term care insurance.—

(1) STANDARDS.—The department shall adopt rules that include standards for full and fair disclosure setting forth the manner, content, and required disclosures of the sale of long-term care insurance policies, terms of renewability, initial and subsequent conditions of eligibility, nonduplication of coverage provisions, coverage of dependents, preexisting conditions, termination of insurance, continuation or conversion, probationary periods, limitations, exceptions, reductions, elimination periods, requirements for replacement, recurrent conditions, *disclosure of tax consequences, benefit triggers, prohibition against post-claims underwriting, reporting requirements, standards for marketing, and definitions of terms.*

(12) DISCLOSURE.—*A qualified long-term care insurance policy must include a disclosure statement within the policy and within the outline of coverage that the policy is intended to be a qualified long-term contract. A long-term care insurance policy that is not intended to be a qualified long-term care insurance contract must include a disclosure statement within the policy and within the outline of coverage that the policy is not intended to be a qualified long-term care insurance contract. The disclosure shall be prominently displayed and shall read as follows: “This long-term care insurance policy is not intended to be a qualified long-term care insurance contract. You need to be aware that benefits received under this policy may create unintended, adverse income tax consequences to you. You may want to consult with a knowledgeable individual about such potential income tax consequences.”*

Section 17. Subsections (6), (7), (8), (9), and (10) are added to section 627.94071, Florida Statutes, 1996 Supplement, to read:

627.94071 Minimum standards for home health care benefits.—A long-term care insurance policy, certificate, or rider that contains a home health care benefit must meet or exceed the minimum standards specified in this section. The policy, certificate, or rider may not exclude benefits by any of the following means:

(6) Excluding coverage for personal care services provided by a home health aide.

(7) Requiring that the provision of home health care services be at a level of certification of licensure greater than that required by the eligible service.

(8) Requiring that the insured/claimant have an acute condition before home health care services are covered.

(9) Limiting benefits to services provided by Medicare-certified agencies or providers.

(10) Excluding coverage for adult day care services.

Section 18. Subsection (2) of section 627.94072, Florida Statutes, 1996 Supplement, is amended to read:

627.94072 Mandatory offers.—

(2) An insurer that offers a long-term care insurance policy, certificate, or rider in this state must offer a nonforfeiture protection provision providing reduced paid-up insurance, ~~cash surrender values which may include return of premiums~~, extended term, shortened benefit period, or any other benefits approved by the department if all or part of a premium is not paid. Nonforfeiture benefits and any additional premium for such benefits must be computed in an actuarially sound manner, using a methodology that has been filed with and approved by the department.

Section 19. Section 627.94073, Florida Statutes, 1996 Supplement, is amended to read:

627.94073 Notice of cancellation; grace period.—

(1) A long-term care policy shall provide that the insured is entitled to a grace period of not less than 30 days, within which payment of any premium after the first may be made. ~~The insurer may require payment of an interest charge not in excess of 8 percent per year for the number~~

~~of days elapsing before the payment of the premium, during which period the policy shall continue in force. If the policy becomes a claim during the grace period before the overdue premium is paid, the amount of such premium or premiums with interest not in excess of 8 percent per year may be deducted in any settlement under the policy.~~

(2) A long-term care policy may not be canceled for nonpayment of premium unless, after expiration of the grace period in subsection (1), and at least 30 days prior to the effective date of such cancellation, the insurer has mailed a notification of possible lapse in coverage to the policyholder and to a specified secondary addressee if such addressee has been designated in writing by name and address by the policyholder. For policies issued or renewed on or after October 1, 1996, the insurer shall notify the policyholder, at least once every 2 years, of the right to designate a secondary addressee. *The applicant has the right to designate at least one person who is to receive the notice of termination, in addition to the insured. Designation shall not constitute acceptance of any liability on the third party for services provided to the insured. The form used for the written designation must provide space clearly designated for listing at least one person. The designation shall include each person's full name and home address. In the case of an applicant who elects not to designate an additional person, the waiver shall state: "Protection against unintended lapse.—I understand that I have the right to designate at least one person other than myself to receive notice of lapse or termination of this long-term care insurance policy for nonpayment of premium. I understand that notice will not be given until 30 days after a premium is due and unpaid. I elect NOT to designate any person to receive such notice." Notice shall be given by first class United States mail, postage prepaid, and notice may not be given until 30 days after a premium is due and unpaid. Notice shall be deemed to have been given as of 5 days after the date of mailing.*

(3) If a policy is canceled due to nonpayment of premium, the policyholder shall be entitled to have the policy reinstated if, within a period of not less than 5 months ~~150 days~~ after the date of cancellation, the policyholder or any secondary addressee designated pursuant to subsection (2) demonstrates that the failure to pay the premium when due was unintentional and due to the cognitive impairment ~~or loss of functional capacity~~ of the policyholder. Policy reinstatement shall be subject to payment of overdue premiums. *The standard of proof of cognitive impairment or loss of functional capacity shall not be more stringent than the benefit eligibility criteria for cognitive impairment or the loss of functional capacity, if any, contained in the policy and certificate. The insurer may require payment of an interest charge not in excess of 8 percent per year for the number of days elapsing before the payment of the premium, during which period the policy shall continue in force if the demonstration of cognitive impairment is made. If the policy becomes a claim during the 180 day period before the overdue premium is paid, the amount of the premium or premiums with interest not in excess of 8 percent per year may be deducted in any settlement under the policy.*

(4) *When the policyholder or certificateholder pays premium for a long-term care insurance policy or certificate policy through a payroll or pension deduction plan, the requirements in subsection (2) need not be met until 60 days after the policyholder or certificateholder is no longer on such a payment plan. The application or enrollment form for such policies or certificates shall clearly indicate the payment plan selected by the applicant.*

Section 20. Section 627.94074, Florida Statutes, 1996 Supplement, is amended to read:

627.94074 Standards for benefit triggers.—

(1)(a) A long-term care insurance policy shall condition the payment of benefits on a determination of the insured's ability to perform activities of daily living and on cognitive impairment. Eligibility for the payment of benefits shall not be more restrictive than requiring either a deficiency in the ability to perform not more than three of the activities of daily living or the presence of cognitive impairment; *or*:

(b) *If a policy is a qualified long-term care insurance policy, the policy shall condition the payment of benefits on a determination of the insured's being chronically ill. Eligibility for the payment of benefits shall not be more restrictive than requiring a deficiency in the ability to perform not more than 3 of the activities of daily living.*

(2) Activities of daily living shall include at least:

(a) "Bathing," which means washing oneself by sponge bath or in either a tub or shower, including the task of getting into or out of the tub or shower.

(b) "Continence," which means the ability to maintain control of bowel and bladder function, or, when unable to maintain control of bowel or bladder function, the ability to perform associated personal hygiene, including caring for catheter or colostomy bag.

(c) "Dressing," which means putting on and taking off all items of clothing and any necessary braces, fasteners, or artificial limbs.

(d) "Eating," which means feeding oneself by getting food into the body from a receptacle, such as a plate, cup, or table, or by a feeding tube or intravenously.

(e) "Toileting," which means getting to and from the toilet, getting on and off the toilet, and performing associated personal hygiene.

(f) "Transferring," which means moving into or out of a bed, chair, or wheelchair.

(3) Insurers may use activities of daily living to trigger covered benefits in addition to those contained in subsection (2) as long as they are defined in the policy.

(4) *An issuer of qualified long-term care contracts is limited to considering only the activities of daily living listed in subsection (2).*

(5)(4) An insurer may use additional provisions, *for a policy described in paragraph (1)(a)*, for the determination of when benefits are payable under a policy or certificate; however, the provisions shall not restrict and are not in lieu of, the requirements contained in subsections (1) and (2).

(6)(5) For purposes of this section, the determination of a deficiency *due to loss of functional capacity or cognitive impairment* shall not be more restrictive than:

(a) Requiring the hands-on assistance of another person to perform the prescribed activities of daily living, meaning physical assistance, minimal, moderate, or maximal, without which the individual would not be able to perform the activity of daily living; or

(b) ~~If the deficiency is~~ Due to the presence of a cognitive impairment, *requiring supervision, including or* verbal cueing by another person is needed in order to protect the insured or others.

(7)(6) Assessment of activities of daily living and cognitive impairment shall be performed by licensed or certified professionals, such as physicians, nurses, or social workers.

(8)(7) Long-term care insurance policies shall include a clear description of the process for appealing and resolving the benefit determinations.

(9)(8) The requirement set forth in this section shall be effective on July 1, 1997, and shall apply as follows:

(a) Except as provided in paragraph (b), the provisions of this section apply to a long-term care policy issued in this state on or after July 1, 1997.

(b) The provisions of this section do not apply to certificates under a group long-term care insurance policy in force on July 1, 1997.

And the title is amended as follows:

On page 3, line 28 through page 4, line 4, delete those lines and insert: respect to a health benefit plan; amending s. 627.9404, F.S.; providing additional definitions; amending s. 627.9407, F.S.; specifying additional information required to be disclosed for purposes of long-term care insurance; requiring a disclosure statement; amending s. 627.94071, F.S.; specifying additional minimum standards for home health care benefits; amending s. 627.94072, F.S.; deleting a requirement to provide cash surrender values in offering long-term care insurance policies; amending s. 627.94073, F.S.; revising notice of cancellation provisions; amending s. 627.94074, F.S.; revising standards for benefit triggers; creating s.

Senator Diaz-Balart moved the following amendments to **Amendment 2** which were adopted:

**Amendment 2A**—On page 2, lines 20-22, delete those lines and insert: *functional capacity; or*

(Redesignate subsequent paragraph.)

