



# Journal of the Senate

Number 13—Regular Session

Thursday, April 7, 2005

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## CALL TO ORDER

The Senate was called to order by President Lee at 10:20 a.m. A quorum present—39:

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

Excused: Senator Haridopolos until 11:32 a.m.

## PRAYER

The following prayer was offered by the Rev. Robert W. Jakoby, Corporate Director, Pastoral Care Services, Baptist Health South Florida Hospital, Miami:

Almighty God, maker of heaven and earth, and all living creatures: We bow before you in humble adoration, not just for the many blessings you give, but for who you are. Thank you for your love, your grace, and your mercy; for being a God who knows us intimately, our strengths, our weaknesses, our accomplishments, and our failures, and loves us anyway.

Most Holy God, we come before you confessing that you are God, and we are not. Therefore, we ask for your wisdom and guidance in all areas of our lives. In our humanness, when we sometimes go our own way doing our own thing, remind us that you love us too much to leave us there. Thank you for holding us accountable for our actions, because in doing so we realize our need of you. Help us see people, all people, through your eyes with the same love and forgiveness you give to us.

Giving God, grant to the Senators your divine insight and wisdom, as they face the many challenges and tasks ahead. Encourage, strengthen, and support each one in doing the right thing. May their minds and hearts be open to you, so they may know your blessings and peace, even in the difficult decisions they will face, as they serve the people of this great State of Florida.

In your Holy Name, I pray. Amen.

## PLEDGE

Senate Pages Ashley Hellums of Gulf Breeze; KeJuan Nedd of Tampa; Megan Fox of Crawfordville; and Megan Shelley of Dover, led the Senate in the pledge of allegiance to the flag of the United States of America.

## ADOPTION OF RESOLUTIONS

On motion by Senator Fasano—

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

**SR 2736**—A resolution honoring the life and example of Pope John Paul II.

WHEREAS, born of a military father in Wadvice, Poland, on May 18, 1920, and orphaned by age 20, Karol Josef Wojtyla was ordained a Catholic priest at the age of 26 after having served as a professor of moral theology, social ethics, and philosophy, reflecting ideals evidenced in his life not only by his elevation to the office of Bishop of Cracow and Cardinal but also by his active resistance from a young age to Nazi occupation, and

WHEREAS, Karol Josef Wojtyla, along with some friends, was stopped by the Gestapo during the 1940's Nazi occupation of Poland and he alone being in possession of a work visa was released, while his friends were arrested, deported to Auschwitz, and killed, an event that motivated him to join an underground seminary and dedicate his life to God, and

WHEREAS, on October 16, 1978, Karol Josef Wojtyla, having been elected as Supreme Pontiff by the Sacred College of Cardinals, chose to be called by the name "John Paul II," and

WHEREAS, Pope John Paul's pilgrimage to his native Poland in 1979 sparked a revolution against Soviet style totalitarianism, empowered by conscience and morality, beginning with the Solidarity Labor movement and resulting in similar civil uprisings in Eastern Europe; this "soft power" revolution, speaking truth to the corruption of totalitarianism, combined with President Ronald Reagan's efforts to secure peace through strength, forged a partnership for human freedom culminating in the fall of the Berlin Wall in 1989 and the collapse of Soviet Communism in 1991; and early in this revolution, in 1981, Pope John Paul survived an assassination attempt perpetrated by fear of his persuasive moral leadership, and

WHEREAS, Pope John Paul II, evangelist and pilgrim of peace, the most traveled pope in history, declared evangelism the essential mission of the church; globalized the Roman Catholic Church and its message by visiting nearly 130 countries and territories during his papacy, traveling over 700,000 miles, the equivalent of 28 circumnavigations of the globe, including seven trips to the United States, but with particular emphasis on the developing nations in Africa, Latin America, and Asia; addressed over 17 million people directly in his general audiences, from the slum dwellers of Rio de Janeiro to AIDS sufferers in Uganda and the United States; and whether he was in Muslim Morocco, Buddhist Japan, or Catholic Spain, he advanced the message that the Gospel is not out of place in any country, and

WHEREAS, Pope John Paul II, for Roman Catholics the successor to St. Peter, Christian theologian, poet, and Second Vatican Council participant, authored 5 books, 14 papal encyclicals, 15 apostolic exhortations, 11 apostolic constitutions, and 45 apostolic letters instructing mankind on issues ranging from capitalism to ecumenism, abortion to euthanasia, private property rights to morality, and, most significantly, the triumph of life over death, and through these writings exhorted mankind to “be not afraid” to live Christ-like lives, and

WHEREAS, Pope John Paul II, ecumenical leader and religious unifier, emphasized that which is common among world religions over that which is disputed; was the first Bishop of Rome to pray with Roman Jews in their synagogue since St. Peter and the first Pope to visit the Western Wall in Jerusalem; called anti-Semitism a sin against God and was known to have cried at Yad Vashem, the Holocaust memorial; was the first Pope since the Reformation to visit the Canterbury Cathedral and with the Reverend Billy Graham held the great ecumenical rally of 1987, bringing together evangelicals, Protestants, Orthodox, and Anglicans to give common witness to the Gospel; was the first Pope to visit a mosque and quote the Qur’an and encouraged Christians to fast with Muslims during Ramadan after the horror of September 11, 2001; coordinated interfaith condemnations of terrorism; and constantly advanced the understanding of the Church as a means of communion with all people of God, and

WHEREAS, Pope John Paul II, instrumental in the defeat of Nazism and Communism, two of the most pernicious and godless evils of modern time, was adviser and spiritual example to world leaders, holding over 730 audiences with heads of state and almost 250 audiences with prime ministers, and was a strong force in ending the nuclear arms race, and

WHEREAS, Pope John Paul II, Vicar of Christ, mystic, and pastor to over 1.1 billion Roman Catholics and a powerful exemplar of a consecrated life to people of all faiths worldwide, was known as the pope of the people, or “don de gente,” for his love of all life, especially children and the suffering, and for his example of strict morality and gentle mercy; who, as an assassination attempt survivor, within three days publicly forgave and ministered to his would-be assassin, promoting hope and mercy for the condemned; and who, through his daily example, epitomized a life guided by I Corinthians 11:1, “Imitate me as I imitate Christ,” NOW, THEREFORE,

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

That Pope John Paul II be remembered for his exemplary life of daily courage as a common man who adored his God, who through and for Him dedicated his life and soul to the love, compassion, mercy, and service of others, and who in so doing changed the world forever.

BE IT FURTHER RESOLVED that the Senate, on behalf of all Floridians, does commend his noble soul to the merciful love of God our Heavenly Father and invoke upon all who mourn his passing the divine blessings of consolation, strength, and peace and further commend to all Floridians the encouragement of “truth and faith” uttered as the last word by Pope John Paul II, “Amen.”

—was introduced out of order and read by title. On motion by Senator Fasano, **SR 2736** was read the second time in full and adopted.

At the request of Senator Miller—

By Senator Miller—

**SR 142**—A resolution congratulating the Tampa Police Department on its reaccreditation by the Commission on Accreditation for Law Enforcement Agencies for the sixth consecutive time, and commending the department for having taken extraordinary steps in delivering quality law enforcement service to the community.

WHEREAS, the Tampa Police Department has a long history of valiant and dedicated service to the Tampa community, dating back to its inception in 1887, and

WHEREAS, the Commission on Accreditation for Law Enforcement Agencies (CALEA) reaccredited the Tampa Police Department on July 31, 2004, for yet another 3-year term, and

WHEREAS, the Tampa Police Department is one of only two agencies in the United States to have been reaccredited by CALEA six consecutive times, and is the only agency of its size to have done so, and

WHEREAS, to achieve accredited status, an agency must comply with all 439 CALEA performance standards during a rigorous on-site assessment that involves a public information hearing, standards documentation reviews, ride-alongs, and interviews with sworn officers and civilian personnel, and

WHEREAS, in complying with the CALEA performance standards, the Tampa Police Department has shown that its members and staff vigorously embrace the intent of the Legislature set forth in section 943.125, Florida Statutes, and

WHEREAS, the intent of the Legislature in section 943.125, Florida Statutes, is that law enforcement agencies should adopt high and meaningful standards for their officers and personnel in order to provide equal and fair enforcement of the law, maximize crime prevention and control capabilities, and increase interagency cooperation throughout the state, and

WHEREAS, the Tampa Police Department has more than 1,350 sworn and civilian personnel who work together to make meeting these high standards possible, NOW, THEREFORE,

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

That the Senate congratulates the Tampa Police Department for being reaccredited for the sixth consecutive time by the Commission on Accreditation for Law Enforcement Agencies and commends the department’s officers and staff for providing outstanding law enforcement service on a daily basis to more than 300,000 residents of the Tampa community.

—**SR 142** was introduced, read and adopted by publication.

At the request of Senator Miller—

By Senator Miller—

**SR 1518**—A resolution recognizing the 2004-2005 Jefferson High School Varsity Football Team as the Florida High School Football Class 3A State runner-up, and honoring the Dragons for their success throughout the year.

