



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President King at 9:31 a.m. A quorum present—38:

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Cowin	Lee	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Excused: Senators Bullard and Wasserman Schultz

PRAYER

The following prayer was offered by Rabbi Yoel Caroline, Chabad of Key Biscayne:

Almighty Father in Heaven, Creator of all Beings, Dear God: Grateful are we before you, that today, as on every day of our lives on this earth, you have once again mercifully restored our souls within us, thereby granting us the gift of life. May we cherish this gift and positively utilize every moment of our lives in your service. We confirm this day that the greatest expression of serving you is in the simple act of kindness toward a fellow human being.

We are prepared to mark once again, on this Friday, the birthday of The Lubavitcher Rebbe, Rabbi Menachem Schneerson, of blessed memory. This day has been proclaimed as Education and Sharing Day, honoring The Rebbe's dedication to an educational system that nurtures goodness and kindness and thereby gives direction and dignity to the lives of our young people. Almighty God, please give us the strength to follow in this noble example.

As the Jewish people prepare to celebrate the holiday of Passover, the festival of freedom marking the exodus from slavery in Egypt, and the birth of the Jewish nation, please grant to all the celebration of true freedom—the freedom to choose good; the freedom to make choices based on your divine code of never-changing ethical values; the freedom to choose to do one more act of goodness and kindness, and to thereby reveal the pure inner goodness of your world.

May we in this blessed state be recognized not only for our sunshine, but also for our grace, not only for our warm climate, but also for the warmth of our hearts.

Dear God, please bless the members of this august Senate chamber, elected by you, along with their families and those they represent, with health and prosperity. And may we all seek to unify, strengthen and glorify the soul of this great nation, under you, our dear God, and to protect liberty and justice for all. Amen.

PLEDGE

Senate Pages Zachary “Zack” Martindale of Nokomis; Erin Hawkins of Orlando; Christopher J. Sebesta, grandson of Senator Sebesta, of Merritt Island; and Mirna Garcia of Hialeah, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Captain William T. Busch of Jacksonville, sponsored by Senator Wise, as doctor of the day. Dr. Busch specializes in Ophthalmology.

ADOPTION OF RESOLUTIONS

On motion by Senator Diaz de la Portilla—

By Senators Diaz de la Portilla, King, Alexander, Argenziano, Aronberg, Atwater, Bennett, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Dawson, Dockery, Fasano, Garcia, Haridopolos, Hill, Jones, Klein, Lawson, Lee, Lynn, Margolis, Miller, Peaden, Posey, Pruitt, Saunders, Sebesta, Siplin, Smith, Villalobos, Webster, Wilson and Wise—

SR 2608—A resolution commending the Florida Marlins for their outstanding 2003 baseball season and victory in the 2003 World Series.

WHEREAS, the staffing brilliance of General Manager Larry Beinfest throughout the 2003 Major League Baseball Season enabled the Florida Marlins to rise from the obscurity of second-division standing to championship form, acquiring key players at critical moments during the season to facilitate an incredible finish at season's end, and

WHEREAS, under the leadership of Manager Jack McKeon, the Marlins won more games than they lost, rising above .500, becoming a first-division team, and defeating six other contenders to earn a Wild Card berth in the National League's 2003 East Division Championship Series, and

WHEREAS, after losing the opener in the five-game East Division Championship Series to the San Francisco Giants, the Marlins won the next three games, two of which were emotional thrillers at home, winning the Series and propelling them into the National League Division Championship Series against the West Division Championship Chicago Cubs, and

WHEREAS, after narrowly winning the opener of the seven-game National League Division Championship Series against the Cubs, the Marlins lost the next three games, but grittily rebounded to win the final

three games, claim the National League Pennant, and become the opponent of the New York Yankees in the 2003 World Series, and

WHEREAS, after winning a close game in the opener of the World Series, the Florida Marlins lost the next two games, but confidently rebounded to convincingly win the next three games, beating the Yankees in four of six games, to win the 2003 World Series and become the Champions of Major League Baseball, NOW, THEREFORE,

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

That the players, owners, managers, and coaches of the Florida Marlins are commended for their competitive excellence in winning the National League Pennant and convincingly defeating the New York Yankees in the 2003 World Series to become the Champions of Major League Baseball.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to David Samson, President of the Florida Marlins, as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Diaz de la Portilla, **SR 2608** was read the second time in full and adopted.

On motion by Senator Peaden—

By Senator Peaden—

SR 1954—A resolution commending the osteopathic physicians of this state and recognizing March 31, 2004, as Osteopathic Medicine Day.

WHEREAS, osteopathic physicians provide health care services that account for more than 100 million patient visits in this country each year, and

WHEREAS, this state has nine accredited osteopathic hospitals, two osteopathic medical colleges, and the fourth largest osteopathic physician population in the United States, and

WHEREAS, osteopathic manipulation of the musculoskeletal system is a viable and proven technique for many diagnoses and treatments and provides an alternative to many drug therapies, and

WHEREAS, osteopathic physicians provide comprehensive medical care, including preventive medicine, diagnoses, and the appropriate use of drugs, surgery, manipulation, and hospital referrals, NOW, THEREFORE,

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

That the Florida Senate commends the osteopathic physicians of this state for their contributions to the health and welfare of the residents of this state and recognizes March 31, 2004, as Osteopathic Medicine Day.

—was introduced out of order and read by title. On motion by Senator Peaden, **SR 1954** was read the second time in full and adopted.

On motion by Senator Dockery—

By Senator Dockery—

SR 3028—A resolution recognizing March 31, 2004, as “Hernando County Day” in Tallahassee.

WHEREAS, on February 27, 1843, the County of Hernando was established and named after the Spanish explorer Hernando DeSoto, and

WHEREAS, nestled in the central west coast of Florida north of Tampa Bay, Hernando County was known to the Native Americans as a Garden of Eden, and, with its vast rivers, lakes, and streams, oyster beds, and inland forests, Hernando County was truly a paradise, and

WHEREAS, as part of the 9-county Nature Coast, Hernando County’s mild temperatures are ideal for year-round outdoor recreation where

hunting, fishing, camping, paddling, birding, and hiking are just a few of the numerous recreational opportunities enjoyed by residents and visitors alike, and

WHEREAS, Hernando County’s vast tracts of public land have been preserved, including the Chassahowitzka National Wildlife Refuge, the Chinsegut Hill National Wildlife Refuge, the Withlacoochee State Forest, the Weeki Wachee Preserve, and the PK Ranch, and

WHEREAS, construction, dairy and cattle production, health care, manufacturing, tourism, electronics, forest resources, and lime rock mining help to fuel the local economy, and

WHEREAS, covering 478.3 square miles, the Hernando County community’s vision of growth includes the “Close to Home, Room to Roam” philosophy for this transitioning suburban-rural county, NOW, THEREFORE,

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

That March 31, 2004, be recognized as “Hernando County Day” in Tallahassee.

—was introduced out of order and read by title. On motion by Senator Dockery, **SR 3028** was read the second time in full and adopted.

At the request of Senator Fasano—

By Senators Fasano and Atwater—

SR 1766—A resolution celebrating the 100th Anniversary of the Catholic Daughters of the Americas.

WHEREAS, on October 20, 1903, in Utica, New York, the Knights of Columbus organized a group of Catholic women to establish the Catholic Daughters of the Americas to develop and share their God-given talents through implementation of creative programs that advance the religious, charitable, and educational values of the Catholic Church to strengthen the spiritual well-being of all people, and

WHEREAS, membership in the Catholic Daughters of the Americas is made up of Catholic women 18 years of age and older who embrace the principle of living their faith in God by working to foster and promote justice, equality, the advancement of human rights, and human dignity for all people, and

WHEREAS, in the first 100 years of its existence, the Catholic Daughters of the Americas has evolved from its founding group, identified as Utica Court #1, to the largest organization of Catholic women in the Americas, with the Courts established throughout the 50 states, the District of Columbia, Mexico, Siapan, Guam, the Virgin Islands, the Dominican Republic, and Puerto Rico, and

WHEREAS, the work of Catholic Daughters of the Americas has proven to be an invaluable asset to the communities in which they exist, providing a seemingly inexhaustible source of dynamic energy stimulating development of moral strength and spiritual growth in those who are drawn to meaningful involvement in their programs, NOW, THEREFORE,

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

That the Florida Senate celebrates the 100th Anniversary of Catholic Daughters of the Americas for enhancing the quality of life for all Floridians by providing a vibrant source of compassionate caring to stimulate the development of moral strength and spiritual growth to advance justice, equality, human rights, and dignity for all people.

—**SR 1766** was introduced, read and adopted by publication.

At the request of Senator Cowin—

By the Committee on Natural Resources and Senators Cowin, Lawson, Argenziano, Dockery, Constantine, Atwater, Siplin, Clary, Fasano, Wise, Smith, Webster, Alexander, Peaden, Campbell, Pruitt, Aronberg, Klein, Garcia, Dawson and Lee—

CS for SR 1202—A resolution recognizing March 31, 2004, as “Local Water Sources First Day,” supporting the continued inclusion of a “local sources first” policy in chapter 373, Florida Statutes, and opposing any amendments to the state’s water resource policy that are inconsistent with the public interest.

WHEREAS, Florida’s water resources are a natural resource and not a commodity to be sold or transferred to the highest bidder, and

WHEREAS, the Florida Senate supports a state “local sources first” policy in state law, and

WHEREAS, the Florida Senate recognizes that the continued retention of the local sources first policy is integral to protecting the state’s water resources, advancing long-term sustainable water-resource development and supply systems, and preserving the opportunities of local residents to secure and sustain their future prosperity and quality of life through the use and enjoyment of local water resources, and

WHEREAS, the Florida Senate supports the fundamental principles of the state’s water law which require that a proposed use of water be reasonable and beneficial, not interfere with an existing legal use of water, and be consistent with the public interest, and

WHEREAS, the Florida Senate opposes legislation that would fundamentally alter the state’s current water-supply allocation practices, and

WHEREAS, the Florida Senate opposes legislation that undermines a fundamental principle of water law which establishes a right of use rather than a right of ownership, and

WHEREAS, a recent report by the Florida Council of 100 has recommended modifications to chapter 373, Florida Statutes, to significantly alter provisions that establish a policy for using local water sources first, and

WHEREAS, the Florida Senate wishes to go on record that such a proposal could put the state’s surface waters and aquifers at risk of irreparable harm, and

WHEREAS, the Florida Senate believes that any discussion of regional water transfer is premature until minimum flows and levels have been established for all of the state’s water resources, NOW, THEREFORE,

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

That the Florida Senate recognizes March 31, 2004, as “Local Water Sources First Day,” and opposes any modifications to the fundamental provisions of chapter 373, Florida Statutes, as they relate to the current “local sources first” policy, and encourages its legislative colleagues and the Governor to join in this opposition.

—**CS for SR 1202** was adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lynn, by two-thirds vote **SB 100, SB 106, SB 136, SB 180, SB 484, SB 536, SB 1112, SB 1188** and **SB 1334** were withdrawn from the committees of reference and further consideration.

On motion by Senator Aronberg, by two-thirds vote **SB 1216** was withdrawn from the committees of reference and further consideration.

On motion by Senator Campbell, by two-thirds vote **SB 1730, SB 1732** and **SJR 1734** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bennett, by two-thirds vote **SB 2844** was withdrawn from the committees of reference and further consideration.

On motion by Senator Clary, by two-thirds vote **SB 710** was withdrawn from the committees of reference and further consideration.

On motion by Senator Alexander, by two-thirds vote **SB 3050** was withdrawn from the committees of reference and further consideration.

On motion by Senator Saunders, by two-thirds vote **SB 148, SB 150, SB 152** and **SJR 46** were withdrawn from the committees of reference and further consideration.

On motion by Senator Wise, by two-thirds vote **SB 508, SB 1574** and **SB 2240** were withdrawn from the committees of reference and further consideration.

On motion by Senator Lee, by two-thirds vote **CS for SB 704** was withdrawn from the Committees on Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar; and referred to the Committees on Health, Aging, and Long-Term Care; and Rules and Calendar; **CS for SB 1250, CS for SB 1258, CS for CS for CS for SB 446, CS for CS for SB 712, CS for SR 1202, SB 1626, CS for SB’s 2346 and 516** and **CS for SB 2496** were withdrawn from the Committee on Rules and Calendar; **SB 1280** was withdrawn from the Committee on Appropriations; and referred to the Committees on Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations; **SB 1358** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on Transportation and Economic Development; Appropriations; and Rules and Calendar; and referred to the Committees on Governmental Oversight and Productivity; Finance and Taxation; Appropriations Subcommittee on Transportation and Economic Development; Appropriations; and Rules and Calendar; **CS for SB 1494** was withdrawn from the Committee on Finance and Taxation; **SB 2500** and **SB 2502** were withdrawn from the Committee on Appropriations; **CS for SB 204** was withdrawn from the Committee on Judiciary; **CS for SB 418, CS for SB 1368** and **SB 1442** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 588** was withdrawn from the Committee on Comprehensive Planning; **CS for SB 606** was withdrawn from the Committee on Appropriations Subcommittee on Health and Human Services; **CS for SB 1072** was withdrawn from the Committee on Appropriations Subcommittee on General Government; **CS for SB 1374** was withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **SB 1460** was withdrawn from the Committee on Health, Aging, and Long-Term Care; **SB 1768** was withdrawn from the Committee on Appropriations Subcommittee on Criminal Justice; and **SB 2444** was withdrawn from the Committee on Regulated Industries.

On motion by Senator Pruitt, by two-thirds vote **CS for CS for SB 206, CS for CS for SB 1330, SB 1716, CS for SB 1808, CS for CS for SB 2388, CS for CS for SB 2882, CS for CS for SB 2978, SB 676, CS for SB 2694, CS for SB 858, CS for SB 860** and **CS for SB 872** were withdrawn from the Committee on Appropriations.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the meeting of the Special Order Subcommittee of the Committee on Rules and Calendar scheduled for 3:45 p.m. this day was cancelled.

BILLS ON THIRD READING

On motion by Senator Wise, by two-thirds vote **HB 347** was withdrawn from the Committees on Natural Resources; Governmental Oversight and Productivity; and Finance and Taxation.

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

HB 347—A bill to be entitled An act relating to the Florida Inland Navigation District; amending s. 374.982, F.S.; including Nassau County within the jurisdiction of the district; amending s. 374.983, F.S.; increasing the membership of the board of commissioners of the district, to conform; providing for the appointment of a commissioner from Nassau County; providing for the initial and subsequent terms of office; amending s. 374.984, F.S.; revising an obsolete reference to Dade County; providing for a referendum with respect to the authority of the district to levy an ad valorem tax within Nassau County; providing effective dates.

—a companion measure, was substituted for **SB 1298** and by two-thirds vote read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 347** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President
Alexander

Argenziano
Aronberg

Atwater
Bennett

Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Saunders
Constantine	Jones	Sebesta
Cowin	Klein	Siplin
Crist	Lawson	Smith
Dawson	Lee	Villalobos
Diaz de la Portilla	Lynn	Webster
Dockery	Margolis	Wilson
Fasano	Miller	Wise
Garcia	Peaden	

Nays—None

On motion by Senator Lawson, by two-thirds vote **HB 989** was withdrawn from the Committees on Natural Resources; and Transportation.

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

HB 989—A bill to be entitled An act relating to environmental protection; amending s. 403.813, F.S.; providing for applicability of a road and bridge project permit exemption to the Suwannee River Water Management District; requiring the Department of Environmental Protection to adopt a general permit that shall be applicable to qualified projects reviewed by the department or applicable water management district; providing for the repeal of this paragraph upon adoption of the general permit; deleting an obsolete provision relating to a report; providing an effective date.

—a companion measure, was substituted for **CS for SB 2200** and by two-thirds vote read the second time by title. On motion by Senator Lawson, by two-thirds vote **HB 989** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Cowin	Lee	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

SENATOR WEBSTER PRESIDING

CS for SB 1848—A bill to be entitled An act relating to warranty associations; creating ss. 634.1815, 634.3205, and 634.4225, F.S.; prescribing conditions under which a salesperson or a sales representative of a motor vehicle service agreement company, a home warranty association, or a service warranty association may rebate his or her commission; amending s. 634.271, F.S.; providing an exemption from penalty provisions for certain service warranties; providing retroactive applicability; amending s. 634.406, F.S.; prescribing conditions under which a service warranty association is exempt from certain premium-reserve and liability-insurance requirements and may allow premiums to exceed certain limits; providing an effective date.

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

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

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

Amendment 1 (241290)—On page 2, lines 27-30, delete those lines and insert: *unauthorized or unregulated sale, prior to April 23, 2002, of a vehicle protection product that provides for payment of vehicle protection expenses, as defined in s. 634.011, or the failure to disclose or properly disclose in a retail installment contract or motor vehicle lease agreement prior to April 23, 2002, a vehicle protection product that provides for payment of vehicle protection expenses, if it was otherwise clearly disclosed to the consumer in writing at the time of the purchase or lease.*

On motion by Senator Bennett, **CS for SB 1848** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Geller	Pruitt
Bennett	Haridopolos	Saunders
Campbell	Hill	Sebesta
Carlton	Jones	Siplin
Clary	Klein	Smith
Constantine	Lawson	Villalobos
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 1162—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 365.174, F.S., relating to an exemption from public-records requirements provided for proprietary confidential business information held by the Wireless 911 Board or the State Technology Office; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions that provide for the repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **CS for SB 1162** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Cowin	Lee	Wilson
Crist	Lynn	Wise
Dawson	Margolis	
Diaz de la Portilla	Miller	

Nays—None

SB 2124—A bill to be entitled An act relating to building designations; designating H. William Heller Hall at the University of South Florida St. Petersburg in Pinellas County; directing the university to erect suitable markers; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **SB 2124** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Aronberg	Bennett
Argenziano	Atwater	Campbell

Carlton	Haridopolos	Pruitt	Clary	Jones	Saunders
Clary	Hill	Saunders	Constantine	Klein	Sebesta
Constantine	Jones	Sebesta	Cowin	Lawson	Siplin
Cowin	Klein	Siplin	Crist	Lee	Smith
Crist	Lawson	Smith	Diaz de la Portilla	Lynn	Villalobos
Dawson	Lee	Villalobos	Dockery	Margolis	Webster
Diaz de la Portilla	Lynn	Webster	Fasano	Miller	Wilson
Dockery	Margolis	Wilson	Geller	Peaden	Wise
Fasano	Miller	Wise	Haridopolos	Posey	
Garcia	Peaden		Hill	Pruitt	
Geller	Posey				

Nays—None

CS for SB 1212—A bill to be entitled An act relating to the district school tax; amending s. 1011.71, F.S.; continuing indefinitely a provision, previously applicable only in the 2003-2004 fiscal year, which allows a specified tax levy to be used to offset the cost of school buses purchased through contracts with private providers; amending s. 200.065, F.S., relating to the method of fixing millage, to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for SB 1212** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Cowin	Lee	Wilson
Crist	Lynn	Wise
Dawson	Margolis	
Diaz de la Portilla	Miller	

Nays—None

Consideration of **SB 534** was deferred.

CS for SB 1650—A bill to be entitled An act relating to state financial matters; amending s. 112.363, F.S.; providing that the spouse at the time of a Florida Retirement System participant's death is considered the beneficiary for purposes of the retiree health insurance subsidy unless a different beneficiary has been designated; amending s. 121.4501, F.S.; defining the term "retiree" for purposes of the Public Employee Optional Retirement Program; changing the dates for election to participate in the program; prescribing the obligation of system employers to communicate the existence of both retirement plans; amending s. 121.591, F.S.; providing for cashing out de minimis accounts; amending s. 121.78, F.S.; providing the participant's obligation to return excess contributions; amending s. 215.47, F.S.; revising guidelines for foreign obligations that are eligible for state investment; providing that expenditures for acquisition for private equity or other private investment partnerships shall be included in the cost of the investment; amending ss. 215.475, 215.5601, F.S.; redesignating investment plans as "investment policy statements"; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for SB 1650** was passed and certified to the House. The vote on passage was:

Yeas—34

Alexander	Aronberg	Bennett
Argenziano	Atwater	Carlton

THE PRESIDENT PRESIDING

CS for CS for SB 368—A bill to be entitled An act relating to environmental health; creating s. 381.0069, F.S.; providing for the regulation of portable restroom contracting; providing definitions; requiring a portable restroom contractor to apply for registration with the Department of Health; providing requirements for registration, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including continuing education; providing for certification of partnerships and corporations; providing grounds for suspension or revocation of registration; providing fees; providing penalties and prohibitions; amending s. 381.0061, F.S.; authorizing imposition of an administrative fine for violation of portable restroom contracting requirements; amending s. 381.0065, F.S.; specifying the department's powers and duties with respect to the regulation of portable restroom facilities and the companies that provide and service them; authorizing the department to enter the business premises of any portable restroom contractor for compliance determination and enforcement; authorizing issuance of a citation for violation of portable restroom contracting requirements which may contain an order of correction or a fine; amending s. 381.0066, F.S.; authorizing the continuation of permit fees for system construction permits for onsite sewage treatment and disposal systems; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for CS for SB 368** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for SB 1526—A bill to be entitled An act relating to motor vehicles; amending s. 261.03, F.S.; redefining the term "off-highway vehicle" to include a two-rider ATV; adding a definition; amending s. 261.05, F.S.; requiring the advisory committee to study and provide a report to the Governor and the Legislature; amending s. 316.003, F.S.; defining the term "traffic signal preemption system"; amending s. 316.006, F.S.; authorizing transfer of traffic regulatory authority by interlocal agreement from a municipality to a county; amending s. 316.0775, F.S.; providing that the unauthorized use of a traffic signal preemption device is a moving violation; amending s. 316.122, F.S.; providing for the right-of-way for certain passing vehicles; creating s. 316.1576, F.S.; providing clearance specifications for a railroad-highway grade crossing; providing a penalty; amending s. 316.183, F.S.; increasing the minimum speed limit on interstate highways under certain circumstances; amending s. 316.1932, F.S.; revising the requirements for

printing the notice of consent for sobriety testing on a driver's license; amending s. 316.194, F.S.; authorizing traffic accident investigation officers to remove vehicles under certain circumstances; amending s. 316.1967; providing that an owner of a leased vehicle is not responsible for a parking ticket violation in certain circumstances; amending s. 316.2074, F.S.; redefining the term "all-terrain vehicle" to include a two-rider ATV; amending s. 316.515, F.S.; authorizing the use of certain agricultural tractors and agricultural implements for the purpose of transporting certain products; amending s. 316.650, F.S.; providing exceptions to a prohibition against using citations as evidence in a trial; amending s. 317.0003, F.S.; defining the term "off-highway vehicle" to include a two-rider ATV; providing a definition; amending s. 317.0007, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue a validation sticker as an additional proof of title for an off-highway vehicle; providing for the replacement of lost or destroyed off-highway vehicle validation stickers; providing for disposition of fees; repealing s. 317.0008(2), F.S., relating to the expedited issuance of duplicate certificates of title for off-highway vehicles; creating s. 317.0014, F.S.; establishing procedures for the issuance of a certificate of title for an off-highway vehicle; providing duties of the Department of Highway Safety and Motor Vehicles; providing for a notice of lien and lien satisfaction; creating s. 317.0015, F.S.; providing for the applicability of certain provisions of law to the titling of off-highway vehicles; creating s. 317.0016, F.S.; providing for the expedited issuance of titles for off-highway vehicles; creating s. 317.0017, F.S.; prohibiting specified actions relating to the issuance of titles for off-highway vehicles; providing a penalty; creating s. 317.0018, F.S.; prohibiting the transfer of an off-highway vehicle without delivery of a certificate of title; prescribing other violations; providing a penalty; amending s. 318.14, F.S.; authorizing the department to modify certain actions to suspend or revoke a driver's license following notice of final disposition; reenacting s. 318.14(9), F.S., relating to citation procedures and proceedings, to incorporate the amendment to s. 322.61, F.S., in references thereto; amending s. 318.15, F.S.; providing for disposition of fees; amending s. 319.23, F.S.; requiring a licensed motor vehicle dealer to notify the Department of Highway Safety and Motor Vehicles of a motor vehicle or mobile home taken as a trade-in; requiring the department to update its title record; amending s. 319.27, F.S.; correcting an obsolete cross-reference; amending s. 320.0601, F.S.; requiring that a transaction of a long-term leased motor vehicle be registered in the name of the lessee; amending s. 320.0605, F.S.; exempting a vehicle registered as a fleet vehicle from the requirement that the certificate of registration be carried in the vehicle at all times; amending s. 320.131, F.S.; authorizing the department to provide for an electronic system for motor vehicle dealers to use in issuing temporary tags; providing a penalty; amending s. 320.18, F.S.; authorizing the department to cancel the vehicle or vessel registration, driver's license, or identification card of a person who pays certain fees or penalties with a dishonored check; amending s. 320.27, F.S.; requiring dealer principals to provide certification of completing continuing education under certain circumstances; requiring motor vehicle dealers to maintain records for a specified period; providing certain penalties; amending s. 320.8249, F.S.; providing penalties for certain unlawful acts by a mobile home installer; amending s. 322.05, F.S.; removing requirements for Class D driver's license; amending s. 322.051, F.S.; revising provisions relating to the application for an identification card; providing that the requirement for a fullface photograph or digital image on an identification card may not be waived under ch. 761, F.S.; amending s. 322.07, F.S.; removing requirements for Class D driver's license; amending s. 322.08, F.S.; providing that a United States passport is an acceptable proof of identity for purposes of obtaining a driver's license; providing that a naturalization certificate issued by the United States Department of Justice is an acceptable proof of identity for such purpose; providing that specified documents issued by the United States Department of Justice are acceptable as proof of nonimmigrant classification; amending s. 322.12, F.S.; removing requirements for Class D driver's license; amending s. 322.135, F.S.; revising requirements for the deposit of certain fees for a driver's license; revising requirements for the tax collector in directing a licensee for examination or reexamination; requiring county officers to pay certain funds to the State Treasury by electronic funds transfer within a specified period; amending s. 322.142, F.S.; providing that the requirement for a fullface photograph or digital image on a driver's license may not be waived under ch. 761, F.S.; amending s. 322.161, F.S.; removing requirements for Class D driver's license; amending s. 322.17, F.S., relating to duplicate and replacement certificates; conforming a cross-reference; amending s. 322.18, F.S.; revising the expiration period for driver's licenses issued to specified persons; conforming cross-references; amending s. 322.19, F.S., relating to change of address or name; conforming cross-references; amending s.

322.21, F.S.; removing requirements for Class D driver's license; requiring the department to set a fee for a hazardous-materials endorsement; providing that the fee shall not exceed \$100; amending s. 322.22, F.S.; authorizing the department to cancel any identification card, vehicle or vessel registration, or fuel-use decal of a licensee who pays certain fees or penalties with a dishonored check; amending s. 322.251, F.S.; removing requirements for Class D driver's license; amending ss. 322.2615 and 322.2616, F.S.; requiring the Department of Highway Safety and Motor Vehicles to inform law enforcement officers of deficiencies under certain circumstances; amending s. 322.292, F.S.; requiring all DUI education courses to be conducted in a classroom with interaction among offenders and an instructor; amending s. 322.30, F.S.; removing the requirements for Class D driver's license; amending s. 322.53, F.S.; removing requirements for Class D driver's license; removing a requirement that certain operators of a commercial motor vehicle obtain a specified license; amending s. 322.54, F.S.; deleting the requirement for Class D driver's license; amending s. 322.57, F.S.; providing testing requirements for school bus drivers; amending s. 322.58, F.S.; deleting requirements for Class D driver's license and changing those requirements to Class E driver's license; amending and reenacting s. 322.61, F.S.; specifying additional violations that disqualify a person from operating a commercial motor vehicle; providing penalties; removing requirements for Class D driver's license; amending s. 322.63, F.S.; clarifying provisions governing alcohol and drug testing for commercial motor vehicle operators; amending s. 322.64, F.S.; requiring the Department of Highway Safety and Motor Vehicles to inform law enforcement officers of deficiencies under certain circumstances; reenacting s. 322.64(14), F.S., relating to citation procedures and proceedings, to incorporate the amendment to s. 322.61, F.S., in references thereto; amending s. 713.78, F.S.; revising provisions relating to the placement of a wrecker operator's lien against a motor vehicle; amending s. 832.06, F.S.; allowing worthless checks of \$150 or less to be processed differently by tax collectors; providing effective dates.

—as amended March 25 was read the third time by title.

On motion by Senator Sebesta, **CS for CS for SB 1526** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Lawson	Webster
Constantine	Lee	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for SB 1294—A bill to be entitled An act relating to the Florida Pharmacy Act; amending s. 465.003, F.S.; defining the term "automated pharmacy system" for purposes of the Florida Pharmacy Act; amending s. 465.015, F.S.; providing that it is unlawful for a person, firm, or corporation that is not licensed or registered under the act to use certain terms implying that the person, firm, or corporation is so licensed or registered, or to hold himself or herself out as licensed or registered to practice pharmacy in this state; providing penalties; creating s. 465.0235, F.S.; authorizing a pharmacy to provide services to a long-term care facility or hospice licensed under ch. 400, F.S., or a state correctional institution operated under ch. 944, F.S., through an automated pharmacy system; providing that drugs delivered from an automated pharmacy system are considered to have been dispensed by the pharmacy that services a long-term care facility, hospice, or correctional institution; requiring that the operation of an automated pharmacy system be under the supervision of a pharmacist; providing legislative intent relating to automated pharmacy systems; requiring the Board of Pharmacy to adopt rules; amending s. 465.026, F.S.; authorizing a community pharmacy to transmit a prescription for a Schedule II medicinal drug under certain conditions; providing an effective date.

—as amended March 25 was read the third time by title.

On motion by Senator Fasano, **CS for CS for SB 1294** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Haridopolos	Siplin
Campbell	Hill	Smith
Carlton	Jones	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Cowin	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for SB 348—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public-records requirements; providing for the confidentiality of personal identifying information contained in records for United States attorneys, assistant United States attorneys, judges of the United States Courts of Appeal, United States district judges, United States magistrate judges, and their spouses and children; providing for future repeal and legislative review under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Peadar, **CS for CS for SB 348** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peadar
Aronberg	Fasano	Posey
Atwater	Geller	Pruitt
Bennett	Haridopolos	Saunders
Campbell	Hill	Sebesta
Carlton	Jones	Siplin
Clary	Klein	Smith
Constantine	Lawson	Webster
Cowin	Lee	Wilson
Crist	Lynn	Wise

Nays—None

Consideration of **CS for SB 552**, **HB 33** and **CS for SB 630** was deferred.

SPECIAL ORDER CALENDAR

On motion by Senator Atwater—

CS for SJR 2392—A joint resolution proposing an amendment to Section 5 of Article XI and creating Section 26 of Article XII of the State Constitution; requiring that a proposed amendment to or revision of the State Constitution be approved by at least a three-fifths vote of the electors of the state voting on the measure; providing for the requirement to apply only to amendments or revisions filed with the Secretary of State after a specified date.

—was read the second time by title.

Senator Aronberg moved the following amendment which failed:

Amendment 1 (812088)(with title amendment)—On page 2, lines 16 and 25, delete “three-fifths” and insert: *fifty-five percent*

And the title is amended as follows:

On page 1, line 7, delete “three fifths” and insert: *fifty-five percent*

Pursuant to Rule 4.19, **CS for SJR 2392** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

SB 2398—A bill to be entitled An act relating to a special election to be held on August 31, 2004, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of Florida of a joint resolution amending Section 5 of Article XI of the State Constitution, relating to requirements for enacting a proposed amendment to or revision of the State Constitution; providing for publication of notice and for procedures; providing an effective date.

—was read the second time by title.

The Committee on Ethics and Elections recommended the following amendment which was moved by Senator Atwater and adopted:

Amendment 1 (480886)—On page 1, line 21, insert: *2392*

Pursuant to Rule 4.19, **SB 2398** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

SJR 2394—A joint resolution proposing amendments to Section 10 of Article IV and Section 5 of Article XI of the State Constitution; revising the deadline for filing a constitutional amendment proposed by initiative with the Secretary of State for purposes of placing the proposed amendment on the general election ballot; revising the timeframe for the Supreme Court to render an advisory opinion on the validity of an initiative petition.

—was read the second time by title.

The Committee on Ethics and Elections recommended the following amendment which was moved by Senator Atwater and adopted:

Amendment 1 (180738)—In title, on page 1, line 1, insert: *2394*

Pursuant to Rule 4.19, **SJR 2394** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

SB 2400—A bill to be entitled An act relating to a special election to be held on August 31, 2004, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of Florida of a joint resolution amending Section 5 of Article XI of the State Constitution, relating to the deadlines for filing initiative petitions and judicial determinations of validity; providing for publication of notice and for procedures; providing an effective date.

—was read the second time by title.

The Committee on Ethics and Elections recommended the following amendment which was moved by Senator Smith and adopted:

Amendment 1 (580966)—On page 1, line 21, insert: *2394*

Pursuant to Rule 4.19, **SB 2400** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for SJR 2396—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution, relating to the type of amendment or revision which may be proposed by citizen initiative.

—was read the second time by title.

Senator Dockery moved the following amendment which failed:

Amendment 1 (723062)(with title amendment)—On page 1, delete everything after the resolving clause and insert:

That the following amendment to Section 10 of Article IV and the following creation of Section 8 of Article XI of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IV EXECUTIVE

SECTION 10. Attorney General.—The attorney general shall, as directed by general law, request the opinion of the justices of the supreme court as to the validity of any *proposed amendment to or revision of this constitution* ~~initiative petition circulated pursuant to Section 2 of Article XI~~. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion expeditiously.

ARTICLE XI AMENDMENTS

SECTION 8. *SUBJECT LIMITATION.*—Any proposed amendment to or revision of this constitution must:

(a) seek to alter, amend, or repeal an existing article of or amendment to this constitution;

(b) address a basic right of a citizen of this state; or

(c) change the basic structure of state government as established in Article II, Article III, Article IV, or Article V.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT ARTICLE IV, SECTION 10 ARTICLE XI, SECTION 8

SUBJECT MATTER LIMITATIONS ON PROPOSED CONSTITUTIONAL AMENDMENTS AND REVISIONS.—Proposing an amendment to the State Constitution to provide that a constitutional amendment or revision proposed in any manner must alter, amend, or repeal an existing article or amendment to the State Constitution; address a fundamental right of a citizen of this state; or, change a basic structure of state government as established in Article II, Article III, Article IV, or Article V; providing for the Florida Supreme Court to review proposed constitutional amendments or revisions to ensure that they meet one of these criteria.

And the title is amended as follows:

On page 1, delete everything before the resolving clause and insert:
Senate Joint Resolution No. 2396

A joint resolution proposing an amendment to Section 10 of Article IV and creating Section 8 of Article XI of the State Constitution; detailing the scope of permissible subject matter for proposed amendments or revisions to the State Constitution; authorizing the Florida Supreme Court to review proposed amendments and revisions to ensure that they meet the subject matter requirement.

Pursuant to Rule 4.19, **CS for SJR 2396** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

SB 2402—A bill to be entitled An act relating to a special election to be held on August 31, 2004, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of Florida of a joint resolution amending Section 5 of Article XI of the State Constitution, relating to the scope of constitutional amendments or revisions that may be proposed by citizen initiative; providing for publication of notice and for procedures; providing an effective date.

—was read the second time by title.