**Amendment 2B**—On page 2, line 31 through page 3, line 2, delete those lines and insert: *physician, nurse licensed under chapter 464, or psychotherapist licensed under chapter 490 or chapter 491, or any individual who meets any requirements prescribed by rule by the department.*

**Amendment 2C**—On page 3, line 21, delete “7702B(b)” and insert: 7702B

**Amendment 2** as amended was adopted.

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

**Amendment 3**—On page 42, lines 19 and 20, delete “and applicable state law”

**Amendment 4**—On page 60, line 24, after the period (.) insert: *However, a small employer carrier may count eligible employees and dependents who have coverage under another health plan that is sponsored by that employer except if such plan is offered pursuant to s. 408.706.*

**Amendment 5**—On page 66, line 25, delete “s. 627.6561” and insert: s. 627.6571

Pursuant to Rule 4.19, **CS for SB 1682** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

**CS for SB 1420**—A bill to be entitled An act relating to the Florida Pawnbroking Act; amending s. 539.001, F.S.; providing substantive and procedural changes to the act; modifying definitions; providing criminal penalties; modifying requirements for eligibility for license; requiring the Division of Consumer Services of the Department of Agriculture and Consumer Services to adopt a standardized pawnbroker transaction form; modifying recordkeeping and reporting requirements; requiring pawnbrokers to insure pledged goods in an amount not less than the actual value of the pledged goods; prohibiting a pawnbroker from refusing to allow a claimant who seeks to obtain pledged or purchased goods claimed to be misappropriated to inspect pawnbroker transaction forms or receipts under certain conditions; increasing criminal penalties for persons who willfully violate s. 539.001, F.S.; amending s. 539.003, F.S., relating to confidentiality of records relating to pawnbroker transactions delivered to law enforcement officers; authorizing release of confidential information under specified circumstances; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendments which were moved by Senator Campbell and failed:

**Amendment 1**—On page 2, delete line 29 and insert: *derivative thereof; or who publicly displays a sign or symbol*

**Amendment 2**—On page 14, delete line 23 and insert: *service charges. As used in this paragraph, the term “convicted of” includes a plea of nolo contendere to the charges or any agreement in which adjudication is withheld; and*

**Amendment 3**—On page 14, delete line 23 and insert: *service charges; and*

3. *The conveying customer shall be responsible to pay all attorney’s fees and taxable costs incurred by the pawnbroker in defending a replevin action or any other civil matter wherein it is found that the conveying customer was in violation of this paragraph.*

Senator Campbell moved the following amendment which was adopted:

**Amendment 4 (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (b), (c), (d), (e), (i), and (q) of subsection (2), paragraph (a) of subsection (4), paragraphs (a) and (b) of subsection (8), subsection (9), paragraphs (b) and (d) of subsection (11), subsections (12) and (13), paragraphs (a) and (b) of subsection (15), and subsections (16), and (17) of section 539.001, Florida Statutes, 1996 Supplement, are amended to read:

539.001 The Florida Pawnbroking Act.—

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

(b) “Appropriate law enforcement official” means the sheriff of the county in which a pawnshop is located or, in case of a pawnshop located within a municipality, the police chief of the municipality in which the pawnshop is located; however, any sheriff or police chief may designate as the appropriate law enforcement official for the county or municipality, as applicable, any law enforcement officer working *within the county or municipality for the department* headed by that sheriff or police chief. *Nothing in this subsection limits the power and responsibilities of the sheriff.*

(c) “Claimant” means a person who claims that his or her property was misappropriated ~~and delivered into the possession of a pawnbroker.~~

(d) “Conveying customer” means a person who delivers property into the custody of a pawnbroker, either by pawn, sale, consignment, or trade, ~~which property is later claimed to be misappropriated.~~

(e) “Identification” means a government-issued photographic identification *or an electronic image taken from a government-issued photographic identification.*

(i) “Pawnbroker” means any person who is engaged in the business of making pawns; who makes a public display containing the term “pawn,” “pawnbroker,” or “pawnshop” or any derivative thereof; or who publicly displays a sign or symbol historically identified with pawns. *A pawnbroker may also engage in the business of purchasing goods which includes consignment and trade.*

(q) “Purchase” means the transfer and delivery of goods, *by a person other than a permitted vendor*, to a pawnbroker by acquisition for value, consignment, or trade for other goods.

(4) ELIGIBILITY FOR LICENSE.—

(a) To be eligible for a pawnbroker’s license, an applicant must:

1. Be of good moral character;

2. Have a net worth of at least \$50,000 or file with the agency a bond issued by a surety company qualified to do business in this state in the amount of \$10,000 for each license. In lieu of the bond required in this section, the applicant may establish a certificate of deposit or an irrevocable letter of credit in a Florida banking institution in the amount of the bond. The original bond, certificate of deposit, or letter of credit shall be filed with the agency, and the agency shall be the beneficiary to said document. The bond, certificate of deposit, or letter of credit shall be in favor of the agency for the use and benefit of any consumer who is injured by the fraud, misrepresentation, breach of contract, financial failure, or violation of any provision of this section by the pawnbroker. Such liability may be enforced either by proceeding in an administrative action or by filing a judicial suit at law in a court of competent jurisdiction. However, in such court suit, the bond, certificate of deposit, or letter of credit posted with the agency shall not be amenable or subject to any judgment or other legal process issuing out of or from such court in connection with such lawsuit, but such bond, certificate of deposit, or letter of credit shall be amenable to and enforceable only by and through administrative proceedings before the agency. It is the intent of the Legislature that such bond, certificate of deposit, or letter of credit shall be applicable and liable only for the payment of claims duly adjudicated by order of the agency. The bond, certificate of deposit, or letter of credit shall be payable on a pro rata basis as determined by the agency, but the aggregate amount may not exceed the amount of the bond, certificate of deposit, or letter of credit.;

3. Not have been convicted of, *entered a plea of guilty or nolo contendere to, or had an adjudication withheld for a felony within the last*

10 years and not be acting as a beneficial owner for someone who has been convicted of, *entered a plea of guilty or nolo contendere to, or had adjudication withheld for* a felony within the last 10 years; and

4. Not have been convicted of, *entered a plea of guilty or nolo contendere to, or had adjudication withheld for*, and not be acting as a beneficial owner for someone who has been convicted of, *entered a plea of guilty or nolo contendere to, or had adjudication withheld for*, a crime that involves theft, larceny, dealing in stolen property, receiving stolen property, burglary, embezzlement, obtaining property by false pretenses, possession of altered property, or any other fraudulent or dishonest dealing the agency finds directly relates to the duties and responsibilities of a pawnbroker within the last 10 years.

#### (8) PAWNBROKER TRANSACTION FORM.—

(a) At the time the pawnbroker enters into any pawn or purchase transaction, the pawnbroker shall complete a pawnbroker transaction form for such transaction, including an indication of whether the transaction is a pawn or a purchase, and the pledgor or seller shall sign such completed form. The agency must approve the design and format of the pawnbroker transaction form, which must be 8 1/2 inches x 11 inches in size and elicit the information required under this section. In completing the pawnbroker transaction form, the pawnbroker shall record the following information, which must be typed or written indelibly and legibly in English.

(b) *The front of the A* pawnbroker transaction form must include:

1. The name and address of the pawnshop.
2. A complete and accurate description of the pledged goods or purchased goods, including the following information, if applicable:
  - a. Brand name.
  - b. Model number.
  - c. Manufacturer's serial number.
  - d. Size.
  - e. Color, as apparent to the untrained eye.
  - f. Precious metal type, weight, and content, if known.
  - g. Gemstone description, including the number of stones.
  - h. In the case of firearms, the type of action, caliber or gauge, number of barrels, barrel length, and finish.
  - i. Any other unique identifying marks, numbers, names, or letters.

Notwithstanding sub-subparagraphs a.-i., in the case of multiple items of a similar nature delivered together in one transaction which do not bear serial or model numbers and which do not include precious metal or gemstones, such as musical or video recordings, books, and hand tools, the description of the items is adequate if it contains the quantity of items and a description of the type of items delivered.

3. The name, address, *home telephone number*, *place of employment*, date of birth, physical description, and right thumbprint of the pledgor or seller.

4. The date and time of the transaction.

5. The type of identification accepted from the pledgor or seller, including the issuing agency and the identification number.

6. In the case of a pawn:

- a. The amount of money advanced, which must be designated as the amount financed;
- b. The maturity date of the pawn, which must be 30 days after the date of the pawn;
- c. *The default date of the pawn and the amount due on the default date;*

d.e. The total pawn service charge payable on the maturity date, which must be designated as the finance charge;

e.d. The amount financed plus the finance charge that must be paid to redeem the pledged goods on the maturity date, which must be designated as the total of payments;

f.e. The annual percentage rate, computed according to the regulations adopted by the Federal Reserve Board under the federal Truth in Lending Act; and

g.f. *The front or back of the pawnbroker transaction form must include a statement that:*

(I) Any personal property pledged to a pawnbroker within this state which is not redeemed within 30 days following the maturity date of the pawn, if the 30th day is not a business day, then the following business day, is automatically forfeited to the pawnbroker, and absolute right, title, and interest in and to the property vests in and is deemed conveyed to the pawnbroker by operation of law, and no further notice is necessary;

(II) The pledgor is not obligated to redeem the pledged goods; and

(III) If the pawnbroker transaction form is lost, destroyed, or stolen, the pledgor must immediately advise the issuing pawnbroker in writing by certified or registered mail, return receipt requested, or in person evidenced by a signed receipt.

(IV) A pawn may be extended upon mutual agreement of the parties.

7. In the case of a purchase, the amount of money paid for the goods or the monetary value assigned to the goods in connection with the transaction.

8. A statement that the pledgor or seller of the item represents and warrants that it is not stolen, that it has no liens or encumbrances against it, and that the pledgor or seller *is the rightful owner of the goods and has the right to enter into the transaction.*

*Any person who knowingly gives false verification of ownership or gives a false or altered identification and who receives money from a pawnbroker for goods sold or pledged commits:*

a. *If the value of the money received is less than \$300, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

b. *If the value of the money received is \$300 or more, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

9. ~~Immediately above the signature of the pledgor or seller, a statement that the pledgor or seller of the item declares: "Under penalty of perjury, I have read the foregoing document, and the facts stated in it are true."~~

#### (9) RECORDKEEPING; REPORTING; HOLD PERIOD.—

(a) A pawnbroker must maintain ~~a the original~~ copy of each completed pawnbroker transaction form on the pawnshop premises for at least ~~1 year~~ 180 days after the date of the transaction. On or before the end of each business day, the pawnbroker must deliver to the appropriate law enforcement official ~~the original a copy of~~ pawnbroker transaction forms for each of the transactions occurring during the previous business day, unless other arrangements have been agreed upon between the pawnbroker and the appropriate law enforcement official. *If the original transaction form is lost or destroyed by the appropriate law enforcement official, a copy may be used by the pawnbroker as evidence in court. When an electronic image of a pledgor or seller identification is accepted for a transaction, the pawnbroker must maintain the electronic image in order to meet the same recordkeeping requirements as for the original transaction form. If a criminal investigation occurs, the pawnbroker shall, upon request, provide a clear and legible copy of the image to the appropriate law enforcement official.*

(b) If the appropriate law enforcement agency supplies the appropriate software and the pawnbroker presently has the computer ability, pawn transactions shall be electronically transferred. *If a pawnbroker*

does not presently have the computer ability, the appropriate law enforcement agency may provide the pawnbroker with a computer and all necessary equipment for the purpose of electronically transferring pawn transactions. The appropriate law enforcement agency shall retain ownership of the computer, unless otherwise agreed upon. The pawnbroker shall maintain the computer in good working order, ordinary wear and tear excepted. In the event the pawnbroker transfers pawn transactions electronically, the pawnbroker is not required to also deliver to the appropriate law enforcement official, the original or copies of the pawnbroker transaction forms. The appropriate law enforcement official may, for the purposes of a criminal investigation, request that the pawnbroker produce an original of a transaction form that has been electronically transferred. The pawnbroker shall deliver this form to the appropriate law enforcement official within 24 hours of the request.

(c)(b) All goods delivered to a pawnbroker in a pawn or purchase transaction must be securely stored and maintained in an unaltered condition within the jurisdiction of the appropriate law enforcement official for a period of 30 45 calendar days after the transaction. Those goods delivered to a pawnbroker in a purchase transaction may not be sold or otherwise disposed of before the expiration of such period. The pawnbroker shall make all pledged and purchased goods and all records relating to such goods available for inspection by the appropriate law enforcement official during normal business hours throughout such period. The pawnbroker must store and maintain pledged goods for the period prescribed in subsection (10) unless the pledged goods are redeemed earlier; provided, however, that within the first 30 45 days after the original pawn, the pledged goods may be redeemed only by the pledgor or the pledgor's attorney in fact.