WHEREAS, the 2004-2005 Jefferson High School Football Team won the district championship, regional championship, and southern regional championship, and

WHEREAS, with a lot of heart, hard work, and dedication the Jefferson Dragons 11-4 record in 2004-2005 earned them a place in the Florida High School Football Class 3A State Championship, and

WHEREAS, the Dragons’ opening drive of the Championship game was a dazzling 68-yard touchdown drive in five plays, completed in under 2:12 minutes, illustrating the strength and skill of the team, and

WHEREAS, Mike Simmonds, head coach for Jefferson, has led the Dragons to six 10 plus winning seasons since he took over the program in 1998, leading his team all the way to the State Championship in 2002 and 2004, and

WHEREAS, the football program at Jefferson High School provides support for the student athletes in the classroom and on the field year-round, helping each student achieve scholastic and athletic success, and

WHEREAS, the graduating seniors on the Jefferson Dragons football team have earned the respect of their coaches, teammates, and classmates with their love for the game and passion to win, NOW, THEREFORE,

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

That the Senate honors the 2004-2005 Jefferson High School Football Team for their hard-earned winning record and for being the Florida High School Football Class 3A State Championship runner-up.

—**SR 1518** was introduced, read and adopted by publication.

At the request of Senator Sebesta—

By Senator Sebesta—

**SR 1546**—A resolution recognizing April 12, 2005, as Aviation Day in Florida.

WHEREAS, the aviation industry is one of the cornerstones of Florida's economy, with 19 commercial service airports and 111 general aviation airports that are open to the public and more than 550 private airports, and

WHEREAS, Florida's airports provide nearly \$90 billion annually in economic activity, and its aviation industry supports more than one million jobs that generate over \$26 billion in annual payroll, and

WHEREAS, Florida has the largest flight training industry in the world, and

WHEREAS, Florida's commercial service airports provide nonstop scheduled service to 160 domestic and international destinations, serve 110 million passengers annually, handle 6 percent of the nation's air cargo, and carry in excess of 50 percent of the visitors that come to the state each year, and

WHEREAS, each year, Florida's general aviation aircraft bring 9 million visitors to the state, and its general aviation airports house 14,000 aircraft, comprising 6 percent of the nation's general aviation fleet, and accommodate 7 million takeoffs and landings yearly, ranking Florida second in the nation in this function, NOW, THEREFORE,

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

That the Florida Senate acknowledges the outstanding contributions made by the more than one million employees of the aviation industry of the state and is pleased to recognize April 12, 2005, as Aviation Day in Florida.

—**SR 1546** was introduced, read and adopted by publication.

At the request of Senator Baker—

By Senator Baker—

**SR 2684**—A resolution recognizing November 2005 as "Family Month" in Florida.

WHEREAS, America's character begins in the home, where children learn the proper standards of conduct and values, and

WHEREAS, families provide children with the encouragement, support, and love they need to become confident, compassionate, and successful members of society, and

WHEREAS, we must work together to promote and preserve the health and security of our families by upholding the timeless values that have sustained our society throughout history, and

WHEREAS, recent events have reminded Americans of the blessings of family and friends and the importance of faith, and

WHEREAS, parents should be the most prominent and active figures in their children's lives, recognizing that by spending more family time together, they can develop positive and open relationships with their children which will allow them to better engage their children and encourage them to make positive choices, and

WHEREAS, state residents, schools, and civic institutions can assist families by helping to meet the needs of all those who live in our communities, and

WHEREAS, as we work together to strengthen our families, we build a nation of hope and opportunity for all, NOW, THEREFORE,

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

That the month of November 2005 is recognized as "Family Month" in Florida and that all Florida residents are urged to observe this month by spending quality time with family members to strengthen relationships between parents and their children.

—**SR 2684** was introduced, read and adopted by publication.

## BILLS ON THIRD READING

**CS for SB 2646**—A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the term "compensation"; requiring each registrant who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each registrant designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a legislative lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure, and the name and title of the person for whom the expenditure was made; requiring that expenditures made as open invitations be so designated; requiring that each legislative lobbyist report the areas of the principal's legislative interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Division of Legislative Information Services to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the Legislature; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; authorizing legislative committees to investigate persons engaged in legislative or executive lobbying; requiring that lobbying-activity reports be electronically filed; creating s. 11.0455, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Division of Legislative Information Services by means of the division's electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to the data that is filed via the Internet; amending s. 11.45, F.S.; requiring that the Auditor General conduct random audits of the activity reports filed by legislative and executive lobbyists; granting the Auditor General independent authority to audit the accounts and records of any principal or lobbyist with respect to compliance with the compensation-reporting requirements; requiring that the audit reports be forwarded to the Legislature; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report; defining the term "compensation"; requiring each lobbyist who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each lobbyist designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure and the name, title, and agency of the person for whom the expenditure was made; requiring that each lobbyist report the areas of the principal's lobbying interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Commission on Ethics to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the commission; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; requiring that lobbying-activity reports be electronically filed; creating s. 112.32155, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Florida Commission on Ethics by means of the electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to the data that

is filed via the Internet; specifying the initial reporting period that is subject to the requirements of the act; providing effective dates.

—was read the third time by title.

On motion by Senator Sebesta, **CS for SB 2646** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Haridopolos

**CS for SB 2644**—A bill to be entitled An act relating to public records and open meetings; amending s. 11.0431, F.S.; creating an exemption from public-records requirements for user identification and passwords held by the Division of Legislative Information Services pursuant to s. 11.0455, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic filing system pursuant to s. 11.0455, F.S.; creating s. 112.32156, F.S.; creating an exemption from public-records requirements for user identifications and passwords held by the Commission on Ethics pursuant to s. 112.32155, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic system pursuant to s. 112.32155, F.S.; providing for future legislative review and repeal under the Open Government Sunset Review Act; amending s. 112.3215, F.S.; creating a temporary exemption from public-records and open-meetings requirements for records relating to the compensation-reporting audit and investigation of possible lobbying compensation reporting violations and for meetings held pursuant to an investigation or at which a compensating-reporting audit is discussed; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Sebesta, **CS for SB 2644** was passed by the required two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Haridopolos

**MOTION**

On motion by Senator Pruitt, the rules were waived and the Secretary was directed to deliver **CS for SB 2646** and **CS for SB 2644** to the House at the direction of the President.

**SB 96**—A bill to be entitled An act relating to protection and care for elders; amending s. 825.102, F.S.; reclassifying the offense of aggravated abuse of an elderly person or disabled adult from a second-degree felony to a first-degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to conform; creating s. 943.17296, F.S., relating to training on identifying and investigating elder abuse for certified law enforcement officers; requiring that the training be completed by a time certain; providing that an officer’s certification becomes inactive in certain circumstances related to the failure to complete the training; providing an effective date.

—was read the third time by title.

On motion by Senator Margolis, **SB 96** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Haridopolos

**SENATOR CLARY PRESIDING**

**CS for SB 690**—A bill to be entitled An act relating to immunizations; prohibiting vaccinating a woman who is knowingly pregnant or a child who is younger than a specified age with a vaccine that contains any mercury or injecting such a woman or child with a product that contains more than a specified amount of mercury; prohibiting vaccinating a woman who is knowingly pregnant or a child under a specified age with an influenza vaccine that contains more than a specified amount of mercury; providing the effective date of such prohibitions; providing for the State Health Officer to authorize the use of vaccines that contain a greater amount of mercury than is otherwise allowed if the Secretary of Health declares a public health emergency and makes certain findings; providing exceptions to the prohibition following disclosure regarding certain risks and benefits; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **CS for SB 690** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bennett	Crist
Alexander	Bullard	Dawson
Argenziano	Campbell	Diaz de la Portilla
Aronberg	Carlton	Dockery
Atwater	Clary	Fasano
Baker	Constantine	Garcia

Geller	Margolis	Sebesta
Hill	Miller	Siplin
Jones	Peaden	Smith
King	Posey	Villalobos
Klein	Pruitt	Webster
Lawson	Rich	Wilson
Lynn	Saunders	Wise

Nays—None

Vote after roll call:

Yea—Haridopolos

**CS for SJR 2144**—A joint resolution proposing amendments to Section 19 of Article III of the State Constitution, relating to requirements for state budget planning, spending, and accountability.

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

That the following amendments to Section 19 of Article III of the State Constitution are 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 III  
LEGISLATURE

SECTION 19. State Budgeting, Planning and Appropriations Processes.—

(a) ANNUAL BUDGETING.

(1) ~~Effective July 1, 1994,~~ General law shall prescribe the adoption of annual state budgetary and planning processes and require that detail reflecting the annualized costs of the state budget and reflecting the nonrecurring costs of the budget requests shall accompany state department and agency legislative budget requests, the governor's recommended budget, and appropriation bills.

(2) *Unless approved by a three-fifths vote of the membership of each house, appropriations made for recurring purposes from nonrecurring general revenue funds for any fiscal year shall not exceed three percent of the total general revenue funds estimated to be available at the time such appropriation is made.*

(3) *As prescribed by general law, each state department and agency shall be required to submit a legislative budget request that is based upon and that reflects the long-range financial outlook adopted by the joint legislative budget commission or that specifically explains any variance from the long-range financial outlook contained in the request.*

(4) For purposes of this ~~section~~ ~~subsection~~, the terms department and agency shall include the judicial branch.