The Committee on Ethics and Elections recommended the following amendment which was moved by Senator Atwater and adopted:

Amendment 1 (981058)—On page 1, line 21, insert: 2396

Pursuant to Rule 4.19, **SB 2402** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for CS for SB 2606—A bill to be entitled An act relating to certificate of need; amending s. 395.003, F.S.; providing additional conditions for the licensure or relicensure of hospitals; exempting currently licensed hospitals; amending s. 408.032, F.S.; redefining terms relating to the Health Facility and Services Development Act; deleting the term “regional area”; amending s. 408.033, F.S.; deleting provisions relating to regional area health plans; transferring certain duties from the Agency for Health Care Administration to the Department of Health; deleting an agency responsibility relating to orientation of local health council members; deleting a requirement that local health councils be partly funded by application fees for certificates of need; adding sources of funding for local health councils; amending s. 408.034, F.S.; revising criteria for certificate-of-need review and for issuing licenses to health care facilities and health service providers; revising criteria for the nursing-home-bed-need methodology; amending s. 408.035, F.S.; revising the criteria for reviewing applications for certificate-of-need determinations; amending s. 408.036, F.S.; revising criteria for determining whether a health-care-related project is subject to review; providing that the replacement or relocation of a nursing home is subject to expedited review under specified conditions; revising the criteria for determining whether a project is subject to exemption from review upon request; repealing the exemption for specified services; adding an optional exemption for neonatal intensive care units that meet certain requirements; providing exemptions for adding beds for comprehensive rehabilitation, for beds in state mental health treatment facilities, for beds in state mental health treatment facilities and state mental health forensic facilities, and for beds in state developmental services institutions; revising the criteria for optional exemption of adult open-heart services; requiring the agency to report annually to the Legislature specified information concerning exemptions requested and granted during the preceding calendar year; adding an optional exemption for the provision of percutaneous coronary intervention under certain conditions; requiring health care facilities and providers to provide to the agency notice of the replacement of a health care facility or a nursing home, in specified circumstances, consolidation of nursing homes, the termination of a health care service, and the addition or delicensure of beds; amending s. 408.0361, F.S., relating to compliance with requirements imposed on diagnostic cardiac catheterization services providers; revising the scope of application, to include the compliance required of cardiology services and the licensure of burn units; requiring the Secretary of Health Care Administration to appoint an advisory group to study replacing certificate-of-need review of organ transplant programs with licensure regulation of organ transplant providers; requiring a report to the secretary and the Legislature; requiring the secretary to appoint a work group to study certificate-of-need regulation and changing market conditions related to the supply and distribution of hospital beds; requiring a report to the secretary and the Legislature; amending s. 408.038, F.S.; revising fees assessed on certificate-of-need applications; amending s. 408.039, F.S.; revising the review process for certificates of need; requiring shorter review cycles; deleting a requirement to file a copy of the application with the local health council; deleting a requirement to consider the district health plan in reviewing and taking action on the applications; amending s. 408.040, F.S.; applying the conditions to the issuance of a certificate of need to the issuance of an exemption; providing that certain failures to annually report compliance with certain conditions to receiving a certificate of need or an exemption constitute noncompliance; repealing s. 408.043(5), F.S., relating to the authority of a sole acute care hospital in a high growth county to add beds without agency review; amending s. 408.0455, F.S.; providing for the rules of the agency which are in effect on June 30, 2004, rather than those in effect on June 30, 1997, to remain in effect; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 2606** to **HB 329**.

Pending further consideration of **CS for CS for SB 2606** as amended, on motion by Senator Pruitt, by two-thirds vote **HB 329** was withdrawn from the Committees on Health, Aging, and Long-Term Care; and Appropriations.

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

HB 329—A bill to be entitled An act relating to health care; amending s. 408.036, F.S.; revising an exemption from certificate-of-need requirements for certain open-heart-surgery programs to apply the exemption to any hospital located within a specified health service planning district or a specified acute care subdistrict; providing criteria for qualifying for the exemption; requiring the Agency for Health Care Administration to report to the Legislature regarding the number of such exemptions requested and the number granted or denied each year; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2606** as amended and read the second time by title.

Senator Pruitt moved the following amendment:

Amendment 1 (394000)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (9), (10), and (11) are added to section 395.003, Florida Statutes, to read:

395.003 Licensure; issuance, renewal, denial, modification, suspension, and revocation.—

(9) A hospital may not be licensed or relicensed if:

(a) The diagnosis-related groups for 65 percent or more of the discharges from the hospital, in the most recent year for which data is available to the Agency for Health Care Administration pursuant to s. 408.061, are for diagnosis, care, and treatment of patients who have:

1. Cardiac-related diseases and disorders classified as diagnosis-related groups 103-145, 478-479, 514-518, or 525-527;

2. Orthopedic-related diseases and disorders classified as diagnosis-related groups 209-256, 471, 491, 496-503, or 519-520;

3. Cancer-related diseases and disorders classified as diagnosis-related groups 64, 82, 172, 173, 199, 200, 203, 257-260, 274, 275, 303, 306, 307, 318, 319, 338, 344, 346, 347, 363, 366, 367, 400-414, 473, or 492; or

4. Any combination of the above discharges.

(b) The hospital restricts its medical and surgical services to primarily or exclusively cardiac, orthopedic, surgical, or oncology specialties.

(10) A hospital licensed as of June 1, 2004, shall be exempt from subsection (9) as long as the hospital maintains the same ownership, facility street address, and range of services that were in existence on June 1, 2004. Any transfer of beds, or other agreements that result in the establishment of a hospital or hospital services within the intent of this section, shall be subject to subsection (9). Unless the hospital is otherwise exempt under subsection (9), the agency shall deny or revoke the license of a hospital that violates any of the criteria set forth in that subsection.

(11) The agency may adopt rules implementing the licensure requirements set forth in subsection (9). Within 14 days after rendering its decision on a license application or revocation, the agency shall publish its proposed decision in the *Florida Administrative Weekly*. Within 21 days after publication of the agency's decision, any authorized person may file a request for an administrative hearing. In administrative proceedings challenging the approval, denial, or revocation of a license pursuant to subsection (9), the hearing must be based on the facts and law existing at the time of the agency's proposed agency action. Existing hospitals may initiate or intervene in an administrative hearing to approve, deny, or revoke licensure under subsection (9) based upon a showing that an established program will be substantially affected by the

issuance or renewal of a license to a hospital within the same district or service area.

Section 2. Subsections (9), (13), and (17) of section 408.032, Florida Statutes, are amended, and subsection (18) of that section is repealed, to read:

408.032 Definitions relating to Health Facility and Services Development Act.—As used in ss. 408.031-408.045, the term:

(9) "Health services" means *inpatient* diagnostic, curative, or *comprehensive medical* rehabilitative services and includes mental health services. Obstetric services are not health services for purposes of ss. 408.031-408.045.

(13) "Long-term care hospital" means a hospital licensed under chapter 395 which meets the requirements of 42 C.F.R. s. 412.23(e) and seeks exclusion from the *acute care* Medicare prospective payment system for inpatient hospital services.

(17) "Tertiary health service" means a health service which, due to its high level of intensity, complexity, specialized or limited applicability, and cost, should be limited to, and concentrated in, a limited number of hospitals to ensure the quality, availability, and cost-effectiveness of such service. Examples of such service include, but are not limited to, *pediatric cardiac catheterization, pediatric open-heart surgery, organ transplantation, specialty burn units*, neonatal intensive care units, comprehensive rehabilitation, and medical or surgical services which are experimental or developmental in nature to the extent that the provision of such services is not yet contemplated within the commonly accepted course of diagnosis or treatment for the condition addressed by a given service. The agency shall establish by rule a list of all tertiary health services.

(18) "~~Regional area~~" means ~~any of those regional health planning areas established by the agency to which local and district health planning funds are directed to local health councils through the General Appropriations Act.~~

Section 3. Section 408.033, Florida Statutes, is amended to read:

408.033 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

(a) Local health councils are hereby established as public or private nonprofit agencies serving the counties of a district ~~or regional area of the agency~~. The members of each council shall be appointed in an equitable manner by the county commissions having jurisdiction in the respective district. Each council shall be composed of a number of persons equal to 1½ times the number of counties which compose the district or 12 members, whichever is greater. Each county in a district shall be entitled to at least one member on the council. The balance of the membership of the council shall be allocated among the counties of the district on the basis of population rounded to the nearest whole number; except that in a district composed of only two counties, no county shall have fewer than four members. The appointees shall be representatives of health care providers, health care purchasers, and nongovernmental health care consumers, but not excluding elected government officials. The members of the consumer group shall include a representative number of persons over 60 years of age. A majority of council members shall consist of health care purchasers and health care consumers. The local health council shall provide each county commission a schedule for appointing council members to ensure that council membership complies with the requirements of this paragraph. The members of the local health council shall elect a chair. Members shall serve for terms of 2 years and may be eligible for reappointment.

(b) Each local health council may:

1. Develop a district ~~or regional~~ area health plan that permits each local health council to develop strategies and set priorities for implementation based on its unique local health needs. ~~The district or regional area health plan must contain preferences for the development of health services and facilities, which may be considered by the agency in its review of certificate-of-need applications. The district health plan shall be submitted to the agency and updated periodically. The district health plans shall use a uniform format and be submitted to the agency according to a schedule developed by the agency in conjunction with the local~~

health councils. The schedule must provide for the development of district health plans by major sections over a multiyear period. The elements of a district plan which are necessary to the review of certificate-of-need applications for proposed projects within the district may be adopted by the agency as a part of its rules.

2. Advise the agency on health care issues and resource allocations.
3. Promote public awareness of community health needs, emphasizing health promotion and cost-effective health service selection.
4. Collect data and conduct analyses and studies related to health care needs of the district, including the needs of medically indigent persons, and assist the agency and other state agencies in carrying out data collection activities that relate to the functions in this subsection.
5. Monitor the onsite construction progress, if any, of certificate-of-need approved projects and report council findings to the agency on forms provided by the agency.
6. Advise and assist any regional planning councils within each district that have elected to address health issues in their strategic regional policy plans with the development of the health element of the plans to address the health goals and policies in the State Comprehensive Plan.
7. Advise and assist local governments within each district on the development of an optional health plan element of the comprehensive plan provided in chapter 163, to assure compatibility with the health goals and policies in the State Comprehensive Plan and district health plan. To facilitate the implementation of this section, the local health council shall annually provide the local governments in its service area, upon request, with:
 - a. A copy and appropriate updates of the district health plan;
 - b. A report of hospital and nursing home utilization statistics for facilities within the local government jurisdiction; and
 - c. Applicable agency rules and calculated need methodologies for health facilities and services regulated under s. 408.034 for the district served by the local health council.
8. Monitor and evaluate the adequacy, appropriateness, and effectiveness, within the district, of local, state, federal, and private funds distributed to meet the needs of the medically indigent and other underserved population groups.
9. In conjunction with the ~~Department of Health Agency for Health Care Administration~~, plan for services at the local level for persons infected with the human immunodeficiency virus.
10. Provide technical assistance to encourage and support activities by providers, purchasers, consumers, and local, regional, and state agencies in meeting the health care goals, objectives, and policies adopted by the local health council.
11. Provide the agency with data required by rule for the review of certificate-of-need applications and the projection of need for health services and facilities in the district.
 - (c) Local health councils may conduct public hearings pursuant to s. 408.039(3)(b).
 - (d) Each local health council shall enter into a memorandum of agreement with each regional planning council in its district that elects to address health issues in its strategic regional policy plan. In addition, each local health council shall enter into a memorandum of agreement with each local government that includes an optional health element in its comprehensive plan. Each memorandum of agreement must specify the manner in which each local government, regional planning council, and local health council will coordinate its activities to ensure a unified approach to health planning and implementation efforts.
 - (e) Local health councils may employ personnel or contract for staffing services with persons who possess appropriate qualifications to carry out the councils' purposes. However, such personnel are not state employees.
 - (f) Personnel of the local health councils shall provide an annual orientation to council members about council member responsibilities.

The orientation shall include presentations and participation by agency staff.

(g) Each local health council is authorized to accept and receive, in furtherance of its health planning functions, funds, grants, and services from governmental agencies and from private or civic sources and to perform studies related to local health planning in exchange for such funds, grants, or services. Each local health council shall, no later than January 30 of each year, render an accounting of the receipt and disbursement of such funds received by it to the *Department of Health agency*. The *department agency* shall consolidate all such reports and submit such consolidated report to the Legislature no later than March 1 of each year. ~~Funds received by a local health council pursuant to this paragraph shall not be deemed to be a substitute for, or an offset against, any funding provided pursuant to subsection (2).~~

(2) FUNDING.—

(a) The Legislature intends that the cost of local health councils be borne by ~~application fees for certificates of need and by~~ assessments on selected health care facilities subject to facility licensure by the Agency for Health Care Administration, including abortion clinics, assisted living facilities, ambulatory surgical centers, birthing centers, clinical laboratories except community nonprofit blood banks and clinical laboratories operated by practitioners for exclusive use regulated under s. 483.035, home health agencies, hospices, hospitals, intermediate care facilities for the developmentally disabled, nursing homes, *health care clinics*, and multiphasic testing centers and by assessments on organizations subject to certification by the agency pursuant to chapter 641, part III, including health maintenance organizations and prepaid health clinics.

(b)1. A hospital licensed under chapter 395, a nursing home licensed under chapter 400, and an assisted living facility licensed under chapter 400 shall be assessed an annual fee based on number of beds.

2. All other facilities and organizations listed in paragraph (a) shall each be assessed an annual fee of \$150.

3. Facilities operated by the Department of Children and Family Services, the Department of Health, or the Department of Corrections and any hospital which meets the definition of rural hospital pursuant to s. 395.602 are exempt from the assessment required in this subsection.

(c)1. The agency shall, by rule, establish fees for hospitals and nursing homes based on an assessment of \$2 per bed. However, no such facility shall be assessed more than a total of \$500 under this subsection.

2. The agency shall, by rule, establish fees for assisted living facilities based on an assessment of \$1 per bed. However, no such facility shall be assessed more than a total of \$150 under this subsection.

3. The agency shall, by rule, establish an annual fee of \$150 for all other facilities and organizations listed in paragraph (a).

(d) The agency shall, by rule, establish a facility billing and collection process for the billing and collection of the health facility fees authorized by this subsection.

(e) A health facility which is assessed a fee under this subsection is subject to a fine of \$100 per day for each day in which the facility is late in submitting its annual fee up to maximum of the annual fee owed by the facility. A facility which refuses to pay the fee or fine is subject to the forfeiture of its license.

(f) The agency shall deposit in the Health Care Trust Fund all health care facility assessments that are assessed under this subsection and ~~proceeds from the certificate-of-need application fees. The agency shall transfer such funds to the Department of Health for an amount sufficient to maintain the aggregate funding of level for the local health councils as specified in the General Appropriations Act. The remaining certificate-of-need application fees shall be used only for the purpose of administering the certificate-of-need program Health Facility and Services Development Act.~~

(3) DUTIES AND RESPONSIBILITIES OF THE AGENCY.—

(a) The agency, ~~in conjunction with the local health councils~~, is responsible for the coordinated planning of health care services in the state.

(b) The agency shall develop and maintain a comprehensive health care database for the purpose of health planning and for certificate-of-need determinations. The agency or its contractor is authorized to require the submission of information from health facilities, health service providers, and licensed health professionals which is determined by the agency, through rule, to be necessary for meeting the agency's responsibilities as established in this section.

~~(c) The agency shall assist personnel of the local health councils in providing an annual orientation to council members about council member responsibilities.~~

~~(c)(d) The Department of Health agency shall contract with the local health councils for the services specified in subsection (1). All contract funds shall be distributed according to an allocation plan developed by the department agency that provides for a minimum and equal funding base for each local health council. Any remaining funds shall be distributed based on adjustments for workload. The agency may also make grants to or reimburse local health councils from federal funds provided to the state for activities related to those functions set forth in this section. The department agency may withhold funds from a local health council or cancel its contract with a local health council which does not meet performance standards agreed upon by the department agency and local health councils.~~

Section 4. Subsections (1), (2), and (5) of section 408.034, Florida Statutes, are amended to read:

408.034 Duties and responsibilities of agency; rules.—

(1) The agency is designated as the single state agency to issue, revoke, or deny certificates of need and to issue, revoke, or deny exemptions from certificate-of-need review in accordance with ~~the district plans and~~ present and future federal and state statutes. The agency is designated as the state health planning agency for purposes of federal law.

(2) In the exercise of its authority to issue licenses to health care facilities and health service providers, as provided under chapters 393, 395, and parts II and VI of chapter 400, the agency may not issue a license to any health care facility *or*, health service provider *that, hospice, or part of a health care facility which* fails to receive a certificate of need or an exemption for the licensed facility or service.

(5) The agency shall establish by rule a nursing-home-bed-need methodology that *has a goal of maintaining a subdistrict average occupancy rate of 94 percent and that* reduces the community nursing home bed need for the areas of the state where the agency establishes pilot community diversion programs through the Title XIX aging waiver program.

Section 5. Section 408.035, Florida Statutes, is amended to read:

408.035 Review criteria.—The agency shall determine the reviewability of applications and shall review applications for certificate-of-need determinations for health care facilities and health services in context with the following criteria:

(1) The need for the health care facilities and health services being proposed ~~in relation to the applicable district health plan.~~

(2) The availability, quality of care, accessibility, and extent of utilization of existing health care facilities and health services in the service district of the applicant.

(3) The ability of the applicant to provide quality of care and the applicant's record of providing quality of care.

~~(4) The need in the service district of the applicant for special health care services that are not reasonably and economically accessible in adjoining areas.~~

~~(5) The needs of research and educational facilities, including, but not limited to, facilities with institutional training programs and community training programs for health care practitioners and for doctors of osteopathic medicine and medicine at the student, internship, and residency training levels.~~

(4)(6) The availability of resources, including health personnel, management personnel, and funds for capital and operating expenditures, for project accomplishment and operation.

~~(5)(7) The extent to which the proposed services will enhance access to health care for residents of the service district.~~

~~(6)(8) The immediate and long-term financial feasibility of the proposal.~~

~~(7)(9) The extent to which the proposal will foster competition that promotes quality and cost-effectiveness.~~

~~(8)(10) The costs and methods of the proposed construction, including the costs and methods of energy provision and the availability of alternative, less costly, or more effective methods of construction.~~

~~(9)(11) The applicant's past and proposed provision of health care services to Medicaid patients and the medically indigent.~~

~~(10)(12) The applicant's designation as a Gold Seal Program nursing facility pursuant to s. 400.235, when the applicant is requesting additional nursing home beds at that facility.~~

Section 6. Section 408.036, Florida Statutes, is amended to read:

408.036 Projects subject to review; exemptions.—

(1) APPLICABILITY.—Unless exempt under subsection (3), all health-care-related projects, as described in paragraphs ~~(a)-(e)~~ ~~(a)-(h)~~, are subject to review and must file an application for a certificate of need with the agency. The agency is exclusively responsible for determining whether a health-care-related project is subject to review under ss. 408.031-408.045.

(a) The addition of beds *in community nursing homes or intermediate care facilities for the developmentally disabled* by new construction or alteration.

(b) The new construction or establishment of additional health care facilities, including a replacement health care facility when the proposed project site is not located on the same site as *or within 1 mile of* the existing health care facility, *if the number of beds in each licensed bed category will not increase.*

(c) The conversion from one type of health care facility to another, *including the conversion from a general hospital, a specialty hospital, or a long-term care hospital.*

~~(d) An increase in the total licensed bed capacity of a health care facility.~~

~~(d)(e)~~ The establishment of a hospice or hospice inpatient facility, except as provided in s. 408.043.

~~(f) The establishment of inpatient health services by a health care facility, or a substantial change in such services.~~

~~(e)(g)~~ An increase in the number of beds for *acute care, nursing home care beds, specialty burn units, neonatal intensive care units, comprehensive rehabilitation, mental health services, or hospital-based distinct part skilled nursing units, or at a long-term care hospital.*

~~(f)(h)~~ The establishment of tertiary health services, *including inpatient comprehensive rehabilitation services.*

~~(g)~~ *An increase in the number of beds for acute care in a hospital that is located in a low-growth county. A low-growth county is defined as a county that has:*

1. A hospital with an occupancy rate for licensed acute care which has been below 60 percent for the previous 5 years;

2. Experienced a growth rate of 4 percent or less for the most recent 3-year period for which data are available, as determined using the population statistics published in the most recent edition of the Florida Statistical Abstract;

3. A population of 400,000 or fewer according to the most recent edition of the Florida Statistical Abstract; and

4. A hospital that has combined gross revenue from Medicaid and charity patients which exceeds \$60 million per year for the previous 2 years.

This paragraph is repealed effective July 1, 2009.

(2) PROJECTS SUBJECT TO EXPEDITED REVIEW.—Unless exempt pursuant to subsection (3), projects subject to an expedited review shall include, but not be limited to:

~~(a) Research, education, and training programs.~~

~~(b) Shared services contracts or projects.~~

~~(a)(e)~~ A transfer of a certificate of need, *except that when an existing hospital is acquired by a purchaser, all certificates of need issued to the hospital which are not yet operational shall be acquired by the purchaser, without need for a transfer.*

~~(b)~~ Replacement of a nursing home within the same district, if the proposed project site is located within a geographic area that contains at least 65 percent of the facility's current residents and is within a 30-mile radius of the replaced nursing home.

~~(c)~~ Relocation of a portion of a nursing home's licensed beds to a facility within the same district, if the relocation is within a 30-mile radius of the existing facility and the total number of nursing home beds in the district does not increase.

~~(d)~~ A 50-percent increase in nursing home beds for a facility incorporated and operating in this state for at least 60 years on or before July 1, 1988, which has a licensed nursing home facility located on a campus providing a variety of residential settings and supportive services. The increased nursing home beds shall be for the exclusive use of the campus residents. Any application on behalf of an applicant meeting this requirement shall be subject to the base fee of \$5,000 provided in s. 408.038.

~~(e)~~ Replacement of a health care facility when the proposed project site is located in the same district and within a 1-mile radius of the replaced health care facility.

~~(f)~~ The conversion of mental health services beds licensed under chapter 395 or hospital-based distinct part skilled nursing unit beds to general acute care beds; the conversion of mental health services beds between or among the licensed bed categories defined as beds for mental health services; or the conversion of general acute care beds to beds for mental health services.

1.—Conversion under this paragraph shall not establish a new licensed bed category at the hospital but shall apply only to categories of beds licensed at that hospital.

2.—Beds converted under this paragraph must be licensed and operational for at least 12 months before the hospital may apply for additional conversion affecting beds of the same type.

The agency shall develop rules to implement the provisions for expedited review, including time schedule, application content which may be reduced from the full requirements of s. 408.037(1), and application processing.

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from the provisions of subsection (1):

~~(a)~~ For replacement of a licensed health care facility on the same site, provided that the number of beds in each licensed bed category will not increase.

~~(a)(b)~~ For hospice services or for swing beds in a rural hospital, as defined in s. 395.602, in a number that does not exceed one-half of its licensed beds.

~~(b)(e)~~ For the conversion of licensed acute care hospital beds to Medicare and Medicaid certified skilled nursing beds in a rural hospital, as defined in s. 395.602, so long as the conversion of the beds does not involve the construction of new facilities. The total number of skilled nursing beds, including swing beds, may not exceed one-half of the total number of licensed beds in the rural hospital as of July 1, 1993. Certified skilled nursing beds designated under this paragraph, excluding swing beds, shall be included in the community nursing home bed inventory. A rural hospital *that* which subsequently decertifies any acute care beds exempted under this paragraph shall notify the agency of the decertifica-

tion, and the agency shall adjust the community nursing home bed inventory accordingly.

~~(c)(d)~~ For the addition of nursing home beds at a skilled nursing facility that is part of a retirement community that provides a variety of residential settings and supportive services and that has been incorporated and operated in this state for at least 65 years on or before July 1, 1994. All nursing home beds must not be available to the public but must be for the exclusive use of the community residents.

~~(e)~~ For an increase in the bed capacity of a nursing facility licensed for at least 50 beds as of January 1, 1994, under part II of chapter 400 which is not part of a continuing care facility if, after the increase, the total licensed bed capacity of that facility is not more than 60 beds and if the facility has been continuously licensed since 1950 and has received a superior rating on each of its two most recent licensure surveys.

~~(d)(f)~~ For an inmate health care facility built by or for the exclusive use of the Department of Corrections as provided in chapter 945. This exemption expires when such facility is converted to other uses.

~~(g)~~ For the termination of an inpatient health care service, upon 30 days' written notice to the agency.

~~(h)~~ For the delicensure of beds, upon 30 days' written notice to the agency. A request for exemption submitted under this paragraph must identify the number, the category of beds, and the name of the facility in which the beds to be delicensed are located.

~~(i)~~ For the provision of adult inpatient diagnostic cardiac catheterization services in a hospital.

1.—In addition to any other documentation otherwise required by the agency, a request for an exemption submitted under this paragraph must comply with the following criteria:

a.—The applicant must certify it will not provide therapeutic cardiac catheterization pursuant to the grant of the exemption.

b.—The applicant must certify it will meet and continuously maintain the minimum licensure requirements adopted by the agency governing such programs pursuant to subparagraph 2.

c.—The applicant must certify it will provide a minimum of 2 percent of its services to charity and Medicaid patients.

2.—The agency shall adopt licensure requirements by rule which govern the operation of adult inpatient diagnostic cardiac catheterization programs established pursuant to the exemption provided in this paragraph. The rules shall ensure that such programs:

a.—Perform only adult inpatient diagnostic cardiac catheterization services authorized by the exemption and will not provide therapeutic cardiac catheterization or any other services not authorized by the exemption.

b.—Maintain sufficient appropriate equipment and health personnel to ensure quality and safety.

c.—Maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.

d.—Maintain appropriate program volumes to ensure quality and safety.

e.—Provide a minimum of 2 percent of its services to charity and Medicaid patients each year.

3.a.—The exemption provided by this paragraph shall not apply unless the agency determines that the program is in compliance with the requirements of subparagraph 1. and that the program will, after beginning operation, continuously comply with the rules adopted pursuant to subparagraph 2. The agency shall monitor such programs to ensure compliance with the requirements of subparagraph 2.

b.(1) The exemption for a program shall expire immediately when the program fails to comply with the rules adopted pursuant to subparagraphs 2.a., b., and c.

(II) Beginning 18 months after a program first begins treating patients, the exemption for a program shall expire when the program fails to comply with the rules adopted pursuant to sub-subparagraphs 2.d. and e.

(III) If the exemption for a program expires pursuant to sub-subparagraph (I) or sub-sub-subparagraph (II), the agency shall not grant an exemption pursuant to this paragraph for an adult inpatient diagnostic cardiac catheterization program located at the same hospital until 2 years following the date of the determination by the agency that the program failed to comply with the rules adopted pursuant to sub-paragraph 2.

(e)(j) For mobile surgical facilities and related health care services provided under contract with the Department of Corrections or a private correctional facility operating pursuant to chapter 957.

(f)(k) For state veterans' nursing homes operated by or on behalf of the Florida Department of Veterans' Affairs in accordance with part II of chapter 296 for which at least 50 percent of the construction cost is federally funded and for which the Federal Government pays a per diem rate not to exceed one-half of the cost of the veterans' care in such state nursing homes. These beds shall not be included in the nursing home bed inventory.

(g)(4) For combination within one nursing home facility of the beds or services authorized by two or more certificates of need issued in the same planning subdistrict. An exemption granted under this paragraph shall extend the validity period of the certificates of need to be consolidated by the length of the period beginning upon submission of the exemption request and ending with issuance of the exemption. The longest validity period among the certificates shall be applicable to each of the combined certificates.

(h)(m) For division into two or more nursing home facilities of beds or services authorized by one certificate of need issued in the same planning subdistrict. An exemption granted under this paragraph shall extend the validity period of the certificate of need to be divided by the length of the period beginning upon submission of the exemption request and ending with issuance of the exemption.

(i)(n) For the addition of hospital beds licensed under chapter 395 for ~~comprehensive rehabilitation acute care, mental health services, or a hospital-based distinct part skilled nursing unit~~ in a number that may not exceed 10 total beds or 10 percent of the licensed capacity of the bed category being expanded, whichever is greater. ~~Beds for specialty burn units, neonatal intensive care units, or comprehensive rehabilitation, or at a long-term care hospital, may not be increased under this paragraph.~~

1. In addition to any other documentation otherwise required by the agency, a request for exemption submitted under this paragraph must:

a. Certify that the prior 12-month average occupancy rate for the ~~category of~~ licensed beds being expanded at the facility meets or exceeds 80 percent ~~or, for a hospital-based distinct part skilled nursing unit, the prior 12-month average occupancy rate meets or exceeds 96 percent.~~

b. Certify that ~~the any~~ beds of the same type authorized for the facility under this paragraph before the date of the current request for an exemption have been licensed and operational for at least 12 months.

2. The timeframes and monitoring process specified in s. 408.040(2)(a)-(c) apply to any exemption issued under this paragraph.

3. The agency shall count beds authorized under this paragraph as approved beds in the published inventory of hospital beds until the beds are licensed.

(o) For the addition of acute care beds, as authorized by rule consistent with s. 395.003(4), in a number that may not exceed 10 total beds or 10 percent of licensed bed capacity, whichever is greater, for temporary beds in a hospital that has experienced high seasonal occupancy within the prior 12-month period or in a hospital that must respond to emergency circumstances.

(j)(p) For the addition of nursing home beds licensed under chapter 400 in a number not exceeding 10 total beds or 10 percent of the number of beds licensed in the facility being expanded, whichever is greater; or, for the addition of nursing home beds licensed under chapter 400 at a

facility that has been designated as a Gold Seal nursing home under s. 400.235 in a number not exceeding 20 total beds or 10 percent of the number of licensed beds in the facility being expanded, whichever is greater.

1. In addition to any other documentation required by the agency, a request for exemption submitted under this paragraph must:

a. ~~Effective until June 30, 2001,~~ Certify that the facility has not had any class I or class II deficiencies within the 30 months preceding the request for addition.

b. ~~Effective on July 1, 2001,~~ certify that the facility has been designated as a Gold Seal nursing home under s. 400.235.

b.e. Certify that the prior 12-month average occupancy rate for the nursing home beds at the facility meets or exceeds 96 percent.

c.d. Certify that any beds authorized for the facility under this paragraph before the date of the current request for an exemption have been licensed and operational for at least 12 months.

2. The timeframes and monitoring process specified in s. 408.040(2)(a)-(c) apply to any exemption issued under this paragraph.

3. The agency shall count beds authorized under this paragraph as approved beds in the published inventory of nursing home beds until the beds are licensed.

(k) For the establishment of:

1. A Level II neonatal intensive care unit with at least 10 beds, upon documentation to the agency that the applicant hospital had a minimum of 1,500 births during the previous 12 months; or

2. A Level III neonatal intensive care unit with at least 15 beds, upon documentation to the agency that the applicant hospital has a Level II neonatal intensive care unit of at least 10 beds and had a minimum of 3,500 births during the previous 12 months,

if the applicant demonstrates that it meets the requirements for quality of care, nurse staffing, physician staffing, physical plant, equipment, emergency transportation, and data reporting found in agency certificate-of-need rules for Level II and Level III neonatal intensive care units and if the applicant commits to the provision of services to Medicaid and charity patients at a level equal to or greater than the district average. Such a commitment is subject to s. 408.040.

(q) For establishment of a specialty hospital offering a range of medical service restricted to a defined age or gender group of the population or a restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical illnesses or disorders, through the transfer of beds and services from an existing hospital in the same county.

(r) For the conversion of hospital-based Medicare and Medicaid certified skilled nursing beds to acute care beds, if the conversion does not involve the construction of new facilities.

(s)1. For an adult open heart surgery program to be located in a new hospital provided the new hospital is being established in the location of an existing hospital with an adult open heart surgery program, the existing hospital and the existing adult open heart surgery program are being relocated to a replacement hospital, and the replacement hospital will utilize a closed staff model. A hospital is exempt from the certificate-of-need review for the establishment of an open heart surgery program if the application for exemption submitted under this paragraph complies with the following criteria:

a. The applicant must certify that it will meet and continuously maintain the minimum Florida Administrative Code and any future licensure requirements governing adult open heart programs adopted by the agency, including the most current guidelines of the American College of Cardiology and American Heart Association Guidelines for Adult Open Heart Programs.

b. The applicant must certify that it will maintain sufficient appropriate equipment and health personnel to ensure quality and safety.

e. ~~The applicant must certify that it will maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.~~

d. ~~The applicant is a newly licensed hospital in a physical location previously owned and licensed to a hospital performing more than 300 open-heart procedures each year, including heart transplants.~~

e. ~~The applicant must certify that it can perform more than 300 diagnostic cardiac catheterization procedures per year, combined inpatient and outpatient, by the end of the third year of its operation.~~

f. ~~The applicant's payor mix at a minimum reflects the community average for Medicaid, charity care, and self-pay patients or the applicant must certify that it will provide a minimum of 5 percent of Medicaid, charity care, and self-pay to open-heart-surgery patients.~~

g. ~~If the applicant fails to meet the established criteria for open-heart programs or fails to reach 300 surgeries per year by the end of its third year of operation, it must show cause why its exemption should not be revoked.~~

h. ~~In order to ensure continuity of available services, the applicant of the newly licensed hospital may apply for this certificate of need before taking possession of the physical facilities. The effective date of the certificate of need will be concurrent with the effective date of the newly issued hospital license.~~

2. ~~By December 31, 2004, and annually thereafter, the agency shall submit a report to the Legislature providing information concerning the number of requests for exemption received under this paragraph and the number of exemptions granted or denied.~~

3. ~~This paragraph is repealed effective January 1, 2008.~~

(l)(t)1. For the provision of adult open-heart services in a hospital located within the boundaries of a health service planning district, as defined in s. 408.032(5), which has experienced an annual net out-migration of at least 600 open-heart-surgery cases for 3 consecutive years according to the most recent data reported to the agency, and the district's population per licensed and operational open-heart programs exceeds the state average of population per licensed and operational open-heart programs by at least 25 percent Palm Beach, Polk, Martin, St. Lucie, and Indian River Counties if the following conditions are met: The exemption must be based upon objective criteria and address and solve the twin problems of geographic and temporal access. All hospitals within a health service planning district which meet the criteria reference in sub-subparagraphs 2.a.-h. shall be eligible for this exemption on July 1, 2004, and shall receive the exemption upon filing for it and subject to the following:

a. A hospital that has received a notice of intent to grant a certificate of need or a final order of the agency granting a certificate of need for the establishment of an open-heart-surgery program is entitled to receive a letter of exemption for the establishment of an adult open-heart-surgery program upon filing a request for exemption and complying with the criteria enumerated in sub-subparagraphs 2.a.-h., and is entitled to immediately commence operation of the program.

b. An otherwise eligible hospital that has not received a notice of intent to grant a certificate of need or a final order of the agency granting a certificate of need for the establishment of an open-heart-surgery program is entitled to immediately receive a letter of exemption for the establishment of an adult open-heart-surgery program upon filing a request for exemption and complying with the criteria enumerated in sub-subparagraphs 2.a.-h., but is not entitled to commence operation of its program until December 31, 2006.

2. A hospital shall be exempt from the certificate-of-need review for the establishment of an open-heart-surgery program when the application for exemption submitted under this paragraph complies with the following criteria:

a. The applicant must certify that it will meet and continuously maintain the minimum licensure requirements adopted by the agency governing adult open-heart programs, including the most current guidelines of the American College of Cardiology and American Heart Association Guidelines for Adult Open Heart Programs.

b. The applicant must certify that it will maintain sufficient appropriate equipment and health personnel to ensure quality and safety.

c. The applicant must certify that it will maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.

d. The applicant can demonstrate that it *has discharged at least 300 inpatients with a principal diagnosis of ischemic heart disease for the most recent 12-month period as reported to the agency is referring 300 or more patients per year from the hospital, including the emergency room, for cardiac services at a hospital with cardiac services, or that the average wait for transfer for 50 percent or more of the cardiac patients exceeds 4 hours.*

e. The applicant is a general acute care hospital that is in operation for 3 years or more.

f. The applicant is performing more than 300 diagnostic cardiac catheterization procedures per year, combined inpatient and outpatient.

g. The applicant's payor mix at a minimum reflects the community average for Medicaid, charity care, and self-pay patients or the applicant must certify that it will provide a minimum of 5 percent of Medicaid, charity care, and self-pay to open-heart-surgery patients.

h. If the applicant fails to meet the established criteria for open-heart programs or fails to reach 300 surgeries per year by the end of its third year of operation, it must show cause why its exemption should not be revoked.