#### (11) PAWN SERVICE CHARGES.—

(b) The default date of any pawn may be extended to a subsequent date by mutual agreement, between the pledgor and the pawnbroker except the pawnbroker may not impose a minimum duration of more than 30 days, evidenced by a written memorandum, a copy of which must be supplied to the pledgor, which must clearly specify the new default date, ~~the pawn service charges paid for the extension,~~ and the pawn service charges owed on the new default date. In this event, the daily pawn service charge for the extension shall be equal to the pawn service charge for the original 30-day period divided by 30 days (i.e., one-thirtieth of the original total pawn service charge). There is no limit on the number of extensions that the parties may agree to.

(d) Pledged goods may be redeemed by mail by agreement between the pledgor and the pawnbroker. The pledgor must pay in advance all moneys due and a reasonable charge assessed by the pawnbroker to recover its cost and expenses involved in the packaging, insuring, and shipping of the pledged goods. ~~If The pawnbroker shall insure insures the pledged goods in an amount acceptable to the pledgor. not less than the amount advanced to the pledgor in the pawn transaction;~~ The pawnbroker's liability for loss or damage in connection with the shipment of such pledged goods is limited to the amount of the insurance coverage obtained.

(12) PROHIBITED ACTS.—A pawnbroker, or an employee or agent of a pawnbroker, may not:

(a) Falsify or intentionally fail to make an entry of any material matter in a pawnbroker transaction form.

(b) Refuse to allow the agency, the appropriate law enforcement official, or the state attorney, or any of their designated representatives having appropriate jurisdiction, to inspect completed pawnbroker transaction forms or pledged or purchased goods during the ordinary hours of the pawnbroker's business or other time acceptable to both parties. *The appropriate law enforcement official shall disclose to a claimant the name and address of the pawnbroker, the name and address of the conveying customer, and a description of pawned, purchased, or consigned goods that the claimant claims to be misappropriated.*

(c) Obliterate, discard, or destroy a completed pawnbroker transaction form sooner than 3 2 years after the date of the transaction.

(d) Accept a pledge or purchase property from a person under the age of 18 years.

(e) Make any agreement requiring or allowing the personal liability of a pledgor or the waiver of any of the provisions of this section.

(f) Knowingly enter into a pawn or purchase transaction with any person who is under the influence of alcohol or controlled substances when such condition is apparent, or with any person using the name of another or the registered name of another's business.

(g) Conduct any pawn or purchase transaction at a drive-through window or similar device in which the customer remains in a vehicle while conducting the transaction.

(h) Fail to return or replace pledged goods to a pledgor upon payment of the full amount due the pawnbroker, unless the pledged goods have been placed under a hold order under subsection (16), or taken into custody by a court or otherwise disposed of by court order, ~~or lost or damaged.~~

(i) Sell or otherwise charge for insurance in connection with a pawn transaction, except in connection with the shipment of pledged goods redeemed by mail as provided in subsection (11).

(j) Engage in title loan transactions at, within, or adjoining a licensed pawnshop location.

(k) Lease pledged goods to the pledgor or any other party.

(l) Operate a pawnshop between the hours of 10 p.m. and 7 a.m.

(m) *Knowingly hire anyone to work in a pawnshop who has been convicted of, or entered a plea of guilty or nolo contendere to, or had adjudication withheld for a felony within the last 5 years, or been convicted of, or entered a plea of guilty or nolo contendere to, or had adjudication withheld for a crime within the last 5 years which involves theft, larceny, dealing in stolen property, receiving stolen property, burglary, embezzlement, obtaining property by false pretenses, possession of altered property, or any fraudulent, or dishonest dealing.*

#### (13) RIGHT TO REDEEM; LOST PAWNBROKER TRANSACTION FORM.—

(a) ~~Only a pledgor or a pledgor's authorized representative Any person presenting the pledgor's copy of the pawnbroker transaction form to the pawnbroker is presumed to be entitled to redeem the pledged goods described in the pawnbroker transaction form; however, if the pawnbroker determines that the person is not the original pledgor, or the pledgor's authorized representative, the pawnbroker is not required to allow the redemption of the pledged goods by such person. The person redeeming the pledged goods must sign the pledgor's copy of the pawnbroker transaction form, which the pawnbroker may retain as evidence of the person's receipt of the pledged goods. If the person redeeming the pledged goods is the pledgor's authorized representative not the original pledgor, that person must present notarized authorization from the original pledgor and show identification to the pawnbroker and the pawnbroker shall record that person's name and address on the pawnbroker transaction form retained by the pawnshop. It is the pawnbroker's responsibility to verify that the person redeeming the pledged goods is either the pledgor or the pledgor's authorized representative. The pawnbroker is not liable to the original pledgor for allowing the redemption of the pledged goods by another person under this paragraph.~~

(b) If a pledgor's copy of the pawnbroker transaction form is lost, destroyed, or stolen, the pledgor must notify the pawnbroker in writing by certified or registered mail, return receipt requested, or in person evidenced by a signed receipt, and receipt of this notice invalidates the pawnbroker transaction form if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawnbroker transaction form, the pawnbroker must require the pledgor to make a written statement of the loss, destruction, or theft of the pledgor's copy of the pawnbroker transaction form. The pawnbroker must record on the written statement the type of identification and the identification number accepted from the pledgor, the date the statement is given, and the number of the pawnbroker transaction form that was lost, destroyed, or stolen. The statement must be signed by the pawnbroker or the pawnshop employee who accepts the statement from the pledgor. A pawnbroker is entitled to a fee not to exceed \$2 in connection with each lost, destroyed, or stolen pawnbroker transaction form and the taking of a properly prepared written statement.

(c) Sales tax is not due or collectible in connection with the redemption of pledged goods.

(d) If pledged goods are lost or damaged while in the possession of the pawnbroker, the pawnbroker may satisfy the pledgor's claim by replacing the lost or damaged goods with like kinds of merchandise of equal value, with which the pledgor can reasonably replace the goods. Such an offer of replacement is a defense to any *civil action* prosecution based upon the loss or damage of the goods.

(15) CLAIMS AGAINST PURCHASED GOODS OR PLEDGED GOODS HELD BY PAWNBROKERS.—

(a) To obtain possession of purchased or pledged goods held by a pawnbroker which a claimant claims to be misappropriated, the claimant must notify the pawnbroker by certified mail, return receipt requested, or in person evidenced by signed receipt, of the claimant's claim to the purchased or pledged goods. The notice must contain a complete and accurate description of the purchased or pledged goods and must be accompanied by a legible copy of the applicable law enforcement agency's report on the misappropriation of such property. If the claimant and the pawnbroker do not resolve the matter within 1020 days after the pawnbroker's receipt of the notice, ~~and if the pledged goods are not under a hold order under subsection (16), the claimant may petition the court to order the return of the property, naming the pawnbroker and the conveying customer as a defendant, and must serve the pawnbroker and the conveying customer with a copy of the petition. The pawnbroker shall hold the property described in the petition until the right to possession is resolved by the parties or by a court of competent jurisdiction. The court shall waive any filing fee for the petition to recover the property, and the sheriff shall waive the service fees. The filing of a petition to recover allegedly misappropriated property must be accepted as a criminal complaint by the state attorney or court. A judgment in favor of a claimant to recover property constitutes the claimant's sworn testimony and must be accepted as evidence in any criminal prosecution.~~

(b) If, after notice and a hearing, the court finds that the property was misappropriated and orders the return of the property to the claimant:

1. The claimant may recover from the ~~pawnbroker conveying customer~~ the cost of the action, including the claimant's reasonable attorney's fees; and

2. *If the conveying customer is convicted of theft, a violation of this section, or dealing in stolen property, the court shall order the conveying customer to must repay the pawnbroker the full amount the conveying customer received from the pawnbroker for the property, plus all applicable pawn service charges. As used in this paragraph, the term "convicted of" includes a plea of nolo contendere to the charges or any agreement in which adjudication is withheld; and*

3. *The conveying customer shall be responsible to pay all attorney's fees and taxable costs incurred by the pawnbroker in defending a replevin action or any other civil matter wherein it is found that the conveying customer was in violation of this paragraph. The conveying customer must pay the pawnbroker's costs incurred in the proceeding, including the pawnbroker's reasonable attorney's fees.*

(16) HOLD ORDERS; ISSUANCE; REQUIRED INFORMATION; PROCEDURES.—

(a) When an appropriate law enforcement official has probable cause to believe that property in the possession of a pawnbroker is misappropriated, the official may place a written hold order on the property. The written hold order ~~shall~~ may impose a holding period not to exceed 90 days unless extended by court order. *The appropriate law enforcement official may rescind, in writing, any hold order.* An appropriate law enforcement official may place only one hold order on property.

(b) Upon the expiration of the holding period, the pawnbroker ~~shall~~ may notify, in writing, the appropriate law enforcement official by certified mail, return receipt requested, that the holding period has expired. If, on the 10th day after the written notice has been received by the appropriate law enforcement official, the pawnbroker has not received from a court an extension of the hold order on the property *and the property is not the subject of a proceeding under subsection (15), title to the property shall vest in and be deemed conveyed by operation of law to the pawnbroker, free of any liability for claims but subject to any restrictions contained in the pawn transaction contract and subject to the provisions of this section.*

(c) A hold order must specify:

1. The name and address of the pawnbroker.

2. The name, title, and identification number of the representative of the appropriate law enforcement official or the court placing the hold order.

3. If applicable, the name and address of the appropriate law enforcement official or court to which such representative is attached and the number, if any, assigned to the claim regarding the property.

4. A complete description of the property to be held, including model number and serial number if applicable.

5. The name of the person reporting the property to be misappropriated *unless otherwise prohibited by law.*

6. The mailing address of the pawnbroker where the property is held.

7. The expiration date of the holding period.

(d) The pawnbroker or the pawnbroker's representative must sign and date a copy of the hold order as evidence of receipt of the hold order and the beginning of the 90-day holding period.

(e)1. Except as provided in subparagraph 2., a pawnbroker may not release or dispose of property subject to a hold order except pursuant to a court order, a written release from the appropriate law enforcement official, or the expiration of the holding period of the hold order.

2. While a hold order is in effect, the pawnbroker *must upon request* may release the property subject to the hold order to the custody of the appropriate law enforcement official for use in a criminal investigation. The release of the property to the custody of the appropriate law enforcement official is not considered a waiver or release of the pawnbroker's property rights or interest in the property. Upon completion of the criminal *proceeding* investigation, the property must be returned to the pawnbroker unless the court orders other disposition. When such other disposition is ordered, the court shall additionally order the conveying customer to pay restitution to the pawnbroker in the amount received by the conveying customer for the property together with reasonable attorney's fees and costs.