(b) APPROPRIATION BILLS FORMAT. Separate sections within the general appropriation bill shall be used for each major program area of the state budget; major program areas shall include: education enhancement "lottery" trust fund items; education (all other funds); human services; criminal justice and corrections; natural resources, environment, growth management, and transportation; general government; and judicial branch. Each major program area shall include an itemization of expenditures for: state operations; state capital outlay; aid to local governments and nonprofit organizations operations; aid to local governments and nonprofit organizations capital outlay; federal funds and the associated state matching funds; spending authorizations for operations; and spending authorizations for capital outlay. Additionally, appropriation bills passed by the legislature shall include an itemization of specific appropriations that exceed one million dollars (\$1,000,000.00) in 1992 dollars. For purposes of this subsection, "specific appropriation," "itemization," and "major program area" shall be defined by law. This itemization threshold shall be adjusted by general law every four years to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics or its successor. Substantive bills containing appropriations shall also be subject to the itemization requirement mandated under this provision and shall be subject to the governor's specific

appropriation veto power described in Article III, Section 8. ~~This subsection shall be effective July 1, 1994.~~

(c) APPROPRIATIONS REVIEW PROCESS.

(1) *No later than September 15 of each year, the joint legislative budget commission shall issue a long-range financial outlook setting out fiscal strategies for the state and its departments and agencies in order to assist the legislature in making policy and budget decisions. The long-range financial outlook must include major workload and revenue estimates. In order to implement this paragraph, the joint legislative budget commission shall use current official consensus estimates and may request the development of additional official estimates.*

(2) *The joint legislative budget commission shall seek input from the public and from the executive and judicial branches when developing and implementing the long-range financial outlook.*

(3) ~~The legislature shall prescribe by general law conditions under which limited adjustments to the budget, as recommended by the governor or the chief justice of the supreme court, may be approved without the concurrence of the full legislature. Effective July 1, 1993, general law shall prescribe requirements for each department and agency of state government to submit a planning document and supporting budget request for review by the appropriations committees of both houses of the legislature. The review shall include a comparison of the major issues in the planning document and budget requests to those major issues included in the governor's recommended budget. For purposes of this subsection, the terms department and agency shall include the judicial branch.~~

(d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. All general appropriation bills shall be furnished to each member of the legislature, each member of the cabinet, the governor, and the chief justice of the supreme court at least seventy-two hours before final passage by either house of the legislature of the bill in the form that will be presented to the governor.

(e) FINAL BUDGET REPORT. ~~Effective November 4, 1992,~~ A final budget report shall be prepared as prescribed by general law. The final budget report shall be produced no later than the 120th ~~90th~~ day after the beginning of the fiscal year, and copies of the report shall be furnished to each member of the legislature, the head of each department and agency of the state, the auditor general, and the chief justice of the supreme court.

(f) TRUST FUNDS.

(1) No trust fund of the State of Florida or other public body may be created or re-created by law without a three-fifths ~~(3/5)~~ vote of the membership of each house of the legislature in a separate bill for that purpose only.

(2) ~~State trust funds in existence before the effective date of this subsection shall terminate not more than four years after the effective date of this subsection. State trust funds created after the effective date of this subsection shall terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund. By law the legislature may set a shorter time period for which any trust fund is authorized.~~

(3) Trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions, whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the state transportation trust fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida retirement trust fund; trust funds for institutions under the management of the Board of ~~Governors~~ Regents, where such trust funds are for auxiliary enterprises and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the chief financial officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by this Constitution, are not subject to the requirements set forth in paragraph (2) of this subsection.

(4) All cash balances and income of any trust funds abolished under this subsection shall be deposited into the general revenue fund.

(f) The provisions of this subsection shall be effective November 4, 1992.

(g) **BUDGET STABILIZATION FUND.** ~~Beginning with the 1994-1995 fiscal year, at least 1% of an amount equal to the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund. The budget stabilization fund shall be increased to at least 2% of said amount for the 1995-1996 fiscal year, at least 3% of said amount for the 1996-1997 fiscal year, at least 4% of said amount for the 1997-1998 fiscal year, and at least 5% of said amount for the 1998-1999 fiscal year. Subject to the provisions of this subsection, the budget stabilization fund shall be maintained at an amount equal to at least 5% of the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in the budget stabilization fund. The budget stabilization fund's principal balance shall not exceed an amount equal to 10% of the last completed fiscal year's net revenue collections for the general revenue fund. The legislature shall provide criteria for withdrawing funds from the budget stabilization fund in a separate bill for that purpose only and only for the purpose of covering revenue shortfalls of the general revenue fund or for the purpose of providing funding for an emergency, as defined by general law. General law shall provide for the restoration of this fund. The budget stabilization fund shall be comprised of funds not otherwise obligated or committed for any purpose.~~

(h) **LONG-RANGE STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY PLANNING DOCUMENT PROCESSES.** *General law shall provide for a long-range state planning document. The governor shall recommend to the legislature biennially any revisions to the long-range state planning document, as defined by law. General law shall require a biennial review and revision of the long-range state planning document, shall require the governor to report to the legislature on the progress in achieving the state planning document's goals, and shall require all departments and agencies of state government to develop planning documents that identify statewide strategic goals and objectives, consistent with the long-range state planning document. The long-range state planning document and department and agency planning documents shall remain subject to review and revision by the legislature. The long-range state planning document must include projections of future needs and resources of the state which are consistent with the long-range financial outlook. The department and agency planning documents shall include a prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as defined by general law. To ensure productivity and efficiency in the executive, legislative, and judicial branches, a quality management and accountability program shall be implemented by general law. For the purposes of this subsection, the terms department and agency shall include the judicial branch. This subsection shall be effective July 1, 1993.*

(i) **GOVERNMENT EFFICIENCY TASK FORCE.** *No later than January of 2007, and each fourth year thereafter, the president of the senate, the speaker of the house of representatives, and the governor shall appoint a government efficiency task force, the membership of which shall be established by general law. The task force shall be composed of members of the legislature and representatives from the private and public sectors who shall develop recommendations for improving governmental operations and reducing costs. Staff to assist the task force in performing its duties shall be assigned by general law, and the task force may obtain assistance from the private sector. The task force shall complete its work within one year and shall submit its recommendations to the joint legislative budget commission, the governor, and the chief justice of the supreme court.*

(j) **JOINT LEGISLATIVE BUDGET COMMISSION.** *There is created within the legislature the joint legislative budget commission composed of equal numbers of senate members appointed by the president of the senate and house members appointed by the speaker of the house of representatives. Each member shall serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment. From November of each odd-numbered year through October of each even-numbered year, the chairperson of the joint legislative budget commission shall be appointed by the president of the senate and the vice chairperson of the commission shall be appointed by the speaker of the house of representatives. From November of each even-numbered year through October of each odd-numbered year, the chairperson of the joint legislative budget commission shall be appointed by the speaker of the house of representatives and*

*the vice chairperson of the commission shall be appointed by the president of the senate. The joint legislative budget commission shall be governed by the joint rules of the senate and the house of representatives, which shall remain in effect until repealed or amended by concurrent resolution. The commission shall convene at least quarterly and shall convene at the call of the president of the senate and the speaker of the house of representatives. A majority of the commission members of each house plus one additional member from either house constitutes a quorum. Action by the commission requires a majority vote of the commission members present of each house. The commission may conduct its meetings through teleconferences or similar means. In addition to the powers and duties specified in this subsection, the joint legislative budget commission shall exercise all other powers and perform any other duties not in conflict with paragraph (c)(3) and as prescribed by general law or joint rule.*

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

CONSTITUTIONAL AMENDMENT  
ARTICLE III, SECTION 19

**STATE PLANNING AND BUDGET PROCESS.**—Proposing amendments to the State Constitution to limit the amount of nonrecurring general revenue which may be appropriated for recurring purposes in any fiscal year to 3 percent of the total general revenue funds estimated to be available, unless otherwise approved by a three-fifths vote of the Legislature; to establish a Joint Legislative Budget Commission, which shall issue long-range financial outlooks; to provide for limited adjustments in the state budget without the concurrence of the full Legislature, as provided by general law; to reduce the number of times trust funds are automatically terminated; to require the preparation and biennial revision of a long-range state planning document; and to establish a Government Efficiency Task Force and specify its duties.

—was read the third time in full.

On motion by Senator Atwater, **CS for SJR 2144** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Haridopolos

**CS for SB 2146**—A bill to be entitled An act relating to state planning and budgeting; amending s. 11.90, F.S.; revising the membership of the Legislative Budget Commission; providing for the appointment of presiding officers; revising requirements for meetings and a quorum; revising requirements for appointing the staff of the commission; requiring the commission to review budget amendments proposed by the Governor or Chief Justice; authorizing the commission to perform other duties prescribed by the Legislature; creating s. 11.91, F.S.; creating the Government Efficiency Task Force for the purpose of recommending improvements to governmental operations and reducing costs; providing for the Governor, the President of the Senate, and the Speaker of the House of Representatives to appoint its members; requiring that the task force meet at 4-year intervals beginning on a specified date; authorizing the task force to conduct meeting through teleconferences; providing for members to be reimbursed for per diem and travel expenses;

requiring the task force to complete its work within 1 year and report to the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court; amending s. 29.0095, F.S.; requiring the legislative appropriations committees to prescribe the format of budget expenditure reports; amending s. 110.1245, F.S., relating to the savings sharing program; correcting a reference; amending s. 216.011, F.S.; redefining the term “consultation” and defining the term “long-range financial outlook” for purposes of state fiscal affairs; creating s. 216.012, F.S.; providing requirements for the long-range financial outlook prepared by the commission; requiring state agencies to provide certain information; specifying timeframes for state agencies and the commission in developing and completing the long-range financial outlook; amending s. 216.023, F.S.; clarifying certain requirements for legislative budget instructions; amending s. 216.065, F.S.; requiring fiscal impact statements to be provided to the Legislative Budget Commission in addition to the legislative appropriations committees; requiring that such statements contain information concerning subsequent fiscal years; amending s. 216.162, F.S.; revising the date for the Governor’s recommended budget to be furnished to the Legislature; authorizing the presiding officers of the Legislature to approve submission of the Governor’s recommended budget at a later date than otherwise required; amending s. 216.178, F.S.; extending the deadline for production of the final budget; amending s. 216.262, F.S., relating to the transfer of positions; correcting a reference; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Atwater, **CS for SB 2146** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Haridopolos

**CS for SB 748**—A bill to be entitled An act relating to fire hydrants; amending s. 633.065, F.S.; requiring owners of fire hydrants to test hydrants in accordance with national standards; requiring nonfunctioning privately owned hydrants to be reported and repaired; providing fines for noncompliance; providing an effective date.