3.2. ~~By December 31, 2004, and annually thereafter, the agency for Health Care Administration shall submit a report to the Legislature providing information concerning the number of requests for exemption it has received under this paragraph during the calendar year and the number of exemptions it has granted or denied during the calendar year.~~

(m) *For the provision of percutaneous coronary intervention for patients presenting with emergency myocardial infarctions in a hospital without an approved adult open-heart-surgery program. In addition to any other documentation required by the agency, a request for an exemption submitted under this paragraph must comply with the following:*

1. *The applicant must certify that it will meet and continuously maintain the requirements adopted by the agency for the provisions of these services. These licensure requirements must be adopted by rule pursuant to ss. 120.536(1) and 120.54 and must be consistent with the guidelines published by the American College of Cardiology and the American Heart Association for the provision of percutaneous coronary interventions in hospitals without adult open-heart services. At a minimum, the rules shall require that:*

a. *Cardiologists be experienced interventionalists who have performed a minimum of 75 interventions within the previous 12 months.*

b. *The hospital provide a minimum of 36 emergency interventions annually in order to continue to provide the service.*

c. *The hospital offer sufficient physician, nursing, and laboratory staff to provide the services 24 hours a day, 7 days a week.*

d. *Nursing and technical staff have demonstrated experience in handling acutely ill patients requiring intervention based on previous experience in dedicated interventional laboratories or surgical centers.*

e. *Cardiac care nursing staff be adept in hemodynamic monitoring and Intra-aortic Balloon Pump management.*

f. *Formalized written transfer agreements be developed with a hospital with an adult open-heart-surgery program and written transport protocols be in place to ensure safe and efficient transfer of a patient within 60 minutes. Transfer and transport agreements must be received and tested, with appropriate documentation maintained at least every 3 months.*

g. *Hospitals implementing the service first undertake a training program of 3 to 6 months' duration, which includes establishing standard and testing logistics, creating quality assessment and error management practices, and formalizing patient-selection criteria.*

2. The applicant must certify that it will at all times use the patient-selection criteria for the performance of primary angioplasty at hospitals without adult open-heart-surgery programs issued by the American College of Cardiology and the American Heart Association. At a minimum, these criteria must provide for:

a. Avoidance of interventions in hemodynamically stable patients who have identified symptoms or medical histories.

b. Transfer of patients who have a history of coronary disease and clinical presentation of hemodynamic instability.

3. The applicant must agree to submit to the agency a quarterly report detailing patient characteristics, treatment, and outcomes for all patients receiving emergency percutaneous coronary interventions pursuant to this paragraph. This report must be submitted within 15 days after the close of each calendar quarter.

4. The exemption provided by this paragraph does not apply unless the agency determines that the hospital has taken all necessary steps to be in compliance with all requirements of this paragraph, including the training program required under sub-subparagraph 1.g.

5. If the hospital fails to continuously comply with the requirements of sub-subparagraphs 1.c.-f. and subparagraphs 2. and 3., this exemption immediately expires.

6. If the hospital fails to meet the volume requirements of sub-subparagraphs 1.a. and b. within 18 months after the program begins offering the service, this exemption immediately expires.

If the exemption for this service expires under subparagraph 5. or subparagraph 6., the agency may not grant another exemption for this service to the same hospital for 2 years and then only upon a showing that the hospital will remain in compliance with the requirements of this paragraph through a demonstration of corrections to the deficiencies that caused the exemption to expire. Compliance with this paragraph includes compliance with the rules adopted pursuant to this paragraph.

(n) For the addition of mental health services or beds if the applicant commits to providing services to Medicaid or charity care patients at a level equal to or greater than the district average. Such a commitment is subject to s. 408.040.

(o) For replacement of a licensed nursing home on the same site, or within 3 miles of the same site, if the number of licensed beds does not increase.

(p) For consolidation or combination of licensed nursing homes or transfer of beds between licensed nursing homes within the same planning subdistrict, by providers that operate multiple nursing homes within that planning subdistrict, if there is no increase in the planning subdistrict total number of nursing home beds and the site of the relocation is not more than 30 miles from the original location.

(q) For beds in state mental health treatment facilities operated under s. 394.455(30) and state mental health forensic facilities operated under s. 916.106(8).

(r) For beds in state developmental services institutions as defined in s. 393.063.

(4) **REQUESTS FOR EXEMPTION.**—A request for exemption under subsection (3) may be made at any time and is not subject to the batching requirements of this section. The request shall be supported by such documentation as the agency requires by rule. The agency shall assess a fee of \$250 for each request for exemption submitted under subsection (3).

(5) **NOTIFICATION.**—Health care facilities and providers must provide to the agency notification of:

(a) Replacement of a health care facility when the proposed project site is located in the same district and on the existing site or within a 1-mile radius of the replaced health care facility, if the number and type of beds do not increase.

(b) The termination of a health care service, upon 30 days' written notice to the agency.

(c) The addition or delicensure of beds.

Notification under this subsection may be made by electronic, facsimile, or written means at any time before the described action has been taken.

Section 7. Section 408.0361, Florida Statutes, is amended to read:

408.0361 Cardiology services and burn unit licensure ~~Diagnostic cardiac catheterization services providers; compliance with guidelines and requirements.—~~

(1) Each provider of diagnostic cardiac catheterization services shall comply with the requirements of s. 408.036(3)(i)2.a.-d., and rules adopted by the agency which establish licensure standards for Health Care Administration governing the operation of adult inpatient diagnostic cardiac catheterization programs. The rules must ensure that the programs:

(a) Comply with, including the most recent guidelines of the American College of Cardiology and American Heart Association Guidelines for Cardiac Catheterization and Cardiac Catheterization Laboratories.

(b) Perform only adult inpatient diagnostic cardiac catheterization services and do not provide therapeutic cardiac catheterization or any other cardiology services.

(c) Maintain sufficient appropriate equipment and health care personnel to ensure quality and safety.

(d) Maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.

(e) Demonstrate a plan to provide services to Medicaid and charity patients.

(2) Each provider of adult interventional cardiology services or operator of a burn unit shall comply with rules adopted by the agency which establish licensure standards that govern the provision of adult interventional cardiology services or the operation of a burn unit. Such rules must consider, at a minimum, staffing, equipment, physical plant, operating protocols, the provision of services to Medicaid and charity patients, accreditation, licensure period and fees, and enforcement of minimum standards. The certificate-of-need rules for adult interventional cardiology services and burn units in effect on June 30, 2004, are ratified pursuant to this subsection and shall remain in effect and be enforceable by the agency until the licensure rules are adopted. Existing providers and any provider with a notice of intent to grant a certificate of need or a final order of the agency granting a certificate of need for adult interventional cardiology services or burn units shall be considered grandfathered-in and shall receive a license for their programs effective on July 1, 2004. That licensure shall remain valid for at least 3 years or a period specified in the rule, whichever is longer, but such programs must meet licensure standards applicable to existing programs for every subsequent licensure period.

(3) In establishing rules for adult interventional cardiology services, the agency shall include provisions that allow for:

(a) Establishment of two hospital program licensure levels: a Level I program authorizing the performance of adult primary percutaneous cardiac intervention for emergent patients without onsite cardiac surgery and a Level II program authorizing the performance of percutaneous cardiac intervention with onsite cardiac surgery.

(b) For a hospital seeking a Level I program, demonstration that, for the most recent 12-month period as reported to the agency, it has provided a minimum of 300 adult inpatient and outpatient diagnostic cardiac catheterizations or has transferred at least 300 inpatients with the principal diagnosis of ischemic heart disease and that it has a formalized, written transfer agreement with a hospital that has a Level II program, including written transport protocols to ensure safe and efficient transfer of a patient within 60 minutes.

(c) For a hospital seeking a Level II program, demonstration that it has discharged at least 800 patients with the principal diagnosis of ischemic heart disease.

(d) Compliance with the most recent guidelines of the American College of Cardiology and American Heart Association guidelines for staffing, physician training and experience, operating procedures, equipment,

physical plant, and patient-selection criteria to ensure patient quality and safety.

(e) Establishment of appropriate hours of operation and protocols to ensure availability and timely referral in the event of emergencies.

(f) Demonstration of a plan to provide services to Medicaid and charity patients.

(4) The agency shall establish a technical advisory panel to develop procedures and standards for measuring outcomes of interventional cardiac programs. Members of the panel shall include representatives of the Florida Hospital Association, the Florida Society of Thoracic and Cardiovascular Surgeons, the Florida Chapter of the American College of Cardiology, and the Florida Chapter of the American Heart Association and others who have experience in statistics and outcome measurement. Based upon recommendations from the panel, the agency shall develop and adopt for the interventional cardiac programs rules that include at least the following:

(a) A standard data set consisting primarily of data elements reported to the agency in accordance with s. 408.061.

(b) A risk-adjustment procedure that accounts for the variations in severity and case mix found in hospitals in this state.

(c) Outcome standards specifying expected levels of performance in Level I and Level II adult interventional cardiology services. Such standards may include, but are not limited to, inhospital mortality, infection rates, nonfatal myocardial infarctions, length of stay, postoperative bleeds, and returns to surgery.

(d) Specific steps to be taken by the agency and licensing hospitals that do not meet the outcome standards within specified time periods, including time periods for detailed case reviews and development and implementation of corrective action plans.

(9) The Secretary of Health Care Administration shall appoint an advisory group to study the issue of replacing certificate-of-need review of organ transplant programs under this chapter with licensure regulation of organ transplant programs under chapter 395. The advisory group shall include three representatives of organ transplant providers, one representative of an organ procurement organization, one representative of the Division of Health Quality Assurance, one representative of Medicaid, and one advocate for organ transplant patients. The advisory group shall, at a minimum, make recommendations regarding access to organs, delivery of services to Medicaid and charity patients, staff training, and resource requirements for organ transplant programs in a report due to the secretary and the Legislature by July 1, 2005.

(10) The Secretary of Health Care Administration shall appoint a work group to study certificate-of-need regulations and changing market conditions related to the supply and distribution of hospital beds. The assessment by the work group shall include, but need not be limited to:

(a) The appropriateness of current certificate-of-need methodologies and other criteria for evaluating proposals for new hospitals and transfers of beds to new sites.

(b) Additional factors that should be considered, including the viability of safety-net services, the extent of market competition, and the accessibility of hospital services.

The workgroup shall, by January 1, 2005, submit to the secretary and the Legislature a report identifying specific program areas and recommending needed changes in statutes and rules.

Section 8. Section 408.038, Florida Statutes, is amended to read:

408.038 Fees.—The agency shall assess fees on certificate-of-need applications. Such fees shall be for the purpose of funding the ~~functions of the local health councils and the~~ activities of the agency and shall be allocated as provided in s. 408.033. The fee shall be determined as follows:

(1) A minimum base fee of \$10,000 ~~\$5,000~~.

(2) In addition to the base fee of \$10,000 ~~\$5,000~~, 0.015 of each dollar of proposed expenditure, except that a fee may not exceed \$50,000 ~~\$22,000~~.

Section 9. Subsections (1), paragraph (a) of subsection (3), and paragraph (a) and (b) of subsection (4) of section 408.039, are amended to read:

408.039 Review process.—The review process for certificates of need shall be as follows:

(1) REVIEW CYCLES.—The agency by rule shall provide for applications to be submitted on a timetable or cycle basis; provide for review on a timely basis; and provide for all completed applications pertaining to similar types of services or facilities affecting the same service district to be considered in relation to each other no less often than *annually two times a year*.

(3) APPLICATION PROCESSING.—

(a) An applicant shall file an application with the agency, and shall furnish a copy of the application to ~~the local health council and the~~ agency. Within 15 days after the applicable application filing deadline established by agency rule, the staff of the agency shall determine if the application is complete. If the application is incomplete, the staff shall request specific information from the applicant necessary for the application to be complete; however, the staff may make only one such request. If the requested information is not filed with the agency within 21 days ~~after~~ of the receipt of the staff's request, the application shall be deemed incomplete and deemed withdrawn from consideration.

(4) STAFF RECOMMENDATIONS.—

(a) The agency's review of and final agency action on applications shall be in accordance with ~~the district health plan, and~~ statutory criteria; and the implementing administrative rules. In the application review process, the agency shall give a preference, as defined by rule of the agency, to an applicant which proposes to develop a nursing home in a nursing home geographically underserved area.

(b) Within 60 days after all the applications in a review cycle are determined to be complete, the agency shall issue its State Agency Action Report and Notice of Intent to grant a certificate of need for the project in its entirety, to grant a certificate of need for identifiable portions of the project, or to deny a certificate of need. The State Agency Action Report shall set forth in writing its findings of fact and determinations upon which its decision is based. ~~If a finding of fact or determination by the agency is counter to the district health plan of the local health council, the agency shall provide in writing its reason for its findings, item by item, to the local health council.~~ If the agency intends to grant a certificate of need, the State Agency Action Report or the Notice of Intent shall also include any conditions which the agency intends to attach to the certificate of need. The agency shall designate by rule a senior staff person, other than the person who issues the final order, to issue State Agency Action Reports and Notices of Intent.

Section 10. Section 408.040, Florida Statutes, is amended to read:

408.040 Conditions and monitoring.—

(1)(a) The agency may issue a certificate of need, *or an exemption*, predicated upon statements of intent expressed by an applicant in the application for a certificate of need *or an exemption*. Any conditions imposed on a certificate of need *or an exemption* based on such statements of intent shall be stated on the face of the certificate of need *or in the exemption approval*.

(b) The agency may consider, in addition to the other criteria specified in s. 408.035, a statement of intent by the applicant that a specified percentage of the annual patient days at the facility will be utilized by patients eligible for care under Title XIX of the Social Security Act. Any certificate of need issued to a nursing home in reliance upon an applicant's statements that a specified percentage of annual patient days will be utilized by residents eligible for care under Title XIX of the Social Security Act must include a statement that such certification is a condition of issuance of the certificate of need. The certificate-of-need program shall notify the Medicaid program office and the Department of Elderly Affairs when it imposes conditions as authorized in this paragraph in an area in which a community diversion pilot project is implemented.

(c) A certificateholder *or an exemption holder* may apply to the agency for a modification of conditions imposed under paragraph (a) or paragraph (b). If the holder of a certificate of need *or an exemption*

demonstrates good cause why the certificate or exemption should be modified, the agency shall reissue the certificate of need or exemption with such modifications as may be appropriate. The agency shall by rule define the factors constituting good cause for modification.

(d) If the holder of a certificate of need or an exemption fails to comply with a condition upon which the issuance of the certificate or exemption was predicated, the agency may assess an administrative fine against the certificateholder or exemption holder in an amount not to exceed \$1,000 per failure per day. Failure to annually report compliance with any condition upon which the issuance of the certificate or exemption was predicated constitutes noncompliance. In assessing the penalty, the agency shall take into account as mitigation the degree of noncompliance relative lack of severity of a particular failure. Proceeds of such penalties shall be deposited in the Public Medical Assistance Trust Fund.

(2)(a) Unless the applicant has commenced construction, if the project provides for construction, unless the applicant has incurred an enforceable capital expenditure commitment for a project, if the project does not provide for construction, or unless subject to paragraph (b), a certificate of need shall terminate 18 months after the date of issuance. The agency shall monitor the progress of the holder of the certificate of need in meeting the timetable for project development specified in the application with the assistance of the local health council as specified in s. 408.033(1)(b)5., and may revoke the certificate of need, if the holder of the certificate is not meeting such timetable and is not making a good-faith effort, as defined by rule, to meet it.

(b) A certificate of need issued to an applicant holding a provisional certificate of authority under chapter 651 shall terminate 1 year after the applicant receives a valid certificate of authority from the Office of Insurance Regulation of the Financial Services Commission.

(c) The certificate-of-need validity period for a project shall be extended by the agency, to the extent that the applicant demonstrates to the satisfaction of the agency that good-faith commencement of the project is being delayed by litigation or by governmental action or inaction with respect to regulations or permitting precluding commencement of the project.

(3) The agency shall require the submission of an executed architect's certification of final payment for each certificate-of-need project approved by the agency. Each project that involves construction shall submit such certification to the agency within 30 days following completion of construction.

Section 11. Subsection (5) of section 408.043, Florida Statutes, is repealed.

Section 12. Section 408.0455, Florida Statutes, is amended to read:

408.0455 Rules; pending proceedings.—The rules of the agency in effect on June 30, 2004 1997, shall remain in effect and shall be enforceable by the agency with respect to ss. 408.031-408.045 until such rules are repealed or amended by the agency, and no judicial or administrative proceeding pending on July 1, 1997, shall be abated as a result of the provisions of ss. 408.031-408.043(1) and (2); s. 408.044; or s. 408.045.

Section 13. This act shall take effect July 1, 2004.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to certificate of need; amending s. 395.003, F.S.; providing additional conditions for the licensure or relicensure of hospitals; exempting currently licensed hospitals; amending s. 408.032, F.S.; redefining terms relating to the Health Facility and Services Development Act; deleting the term "regional area"; amending s. 408.033, F.S.; deleting provisions relating to regional area health plans; transferring certain duties from the Agency for Health Care Administration to the Department of Health; deleting an agency responsibility relating to orientation of local health council members; deleting a requirement that local health councils be partly funded by application fees for certificates of need; adding sources of funding for local health councils; amending s. 408.034, F.S.; revising criteria for certificate-of-need review and for issuing licenses to health care facilities and health service providers; revising criteria for the nursing-home-bed-need methodology; amending s. 408.035, F.S.; revising the criteria for reviewing applications for certificate-of-need determinations; amending s. 408.036, F.S.; revising criteria

for determining whether a health-care-related project is subject to review; providing that the replacement or relocation of a nursing home is subject to expedited review under specified conditions; revising the criteria for determining whether a project is subject to exemption from review upon request; repealing the exemption for specified services; adding an optional exemption for neonatal intensive care units that meet certain requirements; providing exemptions for adding beds for comprehensive rehabilitation, for beds in state mental health treatment facilities, for beds in state mental health treatment facilities and state mental health forensic facilities, and for beds in state developmental services institutions; revising the criteria for optional exemption of adult open-heart services; requiring the agency to report annually to the Legislature specified information concerning exemptions requested and granted during the preceding calendar year; adding an optional exemption for the provision of percutaneous coronary intervention under certain conditions; requiring health care facilities and providers to provide to the agency notice of the replacement of a health care facility or a nursing home, in specified circumstances, consolidation of nursing homes, the termination of a health care service, and the addition or delicensure of beds; amending s. 408.0361, F.S., relating to compliance with requirements imposed on diagnostic cardiac catheterization services providers; revising the scope of application, to include the compliance required of cardiology services and the licensure of burn units; requiring the Secretary of Health Care Administration to appoint an advisory group to study replacing certificate-of-need review of organ transplant programs with licensure regulation of organ transplant providers; requiring a report to the secretary and the Legislature; requiring the secretary to appoint a work group to study certificate-of-need regulation and changing market conditions related to the supply and distribution of hospital beds; requiring a report to the secretary and the Legislature; amending s. 408.038, F.S.; revising fees assessed on certificate-of-need applications; amending s. 408.039, F.S.; revising the review process for certificates of need; requiring shorter review cycles; deleting a requirement to file a copy of the application with the local health council; deleting a requirement to consider the district health plan in reviewing and taking action on the applications; amending s. 408.040, F.S.; applying the conditions to the issuance of a certificate of need to the issuance of an exemption; providing that certain failures to annually report compliance with certain conditions to receiving a certificate of need or an exemption constitute noncompliance; repealing s. 408.043(5), F.S., relating to the authority of a sole acute care hospital in a high growth county to add beds without agency review; amending s. 408.0455, F.S.; providing for the rules of the agency which are in effect on June 30, 2004, rather than those in effect on June 30, 1997, to remain in effect; providing an effective date.

WHEREAS, appropriate access to adult cardiac care is an issue of critical state importance to all residents of the state and to all health service planning districts of the state, and

WHEREAS, the certificate-of-need process, for most geographic areas in the state, has provided adequate access to adult open-heart-surgery services to Floridians as well as tourists, business travelers, indigents, and migrant workers who receive such services, and

WHEREAS, the number of adult open-heart-surgery programs in certain health service planning districts has not kept pace with the dramatic increase in population in those areas, and

WHEREAS, there have been numerous technological advances in the area of primary angioplasty and stent procedures known collectively as percutaneous coronary interventions, and these advanced interventional treatments provide the highest standard of care for people suffering acute myocardial infarctions, and

WHEREAS, the success of these interventional treatments requires immediate access (within 1 hour) to hospitals having interventional technology and a backup open-heart-surgery program, and

WHEREAS, hospitals that cannot perform percutaneous coronary interventions must resort to the use of thrombolytics, a less effective treatment in many instances, and therefore adults in need of percutaneous coronary interventions are being denied these procedures due to lack of access, and

WHEREAS, diagnosis; discharge from the transferring hospital; transfer arrangements, including, but not limited to, insurance and administrative approval; transportation availability; admission to the receiving hospital; staff availability at the receiving hospital; and, most

importantly, bed availability at the receiving hospital as well as travel delays to the receiving hospital contribute to the time taken to effectuate a transfer of a cardiac patient, and

WHEREAS, the Legislature finds that timely access and availability for every adult in this state, regardless of socioeconomic class or geographic location, to these interventional treatments and open-heart surgery is of critical state concern, especially because myocardial infarctions and related coronary disease are no respecters of location or time, and

WHEREAS, to ensure that it provides the quality of care desired, each hospital that qualifies for the exemption provided by this act will be subject to more stringent criteria and will also be subject to continual monitoring by the Agency for Health Care Administration, and

WHEREAS, the Legislature intends to ensure that standards of quality are maintained while promoting competition in the provision of adult cardiac care, NOW, THEREFORE,

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

Amendment 1A (893474)(with title amendment)—On page 42, between lines 12 and 13, insert: Section 13. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

(Redesignate subsequent section.)

And the title is amended as follows:

On page 45, line 24, after the semicolon (;) insert: providing for severability;

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

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

Amendment 1B (183248)(with title amendment)—On page 42, between lines 12 and 13, insert:

Section 13. Section 52 of chapter 2001-45, Laws of Florida, as amended by section 1693 of chapter 2003-261, Laws of Florida, is amended to read:

Section 52. (1) Notwithstanding the establishment of need as provided for in chapter 408, Florida Statutes, no certificate of need for additional community nursing home beds shall be approved by the agency until July 1, 2006.

(2) The Legislature finds that the continued growth in the Medicaid budget for nursing home care has constrained the ability of the state to meet the needs of its elderly residents through the use of less restrictive and less institutional methods of long-term care. It is therefore the intent of the Legislature to limit the increase in Medicaid nursing home expenditures in order to provide funds to invest in long-term care that is community-based and provides supportive services in a manner that is both more cost-effective and more in keeping with the wishes of the elderly residents of this state.

(3) This moratorium on certificates of need shall not apply to sheltered nursing home beds in a continuing care retirement community certified by the former Department of Insurance or by the Office of Insurance Regulation pursuant to chapter 651, Florida Statutes.

(4)(a) *This moratorium on certificates of need shall not apply, and a certificate of need for additional community nursing home beds may be approved, for a county that meets the following circumstances:*

1. *The county has no community nursing home beds; and*
2. *The lack of community nursing home beds occurs because all nursing home beds in the county which were licensed on July 1, 2001, have subsequently closed.*

(b) *The certificate-of-need review for such circumstances shall be subject to the comparative review process consistent with the provisions of section 408.039, Florida Statutes, and the number of beds may not exceed the number of beds lost by the county after July 1, 2001.*

This subsection shall be repealed upon the expiration of the moratorium established in subsection (1).

(5) *This moratorium on certificates of need shall not apply for the addition of nursing home beds licensed under chapter 400 to a nursing home located in a county having up to 50,000 residents, in a number not exceeding 10 total beds or 10 percent of the number of beds licensed in the facility being expanded, whichever is greater. In addition to any other documentation required by the agency, a request submitted under this paragraph must:*

(a) *Certify that the facility has not had any class I or class II deficiencies within the 30 months preceding the request for addition.*

(b) *Certify that the prior 12-month average occupancy rate for the nursing home beds at the facility meets or exceeds 94 percent and the facility had not had any class I or class II deficiencies since its initial licensure.*

(c) *For a facility that has been licensed for less than 24 months, certify that the prior 6-month average occupancy rate for the nursing home beds at the facility meets or exceeds 94 percent and that the facility has not had any class I or class II deficiencies since its initial licensure.*

This subsection shall be repealed upon the expiration of the moratorium established in subsection (1).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 45, line 24, after the semicolon (;) insert: amending s. 52, ch. 2001-45, Laws of Florida, as amended; specifying nonapplication of moratoriums on certificates of need and authorizing approval of certain certificates of need for certain counties under certain circumstances; providing review requirements and bed limitations; providing for future expiration of the moratoriums;

MOTION

On motion by Senator Pruitt, the rules were waived to allow the following amendment to be considered:

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

Amendment 1C (354540)—On page 13, line 31, delete “(e)” and insert: (g)

MOTION

On motion by Senator Wise, the rules were waived to allow the following amendment to be considered:

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

Amendment 1D (822098)—On page 24, line 17 through page 26, line 9, delete those lines and insert:

(l) *Notwithstanding any other provisions of this chapter to the contrary: (s)*

1. For an adult open-heart-surgery program to be located in a new hospital provided the new hospital is being established in the location of an existing hospital with an adult open-heart-surgery program, the existing hospital and the existing adult open-heart-surgery program are being relocated to a replacement hospital, and the replacement hospital will utilize a closed-staff model. A hospital is exempt from the certificate-of-need review for the establishment of an open-heart-surgery program if the application for exemption submitted under this paragraph complies with the following criteria:

- a. The applicant must certify that it will meet and continuously maintain the minimum Florida Administrative Code and any future licensure requirements governing adult open-heart programs adopted

by the agency, including the most current guidelines of the American College of Cardiology and American Heart Association Guidelines for Adult Open Heart Programs.

b. The applicant must certify that it will maintain sufficient appropriate equipment and health personnel to ensure quality and safety.

c. The applicant must certify that it will maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.

d. The applicant is a newly licensed hospital in a physical location previously owned and licensed to a hospital performing more than 300 open-heart procedures each year, including heart transplants.

e. The applicant must certify that it can perform more than 300 diagnostic cardiac catheterization procedures per year, combined inpatient and outpatient, by the end of the third year of its operation.

f. The applicant's payor mix at a minimum reflects the community average for Medicaid, charity care, and self-pay patients or the applicant must certify that it will provide a minimum of 5 percent of Medicaid, charity care, and self-pay to open-heart-surgery patients.

g. If the applicant fails to meet the established criteria for open-heart programs or fails to reach 300 surgeries per year by the end of its third year of operation, it must show cause why its exemption should not be revoked.

h. In order to ensure continuity of available services, the applicant of the newly licensed hospital may apply for this certificate-of-need before taking possession of the physical facilities. The effective date of the certificate-of-need will be concurrent with the effective date of the newly issued hospital license.

2. By December 31, 2004, and annually thereafter, the agency shall submit a report to the Legislature providing information concerning the number of requests for exemption received under this paragraph and the number of exemptions granted or denied.

3. This paragraph is repealed effective January 1, 2008.
(Redesignate subsequent paragraphs.)

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 329** as amended was placed on the calendar of Bills on Third Reading.

SENATOR LEE PRESIDING

On motion by Senator Constantine—

CS for CS for CS for SB 1190—A bill to be entitled An act relating to fire prevention and control; creating s. 633.115, F.S.; creating the Fire and Emergency Incident Information Program in the Division of State Fire Marshal of the Department of Financial Services; providing powers and duties of the program; providing for the adoption of rules; creating a Fire and Emergency Incident Information System Technical Advisory Panel in the division; providing for membership and duties; providing for a definition; amending s. 633.171, F.S.; establishing penalties for the unauthorized use of fireworks or pyrotechnic devices in an indoor facility; providing that the act does not apply to the manufacture, distribution, or sale of fireworks; amending s. 633.821, F.S.; providing that the Division of State Fire Marshal may adopt additional national fire standards to ensure safe working conditions for firefighters; directing the division to adopt rules for live fire training and for a training and certification process for live-fire-training instructors; providing for the contents of the training rules; requiring the live-fire-training rules to take effect January 1, 2005; requiring each live-fire-training instructor to be state-certified by January 1, 2006; directing that all live fire training commenced on and after January 1, 2006, be conducted by a certified live-fire-training instructor; providing an exception; amending s. 932.7055, F.S.; providing that proceeds from the sale of forfeited property seized by the Division of the State Fire Marshal in the Department of Financial Services under the Florida Contraband Forfeiture Act be deposited into the Insurance Regulatory Trust Fund and used for specified purposes; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1190** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for CS for SB 532—A bill to be entitled An act relating to the Good Samaritan Act; amending s. 768.13, F.S.; including certain persons who participate in emergency response activities under the direction of or in connection with the Division of Emergency Management of the Department of Community Affairs or the Federal Emergency Management Agency within the act for purposes of immunity from civil liability under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Crist and adopted:

Amendment 1 (355084)(with title amendment)—On page 4, line 4, after “with” and insert: *a community emergency response team*,

And the title is amended as follows:

On page 1, lines 6-8, delete those lines and insert: connection with a community emergency response team, a local emergency management agency, the Division of Emergency Management of the Department of Community Affairs, or the Federal Emergency Management

Senator Crist moved the following amendment which was adopted:

Amendment 2 (375732)—On page 4, line, 3, after “person” insert: *whose acts or omissions are not otherwise covered by this section and*

Pursuant to Rule 4.19, **CS for CS for SB 532** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton, by two-thirds vote **HB 1335** was withdrawn from the Committees on Transportation; Governmental Oversight and Productivity; and Comprehensive Planning.

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

HB 1335—A bill to be entitled An act relating to emergency lights on vehicles; amending s. 316.2397, F.S.; requiring wreckers to display amber rotating or flashing lights in certain situations; amending s. 316.126, F.S.; requiring drivers who are approaching a wrecker performing a recovery or loading on the roadside to take certain precautions; providing an effective date.

—a companion measure, was substituted for **CS for SB 402** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1335** was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander, by two-thirds vote **HB 415** was withdrawn from the Committees on Natural Resources; and Comprehensive Planning.

On motion by Senator Alexander—

HB 415—A bill to be entitled An act relating to waterway markers; amending s. 327.40, F.S.; providing for the placement of certain markers on waterways by specified governmental entities; providing an exemption with regard to appearance of said markers; providing that the placement of specified markers on state submerged lands does not subject such lands to certain lease requirements; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1404** and read the second time by title.

Senator Alexander moved the following amendment:

Amendment 1 (320596)(with title amendment)—Beginning on page 1, line 12 through page 2, line 36, delete those lines and insert:

Section 1. Section 327.40, Florida Statutes, is amended, to read:

327.40 Uniform waterway markers for safety, ~~and~~ navigation, ~~and~~ information.—

(1) Waterways in Florida which need marking for safety or navigation purposes shall be marked under the United States Aids to Navigation System, 33 C.F.R. part 62. Until December 31, 2003, channel markers and obstruction markers conforming to the Uniform State Waterway Marking System, 33 C.F.R. subpart 66.10, may continue to be used on waters of this state that are not navigable waters of the United States. *After December 31, 2003, any new or replacement markers must conform to the United States Aids to Navigation System, 33 C.F.R. part 62.*

(2)(a) Application for marking inland lakes and state waters and any navigable waters under concurrent jurisdiction of the Coast Guard and the division shall be made to the division, accompanied by a map locating the approximate placement of markers, a list of the markers to be placed, a statement of the specification of the markers, a statement of the purpose of marking, and the names of persons responsible for the placement and upkeep of such markers. The division will assist the applicant to secure the proper permission from the Coast Guard where required, make such investigations as needed, and issue a permit. The division shall furnish the applicant with the information concerning the system adopted and the rules existing for placing and maintaining the markers. The division shall keep records of all approvals given and counsel with individuals, counties, municipalities, motorboat clubs, or other groups desiring to mark waterways for safety and navigation purposes in Florida.

(b) No person or municipality, county, or other governmental entity shall place any safety or navigation markers in, on, or over the waters or shores of the state without a permit from the division.

(c) *The placement of informational markers, including, but not limited to, end of boat ramp, no swimming, swimming area, lake name, trash receptacle, public health notice, underwater hazard, canal, regulatory, emergency, and special event markers by counties, municipalities, or other governmental entities in, on, or over the waters or shores of landlocked inland lakes and their associated canals does not require permitting under this section. These markers, with the exception of swimming area and special event markers, must be placed 50 feet or less from the normal shoreline. The appearance of markers placed by counties, municipalities, or other governmental entities pursuant to this paragraph, except for those markers intended to protect the public health and safety, is not required to conform to the United States Aids to Navigation System, 33 C.F.R. part 62, or any uniform system of waterway markers adopted by the commission. Notwithstanding this paragraph, counties, municipalities, and other governmental entities shall comply with federal laws and regulations when placing informational markers on federally regulated waters.*

And the title is amended as follows:

On page 1, lines 3-5, delete those lines insert: F.S.; providing for the appearance of any new or replacement markers after December 31, 2003; providing for the placement and appearance of certain markers on waterways by specified governmental entities; providing exceptions;

MOTION

On motion by Senator Alexander, the rules were waived to allow the following amendment to be considered:

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

Amendment 1A (324934)—On page 2, line 31, after the period (.) insert: *Markers placed pursuant to this paragraph must be properly maintained.*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 415** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller, by two-thirds vote **HB 1009** was withdrawn from the Committees on Judiciary; and Comprehensive Planning.

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

HB 1009—A bill to be entitled An act relating to prohibited landlord practices; amending s. 83.67, F.S.; prohibiting landlords from prohibiting tenants from displaying certain United States flags regardless of certain rental agreement provisions; relieving landlords of liability for any damages caused by displaying flags; prohibiting tenants from displaying flags in a manner that infringes upon other tenants' property; providing an effective date.

—a companion measure, was substituted for **CS for SB 1682** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1009** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

CS for CS for SB 1232—A bill to be entitled An act relating to abused, neglected, and abandoned children; creating s. 39.0016, F.S., relating to the education of abused, neglected, and abandoned children; creating definitions; providing for interpretation of the act; requiring an agreement between the Department of Children and Family Services and the Department of Education; requiring agreements between the Department of Children and Family Services and district school boards or other local educational entities; specifying provisions of such agreements; requiring access to certain information; requiring education training components; amending s. 1002.22, F.S., relating to access to student records; authorizing the release of records to the Department of Children and Family Services or a community-based care lead agency; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1232** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for SB 1818—A bill to be entitled An act relating to trauma regions; amending s. 395.4015, F.S.; requiring that the boundaries of the trauma regions administered by the Department of Health be coterminous with the boundaries of the regional domestic security task forces established within the Department of Law Enforcement; authorizing the continuation of trauma services by certain agencies in accordance with established agreements and procedures; amending s. 395.402, F.S.; providing requirements for the regional trauma system plan when a trauma service area is located within the boundaries of more than one trauma region; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1818** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 1606—A bill to be entitled An act relating to unemployment compensation for spouses of members of the military; amending s. 443.101, F.S.; providing eligibility for unemployment compensation benefits for the spouses of a member of the military under certain circumstances; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1606** to **HB 1183**.

Pending further consideration of **SB 1606** as amended, on motion by Senator Fasano, by two-thirds vote **HB 1183** was withdrawn from the Committees on Military and Veterans' Affairs, Base Protection, and

Spaceports; Banking and Insurance; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

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

HB 1183—A bill to be entitled An act relating to unemployment compensation for spouses of members of the military; amending s. 443.101, F.S.; providing eligibility for unemployment compensation benefits for the spouses of a member of the military under certain circumstances beginning on a date certain; providing an effective date.

—a companion measure, was substituted for **SB 1606** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1183** was placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

RECONSIDERATION OF BILL

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

CS for SB 1848—A bill to be entitled An act relating to warranty associations; creating ss. 634.1815, 634.3205, and 634.4225, F.S.; prescribing conditions under which a salesperson or a sales representative of a motor vehicle service agreement company, a home warranty association, or a service warranty association may rebate his or her commission; amending s. 634.271, F.S.; providing an exemption from penalty provisions for certain service warranties; providing retroactive applicability; amending s. 634.406, F.S.; prescribing conditions under which a service warranty association is exempt from certain premium-reserve and liability-insurance requirements and may allow premiums to exceed certain limits; providing an effective date.

—as amended passed this day.

Pending further consideration of **CS for SB 1848** as amended, on motion by Senator Bennett, by two-thirds vote **HB 1433** was withdrawn from the Committees on Commerce, Economic Opportunities, and Consumer Services; and Regulated Industries.

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

HB 1433—A bill to be entitled An act relating to warranty associations; creating s. 634.1815, F.S.; providing conditions under which a salesperson of a motor vehicle service agreement company may rebate his or her commission; creating s. 634.3205, F.S.; providing conditions under which a sales representative of a home warranty association may rebate his or her commission; amending s. 634.406, F.S.; providing conditions under which a service warranty association is exempt from certain premium reserve and liability insurance requirements and may allow premiums to exceed certain limits; creating s. 634.4225, F.S.; providing conditions under which a sales representative of a service warranty association may rebate his or her commission; providing an effective date.