~~(f) If property is the subject of a lease or rental transaction between a claimant and a conveying customer at the time it is delivered to the pawnbroker, the property may not be considered misappropriated unless the property has a conspicuous permanent label or mark identifying it as the claimant's property. Property subject to a lease or rental transaction which is not marked as provided in this paragraph may be recovered by the claimant upon payment to the pawnbroker of all moneys paid or advanced by the pawnbroker in the pawn or purchase transaction and upon producing evidence identifying the property as the claimant's property that was leased or rented at the time the property was placed in the pawnbroker's possession. The pawnbroker is not liable for the recovery of leased or rental property under this paragraph.~~

(17) CRIMINAL PENALTIES.—

(a) Any person who engages in business as a pawnbroker without first securing a license commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) In addition to any other penalty, *any person*, who willfully violates this section or who willfully makes a false entry in any record specifically required by this section commits a misdemeanor of the *first* second degree, punishable as provided in s. 775.082 or s. 775.083, ~~or s. 775.084.~~

~~(c) Any conveying customer who fraudulently pledges or sells misappropriated property to a pawnbroker commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 2. Section 539.003, Florida Statutes, 1996 Supplement, is amended to read:

539.003 Confidentiality.—

(1) All records relating to pawnbroker transactions delivered to appropriate law enforcement officials pursuant to s. 539.001 are confiden-



tial and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for official law enforcement purposes. *This section does not prohibit the disclosure by the appropriate law enforcement officials of the name and address of the pawnbroker, the name and address of the conveying customer, or a description of pawned property to the alleged owner of pawned property.*

(2) This section exemption is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2001, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. This act shall take effect upon becoming a law, except that the amendments to subsection (8) of section 539.001, Florida Statutes, 1996 Supplement, take effect January 1, 1998.

And the title is amended as follows:

On page 1, before the enacting clause insert: A bill to be entitled An act relating to the Florida Pawnbroking Act; amending s. 539.001, F.S.; providing substantive and procedural changes to the act; modifying definitions; providing criminal penalties; modifying requirements for eligibility for license; requiring the Division of Consumer Services of the Department of Agriculture and Consumer Services to adopt a standardized pawnbroker transaction form; modifying recordkeeping and reporting requirements; requiring pawnbrokers to insure pledged goods in an amount not less than the actual value of the pledged goods; prohibiting a pawnbroker from refusing to allow a claimant who seeks to obtain pledged or purchased goods claimed to be misappropriated to inspect pawnbroker transaction forms or receipts under certain conditions; increasing criminal penalties for persons who willfully violate s. 539.001, F.S.; amending s. 539.003, F.S., relating to confidentiality of records relating to pawnbroker transactions delivered to law enforcement officers; authorizing release of confidential information under specified circumstances; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1420** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

## MOTION

On motion by Senator Bankhead, the rules were waived and by two-thirds vote all bills remaining on the Special Order Calendar this day were placed first on the Special Order Calendar for Monday, April 28.

## REPORTS OF COMMITTEES

The Committee on Ways and Means recommends the following pass: SB 208 with 1 amendment, CS for SB 238 with 1 amendment, SB 388 with 1 amendment, CS for SB 544 and CS for SB 1904 with 7 amendments, CS for SB 716, CS for SB 1464 with 1 amendment, CS for CS for SB 2142 with 4 amendments

**The bills were placed on the calendar.**

The Committee on Ways and Means recommends committee substitutes for the following: SB 62, CS for SB's 404 and 414, CS for SB 698, CS for SB 722, SB 1244, CS for SB 1660, CS for SB 1814, CS for CS for SB's 2028 and 394, Senate Bills 1414 and 228

**The bills with committee substitutes attached were placed on the calendar.**

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Ways and Means and Senator Horne—

**CS for SB 62**—A bill to be entitled An act relating to taxation; amending s. 199.185, F.S.; exempting certain investments secured by liens on real property from taxation under ch. 199, F.S.; amending s. 201.02, F.S.; providing that the tax on instruments relating to real property does not apply to certain conveyances between spouses or former spouses pursuant to an action for dissolution of marriage; providing an exemption from

the tax imposed by section 201.02, F.S., for certain transfers between merged entities; providing an effective date.

By the Committees on Ways and Means; Regulated Industries; and Senators Dudley, Scott, Crist, Gutman, Lee, Childers, Jenne, Holzen-dorf, Meadows, Casas, Brown-Waite, Harris, Klein, Ostalkiewicz and Bankhead—

**CS for CS for SB's 404 and 414**—A bill to be entitled An act relating to taxation of Internet access, electronic mail, electronic bulletin board, or on-line services; amending s. 203.012, F.S.; providing that the term "telecommunication service" does not include Internet access, electronic mail, electronic bulletin board, or similar on-line computer services for purposes of gross receipts taxes; revising the definition of the term "teletypewriter or computer exchange service" to remove computer exchange service; reenacting s. 166.231(10), F.S., relating to the municipal public service tax on telecommunication service, and s. 212.05(1)(e), F.S., relating to the sales and use tax on telecommunication service, to incorporate the amendment to s. 203.012, F.S., in references thereto; providing intent; providing an effective date.

By the Committees on Ways and Means; Judiciary; and Senators Dudley, Jones, Burt, Campbell, Crist, Grant, Horne, Rossin, Silver and Williams—

**CS for CS for SB 698**—A bill to be entitled An act relating to enforcement of child support; amending s. 61.046, F.S.; defining the term "State Case Registry"; 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. 61.181, F.S.; extending a date with respect to the central depositories; 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.; providing for agency review of orders; 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 non-compliance; 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 em-

ployer; 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. 414.38, F.S.; providing for the pilot work experience and job training program for noncustodial parents to be conducted throughout the state; providing for the program to be administered by the Department of Children and Family Services and the Department of Labor and Employment Security through local WAGES coalitions; providing requirements for service providers; requiring evaluations of the program; 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 certain presumptions regarding custody and providing authority for the court to make certain parental responsibility and custody determinations; 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; exempting the Department of Revenue from the provisions of certain statutes to expedite the acquisition of goods and services and the leasing of facilities for the implementation of the act; requiring a report from the Department of Revenue; providing an effective date.

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By the Committees on Ways and Means; Judiciary; and Senators Horne, Grant, Kirkpatrick and Myers—

**CS for CS for SB 722**—A bill to be entitled An act relating to court funding; creating s. 25.402, F.S.; providing for compensation to counties for certain costs through a trust fund administered by the Supreme Court; requiring adoption by the Supreme Court of an allocation and disbursement plan; providing for appointment of a committee to develop the plan; providing guidelines for deposit in the trust fund of moneys generated from certain civil penalties; providing that the funds paid to counties shall be grants-in-aid for specified purposes; providing for future repeal; amending s. 318.21, F.S., relating to the disposition of civil penalties by county courts; providing for distribution of civil penalties to the County Article V Trust Fund beginning July 1, 1998; providing for future repeal of specified provisions; providing for future disposition of the funds to the General Revenue Fund upon repeal of specified provisions; creating s. 939.18, F.S.; providing for an additional assessment on persons pleading guilty or nolo contendere to, or found guilty of, a crime, to be used to provide and maintain court facilities; requiring clerks of court to submit specified financial reports; amending s. 27.34, F.S.; revising a provision relating to the services and office space provided by the counties to the state attorneys; providing effective dates.

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By the Committee on Ways and Means; and Senator Myers—

**CS for SB 1244**—A bill to be entitled An act relating to the Department of Health; amending ss. 154.067, 395.1023, 415.501, F.S.; clarifying agency responsibilities with regard to certain child protection functions; amending s. 415.5055, F.S.; requiring an interagency agreement; providing specific agency responsibilities; requiring consultation between agencies for certain functions; 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; transferring certain powers, duties, functions, and assets of the Department of Children and Family Services with respect to substance abuse and mental health to the Department of Health; providing that the Division of Mental Health and Substance Abuse in the Department of Health will be under the supervision of a Deputy Secretary for Behavioral Health Care; amending s. 391.051, F.S.; revising qualifications for Director for Children's Medical Services; amending ss. 20.19, 20.43, 381.0101, 394.453, 394.455, 394.457, 394.4615, 394.4674, 394.4781, 394.480, 394.50, 394.60, 394.66, 394.67, 394.675, 394.73, 394.74, 394.75, 394.76, 394.78, 394.79, 397.311, 397.321, 397.427, 397.706, 397.753, 397.754, 397.801, 397.821, 397.901, F.S.; conforming provisions; providing for the continued effect of rules; providing for the continuation of

judicial and administrative proceedings; providing for appointment of transition advisory committees; providing for the transfer of certain funds; providing effective dates.

By the Committee on Ways and Means; and Senators Dyer, Kirkpatrick and Grant—

**CS for SB's 1414 and 228**—A bill to be entitled An act relating to the State University System; amending s. 110.131, F.S.; deleting a reporting requirement for the Board of Regents with respect to other-personal-services employees; amending s. 235.055, F.S.; deleting the authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 235.195, F.S.; deleting a requirement that a certain portion of the cost of certain construction projects be included in a budget request; deleting a limitation upon the number of such construction projects allowed to an educational agency; amending s. 240.205, F.S.; revising provisions relating to Board of Regents' contracts and acquisition of property and services; amending s. 240.209, F.S., relating to duties of the Board of Regents; revising requirements for the board with respect to procurement and construction contracts; authorizing the Board of Regents to acquire and dispose of real property; providing procedures for appraisals and property acquisition; providing for personnel contracts; amending s. 240.2097, F.S.; deleting a requirement that the Board of Regents report to the Legislature on limited-access programs; revising requirements for student handbooks; amending s. 240.2111, F.S., relating to an employee recognition program; deleting requirement that the program be adopted by rule; amending s. 240.214, F.S.; revising accountability goals and reporting procedures for the State University System; amending s. 240.227, F.S.; providing responsibilities of university presidents; providing for the appointment of university presidents; revising duties of university presidents relating to acquisition of, and contracts for and management of, property and financial resources and approval and execution of general construction contracts; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; providing an exemption from certain contract requirements; amending s. 240.2605, F.S., relating to the Trust Fund for Major Gifts; deleting Board of Regents' rulemaking power; authorizing the Board of Regents Foundation to participate in the major gifts program; amending s. 240.274, F.S., relating to university libraries; deleting Board of Regents' rulemaking power; amending s. 240.2803, F.S.; revising the funds included within the definition of auxiliary enterprises; amending s. 240.281, F.S.; revising the authority for an institution to deposit certain funds outside the State Treasury; amending s. 243.151, F.S.; providing a procedure through which a university may construct facilities on leased property; amending s. 240.289, F.S.; authorizing the universities to accept credit card payments; prohibiting the imposition of a service fee or surcharge for credit card payments; amending s. 287.012, F.S., relating to purchasing and contractual services; providing responsibilities; amending s. 287.017, F.S.; revising the threshold amounts of purchasing categories; deleting applicability of certain rules to the State University System; amending ss. 240.207, 240.307, F.S.; adding members to the Board of Regents and the State Board of Community Colleges; repealing ss. 240.225, 240.247, 240.4988(4), F.S., and ss. 15 and 16 of ch. 94-232, Laws of Florida, relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, the title of ch. 239, F.S., and a directive to the Division of Statutory Revision; providing an effective date.