—was read the third time by title.

On motion by Senator Miller, **CS for SB 748** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Constantine	Klein
Alexander	Crist	Lawson
Argenziano	Dawson	Lynn
Aronberg	Diaz de la Portilla	Margolis
Atwater	Dockery	Miller
Baker	Fasano	Peaden
Bennett	Garcia	Posey
Bullard	Geller	Pruitt
Campbell	Hill	Rich
Carlton	Jones	Saunders
Clary	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

Vote after roll call:

Yea—Haridopolos

**CS for CS for SB 1146**—A bill to be entitled An act relating to purchasing and procurement; providing definitions; authorizing the Department of Management Services to establish the Center for Efficient Government; providing for the powers and duties of the center; prescribing duties of a state agency before a service may be outsourced; requiring agencies to do a business case analysis; specifying the requirements for the analysis; requiring that an agency submit the proposed business case with the agency’s legislative budget request; prescribing the process for approval if the outsourcing is not included in the agency’s approved operating budget; prohibiting an agency from privatizing a service without specific legislative authorization; prescribing contract requirements for a contract that meets or exceeds a specified threshold amount; authorizing a contract to include certain incentives; providing requirements for a contract that exceeds \$1 million in value; providing a process for a state agency to submit to the Executive Office of the Governor certain contract amendments for approval; requiring approval of the Administration Commission under certain circumstances; creating s. 215.4211, F.S.; authorizing the Chief Financial Officer to review contracts for state agencies; repealing s. 14.203, F.S., relating to the State Council on Competitive Government; providing appropriations and authorizing positions; providing restrictions on contractor supervision of state employees; providing restrictions on contractor involvement in state procurement; providing an effective date.

—as amended April 6 was read the third time by title.

On motion by Senator Argenziano, further consideration of **CS for CS for SB 1146** as amended was deferred.

**CS for CS for CS for SB 1476**—A bill to be entitled An act relating to the Department of Children and Family Services; providing legislative intent with respect to establishing a structure by which the department shall monitor and manage contracts with external service providers; providing definitions; requiring the department to competitively procure certain commodities and contractual services; requiring the department to allow all public postsecondary institutions to bid on contracts intended for any public postsecondary institution; authorizing the department to competitively procure and contract for systems of treatment or service that involve multiple providers; providing requirements if other governmental entities contribute matching funds; requiring that an entity providing matching funds must comply with certain procurement procedures; authorizing the department to independently procure and contract for treatment services; requiring that the department develop a validated business case before outsourcing any service or function; providing requirements for the business case; requiring that the validated business case be submitted to the Legislature for approval; requiring that a contractual service that has previously been outsourced be subject to the requirements for a validated business case; requiring that a procurement of contractual services equal to or in excess of the threshold amount for CATEGORY FIVE comply with specified requirements, including a scope of work and performance standards; authorizing the department to include cost-neutral, performance-based incentives in a contract; requiring multiyear contracts unless justification is provided; requiring that a contract in excess of \$1 million be negotiated by a contract negotiator who is certified according to standards established by the Department of Management Services; limiting circumstances under which the department may amend a contract; requiring that a proposed contract amendment be submitted to the Executive Office of the Governor for approval; requiring approval of a contract amendment by the Administration Commission under certain circumstances; requiring the department to verify that contractual terms have been satisfied before renewing a contract; requiring certain documentation; requiring the department to develop, in consultation with the Department of Management Services, contract templates and guidelines; requiring that the department establish a contract-management process; specifying the requirements for and components of the contract-management process;

providing requirements for resolving performance deficiencies and terminating a contract; requiring a corrective-action plan under certain circumstances; requiring the department to develop standards of conduct and disciplinary actions; requiring that the department establish contract-monitoring units and a contract-monitoring process; requiring written reports; requiring on-site visits for contracts involving the provision of direct client services; requiring the department to make certain documents available to the Legislature; requiring the department to create an electronic database to store the documents; prohibiting contractors from performing certain functions; amending s. 402.73, F.S.; requiring the Agency for Persons with Disabilities to implement systems to ensure quality and fiscal integrity of programs in the developmental services Medicaid waiver system; providing an exemption for health services from competitive bidding requirements; amending s. 409.1671, F.S.; conforming provisions to changes made by the act; requiring that the Office of Program Policy Analysis and Government Accountability conduct two reviews of the contract-management and accountability structures of the department and report to the Legislature and the Auditor General; repealing s. 402.72, F.S., relating to contract-management requirements for the Department of Children and Family Services; providing an appropriation; providing an effective date.

—as amended April 6 was read the third time by title.

On motion by Senator Campbell, **CS for CS for CS for SB 1476** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Haridopolos

**CS for CS for SB 1494**—A bill to be entitled An act relating to information technology management; providing legislative intent that each state agency use a governance process and structure for managing its information technology operations and investments in order to ensure alignment with the business needs and policy requirements of the agency; providing definitions; providing a governance process for information technology which includes management of the agency's information technology portfolio along with project management; specifying the purpose of information technology portfolio management; requiring each agency to submit its information technology portfolio as part of its legislative budget request; requiring that agencies implement and administer a project management methodology; requiring that each agency implement a management process; amending s. 20.22, F.S.; renaming an office within the Department of Management Services; repealing s. 110.205(2)(e) and (w), F.S., relating to personnel of the State Technology Office; repealing s. 186.022, F.S., relating to information technology strategic plans; repealing s. 216.292(1)(c), F.S., relating to transfer of positions or appropriations for fiscal year 2001-2002; amending s. 282.0041, F.S.; revising definitions; repealing s. 282.005, F.S., relating to legislative findings and intent concerning information technology; creating s. 282.0055, F.S.; prohibiting the Department of Management Services and the Florida Technology Council from taking certain actions with respect to the information technology personnel of cabinet officers; amending s. 282.102, F.S.; eliminating the State Technology Office and transferring responsibilities of the office to the Department of Management Services; revising various responsibilities relating to information technology; amending ss. 282.103, 282.104, 282.105, 282.106, and

282.107, F.S.; transferring responsibilities relating to the SUNCOM Network from the State Technology Office to the Department of Management Services; amending ss. 282.1095 and 282.111, F.S.; transferring responsibilities relating to various law enforcement radio systems from the office to the department; amending s. 282.20, F.S.; revising the duties of the Technology Resource Center; amending s. 282.21, F.S.; transferring authorization to collect fees for provision of remote electronic access services from the office to the department; amending s. 282.22, F.S.; transferring responsibilities relating to production, dissemination, and ownership of various materials or products from the office to the department; repealing s. 282.23, F.S., relating to the State Strategic Information Technology Alliance; creating s. 282.3025, F.S.; creating the Florida Technology Council within the Department of Management Services; providing for the State Technology Officer to head the council; requiring that the council develop a statewide information technology strategic plan, in consultation with the Agency Chief Information Officers Council; providing requirements for the plan; requiring that the council assist state agencies in implementing the information technology portfolio management process; requiring the council to provide status reports to the Administration Commission; amending s. 282.3031, F.S.; deleting provisions assigning responsibility for information resources management to the State Technology Office; repealing s. 282.3055, F.S., relating to personnel of the State Technology Office; repealing s. 282.3063, F.S., relating to the Agency Annual Enterprise Resource Planning and Management Report; repealing s. 282.310, F.S., relating to the State Annual Report on Enterprise Resource Planning and Management; amending s. 282.315, F.S.; revising certain duties of the Agency Chief Information Officers Council; specifying an additional responsibility; amending s. 282.318, F.S.; transferring various responsibilities relating to security of data and information technology resources from the State Technology Office to each agency head or the Department of Management Services; repealing s. 282.322(2), F.S., relating to information technology projects identified as high-risk; amending s. 287.042, F.S.; transferring responsibilities from the State Technology Office to the Department of Management Services; deleting provisions requiring consultation between the department and the office; repealing s. 287.057(24), F.S., relating to strategic information technology alliances; amending s. 445.049, F.S.; transferring responsibilities relating to the Digital Divide Council from the State Technology Office to the Department of Management Services or the secretary of the department; providing an appropriation and authorizing positions; requiring that certain notice with respect to budget actions be given to the Legislative Budget Commission; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **CS for CS for SB 1494** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Haridopolos

**SB 1858**—A bill to be entitled An act relating to standards of conduct for public officers; amending s. 112.313, F.S.; prohibiting citizen members of the Board of Governors of the State University System and citizen members of a board of trustees of a local constituent university from representing principals before the Legislature; providing an effective date.