—a companion measure, was substituted for **CS for SB 1848** as amended and by two-thirds vote read the second time by title.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (144988)(with title amendment)—Lines 48-172, delete those lines and insert:

Section 2. Subsection (5) is added to section 634.271, Florida Statutes, to read:

634.271 Civil remedy.—

(5) *The penalty provisions in ss. 520.12 and 521.006, as well as the statutory penalty minimum recovery of \$500 in subsection (1), do not apply to any violation of this part or chapters 520 and 521 relating to or in connection with the unauthorized or unregulated sale, prior to April 23, 2002, of a vehicle protection product that provides for payment of vehicle protection expenses, as defined in s. 634.011, or the failure to disclose or properly disclose in a retail installment contract or motor vehicle lease agreement prior to April 23, 2002, a vehicle protection product that provides for payment of vehicle protection expenses, if it was otherwise clearly disclosed to the consumer in writing at the time of the purchase or lease.*

Section 3. Section 634.3205, Florida Statutes, is created to read:

634.3205 *Rebating; when allowed.*—

(1) *No sales representative shall rebate any portion of his or her commission except as follows:*

(a) *The rebate shall be available to all consumers in the same actuarial class.*

(b) *The rebate shall be in accordance with a rebating schedule filed by the sales representative with the home warranty association issuing the home warranty to which the rebate applies. The home warranty association shall maintain a copy of all rebating schedules for a period of 3 years.*

(c) *The rebating schedule shall be uniformly applied in that all consumers who purchase the same home warranty through the sales representative for the same coverage receive the same percentage rebate.*

(d) *The rebate schedule is prominently displayed in public view in the sales representative's place of doing business and a copy is available to consumers on request at no charge.*

(e) *The age, sex, place of residence, race, nationality, ethnic origin, marital status, or occupation of the consumer is not used in determining the percentage of the rebate or whether a rebate is available.*

(2) *No rebate shall be withheld or limited in amount based on factors that are unfairly discriminatory.*

(3) *No rebate shall be given which is not reflected on the rebate schedule.*

(4) *No rebate shall be refused or granted based upon the purchase or failure to purchase collateral business.*

Section 4. Subsection (8) is added to section 634.406, Florida Statutes, to read:

634.406 *Financial requirements.*—

(8) *An association licensed under this part, and holding no other license under part I or part II of chapter 634, is not required to establish an unearned premium reserve or maintain contractual liability insurance and may allow its premiums to exceed the ratio to net assets limitation of this section if the association complies with the following:*

(a) *The association or, if the association is a direct or indirect wholly owned subsidiary of a parent corporation, its parent corporation has, and maintains at all times, a minimum net worth of at least \$100 million and provides the office with the following:*

1. *A copy of the association's annual audited financial statements or the audited consolidated financial statements of the association's parent, prepared by an independent certified public accountant in accordance with generally accepted accounting principles, which clearly demonstrate the net worth of the association or its parent corporation to be \$100 million and a quarterly written certification to the office that such entity continues to maintain the net worth required under this paragraph; and*

2. *The association's or its parent corporation's Form 10-K, Form 10-Q, or Form 20-F as filed with the United States Securities and Exchange Commission or such other documents as are required to be filed with a recognized stock exchange, which shall be provided on a quarterly and annual basis within 10 days after the last date each such report must*

be filed with the Securities and Exchange Commission, the National Association of Security Dealers Automated Quotation system, or other recognized stock exchange.

Failure to timely file the documents required under this paragraph may, at the discretion of the office, subject the association to suspension or revocation of its license under this part. An association or parent corporation demonstrating compliance with subparagraph 1. and subparagraph 2. must maintain outstanding debt obligations, if any, rated in the top four rating categories by a recognized rating service.

(b) *If the net worth of a parent corporation is used to satisfy the net worth provisions of paragraph (a), the following provisions must be met:*

1. *The parent corporation must guarantee all service warranty obligations of the association, wherever written, on a form approved in advance by the office. No cancellation, termination, or modification of the guarantee shall become effective unless the parent corporation provides the office written notice at least 90 days before the effective date of the cancellation, termination, or modification and the office approves the request in writing. Prior to the effective date of cancellation, termination, or modification of the guarantee, the association must demonstrate to the satisfaction of the office compliance with all applicable provisions of this part, including whether the association will meet the requirements of this section by the purchase of contractual liability insurance, establishing required reserves, or other method allowed under this section. If the association or parent corporation does not demonstrate to the satisfaction of the office compliance with all applicable provisions of this part, it shall immediately cease writing new and renewal business upon the effective date of the cancellation, termination, or modification.*

2. *The service warranty association must maintain at all times net assets of at least \$750,000.*

Section 5. Section 634.4225, Florida Statutes, is created to read:

634.4225 *Rebating; when allowed.—*

(1) *No sales representative shall rebate any portion of his or her commission except as follows:*

(a) *The rebate shall be available to all consumers in the same actuarial class.*

(b) *The rebate shall be in accordance with a rebating schedule filed by the sales representative with the association issuing the service warranty to which the rebate applies. The association shall maintain a copy of all rebating schedules for a period of 3 years.*

(c) *The rebating schedule shall be uniformly applied in that all consumers who purchase the same service warranty through the sales representative for the same coverage receive the same percentage rebate.*

(d) *The rebate schedule is prominently displayed in public view in the sales representative's place of doing business and a copy is available to consumers on request at no charge.*

(e) *The age, sex, place of residence, race, nationality, ethnic origin, marital status, or occupation of the consumer is not used in determining the percentage of the rebate or whether a rebate is available.*

(2) *No rebate shall be withheld or limited in amount on factors that are unfairly discriminatory.*

(3) *No rebate shall be given which is not reflected on the rebate schedule.*

(4) *No rebate shall be refused or granted based upon the purchase or failure to purchase collateral business.*

Section 6. This act shall take effect upon becoming a law and section 2 shall apply retroactively to January 1, 1998.

And the title is amended as follows:

Lines 5-14, delete those lines and insert: may rebate his or her commission; amending s. 634.271, F.S.; providing an exemption from penalty provisions for certain service warranties; creating s. 634.3205, F.S.; providing conditions under which a sales representative of a home warranty association may rebate his or her commission; amending s.

634.406, F.S.; providing conditions under which a service warranty association is exempt from certain premium reserve and liability insurance requirements and may allow premiums to exceed certain limits; creating s. 634.4225, F.S.; providing conditions under which a sales representative of a service warranty association may rebate his or her commission; providing retroactive applicability; providing an

On motion by Senator Bennett, by two-thirds vote **HB 1433** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peadar
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Campbell	Haridopolos	Sebesta
Carlton	Hill	Siplin
Clary	Jones	Smith
Constantine	Klein	Villalobos
Cowin	Lee	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SPECIAL ORDER CALENDAR, continued

Consideration of **CS for SB 1398** was deferred.

On motion by Senator Aronberg, by two-thirds vote **HB 529** was withdrawn from the Committees on Judiciary; and Regulated Industries.

On motion by Senator Aronberg—

HB 529—A bill to be entitled An act relating to deeds or conveyances of real estate; amending s. 689.07, F.S.; revising criteria for granting certain estates, transferring and assigning certain interests, and vesting certain rights in certain deeds or conveyances of real estate; providing legislative intent; providing for retroactive application; providing an effective date.

—a companion measure, was substituted for **SB 1986** and read the second time by title.

Pursuant to Rule 4.19, **HB 529** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Haridopolos—

CS for SB 2304—A bill to be entitled An act relating to construction contracting; amending s. 481.321, F.S.; requiring the Board of Landscape Architecture to prescribe, by rule, one or more forms of seal for use by a registered landscape architect who holds a valid certificate of registration; authorizing registration of the seal electronically, authorizing electronic transmission and sealing of final plans, specifications, or reports; reenacting s. 481.325(1)(a), (3), F.S., relating to disciplinary proceedings, to incorporate the amendment to s. 481.321, F.S., in a reference thereto; providing penalties; amending s. 489.103, F.S.; exempting persons licensed under s. 633.061(1)(d) or (2)(b), F.S., from ch. 489, F.S.; amending s. 489.105, F.S.; authorizing Class A or Class B air-conditioning contractors to disconnect or reconnect liquefied petroleum gas line changeouts; deleting a prohibition against mechanical contractors or plumbing contractors performing work on liquefied petroleum gas lines; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (764406)(with title amendment)—On page 1, line 27, insert:

Section 1. Section 481.221, Florida Statutes, is amended to read:

481.221 Seals; display of certificate number.—

(1) The board shall prescribe, by rule, ~~one or more forms of distinctively different~~ seals to be used by registered architects and interior designers, respectively, holding valid certificates of registration.

(a) Each registered architect shall obtain ~~one an impression-type metal seal in a form approved by rule of the board and may, in addition, register his or her seal electronically in accordance with ss. 668.001-668.006.~~ and All final construction documents and instruments of service which include drawings, plans, specifications, or reports prepared or issued by the registered architect and being filed for public record shall bear the signature and seal of the registered architect who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. ~~Final plans, specifications, or reports prepared or issued by a registered architect and interior designer may be transmitted electronically and may be signed by the registered architect or interior designer and dated and sealed electronically with the seal in accordance with ss. 668.001-668.006.~~

(2)(b) ~~The board shall adopt a rule prescribing the distinctly different seals to be used by registered interior designers holding valid certificates of registration.~~ Each registered interior designer shall obtain a seal as prescribed by the board, and all drawings, plans, specifications, or reports prepared or issued by the registered interior designer and being filed for public record shall bear the signature and seal of the registered interior designer who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed.

(3)(2) No registered architect shall affix, or permit to be affixed, her or his seal or signature to any final construction document or instrument of service which includes any plan, specification, drawing, or other document which depicts work which she or he is not competent to perform.

(4)(3) No registered interior designer shall affix, or permit to be affixed, her or his seal or signature to any plan, specification, drawing, or other document which depicts work which she or he is not competent or licensed to perform.

(5)(4) No registered architect shall affix her or his signature or seal to any final construction document or instrument of service which includes drawings, plans, specifications, or architectural documents which were not prepared by her or him or under her or his responsible supervising control or by another registered architect and reviewed, approved, or modified and adopted by her or him as her or his own work according to rules adopted by the board.

(6)(5) No registered interior designer shall affix her or his signature or seal to any plans, specifications, or other documents which were not prepared by her or him or under her or his responsible supervising control or by another registered interior designer and reviewed, approved, or modified and adopted by her or him as her or his own work according to rules adopted by the board.

(7)(6) Final construction documents or instruments of service which include plans, drawings, specifications, or other architectural documents prepared by a registered architect as part of her or his architectural practice shall be of a sufficiently high standard to clearly and accurately indicate or illustrate all essential parts of the work to which they refer.

(8)(7) Studies, drawings, specifications, and other related documents prepared by a registered interior designer in providing interior design services shall be of a sufficiently high standard to clearly and accurately indicate all essential parts of the work to which they refer.

(9)(8) Each registered architect or interior designer, and each corporation or partnership holding a certificate of authorization, shall include its certificate number in any newspaper, telephone directory, or other advertising medium used by the registered architect, interior designer, corporation, or partnership. A corporation or partnership is not required to display the certificate number of individual registered architects or interior designers employed by or working within the corporation or partnership.

(10)(9) When the certificate of registration of a registered architect or interior designer has been revoked or suspended by the board, the registered architect or interior designer shall surrender her or his seal to the secretary of the board within a period of 30 days after the revocation or suspension has become effective. If the certificate of the registered architect or interior designer has been suspended for a period of time, her or his seal shall be returned to her or him upon expiration of the suspension period.

(11) A person may not sign and seal by any means any final plan, specification, or report after her or his certificate of registration has expired or is suspended or revoked. A registered architect or interior designer whose certificate of registration is suspended or revoked shall, within 30 days after the effective date of the suspension or revocation, surrender her or his seal to the executive director of the board and confirm in writing to the executive director the cancellation of the registered architect's or interior designer's electronic signature in accordance with ss. 668.001-668.006. When a registered architect's or interior designer's certificate of registration is suspended for a period of time, her or his seal shall be returned upon expiration of the period of suspension.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 481.221, F.S.; requiring the Board of Architecture and Interior Design to prescribe, by rule, one or more forms of seals for use by a registered architect or interior designer who holds a valid certificate of registration; authorizing registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting a person from signing and sealing any final plan, specification, or report after her or his certificate of registration has expired or is suspended or revoked; providing procedures after a registered architect's or interior designer's certificate of registration has expired or is suspended or revoked;

Senator Haridopolos moved the following amendment which was adopted:

Amendment 2 (101896)(with title amendment)—On page 9, between lines 17 and 18, insert:

Section 5. Paragraph (c) of subsection (4) and paragraph (a) of subsection (5) of section 489.133, Florida Statutes, are amended to read:

489.133 Pollutant storage systems specialty contractors; definitions; certification; restrictions.—

(4) The board shall adopt rules providing standards for certification of pollutant storage systems specialty contractors, including persons who remove such systems. The board shall provide the proposed rules to the Department of Environmental Protection for review and comment prior to adoption. The rules shall include, but not be limited to:

(c) Requirements for certification without examination of pollutant storage systems specialty contractors for any person who has passed a local licensure examination, ~~a licensure examination in another state, or a licensure examination of a national organization,~~ which is at least as stringent as the examination adopted by the board.

(5)(a) Notwithstanding any provision of this part to the contrary, no person shall engage in contracting as a pollutant storage systems specialty contractor unless such person is certified as a pollutant storage systems specialty contractor pursuant to this part, ~~and if the person installs or removes a petroleum storage system as defined in s. 376.301(33), that person must comply with the requirements of s. 376.30711(2)(b) and (c), and maintain pollution liability insurance of at least \$1 million per occurrence and \$1 million annual aggregate,~~ nor shall any official authorized to issue building or other related permits issue a permit or permits for the installation or removal of a pollutant storage tank unless such official ascertains that the applicant for such permit or permits is certified as a pollutant storage systems specialty contractor ~~and that the applicant satisfies the requirements imposed by this paragraph.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: amending s. 489.133, F.S., deleting authority for certain certification without examination; providing additional requirements for pollutant storage systems specialty contractors;

Pursuant to Rule 4.19, **CS for SB 2304** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Lee, the rules were waived and time of recess was extended until completion of the Special Order Calendar.

On motion by Senator Geller—

CS for SB 1392—A bill to be entitled An act relating to community development districts; amending s. 190.012, F.S.; providing for the enforcement of deed restrictions in certain circumstances; amending s. 190.046, F.S.; providing for additional dissolution procedures; amending s. 190.006, F.S.; specifying procedures for selecting a chair at the initial landowners' meeting; specifying requirements for proxy voting; requiring notice of landowners' elections; specifying the terms of certain supervisors; providing for nonpartisan elections; specifying the time that resident supervisors assume office; authorizing the supervisor of elections to designate seat numbers for resident supervisors of the board; providing procedures for filing qualifying papers; allowing candidates the option of paying a filing fee to qualify for the election; specifying payment requirements; specifying the number of petition signatures required to qualify for the election; requiring the county canvassing board to certify the results of resident elections; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendments which were adopted:

Amendment 1 (581416)—On page 2, lines 17 and 18, delete those lines and insert: *restrictions, there is no homeowners' association or property owner's association having respective enforcement powers. The district may adopt by rule all or*

Amendment 2 (882018)—On page 3, line 10, after the period (.) insert: *A memorandum of the agreement shall be recorded in the public records.*

Amendment 3 (763508)—On page 11, line 22 through page 12, line 15, delete those lines and insert: *sub-subparagraphs b. and d. e. shall apply.*

~~b. For those districts to which this sub-subparagraph applies~~ If, in the 6th year after the initial appointment of members, or 10 years after such initial appointment for districts exceeding 5,000 acres in area, there are not at least 250 qualified electors in the district, or for a district exceeding 5,000 acres, there are not at least 500 qualified electors, members of the board shall continue to be elected by landowners.

b. After the 6th or 10th year, once a district reaches 250 or 500 qualified electors, respectively, then the ~~positions~~ *position* of two board members whose terms are expiring shall be filled by qualified electors of the district, elected by the qualified electors of the district *for 4-year terms. One of these board members shall serve a 2-year term, and the other a 4-year term.* The remaining board member whose term is expiring shall be elected for a 4-year term by the landowners and is not required to be a qualified elector. Thereafter, as terms expire, board members shall be qualified electors elected by qualified electors of the district *for a term of 4 years.*

c. *Once a district qualifies to have any of its board members elected by the qualified electors of the district, the initial and all subsequent elections by the qualified electors of the district shall be held at the general election in November. The board shall adopt a resolution if necessary to implement this requirement when the board determines the number of qualified electors as required by sub-subparagraph d., to extend or reduce the terms of current board members.*

d.e. On or before ~~June 1~~ *July 15* of each year, the board shall determine the number of qualified electors in the district as of the immediately preceding ~~April 15~~ *June 1*. The board shall use and

Pursuant to Rule 4.19, **CS for SB 1392** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

CS for SB 2280—A bill to be entitled An act relating to annuity investments by seniors; creating s. 627.4554, F.S.; providing a purpose; providing application; providing definitions; specifying duties of insurers and insurance agents relating to making annuity investment recommendations to senior consumers; providing requirements; limiting responsibility of insurers or insurance agents under certain circumstances; requiring a system of compliance and supervision; providing for enforcement by the Office of Insurance Regulation and the Department of Financial Services; authorizing the office and the department to issue orders to mitigate certain responsibilities of insurers or insurance agents; providing for reduction or elimination of certain penalties under certain circumstances; providing recordkeeping requirements; providing an exemption from application for variable annuities; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2280** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 1430—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 943.13, F.S.; authorizing advanced registered nurse practitioners to conduct required physical exams for such officers; providing an effective date.

—was read the second time by title.

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

Consideration of **SB 1938** was deferred.

On motion by Senator Argenziano—

CS for SB 632—A bill to be entitled An act relating to jai alai; amending s. 550.002, F.S.; redefining the term “full schedule of live racing or games” for purposes of ch. 550, F.S., to include a jai alai permitholder that conducted a certain number of live performances in a specified year; amending s. 550.09511, F.S.; providing the amount of license fees and taxes for a jai alai permitholder that conducts fewer than 100 live performances in any fiscal year; providing an effective date.

—was read the second time by title.

Senator Argenziano moved the following amendments which were adopted:

Amendment 1 (640506)(with title amendment)—On page 1, lines 28-30, delete those lines and insert: *alai permitholder under whose permit a minimum of 100 live performances per year were conducted for at least 10 years after December 31, 1992, the conduct of a combination of at least 40 live evening or matinee performances*

And the title is amended as follows:

On page 1, delete line 7 and insert: *live performances in a specified time period*; amending

Amendment 2 (544938)—On page 2, lines 21-31, delete those lines and insert:

Section 2. Present subsection (4) of section 550.09511, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section to read:

550.09511 Jai alai taxes; abandoned interest in a permit for nonpayment of taxes.—

(4) *A jai alai permitholder conducting fewer than 100 live performances in any calendar year shall pay to the state the same aggregate amount of daily license fees on live jai alai games, admissions tax, and tax on live handle as that permitholder paid to the state during the most recent prior calendar year in which the jai alai permitholder conducted at least 100 live performances.*

(5)(4) In the event that a court of competent jurisdiction determines any of the provisions of this section to be unconstitutional, it is the intent of the Legislature that the provisions contained in this section shall be null and void and that the provisions of s. 550.0951 shall apply to all jai alai permitholders beginning on the date of such judicial determination. To this end, the Legislature declares that it would not have enacted any of the provisions of this section individually and, to that end, expressly finds them not to be severable.

Pursuant to Rule 4.19, **CS for SB 632** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for CS for SB 1160—A bill to be entitled An act relating to advisory bodies, commissions, and boards of trustees; amending s. 20.052, F.S.; providing legislative findings that it is in the public interest to periodically review advisory bodies, commissions, boards, and other collegial bodies in the executive branch; providing definitions; revising requirements for the establishment and maintenance of executive collegial bodies; requiring each executive agency to periodically report certain information and make recommendations to the Executive Office of the Governor concerning executive collegial bodies; providing exemptions to the recommendation requirement; requiring the Executive Office of the Governor to report to the Legislature; providing for substantive committees within the Legislature to review the reports and recommendations of the executive branch; conforming provisions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1160** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 462—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 383.410, F.S., relating to exemptions from the act which are provided for certain records and portions of meetings concerning child fatalities investigated by the State Child Abuse Death Review Committee, a local committee, or a panel assembled by the state or local committee; saving the exemptions from repeal under the Open Government Sunset Review Act; deleting an exemption provided for certain records obtained by a hospital or health care practitioner which relate to child fatalities; specifying the persons whose identity may be withheld from public disclosure under the exemptions provided for certain records and portions of meetings of the State Child Abuse Death Review Committee, a local committee, or a panel assembled by the state or local committee; revising requirements for the subpoena, discovery, or introduction into evidence in civil or criminal proceedings of information contained in records acquired by the State Child Abuse Death Review Committee or a local committee; revising a penalty applicable to the unauthorized disclosure of confidential information concerning child fatalities; deleting provisions that provide for the repeal of the exemptions under the Open Government Sunset Review Act; providing an effective date.

—was read the second time by title.

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

On motion by Senator Constantine—

CS for CS for SB 1344—A bill to be entitled An act relating to hospice facilities; amending s. 553.73, F.S.; including hospice facilities in the Florida Building Code; amending s. 400.605, F.S.; deleting provisions

requiring the Department of Elderly Affairs to adopt physical plant standards for hospice facilities; amending s. 400.601, F.S.; redefining the term “hospice”; creating s. 400.6055, F.S.; requiring construction standards for hospice facilities to comply with the Florida Building Code; requiring the Agency for Health Care Administration to provide technical assistance to the Florida Building Commission to update the Florida Building Code for hospice facilities; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1344** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1846** was deferred.

On motion by Senator Cowin—

CS for SB 280—A bill to be entitled An act relating to public lodging establishments; creating s. 509.144, F.S.; defining terms; prohibiting the distribution of handbills in a public lodging establishment under certain circumstances; providing criminal penalties; providing requirements for posting a sign that prohibits advertising or solicitation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 280** was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt, by two-thirds vote **HM 25** was withdrawn from the Committees on Health, Aging, and Long-Term Care; and Rules and Calendar.

On motion by Senator Pruitt—

HM 25—A memorial to the Congress of the United States, urging Congress to change the existing formula for distribution of Medicaid funds.

WHEREAS, Florida is the fourth most populous state, with 16.4 million residents, and

WHEREAS, more than 2 million Floridians live in poverty and approximately 2.8 million Floridians have no health insurance whatsoever, and

WHEREAS, it is a moral incumbency that every Floridian have access to quality, affordable health care, and

WHEREAS, impoverished Floridians have more difficulty securing quality, affordable health care, especially if they are uninsured, and

WHEREAS, Florida participates in the Federal Government’s Medicaid program to support those impoverished citizens and ensure their access to health care, and

WHEREAS, when Medicaid was created in 1965, one of its purposes was to reduce the differences among the states regarding their respective abilities to fund medical services for the impoverished, and

WHEREAS, federal funds for Medicaid are distributed to the states based on a funding formula that uses per capita income as a key indicator of a state’s ability to support its impoverished population, and

WHEREAS, numerous reports from the United States General Accounting Office dating back to the early 1980s demonstrate that per capita income is a poor indicator of a state’s funding ability, and

WHEREAS, the use of per capita income assumes that states with lower per capita incomes have higher rates of poverty, which is a false assumption based on data from the United States Census of 2000, and

WHEREAS, the funding formula does not account for states’ respective populations in poverty, the wealth distribution of larger states, or the costs to serve Medicaid populations in respective states, and

WHEREAS, the use of per capita income in the funding formula fails to accurately reflect the needs of the more populous states, and

WHEREAS, the use of a state's total taxable resources in the formula, as recommended by the General Accounting Office, would result in Florida receiving hundreds of millions of dollars more of federal funds in distribution, which amounts to its fair share, and

WHEREAS, according to the 2002 financial data of the Agency for Health Care Administration, uncompensated care in Florida's hospitals is growing at the rate of 12 to 13 percent per year, Medicaid caseloads grew almost 7 percent in the last fiscal year, and the costs of the Medicaid program continue to grow at an alarming rate, and

WHEREAS, because of the poor reimbursement rates offered to Florida's physicians due to the disparity created by the funding formula, many doctors have limited their provision of services for Medicaid patients and some have stopped treating Medicaid patients altogether, and

WHEREAS, this decline in the number of physicians who will treat Medicaid patients threatens the quality and availability of health care to impoverished Floridians, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is requested to pass legislation to change the existing formula for the distribution of Medicaid funds from a formula based on per capita income to one based on total taxable resources and the poverty rate, thereby providing a more equitable distribution of Medicaid funds to the states and bringing the Medicaid program closer to compliance with its stated legislative goal.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—a companion measure, was substituted for **SM 2084** and read the second time in full. On motion by Senator Pruitt, **HM 25** was adopted and certified to the House.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Lee, the rules were waived and the Committees on Banking and Insurance; Criminal Justice; and Education were granted permission to meet from 2:00 p.m. until 4:00 p.m. in lieu of 1:30 p.m. until 3:30 p.m. as scheduled this day.

On motion by Senator Lee, the rules were waived and the Committees on Ethics and Elections; and Regulated Industries were granted permission to meet from 4:15 p.m. until 6:15 p.m. in lieu of 4:00 p.m. until 6:00 p.m. as scheduled this day.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 31, 2004: CS for SJR 2392, SB 2398, SJR 2394, SB 2400, CS for SJR 2396, SB 2402, CS for CS for SB 2606, CS for CS for CS for SB 1190, CS for CS for SB 532, CS for SB 402, CS for CS for SB 1404, CS for SB 1682, CS for CS for SB 1232, CS for SB 1818, SB 1606, CS for SB 1398, SB 1986, CS for SB 2304, CS for SB 1392, CS for SB 2280, SB 1430, SB 1938, CS for SB 632, CS for CS for SB 1160, SB 462, CS for CS for SB 1344, CS for SB 1846, CS for SB 280, SM 2084

Respectfully submitted,
Tom Lee, Chair

The Committee on Finance and Taxation recommends the following pass: SB 2690

The bill was referred to the Committee on Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1580

The bill was referred to the Appropriations Subcommittee on Education under the original reference.

The Committee on Finance and Taxation recommends the following pass: CS for SB 1924, SB 2016 with 2 amendments

The bills were referred to the Appropriations Subcommittee on General Government under the original reference.

The Committee on Finance and Taxation recommends the following pass: SB 548, SB 1704, SB 2486

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 112, SB 314, CS for SB 2042

The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on Transportation and Economic Development under the original reference.

The Committee on Agriculture recommends the following pass: SB 1386

The Committee on Health, Aging, and Long-Term Care recommends the following pass: SB 2090 with 1 amendment, CS for SB 2092 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Transportation recommends the following pass: SB 2730

The bill was referred to the Committee on Children and Families under the original reference.

The Committee on Natural Resources recommends the following pass: SB 2798

The bill was referred to the Committee on Communication and Public Utilities under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1774

The Committee on Judiciary recommends the following pass: SB 1830, SB 2218

The bills contained in the foregoing reports were referred to the Committee on Comprehensive Planning under the original reference.

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends the following pass: SB 2574

The Committee on Comprehensive Planning recommends the following pass: CS for SB 2474

The Committee on Transportation recommends the following pass: SB 2624

The bills contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Home Defense, Public Security, and Ports recommends the following pass: SB 2614, SB 2620

The bills were referred to the Committee on Education under the original reference.

The Committee on Comprehensive Planning recommends the following pass: SJR 2872

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 620 with 1 amendment

The Committee on Judiciary recommends the following pass: CS for SB 96 with 1 amendment, CS for SB 1700

The Committee on Natural Resources recommends the following pass: CS for SB 1982

The bills contained in the foregoing reports were referred to the Committee on Finance and Taxation under the original reference.

The Committee on Judiciary recommends the following pass: SB 2718

The Committee on Transportation recommends the following pass: SB 2938 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1102 with 1 amendment

The Committee on Comprehensive Planning recommends the following pass: SB 2912

The bills contained in the foregoing reports were referred to the Committee on Health, Aging, and Long-Term Care under the original reference.

The Committee on Judiciary recommends the following pass: SJR 566

The bill was referred to the Committee on Home Defense, Public Security, and Ports under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1792, SB 2900 with 3 amendments

The Committee on Transportation recommends the following pass: SB 2126

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Transportation recommends the following pass: SB 2446 with 1 amendment, SB 2580 with 2 amendments

The bills were referred to the Committee on Military and Veterans' Affairs, Base Protection, and Spaceports under the original reference.

The Committee on Comprehensive Planning recommends the following pass: SB 2444

The bill was referred to the Committee on Regulated Industries under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1880

The Committee on Judiciary recommends the following pass: CS for SB 114

The Committee on Natural Resources recommends the following pass: SB 2120

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Appropriations recommends the following pass: CS for SB 2230, SJR 2506, SB 2508, SB 2510, SB 2648, SB 2650

The Committee on Finance and Taxation recommends the following pass: CS for SB 40, SB 1826, SB 1916

The Committee on Judiciary recommends the following pass: CS for SB 1790 with 1 amendment

The Committee on Natural Resources recommends the following pass: SB 2832

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

The Committee on Health, Aging, and Long-Term Care recommends the following not pass: SB 2072

The bill was laid on the table.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1696

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Criminal Justice under the original reference.

The Committee on Education recommends committee substitutes for the following: SB 1514, SB 2096

The bills with committee substitutes attached were referred to the Appropriations Subcommittee on Education under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2696

The Committee on Comprehensive Planning recommends a committee substitute for the following: SB 2536

The Committee on Finance and Taxation recommends a committee substitute for the following: Senate Bills 244 and 1566

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 702

The bills with committee substitutes attached contained in the foregoing reports were referred to the Appropriations Subcommittee on General Government under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: CS for SB 1058

The Committee on Finance and Taxation recommends a committee substitute for the following: SB 1658

The Committee on Health, Aging, and Long-Term Care recommends a committee substitute for the following: CS for SB 1706

The bills with committee substitutes attached contained in the foregoing reports were referred to the Appropriations Subcommittee on Health and Human Services under the original reference.

The Committee on Finance and Taxation recommends a committee substitute for the following: SB 2412

The bill with committee substitute attached was referred to the Appropriations Subcommittee on Transportation and Economic Development under the original reference.

The Committee on Agriculture recommends a committee substitute for the following: SB 2954

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2682

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Commerce, Economic Opportunities, and Consumer Services under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2562

The Committee on Children and Families recommends a committee substitute for the following: SB 2704

The Committee on Home Defense, Public Security, and Ports recommends committee substitutes for the following: SB 1470, SB 1820, SB 2524

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

The Committee on Comprehensive Planning recommends a committee substitute for the following: SB 2572

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

The Committee on Agriculture recommends a committee substitute for the following: SB 2822

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2588

The Committee on Education recommends a committee substitute for the following: SB 174

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 160

The Committee on Transportation recommends committee substitutes for the following: SB 278, SB 1172

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 2488, SB 2800

The Committee on Children and Families recommends a committee substitute for the following: CS for SB 1698

The Committee on Comprehensive Planning recommends a committee substitute for the following: SB 2956

The Committee on Home Defense, Public Security, and Ports recommends a committee substitute for the following: SB 1562

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 2290

The Committee on Natural Resources recommends a committee substitute for the following: SB 2342

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Agriculture recommends a committee substitute for the following: SB 1664

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2466

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health, Aging, and Long-Term Care under the original reference.

The Committee on Comprehensive Planning recommends a committee substitute for the following: SB 2766

The Committee on Natural Resources recommends a committee substitute for the following: SB 2616

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Home Defense, Public Security, and Ports under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 2640

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

The Committee on Agriculture recommends a committee substitute for the following: SB 1870

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1710

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

The Committee on Agriculture recommends a committee substitute for the following: CS for SB 2480

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1366

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

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 1160, SB 1250, SB 1258, SB 1266, SB 1268, SB 1270, SB 1272, SB 1276, SB 1278, SB 1282, SB 1284, SB 1286, SB 2512, CS for SB 2514, SB 2564, CS for SB 2606, SB 2644

The Committee on Finance and Taxation recommends a committee substitute for the following: SB 2264

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF SUBCOMMITTEES

The Appropriations Subcommittee on Article V Implementation and Judiciary recommends the following pass: CS for CS for SB 586

The Appropriations Subcommittee on Criminal Justice recommends the following pass: SB 120, SB 130, SB 226

The Appropriations Subcommittee on General Government recommends the following pass: CS for SB 1934, CS for SB 2334

The Appropriations Subcommittee on Transportation and Economic Development recommends the following pass: CS for CS for SB 1492, CS for SB 1588, CS for SB's 1638, 1636 and 1640

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Appropriations Subcommittee on Article V Implementation and Judiciary recommends a committee substitute for the following: CS for SB 2962

The Appropriations Subcommittee on Criminal Justice recommends a committee substitute for the following: CS for SB 1376

The Appropriations Subcommittee on Education recommends committee substitutes for the following: CS for SB 2388, CS for SB 2882, CS for SB 2978

The Appropriations Subcommittee on General Government recommends committee substitutes for the following: SB 558, CS for SB 1142, CS for CS for SB 1350, SB 2694

The Appropriations Subcommittee on Health and Human Services recommends committee substitutes for the following: CS for CS for SB 512, CS for Senate Bills 1154 and 1462, CS for SB 1464

The Appropriations Subcommittee on Transportation and Economic Development recommends a committee substitute for the following: CS for SB 1604

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

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Governmental Oversight and Productivity recommends that the Senate confirm the following appointments made by the Governor:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Director and Chief Judge, Division of Administrative Hearings Appointee: Robert S. Cohen	Pleasure of Administration Commission
Investment Advisory Council Appointees: Donald W. Burton John R. Jaeb	12/31/2007 12/12/2007

The Committee on Natural Resources recommends that the Senate confirm the following appointments made by the Governor:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Secretary of Environmental Protection Appointee: Colleen M. Castille	Pleasure of Governor

Office and Appointment

Executive Director of Northwest Florida Water Management District Appointee: Douglas E. Barr	Pleasure of the Board
Governing Board of the St. Johns River Water Management District Appointees: John G. Sowinski Susan N. Hughes	03/01/2007 03/01/2006
Executive Director of St. Johns River Water Management District Appointee: Kirby B. Green, III	Pleasure of the Board
Executive Director of South Florida Water Management District Appointee: Henry Dean	Pleasure of the Board
Governing Board of the Southwest Florida Water Management District Appointee: Judith C. Whitehead	03/01/2007
Executive Director of Southwest Florida Water Management District Appointee: David L. Moore	Pleasure of the Board
Executive Director of Suwannee River Water Management District Appointee: Jerry A. Scarborough	Pleasure of the Board

[The appointments contained in the foregoing reports were referred to the Committee on Ethics and Elections under the original reference.]

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By the Committee on Appropriations—

SB 2500—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2004, and ending June 30, 2005, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies for State government; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations—

SB 2502—A bill to be entitled An act implementing the 2004-2005 General Appropriations Act; providing legislative intent; providing accounting requirements for the state universities for the 2004-2005 fiscal year; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 381.0066, F.S.; continuing the additional fee on new construction permits for onsite sewage treatment and disposal systems the proceeds of which are used for system research, demonstration, and training projects; amending s. 385.207, F.S.; authorizing appropriation of funds in the Epilepsy Services Trust Fund for epilepsy case management services; amending s. 394.908, F.S.; providing for substance abuse and mental health funding equity as provided in the General Appropriations Act; amending s. 20.19, F.S.; requiring specific authority for transfer of funds by the Department of Children and Family Services; amending s. 381.79, F.S.; providing conditions for disbursement of funds appropriated for brain and spinal cord injury research; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budgets and a certain percentage of salary rate between budget entities and providing requirements with respect

thereto; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; authorizing the Department of Law Enforcement to use certain moneys to provide bonuses to employees for meritorious performance, subject to review; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; establishing the rate of increase for legislative salaries; providing for the budget of the Council for Education Policy Research and Improvement to be administered by the Auditor General; providing that the council is otherwise independent; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 215.96, F.S.; requiring the Financial Management Information Board to provide certain policies, procedures, and processes for integration of central administrative and financial information systems; requiring a task force; specifying membership and responsibilities; requiring recommendations on specific information systems and projects; amending s. 601.15, F.S.; permitting the Florida Citrus Commission to reduce certain statutory tax rates by majority vote; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution control purposes; providing for an agreement between the Department of Agriculture and Consumer Services and the Department of Transportation for the construction and operation of an agricultural interdiction station in Escambia County; amending s. 375.041, F.S.; providing for use of funds allocated to the Land Acquisition Trust Fund for water quality issues; amending s. 375.045, F.S.; providing for use of certain moneys from the Florida Preservation 2000 Trust Fund for the Florida Forever Trust Fund; providing directives to the State Technology Office with respect to information technology; amending s. 373.4137, F.S.; providing for water management districts to use specified funds in certain surface water improvement and management or invasive plant control projects; amending s. 718.501, F.S.; reducing the number of days for the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to acknowledge and investigate complaints; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 445.048, F.S.; continuing and expanding the Passport to Economic Progress demonstration project; amending s. 27.701, F.S.; providing for a pilot program using a registry of attorneys instead of the capital collateral regional counsel in the northern region of the state; requiring certain qualification; requiring a report; amending s. 27.709, F.S.; expanding the jurisdiction of the Commission on Capital Cases; amending s. 27.711, F.S.; providing for compensation of counsel in the pilot program; providing for limitations on such counsel; amending s. 27.702, F.S.; requiring reports from attorneys participating in the pilot program; providing for continuity of health and life insurance coverage of employees transferring from county employment to employment in the state courts system, the office of a state attorney, or the office of a public defender; providing responsibilities of former and new employers; providing for the effect of a veto of a specific appropriation or proviso to which implementing provisions refer; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2003-2004 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing for severability; providing for retroactive application; providing effective dates.