By the Committees on Ways and Means; Commerce and Economic Opportunities; and Senators Ostalkiewicz and Clary—

**CS for CS for SB 1660**—A bill to be entitled An act relating to taxation; amending ss. 203.01, 203.63, F.S., relating to the tax on gross receipts for utility services and the tax on interstate and international telecommunication services; providing clarification with respect to the separate statement of such taxes on bills or invoices; amending s. 212.02, F.S., relating to sales, use, and other transactions; defining the terms "self-propelled farm equipment," "power-drawn farm equipment," and "power-driven farm equipment" for purposes of ch. 212, F.S.; amending s. 212.04, F.S.; exempting admissions to postseason collegiate football games from the tax on admissions; amending s. 212.05, F.S.; providing clarification with respect to the imposition of the tax on sales, use, and

other transactions on telecommunication service; exempting transactions in excess of a specified amount from the tax on the sale of coins or currency; amending s. 212.0598, F.S.; establishing a sales tax exemption for certain businesses that create a large number of new jobs; providing a limitation on the exemption; providing an expiration date; amending s. 212.06, F.S.; authorizing the establishment of cost price amounts for industry groups; clarifying taxation of improvements to real property; amending s. 212.08, F.S., relating to sales, use, and other transactions; revising the sales tax exemption provided for food and drinks; providing definitions; revising application of the partial exemption for self-propelled or power-drawn farm equipment; including power-driven farm equipment within such exemption; exempting the sale of steam energy used in manufacturing; revising the activities that constitute a manufacturing function for purposes of the sales tax exemption on certain uses of electricity; providing a threshold for electricity use; deleting a requirement that the electricity be separately metered; providing a sales tax exemption for the sale of gold, silver, or platinum bullion in excess of a specified amount; providing a sales tax exemption for the sale or lease of certain aircraft used by a common carrier; providing a sales tax exemption for the repair and maintenance of certain commercial aircraft; providing for application of the sales tax when an advertising agency acts as an agent of its client; providing an exemption for the Gasparilla Distance Classic Association, Inc., in specified circumstances; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; providing an exemption for certain complimentary meals; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Department of Labor and Employment Security; amending s. 213.21, F.S.; revising provisions which authorize the department to delegate to the executive director authority to approve a settlement or compromise of tax liability, to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; creating s. 213.285, F.S.; authorizing the department to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; amending s. 220.15, F.S., relating to the apportionment of adjusted federal income under the Florida Income Tax Code; providing that the property factor fraction may not include real or tangible personal property that is dedicated to research and development activities conducted in conjunction with a state university; providing that the payroll factor fraction does not include compensation paid to any employee who is dedicated to such research and development activities; requiring certification of such activities and providing intent with respect thereto; requiring the Department of Revenue to adopt rules; amending s. 221.02, F.S.; extending the time for utilizing emergency excise tax credits for purposes of Florida corporate income tax; providing for emergency rules; providing legislative intent; providing effective dates.

By the Committees on Ways and Means; Health Care; and Senator Jones—

**CS for 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.; revising terminology relating to osteopathic medicine; revising provisions relating to registration of resident physicians, interns, and fellows; providing for designation of a person responsible 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; authorizing resident physicians to prescribe drugs appearing on schedules of controlled substances under certain circumstances; repealing s. 460.413(1)(bb) and (cc), F.S., relating to grounds for disciplinary action; 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.; revising the definitions of the terms "pharmacy" and "department"; amending s. 465.004, F.S.; increasing the membership of the Board of Pharmacy; revising membership qualifications; amending s. 465.0125, F.S.; providing responsibilities of consultant pharmacists and doctors of pharmacy; providing for rules; amending s. 465.014, F.S.; revising tasks and duties delegated to a pharmacy technician; 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 grounds for disciplinary actions; providing penalties; amending s. 465.0196, F.S., relating to special pharmacy permits; conforming a cross-reference; amending s. 465.026, F.S.; revising provisions relating to the filling of prescriptions transferred by electronic or other means; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 465.186, F.S.; providing for inclusion of certain products and over-the-counter proprietary drugs in the formulary of authorized medicinal drug products and dispensing procedures; amending s. 893.03, F.S.; adding butorphanol tartrate as a Schedule IV controlled substance; reenacting ss. 316.193(5), 327.35(5), 440.102(1)(b), 458.326(3), 817.563(1), 831.31(1)(a) and (2), 856.015(1)(d), 893.02(4), 893.08(1)(b), 893.13(1)(a), (c), and (d), (2)(a), (4)(b), and (5)(b), F.S., relating to driving under the influence, boating under the influence, drug-free workplace program requirements, authorized treatment of intractable pain, sales of substances in lieu of controlled substances, counterfeit controlled substances, open house parties, definitions applicable to regulation of controlled substances, exceptions to required prescription for distribution at retail, and prohibited acts relating to controlled substances, respectively, to incorporate the amendment to s. 893.03, F.S., in references thereto; 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.; changing 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; amending s. 468.1645, F.S.; revising provisions that exempt from licensure requirements administrators of nursing homes operated by and for persons who rely upon treatment by spiritual means through prayer; providing an effective date.

By the Committees on Ways and Means; Governmental Reform and Oversight; Transportation; and Senators Hargrett, Grant and Horne—

**CS for CS for CS for SB's 2028 and 394**—A bill to be entitled An act relating to public records requirements; amending s. 119.07, F.S.; providing an exemption from public records requirements, upon request by the subject, for personal identifying information in motor vehicle records; authorizing disclosure for specified uses; authorizing disclosure for any use with the consent of the subject; authorizing disclosure to certain entities for resale or redisclosure to persons authorized to receive such information and providing requirements with respect thereto; authorizing certain resale or redisclosure by authorized recipients of such information and requiring such persons to maintain records; providing for fees; authorizing the department to impose conditions upon requests for disclosure; amending s. 319.17, F.S., relating to indexes and records of motor vehicles and mobile homes, s. 319.25, F.S., relating to title records, and s. 320.05, F.S., relating to registration records; amending s. 322.20, F.S., to increase fees for services and documents and to conform; amending s. 409.175, F.S., exempting from s. 119.07(1), F.S., and from s. 24(a), Art. I of the State Constitution certain information contained in files that pertain to the licensure of family foster homes, residential child-caring agencies, and child-placing agencies; providing for repeal and for legislative review of the exemption; providing a rationale for the exemption; providing a finding of public necessity; providing an effective date.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

*The Honorable Toni Jennings, President*

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 81, CS for CS for HB 169, HB 201, CS for HB 231, CS for HB 319, CS for CS for HB 381, CS for HB 415, CS for HB 433, CS for HB 505, HB 553, HB 671, CS for CS for HB 695, CS for HB 705, CS for HB 901, CS for HB 957, HB 1003, HB 1099, CS for HB 1105, HB 1151, CS for HB 1159, HB 1161, CS for HB 1195, HB 1453, HB 1469, CS for HB 1707; has passed as amended CS for HB 35, CS for HB 83, HB 123, CS for HB 137, CS for HB 225, HB 363, CS for HB 377, HB 641, CS for HB 657, CS for HB 731, HB 743, HB 887, CS for CS for HB 907, HB 1013, CS for HB 1125, HB 1337, CS for HB 1345, HB 1403, HB 1523, CS for HB 1803, HB 1867 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committees on Transportation and Environmental Protection and Representative Mackey and others—

**CS for CS for HB 81**—A bill to be entitled An act relating to taxation of fuels; amending s. 206.01, F.S.; revising the definition of “reseller”; amending s. 206.026, F.S.; including blenders, carriers, and terminal operators in provisions which prohibit certain persons from holding a license; amending s. 206.27, F.S.; authorizing the Department of Revenue to make certain audit information available to the Department of Highway Safety and Motor Vehicles and providing for application of confidentiality and penalty provisions; amending s. 206.41, F.S.; revising the information required on the sales invoice executed in connection with a sale of motor or diesel fuel for which the purchaser claims a refund; authorizing submission of a schedule of transactions in lieu of invoices with a refund application; revising the department’s authority to refuse to grant a refund; revising the persons authorized to execute an invoice; including blenders in provisions relating to records and inspection; providing liability of terminal suppliers, importers, blenders, exporters, and wholesalers with respect to false or fraudulent refunds; creating s. 206.413, F.S.; specifying the persons liable for payment of the taxes imposed by s. 206.41, F.S.; specifying conditions under which Florida law applies when motor fuel is withdrawn from a terminal outside the state or transfer of ownership of motor fuel occurs outside the state; providing penalties for willfully evading or attempting to evade or defeat payment of tax when specified circumstances apply and providing liability for penalties; amending s. 206.414, F.S.; revising provisions which specify when certain taxes shall be collected and remitted by wholesalers and terminal suppliers; amending s. 206.43, F.S.; revising provisions relating to conditions under which a terminal supplier’s or importer’s allowance is deductible; amending s. 206.44, F.S.; revising applicability of penalties for failure to report or pay taxes due; amending s. 206.874, F.S.; providing that dyed diesel fuel may be purchased for use by a noncommercial vessel; amending s. 206.8745, F.S.; providing restrictions on claims for refund of the excise tax paid on undyed diesel fuel used by a noncommercial vessel; amending s. 206.91, F.S.; revising provisions relating to conditions under which a diesel fuel registrant’s allowance is deductible; amending s. 212.05, F.S.; providing for imposition of sales tax on diesel fuel used in a vessel and not taxed under chapter 206, F.S.; amending s. 212.0501, F.S.; revising the definition of “consumption, use, or storage by a trade or business” for purposes of the use tax on diesel fuel purchased for such purposes; revising provisions relating to collection of such tax by licensed sales tax dealers; amending s. 212.08, F.S.; providing that the partial sales tax exemption for motor vehicles engaged in interstate commerce applies to common carriers; including diesel fuel placed in certain separate tanks in the exemption; amending ss. 336.021 and 336.025, F.S.; revising provisions relating to application of the formula for determining administrative costs of the ninth-cent fuel tax and the local option fuel taxes; providing effective dates for reimposition of certain taxes under such sections; providing that the proceeds of the ninth-cent tax on fuel shall be used for transportation expenditures as defined by s. 336.025(7), F.S.; revising provisions relating to the distribution of local option taxes on diesel fuel; providing for deduction of service and administrative charges and dealer allowances; providing for an additional distribution to counties with a qualified new retail station and providing requirements with respect thereto; providing for distribution of any additional available taxes based on each county’s vehicular diesel fuel storage capacities and providing requirements with respect thereto; revising provisions which require that the local option tax of up to 5 cents on motor fuel be used for transportation expenditures necessary to meet requirements of the capital improvements element of an adopted comprehensive plan; providing effective dates.

—was referred to the Committee on Ways and Means.

By the Committees on Real Property and Probate; Real Property and Probate; and Representative Crow—

**CS for CS for HB 169**—A bill to be entitled An act relating to the Florida Uniform Land Sales Practices Law; amending s. 498.005, F.S.; providing definitions; amending s. 498.007, F.S.; revising provisions with respect to the general powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.011, F.S.; revising provisions with respect to per diem and mileage; amending s. 498.017, F.S.; revising certain fees; deleting certain fees; amending s. 498.022, F.S.; revising provisions with respect to jurisdiction over fraudulent acts; providing that it is a violation of the act to dispose of, conceal,

or divert any funds or assets of any person so as to adversely affect the interest of a purchaser; amending s. 498.023, F.S.; providing additional criteria with respect to permitted disposal of an interest in subdivided lands; amending s. 498.024, F.S.; revising provisions with respect to reservations; amending s. 498.025, F.S.; revising provisions with respect to exemptions; amending s. 498.027, F.S.; revising provisions with respect to application for registration; amending s. 498.029, F.S.; eliminating the registration of certain subdivided lands; amending s. 498.031, F.S.; providing for the time period during which registration becomes effective; revising provisions with respect to inquiry and examination; amending s. 498.033, F.S.; revising provisions with respect to the registration of subdivided lands; amending s. 498.035, F.S.; authorizing, rather than requiring, the division to approve advertising material; revising provisions with respect to advertising material; requiring the full disclosure of certain pertinent information; amending s. 498.037, F.S.; revising provisions with respect to public offering statements; amending s. 498.039, F.S.; revising provisions with respect to certain trust and escrow accounts; amending s. 498.041, F.S.; revising provisions with respect to annual renewal; providing for termination of registration; amending s. 498.047, F.S., relating to investigations; amending s. 498.059, F.S.; providing penalties with respect to certain violations; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Ways and Means.