—as amended April 6 was read the third time by title.

On motion by Senator Alexander, **SB 1858** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Haridopolos

**SB 450**—A bill to be entitled An act relating to unfair insurance practices; amending s. 626.9541, F.S.; providing that certain rate increases for motor vehicle insurance for insureds on active military service, and their covered dependents, constitute unfair practices; providing penalties; providing an effective date.

—as amended April 6 was read the third time by title.

On motion by Senator Geller, **SB 450** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Atwater

**SB 868**—A bill to be entitled An act relating to installations honoring military veterans and their families; providing a short title; providing purpose; authorizing the Department of Transportation to contract with a not-for-profit group or organization for the installation of plaques, markers, monuments, memorials, or various retired military equipment at rest stops; providing for a committee to approve proposals for the contracts; providing for membership and terms of members of the committee; requiring approval by the committee for such contracts; providing conditions for approval; providing that the group or organization shall be responsible for costs; requiring that the group or organization provide a bond to secure certain costs; providing an effective date.

—as amended April 6 was read the third time by title.

On motion by Senator Dockery, **SB 868** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**CS for SB 1312**—A bill to be entitled An act relating to the recreational vehicles; amending s. 479.261, F.S.; requiring the Department of Transportation to incorporate certain markers on logo signs for certain establishments; requiring the department to adopt rules regarding the incorporation of those markers; amending s. 681.1096, F.S.; eliminating future termination of the program; revising requirements for program certification to ensure neutrality of dispute resolution; providing guidelines for the training of arbitrators and mediators; providing that the program must complete all mediation and arbitration within 70 days after receipt of the consumer’s claim; requiring the program to gather and make available all documents relevant to a dispute; providing consumer exemption from mediation when at least one manufacturer does not qualify for the program; authorizing the Department of Legal Affairs to revoke the qualification of a noncompliant program; providing for notice to programs and manufacturers not in compliance, for opportunity to correct deficiencies, and for administrative hearings; requiring the program to maintain dispute records; creating an annual reporting requirement; providing the program with rulemaking authority to implement provisions of this section; amending s. 681.1097, F.S.; providing and revising dispute resolution guidelines for consumers of recreational vehicles; requiring consumers to submit their dispute to the program; providing that the claim is considered filed when it is date-stamped as received by the program; requiring the consumer’s application form to be prescribed by the program; requiring the program administrator to screen all applications to determine eligibility; requiring the program administrator to provide notice of rejected applications; providing for mandatory mediation and the expansion of the scope of mediation at the consent of the parties; providing guidelines for mediation proceedings; requiring written response of manufacturers to consumer allegations; removing requirement that the program administrator notify the department of the mediation outcome; extending the deadline for consumer notification to the program administrator of a manufacturer’s failure to comply with a mediation decision; revising guidelines for arbitration proceedings; providing that technical rules of evidence do not apply to arbitration proceedings; providing for the expansion of the scope of arbitration at the consent of the parties; requiring the arbitrator’s decision to consider all legal and equitable factors; providing consumers with means for civil enforcement of an award; extending the deadline for consumer notification to the program administrator of a manufacturer’s failure to comply with an arbitration decision; providing that the arbitrator’s decision is admissible as evidence in certain civil actions; providing an effective date.

—as amended April 6 was read the third time by title.

On motion by Senator Carlton, **CS for SB 1312** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Bennett	Crist
Alexander	Bullard	Dawson
Argenziano	Campbell	Diaz de la Portilla
Aronberg	Carlton	Dockery
Atwater	Clary	Fasano
Baker	Constantine	Garcia

Geller	Margolis	Siplin
Haridopolos	Miller	Smith
Hill	Peaden	Villalobos
Jones	Posey	Webster
King	Pruitt	Wilson
Klein	Rich	Wise
Lawson	Saunders	
Lynn	Sebesta	

Nays—None

Klein	Posey	Smith
Lawson	Pruitt	Villalobos
Lynn	Rich	Webster
Margolis	Saunders	Wilson
Miller	Sebesta	Wise
Peaden	Siplin	

Nays—1

Carlton

Vote after roll call:

Yea—King

On motion by Senator Aronberg, by two-thirds vote **HB 655** was withdrawn from the Committees on Environmental Preservation; and Community Affairs.

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

**HB 655**—A bill to be entitled An act relating to the Florida Inland Navigation District; amending s. 374.984, F.S.; providing responsibility and authority of the Board of Commissioners of the Florida Inland Navigational District with respect to that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; revising the list of acts authorizing and directing the improvement and maintenance of the Intracoastal Waterway and that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; providing an exception for maintaining the navigability of the Okeechobee Waterway under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 1352** and by two-thirds vote read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 655** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**CS for CS for SB 1114**—A bill to be entitled An act relating to restaurants licensed to sell wine on the premises; creating s. 564.09, F.S.; authorizing a restaurant patron to remove a resealed wine container from a restaurant for off-premise consumption; amending s. 316.1936, F.S.; providing that a resealed wine container is not an open container for purposes of the prohibition against possessing an open container of alcohol in a motor vehicle; providing an effective date.

—as amended April 6 was read the third time by title.

On motion by Senator King, **CS for CS for SB 1114** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Bullard	Dockery
Alexander	Campbell	Fasano
Argenziano	Clary	Garcia
Aronberg	Constantine	Geller
Atwater	Crist	Haridopolos
Baker	Dawson	Hill
Bennett	Diaz de la Portilla	Jones

**CS for SB 732**—A bill to be entitled An act relating to motor vehicles; providing a popular name; creating the “Road Rage Reduction Act”; providing legislative intent; amending s. 316.081, F.S.; requiring operators of motor vehicles to drive in the right-hand lane on certain highways; providing exceptions; providing penalties for violation; amending s. 322.27, F.S.; correcting a cross-reference; providing for the assessment of points for violating specified provisions that require operators of motor vehicles to drive on the right side of the road; requiring the Department of Highway Safety and Motor Vehicles to provide an educational awareness campaign; providing a grace period when warnings and educational literature may be issued by a law enforcement officer; providing an effective date.

—as amended April 6 was read the third time by title.

An amendment was considered and adopted to conform **CS for SB 732** to **HB 157**.

Pending further consideration of **CS for SB 732** as amended, on motion by Senator Bennett, by two-thirds vote **HB 157** was withdrawn from the Committees on Transportation; and Criminal Justice.

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

**HB 157**—A bill to be entitled An act relating to motor vehicles; providing a popular name; creating the “Road Rage Reduction Act”; providing legislative intent; amending s. 316.081, F.S.; requiring operators of motor vehicles in the left-most lane to yield the right-of-way to vehicles moving faster on certain highways; requiring operators of motor vehicles to drive in the right-hand lane on certain highways; providing exceptions; providing penalties for violation; amending s. 322.27, F.S.; providing for the assessment of points for violating specified provisions that require operators of motor vehicles to drive on the right side of the road; requiring the Department of Highway Safety and Motor Vehicles to provide an educational awareness campaign; providing a grace period when warnings and educational literature may be issued; providing effective dates.

—a companion measure, was substituted for **CS for SB 732** as amended and by two-thirds vote read the second time by title and by two-thirds vote read the third time by title.

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

**Amendment 1 (644198)**—On line 128, delete “4 points” and insert: 3 points

On motion by Senator Bennett, **HB 157** as amended was passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Carlton	Hill
Alexander	Clary	Jones
Argenziano	Constantine	King
Aronberg	Crist	Klein
Atwater	Dawson	Margolis
Baker	Garcia	Miller
Bennett	Geller	Peaden
Bullard	Haridopolos	Posey

Pruitt                    Saunders                    Sebesta  
 Rich  
 Nays—10

Campbell                    Lawson                    Smith  
 Diaz de la Portilla                    Lynn                    Webster  
 Dockery                    Siplin                    Wise  
 Fasano

Vote after roll call:

Yea—Villalobos

**CS for SB 1436**—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; authorizing state and local law enforcement vehicles to carry an automated external defibrillator; amending s. 932.7055, F.S.; authorizing local governments to use forfeiture funds for purchasing automated external defibrillators; providing an effective date.

—was read the third time by title.

On motion by Senator Geller, **CS for SB 1436** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

The Senate resumed consideration of—

**CS for CS for SB 1146**—A bill to be entitled An act relating to purchasing and procurement; providing definitions; authorizing the Department of Management Services to establish the Center for Efficient Government; providing for the powers and duties of the center; prescribing duties of a state agency before a service may be outsourced; requiring agencies to do a business case analysis; specifying the requirements for the analysis; requiring that an agency submit the proposed business case with the agency’s legislative budget request; prescribing the process for approval if the outsourcing is not included in the agency’s approved operating budget; prohibiting an agency from privatizing a service without specific legislative authorization; prescribing contract requirements for a contract that meets or exceeds a specified threshold amount; authorizing a contract to include certain incentives; providing requirements for a contract that exceeds \$1 million in value; providing a process for a state agency to submit to the Executive Office of the Governor certain contract amendments for approval; requiring approval of the Administration Commission under certain circumstances; creating s. 215.4211, F.S.; authorizing the Chief Financial Officer to review contracts for state agencies; repealing s. 14.203, F.S., relating to the State Council on Competitive Government; providing appropriations and authorizing positions; providing restrictions on contractor supervision of state employees; providing restrictions on contractor involvement in state procurement; providing an effective date.

—which was previously considered this day.