—was referred to the Committee on Appropriations.

Senate Bills 2504-2986—Previously referenced.

Senate Resolutions 2988-2990—Not referenced.

By Senator Campbell—

SB 2992—A bill to be entitled An act relating to children and families; creating s. 752.011, F.S.; providing for court-ordered visitation for grandparents and great-grandparents under certain circumstances; providing for appointment of a guardian ad litem and family mediation if the court makes a preliminary finding that the minor is threatened with demonstrable significant mental or emotional harm without such visitation; requiring court-ordered evaluation of the child if mediation fails; providing for a hearing to determine whether the minor is threatened with demonstrable significant mental or emotional harm; providing criteria for such a determination; providing for attorney's fees and costs; applying the Uniform Child Custody Jurisdiction and Enforcement Act; repealing s. 752.01, F.S., relating to grandparental visitation; encouraging consolidation of actions under ss. 61.13 and 752.011, F.S.; providing for venue; amending ss. 752.015 and 752.07, F.S.; conforming cross-references; amending s. 39.01, F.S.; including references to great-grandparents in definitions relating to dependent children; amending s. 39.509, F.S.; providing for great-grandparents' visitation rights; amending ss. 39.801 and 63.0425, F.S.; providing for a great-grandparent's right to notice of a hearing on termination of parental rights pending adoption; amending s. 61.13, F.S.; providing for great-grandparents' visitation rights and standing with regard to evaluating custody arrangements; conforming this section to provisions of this act; amending s. 63.172, F.S.; conforming references relating to great-grandparental visitation rights under ch. 752, F.S.; providing an effective date.

—was referred to the Committees on Children and Families; Judiciary; Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations.

By Senator Posey—

SB 2994—A bill to be entitled An act relating to the Department of Financial Services; amending s. 17.16, F.S.; providing that the office of the Chief Financial Officer may have an official seal; amending s. 20.121, F.S.; providing that the Chief Financial Officer may be referred to as the "Treasurer"; providing that the Department of Financial Services, rather than the Office of Insurance Regulation, is responsible for regulation of insurance adjusters; amending s. 110.1227, F.S.; providing that the Director of the Office of Insurance Regulation, rather than the Chief Financial Officer, shall appoint an actuary to the Florida Employee Long-Term-Care Plan Board of Directors; amending s. 408.05, F.S.; providing that the Director of the Office of Insurance Regulation, rather than the Chief Financial Officer, shall appoint an employee to the State Comprehensive Health Information System Advisory Council; amending s. 501.212, F.S.; specifying persons or activities that are exempt from part II of chapter 501, F.S., the Deceptive and Unfair Trade Practice Act; amending s. 516.35, F.S.; correcting a reference to the agency that licenses the sale of credit insurance; amending ss. 624.313, 624.317, 624.501, 626.016, 626.112, 626.161, 626.171, 626.181, 626.191, 626.211, 626.221, 626.231, 626.241, 626.251, 626.261, 626.266, 626.271, 626.281, 626.2817, 626.291, 626.301, 626.371, 626.381, 626.431, 626.461, 626.471, 626.521, 626.541, 626.551, 626.611, 626.621, 626.631, 626.641, 626.661, 626.681, 626.691, 626.692, 626.8582, 626.8584, 626.859, 626.863, 626.865, 626.866, 626.867, 626.869, 626.8695, 626.8696, 626.8697, 626.8698, 626.870, 626.871, 626.872, 626.873, 626.8732, 626.8734, 626.8736, 626.8738, 626.874, 626.878, F.S.; transferring and renumbering s. 627.7012, F.S., as s. 626.879, F.S., and amending such section; making conforming changes to authorize the Department of Financial Services, rather than the Office of Insurance Regulation, to regulate insurance adjusters; amending s. 626.9543, F.S.; specifying that the Department of Financial Services, rather than the former Department of Insurance, administers the Holocaust Victims Insurance Act; amending s. 626.989, F.S.; correcting references to the Bureau of Workers' Compensation Insurance Fraud with regard to the required annual report of the Department of Financial Services related to workers' compensation fraud; amending s. 627.0628, F.S.; providing that the Director of the Office of Insurance, rather than the Chief Financial Officer, shall appoint an employee of the office who is an actuary to the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.6699, F.S.; providing that the Director of the Office of Insurance Regulation, rather than the Chief Financial Officer, shall be a member of the board of the Small Employer Health Reinsurance Program; providing that the transfer of the regulation of adjusters from the Office of Insurance Regulation to the Department of Financial Services

does not affect any administrative or judicial action prior to or pending on the effective date of the act; providing that any action approved or authorized by the Financial Services Commission or the Office of Insurance Regulation continues to be effective until the Department of Financial Services otherwise prescribes; providing that the rules of the Financial Services Commission related to adjusters shall become rules of the Department of Financial Services; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Geller—

SCR 2996—A concurrent resolution renumbering current Joint Rule 8 and creating a new Joint Rule 8 of the Joint Rules of the Legislature relating to duties of the Joint Legislative Sales and Use Tax Exemption Review Committee.

—was referred to the Committees on Commerce, Economic Opportunities, and Consumer Services; Governmental Oversight and Productivity; Finance and Taxation; Appropriations; and Rules and Calendar.

By Senator Geller—

SB 2998—A bill to be entitled An act relating to the Joint Legislative Sales and Use Tax Exemption Review Committee; creating s. 11.95, F.S.; creating the Joint Legislative Sales and Use Tax Exemption Review Committee for the purpose of reviewing exemptions from the general state sales and use tax; providing for appointments to and organization of the committee; specifying duties and procedures with respect to such review; providing for open meetings; providing for reports; requiring continuing periodic review of sales and use tax exemptions; providing a period of exemption from review for newly enacted exemptions; providing applicability to other legislation proposing to modify, repeal, or enact an exemption; providing an effective date.

—was referred to the Committees on Commerce, Economic Opportunities, and Consumer Services; Governmental Oversight and Productivity; Finance and Taxation; and Rules and Calendar.

By Senator Diaz de la Portilla—

SB 3000—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; revising qualifications for sponsoring a charter school; revising requirements relating to which provisions of the building code and fire safety code charter school facilities must comply with; allowing certain educational impact fees to be allocated to the construction of charter school facilities; requiring a written agreement between the party responsible for paying the impact fees and the local zoning authority that levies the fees; amending provisions relating to the services that a charter school sponsor must provide; amending s. 1013.62, F.S., relating to capital outlay funding for charter schools; revising eligibility provisions; revising purposes for which such funds may be used; deleting certain provisions relating to allocating capital outlay funds among charter schools; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Bennett—

SB 3002—A bill to be entitled An act relating to affordable housing; creating s. 193.017, F.S.; providing requirements for the property appraiser with respect to the appraisal of property that has received a low-income housing tax credit; excluding certain costs from the valuation of the property; amending s. 212.08, F.S.; increasing the total amount of tax credits granted under the community contribution tax credit for donations; revising the distribution formula for tax credits for donations made to eligible sponsors for projects that provide housing for low-income or very-low-income households; requiring that tax credits first be granted on a pro rata basis and remaining credits be granted on a first-come, first-served basis; delaying the expiration date of the tax credit

program; amending s. 220.03, F.S., relating to the definition of the term “project” for purposes of the Income Tax Code; conforming provisions to changes made by the act; amending s. 220.183, F.S., relating to the community contribution tax credit; increasing the total amount of tax credits; revising eligibility requirements; revising the distribution formula, to conform; amending s. 253.034, F.S.; authorizing surplus state-owned lands to be used for affordable housing; amending s. 420.0003, F.S., relating to the State Housing Strategy Act; requiring that the affordable housing delivery system provide for a variety of housing options; amending s. 420.507, F.S.; specifying interest rates for loans by the Florida Housing Finance Corporation for projects for the homeless; authorizing the corporation to take certain actions to avoid default on certain loans; providing additional powers and duties of the corporation with respect to marketing and providing assistance and incentives for financing affordable housing; amending s. 420.5087, F.S.; increasing the amount of loans made under the State Apartment Incentive Loan Program; authorizing the Florida Housing Finance Corporation to take certain actions to avoid default of certain loans and to specify requirements by rule; amending s. 420.5088, F.S., relating to the Florida Homeownership Assistance Program; authorizing the corporation to underwrite certain mortgage loans; amending s. 420.511, F.S.; requiring the corporation to report additional information to the Governor and the Legislature concerning the occupancy rates and report additional information concerning the Florida Affordable Housing Guarantee Program; amending s. 420.517, F.S.; requiring the Florida Housing Finance Corporation to cooperate with state and regional entities to assist in providing housing for low-income residents; requiring the corporation to make certain reports; amending s. 420.9072, F.S., relating to the State Housing Initiatives Partnership Program; requiring local governments to retain an advisory committee to make recommendations for affordable housing programs; amending s. 420.9075, F.S.; revising requirements for the maximum sales price of eligible housing under the program; amending s. 420.9076, F.S.; authorizing additional members for a local affordable housing advisory committee and providing requirements for membership; requiring the committee to review the affordable housing element of the local comprehensive plan; amending s. 624.5105, F.S., relating to the community contribution tax credit; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Finance and Taxation; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Senator Cowin—

SB 3004—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; redesignating “paper ballot” as “marksense ballot” and redefining the term “voting system”; amending s. 97.052, F.S.; providing an additional purpose for statewide voter registration applications; amending s. 99.095, F.S.; revising procedures for qualification by petition; amending s. 99.0955, F.S.; revising method of qualification by candidates with no party affiliation; amending s. 99.096, F.S.; revising method of qualification by minor party candidates; amending s. 100.011, F.S.; providing that electors in line to vote at the closing of the polls must be allowed to vote; amending s. 100.111, F.S.; revising procedures to be followed in the event of a vacancy in nomination; amending s. 101.031, F.S.; revising provisions regarding the responsibility for furnishing instructions for electors; amending ss. 101.048, 101.049, F.S.; providing for voting of provisional ballots by persons with disabilities; amending s. 101.131, F.S.; revising the number of authorized poll watchers; providing for certain political committees to have poll watchers; revising provisions for designation of poll watchers; amending s. 101.151, F.S.; revising specifications for ballots; amending s. 101.171, F.S.; providing for copies of proposed constitutional amendments to be provided in booklet or poster form; amending s. 101.253, F.S.; prescribing duties of the supervisor of elections with respect to ballots in cases of vacancy in nomination; amending s. 101.294, F.S.; prohibiting governing bodies from deploying uncertified voting equipment; prohibiting vendors of voting equipment from providing uncertified voting systems; requiring vendors of voting equipment to provide certifications that voting systems have been certified; amending s. 101.295, F.S.; providing penalties for unlawfully providing voting systems; amending s. 101.5606, F.S.; conforming to a change in terminology; providing an additional requirement for voting systems; amending s. 101.595, F.S.; revising duties of the supervisor of elections with respect to reporting under votes and overvotes; amending s. 101.6103, F.S.; allowing mail ballots to begin being

canvassed 4 days before the election; amending s. 101.62, F.S.; revising provisions relating to absentee ballots for overseas voters; amending s. 101.64, F.S.; requiring absentee voters voting pursuant to the Uniformed and Overseas Citizens Absentee Voting Act to use a standard oath as prescribed by federal law; amending s. 101.68, F.S.; providing an exemption from the witness requirement for absentee ballots for certain voters; amending s. 101.6923, F.S.; revising requirements for instructions for certain first-time voters voting an absentee ballot; amending s. 101.694, F.S.; revising guidelines for absentee envelopes; amending s. 101.697, F.S.; requiring the Department of State to determine security of electronic transmissions of certain absentee ballots before adopting rule; amending s. 102.012, F.S.; providing for a single election board in each precinct; amending s. 102.111, F.S.; allowing the Elections Canvassing Commission to delegate the authority to order recounts to the chief election officer; amending s. 102.071, F.S.; deleting the requirement that the certificate of results be prepared in triplicate; amending s. 102.141, F.S.; deleting the requirement that the canvass be filed with the county court judge; clarifying responsibility for ordering recounts; deleting the requirement for the logic and accuracy test at the completion of the recount; extending the deadline for reporting results of the machine recount; amending s. 102.166, F.S.; clarifying responsibility for ordering manual recounts; clarifying that manual recounts are only conducted with marksense ballots and when the number of overvotes and undervotes could change the outcome of the election; amending s. 102.168, F.S.; revising provisions with respect to the time for contesting an election; declaring the county canvassing board and the Elections Canvassing Commission indispensable parties in contested elections; amending s. 105.031, F.S.; exempting write-in candidates for certain office from payment of the qualifying fee; amending s. 105.035, F.S.; revising procedures for qualifying as candidate for judicial or school board office by petition; amending s. 106.011, F.S.; defining the term "eliminated candidate"; amending s. 106.07, F.S.; revising requirements for filing campaign reports; allowing electronic receipts to be used as proof of filing; creating s. 106.0705, F.S.; providing for electronic filing of campaign treasurer's reports; providing standards and guidelines; amending s. 106.075, F.S.; revising requirement with respect to reporting loans; amending s. 106.08, F.S.; prohibiting candidates from expending funds from campaign account to obtain endorsements; amending s. 106.087, F.S.; exempting committees of continuous existence from certain prohibitions with respect to expenditures; amending s. 106.09, F.S.; prohibiting acceptance of certain contributions made by money order; providing penalties; amending s. 106.11, F.S.; revising provisions relating to reporting use of debit cards; amending s. 106.29, F.S.; revising provisions relating to reports by political parties; requiring voting systems to meet certain requirements by a date certain; repealing s. 98.181, F.S., relating to the supervisor of elections making up indexes or records; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; repealing s. 102.061, F.S., relating to duties of elections boards; repealing s. 106.085, F.S., relating to independent expenditures; repealing s. 106.144, F.S., relating to endorsements or opposition by certain groups and organizations; amending s. 22, ch. 2002-281, Laws of Florida; changing the effective date of certain sections of ch. 2002-281, Laws of Florida; amending s. 287.057, F.S.; adding an exemption to the competitive solicitation requirement to exempt certain voter education activities; providing effective dates.

—was referred to the Committees on Ethics and Elections; Judiciary; Appropriations Subcommittee on Transportation and Economic Development; Appropriations; and Rules and Calendar.

By Senator Cowin—

SB 3006—A bill to be entitled An act relating to public records; creating s. 106.0706, F.S.; creating an exemption from public-records requirements for user identification, passwords, and similar data used in making electronic filings by campaign treasurers and for preliminary information stored in the electronic filing system and related to a filing that has not yet been submitted as a filed report; providing for future legislative review and repeal; providing findings of public necessity; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Constantine—

SB 3008—A bill to be entitled An act relating to motor vehicle titles; providing a short title; amending s. 319.22, F.S.; providing a limitation on bringing an action challenging the validity of a certificate of title issued pursuant to ch. 319, F.S.; providing an exception; amending s. 319.23, F.S.; providing a limitation on the issuance of a title based on a title certificate issued by another state or country; amending s. 319.27, F.S.; authorizing the recording of an ownership interest with respect to a lien on a motor vehicle or mobile home; providing special requirements with respect to an ownership interest that is different from the interest shown on an application for certificate of title; creating s. 319.275, F.S.; providing for an interpleader action by a law enforcement officer alleging possession of a stolen motor vehicle by a good-faith purchaser or person duly issued a certificate of title; providing requirements for the petition; requiring delivery of notice to the person in possession of the motor vehicle; prohibiting the transfer of title until a judicial determination of title is entered; providing requirements for filing fees and costs; amending s. 319.32, F.S.; clarifying fees for recording a lien or an ownership interest; amending s. 319.323, F.S.; providing that certain provisions authorizing expedited service on title transfers do not apply to a title certificate issued by another state or country; providing an effective date.

—was referred to the Committees on Judiciary; Transportation; and Finance and Taxation.

By Senator Constantine—

SB 3010—A bill to be entitled An act relating to reemployment after retirement; amending s. 238.181, F.S.; authorizing district school boards to reemploy certain retired teachers under certain circumstances; deleting certain reemployment criteria and limitations; providing legislative intent pertaining to funding and implementation; providing for retroactive applicability; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Campbell—

SB 3012—A bill to be entitled An act relating to judgment liens; amending s. 55.141, F.S.; revising provisions relating to satisfaction of judgments and decrees; eliminating authority of judges to act under these provisions when there is no clerk of court; revising requirements of clerk when accepting payment for satisfaction of a judgment and executing and recording a satisfaction of judgment; providing a sample form to be used by a clerk when recording a satisfaction of judgment; revising provisions relating to notification of satisfaction of judgment to a judgment holder; amending s. 55.202, F.S.; revising procedures for acquiring a judgment lien; providing court authorization to file a judgment lien certificate before a judgment becomes final under certain circumstances; providing effect; amending s. 55.204, F.S.; revising provisions relating to continuation of judgment liens; revising provisions requiring the Department of State to maintain certain files and information; amending s. 55.205, F.S.; deleting a provision authorizing certain creditors to bring certain actions against property of a debtor; amending ss. 55.602, 55.603, 55.604, 55.605, and 55.606, F.S.; revising provisions relating to foreign judgments to apply only to out-of-country foreign judgments; amending s. 56.21, F.S.; revising requirements for notices of a levy and execution sale; amending s. 56.27, F.S.; clarifying provisions relating to payment of money received under execution; amending s. 56.29, F.S.; revising requirements regarding supplementary proceedings for unsatisfied judgments; amending s. 222.01, F.S.; revising provisions relating to designation of homestead property by the owner prior to levy to include foreign judgments; amending s. 319.27, F.S.; correcting a cross-reference; amending s. 679.1021, F.S.; revising a definition of "lien creditor"; providing effective dates.

—was referred to the Committees on Judiciary; Banking and Insurance; Appropriations Subcommittee on Article V Implementation and Judiciary; and Appropriations.

Senate Resolutions 3014-3016—Not referenced.

By Senator Peadar—

SB 3018—A bill to be entitled An act relating to health care procedures; amending ss. 381.026 and 395.301, F.S.; requiring certain licensed health care facilities to electronically publish the prices for certain medical procedures; providing that a patient has the right to receive an estimate of charges prior to treatment; providing an effective date.

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

By Senator Alexander—

SJR 3020—A joint resolution proposing the addition of Section 26 to Article I of the State Constitution to provide for a claimant in a medical liability action involving a contingent fee to receive no less than a specified percentage of the recovery, exclusive of reasonable and customary costs and regardless of the number of defendants.

—was referred to the Committees on Health, Aging, and Long-Term Care; Judiciary; Banking and Insurance; and Rules and Calendar.

By Senator Aronberg—

SB 3022—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term “compensation” to include certain supplementary payments made to firefighters, paramedics, and emergency medical technicians; providing duties of such persons’ employers; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Smith—

SB 3024—A bill to be entitled An act relating to insurers; amending s. 626.854, F.S.; limiting the scope of a public adjuster’s authority; requiring public adjusters to provide certain information and make certain disclosures; prohibiting a public adjuster from restricting access to certain entities and communications with certain entities; requiring public adjusters to submit certain recorded statements and sworn examinations under certain circumstances; amending s. 631.021, F.S.; authorizing certain domiciliary courts to exercise exclusive jurisdiction over certain persons under certain circumstances; specifying the Circuit Court of Leon County as having exclusive jurisdiction over certain proceedings and claims; amending s. 631.041, F.S.; entitling the estates of certain injured insurers to actual damages; authorizing a receivership court to impose additional sanctions; amending s. 631.0515, F.S.; subjecting certain managing general agents or holding companies to court jurisdiction under certain circumstances; amending s. 631.141, F.S.; specifying certain expenses as administrative and recoverable by a receiver in certain proceedings; amending s. 631.205, F.S.; specifying that entry of certain orders does not constitute anticipatory breach of certain contracts or serve as grounds for certain adverse contract actions by a reinsurer; creating s. 631.206, F.S.; voiding certain contractual arbitration provisions by insurers in receivership; specifying a replacement arbitration provision; amending s. 631.261, F.S.; voiding certain transfers or liens made by certain persons prior to certain delinquency proceedings; specifying a criterion for making certain transfers; amending ss. 631.262 and 631.263, F.S.; specifying a criterion for making certain transfers; creating s. 631.400, F.S.; requiring a receiver to deposit certain estate funds of a liquidated insurance company into a separate closed estate account under certain circumstances; specifying use of such funds by the Division of Rehabilitation and Liquidation of the Department of Financial Services for certain purposes; specifying nonreversion of certain funds to the state but retention for certain uses; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; Appropriations Subcommittee on General Government; and Appropriations.

Senate Resolutions 3026-3028—Not referenced.

By Senator Crist—

SB 3030—A bill to be entitled An act relating to public records and public meetings exemptions; amending s. 1004.43, F.S.; expanding the public records exemption for proprietary confidential business information owned or controlled by the H. Lee Moffitt Cancer Center and Research Institute to include information relating to methods of manufacture or production, potential trade secrets, potentially patentable material, and proprietary information received, generated, ascertained, or discovered during the course of research; expanding the public records exemption to include information received from another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of that state or nation or pursuant to federal law; providing for future review and repeal; providing a statement of public necessity; amending s. 1004.445, F.S.; creating a public records exemption for proprietary confidential business information owned or controlled by the Florida Alzheimer’s Center and Research Institute; specifying types of information that are deemed proprietary confidential business information; creating a public meetings exemption for specified meetings or portions of meetings of the governing board of the Florida Alzheimer’s Center and Research Institute; providing for future review and repeal; providing a statement of public necessity; providing severability; providing an effective date.

—was referred to the Committees on Education; Health, Aging, and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Posey—

SM 3032—A memorial to the Congress of the United States, urging Congress to support the passage of the Calling for 2-1-1 Act of 2003.

—was referred to the Committees on Communication and Public Utilities; Children and Families; and Rules and Calendar.

SR 3034—Not referenced.

By Senators Carlton and Constantine—

SB 3036—A bill to be entitled An act relating to early learning; creating ch. 1014, F.S., relating to early learning and entitled Early Learning; consisting of part I relating to general provisions, part II relating to voluntary universal prekindergarten, and part III relating to early childhood education programs; creating a short title; creating s. 1014.02, F.S.; defining terms related to early learning; creating s. 1014.03, F.S.; providing governance for early learning; creating s. 1014.04, F.S.; creating the Early Learning Advisory Council; providing for membership; providing for selection criteria; providing for conditions of membership; creating s. 1014.05, F.S.; providing for parental involvement; creating s. 1014.06, F.S.; directing the State Board of Education to adopt rules prescribing the minimum standards for early learning personnel; requiring a competency examination; providing exemptions from training for certain personnel under specified conditions; providing criteria for the training courses; providing for continuing education; creating s. 1014.061, F.S.; directing the Department of Education to review all currently approved child development associate and child development associate equivalent educational programs; requiring the state board to adopt rules to establish curriculum standards for the approval and renewal of child development associate and child development associate equivalent credential programs; creating s. 1014.062, F.S.; providing for early learning trainer qualifications; creating s. 1014.063, F.S.; directing the department to evaluate training requirements for early learning personnel; requiring periodic evaluations of the training requirements;

creating s. 1014.064, F.S.; requiring the State Board of Education to develop guidelines for inter-institutional articulation; specifying transferability to educational institutions; creating s. 1014.065, F.S.; directing the State Board of Education to adopt rules for early learning personnel to earn a state-approved child development associate credit; transferring, renumbering, and amending s. 402.3017, F.S.; providing for early learning quality initiatives; providing for scholarship programs for early childhood education personnel; permitting the department to adopt rules; creating s. 1014.08, F.S.; providing legislative intent; providing a mission and goals for early learning programs; requiring certain organizations to provide informational data to the State Board of Education; directing the state board to adopt rules; transferring, renumbering, and amending s. 411.0105, F.S.; authorizing the Governor to appoint the Department of Education as the lead agency for federal child care and development purposes; creating s. 1014.10, F.S.; directing that federal laws or regulations will take precedence to the extent of any conflict with state child development laws or rules until the conflict is resolved; creating s. 1014.21, F.S.; providing for legislative intent relating to the voluntary universal prekindergarten program; creating s. 1014.215, F.S.; providing for parental rights, choices, and responsibilities in the prekindergarten program; suggesting factors for parents to review before selecting a prekindergarten provider; creating s. 1014.22, F.S.; directing the department to create and operate a consumer education and protection program to assist parents selecting a prekindergarten for their child; requiring the department to establish a toll-free hotline and Internet website to provide information to parents; requiring each early childhood education provider to give parents certain specified information; creating s. 1014.23, F.S.; providing that voluntary universal prekindergarten be delivered by a diverse network of private, public, and faith-based providers; creating s. 1014.24, F.S.; requiring voluntary universal prekindergarten providers to form community partnerships and directing the providers to refer children to others for additional support services; requiring that each prekindergarten application form include a place for parents to list the needs and service history of their child; creating s. 1014.25, F.S.; providing eligibility criteria for children planning to enter prekindergarten; requiring the State Board of Education to adopt rules establishing application procedures for children entering prekindergarten; creating s. 1014.26, F.S.; providing that voluntary universal prekindergarten programs must address and enhance each child's ability to make age-appropriate progress; requiring the State Board of Education to identify curricula that meet specified standards; creating s. 1014.27, F.S.; establishing criteria for providers wishing to participate as voluntary universal prekindergarten providers; requiring voluntary universal prekindergarten providers to have certain staff with certain early childhood education credentials; requiring the providers to register with an early learning council; creating s. 1014.28, F.S.; prohibiting voluntary universal prekindergarten providers from using program funds to pay for transportation services; authorizing the providers to use other funds for transportation services; creating s. 1014.29, F.S.; providing for eligible children to receive a voucher to use to participate in the voluntary universal prekindergarten program; requiring each voluntary universal prekindergarten provider to sign a funding agreement each year; creating s. 1014.30, F.S.; requiring that all funds associated with the voluntary universal prekindergarten program be appropriated in a single and separate budget entity; creating s. 1014.31, F.S.; requiring the State Board of Education to annually assess the state's capacity to provide universal prekindergarten programs; requiring the board to prepare the assessment in partnership with specified organizations; requiring the State Board of Education to prepare an annual report detailing the findings of the annual assessments; creating s. 1014.32, F.S.; requiring Workforce Florida to recognize credentialed early learning placement as a high skill placement; creating s. 1014.40, F.S.; defining "central agency" and "economically disadvantaged"; creating s. 1014.41, F.S.; creating the early learning councils; providing duties of the councils; providing for membership on each council; requiring that a majority of council members not have a financial interest in the design or delivery of early learning services; creating s. 1014.42, F.S.; requiring each local school readiness coalition to transition into an early learning council by a specified date; providing for the transfer of equipment, facilities, and other resources to the early learning council; providing that no right of action is created by the transition; creating s. 1014.43, F.S.; requiring an early learning council to supply funds to programs that meet certain specified expectations; creating s. 1014.44, F.S.; requiring each early learning council to provide a publicly funded early childhood education program to children in specific priority categories; creating s. 1014.45, F.S.; requiring each early learning council to provide a comprehensive education experience by meeting the needs of children in certain categories; creating s. 1014.46, F.S.; requiring each early learning council to

implement an early learning education plan; requiring the council to receive approval of its plan from the department; detailing the content of the early learning plan; creating s. 1014.47, F.S.; directing the early learning council to provide parental choice in the method of receiving early childhood education; providing that if an early learning provider gives any cash to a beneficiary in return for receiving a payment certificate, the early learning council or its fiscal agent shall refer the matter to the Division of Public Assistance Fraud or the state attorney for investigation; transferring, renumbering, and amending s. 402.27, F.S.; requiring the Department of Education to ensure that a statewide network for resource and referral is established; directing the department to select the state resource and referral agency; requiring each early learning council to establish a local resource and referral agency in the county served by the early learning council; specifying the services to be provided by the resource and referral agencies; requiring certain documentation to be maintained by the agencies; requiring the agencies to provide technical assistance to early childhood education providers; transferring, renumbering, and amending s. 402.3018, F.S.; requiring the department to contract with the state resource and referral agency to provide a statewide toll-free Warm Line to provide assistance and consultation to early childhood education providers; contingent upon appropriations, the department is to create a Warm Line in each county or region served by an early learning council; specifying duties of the county or regional Warm Line staff; transferring, renumbering, and amending s. 409.178, F.S.; creating the Business Partnership for Early Learning; describing the purposes of the Business Partnership; providing for membership on the partnership board; specifying the power and authority of the Business Partnership board; creating early childhood education purchasing pools; providing criteria for distribution of funds through the purchasing pools; requiring each early learning council to create a community task force for each purchasing pool; directing the department to adopt rules to administer the early childhood education purchasing pools; transferring, renumbering, and amending s. 402.25, F.S.; requiring programs serving children from birth to 5 years of age to provide a learning environment containing specified activities to foster brain development; creating s. 1014.52, F.S.; requiring each early learning council not organized as a corporation or other business entity to designate a fiscal agent; providing criteria for selecting a fiscal agent; providing responsibilities for a fiscal agent; transferring, renumbering, and amending s. 402.3051, F.S.; defining terms related to market rate reimbursements to an early childhood education provider; directing the department to establish procedures to reimburse specified categories of providers; creating s. 1014.54, F.S.; directing that all funds associated with early childhood education programs, other than the funds associated with the voluntary universal prekindergarten program, be appropriated in a single and separate budget entity; directing how early learning councils may be used to carry out the department's early childhood education plan; requiring early childhood councils to use competitive procurement procedures set forth in ch. 287 when purchasing goods and services; authorizing each early learning council to contract with a central agency or other qualified entity to perform duties assigned to the council; requiring the department to investigate violations of spending practices; requiring the Auditor General to audit each early learning council each year; amending s. 20.15, F.S.; adding the Division of Early Learning to the organizational divisions of the Department of Education; amending s. 20.50, F.S.; removing the school readiness service system from the Agency for Workforce Innovation; amending s. 402.281, F.S.; revising criteria for certain programs to be designated "Gold Seal Quality" programs; adding a credentialing agency to the list of national associations setting standards for quality child care; requiring the Department of Children and Family Services to consult with certain organizations when developing the "Gold Seal Quality" program standards; reenacting s. 212.08(5)(m), F.S., relating to sales tax exemptions, and s. 402.315(5), F.S., relating to the use of child care licensing funds, to incorporate the amendment to s. 402.281, F.S., in references thereto; amending s. 445.023, F.S.; providing that a family may be eligible for services to a child with special needs if the family is economically disadvantaged; amending s. 1008.21, F.S.; requiring the department to develop a school readiness uniform screening; revising the data to be collected for the screening; requiring each school district to collect certain health related information; requiring each school district to conduct assessments of each child's emotional and social development; repealing s. 411.01, F.S., relating to the Florida Partnership for School Readiness; repealing s. 411.012, F.S., relating to the voluntary universal prekindergarten education program; providing for the transfer of the Florida Partnership for School Readiness, school readiness, early childhood resource and referral, and the subsidized child care programs from the Agency for Workforce Innovation to the Department of Education; providing for the

transfer of the Child Care Executive Partnership Program from the Department of Children and Family Services to the Department of Education; providing for the transfer of all functions associated with the training of and the issuing of credentials to child care facility personnel from the Department of Children and Family Services to the Department of Education; providing requests to the Division of Statutory Revision; providing for severability; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

By Senator Siplin—

SB 3038—A bill to be entitled An act relating to public safety; providing for an annual salary adjustment for certified law enforcement officers; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Crist—

SB 3040—A bill to be entitled An act relating to fraud involving leased property; repealing s. 812.155(7), F.S.; deleting a provision specifying that certain penalties imposed for fraudulently obtaining property or equipment do not apply to a rental-purchase agreement unless the rental store retains title to the property or equipment throughout the period of the rental-purchase agreement; providing an effective date.

—was referred to the Committees on Criminal Justice; Commerce, Economic Opportunities, and Consumer Services; and Regulated Industries.

By Senator Aronberg—

SB 3042—A bill to be entitled An act relating to prescription drug practices; providing definitions; providing that a pharmacy benefits manager owes a fiduciary duty to covered entities and individuals; providing duties and responsibilities of a pharmacy benefits manager; providing criteria for dispersing substitute prescription drugs; requiring a pharmacy benefits manager to pass on certain payments to covered entities or individuals; restricting a pharmacy benefits manager from contracting in a manner inconsistent with this act; providing that any agreement to waive the provisions of this act is against public policy; providing that a violation of this act is a violation of the Florida Deceptive and Unfair Trade Practices Act; authorizing private civil actions and civil action by the Attorney General; providing for injunctive relief, civil penalties, costs, expert fees, and attorney's fees; providing for dispensation of Canadian prescription drugs; providing criteria for such dispensation; providing for purchase of Canadian prescription medicines; providing definitions; requiring that certain medications be purchased at a certain rate; exempting pharmacy benefits managers from certain requirements and actions for certain dispensations; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Banking and Insurance; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Campbell—

SB 3044—A bill to be entitled An act relating to the care and treatment of dependent children; amending s. 39.407, F.S.; providing that the Department of Children and Family Services may conduct a health screening on any child who is removed from his or her home; providing the elements of the health screening; providing for consent for medical care and treatment under certain circumstances; specifying limitations to consent by the department; providing that a court may order a child to receive a mental or physical examination; providing for the administration of psychotropic drugs to children; describing methods to obtain

consent for the dispensing of psychotropic medication to a child in the legal custody of the department; requiring the court to conduct a psychotropic medications review of each child to determine the medical status of the child; directing the court to review the child's resource record and the prescribing physician's psychotropic prescription report; detailing the contents of the prescription report; listing other factors for the court to consider when evaluating the child; requiring the court to use the standard of clear and convincing evidence when determining whether to authorize the department to consent to psychotropic medications; providing that a licensed health care professional be called to treat a child in an out-of-home placement in an emergency; providing that the act does not eliminate the right of a parent to give, or refuse to give, consent for medical treatment for his or her child; providing that unless the parent's rights have been terminated, the parent is financially responsible for the cost of medical care and treatment given to the child; creating s. 39.4071, F.S.; requiring the department to prepare and maintain a comprehensive, accurate, and updated health and education record, to be known as the "child resource record," for each child who is placed in a shelter home, foster care, or other residential placement, or who is otherwise in the custody or care of the department; specifying the contents of the child resource record; directing that the child resource record follow the child to each residential placement; requiring that the child resource record be open for inspection to certain specified persons; creating s. 39.4072, F.S.; providing that a court may order certain specified persons to submit to a physical or mental examination by a qualified professional; amending s. 409.145, F.S.; conforming provisions to changes made by the act; amending s. 743.0645, F.S.; defining terms relating to persons who can give consent to medical care for a minor; providing procedures to authorize consent for the prescription and administration of psychotropic medication to children in the custody or care of the Department of Children and Family Services or committed to the Department of Juvenile Justice; requiring a physician prescribing psychotropic medications for a child to file a report with specified organizations; requiring the Department of Children and Family Services, the Department of Juvenile Justice, and the Department of Health to adopt rules to administer the prescription and administration of psychotropic medications to children; creating s. 743.0647, F.S.; requiring a prescribing physician to report to the physician's regulating board any adverse incident or condition involving psychotropic medication to a child within a specified time; requiring the Board of Medicine and the Board of Osteopathic Medicine to create a voluntary peer review board to review reports required and received relating to adverse incidents; providing procedures for the peer review boards; directing the boards to forward quarterly information to the Center for Juvenile Psychotropic Studies at the University of Florida College of Medicine; directing the Board of Medicine and the Board of Osteopathic Medicine to publish an annual summary and trend analysis of all adverse incident and effects reports on their websites; creating the Center for Juvenile Psychotropic Studies within the Department of Psychiatry of the College of Medicine of the University of Florida; providing the purpose of the center; providing for the appointment of a director; creating an advisory board; providing for board membership; requiring the center to work with the Department of Children and Family Services, the Department of Juvenile Justice, and the Agency for Health Care Administration; requiring certain data relating to dependent minors for whom psychotropic medications have been prescribed to be made available to the center, as legally allowed; requiring the center to report to legislative leaders by a specified date; providing for future repeal; providing an effective date

—was referred to the Committees on Children and Families; Health, Aging, and Long-Term Care; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Bennett—

SB 3046—A bill to be entitled An act relating to construction defects; amending s. 558.001, F.S.; revising legislative findings and declarations; amending s. 558.002, F.S.; revising definitions; amending s. 558.003, F.S.; providing requirements for filing actions alleging construction defects; amending s. 558.004, F.S.; revising requirements, procedures, criteria, and limitations in provisions providing for notification and opportunity to repair constructing defects; providing requirements and procedures for making, accepting, or rejecting settlement offers; providing for consequences of certain actions relating to settlement offers; specifying legal obligation to make certain repairs or monetary payments under certain circumstances; amending s. 558.005, F.S.; revising

certain contract content provisions; providing a notice form; providing application; providing severability; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Senator Aronberg—

SB 3048—A bill to be entitled An act relating to educational and financial accountability for scholarship programs; amending s. 220.187, F.S., relating to credits for contributions to nonprofit scholarship-funding organizations; correcting a cross-reference; providing obligations of nonprofit scholarship-funding organizations relating to use of contributions, financial records, and criminal background checks; providing obligations of nonpublic schools relating to financial accounts and records, operating budgets, use of scholarship funds, criminal background checks, administration and reporting of assessment tests, school profiles, and accreditation; amending ss. 1002.38 and 1002.39, F.S., relating to the Opportunity Scholarship Program and the John M. McKay Scholarships for Students with Disabilities Program; providing requirements for private school eligibility relating to use of scholarship funds, financial accounts and records, operating budgets, criminal background checks, administration and reporting of assessment tests, school profiles, and accreditation; conforming provisions; providing an effective date.