By Representative Warner and others—

**HB 201**—A bill to be entitled An act relating to educational finance; creating s. 236.08105, F.S.; requiring an advance distribution of Florida Education Finance Program funds under certain circumstances; providing an effective date.

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

By the Committee on Governmental Operations and Representative Lippman and others—

**CS for HB 231**—A bill to be entitled An act relating to illegal aliens; amending s. 287.012, F.S.; providing that, to be a “qualified bidder” with respect to providing personal property or services, a person must comply with any contract conditions prohibiting the employment of illegal aliens, as defined; amending s. 287.057, F.S.; requiring that invitations to bid, requests for proposal, and contracts shall contain notice specifying that contracts with a contractor who knowingly employs illegal aliens shall be subject to unilateral cancellation; providing an effective date.

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

By the Committee on Business Development and International Trade; and Representative Andrews—

**CS for HB 319**—A bill to be entitled An act relating to minority business enterprises; amending s. 287.0943, F.S.; providing a presumption for certain certification purposes; providing an exclusion; amending s. 288.703, F.S.; revising definitions; specifying application; providing an effective date.

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

By the Committees on Community Affairs; Real Property and Probate; and Representative Carlton and others—

**CS for CS for HB 381**—A bill to be entitled An act relating to public nuisances; amending s. 893.138, F.S.; providing legislative intent; providing that counties and municipalities may impose additional penalties

by ordinance on the owner of a place declared to be a public nuisance; providing an effective date.

—was referred to the Committees on Community Affairs and Criminal Justice.

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By the Committee on Civil Justice and Claims; and Representative Reddick and others—

**CS for HB 415**—A bill to be entitled An act relating to uniform traffic control; amending s. 316.1974, F.S.; providing for funeral procession right-of-way and liability; providing definitions; providing for required equipment; providing for right-of-way; providing for driving in procession; providing for other vehicles; providing for liability; amending s. 316.072, F.S.; including certain law enforcement vehicles in a list of authorized emergency vehicles; reenacting s. 316.072(6)(a), F.S., relating to motor vehicle noise, to incorporate said amendment in a reference; providing an effective date.

—was referred to the Committees on Transportation and Judiciary.

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By the Committee on Business Regulation and Consumer Affairs; and Representative Burroughs and others—

**CS for HB 433**—A bill to be entitled An act relating to the Board of Professional Engineers; creating s. 471.038, F.S.; providing legislative findings and intent; providing definitions; creating the Florida Engineers Management Corporation; providing for the organization, powers, and duties of the corporation; providing limitations on authority; providing for records; providing an appropriation; providing an effective date.

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

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By the Committee on Civil Justice and Claims; and Representative Bainter and others—

**CS for HB 505**—A bill to be entitled An act relating to private attorney services; amending s. 287.059, F.S.; providing that private attorney services procured by the Board of Trustees of the Florida School for the Deaf and the Blind are not required to have been approved in writing by the Attorney General; providing for disclosure by private attorneys contracting with the state with respect to clients suing or being sued by a state entity; requiring written waiver of potential conflict of interest to be obtained by the contracting attorney, under specified circumstances; providing that failure to make such disclosure or obtain waiver as required is a breach of the contract precluding entitlement to payment; requiring the Comptroller to refuse such payment, under specified circumstances; providing an effective date.

—was referred to the Committee on Judiciary.

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By Representative Hill—

**HB 553**—A bill to be entitled An act relating to fines; amending s. 939.017, F.S.; providing that fines collected for misdemeanor convictions involving drug or alcohol shall be forwarded to the jurisdictional county of collection rather than to the Department of Health and Rehabilitative Services; providing for the deposit of such fines in the local County Alcohol and Other Drug Abuse Trust Fund; repealing s. 397.321(20), F.S.; conforming to the act; providing an effective date.

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

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By Representative Livingston and others—

**HB 671**—A bill to be entitled An act relating to contracting; amending ss. 489.127 and 489.531, F.S.; providing for similar penalties for unlicensed violations with respect to construction contracting and electrical

contracting; providing for additional penalties for certain violations; providing an effective date.

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

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By the Committees on Juvenile Justice and Education Innovation and Representative Byrd and others—

**CS for CS for HB 695**—A bill to be entitled An act relating to education; providing intent; amending s. 39.045, F.S., relating to confidential information about juvenile offenders, to provide for disclosure to teachers; amending s. 948.03, F.S.; requiring a juvenile in a community control program to attend a public adult education program or dropout prevention program if available unless an exception is made by the principal; requiring disclosure of certain information if a juvenile attends a regular educational school program; providing an effective date.

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

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By the Committee on Elder Affairs and Long Term Care; and Representative Roberts-Burke—

**CS for HB 705**—A bill to be entitled An act relating to adult family-care homes; amending s. 400.6211, F.S.; requiring the Department of Elderly Affairs to inform providers of financial assistance that may be available to certain residents; directing the department to study the concept of “aging in place” and how to apply it to adult family-care homes; providing an effective date.

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

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By the Committee on Governmental Operations and Representative Fischer—

**CS for HB 901**—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; 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 for future review and repeal; providing a finding of public necessity; providing an effective date.

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

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By the Committee on Business Development and International Trade; and Representative Culp and others—

**CS for HB 957**—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 for state use of credit cards, charge cards, or debit cards under certain circumstances; amending s. 282.20, F.S.; providing a definition; 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; authoriz-



ing 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 secretary to charge fees; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; amending ss. 240.289 and 402.18, F.S., to conform; repealing ss. 118.01, 118.02, 118.03, and 118.04, F.S., relating to commissioners of deeds; providing an effective date.

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

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By Representative Crady—

**HB 1003**—A bill to be entitled An act relating to the use of fuel taxes; authorizing the transfer and use of legally restricted fuel taxes by counties having a population of 30,000 or less for unrestricted purposes for all fiscal years prior to and through fiscal year 1997-1998; providing an effective date.

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

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By the Committee on Law Enforcement and Public Safety; and Representative Futch—

**HB 1099**—A bill to be entitled An act relating to criminal justice standards and training; amending s. 943.10, F.S.; defining “part-time correctional probation officer,” “diverse population,” and “criminal justice executive” with respect to specified provisions in ch. 943; amending s. 943.13, F.S., relating to officers’ minimum qualifications for employment or appointment; clarifying that such qualifications apply to full-time, part-time, and auxiliary correctional or correctional probation officers; providing that such qualifications apply to correctional officers employed by the Correctional Privatization Commission; amending s. 943.131, F.S.; revising requirements for officers’ temporary employment or appointment; amending s. 943.133, F.S.; revising criteria with respect to employing agency responsibility for compliance to employment requirements and background investigations; amending s. 943.139, F.S.; providing for electronic transmission of information in officer’s affidavit-of-separation form; amending s. 943.1715, F.S.; revising provisions relating to basic skills training of officers; providing for basic skills training relating to diverse populations; deleting language regarding racial and ethnic minorities; amending s. 943.1716, F.S.; providing for continued employment training relating to diverse populations; deleting language regarding racial and ethnic minorities; amending s. 943.175, F.S.; revising certain requirements with respect to approval or recording of specialized training programs or courses; amending s. 943.1755, F.S., relating to the Florida Criminal Justice Executive Institute; providing legislative finding and authority of the institute relating to improvement of law enforcement interaction in communities of diverse population; removing certain definitions; amending s. 943.1757, F.S.; providing for skills training of criminal justice executives relating to diverse populations; deleting language regarding racial and ethnic minorities; revising duties of the policy board of the institute, to conform; amending s. 943.1758, F.S.; providing for curriculum revision for diverse populations skills training; amending s. 943.25, F.S.; relating to criminal justice trust funds; removing limitation with respect to assessment of certain additional court costs against convicted persons; revising guidelines relating to certain revenues generated from moneys in such trust funds; amending s. 318.18, F.S.; providing for court imposition of a \$3 court cost for a noncriminal traffic infraction and providing for distribution thereof pursuant to specified provisions relating to criminal justice trust funds; reenacting s. 318.121, F.S., to incorporate said amendment in a reference; providing an effective date.

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

By the Committee on Governmental Operations and Representative Albright and others—

**CS for HB 1105**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for a videotaped statement of a minor who is the victim of specified crimes involving sexual battery, lewd acts, or other sexual misconduct regarding such offenses; authorizing access by certain governmental agencies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

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By the Committee on Law Enforcement and Public Safety; and Representative Futch and others—

**HB 1151**—A bill to be entitled An act relating to criminal and juvenile justice information systems; amending s. 943.03, F.S.; requiring the Department of Law Enforcement to develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council, an information system in administrative support of state criminal and juvenile justice system; amending s. 943.08, F.S.; revising duties of the council; providing for certain recommendations by the council; providing guidelines for criminal and juvenile justice information systems and applications supported by the department and Department of Corrections and Department of Juvenile Justice; providing for installation and operation of statewide telecommunications networks to support data sharing among federal, state, and local criminal and juvenile justice agencies and other authorized entities; amending s. 20.315, F.S.; providing for maintenance by the Department of Corrections of offender-based information system; amending s. 20.316, F.S.; conforming terminology relating to development by the Department of Juvenile Justice of juvenile justice information system; removing provision requiring report by department to the council; amending s. 186.022, F.S., relating to state agency strategic plans; providing for review by the Executive Office of the Governor of recommendations of the council; correcting a cross reference; amending s. 216.0445, F.S.; providing that the executive director shall consider any findings and recommendations made by the council; conforming terminology; amending s. 282.1095, F.S., relating to state agency law enforcement radio system; reducing the membership of the Joint Task Force on State Agency Law Enforcement Communications to eliminate representative of the council; amending s. 282.111, F.S., relating to statewide system of regional law enforcement communications; removing provision requiring certain consultation by the Division of Communications with the council; providing an effective date.

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

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By the Committee on Education Innovation and Representative Meek—

**CS for HB 1159**—A bill to be entitled An act relating to education; establishing a study commission to determine the feasibility of creating a residential mathematics and sciences academy; providing commission membership and duties; requiring presentation of findings and recommendations; providing an effective date.

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

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By Representative Meek and others—

**HB 1161**—A bill to be entitled An act relating to funding for criminal proceedings; amending ss. 27.38, 27.60, F.S.; revising the budget transfer authority of state attorneys and public defenders; providing an effective date.