**MOTION**

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

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

**Amendment 1 (725110)**—On page 10, line 28, delete “*more; or*” and insert: *more; and*

On motion by Senator Argenziano, **CS for CS for SB 1146** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**RECESS**

On motion by Senator Pruitt, the Senate recessed at 12:19 p.m. to reconvene at 12:35 p.m.

**AFTERNOON SESSION**

The Senate was called to order by the President at 12:48 p.m. A quorum present—40:

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

**SPECIAL ORDER CALENDAR**

**SB 2600**—A bill to be entitled An act making appropriations; providing monies for the annual period beginning July 1, 2005, and ending June 30, 2006, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the second time by title.

**SENATOR PRUITT PRESIDING**

Senators Campbell, Aronberg, Klein, Wilson and Margolis offered the following amendment which was moved by Senator Campbell and failed:

**Amendment 1 (997057)**—

In Section: 02 On Page: 020 Specific Appropriation: 73 Delete Insert

EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - FEFP

73 In Section 02 On Page 020 Aid To Local Governments Grants And Aids - Florida Educational Finance Program

In Section 02, on Page 20, DELETE the following:

In addition, if a school board's 0.51 mill levy provides funds per unweighted FTE that are less than the statewide average funds per unweighted FTE generated by the 0.51 mill levy, the school district shall receive an amount from the funds provided in Specific Appropriation 73, which, when added to the funds generated by the district's 0.51 mill levy, is equivalent to the statewide average.

THE PRESIDENT PRESIDING

Senators Margolis, Campbell, Garcia, Klein, Wilson, Rich, Diaz de la Portilla, Bullard, Geller, Atwater, Dawson and Lynn offered the following amendment which was moved by Senator Margolis and failed:

Amendment 2 (997058)—

In Section: 02 On Page: 020 Specific Appropriation: 73 Delete Insert

EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - FEFP

73 In Section 02 On Page 020 Aid To Local Governments Grants And Aids - Florida Educational Finance Program

In Section 02, on Page 20, after the sixth paragraph of proviso language following Specific Appropriation 73, INSERT the following:

However for 2005-2006, the DCD shall be the same as calculated for 2004-2005 and a 50% hold harmless provision shall be applied as in 2004-2005.

Senators Margolis, Campbell, Rich, Diaz de la Portilla, Bullard, Wilson, Garcia, Klein, Geller, Atwater, Dawson and Lynn offered the following amendment which was moved by Senator Margolis and failed:

Amendment 3 (997059)—

In Section: 02 On Page: 020 Specific Appropriation: 73 Delete Insert

EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - FEFP

73 In Section 02 On Page 020 Aid To Local Governments Grants And Aids - Florida Educational Finance Program

In Section 02, on Page 20, after the sixth paragraph of proviso language following Specific Appropriation 73, INSERT the following:

An independent study shall be commissioned to study the DCD with national educational funding experts to analyze equity issues in the funding formula. Two (2) representatives of the Florida School Board Association and two (2) representatives from the Florida Association of District School Superintendents shall be involved in the selection of the national educational funding experts. One (1) representative from each of the two (2) groups shall be from a district which benefits from the current wage based index and the other representative shall be from a district that is negatively affected by the current wage based index.

Senator Alexander moved the following amendment which was adopted:

Amendment 4 (997061)—

In Section: 02 On Page: 024 Specific Appropriation: 91 Delete Insert

EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - Non FEFP

91 In Section 02 On Page 024 Special Categories Transfer To Excellent Teaching Trust Fund

From General Revenue Fund 67,521,651 67,021,651

Program: Workforce Education

117B In Section 02 On Page 030 Special Categories Grants And Aids - School And Instructional Enhancements

From General Revenue Fund 300,000 800,000

DELETE the proviso immediately following Specific Appropriation 117B:

Funds in Specific Appropriation 117B are provided for the SABER Nursing Program.

and insert in lieu thereof:

From the funds appropriated in Specific Appropriation 117B, \$300,000 is provided for the SABER Nursing Program.

From the funds appropriated in Specific Appropriation 117B, \$500,000 shall be used by the Department to support school-to-career transition programs for high school students available through one or more non-profit statewide organizations in the food service industry. Such programs shall be designed to prepare students for progressive careers in the food service industry. In making its selection from among competitive sealed proposals, the Department shall consider, among other factors, the provider's experience in representing the food service industry, the provider's experience in providing and supporting food service training for high school students, and the provider's ability to provide a statewide program with broad industry support and participation.

MOTION

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

Senator Alexander moved the following amendment which was adopted:

Amendment 5 (997056)—

In Section: 02 On Page: 024 Specific Appropriation: 91 Delete Insert

EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - Non FEFP

91 In Section 02 On Page 024 Special Categories Transfer To Excellent Teaching Trust Fund

From General Revenue Fund 67,521,651 62,521,651

Program: Private Colleges And Universities

58 In Section 02 On Page 017  
 Special Categories  
 Grants And Aids - First Accredited  
 Medical School University Of Miami

From General Revenue Fund	9,001,657	11,226,657
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Immediately following Specific Appropriation 58, DELETE:

From the funds in Specific Appropriation 58, \$1,875,200 is provided for cancer research; and \$1,076,200 is provided for the PhD Program in Biomedical Science. In addition, \$6,050,257 is provided for 500 Florida residents attending the University of Miami College of Medicine.

and insert in lieu thereof:

From the funds in Specific Appropriation 58, \$1,875,200 is provided for cancer research; and \$1,076,200 is provided for the PhD Program in Biomedical Science. In addition, \$8,275,257 is provided for 500 Florida residents attending the University of Miami College of Medicine.

Universities, Division Of  
Program: Educational And General  
Activities

148 In Section 02 On Page 039  
 Aid To Local Governments  
 Grants And Aids - University Of South  
 Florida Medical Center

From General Revenue Fund	48,947,694	49,322,694
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149 In Section 02 On Page 040  
 Aid To Local Governments  
 Grants And Aids - University Of Florida  
 Health Center

From General Revenue Fund	80,351,070	82,751,070
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**MOTION**

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

Senator Siplin moved the following amendment which was adopted:

**Amendment 6 (997062)—**

In Section: 02 On Page: 025 Specific Appropriation: 99  
 Delete Insert

EDUCATION, DEPARTMENT OF  
Public Schools, Division Of  
Program: State Grants/K-12 Program - Non  
FEFP

99 In Section 02 On Page 025  
 Special Categories  
 Grants And Aids - School And  
 Instructional Enhancements

From General Revenue Fund	7,157,634	7,257,634
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Immediately following Specific Appropriation 99, DELETE:

From the funds in Specific Appropriation 99, \$300,000 is provided for Arts for a Complete Education, \$105,634 is provided for Instructional Materials Management, \$60,000 is provided for the State Science Fair, \$100,000 is provided for the Academic Tourney, \$200,000 is provided for the Florida Holocaust Museum, \$1,100,000 is provided for the Prekindergarten Demonstration Pilot Project, \$100,000 is provided for the Sunshine State Scholars Program, \$495,000 is provided for the Mathematics and Science Commission, \$1,000,000 is provided for the YMCA Out of School Program, \$547,000 is provided for Science Comes to Life at Metro Zoo, \$100,000 is provided for the Rio Grande Charter School of Excellence, \$250,000 is provided for Professional Opportunities Programs

for Students (POPS), \$500,000 is provided for the Embry-Riddle Aeronautical University Aero/Space Engineering and Physics Career Launch Program, \$250,000 is provided for WPPB-TV BECON educational programming, \$550,000 is provided for SeaTrek Distance Learning, and \$500,000 is provided for the FCAT Recovery Program that has performance criteria that include job placement, leadership training, and 12 month follow-up upon graduation from high school and has linkage to the statewide and local workforce development boards.

and insert in lieu thereof:

From the funds in Specific Appropriation 99, \$300,000 is provided for Arts for a Complete Education, \$105,634 is provided for Instructional Materials Management, \$60,000 is provided for the State Science Fair, \$100,000 is provided for the Academic Tourney, \$200,000 is provided for the Florida Holocaust Museum, \$1,100,000 is provided for the Prekindergarten Demonstration Pilot Project, \$100,000 is provided for the Sunshine State Scholars Program, \$495,000 is provided for the Mathematics and Science Commission, \$1,000,000 is provided for the YMCA Out of School Program, \$547,000 is provided for Science Comes to Life at Metro Zoo, \$100,000 is provided for the Rio Grande Charter School of Excellence, \$250,000 is provided for Professional Opportunities Programs for Students (POPS), \$500,000 is provided for the Embry-Riddle Aeronautical University Aero/Space Engineering and Physics Career Launch Program, \$250,000 is provided for WPPB-TV BECON educational programming, \$550,000 is provided for SeaTrek Distance Learning, \$100,000 is provided for the Pre-K Digital Academy, and \$500,000 is provided for the FCAT Recovery Program that has performance criteria that include job placement, leadership training, and 12 month follow-up upon graduation from high school and has linkage to the statewide and local workforce development boards.