—was referred to the Committees on Education; Criminal Justice; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

By Senator Alexander—

SB 3050—A bill to be entitled An act relating to insurance ratemaking; amending s. 627.062, F.S.; providing that specified commercial insurance rate filings are not subject to a determination of excessiveness; providing that such filings may be rejected for unlawful use of unfairly discriminatory rating factors; amending s. 627.0651, F.S.; providing that certain rate filings for private passenger motor vehicle insurance may take effect upon filing and are deemed to be in compliance with state law; requiring the Legislative Auditing Committee to enter into a contract for an analysis of the market and consumer impact of insurance rate modernization; providing for funding; providing an effective date.

—was referred to the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

Senate Resolutions 3052-3054—Not referenced.

SR 3056—Previously adopted.

By Senator Aronberg—

SB 3058—A bill to be entitled An act relating to the purchase of dogs and cats; amending s. 828.29, F.S.; providing definitions; requiring that any cat or dog offered for sale be accompanied by an animal-purchase disclosure; defining the term “animal-purchase disclosure”; prohibiting a pet dealer from possessing a dog or cat younger than a certain age; prohibiting a pet dealer from refusing to reimburse veterinary costs under certain circumstances; providing that proper veterinary care of an animal returned due to illness or disease may include euthanasia; limiting reimbursement for veterinary costs; deleting a provision authorizing a purchaser to waive his or her right to return a dog or cat for a congenital or hereditary disorder; extending the period during which a purchaser may notify the pet dealer of a veterinarian’s determination that an animal is unfit; requiring that a pet dealer post notice indicating where a dog or cat was bred or brokered; providing that a waiver of any right by the purchaser is void; providing that a purchaser may initiate an action in court if a pet dealer fails to make certain reimbursements, refunds, or exchanges; requiring that documents for registration with a pedigree registry organization be provided to the purchaser within a

specified period if the animal is registered; providing for a refund to the purchaser if pedigree documents are not received within a specified period; providing penalties for violations of the act; providing an effective date.

—was referred to the Committees on Agriculture; Regulated Industries; and Commerce, Economic Opportunities, and Consumer Services.

By Senator Bennett—

SB 3060—A bill to be entitled An act relating to public records exemptions; creating s. 12.001, F.S.; declaring legislative powers with respect to creating exemptions from public-records requirements; creating s. 12.002, F.S.; prescribing the role of the judicial branch with respect to creating exemptions from public-records requirements; creating s. 12.003, F.S.; prohibiting judicial modification or creation of such exemptions; prohibiting enforcement of judicial actions attempting to do otherwise; providing retroactive applicability; providing an effective date.

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

By Senator Constantine—

SB 3062—A bill to be entitled An act relating to the state university system; expressing the legislative intent to revise laws relating to the state university system; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar.

By Senator Posey—

SB 3064—A bill to be entitled An act relating to nursing homes and assisted living facilities; creating ss. 400.1425 and 400.4425, F.S.; encouraging each nursing home facility and each assisted living facility to have a functioning automated external defibrillator; requiring training, maintenance, and location registration; providing immunity from liability under the Good Samaritan Act and the Cardiac Arrest Survival Act; authorizing the Department of Children and Family Services to adopt rules; requiring the department to arrange for the purchase of the defibrillators; requiring certain entities to reimburse the department for purchased defibrillators under certain circumstances; providing criteria for distribution of the defibrillators; providing an appropriation; providing effective an date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Children and Families; Judiciary; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senators Cowin and Wise—

SJR 3066—A joint resolution proposing the creation of Section 22 of Article X of the State Constitution, relating to miscellaneous matters, to require that a parent or guardian of the minor be given prior notice of a physician’s intention to perform or induce a termination of the pregnancy of a minor younger than 16 years of age.

—was referred to the Committees on Health, Aging, and Long-Term Care; Judiciary; Appropriations Subcommittee on Health and Human Services; Appropriations; and Rules and Calendar.

By Senator Haridopolos—

SB 3068—A bill to be entitled An act relating to the tax on intangible personal property; amending s. 199.032, F.S.; reducing the annual rate of the tax; amending s. 199.202, F.S.; authorizing the executive director of the Department of Revenue to adopt emergency rules; amending s.

199.303, F.S.; providing legislative intent that the taxes imposed for specified years remain in effect and remain collectible as specified; providing for the future repeal of ss. 199.012, 199.023, 199.032, 199.033, 199.042, 199.052, 199.057, 199.062, 199.103, 199.1055, 199.106, 199.175, and 199.185, F.S., which provide for annual taxes on intangible personal property; amending ss. 192.032, 192.042, 192.091, 193.114, 196.015, 196.199, 196.1993, 201.23, 212.02, 213.053, 213.054, 213.27, 213.31, 215.555, 220.1845, 288.039, 288.1045, 288.106, 376.30781, 493.6102, 516.031, 627.311, 627.351, 650.05, 655.071, 733.702, and 766.105, F.S., to conform to such repeal; providing an effective date.

—was referred to the Committees on Commerce, Economic Opportunities, and Consumer Services; Banking and Insurance; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

SR 3070—Not referenced.

By Senator Constantine—

SB 3072—A bill to be entitled An act relating to local government; creating part II of ch. 171, F.S.; providing a short title; providing legislative intent with respect to annexation and the coordination of services by local governments; providing definitions; providing for the creation of interlocal service boundary agreements by a county and one or more municipalities or special districts; specifying the procedures for initiating an agreement and responding to a proposal for agreements; requiring that an agreement be adopted by ordinance; providing prerequisites to annexation; providing a process for annexation; providing for the effect of an interlocal service boundary area agreement on the parties to the agreement or a participating municipality; providing for a transfer of powers; authorizing a municipality to provide services within an unincorporated area or territory of another municipality; authorizing a county to exercise certain powers within a municipality; providing for the effect of existing interlocal agreements; providing a presumption of validity; providing a procedure to settle a dispute regarding an interlocal service boundary agreement; creating s. 171.094, F.S.; providing for the effect of interlocal service boundary agreements adopted under the act; amending s. 171.0413, F.S.; extending the time period between the final adoption of an ordinance and the referendum election; amending s. 171.042, F.S.; requiring notice by a municipality before commencing annexation procedures; providing grounds for invalidating an annexation; requesting the Division of Statutory Revision to designate part I and part II of ch. 171, F.S.; providing an effective date.

—was referred to the Committees on Judiciary; and Comprehensive Planning.

By Senator Atwater—

SB 3074—A bill to be entitled An act relating to educational facilities; creating s. 1013.135, F.S.; requiring each district school board or other entity that is in operational control of an educational facility to adopt and implement an indoor air quality program for educational facilities; requiring semiannual reports to the Department of Education; requiring uniform air quality inspections and evaluations; providing requirements for educational facility sites and project plans; providing requirements for heating, ventilating, and air-conditioning systems; requiring the maintenance of records; requiring educational facility indoor air quality committees; requiring indoor environmental quality training programs for staff; providing violations; providing penalties; providing for voucher transfer of affected students and staff; providing an effective date.

—was referred to the Committees on Education; Natural Resources; Appropriations Subcommittee on Education; and Appropriations.

By Senator Atwater—

SB 3076—A bill to be entitled An act relating to government productivity improvement and accountability; creating s. 216.1675, F.S.; providing a popular name; providing legislative findings and purpose; designating the Executive Office of the Governor as the agency responsible for

directing the productivity improvement and accountability process; requiring the Governor's recommended budget to include certain cost-saving recommendations; requiring submission of such recommendations in legislation, to include an estimate of the productivity improvements and cost savings; providing responsibility for implementation; requiring inclusion of the cost-saving items in the General Appropriations Act; restricting use of the funds from such cost savings; requiring certain quarterly reports; requiring certain cooperation and assistance; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

By Senator Diaz de la Portilla—

SB 3078—A bill to be entitled An act relating to juvenile justice; providing for a parental involvement pilot project in Orange County; authorizing the Department of Juvenile Justice to allow certain parents to attend and participate in a course of parenting education classes in lieu of paying certain required fees associated with the cost of a child's care or supervision by the department; limiting such authority to the 2004-2005 fiscal year and to cases involving orders of the circuit court in and for Orange County; authorizing the department to develop a formula for specifying the number of participation hours in lieu of fees; requiring the department to provide notification about the option to participate in the pilot project; authorizing the department to contract with a private or public entity to provide parenting education classes in certain circumstances; directing the department to waive fees upon proof by the parent of successful completion of the course of parenting education classes; limiting the amount of fees that may be waived; prohibiting issuance of any order of the circuit court in and for Orange County reducing or waiving the required fees during the 2004-2005 fiscal year; providing exceptions; requiring the department to identify measurable outcomes for the pilot project; requiring a report; providing applicability; providing that the parent is responsible for costs associated with the parenting education classes; providing a definition; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Criminal Justice; and Appropriations.

By Senator Diaz de la Portilla—

SJR 3080—A joint resolution proposing an amendment to Section 8 of Article I of the State Constitution, relating to an exception to the mandatory 3-day waiting period associated with the purchase and delivery of handguns for law enforcement officers who are exempt from the licensing and penal provisions governing weapons and firearms.

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

By Senator Siplin—

SB 3082—A bill to be entitled An act relating to job opportunities for youths; providing legislative intent to support vocational training and placement provided to at-risk youths through the Professional Opportunities Program for Students (POPS); providing for a pilot program; requiring a report to the Legislature; providing an appropriation; providing an effective date.

—was referred to the Committees on Criminal Justice; Commerce, Economic Opportunities, and Consumer Services; Appropriations Subcommittee on Criminal Justice; and Appropriations.

Senate Resolutions 3084-3088—Not referenced.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Judiciary; Children and Families; and Senator Lynn—

CS for CS for SB 160—A bill to be entitled An act relating to child support; amending s. 61.046, F.S.; redefining the term “support order” for purposes of ch. 61, F.S., to include an order of an administrative agency; amending s. 61.13, F.S.; deleting the requirement that a child support order include the minor’s social security number; amending s. 61.1301, F.S.; providing for continuation of a support obligation at the same amount after emancipation until any arrearage is satisfied; providing for application to support orders or income or income deduction orders entered before, on, or after July 1, 2004; requiring an obligor contesting an income deduction order rendered by the Title IV-D agency to file the petition with the Title IV-D agency; amending s. 61.14, F.S.; providing for the termination of the current child support obligation when the child emancipates unless certain conditions occur; providing for continuation of a support obligation at the same amount after emancipation until any arrearage is satisfied; providing for application to support orders entered before, on, or after July 1, 2004; amending s. 61.181, F.S.; requiring the clerk of the court to establish an account for interstate cases; amending s. 61.1814, F.S.; providing for types of moneys to be deposited into the Child Support Enforcement Trust Fund; providing for the use of moneys deposited into the Child Support Enforcement Trust Fund; amending s. 120.80, F.S.; providing for the location of an administrative hearing; amending ss. 382.013 and 382.016, F.S.; permitting voluntary acknowledgments of paternity which are witnessed; amending s. 409.2558, F.S.; providing for a notice to the noncustodial parent in applying an undistributable support collection to another support order; amending s. 409.2561, F.S.; providing for the Department of Revenue to establish the obligation of support; amending s. 409.2563, F.S.; providing for the noncustodial parent to request that the Department of Revenue proceed in circuit court to determine the support obligation; revising the requirements under which a noncustodial parent may petition the circuit court to determine the support obligation; providing that the Department of Revenue is a party to court action only with respect to issues of support; providing for the assignment of an account number with the depository upon initiating establishment of an administrative support order; revising the due date for an evaluation by the Office of Program Policy Analysis and Government Accountability; amending s. 409.25656, F.S.; providing for the recovery of fees in liquidating securities for the support owed; creating s. 409.25659, F.S.; providing for insurance claim data exchange; providing definitions; authorizing an insurer to participate in the data match system; providing for the payment of a fee to the insurer; providing limited immunity to the insurer; limiting the use of the data obtained by insurers from the department; providing rulemaking authority; amending s. 409.257, F.S.; permitting the use of any means of service of process under ch. 48, F.S.; amending s. 409.2572, F.S.; revising the definition of noncooperation or failure to cooperate as applied to an applicant for or a recipient of public assistance; substituting the use of DNA sample for drawing a blood sample to confirm paternity; amending s. 409.259, F.S.; revising the manner of reimbursement to the clerk of the court for court filings in Title IV-D cases; amending s. 409.2598, F.S.; providing definitions; providing for the suspension of licenses under specified circumstances; amending s. 742.10, F.S.; permitting voluntary acknowledgments of paternity which are witnessed; providing legislative intent to address the child support issues of incarcerated noncustodial parents to improve their ability to meet child support obligations; requiring the Department of Revenue, with the assistance of the Department of Corrections, to identify inmates with child support obligations; requiring the Department of Corrections and Department of Revenue to jointly develop a plan to facilitate child support payment from incarcerated noncustodial parents upon release; providing for the minimum requirements of the plan; requires reports to the Governor and Legislature; providing effective dates.

By the Committee on Education; and Senators Clary, Lynn, Bennett and Wilson—

CS for SB 174—A bill to be entitled An act relating to the state lottery; amending s. 24.115, F.S.; providing for the deposit of a percentage of unclaimed prize money in the Educational Enhancement Trust

Fund; amending s. 24.121, F.S.; revising provisions relating to the allocation of revenues for public education; amending s. 1010.70, F.S.; conforming provisions; providing an effective date.

By the Committees on Appropriations; Governmental Oversight and Productivity; and Senator Fasano—

CS for CS for SB 206—A bill to be entitled An act relating to the Florida Council on Deafness; creating the Florida Council on Deafness; providing for the appointment of members and the organization of the council; requiring the staff of the Department of Education to assist the council in its duties; providing the role, purpose, powers, duties, and responsibilities of the council; providing an effective date.

By the Committee on Finance and Taxation; and Senators Cowin, Webster and Fasano—

CS for SB’s 244 and 1566—A bill to be entitled An act relating to the tax on sales, use, and other transactions; providing a short title; specifying periods during which the sale of clothing, wallets, bags, school supplies, and books shall be exempt from such tax; defining the terms “clothing,” “school supplies,” and “books” for purposes of the exemption; providing that the exemption does not apply to sales within certain theme parks, entertainment complexes, public lodging establishments, or airports; providing for rules by the Department of Revenue; providing an appropriation; providing an effective date.

By the Committee on Transportation; and Senators Wise, Fasano and Lynn—

CS for SB 278—A bill to be entitled An act relating to motor vehicle liability insurance; amending s. 320.055, F.S.; providing for a 6-month vehicle registration for persons reinstating a driver’s license that has been suspended for driving under the influence; requiring the Department of Highway Safety and Motor Vehicles to issue 6-month vehicle registration certificates and validation stickers; specifying the amount of taxes and fees which must be paid; amending s. 324.131, F.S.; requiring persons whose license or registration has been suspended or revoked due to a violation of driving under the influence to maintain, for 3 years, noncancelable liability coverage as described in s. 627.7275(2), F.S.; authorizing the Department of Highway Safety and Motor Vehicles to adopt a form for proof of such coverage; amending s. 627.7275, F.S.; requiring insurers to make available bodily injury and property damage liability coverage that is noncancelable for a certain period; providing that an insurer may cancel an automobile insurance policy if an operator’s driver’s license is revoked or suspended; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Criminal Justice; and Senators Fasano and Lynn—

CS for CS for SB 650—A bill to be entitled An act relating to law enforcement officers; amending s. 112.532, F.S.; providing that all identifiable witnesses be interviewed whenever possible prior to beginning the investigative interview of the accused law enforcement officer; requiring that the complaint and all witness statements be provided to the law enforcement officer before beginning an investigative interview; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Saunders—

CS for SB 702—A bill to be entitled An act relating to public records and meetings; creating s. 381.0273, F.S.; providing that information contained in patient safety data or other records maintained by the Florida Patient Safety Corporation and its subsidiaries, advisory committees, or contractors which identifies a patient or which identifies the person or entity reporting patient safety data is confidential and exempt from disclosure under public-records requirements; authorizing the release of information under specified circumstances, including release to

a health care research entity; specifying circumstances under which the corporation may deny a request for records or data that identifies a patient; providing that portions of meetings held by the corporation and its subsidiaries, advisory committees, or contractors at which such information is discussed are exempt from public-meetings requirements; providing for future legislative review and repeal under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Appropriations; and Senator Peaden—

CS for SB 858—A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund within the Department of Health; providing for the use of funds and the source of funds; providing for review and termination or re-creation of the trust fund; providing an effective date.

By the Committee on Appropriations; and Senator Peaden—

CS for SB 860—A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund within the Department of Children and Family Services; providing for the use of funds and the source of funds; providing for review and termination or re-creation of the trust fund; providing an effective date.

By the Committee on Appropriations; and Senator Peaden—

CS for SB 872—A bill to be entitled An act relating to trust funds; creating the Welfare Transition Trust Fund within the Department of Military Affairs; providing for the use of funds and the source of funds; providing for review and termination or re-creation of the trust fund; providing an effective date.

By the Committees on Banking and Insurance; Children and Families; and Senator Bennett—

CS for CS for SB 1058—A bill to be entitled An act relating to motor vehicle insurance for foster children; creating a pilot program for the purpose of reimbursing foster parents, residential facilities, or foster children who live independently for a portion of the increased costs of motor vehicle insurance for a foster child who has a driver's license; directing the Department of Children and Family Services to establish the pilot program in Sarasota, DeSoto, Manatee, Pinellas, and Pasco Counties; requiring that the person who incurs the increased cost submit to the department documentation of that increase; requiring that foster children be encouraged to pay the remaining portion of the increase in costs; directing the department to develop procedures for operating the pilot program; requiring the department to submit a report with recommendations to the Governor and the Legislature by a specified date; providing an appropriation; providing an effective date.

By the Committees on Appropriations; and Governmental Oversight and Productivity—

CS for CS for SB 1160—A bill to be entitled An act relating to advisory bodies, commissions, and boards of trustees; amending s. 20.052, F.S.; providing legislative findings that it is in the public interest to periodically review advisory bodies, commissions, boards, and other collegial bodies in the executive branch; providing definitions; revising requirements for the establishment and maintenance of executive collegial bodies; requiring each executive agency to periodically report certain information and make recommendations to the Executive Office of the Governor concerning executive collegial bodies; providing exemptions to the recommendation requirement; requiring the Executive Office of the Governor to report to the Legislature; providing for substantive committees within the Legislature to review the reports and recommendations of the executive branch; conforming provisions; providing an effective date.

By the Committee on Transportation; and Senator Peaden—

CS for SB 1172—A bill to be entitled An act relating to service charges; amending ss. 319.32 and 320.04, F.S.; increasing certain service charges for certificates of title and license plates, certain stickers, or registration certificates; providing an effective date.

By the Committee on Appropriations; and Senator Pruitt—

CS for SB 1250—A bill to be entitled An act relating to employee benefits; amending s. 110.12315, F.S., relating to the state employees' prescription drug program; deleting obsolete provisions; removing an expiration date applicable to copayment amounts; amending s. 110.1239, F.S.; removing an expiration date applicable to provisions governing procedures for determining the level of premiums necessary to fund the state group health insurance program; amending s. 624.437, F.S.; clarifying that a provision requiring certain insurers to obtain a certificate of authority does not apply to the state group health insurance program; providing for certain personnel moving from county government to a position in the state courts system, an office of the state attorney, or an office of the public defender, and their covered dependents, to qualify for the state group health insurance program; authorizing state attorneys and public defenders to transfer a specified amount of unused annual leave and unused sick leave; providing an effective date.

By the Committee on Appropriations; and Senator Carlton—

CS for SB 1258—A bill to be entitled An act relating to workforce development education programs; amending s. 1011.80, F.S.; redesignating adult technical education programs as workforce development education programs; providing requirements for funding; amending s. 1011.83, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Appropriations; and Senator Clary—

CS for SB 1266—A bill to be entitled An act relating to the Water Management Lands Trust Fund; amending s. 373.59, F.S.; authorizing moneys in the trust fund to be allocated for the purpose of supplementing operational expenditures for specified water management districts; providing an effective date.

By the Committee on Appropriations; and Senator Clary—

CS for SB 1268—A bill to be entitled An act relating to the operational authority for state correctional facilities; amending s. 20.315, F.S., relating to the Florida Corrections Commission; requiring the commission to resolve certain disputes between the Department of Corrections and a contractor; deleting obsolete provisions concerning the staff of the commission; amending s. 287.042, F.S.; authorizing the Department of Management Services to enter into certain contracts, acquire contractual rights and obligations, and manage and enforce compliance with contracts of the Correctional Privatization Commission; amending s. 394.9151, F.S.; authorizing the Department of Children and Family Services to contract with the Department of Management Services for the operation of facilities for sexually violent predators; amending s. 943.13, F.S., relating to the qualifications for correctional officers; conforming provisions to changes made by the act; amending ss. 944.02, 944.115, 944.72, 944.8041, and 945.215, F.S., relating to the state correctional system; requiring the Department of Management Services to assume the duties and responsibilities of the Correctional Privatization Commission; amending s. 957.01, F.S.; redesignating ch. 957, F.S., as the "Correctional Privatization Act"; amending ss. 957.02, 957.04, 957.06, 957.07, 957.08, 957.13, 957.14, 957.15, and 957.16, F.S., and repealing s. 957.03, F.S.; providing contract requirements for the Department of Management Services with respect to the operation of private correctional facilities; specifying duties of the Florida Corrections Commission; providing for the Department of Management Services to be the successor agency to the Correctional Privatization Commission with respect to contracts under ch. 957, F.S., which are in effect on a specified date; requiring certain cooperative agreements between the

Department of Management Services, contractors, and the Department of Corrections; specifying duties of the Department of Management Services with respect to the operation, maintenance, and lease-purchase of private correctional facilities and contract termination; providing for the modification and execution of agreements with contractors to conform to changes made by the act; providing an effective date.

By the Committee on Appropriations; and Senator Clary—

CS for SB 1270—A bill to be entitled An act relating to the Pari-mutuel Wagering Trust Fund; amending s. 550.135, F.S.; revising the amount of unappropriated trust fund moneys required to be transferred to the credit of the General Revenue Fund; providing an effective date.

By the Committee on Appropriations; and Senator Clary—

CS for SB 1272—A bill to be entitled An act relating to state revenue programs; amending s. 195.022, F.S.; limiting the responsibility of the Department of Revenue to furnish certain ad valorem tax forms to specified local officials; requiring certain counties to reproduce the forms; providing an effective date.

By the Committee on Appropriations; and Senator Peaden—

CS for SB 1276—A bill to be entitled An act relating to health care; amending s. 216.341, F.S.; clarifying that certain provisions relate to the disbursement of trust funds of the Department of Health, not county health department trust funds; providing that certain limitations on the number of authorized positions do not apply to positions in the Department of Health funded by specified sources; amending s. 400.23, F.S.; reducing the nursing home staffing requirement for certified nursing assistants; amending s. 409.814, F.S., as amended, relating to eligibility for the Florida KidCare program; providing that a child who is otherwise disqualified based on a preexisting medical condition shall be eligible when enrollment is possible; amending s. 409.903, F.S.; amending income levels that determine the eligibility of pregnant women and children under 1 year of age for mandatory medical assistance; amending s. 409.904, F.S.; clarifying Medicaid recipients' responsibility for the cost of nursing home care; providing limitations on the care available to certain persons under "medically needy" coverage; amending income levels that determine the eligibility of children under 1 year of age for optional medical assistance; amending s. 409.905, F.S.; deleting an obsolete reference; establishing a utilization-management program for private duty nursing for children and hospital neonatal intensive-care stays; establishing a hospitalist program; eliminating transportation services for nondisabled beneficiaries; authorizing the Agency for Health Care Administration to contract for transportation services; amending s. 409.906, F.S.; allowing the consolidation of certain services; authorizing the implementation of a home-based and community-based services utilization-management program; specifying the income standard for hospice care; amending s. 409.9065, F.S.; allowing the Agency for Health Care Administration to operate a limited pharmaceutical expense assistance program under specified conditions; providing limitations on benefits under the program; providing for copayments; amending s. 409.907, F.S.; clarifying that Medicaid provider network status is not an entitlement; amending s. 409.911, F.S.; establishing the Medicaid Disproportionate Share Council; amending s. 409.912, F.S.; reducing payment for pharmaceutical ingredient prices; expanding the existing pharmaceutical supplemental rebate threshold to a minimum of 27 percent; authorizing a return and reuse prescription drug program; allowing for utilization management and prior authorization for certain categories of drugs; limiting allowable monthly dosing of drugs that enhance or enable sexual performance; modifying Medicaid prescribed drug coverage to allow for preferred daily dosages of certain select pharmaceuticals; authorizing a prior-authorization program for the off-label use of Medicaid prescribed pharmaceuticals; adopting an algorithm-based treatment protocol for select mental health disorders; requiring the agency to implement a behavioral health drug management program financed through an agreement with pharmaceutical manufacturers; providing contract requirements and program requirements; providing for application of certain drug limits and prior-authorization requirements if the agency is unable to negotiate a contract; allowing for limitation of the

Medicaid provider networks; amending s. 409.9122, F.S.; revising prerequisites to mandatory assignment; specifying managed care enrollment in certain areas of the state; requiring certain Medicaid applicants to select a managed care plan at the time of application; eliminating the exclusion of special hospital payments from rates for health maintenance organizations; providing technical updates; amending ss. 430.204 and 430.205, F.S.; rescinding the expiration of certain funding provisions relating to community-care-for-the-elderly core services and to the community care service system; amending s. 624.91, F.S., the Florida Healthy Kids Corporation Act; deleting certain eligibility requirements for state-funded assistance in paying premiums for the Florida Healthy Kids program; requiring purchases to be made in a manner consistent with delivering accessible medical care; providing an effective date.

By the Committee on Appropriations; and Senator Peaden—

CS for SB 1278—A bill to be entitled An act relating to the Biomedical Research Trust Fund in the Department of Health; amending s. 17.41, F.S.; requiring the Department of Financial Services to disburse certain funds from the Tobacco Settlement Clearing Trust Fund to the Biomedical Research Trust Fund; amending s. 20.435, F.S.; authorizing the Department of Health to provide for the investment of funds in the Biomedical Research Trust Fund; authorizing the Governor to certify undisbursed funds for a specified period following appropriation; amending s. 215.5601, F.S.; providing requirements for the management of unencumbered balances in the trust fund, to conform; providing an effective date.

By the Committee on Appropriations; and Senator Peaden—

CS for SB 1282—A bill to be entitled An act relating to the structure of the executive branch of government; amending s. 20.04, F.S.; revising requirements for the internal structure of specified agencies; amending s. 20.19, F.S.; providing for deputy secretaries and assistant secretaries within the Department of Children and Family Services; specifying duties of the assistant secretaries; providing for the service areas of the department to be organized into zones and districts rather than service districts; requiring the secretary of the department to appoint a zone director for each zone; specifying duties of the zone directors; continuing for an additional fiscal year certain transfer authority of the secretary of the department; providing an effective date.

By the Committee on Appropriations; and Senator Webster—

CS for SB 1284—A bill to be entitled An act relating to the Office of Tourism, Trade, and Economic Development; transferring the programs, functions, powers, duties, rules, records, personnel, property, and balances of appropriations and other funds of the Intergovernmental Relations Foundation and the Organization of American States from the Department of State to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; repealing s. 15.17, F.S., relating to the Organization of American States; amending s. 14.2015, F.S., relating to the powers and duties of the Office of Tourism, Trade, and Economic Development, to conform; amending s. 288.063, F.S.; revising requirements for the office in approving projects and expenditures and in allocating funds for transportation projects to expand and retain employment opportunities in the state; deleting obsolete provisions; amending ss. 288.809 and 288.816, F.S., relating to the Florida Intergovernmental Relations Foundation; conforming provisions to the transfer of programs and duties made by the act; providing an effective date.

By the Committee on Appropriations; and Senator Webster—

CS for SB 1286—A bill to be entitled An act relating to governmental organization; transferring the Office of Urban Opportunity from the Executive Office of the Governor to the Department of Community Affairs; transferring the State Energy Program and the Clean Fuel Florida Advisory Board from the Department of Community Affairs to the Department of Environmental Protection; excluding the transfer of certain associated trust funds; transferring the Affordable Housing Catalyst

Program from the Department of Community Affairs to the Florida Housing Finance Corporation; excluding the transfer of certain associated trust funds; repealing s. 14.2015(9), F.S., relating to the establishment of the Office of Urban Opportunity within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; amending s. 20.18, F.S.; revising duties of the Department of Community Affairs to conform to changes made by the act; establishing the Office of Urban Opportunity within the Department of Community Affairs; amending s. 20.255, F.S.; providing duties of the Department of Environmental Protection with respect to the state's energy policy, to conform; amending s. 163.03, F.S., relating to the Coastal Energy Impact Program; conforming provisions to changes made by the act; amending ss. 212.08 and 220.183, F.S.; conforming cross-references; amending s. 288.041, F.S., relating to the solar energy industry; conforming provisions to the transfer of duties to the Department of Environmental Protection; amending s. 288.95155, F.S., relating to the Florida Small Business Technology Growth Program; deleting obsolete provisions; amending ss. 377.602, 377.603, 377.701, and 377.703, F.S., relating to the state's energy programs and policies; conforming provisions to the transfer of duties to the Department of Environmental Protection; authorizing the Department of Environmental Protection to adopt rules to administer the Coastal Energy Impact Program; amending s. 380.504, F.S.; authorizing the Secretary of Community Affairs to appoint a designee to the governing body of the Florida Communities Trust; amending s. 381.7354, F.S.; conforming a cross-reference; amending s. 403.42, F.S., relating to the Florida Clean Fuel Act; conforming provisions to the transfer of duties to the Department of Environmental Protection; amending s. 420.507, F.S., relating to the Florida Housing Finance Corporation; authorizing the corporation to provide resources to the Affordable Housing Study Commission and perform other duties; creating s. 420.531, F.S.; providing legislative findings with respect to supporting local communities in providing affordable housing; providing for the corporation to administer the Affordable Housing Catalyst Program; providing the purpose of the program and responsibilities of the corporation; amending ss. 420.6015, 420.606, and 420.9075, F.S.; conforming provisions to the transfer of the Affordable Housing Catalyst Program to the Florida Housing Finance Corporation; amending s. 420.609, F.S.; deleting duties of the Department of Community Affairs with respect to the Affordable Housing Study Commission; amending s. 420.631, F.S.; conforming provisions to the transfer of the Office of Urban Opportunity to the Department of Community Affairs; amending s. 624.5105, F.S.; conforming a cross-reference; providing an effective date.

By the Committees on Appropriations; Education; and Senator Lynn—

CS for CS for SB 1330—A bill to be entitled An act relating to instruction for exceptional students; amending s. 1003.57, F.S.; providing guidelines for determining the residency for a student who receives instruction as an exceptional student; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students; providing applicability; amending s. 1003.58, F.S.; correcting a cross-reference; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Klein—

CS for SB 1366—A bill to be entitled An act relating to animal welfare protection programs; creating s. 570.93, F.S.; creating the Florida Animal Friends, Inc., as a direct-support organization of the Department of Agriculture and Consumer Services for the purpose of distributing funds received from the sale of the Animal Friend license plate; providing for membership and meetings; providing for a grant solicitation and award process; providing purposes for funding; amending ss. 320.08056 and 320.08058, F.S.; creating the Animal Friend license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Smith—

CS for SB 1396—A bill to be entitled An act relating to public libraries; amending s. 257.191, F.S.; revising provisions relating to public library construction grants; authorizing the Division of Library and Information Services to administer certain funds; providing for eligibility for grant funding; providing for the adoption of rules; providing for effect contingent upon certain appropriations; providing an effective date.

By the Committee on Home Defense, Public Security, and Ports; and Senator Haridopolos—

CS for SB 1470—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S., relating to seaport security standards; requiring any public or private entity that operates within the boundaries of a public seaport in the state to meet minimum statewide standards for security; providing an effective date.

By the Committee on Education; and Senator Cowin—

CS for SB 1514—A bill to be entitled An act relating to extracurricular student activities; amending s. 1002.33, F.S.; providing that a charter school student is eligible to participate in extracurricular activities at a public school, rather than interscholastic activities only; amending s. 1002.41, F.S.; providing that a home education student may participate in extracurricular activities, rather than interscholastic activities only; amending s. 1006.15, F.S.; requiring that a student who fails to maintain a certain grade point average while participating in certain extracurricular activities be placed on academic probation before losing eligibility to continue participation in extracurricular activities; providing that the requirement to maintain a certain grade point average does not prohibit a student from participating in an extracurricular activity to the extent that the participation directly relates to the student receiving the credit or one-half credit in physical education which is satisfied by participating in an extracurricular activity; applying the eligibility requirements to all extracurricular activities, rather than to interscholastic activities only; providing an exception; providing an effective date.

By the Committee on Home Defense, Public Security, and Ports; and Senator Dockery—

CS for SB 1562—A bill to be entitled An act relating to the Florida Institute for Nuclear Security; creating the Florida Institute for Nuclear Security at the Department of Nuclear Engineering and Radiological Sciences at the University of Florida; specifying the purpose of the institute; authorizing the institute to accept funds and grant allocations; providing an effective date.

By the Committee on Finance and Taxation; and Senator Diaz de la Portilla—

CS for SB 1658—A bill to be entitled An act relating to public health services; requiring the Agency for Health Care Administration to conduct a pilot program for a subacute pediatric transitional care center; requiring background screening of center personnel; requiring the agency to apply for a waiver extension or to amend the Medicaid state plan and seek federal waivers as necessary; requiring the center to have an advisory board; providing for membership on the advisory board; providing requirements for the admission, transfer, and discharge of a child to the center; requiring the agency to submit certain reports to the Legislature; providing an effective date.