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

By the Committee on Water and Resource Management; and Representative Carlton and others—

**CS for HB 1195**—A bill to be entitled An act relating to pollution control; creating s. 403.0882, F.S.; providing definitions; providing for classification and permitting of the discharge of demineralization concentrate; specifying conditions for the discharge of demineralization concentrate from certain potable water production facilities; specifying conditions and limitations for such discharge from small water utility businesses; limiting regulation of such businesses by the Department of Environmental Protection; providing a permitting schedule for demineralization facilities; providing for rules; providing an effective date.

—was referred to the Committee on Natural Resources.

By the Committee on Colleges and Universities; and Representative Casey and others—

**HB 1453**—A bill to be entitled An act relating to the Florida Prepaid Tuition Scholarship Program; reviving and readopting s. 240.552, F.S., which establishes the program; providing an effective date.

—was referred to the Committee on Education.

By Representative Dockery and others—

**HB 1469**—A bill to be entitled An act relating to food and beverage vending machines; amending s. 212.0515, F.S.; deleting requirements relating to quarterly reports filed by operators; providing effective dates.

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

By the Committee on Community Affairs and Representative Culp and others—

**CS for HB 1707**—A bill to be entitled An act relating to the Florida Americans With Disabilities Accessibility Implementation Act; amending s. 553.502, F.S.; restating the intent of the act; amending s. 553.503, F.S.; adopting federal guidelines and requiring the 1997 Florida Accessibility Code for Building Construction to be adopted in accordance with ch. 120, F.S.; amending s. 553.504, F.S.; revising exceptions to applicability of guidelines; amending s. 553.505, F.S.; revising exceptions to applicability of the Americans with Disabilities Act; amending s. 553.507, F.S.; revising exemptions from the act; amending s. 553.509, F.S.; revising vertical accessibility requirements; amending ss. 553.511 and 316.1955, F.S.; revising requirements for parking facilities and spaces; amending s. 318.18, F.S.; providing for the dismissal of a citation for illegally parking in a parking space for disabled persons under certain circumstances; providing for the payment of a dismissal fee; amending s. 553.512, F.S.; revising the conditions for granting waivers; repealing s. 553.510, F.S., relating to the national standard for accessibility and usability of private property features; providing an effective date.

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

By the Committee on Law Enforcement and Public Safety; and Representative Greene and others—

**CS for HB 35**—A bill to be entitled An act relating to victim and witness protection protocol; creating s. 914.25, F.S.; providing definitions for “victim or witness at risk of harm” and “serious felony offense”; authorizing law enforcement agencies to provide protective services, including temporary relocation services, under specified circumstances; providing a time limit for provision of such services; providing that law enforcement agencies may seek reimbursement for expenses incurred in providing protective services from the Victim and Witness Protection Review Committee; providing immunity from civil liability under certain circumstances; amending s. 943.031, F.S., relating to the Florida Violent Crime Council; establishing a Victim and Witness Protection

Review Committee within the Florida Violent Crime Council; providing for membership and duties; authorizing the committee to use available funds to reimburse law enforcement agencies for protective services; providing for distribution of reimbursement funds; providing an effective date.

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

By the Committee on Crime and Punishment; and Representative Ogles and others—

**CS for HB 83**—A bill to be entitled An act relating to sexual battery; authorizing the court to sentence a defendant to be treated with medroxyprogesterone acetate (MPA) if the defendant is convicted of sexual battery; providing for mandatory treatment with medroxyprogesterone acetate (MPA) upon a subsequent conviction of sexual battery; providing for voluntary physical castration as an alternative penalty under specified circumstances; providing for medical determination of medroxyprogesterone acetate (MPA) treatment; providing for commencement, continuation, and termination of treatment; defining “prior conviction”; prohibiting the failure or refusal to appear for or allow the administration of medroxyprogesterone acetate (MPA); providing penalties; providing for severability of provisions held invalid; providing an effective date.

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

By Representative Wasserman Schultz and others—

**HB 123**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term “special risk member”; amending s. 121.0515, F.S.; adding to the Special Risk Class of membership certain emergency medical technicians and paramedics; providing legislative intent; providing an effective date.

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

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

**CS for HB 137**—A bill to be entitled An act relating to education; amending s. 230.03, F.S., relating to management of the district school system; providing authority for rules, procedures, and policies; correcting 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. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; 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.; correcting a cross reference; amending s. 230.2317, F.S.; revising provisions relating to multiagency services for students with severe emotional disturbance; amending s. 230.2318, F.S.; authorizing school resource officer programs; deleting program purposes and plan requirements; amending s. 230.303, F.S.; 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, 230.655, and 230.71, F.S., relating to educational communications systems, 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.; correcting 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.; correcting 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. 232.2468, F.S., and repealing subsections (2) and (3), relating to graduation, habitual truancy, and dropout rates; 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; 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, 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, 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, 229.0535, 229.565, 229.58, 229.592, 229.594, 229.8055, 231.085, 231.095, 231.1725, 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.; correcting cross references, conforming language, and deleting obsolete language; amending s. 236.24, F.S.; clarifying language relating to school board securities transactions; repealing s. 236.0842, F.S., relating to approval for dropout prevention programs, to conform; providing an effective date.

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

By the Committee on Law Enforcement and Public Safety; and Representative Arnall and others—

**CS for HB 225**—A bill to be entitled An act relating to driver licenses; amending s. 322.18, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from renewing a driver's license if its records show that the driver is the subject of an outstanding warrant for worthless checks; directing the Department of Law Enforcement to provide the Department of Highway Safety and Motor Vehicles with electronic access; providing circumstances for renewal of license; providing for confidentiality; providing for a fee; providing for an appropriation; providing an effective date.

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

By Representative Melvin and others—

**HB 363**—A bill to be entitled An act relating to premium finance agreements; amending s. 627.841, F.S., providing that any installment paid to a premium finance company under a premium finance agree-

ment shall be deemed to be a timely payment if it is received with a postmark on or before the due date; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committee on Family Law and Children; and Representative Bronson and others—

**CS for HB 377**—A bill to be entitled An act relating to juries; amending s. 40.013, F.S.; providing for permanent excusal of certain persons from jury service; amending s. 40.24, F.S., relating to compensation for juror service; authorizing donation of juror compensation to a program specified by a certified guardian ad litem program or to a domestic violence shelter; providing duties of the clerk of court and guidelines with respect to receipt or expenditures of such donated moneys; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Argenziano and others—

**HB 641**—A bill to be entitled An act relating to motorcycle riders; amending s. 316.211, F.S.; exempting persons of a specified age from certain safety equipment requirements; requiring insurance coverage under certain conditions; providing an effective date.

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

By the Committee on Business Development and International Trade; and Representative Boyd and others—

**CS for HB 657**—A bill to be entitled An act relating to rural economic development; amending s. 288.065, F.S.; providing that funds appropriated for the Rural Community Development Revolving Loan Fund are not subject to reversion; amending s. 288.106, F.S.; defining "rural county" and "rural city"; providing for determination of the "average wage in the area" for purposes of the tax refund program for qualified target industry businesses based on private sector wages only; authorizing the Office of Tourism, Trade, and Economic Development to waive the annual wage requirement imposed as a condition of qualifying for review for participation in the program under certain circumstances; providing an effective date.

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

By the Committee on Election Reform and Representative Andrews—

**CS for HB 731**—A bill to be entitled An act relating to political advertisements; creating s. 106.1433, F.S.; providing requirements for use of manipulated images in political advertisements; providing definitions; providing penalties; providing an effective date.

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

By Representative Bainter and others—

**HB 743**—A bill to be entitled An act relating to insurance; amending s. 624.424, F.S.; increasing the time limit on an insurer's use of certain accountants; amending s. 627.311, F.S.; providing civil immunity for certain persons associated with the Florida Joint Underwriting Association; providing an exception; amending s. 626.321, F.S.; authorizing certain entities that hold a limited license for credit life and disability insurance to sell credit property insurance; providing an effective date.

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

By Representative Sublette and others—

**HB 887**—A bill to be entitled An act relating to school district expenditures; amending s. 237.081, F.S.; requiring the inclusion of specified information in the advertisement of a school board's tentative budget; providing an effective date.

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

By the Committees on Law Enforcement and Public Safety; Agriculture; and Representative Spratt and others—

**CS for CS for HB 907**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 581.011, F.S.; revising definition of the term "noxious weed"; amending s. 581.182, F.S.; renaming an advisory committee; repealing s. 3, ch. 92-153, Laws of Florida; amending s. 581.185, F.S.; creating the Endangered or Threatened Native Flora Conservation Grants Program in the Department of Agriculture and Consumer Services to provide grants for the protection, curation, propagation, reintroduction, and monitoring of endangered or threatened native flora; clarifying the scope of the Regulated Plant Index; abrogating the repeal of s. 581.186, F.S., relating to the Endangered Plant Advisory Council; amending s. 589.011, F.S.; authorizing the Division of Forestry to prohibit certain activities and providing penalties; authorizing leasing of property and structures to telecommunications providers; authorizing fees; creating s. 589.012, F.S.; creating the Friends of Florida State Forests Program; providing purpose; creating s. 589.013, F.S.; authorizing a direct-support organization for the Friends of Florida State Forests Program; amending s. 590.01, F.S.; providing Division of Forestry responsibility for forest and wild land fire protection; amending s. 590.02, F.S.; clarifying that a specific appropriation is not needed to build certain structures; amending s. 590.026, F.S.; clarifying requirements for prescribed burning; amending s. 601.58, F.S.; revising procedures relating to approval of a citrus fruit dealer's license application; amending s. 601.60, F.S.; authorizing the department to issue a provisional license; amending s. 601.67, F.S.; authorizing a fine against a person who operates as a citrus fruit dealer without a license; amending s. 602.065, F.S.; revising provisions relating to the deposit of certain funds for the eradication of citrus canker; amending s. 604.15, F.S.; revising definition of the term "agricultural products"; amending s. 500.03, F.S.; providing definitions relating to food products; reenacting s. 500.04(4) and (6), F.S., relating to prohibited acts, to incorporate amendments to ss. 500.12 and 500.147, F.S., in references; amending s. 500.11, F.S., relating to misbranded food; clarifying language; adding bottled water requirements; amending s. 500.12, F.S., relating to food and building permits; including existing fees for permits for operating bottled water plants or packaged ice plants; providing requirements; amending s. 500.121, F.S., relating to disciplinary procedures; providing for a fine for mislabeling; amending s. 500.147, F.S.; inserting inspection language for bottled water plants and packaged ice plants; authorizing a food safety inspection pilot program; providing criteria for the program; amending s. 500.171, F.S.; revising provisions authorizing an injunction; reenacting s. 500.177(1), F.S.; providing a penalty; amending s. 500.459, F.S.; providing definitions relating to water vending machines and conforming a requirement to the State Plumbing Code; amending s. 500.511, F.S., relating to fees, enforcement, and preemption; conforming cross references and deleting reference to certain water and ice operators and dealers; amending s. 526.3135, F.S.; clarifying compilation of a report; amending s. 531.44, F.S.; establishing authority to set procedures for verifying acceptable pricing practices; amending s. 531.50, F.S.; authorizing penalties for violation of provisions relating to weights and measures; providing for deposit of funds; amending s. 534.011, F.S.; providing for deposit of fees relating to the inspection and protection of livestock; amending s. 253.68, F.S.; modifying 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; repealing ss. 500.453, 500.455, 500.457, and 500.509, F.S., relating to bottled water and packaged ice regulation; providing for a state facility designation; providing an effective date.