91 In Section 02 On Page 024  
 Special Categories  
 Transfer To Excellent Teaching Trust Fund

From General Revenue Fund	67,521,651	67,421,651
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Senator Garcia moved the following amendment which was adopted:

**Amendment 7 (997074)—**

In Section: 02 On Page: 007 Specific Appropriation: 17  
 Delete Insert

EDUCATION, DEPARTMENT OF  
Program: Education - Fixed Capital Outlay

17 In Section 02 On Page 007  
 Fixed Capital Outlay  
 Maintenance, Repair, Renovation, And  
 Remodeling

DELETE a portion of proviso immediately following Specific Appropriation 17 :

Funds in Specific Appropriation 17 for the Miami-Dade County School Board shall be placed in reserve by the Executive Office of the Governor until the Commissioner of Education certifies that conditions for release of funds have been met. These conditions shall include a recommendation for release of funds received from the Land Acquisition and Facilities Advisory Board appointed by the Governor and the Legislature. Any recommendation from the Advisory Board for the release of funds shall include certification that policies established, procedures followed, and expenditures made by the Miami-Dade County School Board related to site acquisition and facilities planning, construction, and facilities maintenance operations are consistent with recommendations of the Land Acquisition and Facilities Advisory Board and will accomplish corrective action recommended by the Auditor General and the Office of Program Policy Analysis and Government Accountability (OPPAGA).

18 Fixed Capital Outlay  
 Survey Recommended Needs - Public Schools

DELETE a portion of proviso immediately following Specific Appropriation 18:

Funds in Specific Appropriation 18 for the Miami-Dade County School Board shall be placed in reserve by the Executive Office of the Governor until the Commissioner of Education certifies that conditions for release of funds have been met. These conditions shall include a recommendation for release of funds received from the Land Acquisition and Facilities Advisory Board appointed by the Governor and the Legislature. Any recommendation from the Advisory Board for the release of funds shall include certification that policies established, procedures followed, and expenditures made by the Miami-Dade County School Board related to site acquisition and facilities planning, construction, and facilities maintenance operations are consistent with recommendations of the Land Acquisition and Facilities Advisory Board and will accomplish corrective action recommended by the Auditor General and the Office of Program Policy Analysis and Government Accountability (OPPAGA).

Senator Clary moved the following amendment which was adopted:

**Amendment 8 (997063)—**

In Section: 03 On Page: 052 Specific Appropriation: 198  
Delete Insert

AGENCY FOR HEALTH CARE ADMINISTRATION  
Program: Health Care Services  
Medicaid Services To Individuals

In Section 03 On Page 052  
198 Special Categories  
Other Lab And X-Ray Services

Immediately following Specific Appropriation 198, DELETE:

From the funds in Specific Appropriation 198, the agency shall complete the procurement process to secure risk-based contracts required in the Fiscal Year 2003-04 General Appropriations Act to procure statewide laboratory services for Medicaid recipients that includes a real-time, web-based reporting system that interfaces with a real-time, web-based prescription ordering and dispensing system.

Immediately following Specific Appropriation 198, INSERT:

From the funds in Specific Appropriation 198, the agency shall issue Request for Proposals, per the provisions of chapter 287, Florida Statutes, to secure risk-based contracts required in the Fiscal Year 2003-04 General Appropriations Act to procure statewide laboratory services for Medicaid recipients that include a real-time, web-based reporting system that interfaces with a real-time, web-based prescription ordering and dispensing system.

**Amendment 9** was withdrawn.

Senators Fasano, Sebesta and Jones offered the following amendment which was moved by Senator Fasano and adopted:

**Amendment 10 (997065)—**

In Section: 03 On Page: 079 Specific Appropriation: 423  
Delete Insert

ELDER AFFAIRS, DEPARTMENT OF  
Program: Services To Elders Program  
Home And Community Services

In Section 03 On Page 079  
423 Special Categories  
Home And Community Based Services Waiver

Immediately following Specific Appropriation 423, INSERT:

From the funds in Specific Appropriations 417, 418, 423 and 424, a model demonstration project shall be funded in Pasco/Pinellas counties using the Area Agency on Aging and designated community care for the elderly lead agencies to develop a price-competitive system of integrated primary, acute and long-term care services to preserve the network of community services for the elderly. The demonstration project will enable lead agencies and managed care organizational partnership to

assume financial risk and move to integrate public funding for elder services. The funds to be integrated in this model shall include Community Care for the Elderly, Home Care for the Elderly, Alzheimer's Disease Initiative, Aged and Disabled Medicaid Waiver, and Assisted Living for the Elderly Medicaid Waiver services.

**Amendment 11** was withdrawn.

Senator Wilson moved the following amendments which were adopted:

**Amendment 12 (997067)—**

In Section: 04 On Page: 115 Specific Appropriation: 787  
Delete Insert

CORRECTIONS, DEPARTMENT OF  
Program: Community Corrections  
Adult Substance Abuse Prevention,  
Evaluation And Treatment Services

In Section 04 On Page 115  
787 Special Categories  
Local Community Corrections Project

From General Revenue Fund 1,905,000 1,955,000

At the end of existing proviso language, following Specific Appropriation 787, INSERT:

From the funds in Specific Appropriation 787, \$50,000 from non-recurring general revenue is provided for the Village Jail Diversion Program in Dade County.

LAW ENFORCEMENT, DEPARTMENT OF  
Program: Investigations And Forensic  
Science Program  
Provide Investigative Services

In Section 04 On Page 158  
1206 Fixed Capital Outlay  
Minor Repairs And Renovations At Regional  
Operating Facilities

From General Revenue Fund 1,685,000 1,635,000

**Amendment 13 (997068)—**

In Section: 04 On Page: 115 Specific Appropriation: 787  
Delete Insert

CORRECTIONS, DEPARTMENT OF  
Program: Community Corrections  
Adult Substance Abuse Prevention,  
Evaluation And Treatment Services

In Section 04 On Page 115  
787 Special Categories  
Local Community Corrections Project

From General Revenue Fund 1,905,000 1,955,000

At the end of existing proviso language, following Specific Appropriation 787, INSERT:

From the funds in Specific Appropriation 787, \$50,000 from non-recurring general revenue is provided to the Alternatives to Incarceration (ATI) Program in Dade County.

LAW ENFORCEMENT, DEPARTMENT OF  
Program: Investigations And Forensic  
Science Program  
Provide Investigative Services

In Section 04 On Page 158  
1206 Fixed Capital Outlay

Minor Repairs And Renovations At Regional Operating Facilities

From General Revenue Fund 1,685,000 1,635,000

MOTION

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

Senator Lawson moved the following amendment which was adopted:

Amendment 14 (997069)—

In Section: 04 On Page: 157 Specific Appropriation: 1201 Delete Insert

LAW ENFORCEMENT, DEPARTMENT OF Program: Investigations And Forensic Science Program Provide Investigative Services

1201 In Section 04 On Page 157 Special Categories Grants And Aids - Special Projects

From General Revenue Fund 1,775,000 1,850,000

In the list of proviso following Specific Appropriation 1201, in the 4th line: DELETE

Radio Communications Equipment..... 350,000

and insert:

Radio Communications Equipment..... 425,000

1206 In Section 04 On Page 158 Fixed Capital Outlay Minor Repairs And Renovations At Regional Operating Facilities

From General Revenue Fund 1,685,000 1,610,000

Senator Wilson moved the following amendment which was adopted:

Amendment 15 (997052)—

In Section: 05 On Page: 207 Specific Appropriation: 1721A Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF Program: Water Resource Management Water Resource Protection And Restoration

1721A In Section 05 On Page 207 Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Statewide Water Projects - Restoration

DELETE from existing proviso language following Specific Appropriation 1721A:

Opa Locka NW 139th Street Stormwater Drainage/Roadway Improvements..... 48,547 Opa Locka NW 141 Street Stormwater Drainage/Roadway Improvements..... 68,434 Opa Locka NW 147 Street Stormwater Drainage/Roadway Improvements..... 150,000 Opa Locka NW 19 Avenue Stormwater Drainage/Roadway Improvements..... 150,000 Opa Locka Perviz Avenue Stormwater Drainage/Roadway Improvements..... 100,000 Village of El Portal Seawall/Canal Bank Stabilization..... 287,500

and INSERT:

Opa Locka NW 139th Street Stormwater Drainage/Roadway Improvements..... 17,141 Opa Locka NW 132nd Street Stormwater Drainage/Roadway Improvements..... 291,382 Opa Locka NW 128th Street Stormwater Drainage/Roadway Improvements..... 208,458 El Portal Drainage Improvements Project ..... 287,500

Senator Lynn moved the following amendment which was adopted:

Amendment 16 (997053)—

In Section: 05 On Page: 207 Specific Appropriation: 1721A Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF Program: Water Resource Management Water Resource Protection And Restoration

1721A In Section 05 On Page 207 Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Statewide Water Projects - Restoration

DELETE from existing proviso language following Specific Appropriation 1721A:

Northern Coastal Basin Initiative..... 900,000

and INSERT:

Marion County State Road 40 Stormwater Retrofit..... 100,000 Northern Coastal Basin Initiative..... 800,000

Amendment 17 was withdrawn.

MOTION

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

Senators Siplin and Wilson offered the following amendment which was moved by Senator Siplin and adopted:

Amendment 18 (997054)—

In Section: 05 On Page: 207 Specific Appropriation: 1721A Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF Program: Water Resource Management Water Resource Protection And Restoration

1721A In Section 05 On Page 207 Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Statewide Water Projects - Restoration

At the end of existing proviso language, following Specific Appropriation 1721A, INSERT:

Local governmental entities, which have been declared in a state of financial emergency pursuant to section 218.503, Florida Statutes, shall be exempt from the match provision.