By the Committee on Agriculture; and Senators Hill, Alexander and Bullard—

CS for SB 1664—A bill to be entitled An act relating to worker safety with respect to agricultural pesticides; amending ss. 487.011, 487.012, 487.021, 487.025, 487.031, 487.041, 487.0435, 487.045, 487.046,

487.047, 487.049, 487.051, 487.0615, 487.071, 487.081, 487.091, 487.101, 487.111, 487.13, 487.156, 487.159, 487.161, 487.163, 487.171, 487.175, 403.088, 482.242, 500.03, and 570.44, F.S.; changing the term “chapter” to “part” to conform to changes made by the act; creating part II of ch. 487, F.S.; providing a short title; providing for administration by the Department of Agriculture and Consumer Services; declaring legislative intent; defining terms; requiring the department to continue to operate under specified federal worker protection regulations; providing for application unless exempted by federal law; requiring an agricultural employer to make pesticide information available to an agricultural worker; authorizing requests by the worker, a designated representative, or medical personnel treating the worker; requiring the manufacturer of an agricultural pesticide to prepare a material safety data sheet; requiring provision of the data sheet to each direct purchaser; requiring the department to produce and make available a general agricultural pesticide safety sheet; prohibiting an agricultural employer from failing to provide required pesticide information or taking retaliatory action; providing penalties for an agricultural employer who violates part II of ch. 487, F.S.; requiring a worker who seeks relief for retaliatory action to file a complaint with the department; requiring that the department monitor complaints of retaliation and report findings to the President of the Senate and the Speaker of the House of Representatives; requesting the Division of Statutory Revision to designate parts I and II of ch. 487, F.S.; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Haridopolos, Lynn and Posey—

CS for SB 1696—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 112.19, F.S.; providing a short title; providing additional death benefits for certain officers killed at the scene of a traffic accident or while enforcing a traffic law or ordinance; amending s. 112.532, F.S.; providing a limitation on certain actions involving the discipline, demotion, or dismissal of a law enforcement officer or correctional officer; providing for written notification of such actions; providing exceptions to the limitation; providing for the reopening of investigations and subsequent disciplinary action in certain circumstances; providing applicability; providing an effective date.

By the Committees on Children and Families; Banking and Insurance; and Senator Lynn—

CS for CS for SB 1698—A bill to be entitled An act relating to foster care services; amending s. 20.19, F.S.; prohibiting certain members of a community alliance from receiving funds from the Department of Children and Family Services or a community-based lead agency; amending s. 409.1671, F.S.; providing additional requirements for an eligible lead community-based provider to compete for a privatization project; requiring contracts with lead community-based providers to include certain standards; revising requirements for the department's quality assurance program for privatized services; requiring the Department of Children and Family Services to develop a proposal for the use of a risk pool for community-based providers that provide foster care and related services under contract with the department; specifying proposal requirements; extending a proposal submission deadline; requiring the department to submit a detailed operational plan prior to the release of funds; removing limitations on the distribution program; providing an exemption from state travel policies for community-based providers and subcontractors; providing effective dates.

By the Committees on Health, Aging, and Long-Term Care; Children and Families; and Senators Wise and Webster—

CS for CS for SB 1706—A bill to be entitled An act relating to specialty behavioral health care providers; requiring the Department of Children and Family Services to establish a demonstration project in District 4 in order to determine the benefits of developing a specialty behavioral health care provider to deliver behavioral health services to persons who reside in an assisted living facility that holds a limited mental health license; requiring the department to create an advisory committee; defining the term “specialty behavioral health provider”; providing the requirements for the specialty behavioral health care provider demonstration project; providing that certain specialty behavioral

health care providers may seek and develop cooperative agreements with administrators of certain assisted living facilities; requiring the Agency for Health Care Administration to seek federal waivers to implement an alternative prepaid behavioral health care plan under certain conditions; requiring the department to implement the demonstration project and the advisory committee to complete work by a specific date; providing for an independent evaluation; requiring that a report be submitted to the Legislature; providing an effective date.

By the Committee on Banking and Insurance; and Senators Dockery and Bennett—

CS for SB 1710—A bill to be entitled An act relating to construction contracts; amending s. 725.06, F.S.; including promises to insure or obtain insurance for certain parties to construction contracts for certain actions as void and unenforceable; providing exceptions; providing for limited liability protection for additional insured coverage under certain agreements or contracts; prohibiting a contractor or subcontractor from withholding payment to certain subcontractors, sub-subcontractors, or materialmen under certain insurance policies under certain circumstances; providing conditions; revising application; providing an effective date.

By the Committee on Home Defense, Public Security, and Ports—

CS for SB 1820—A bill to be entitled An act relating to seaport security standards; amending s. 311.12, F.S.; providing for legislative review of seaports not in substantial compliance with statewide minimum security standards by November 2005; requiring the Legislature to review certain security costs; prohibiting the expenditure of state funds without certification of need by the Office of Ports Administrator within the Department of Law Enforcement; providing an effective date.

By the Committee on Agriculture; and Senators Crist, Miller and Bullard—

CS for SB 1870—A bill to be entitled An act relating to the Lowry Park Zoo; recognizing the Lowry Park Zoo as a state center for Florida species conservation and biodiversity; providing for construction; providing an effective date.

By the Committee on Education; and Senators Wise and Bullard—

CS for SB 2096—A bill to be entitled An act relating to providing nutrition to children; providing a short title; requiring the Food and Nutrition Management Office of the Department of Education to develop a plan for providing, in each school district, summer food programs that serve children who qualify for free or reduced-price lunches during the school year; providing procedures for exemptions; providing requirements of the department and of the superintendent of schools; requiring the school districts to report to the department annually; providing an effective date.

By the Committee on Finance and Taxation; and Senator Smith—

CS for SB 2264—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; allowing charter counties to use no more than 25 percent of revenues received from the charter county transit system surtax for nontransit purposes; allowing a county that meets specified criteria to use the proceeds from its local government infrastructure surtax to operate and maintain certain parks and recreation programs and facilities; providing an effective date.

By the Committees on Judiciary; Banking and Insurance; and Senator Clary—

CS for CS for SB 2290—A bill to be entitled An act relating to public records exemptions; repealing s. 717.117(8), F.S.; deleting an exemption

from certain public records requirements for financial records held by the Department of Financial Services; creating s. 717.1171, F.S.; exempting from public records requirements certain financial records held by the Department of Financial Services; providing exceptions; creating s. 717.12401, F.S.; exempting from public records requirements certain personal photographic information held by the department; providing exceptions; creating s. 717.12402, F.S.; exempting from public records requirements certain databases subscribed to by the department under certain circumstances; amending s. 717.1301, F.S.; creating an exemption from public records requirements for documents produced during an investigation or examination conducted by the Department of Financial Services; providing for future legislative review and repeal; creating s. 717.1342, F.S.; providing criminal penalties for disclosure of confidential records; providing findings of public necessity; providing for future legislative review and repeal; providing a contingent effective date.

By the Committee on Natural Resources; and Senator Alexander—

CS for SB 2342—A bill to be entitled An act relating to water policy; amending s. 373.069, F.S.; revising boundaries of the Southwest Florida Water Management District and the South Florida Water Management District; amending s. 373.0691, F.S.; providing for the transfer of land and other incidentals from the Southwest Florida Water Management District to the South Florida Water Management District; revising the membership of the governing board of the Southwest Florida Water Management District; providing an effective date.

By the Committees on Appropriations; Education; and Senators Pruitt and Bullard—

CS for CS for SB 2388—A bill to be entitled An act relating to baccalaureate degree programs at community colleges; amending s. 1000.21, F.S.; redesignating specified community colleges to conform to changes made by the act; amending s. 1001.64, F.S.; providing requirements for the board of trustees of a community college authorized to grant baccalaureate degrees; authorizing the establishment of tuition and out-of-state fees; requiring that the board of trustees of each community college adopt a policy ensuring that faculty who teach upper-division courses that are a component part of a baccalaureate program adhere to specified classroom contact hours as set forth in law; amending s. 1004.65, F.S.; prohibiting a community college from terminating associate degree programs as a result of offering baccalaureate programs; amending s. 1007.33, F.S.; revising requirements for a proposal by a community college to deliver a baccalaureate degree program; requiring the State Board of Education to assess proposals; requiring a joint letter of agreement to implement a proposed program; requiring the State Board of Education to adopt policies and requirements concerning reporting and performance accountability for upper-division and lower-division programs; prohibiting a community college from offering graduate programs; amending s. 1009.23, F.S.; providing requirements for upper-division tuition and fees; amending s. 1011.83, F.S.; providing for funding a community college authorized to grant baccalaureate degrees; amending s. 1013.60, F.S.; revising requirements for the legislative capital outlay budget request submitted by the Commissioner of Education; providing for recommendations for the expenditure of funds for facilities for baccalaureate degree programs at community colleges; amending ss. 288.8175, 1002.35, and 1004.76, F.S.; conforming terminology; providing an effective date.

By the Committee on Finance and Taxation; and Senators Sebesta and Dockery—

CS for SB 2412—A bill to be entitled An act relating to the Florida High-Speed Rail Authority; amending s. 341.8203, F.S.; redefining the terms “authority” and “high-speed rail system”; amending s. 341.840, F.S.; revising the tax exemption of the authority and its agents and contractors; providing for annual redetermination of eligibility for exemption; providing for recapture of taxes when an exemption is used inappropriately; providing for rules; providing an effective date.

By the Committee on Banking and Insurance; and Senator Webster—

CS for SB 2466—A bill to be entitled An act relating to uniform firesafety standards in nursing homes; amending s. 633.022, F.S.; requiring that each nursing home licensed under part II of ch. 400, F.S., be protected by an approved, supervised automatic sprinkler system; providing schedules for the installation of the automatic sprinkler system in hazardous and nonhazardous areas of a nursing home; authorizing the Department of Financial Services to grant extensions for specified periods for installing a sprinkler system in nonhazardous areas of a nursing home; prohibiting extensions for installing a sprinkler system in hazardous areas of a nursing home; authorizing the department to adopt rules; directing the department to enforce the sprinkler system standards; providing that nursing homes that violate the act are subject to administrative sanctions; creating s. 633.024, F.S.; providing legislative intent relating to fire safety in nursing homes; creating s. 633.0245, F.S.; creating the State Fire Marshal Nursing Home Protection Loan Guarantee Program to fund the installation of fire protection systems in nursing homes without these systems; authorizing the State Fire Marshal to enter into investment agreements with the Department of Financial Services to fund a loan guarantee program; authorizing the State Fire Marshal to enter into agreements with financial institutions desiring to participate in the loan guarantee program; requiring the State Fire Marshal to issue requests for proposals to select participating financial institutions; providing for an application form to be used by nursing homes intending to seek a loan to install a fire protection system; providing the contents of the loan guarantee application form; requiring the State Fire Marshal to approve or disapprove applications from nursing homes; requiring the State Fire Marshal to notify each applicant of its decision to approve or disapprove the application; requiring the State Fire Marshal to send approved applications to designated lenders; requiring each nursing home approved for a loan to execute certain specified documents; requiring that all applications for program funds be filed by a specified date; defining the term “eligible nursing home”; authorizing the State Fire Marshal to adopt rules; providing an effective date.

By the Committees on Agriculture; Commerce, Economic Opportunities, and Consumer Services; and Senators Alexander, Lynn and Bullard—

CS for CS for SB 2480—A bill to be entitled An act relating to agricultural equipment; amending s. 316.515, F.S.; amending criteria for determining whether agricultural equipment qualifies for an exemption from limitations on maximum width and length; amending s. 686.40, F.S.; providing a popular name; amending s. 686.401, F.S.; clarifying intent of the Agricultural Equipment Manufacturers and Dealers Act to provide for regulation of the conduct of manufacturers, distributors, and dealers of equipment primarily designed for or used in agriculture; amending s. 686.402, F.S.; revising and adding definitions; amending s. 686.403, F.S.; clarifying provisions relating to application; amending s. 686.405, F.S.; providing that it is unlawful to deny, delay payment for, or restrict warranty claims under certain circumstances; providing for audit of warranty claims; amending s. 686.406, F.S.; clarifying provisions relating to surplus parts; amending s. 686.407, F.S.; providing requirements for the establishment of a new dealership or relocation of a current dealership within a certain area; providing requirements for the sale or lease of new equipment; amending s. 686.409, F.S.; clarifying provisions relating to compensation for inventory under certain circumstances; amending s. 686.413, F.S.; providing additional unlawful acts and practices in the conduct of the manufacturing, distribution, wholesaling, franchising, sale, and advertising of equipment; providing requirements for termination of a franchise or selling agreement under certain circumstances; amending s. 686.418, F.S.; clarifying provisions relating to the effect of the act on local ordinances; providing an effective date.

By the Committee on Banking and Insurance; and Senator Alexander—

CS for SB 2488—A bill to be entitled An act relating to the Florida Hurricane Catastrophe Fund; amending s. 215.555, F.S.; redefining and defining terms; providing for the State Board of Administration to specify interest due on delinquent remittances; revising conditions of, amounts of, and procedures relating to reimbursement contracts; revising maximum rates of, procedures relating to, and types of insurance

subject to emergency assessments; revising provisions relating to reinsurance; deleting expired provisions; requiring insurers writing a covered policy to make a rate filing with the Office of Insurance Regulation; providing effective dates.

By the Committee on Governmental Oversight and Productivity; and Senator Fasano—

CS for SB 2496—A bill to be entitled An act relating to public records and public meetings; creating s. 288.982, F.S.; creating an exemption from public records requirements for specified records relating to military installations and military missions subject to the United States Department of Defense Base Realignment and Closure 2005 process and agreements and proposals to relocate or realign military units and missions which are held by the Governor's Advisory Council on Base Realignment and Closure, Enterprise Florida, Inc., or the Office of Tourism, Trade, and Economic Development; creating an exemption from public meetings requirements for meetings of the advisory council, or a committee or subcommittee of the advisory council, at which exempt information is presented or discussed; creating an exemption from public records requirements for records generated during meetings of the advisory council, or a committee or subcommittee of the advisory council or office, which are closed to the public; providing a penalty; providing for repeal of the act; providing access to confidential and exempt records upon repeal of the act; providing a statement of public necessity; providing an effective date.

By the Committee on Appropriations; and Senator Lee—

CS for SB 2512—A bill to be entitled An act relating to the service charge on general revenue; amending s. 215.20, F.S.; applying a uniform service charge to income deposited into all trust funds of the state; exempting trust fund income from the service charge if the moneys are subject to certain investment or bond requirements or held by the state in its capacity as agent or fiduciary, if the Executive Office of the Governor, in consultation with the Legislature, determines that the state would lose revenue, if the moneys are received by the Department of the Lottery Administrative Trust Fund, or if the moneys are shared with political subdivisions or are received from taxes or fees levied by political subdivisions and were not subject to the service charge on a specified date or by other statutes; deleting provisions authorizing a reduced service charge for certain trust funds; deleting provisions specifying certain trust funds to which the service charge applies; repealing ss. 215.211, 215.22, and 215.24, F.S., relating to deductions from the service charge and specified exemptions; amending ss. 11.045, 20.2553, 112.3215, 250.175, 339.082, 365.173, 372.107, 464.0198, 498.019, 561.027, 570.205, 576.045, 932.705, 943.365, and 1013.63, F.S., and repealing s. 372.106(3), 373.472(2), and 946.522(3), F.S., relating to various trust funds of the state; conforming provisions to changes made by the act; providing an effective date.

By the Committees on Appropriations; Finance and Taxation; and Senator Lee—

CS for CS for SB 2514—A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; requiring that any proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund rather than appropriated as otherwise provided by law; providing protection for bondholders and preserving the rights of holders of affordable housing guarantees; providing an effective date.

By the Committee on Home Defense, Public Security, and Ports; and Senator Hill—

CS for SB 2524—A bill to be entitled An act relating to seaport security standards; amending s. 311.12, F.S.; requiring that each seaport security plan have a procedure that notifies an individual that he or she is disqualified from employment within, or regular access to, a seaport or a seaport's restricted access area; requiring each plan to include a procedure by which the individual may appeal the decision of

the seaport; directing a seaport to have its procedures in substantial compliance with federal regulations; providing criteria for seaports to consider for inclusion in procedures for appeals and waivers from disqualification; providing that certain seaport workers holding credentials on June 3, 2003, shall not have seaport access denied; providing for future repeal; requiring each seaport to report to the Department of Law Enforcement by a specified date the number of waivers from disqualification issued in the previous 12 months; amending s. 311.125, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Comprehensive Planning; and Senator Geller—

CS for SB 2536—A bill to be entitled An act relating to condominium and cooperative associations; amending ss. 718.112, 719.106, F.S.; providing for unit owners or shareholders to petition the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to appoint an election monitor to attend the annual association meeting and conduct the election of directors; providing for the adoption of rules; providing an effective date.

By the Committee on Banking and Insurance; and Senator Dockery—

CS for SB 2562—A bill to be entitled An act relating to money transmitters; amending s. 560.103, F.S.; defining the term "unsafe and unsound practice" for purposes of the Money Transmitters' Code to include failure to comply with specified provisions of the Code of Federal Regulations relating to money and finance; amending s. 560.109, F.S.; authorizing the Office of Financial Regulation of the Financial Services Commission to make investigations or examinations to determine a violation of provisions of the Code of Federal Regulations relating to money and finance; amending s. 560.114, F.S.; providing for disciplinary actions for failure to maintain all books, accounts, or other documents pursuant to provisions of the Code of Federal Regulations relating to money and finance; amending s. 560.129, F.S.; providing that financial records or information may be furnished to any law enforcement agency; amending s. 560.208, F.S.; including business by electronic transfer in the business that registrants who sell or issue payment instruments or transmit funds may conduct; exempting, under specified conditions, a registrant who charges a different price for a funds transmission service from a penalty under s. 501.0117; providing an effective date.

By the Committee on Appropriations; and Senator Crist—

CS for SB 2564—A bill to be entitled An act relating to shared county and state responsibility for juvenile detention; creating s. 985.2155, F.S.; providing that it is the policy of the state that the state and counties have a joint obligation to financially support the detention care provided for juveniles; providing definitions; requiring that a county pay the costs of the Department of Juvenile Justice in providing detention care to juveniles unless the county is a fiscally constrained county; requiring the department to develop a methodology for determining the amount to be paid by such counties; providing a payment process; requiring the Chief Financial Officer to withhold funds if a county fails to remit the required amount to the Department of Juvenile Justice; requiring the department to negotiate for payment from other states for costs incurred by juveniles who reside out of state; requiring the department to pay the detention costs for juveniles who do not have a state of residence; exempting funds received by the department in payment of the detention expenses of juveniles from certain service charges; authorizing the Department of Juvenile Justice to adopt rules; providing that the act fulfills an important state interest; providing an effective date.

By the Committee on Comprehensive Planning; and Senator Garcia—

CS for SB 2572—A bill to be entitled An act relating to airport zoning; amending s. 333.03, F.S.; providing exceptions from certain airport zoning prohibitions for the placement of educational facilities in certain counties; amending s. 1013.36, F.S., to conform; providing an effective date.

By the Committee on Banking and Insurance; and Senator Diaz de la Portilla—

CS for SB 2588—A bill to be entitled An act relating to insurance; amending s. 624.425, F.S.; deleting a resident agent requirement for certain property, casualty, and surety insurers; amending s. 624.426, F.S.; conforming provisions; amending s. 624.428, F.S.; providing that a life insurer must deliver policies through a resident or nonresident agent; amending s. 626.025, F.S.; requiring surplus lines agents to comply with consumer protection laws; deleting provisions prohibiting certain actions by nonresident agents, to conform; amending s. 626.741, F.S.; deleting a prohibition against nonresident general lines agents having offices in this state; conforming provisions; amending s. 626.752, F.S.; conforming provisions; amending s. 626.753, F.S.; conforming provisions; repealing s. 626.792(3), F.S.; deleting a prohibition against nonresident life insurance agents having offices in this state; repealing s. 626.835(3), F.S.; deleting a prohibition against nonresident health insurance agents having offices in this state; creating s. 626.9272, F.S.; providing requirements for the licensure of nonresident surplus lines agents; amending s. 626.929, F.S.; conforming provisions; amending s. 626.933, F.S.; allowing the department to authorize the Florida Surplus Lines Service Office to file suit on its behalf; amending s. 626.930, F.S.; conforming provisions; amending s. 626.935, F.S.; providing additional grounds for discipline of licensees; providing an effective date.

By the Committees on Appropriations; Health, Aging, and Long-Term Care; and Senator Pruitt—

CS for CS for SB 2606—A bill to be entitled An act relating to certificate of need; amending s. 395.003, F.S.; providing additional conditions for the licensure or relicensure of hospitals; exempting currently licensed hospitals; amending s. 408.032, F.S.; redefining terms relating to the Health Facility and Services Development Act; deleting the term “regional area”; amending s. 408.033, F.S.; deleting provisions relating to regional area health plans; transferring certain duties from the Agency for Health Care Administration to the Department of Health; deleting an agency responsibility relating to orientation of local health council members; deleting a requirement that local health councils be partly funded by application fees for certificates of need; adding sources of funding for local health councils; amending s. 408.034, F.S.; revising criteria for certificate-of-need review and for issuing licenses to health care facilities and health service providers; revising criteria for the nursing-home-bed-need methodology; amending s. 408.035, F.S.; revising the criteria for reviewing applications for certificate-of-need determinations; amending s. 408.036, F.S.; revising criteria for determining whether a health-care-related project is subject to review; providing that the replacement or relocation of a nursing home is subject to expedited review under specified conditions; revising the criteria for determining whether a project is subject to exemption from review upon request; repealing the exemption for specified services; adding an optional exemption for neonatal intensive care units that meet certain requirements; providing exemptions for adding beds for comprehensive rehabilitation, for beds in state mental health treatment facilities, for beds in state mental health treatment facilities and state mental health forensic facilities, and for beds in state developmental services institutions; revising the criteria for optional exemption of adult open-heart services; requiring the agency to report annually to the Legislature specified information concerning exemptions requested and granted during the preceding calendar year; adding an optional exemption for the provision of percutaneous coronary intervention under certain conditions; requiring health care facilities and providers to provide to the agency notice of the replacement of a health care facility or a nursing home, in specified circumstances, consolidation of nursing homes, the termination of a health care service, and the addition or delicensure of beds; amending s. 408.0361, F.S., relating to compliance with requirements imposed on diagnostic cardiac catheterization services providers; revising the scope of application, to include the compliance required of cardiology services and the licensure of burn units; requiring the Secretary of Health Care Administration to appoint an advisory group to study replacing certificate-of-need review of organ transplant programs with licensure regulation of organ transplant providers; requiring a report to the secretary and the Legislature; requiring the secretary to appoint a work group to study certificate-of-need regulation and changing market conditions related to the supply and distribution of hospital beds; requiring a report to the secretary and the Legislature; amending s. 408.038, F.S.; revising fees assessed on certificate-of-need applications; amending s. 408.039, F.S.; revising the review process

for certificates of need; requiring shorter review cycles; deleting a requirement to file a copy of the application with the local health council; deleting a requirement to consider the district health plan in reviewing and taking action on the applications; amending s. 408.040, F.S.; applying the conditions to the issuance of a certificate of need to the issuance of an exemption; providing that certain failures to annually report compliance with certain conditions to receiving a certificate of need or an exemption constitute noncompliance; repealing s. 408.043(5), F.S., relating to the authority of a sole acute care hospital in a high growth county to add beds without agency review; amending s. 408.0455, F.S.; providing for the rules of the agency which are in effect on June 30, 2004, rather than those in effect on June 30, 1997, to remain in effect; providing an effective date.

By the Committee on Natural Resources; and Senator Atwater—

CS for SB 2616—A bill to be entitled An act relating to water management district employees, appointees, and contractors; creating s. 373.6055, F.S.; authorizing water management districts to require the screening of an employee, appointee, or applicant for a position critical to security or public safety; authorizing the screening of a contractor or an employee thereof, vendor, repair person, or delivery person who has access to certain public facilities; requiring that fingerprints of applicants and employees be submitted to the Department of Law Enforcement and the Federal Bureau of Investigation for a check of criminal history records; authorizing the county or municipality to use information obtained from a criminal history record check to determine a person's eligibility for employment or appointment; providing an effective date.

By the Committee on Children and Families; and Senator Villalobos—

CS for SB 2640—A bill to be entitled An act relating to parenting coordination; amending s. 61.046, F.S.; providing definitions; creating s. 61.125, F.S.; creating the parenting coordination program; authorizing the court to appoint and discharge a parenting coordinator in certain proceedings; providing that communications with a parenting coordinator are not confidential except in certain situations; establishing the qualifications for a parenting coordinator; requiring the court to determine a party's financial ability to pay for certain services under certain circumstances; specifying powers and duties of a parenting coordinator; providing for compensation; restricting parenting coordinators from serving in certain cases; providing civil immunity for parenting coordinators acting within the scope of employment; providing an effective date.

By the Committee on Appropriations; and Senator Clary—

CS for SB 2644—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of Environmental Protection, the Department of Financial Services, the Office of Financial Regulation, the Department of Management Services, the Department of Revenue, and the Department of Business and Professional Regulation; providing for the disposition of balances in and revenues of such trust funds; prescribing procedures for terminating such trust funds; terminating a trust fund within the Department of Environmental Protection on the date that the bonds secured by the fund mature; requiring the department to notify the Chief Financial Officer and the Legislature following such termination; requiring a report to the Legislature if the fund is not terminated by a date certain; declaring the findings of the Legislature that specified trust funds within the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the Department of Management Services, the Department of Revenue, the Department of Financial Services, the State Board of Administration, and the Division of Bond Finance are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; renaming specified trust funds within the Department of Financial Services and the Office of Financial Regulation; amending s. 17.43, F.S.; renaming a trust fund within the Department of Financial Services; repealing s. 20.2553, F.S., relating to the Federal Law Enforcement Trust Fund within the Department of Environmental Protection; repealing s. 110.151(7), F.S., relating to the State Employee Child Care Revolving Trust Fund within the Department of Management Services;

amending s. 199.292, F.S.; requiring that proceeds of the intangible personal property tax be deposited into the General Revenue Fund rather than a special trust fund; deleting provisions requiring that a portion of such proceeds be used for enforcement purposes; amending ss. 121.011, 121.031, and 121.141, F.S.; providing for payment of certain social security contributions to the Internal Revenue Service rather than the Social Security Contribution Trust Fund; repealing s. 122.13, F.S., relating to certain payments made into a retirement trust fund, to conform; amending ss. 122.26 and 122.27, F.S., and repealing s. 122.30, F.S.; deleting references to the Social Security Contribution Trust Fund, to conform; amending s. 122.35, F.S., and repealing s. 122.351, F.S.; deleting obsolete provisions relating to payments made to the Social Security Contribution Trust Fund; amending s. 199.292, F.S.; providing for the deposit of intangible personal property taxes into the General Revenue Fund; providing an exception for certain leasehold taxes; repealing s. 213.31, F.S., relating to the Corporation Tax Administration Trust Fund; amending s. 215.20, F.S., relating to the service charge imposed on state trust funds; conforming provisions to changes made by the act; amending s. 215.32, F.S.; providing requirements for state agencies with respect to the use of various trust funds; requiring an agency to recommend the creation of a trust fund under certain circumstances; amending s. 253.03, F.S.; deleting provisions referencing the Forfeited Property Trust Fund in the Department of Environmental Protection; amending s. 287.064, F.S.; deleting provisions referencing the Consolidated Payment Trust Fund of the Chief Financial Officer; repealing s. 440.501, F.S., relating to the Workers' Compensation Administration Trust Fund within the Department of Business and Professional Regulation; amending s. 450.155, F.S., relating to the Child Labor Law Trust Fund; providing for the transfer of moneys to the Professional Regulation Trust Fund of the Department of Financial Services; creating s. 450.165, F.S.; requiring separate accounts for child labor enforcement and farm labor registration activities; amending ss. 450.30 and 450.31, F.S.; deleting provisions referencing the Crew Chief Registration Trust Fund; amending ss. 494.0017, 494.0041, and 494.0072, F.S.; deleting provisions referencing the Mortgage Brokerage Guaranty Fund; amending s. 501.2101, F.S.; designating trust funds for the deposit of moneys received by certain enforcing authorities; repealing s. 569.205, F.S., relating to the Department of Business and Professional Regulation Tobacco Settlement Trust Fund; amending ss. 650.04 and 650.05, F.S., and repealing s. 650.06, F.S., relating to payments to the Social Security Contribution Trust Fund; conforming provisions to changes made by the act; amending ss. 895.09 and 932.7055, F.S.; deleting provisions referencing the Forfeited Property Trust Fund to conform to changes made by the act; providing an effective date.

By the Committee on Banking and Insurance; and Senators Aronberg, Atwater, Lynn and Campbell—

CS for SB 2682—A bill to be entitled An act relating to credit counseling services; creating pt. IV, ch. 817, F.S.; providing definitions; prohibiting certain persons from accepting certain fees or costs from debtors under certain circumstances; providing exceptions; providing disclosure and financial reporting requirements for debt management or credit counseling services; providing disbursement of funds requirements; providing civil penalties; providing for awards of attorney's fees and costs; providing for deposit of certain funds into the General Revenue Fund; providing an effective date.

By the Committee on Appropriations; and Senator Pruitt—

CS for SB 2694—A bill to be entitled An act relating to the Lake Okeechobee Protection Program; amending s. 373.4595, F.S.; providing legislative findings and intent with respect to implementation and funding of the Lake Okeechobee Watershed Phosphorus Control Program and the Lake Okeechobee Protection Program; providing for implementation and funding of the Lake Okeechobee Protection Plan; providing an effective date.

By the Committee on Banking and Insurance; and Senator Atwater—

CS for SB 2696—A bill to be entitled An act relating to insurance; creating s. 255.0517, F.S.; defining terms; limiting the authority of certain public agencies to purchase owner-controlled insurance programs

for public construction projects; establishing purchase requirements; providing exemptions; creating s. 627.441, F.S.; defining terms; requiring insurers issuing commercial general liability policies to offer coverage for completed operations liability for certain contractors to the extent that coverage is not provided under an owner-controlled insurance program; providing an effective date.

By the Committee on Children and Families; and Senator Atwater—

CS for SB 2704—A bill to be entitled An act relating to a public records exemption for identifying information; amending s. 119.07, F.S.; providing that certain information which would reveal the identity of a child is exempt from the requirement that public records be open to inspection, examination, and duplication; providing for future repeal and legislative review under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing an effective date.

By the Committee on Comprehensive Planning; and Senator Constantine—

CS for SB 2766—A bill to be entitled An act relating to the Emergency Planning and Community Right-to-Know Act; amending s. 252.85, F.S.; updating a reference to substances listed in the Emergency Planning and Community Right-to-Know Act; providing an effective date.

By the Committee on Banking and Insurance; and Senator Argenzi—

CS for SB 2800—A bill to be entitled An act relating to insurance agents and agencies; amending s. 624.318, F.S.; authorizing the electronic reproduction of documents relating to the subject of an investigation; amending s. 624.501, F.S.; clarifying a license fee; amending s. 626.015, F.S.; defining the term "personal lines agent"; amending s. 626.016, F.S.; subjecting insurance agencies to regulation by the Chief Financial Officer; amending s. 626.022, F.S.; providing for application; amending s. 626.112, F.S.; delaying the effective date by which agencies must obtain a license; imposing a fine on any agency that fails to timely apply for licensure; deleting a contingent requirement for insurance agency licensure; amending s. 626.171, F.S.; specifying licensure application requirements for insurance entities other than insurance agencies; deleting a provision applying to insurance agencies; amending s. 626.172, F.S.; revising insurance agency licensure application requirements; amending s. 626.191, F.S.; clarifying repeated application provisions; amending s. 626.201, F.S.; clarifying a department-authorized interrogatories provision; amending s. 626.221, F.S.; deleting provisions that permit certain persons who previously qualified as managing general agents, service or customer representatives, or all-lines adjusters to be licensed as general lines agents without an examination; providing for certain adjusters to be relicensed without examination; amending s. 626.241, F.S.; limiting the scope of personal lines agent examinations; amending s. 626.2815, F.S.; revising continuing education requirements; amending s. 626.311, F.S.; limiting the types of business that may be transacted by personal lines agents; amending s. 626.342, F.S.; including insurance agencies under provisions prohibiting furnishing supplies to certain unlicensed agents and imposing civil liability under certain circumstances; amending s. 626.382, F.S.; requiring licensure renewal application forms to be adopted; amending s. 626.451, F.S.; clarifying the effect of appointment; amending s. 626.536, F.S.; including insurance agencies under an action-reporting requirement; amending s. 626.561, F.S.; including insurance agencies under provisions providing funds reporting and accounting requirements and imposing criminal penalties; amending s. 626.572, F.S.; including insurance agencies under provisions prohibiting rebating; amending s. 626.601, F.S.; including insurance agencies under provisions authorizing the department to inquire into improper conduct; creating s. 626.602, F.S.; authorizing the Department of Financial Services to disapprove the use of certain names under certain circumstances; amending s. 626.6115, F.S.; providing an additional ground for the department to take compulsory adverse insurance agency license actions; providing that grounds for adverse action against a licensed agency do not necessarily constitute grounds for adverse action against another licensed agency, even if there is common ownership;

amending s. 626.6215, F.S.; providing an additional ground for the department to take discretionary adverse insurance agency license actions; providing that grounds for adverse action against a licensed agency do not necessarily constitute grounds for adverse action against another licensed agency, even if there is common ownership; amending s. 626.641, F.S.; providing additional criteria for duration of license suspensions or revocations; amending s. 626.727, F.S.; providing that certain provisions apply to personal lines agents; amending s. 626.732, F.S.; revising certain education and experience requirements for personal lines agents; amending s. 626.7351, F.S.; providing an age requirement for customer representatives; amending ss. 626.292 and 626.321, F.S.; correcting cross-references; revising criteria for issuing an agent's license for limited classes of business relating to insurance sales incidental to the rental or lease of motor vehicles; providing additional license application requirements; providing that this act does not require the department to begin issuing certain licenses by the effective date of the act, under specified conditions; repealing s. 626.592, F.S., relating to primary agents; providing an effective date.

By the Committee on Agriculture; and Senator Argenziano—

CS for SB 2822—A bill to be entitled An act relating to private investigative, private security, and repossession services; amending s. 493.6106, F.S.; increasing the minimum age required for certain licensees; amending s. 493.6110, F.S.; revising agency insurance requirements and limiting such requirements to security agencies; amending s. 493.6113, F.S., relating to licensure renewal; conforming a provision requiring certification of insurance coverage; requiring certain licensees to complete specified continuing education that includes terrorism awareness; requiring the Department of Agriculture and Consumer Services to establish by rule criteria for the approval of continuing education courses and providers and the form for certificates of completion; amending s. 493.6118, F.S.; conforming a ground for disciplinary action relating to failure to maintain required insurance coverage, for which there are penalties; amending s. 493.6202, F.S.; providing examination fees for private investigators and private investigator interns; amending s. 493.6203, F.S.; requiring passage of an examination for licensure as a private investigator; providing exemption for certain licensees; requiring reexamination for relicensure under certain circumstances; requiring successful completion of certain coursework and passage of an examination for licensure as a private investigator intern; requiring the department to establish by rule the general content and the form for certificates of completion of such training and criteria for the examination; requiring reexamination for relicensure under certain circumstances; providing an effective date.