—was referred to the Committees on Agriculture; Community Affairs; and Ways and Means

By Representative Bradley and others—

**HB 1013**—A bill to be entitled An act relating to the Florida Education Finance Program; amending s. 236.081, F.S.; increasing the maximum enrollment ceiling on adult education programs for fiscal year 1997-1998; providing an effective date.

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

By the Committee on Governmental Operations and Representative Jones—

**CS for HB 1125**—A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete language; amending s. 117.04, F.S.; providing for acknowledgements by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; specifying the elements of a notarial certificate; revising provisions relating to identification; providing for notice to the Governor of lost or stolen notary seals; revising provisions relating to copying certain documents; amending s. 117.10, F.S.; correcting a cross reference; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, and 747.051, F.S.; revising certain forms; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Banking and Insurance.

By the Committee on Finance and Taxation; and Representative Starks and others—

**HB 1337**—A bill to be entitled An act relating to taxation; amending s. 199.143, F.S.; defining "residence" for purposes of provisions which specify when the nonrecurring intangible personal property tax is paid when the property subject to the mortgage, deed of trust, or other lien which secures a line of credit is the borrower's residence; amending s. 201.08, F.S., which imposes the excise tax on documents on notes and other obligations to pay money, and mortgages and other evidences of indebtedness; specifying the conditions under which a renewal of a document is taxable under said section; providing that taxability of a document shall be determined solely from the face of the document and separate documents expressly incorporated therein; specifying application of tax when multiple documents secure the same primary debt; providing that no tax imposed before the effective date of this act and not actually collected on certain documents exempted by this act shall be due with respect to such documents; specifying status of mortgages given by a taxpayer other than or in addition to the taxpayer obligated on the primary obligation or given to secure a guaranty or surety on a primary note; amending s. 201.09, F.S.; specifying conditions under which a renewal note evidencing a revolving obligation is exempt from said tax; creating s. 201.091, F.S.; providing that if a document is not qualified for exemption as a renewal solely because of nonpayment of tax on a prior document, payment of the deficiency, interest, and any penalty shall allow the document to qualify for exemption; providing for administration; providing an effective date.

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

By the Committee on Tourism and Representative Melvin and others—

**CS for HB 1345**—A bill to be entitled An act relating to public food service establishments; amending s. 509.032, F.S.; providing that certain rules adopted by the Division of Hotels and Restaurants shall provide alternative methods of achieving food protection in certain rules related to cooking and handling foods; providing an effective date.

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

By Representative Tobin—

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

—was referred to the Committee on Judiciary.

By Representative Littlefield and others—

**HB 1523**—A bill to be entitled An act relating to long-term care; providing legislative findings and intent; creating the “Long-Term Care Community Diversion Pilot Project Act”; providing definitions; providing for evaluation of criteria and procedures for long-term care through community diversion pilot projects; providing for design and implementation of pilot projects; providing for funding and participant cost-sharing; providing for selection of pilot project areas; providing service requirements; providing for quality of care standards; authorizing contracts for managed care services; revising certificate-of-need nursing home bed need methodology to accommodate pilot project development; requiring annual reports; requiring independent evaluation of pilot projects; specifying responsibilities of the Department of Elderly Affairs and the Agency for Health Care Administration; creating the long-term care interagency advisory council; providing for appointment of members; providing council duties; amending s. 400.071, F.S.; authorizing the agency to consider specified certificate-of-need review criteria for nursing homes; providing an effective date.

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

By the Committee on Community Affairs and Representative Gay and others—

**CS for HB 1803**—A bill to be entitled An act relating to affordable housing; amending s. 420.0003, F.S.; revising provisions relating to implementation of the State Housing Strategy; amending s. 420.0005, F.S.; providing directions for use of the State Housing Trust Fund; creating s. 420.0006, F.S.; directing the Secretary 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; specifying its status as a public corporation; revising membership of its board of directors; providing liability of members; 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 powers of the corporation; amending s. 420.508, F.S.; providing special powers of the corporation with respect to multifamily and single family projects; revising requirements relating to security for loans and bonds; establishing the Florida Housing Finance Corporation Fund and providing for deposit of funds in the Housing Finance Agency Trust Fund therein and for closure of the trust fund; amending s. 420.5087, F.S.; renaming and revising the status of the State Apartment Incentive Loan Trust Fund and transferring amounts to the renamed fund; conforming terminology; amending s. 420.5088, F.S.; renaming and revising the status of the Florida Homeownership Assistance Trust Fund and transferring amounts to the renamed fund; conforming terminology; amending s. 420.5089, F.S.; renaming and revising the status of 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 and 420.5092, F.S.; conforming terminology; amending s. 420.5099, F.S.; providing for allocation of low-income housing tax credits; providing considerations for assessment of tax credit developments; amending s. 420.51, F.S.; conforming terminology; amending s. 420.511, F.S.; directing the corporation to develop a business plan and a strategic plan and make an annual report; requiring submission of a financial audit and compliance audit with the annual report; 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 ss. 420.514 and 420.523, F.S.; conforming terminology; creating s. 420.517, F.S.; providing for affordable housing and job training coordination; amending s. 420.525, F.S.; renaming and revising the status of the Housing Predevelopment Trust Fund and transferring amounts to the renamed fund; amending ss. 420.526, 420.527, 420.528, and 420.529, F.S.; conforming terminology; amending s. 420.602, F.S.; revising definitions under the Affordable Housing Planning and Community Assistance Act; amending s. 420.606, F.S.; revising provisions relating to training and technical assistance; amending s. 420.9071, F.S.; revising definitions under the State Housing Initiatives Partnership Program; amending s. 420.9072, F.S.; revising requirements for the State Housing Initiatives Partnership Program; amending s. 420.9073, F.S., relating to local housing distributions; raising the guaranteed minimum allocation; amending s. 420.9075, F.S.; providing for local housing assistance plans; amending s. 420.9076, F.S.; providing for the adoption of local housing incentive strategies; amending s. 420.9078 and 420.9079, F.S.; providing for the administration of, and distributions 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; amending ss. 239.505 and 381.0081, F.S.; conforming terminology; amending s. 285.11, F.S.; providing that leases of Seminole Indian Reservation land entered into with a Florida Indian for housing development and residential purposes may be for a term not to exceed 50 years; providing for transition; providing an effective date.

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

By the Committee on Governmental Operations and Representative Posey and others—

**HB 1867**—A bill to be entitled An act relating to the executive branch of state government; amending ss. 20.21 and 20.37, F.S.; providing that the head of the Department of Revenue and the Department of Veterans’ Affairs shall be a secretary appointed by the Governor, subject to confirmation by the Senate; amending s. 20.10, F.S.; repealing s. 20.24, F.S.; creating s. 20.241, F.S.; abolishing the Department of Highway Safety and Motor Vehicles and creating a Department of Highway Safety; transferring the Division of Driver Licenses and Division of Motor Vehicles to the Department of State; transferring the Florida Highway Patrol to the Department of Highway Safety; providing for transfer of positions and trust funds and for interagency agreements; providing for availability of driver’s license information to the Department of Highway Safety; directing that reviser’s bills be prepared to conform the Florida Statutes; amending s. 322.125, F.S.; providing for appointment of members of the Medical Advisory Board within the Department of State by the Secretary of State; amending ss. 20.32, 947.02, 947.021, 947.03, and 947.04, F.S.; providing for appointment of the Parole Commission, parole qualifications committees, and officers thereof by the Governor, rather than the Governor and Cabinet; amending s. 110.181, F.S.; providing for appointment of seven members of the Florida State Employees’ Charitable Campaign steering committee by the Governor and Cabinet members rather than the Administration Commission; amending ss. 110.112, 110.161, 110.209, 110.21, 110.211, and 110.219, F.S.; removing the requirement that the Administration Commission approve rules relating to agency affirmative action plans, the pretax benefits program, pay plans, shared employment, recruitment, and attendance and leave; amending s. 110.1225, F.S.; providing that the Governor, rather than the Administration Commission, may propose employee furlough plans; providing that a Cabinet member may propose such plans for his or her agency; amending s. 110.205, F.S.; removing the requirement that the Administration Commission approve certain positions exempt from the Career Service System; amending s. 110.209, F.S.; providing that the Governor, rather than the Administration Commission, shall review actions relating to pay grade assignments; amending s. 112.175, F.S.; providing that the Department of Management Services, rather than the Administration Commission, shall adopt rules relating to withholding of wages to repay educational loans; amending ss. 215.18 and 215.32, F.S.; providing that the Governor, rather than the Administration Commission, shall order certain transfers between funds and approve trust fund consolidations; amending ss. 216.177, 216.179, 216.181, 216.182, 216.192, 216.195, 216.221, 216.231, 216.241, 216.251, 216.262, 216.292, and 240.513, F.S.; providing that the Governor, rather than the Administration Commission, shall have responsibilities in the following areas

relating to appropriations and budgeting: appropriations act review and objection procedures, authorization of expenditures, amendments to approved operating budgets, review of determinations relating to fixed capital outlay program plans, review of plans for releases of funds, impoundment of funds, implementing certain deficit reduction plans, release of funds classified as "deficiency," approval of new programs or program changes, setting of certain salaries, certain adjustments to authorized positions, and authorization of certain fund transfers; amending s. 195.087, F.S.; removing provisions which allow property appraisers to appeal budget decisions to the Administration Commission; amending s. 213.055, F.S.; providing that the Governor, rather than the Governor and Cabinet, may grant certain fuel tax refunds in an emergency; amending s. 336.025, F.S.; providing that the Governor, rather than the Administration Commission, shall resolve disputes relating to determination of distribution proportions for the local option fuel tax for county transportation systems; amending ss. 212.0599, 213.065, and 213.066, F.S.; removing references to adoption by the Governor and Cabinet of certain implementing rules of the Department of Revenue; amending ss. 161.101 and 366.055, F.S.; providing that the Governor, rather than the Governor and Cabinet, shall have responsibility for declaration of a shoreline emergency and declaration of an energy emergency; amending s. 339.135, F.S.; removing responsibilities of the Administration Commission with respect to approval of proposed amendments by the Department of Transportation to an adopted work program when objection has been made thereto; amending s. 945.6035, F.S.; providing for appeals to the Governor, rather than the Administration Commission, for resolution of disputes between the Department of Corrections and the Correctional Medical Authority; providing effective dates.

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

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## RETURNING MESSAGES—FINAL ACTION

*The Honorable Toni Jennings, President*

I am directed to inform the Senate that the House of Representatives has passed SB 152, SB 180, CS for SB 232, CS for SB 378, CS for SB 442, CS for SB's 530 and 848, CS for SB 550, CS for SB 630, SB 1108, CS for SB 1112, SB 1430 and CS for SB 1862.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 24 was corrected and approved.

## CO-SPONSORS

Senators Clary—CS for SB 1018; Dyer—SB 1016; Hargrett—SB 208; Thomas—SB 208; Kirkpatrick—CS for SB 544 and CS for SB 1904; McKay—CS for SB 544 and CS for SB 1904; Meadows—CS for SB 544 and CS for SB 1904

## RECESS

On motion by Senator Bankhead, the Senate recessed at 5:01 p.m. to reconvene at 9:30 a.m., Monday, April 28.