By the Committees on Appropriations; Education; and Senator Bulard—

CS for CS for SB 2882—A bill to be entitled An act relating to accountability of the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.39, F.S.; revising the definition of an eligible student; revising the eligibility requirements of the program to extend the term of the scholarship; prohibiting certain students from receiving a scholarship; revising the parental notification requirements; authorizing certain scholarship students to participate in a distance learning or correspondence course under certain circumstances; providing a definition of timely parental notification; providing requirements for district school boards with respect to completing and making changes to the matrix of services for scholarship students; requiring school districts to provide parental notification related to reassessments; revising requirements that a participating private school demonstrate fiscal soundness; requiring a surety bond; providing an exception; requiring annual registration of private schools; providing requirements for documentation and notice; providing additional requirements for participating private schools; requiring annual sworn and notarized compliance statements to be filed with the department; requiring specific documentation for participating scholarship students; requiring that the private school maintain a physical location in this state; requiring that information be made available to potential scholarship students and the department; requiring scholarship students to participate in assessments; requiring notification to parents regarding student skill levels; requiring notification to the department regarding changes in information; requiring notification to local health departments; requir-

ing certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks be borne by certain parties; prohibiting a private school from acting as an attorney in fact for the parent of a scholarship student or endorsing scholarship warrants on behalf of a parent; prohibiting participating private schools from sending or directing scholarship funds to parents of a scholarship student who receives instruction at home; prohibiting a participating school from being a correspondence or distance learning school; prohibiting a participating school from accepting students pending verification of information; authorizing a participating private school to request, and the department to grant, closed-enrollment status for a school; prohibiting the parent of a scholarship student from designating a participating private school as the parent's attorney in fact to sign a scholarship warrant; clarifying that the school district must report to the department the students who are attending a private school under the program; establishing additional obligations of the Department of Education; requiring the department to review, approve, and verify information and review background checks; requiring the department to determine the eligibility of a private school to participate in the program; requiring the department to publish an on-line list of current eligible private schools; requiring the department to deny or refuse to allow the participation of a private school for failing to meet certain requirements; requiring the department to issue a notice of noncompliance for minor violations; providing for an emergency order revoking the registration of a private school for failing to satisfy the requirements in the notice; requiring the Department of Education to immediately revoke the registration of a private school for certain other violations; requiring the department to revoke the scholarship for a participant for failing to comply with statutory requirements or for engaging in specified practices; requiring the department to conduct investigations of legally sufficient complaints of violations; authorizing the department to require supporting information or documentation; authorizing the Department of Education to change the matrix of services under certain circumstances; providing for audits by the Auditor General; providing requirements for the audits; requiring the State Board of Education to adopt rules; specifying the required rules; requiring the State Board of Education to initiate the adoption of rules by a time certain and report to the Legislature; providing exceptions for certain participating private schools subject to specific conditions; providing an effective date.

By the Committee on Health, Aging, and Long-Term Care; and Senator Peaden—

CS for SB 2910—A bill to be entitled An act relating to health care; creating the Florida Health Insurance Plan to provide health insurance for certain residents; providing for a board to supervise and control the plan; providing for a plan of operation to establish operating procedures; providing powers of the plan and of the board; providing for reports; providing liability of the plan; providing for audits; prescribing eligibility requirements; prohibiting unfair referrals to the plan; providing for a plan administrator and its term limits and duties; providing for funding the plan; prescribing benefits; providing annual and cumulative maximum benefits; providing for tax exemption; creating the Small Employers Access Program; prescribing eligibility requirements; providing for administration of the program; providing qualifications and duties of insurers; providing for reports; prescribing benefits; providing that a benefit plan approved by the Office of Insurance Regulation may be issued to small employers with up to 25 employees by specified persons; providing for an advisory council; creating a Statewide Electronic Medical Records Task Force and providing its powers and duties; amending s. 381.026, F.S.; requiring disclosure of certain financial information to patients by health care facilities or providers; amending s. 395.301, F.S.; requiring disclosure of certain financial information to patients of licensed hospitals and similar facilities; amending s. 408.909, F.S.; redefining the term "health flex plan entity"; revising guidelines for review of health flex plan applications; amending s. 627.410, F.S.; revising applicability of provisions relating to health insurance policy and annuity contract forms; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed availability of coverage; amending s. 636.003, F.S.; redefining the term "prepaid limited health service organization"; providing effective dates.

By the Committee on Agriculture; and Senators Alexander, Bullard, Dockery and Lynn—

CS for SB 2954—A bill to be entitled An act relating to migrant labor; amending s. 450.191, F.S.; authorizing the Executive Office of the Governor to advise and consult concerning improvements in the working conditions of migrant workers; authorizing the Executive Office of the Governor to provide coordination for farm labor registration, cooperate with the Department of Business and Professional Regulation on enforcing labor laws, and cooperate with the Agency for Workforce Innovation in recruiting migrant laborers; amending s. 450.201, F.S.; requiring the Legislative Commission on Migrant and Seasonal Labor to make appointments and hold its first meeting; amending s. 450.211, F.S.; revising the membership of the commission; amending s. 450.231, F.S.; specifying when the commission must report to the Legislature; amending s. 450.27, F.S.; renaming part III of ch. 450, F.S.; amending s. 450.271, F.S.; substituting the Department of Business and Professional Regulation for the Department of Labor and Employment Security as the entity authorized to administer the federal Migrant and Seasonal Agricultural Worker Protection Act; amending s. 450.28, F.S.; defining major and minor violations; amending s. 450.30, F.S.; requiring an applicant for renewal of a certificate of registration as a farm labor contractor to retake the competency examination when convicted of or penalized for committing a major violation within a specified time; depositing certain fees received from applicants for a certificate of registration into the Professional Regulation Trust Fund; amending s. 450.31, F.S.; increasing the application fee for a certificate of registration; revising payment requirements; requiring an applicant for a certificate of registration to designate an agent to receive service of process and documents; authorizing the department to revoke, suspend, or deny a certificate of registration under certain circumstances; providing that receipt of a certification of registration constitutes permission by the farm labor contractor for department personnel to inspect certain documents; creating s. 450.321, F.S.; authorizing the department to develop and implement a best practices incentive program for farm labor contractors; authorizing the department to enter a partnership agreement with a contractor regarding such designation; authorizing use of the designation to solicit business; authorizing revocation of designation and requiring cessation of use; prohibiting characterization of the designation as an endorsement by the department; exempting the department from civil liability; authorizing the department to establish an incentive program for contractors holding a valid designation; amending s. 450.33, F.S.; revising the powers of the department regarding revocation of a contractor's certificate of registration; adding maintenance of certain employee field records to the duties a contractor must perform; amending s. 450.34, F.S.; prohibiting a contractor from taking retaliatory action and from contracting with or employing certain persons who lack a valid certificate; amending s. 450.35, F.S.; prohibiting a person from contracting with or employing a farm labor contractor without a certificate of registration; providing penalties; amending s. 450.37, F.S.; authorizing the department to cooperate and enter into agreements with other state agencies; amending s. 450.38, F.S.; revising the penalties imposed for violations of part III of ch. 450, F.S.; clarifying applicability of penalties to a firm, association, or corporation; increasing the maximum civil penalty; authorizing civil penalties or the revocation of registration if a contractor commits one or more minor violations; creating s. 450.39, F.S.; prohibiting a farm labor contractor from requiring a farmworker to make certain purchases; prohibiting a contractor from charging a farmworker more than the reasonable cost for a commodity; amending s. 381.0087, F.S.; clarifying that a person who willfully refuses a citation commits a second-degree misdemeanor; requiring the Department of Health to notify the enforcing entity of suspected violations; amending s. 381.008, F.S.; defining the term "residential migrant housing" to include structures rented or reserved for occupancy by seasonal workers; excluding from that definition a single-family residence or mobile home that is occupied only by a single family; amending s. 381.0086, F.S.; requiring the Department of Health to include certain provisions relative to plan review of residential migrant housing in rules; prohibiting a structural variance for the purpose of filing an interstate clearance order with the Agency for Workforce Innovation; amending ss. 487.011, 487.012, 487.021, 487.025, 487.031, 487.041, 487.0435, 487.045, 487.046, 487.047, 487.049, 487.051, 487.0615, 487.071, 487.081, 487.091, 487.101, 487.111, 487.13, 487.156, 487.159, 487.161, 487.163, 487.171, 487.175, 403.088, 482.242, 500.03, and 570.44, F.S.; changing the term "chapter" to "part" to conform to changes made by the act; creating part II of ch. 487, F.S.; providing a short title; providing for administration by the Department of Agriculture and Consumer Services; declaring legislative intent; defining terms; requiring the depart-

ment to continue to operate under specified federal worker protection regulations; providing for application unless exempted by federal law; requiring an agricultural employer to make pesticide information available to an agricultural worker; authorizing requests by the worker, a designated representative, or medical personnel treating the worker; requiring the manufacturer of an agricultural pesticide to prepare a material safety data sheet; requiring provision of the data sheet to each direct purchaser; requiring the department to produce and make available a general agricultural pesticide safety sheet; prohibiting an agricultural employer from failing to provide required pesticide information or taking retaliatory action; providing penalties for an agricultural employer who violates part II of ch. 487, F.S.; allowing a worker who seeks relief for retaliatory action to file a complaint with the department; requiring that the department monitor complaints of retaliation and report findings to the President of the Senate and the Speaker of the House of Representatives; requesting the Division of Statutory Revision to designate parts I and II of ch. 487, F.S.; providing an effective date.

By the Committee on Comprehensive Planning; and Senator Bennett—

CS for SB 2956—A bill to be entitled An act relating to comprehensive planning by municipalities in highly populated urban counties; amending s. 163.3174, F.S.; conforming a cross-reference; amending s. 163.3171, F.S.; providing certain exceptions to limitations on a charter county's land use planning authority; granting exclusive planning authority to municipalities located in charter counties with a population of greater than 1.5 million and having less than 10 percent of the county-wide population within the unincorporated area; authorizing the delegation of planning authority; authorizing a charter county under certain circumstances to comment on proposed land use within the municipality or provide planning assistance; exempting certain comprehensive plan amendments from the limitation on the frequency of plan amendments; clarifying the effect of the act on certain development orders; clarifying the act does not affect the ability of a charter county to levy and enforce impact fees; prescribing level-of-service requirements for county facilities; providing exceptions; providing an effective date.

By the Committees on Appropriations; Education; and Senators Lynn and Bullard—

CS for CS for SB 2978—A bill to be entitled An act relating to the Corporate Tax Credit Scholarship Program; amending s. 220.187, F.S.; providing definitions; prohibiting certain private schools and other entities from participating in the scholarship program; prohibiting certain students from participating in the scholarship program; revising limitations on the allocation of annual credits granted under the program; providing limitations on eligible contributions; requiring the Auditor General to review certain audits, request certain information, and report to the Legislative Auditing Committee any findings of noncompliance; authorizing the Legislative Auditing Committee to conduct hearings and compel the Department of Education to revoke eligibility of certain nonprofit scholarship-funding organizations; providing for audit reports to be submitted to the Department of Education; requiring audits be conducted within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year; requiring a nonprofit scholarship-funding organization to make scholarship payments at least on a quarterly basis; prohibiting commingling of certain scholarship funds; requiring a nonprofit scholarship-funding organization to maintain a separate account for scholarship funds; requiring a nonprofit scholarship-funding organization to verify student attendance at a private school prior to submission of scholarship funds; requiring a nonprofit scholarship-funding organization to verify income eligibility of qualified students at least once a year in accordance with State Board of Education rules; requiring a nonprofit scholarship-funding organization to submit certain reports to the Department of Education; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring a nonprofit scholarship-funding organization comply with antidiscrimination provisions of 42 U.S.C. s. 2000d; prohibiting an owner or a nonprofit scholarship-funding organization from owning, operating, or administering an

eligible private school under the scholarship program; requiring a nonprofit scholarship-funding organization to report any private school not in compliance with scholarship program requirements to the Department of Education; prohibiting provision of scholarship funds to a student to attend a private school not in compliance; authorizing a parent to transfer the scholarship; requiring award of scholarships on a first-come, first-served basis; prohibiting a nonprofit scholarship-funding organization from targeting certain students for scholarships; prohibiting the award of scholarships to a child of an owner of a nonprofit scholarship-funding organization; prohibiting the transfer of an eligible contribution between nonprofit scholarship-funding organizations; prohibiting a nonprofit scholarship-funding organization from securing financing in anticipation of eligible contributions; prohibiting a nonprofit scholarship-funding organization from participating in the program if the organization fails to meet statutory obligations; requiring students to meet certain attendance policies; requiring parents to meet certain parental involvement requirements unless excused; prohibiting a parent from authorizing a power of attorney for endorsement of scholarship warrant; requiring a parent to ensure that a scholarship student participates in testing requirements; prohibiting a student or parent of a student from participating in the scholarship program if the student or parent fails to meet statutory obligations; revising provisions with respect to private schools; revising requirements that a participating private school demonstrate fiscal soundness; requiring a surety bond; providing an exception; requiring a private school to employ or contract with teachers who have regular and direct contact with students at the school's physical location; requiring the private schools to employ or contract with teachers who have at least a baccalaureate degree, 3 years of teaching experience at a public or private school, or other skills that qualify the teacher to provide appropriate instruction; requiring a private school to report to the Department of Education the qualifications of teachers; requiring a private school to annually register with the Department of Education and provide certain information concerning the private school organization, student list, and notice of intent to participate in the scholarship program; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring a private school to administer or to make provision for administering certain tests to scholarship students; requiring reporting of scores to the student's parent and to the independent private research organization selected by the Department of Education; requiring a private school to file an affidavit; requiring a private school to notify the Department of Education in writing within 7 days if a student is ineligible to participate in the scholarship program; requiring a private school to report to the Department of Education and distribute to scholarship applicants information concerning accreditation and years in existence; requiring the Department of Education to make certain information concerning private school accreditation available to the public; prohibiting a private school from participating in the scholarship program if the private school fails to meet its statutory obligations; requiring the Department of Education to determine the eligibility of certain nonprofit scholarship-funding organizations within 90 days after application; requiring a written notice with specific reasons for approval or denial; requiring the Department of Education to annually determine the eligibility of nonprofit scholarship-funding organizations and private schools; requiring the Department of Education to make accessible to the public a list of eligible private schools; requiring the Department of Education to annually verify the eligibility of students; requiring the Department of Education to maintain a student database of program participants and to update the database at least quarterly; requiring the Department of Education to notify a nonprofit scholarship-funding organization of any ineligible student; requiring the Department of Education to annually account for and verify the eligibility of program expenditures; requiring the Department of Education to review audits; requiring the Department of Education to select an independent private research organization for reporting of student scores; providing limitations on reporting; requiring the Department of Education to revoke the eligibility of program participants for failure to comply with statutory obligations; requiring the Department of Education to annually report on accountability activities; requiring the State Board of Education to adopt rules regarding identification of documentation to establish eligibility of nonprofit scholarship-funding organizations, requiring an affidavit, and identification of independent income verification for determining the eligibility of students; authorizing the State Board of Education to delegate its authority to the Commis-

sioner of Education with the exception of rulemaking authority; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 282, SB 1532, SB 1534, SB 1536 and SB 1538 which he approved on March 29, 2004.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

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

<i>Office and Appointment</i>		<i>For Term Ending</i>
Board of Trustees for the Florida School for the Deaf and the Blind	Appointee: Parrish, Herschel H., Jr., Winter Garden	11/07/2007
[Referred to the Committee on Ethics and Elections.]		
Secretary of Community Affairs	Appointee: Cohen, Thaddeus L., Delray Beach	Pleasure of Governor
[Referred to the Committees on Comprehensive Planning; and Ethics and Elections.]		
Board of Trustees, Florida International University	Appointee: Parker, David R., New York	01/06/2005
[Referred to the Committees on Education; and Ethics and Elections.]		
Secretary of Health Care Administration	Appointee: Moore, Mary Pat, Tallahassee	Pleasure of Governor
[Referred to the Committees on Health, Aging, and Long-Term Care; and Ethics and Elections.]		
Governing Board of the Northwest Florida Water Management District	Appointee: Gaskin, Sharon T., Wewahatchka	03/01/2008
Governing Board of the St. Johns River Water Management District	Appointees: Kerr, William W., Melbourne Beach Ottensroer, Duane L., Jacksonville	03/01/2008 03/01/2008
Governing Board of the South Florida Water Management District	Appointees: Gutierrez, Nicolas J., Jr., Coral Gables Thornton, Harkley R., Orlando	03/01/2008 03/01/2008
Governing Board of the Suwannee River Water Management District	Appointees: Andrews, Kelby E., Chiefland Tatum, Sylvia J., Lawtey	03/01/2008 03/01/2008
[Referred to the Committees on Natural Resources; and Ethics and Elections.]		

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed HB 347, HB 403, HB 489, HB 537, HB 595, HB 825, HB 919,

HB 925, HB 941, HB 963, HB 1021, HB 1227, HB 1277, HB 1335, HB 1569; has passed as amended HB 9, HB 29, HB 125, HB 295, HB 413, HB 465, HB 511, HB 627, HB 631, HB 869, HB 927, HB 989, HB 1009, HB 1085, HB 1183, HB 1357, HB 1433, HB 1803; has passed by the required Constitutional two-thirds vote of the membership HB 1149 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Bean—

HB 347—A bill to be entitled An act relating to the Florida Inland Navigation District; amending s. 374.982, F.S.; including Nassau County within the jurisdiction of the district; amending s. 374.983, F.S.; increasing the membership of the board of commissioners of the district, to conform; providing for the appointment of a commissioner from Nassau County; providing for the initial and subsequent terms of office; amending s. 374.984, F.S.; revising an obsolete reference to Dade County; providing for a referendum with respect to the authority of the district to levy an ad valorem tax within Nassau County; providing effective dates.

—was referred to the Committees on Natural Resources; Governmental Oversight and Productivity; and Finance and Taxation.

By Representative Reagan—

HB 403—A bill to be entitled An act relating to the Southern Manatee Fire and Rescue District, Manatee County; amending chapter 2000-402, Laws of Florida; conforming the district's charter to ch. 191, F.S., relating to impact fees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sullivan—

HB 489—A bill to be entitled An act relating to the Pinellas County Construction Licensing Board; amending s. 11, chapter 75-489, Laws of Florida, as amended; providing that certain definitions in general law which relate to contracting also apply to the board; providing that specified definitions in chapter 75-489, Laws of Florida, as amended, shall remain as rules of the board, subject to amendment by it; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Adams and others—

HB 537—A bill to be entitled An act relating to traffic control signals; amending s. 316.003, F.S.; defining “traffic signal preemption transmitter”; amending s. 316.0775, F.S.; prohibiting use or possession of such transmitter; providing for exceptions; providing penalties; providing for application as a criminal violation; providing an effective date.

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

By Representative Poppell and others—

HB 595—A bill to be entitled An act relating to consumer services; amending s. 493.6101, F.S.; expanding the definition of the term “repossession” for purposes of the regulation of repossession services; amending s. 493.6102, F.S.; revising the applicability of ch. 493, F.S., governing private investigative, private security, and repossession services; amending s. 493.6110, F.S.; revising insurance requirements for licensure under chapter 493, F.S., and providing insurance requirements

with respect to Class “B” security agencies; amending s. 493.6118, F.S.; revising the grounds for discipline of persons or entities that are licensed as, or applicants for licensure as, a recovery agency, recovery agent, and recovery agent intern under such chapter; providing an effective date.

—was referred to the Committees on Commerce, Economic Opportunities, and Consumer Services; Agriculture; and Judiciary.

By Representative Ross and others—

HB 825—A bill to be entitled An act relating to the City of Lakeland, Polk County; amending the amended Charter of the City of Lakeland, 1976; revising limitations on length of service of the Mayor and City Commissioners; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Benson and others—

HB 919—A bill to be entitled An act relating to Escambia County; amending chapter 83-405, Laws of Florida, as amended, relating to the Escambia County Civil Service System; providing for repeal of chapter 83-405, Laws of Florida; providing for the discretionary withdrawal of the Board of County Commissioners from the Civil Service System in the event that said law is not repealed; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative M. Davis and others—

HB 925—A bill to be entitled An act relating to Collier County; repealing chapter 18458 (1937), Laws of Florida, relating to the prohibition of cattle, horses, or mules from running or roaming at large within certain described boundaries within Collier County, Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Prieguez—

HB 941—A bill to be entitled An act relating to pari-mutuel wagering; requiring dogracing permitholders to provide a greyhound-adoption booth at each dogracing facility in the state; requiring that the booth be operated by certain qualified persons on weekends; requiring that information concerning the adoption of a greyhound be made available to the public at the facility; requiring the permitholder to provide adoption information in racing programs and to identify greyhounds that will become available for adoption; authorizing the permitholder to hold an additional charity day that is designated as “Greyhound Adopt-A-Pet Day”; requiring that profits derived from the charity day be used to fund activities promoting the adoption of greyhounds; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing penalties; amending s. 550.1647, F.S., relating to unclaimed tickets and breaks with respect to greyhound racing; defining the term “bona fide organization that promotes or encourages the adoption of greyhounds”; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Representative Murman and others—

HB 963—A bill to be entitled An act relating to the Hillsborough County School District; repealing chapter 8705 (1921), Laws of Florida, relating to issuing and selling interest-bearing time warrants; repealing chapter 9464 (1923), Laws of Florida, relating to the procurement of a loan for \$200,000; repealing chapter 12847 (1927), Laws of Florida, relating to borrowing money for use by public free schools of any special tax school district; repealing chapter 12860 (1927), Laws of Florida, relating to exercising the right of eminent domain to acquire certain property; repealing chapter 12862 (1927), Laws of Florida, conferring additional powers to borrow money and sell interest-bearing time warrants; repealing chapter 24570 (1947), Laws of Florida, consolidating all school districts into one; repealing chapter 24575 (1947), Laws of Florida, transferring property from the board of county commissioners to the board of public instruction; repealing chapter 24576 (1947), Laws of Florida, authorizing the board of county commissioners to acquire land from the board of public instruction; repealing chapter 24582 (1947), Laws of Florida, relating to the selection of school trustees for each public school; repealing chapter 27606 (1951), Laws of Florida, conveying certain land between the board of county commissioners and the board of public instruction; repealing chapter 27611 (1951), Laws of Florida, disbursing capital outlay to the credit of the Gillette Special Tax School District; repealing chapter 30832 (1955), Laws of Florida, creating school crossing zones in unincorporated Hillsborough County; repealing chapter 59-1351, Laws of Florida, relating to the leasing of certain lands for recreational, park, or similar purposes; repealing chapter 59-1366, Laws of Florida, validating the conveyance of certain lands from the trustees of Special Tax School District No. 1 to the board of public instruction; repealing chapter 63-1405, Laws of Florida, relating to the conveyance of certain lands between the board of public instruction and municipalities in Hillsborough County; repealing chapter 67-1501, Laws of Florida, providing for an internal auditing department and internal auditor; repealing chapter 71-495, Laws of Florida, allowing the district school board to expend moneys for per diem and travel expenses; repealing chapter 71-676, Laws of Florida, providing for the payment of terminal pay to noninstructional personnel upon death or retirement; repealing chapter 71-687, Laws of Florida, permitting entering into agreements for group insurance for the benefit of retired employees; repealing chapter 73-489, Laws of Florida, relating to group insurance for retired employees; repealing chapter 80-505, Laws of Florida, relating to the employment of an internal auditor; providing a savings clause; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Murman and others—

HB 1021—A bill to be entitled An act relating to Hillsborough County; designating the S.S. American Victory as the official flagship of Hillsborough County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Goodlette—

HB 1227—A bill to be entitled An act relating to Collier County; amending chapter 2003-360, Laws of Florida; providing for determination of reasonable charges due a charitable hospital located in Collier County under a contract or agreement entered into between such hospital and a nongovernmental third-party payor; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative D. Davis—

HB 1277—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending Article 17 of chapter 92-341, Laws of Florida, as amended, being the Charter of the City of Jacksonville; revising the membership of the Civil Service Board; revising restrictions to membership; revising criteria in determining a vacancy; providing for transition to the amended method of appointment and terms of members; revising provisions relating to ex parte communications; revising the two-term limit requirement to conform to the appointed status of board members; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Galvano—

HB 1335—A bill to be entitled An act relating to emergency lights on vehicles; amending s. 316.2397, F.S.; requiring wreckers to display amber rotating or flashing lights in certain situations; amending s. 316.126, F.S.; requiring drivers who are approaching a wrecker performing a recovery or loading on the roadside to take certain precautions; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; and Comprehensive Planning.

By Representative Goodlette and others—

HB 1569—A bill to be entitled An act relating to arbitrator compensation; amending s. 44.103, F.S.; deleting an arbitrator compensation limitation under court-ordered, nonbinding arbitration; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Needelman and others—

HB 9—A bill to be entitled An act relating to road and bridge designations; designating Howard E. Futch Memorial Highway in Brevard and Osceola Counties; designating Ed Fraser Memorial Highway in Baker County; designating Trooper Charles W. Parks Memorial Highway in Nassau County; designating Deputy Renee Danell Azure Memorial Highway in Union County; designating Andrew J. Aviles Trail in Hillsborough County; designating Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway in Lake County; designating the St. Johns River Veterans Memorial Bridge in Volusia and Seminole Counties; designating the Florida Veterans Memorial Bridge in Sumter County; designating Deputy Charles “Chuck” Sease Memorial Interchange in Flagler County; designating Larry E. Smedley Medal of Honor Highway in Orange County; designating Jerome A. Williams Memorial Highway in Putnam County; designating the James H. Pruitt Memorial Bridge in Brevard and Indian River Counties; designating the Arthor L. Andrews Bridge in Wakulla County; designating Roberto Guevara Memorial Boulevard in Osceola County; designating Veterans Memorial Interchange in Orange County; designating William C. Cramer Interstate Highway in Pinellas County; designating President Ronald Reagan Parkway in Hillsborough County; designating Roberto Guevara Memorial Boulevard in Osceola County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Brutus and others—

HB 29—A bill to be entitled An act relating to road and bridge designations; designating Jean-Jacques Dessalines Boulevard, Frederick Douglass Boulevard, Alexandre Petion Boulevard, George Gill Boulevard, James Weldon Johnson Boulevard, Judge Wilkie D. Ferguson, Jr., Boulevard, T. Stewart Greer Avenue, Sidney Alterman Way, and Senator William H. Turner Boulevard in Miami-Dade County; designating

the L.E. Buie Bridge in Palm Beach County; designating Roberto Guevara Memorial Boulevard in Osceola County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Carroll and others—

HB 125—A bill to be entitled An act relating to accessories to a crime; providing a popular name; amending s. 777.03, F.S.; limiting the provision that exempts certain members of an offender's family from being charged with the offense of acting as an accessory after the fact to circumstances involving third degree felony offenses; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal Justice; and Appropriations.

By Representative Patterson and others—

HB 295—A bill to be entitled An act relating to fleeing or attempting to elude a law enforcement officer; amending s. 316.1935, F.S.; providing an additional classification for the offense of fleeing or attempting to elude a law enforcement officer; providing an additional classification for the offense of aggravated fleeing or eluding; providing and revising elements of the offenses; providing and revising criminal penalties for the offenses of fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding with serious bodily injury or death; providing for a minimum period of incarceration in certain circumstances involving serious bodily injury or death; providing an affirmative defense to fleeing or attempting to elude a law enforcement officer under certain circumstances; prohibiting courts from suspending, deferring, or withholding adjudication of guilt or imposition of sentence in certain circumstances; providing for seizure and forfeiture of certain motor vehicles as contraband in certain circumstances; amending s. 921.0022, F.S.; ranking and revising fleeing or attempting to elude a law enforcement officer offense classifications on the offense severity ranking chart of the Criminal Punishment Code; ranking the offense of aggravated fleeing or eluding with serious bodily injury or death on the offense severity ranking chart of the Criminal Punishment Code; reenacting ss. 318.17(1) and 322.61(1)(d), F.S.; incorporating the amendment to s. 316.1935, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Criminal Justice; and Appropriations.

By Representative Galvano—

HB 413—A bill to be entitled An act relating to the Parrish Fire District, Manatee County; codifying the district's charter; providing boundaries; providing for a board of fire commissioners; providing for elections; providing for filling of vacancies; providing authority to levy non-ad valorem assessments; providing for liens; providing for public hearings; providing for deposit of funds; providing for use of funds; providing borrowing power of the district; providing authority and power to acquire certain property; providing duties of the board of fire commissioners; providing authority to employ qualified personnel; providing for financial reporting; providing for existence of the district; providing definitions; providing for impact fees; providing a schedule of non-ad valorem assessments; providing severability; providing for liberal construction; amending chapter 93-352, Laws of Florida; removing a reference to the district; repealing chapters 82-325, 85-451, 89-515, 90-458, 91-409, 94-373, 95-501, and 02-335, Laws of Florida, relating to the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bowen and others—

HB 465—A bill to be entitled An act relating to Haines City Water Control District, Polk County; codifying the district's charter pursuant to section 189.429, Florida Statutes; providing legislative intent; amending, codifying, repealing, and reenacting all special acts relating to Haines City Water Control District as a single act; repealing chapters 13649 (1929) 14517 (1929), Laws of Florida, relating to the Haines City Water Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Carroll and others—

HB 511—A bill to be entitled An act relating to neighborhood crime watch programs; authorizing a county sheriff or municipal police department to establish neighborhood crime watch programs; providing for residents and business owners located within the county or municipality to participate in the program; prohibiting the harassment of a participant of a neighborhood crime watch program; providing criminal penalties; providing definitions; providing an effective date.

—was referred to the Committees on Comprehensive Planning; and Criminal Justice.

By Representative Kyle—

HB 627—A bill to be entitled An act relating to Lee County; amending the Lee County Home Rule Charter to provide for the election of commissioners from single districts; providing for the creation of districts; providing an exception; providing for a referendum; providing a ballot statement; providing for the staggering of commissioner terms; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Harrell—

HB 631—A bill to be entitled An act relating to the St. Lucie County Fire District; providing for codification of special laws relating to the St. Lucie County Fire District; providing legislative intent; amending, codifying, and reenacting all prior special acts; providing for incorporation as a special fire control district; providing district boundaries; providing for a governing board; providing for district books and audits; providing for district depositories and use of funds; providing for gifts, purchases, and loans; providing for records and adoption of rules; providing for annual reports; providing for rights under civil service and retirement laws; providing for millage and taxes; providing for non-ad valorem assessments and impact fees; providing for payment of expenses; providing for a fire chief; providing for a clerk-treasurer; providing for insurance for employees and retirees; providing for limitations to actions arising out of tort or negligence; providing for removal of fire hazards and enforcement of liens; providing for miscellaneous provisions; repealing chapters 96-532 and 97-356, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Gelber and others—

HB 869—A bill to be entitled An act relating to adjudication of guilt; creating s. 775.08435, F.S.; prohibiting the withholding of adjudication of guilt upon defendants in felony cases in certain circumstances; providing exceptions; providing for appellate review in certain circumstances; amending s. 924.07, F.S.; providing for the state's right to appeal the withholding of adjudication in certain circumstances; repealing Rule

3.670, Florida Rules of Criminal Procedure, relating to rendition of judgment, to the extent of inconsistency with the act; providing for applicability; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal Justice; and Appropriations.

By Representative M. Davis and others—

HB 927—A bill to be entitled An act relating to Collier Mosquito Control District, Collier County; amending chapter 2001-298, Laws of Florida; authorizing board members to receive benefits; conforming district boundaries to current boundaries; adding new boundaries; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Spratt—

HB 989—A bill to be entitled An act relating to environmental protection; amending s. 403.813, F.S.; providing for applicability of a road and bridge project permit exemption to the Suwannee River Water Management District; requiring the Department of Environmental Protection to adopt a general permit that shall be applicable to qualified projects reviewed by the department or applicable water management district; providing for the repeal of this paragraph upon adoption of the general permit; deleting an obsolete provision relating to a report; providing an effective date.

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

By Representative Hasner and others—

HB 1009—A bill to be entitled An act relating to prohibited landlord practices; amending s. 83.67, F.S.; prohibiting landlords from prohibiting tenants from displaying certain United States flags regardless of certain rental agreement provisions; relieving landlords of liability for any damages caused by displaying flags; prohibiting tenants from displaying flags in a manner that infringes upon other tenants' property; providing an effective date.

—was referred to the Committees on Judiciary; and Comprehensive Planning.

By Representative Mahon—

HB 1085—A bill to be entitled An act relating to trespass; amending s. 810.011, F.S.; providing that property that is owned or leased by a railroad or railway company does not have to satisfy the definition of "posted land" in order to obtain the benefits of ss. 810.09 and 810.12, F.S., in certain circumstances; reenacting s. 810.09(1)(a), F.S., relating to trespass on property other than structure or conveyance, for the purpose of incorporating the amendment to s. 810.011, F.S., in a reference thereto; providing an effective date.

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

By Representative Green and others—

HB 1183—A bill to be entitled An act relating to unemployment compensation for spouses of members of the military; amending s. 443.101, F.S.; providing eligibility for unemployment compensation benefits for the spouses of a member of the military under certain circumstances beginning on a date certain; providing an effective date.

—was referred to the Committees on Military and Veterans' Affairs, Base Protection, and Spaceports; Banking and Insurance; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Representative Simmons and others—

HB 1357—A bill to be entitled An act relating to attorney practices; amending s. 877.02, F.S.; prohibiting the solicitation of legal business for a profit; providing criminal penalties; prohibiting attorneys from advertising services for business for a profit unless permitted by law; providing a definition for the term "solicit"; prohibiting attorneys from initiating contact for the purpose of soliciting legal business for a profit; providing civil penalties; providing for equitable relief; providing construction; providing an effective date.

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

By Representative Domino—

HB 1433—A bill to be entitled An act relating to warranty associations; creating s. 634.1815, F.S.; providing conditions under which a salesperson of a motor vehicle service agreement company may rebate his or her commission; creating s. 634.3205, F.S.; providing conditions under which a sales representative of a home warranty association may rebate his or her commission; amending s. 634.406, F.S.; providing conditions under which a service warranty association is exempt from certain premium reserve and liability insurance requirements and may allow premiums to exceed certain limits; creating s. 634.4225, F.S.; providing conditions under which a sales representative of a service warranty association may rebate his or her commission; providing an effective date.

—was referred to the Committees on Commerce, Economic Opportunities, and Consumer Services; and Regulated Industries.

By the Committee on Health Care; and Representative Green and others—

HB 1803—A bill to be entitled An act relating to the Women's Health Strategy; amending s. 20.43, F.S.; establishing the Officer of Women's Health Strategy in the Department of Health; creating s. 381.04015, F.S.; providing legislative intent; providing the duties of the Officer of Women's Health Strategy; requiring an annual report to the Governor and Legislature with policy recommendations for implementing the Women's Health Strategy; requiring consideration of women's health issues and gender in state policy, planning, and budgeting; providing for responsibility and coordination; providing an appropriation; providing an effective date.

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

By Representative Green and others—

HB 1149—A bill to be entitled An act relating to criminal prosecutions; creating s. 918.19, F.S.; prescribing rights of the prosecution in closing arguments; repealing Rule 3.250, Florida Rules of Criminal Procedure, relating to the accused as a witness and being entitled to concluding arguments before the jury, to the extent of inconsistency with the act; providing an effective date.

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

RETURNING MESSAGES—FINAL ACTION

The Honorable James E. “Jim” King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 118, CS for SB 1096 and CS for SB 1364.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

ENROLLING REPORTS

CS for CS for SB 192 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 30, 2004.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 25 was corrected and approved.

CO-SPONSORS

Senators Bennett—SB 1102, SB 2674; Bullard—SB 300, SB 1102, CS for SB 1300, SB 2954; Campbell—SB 1102, SB 1684; Cowin—CS for SB 2262, SB 2804; Dawson—SB 1102; Fasano—CS for SB 546, SB 2600; Klein—CS for SB 1178; Lawson—SB 1914; Lynn—CS for SB 236, CS for

SB 448, SB 634, CS for CS for CS for SB 672, CS for SB 682, CS for SB 1212, CS for CS for SB 1232, CS for CS for SB 1294, CS for SB 1398, CS for SB 1650, CS for CS for SB 1770, SB 1938, SM 2084, CS for SB 2280, CS for SJR 2396, SB 2576, SB 2934, CS for SB 2978; Margolis—SB 1102; Smith—SB 1962; Webster—SB 2176 and Wilson—SB 1360

RECESS

On motion by Senator Lee, the Senate recessed at 1:10 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:30 a.m., Thursday, April 1 or upon call of the President.

SENATE PAGES

March 29-April 2, 2004

Dana Bassett, North Miami; Angie Bean, Tallahassee; Allison “Paige” Blankenship, Ocala; Katie Capece, Tallahassee; Jennifer Castaneda, Hialeah; Danika Daly, Miami; Jordan Danielle, Melbourne; Mirna Garcia, Hialeah; Erin Hawkins, Orlando; Erin Johnson, Tallahassee; Mark Kalivoda, Gainesville; Zachary “Zach” Martindale, Nokomis; Jenna Masaracchio, Aventura; Lisa Moreland, Osprey; Roman “Rusty” Nawrocki, St. Augustine; Gregory D. Owens, Miami; Lindsay “Page” Painter, Tampa; Nicholas “Nick” Pastor, Palmetto; Brian Prokes, Winter Park; Christopher J. Sebesta, Merritt Island; Angelika Siplin, Miami