Senator Lynn moved the following amendment which was adopted:

Amendment 19 (997072)—

In Section: 05 On Page: 234 Specific Appropriation: 2023 Delete Insert

TRANSPORTATION, DEPARTMENT OF Transportation Systems Operations Program: Highway Operations

2023 In Section 05 On Page 234  
 Fixed Capital Outlay  
 Transportation Highway Maintenance  
 Contracts

From State Transportation (Primary) 232,558,096 232,058,096  
 Trust Fund

2024 Fixed Capital Outlay  
 Intrastate Highway Construction

From State Transportation (Primary) 1,084,211,070 1,084,711,070  
 Trust Fund

DELETE the proviso immediately following Specific Appropriation 2024:

From the funds in Specific Appropriation 2024, \$15,729,000 is provided for the following projects:

U.S. Highway 441 Enhancement Project from Lake Blvd. to  
 College Drive - Lake County..... 1,300,000  
 SR 528/SR 15 Interchange Improvement Project..... 4,000,000  
 Modifications to SR 580 and SR 583 within the City of Temple  
 Terrace - Hillsborough County..... 1,000,000  
 SR 50 from Avalon Rd to SR 429 (Western Beltway) - project  
 410983-1..... 2,000,000  
 US 301 from Sun City Blvd to Gibsonton Dr. - Widen to 4  
 lanes..... 5,700,000  
 SR 574 (MLK) from Parsons Ave to Kingsway Rd - widen to 4  
 lanes..... 822,000  
 SR 574 (MLK) from Queen Palm Dr. to Williams Rd  
 (bridge over I-75)- widen to 6 lanes..... 807,000  
 SR 292 High Speed Hurricane Evacuation Route in Escambia  
 County..... 100,000

and insert in lieu thereof:

From the funds in Specific Appropriation 2024, \$16,229,000 is provided for the following projects:

U.S. Highway 441 Enhancement Project from Lake Blvd. to  
 College Drive - Lake County..... 1,300,000  
 SR 528/SR 15 Interchange Improvement Project..... 4,000,000  
 Modifications to SR 580 and SR 583 within the City of Temple  
 Terrace - Hillsborough County..... 1,000,000  
 SR 50 from Avalon Rd to SR 429 (Western Beltway) - project  
 410983-1..... 2,000,000  
 US 301 from Sun City Blvd to Gibsonton Dr. - Widen to 4  
 lanes..... 5,700,000  
 SR 574 (MLK) from Parsons Ave to Kingsway Rd - widen to 4  
 lanes..... 822,000  
 SR 574 (MLK) from Queen Palm Dr. to Williams Rd  
 (bridge over I-75)- widen to 6 lanes..... 807,000  
 SR 292 High Speed Hurricane Evacuation Route in Escambia  
 County..... 100,000  
 US 1/I-95 Interchange and Ormond Crossings Business Park  
 In Volusia County..... 500,000

Senator Klein moved the following amendment which was adopted:

**Amendment 20 (997071)—**

In Section: 05 On Page: 186 Specific Appropriation: 1508A  
Delete Insert

COMMUNITY AFFAIRS, DEPARTMENT OF  
Program: Emergency Management  
Emergency Planning

1508A In Section 05 On Page 186  
 Grants And Aids To Local Governments And  
 Nonstate Entities - Fixed Capital Outlay  
 Local Emergency Management Facilities

From General Revenue Fund 8,189,092 8,089,092

Immediately following Specific Appropriation 1508A, DELETE:

From the funds in Specific Appropriation 1508A, \$8,189,092 in non-recurring general revenue is provided for the following projects:

St. Lucie Special Needs Shelter..... 2,500,000  
 Indian River Emergency Operations Center..... 2,500,000  
 Osceola County Consolidated EOC/Communications Center..... 250,000  
 Putnam County Storm Shelter Retrofits..... 500,000  
 Hurricane Relief for Primrose Center, Inc in Orange County.. 409,692  
 Hurricane Disaster Plan Special Needs Shelter  
 in Pinellas County..... 179,400  
 Windstorm Damage Mitigation Training & Demonstration Center  
 in Pinellas County..... 750,000  
 Emergency Operations Center retrofit / upgrade..... 1,100,000

Immediately following Specific Appropriation 1508A, INSERT:

From the funds in Specific Appropriation 1508A, \$8,089,092 in non-recurring general revenue is provided for the following projects:

St. Lucie Special Needs Shelter..... 2,500,000  
 Indian River Emergency Operations Center..... 2,500,000  
 Osceola County Consolidated EOC/Communications Center..... 250,000  
 Putnam County Storm Shelter Retrofits..... 500,000  
 Hurricane Relief for Primrose Center, Inc in Orange County.. 409,692  
 Hurricane Disaster Plan Special Needs Shelter  
 in Pinellas County..... 179,400  
 Windstorm Damage Mitigation Training & Demonstration Center  
 in Pinellas County..... 750,000  
 Emergency Operations Center retrofit / upgrade..... 1,000,000

GOVERNOR, EXECUTIVE OFFICE OF THE  
 Program: Office Of Tourism, Trade And  
 Economic Development  
 Economic Development Programs And  
 Projects

2498 In Section 06 On Page 282  
 Special Categories  
 Economic Development Projects

From General Revenue Fund 100,000

Immediately following Specific Appropriation 2498, INSERT:

From the nonrecurring general revenue funds provided in Specific Appropriation 2498, \$100,000 is provided for the West Palm Beach City Commons economic revitalization project.

**Amendments 21 and 22 were withdrawn.**

On motions by Senator Carlton, by two-thirds vote **SB 2600** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40

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

Villalobos  
Webster

Wilson

Wise

Nays—None

**SB 2602**—A bill to be entitled An act implementing the 2005-2006 General Appropriations Act; providing legislative intent; providing for use of specified calculations with respect to the Florida Education Finance Program; 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; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a forensic mental health treatment facility; amending s. 402.305, F.S.; providing for the child care competency examination to be given in Spanish; amending s. 402.33, F.S.; suspending authority of the Department of Children and Family Services to use funds in excess of fee collections; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; 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; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due-process appropriations; amending s. 413.4021, F.S.; requiring additional revenues from the tax collection enforcement diversion program to be used for the personal care attendant pilot program and for state attorney contracts; providing for expenditure of funds from the Working Capital Fund to offset deficiencies in due-process services; authorizing the Department of Legal Affairs to expend appropriated funds on programs funded in the preceding fiscal year; providing for an agreement between the Department of Agriculture and Consumer Services and the Department of Transportation for the construction of an agricultural interdiction station in Escambia County; 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; 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. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution control purposes; amending s. 375.041, F.S.; providing for use of funds allocated to the Land Acquisition Trust Fund for water quality issues; creating s. 376.30715, F.S.; providing conditions on state financial assistance in restoration of contaminated petroleum storage or retail sites; amending s. 287.057, F.S.; revising methods of compensating on-line providers of commodities and contractual services; 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.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determining eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; amending s. 253.034, F.S.; authorizing deposit of funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County; amending s. 402.3017, F.S.; requiring the Agency for Workforce Innovation to administer Teacher Education and Compensation Helps (TEACH) scholarship program; amending

s. 287.057, F.S.; exempting certain voter education activities from competitive-solicitation requirements; amending s. 259.032, F.S.; providing for use of certain funds for constructing replacement museum facilities; amending s. 288.1045, F.S.; extending the qualified defense contractor tax refund program; amending s. 288.106, F.S.; extending the tax refund program for qualified target industry businesses; amending s. 290.044, F.S.; revising the amounts that may be set aside from the neighborhood revitalization category of the Small Cities Community Development Block Grant Program Fund; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 339.135, F.S.; authorizing increased appropriations for certain projects in the Department of Transportation; creating s. 320.0846, F.S.; providing for free motor vehicle license plates for active members of the Florida National Guard; creating s. 250.5206, F.S.; creating the Family Readiness Program in the Department of Military Affairs; providing purpose, availability and use of funding, services, eligibility, application and review; providing for a report; creating the Family Readiness Advisory Board and specifying membership; reenacting s. 215.32(2)(b), F.S., relating to the source and use of trust funds; amending s. 216.192, F.S.; prescribing additional conditions that must be met before the release or transfer of agency funds or the transfer of positions; providing goals for implementing the Aspire project; providing factors to be considered; providing for review; providing finding of best interest of the state for authorization and issuance of certain debt; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2005-2006 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing effective dates.

—was read the second time by title.

Senators Miller and Campbell offered the following amendment which was moved by Senator Miller and adopted:

**Amendment 1 (705996)**—On page 10, lines 15-27, delete those lines

On motions by Senator Carlton, by two-thirds vote **SB 2602** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**CS for SB 388**—A bill to be entitled An act relating to student financial aid; amending ss. 1009.50, 1009.51, and 1009.52, F.S.; authorizing the deposit of funds appropriated by the Legislature for student financial assistance into the State Student Financial Assistance Trust Fund; amending s. 1009.89, F.S.; eliminating a requirement that funds appropriated for the William L. Boyd, IV, Florida Resident Access Grant Program be deposited into such trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for SB 388** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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**CS for SB 392**—A bill to be entitled An act relating to the Water Quality Assurance Trust Fund; amending s. 376.307, F.S.; authorizing the Department of Environmental Protection to use certain funds for brownfield activities; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **CS for SB 392** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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**CS for SB 394**—A bill to be entitled An act relating to the enforcement of farm labor laws; amending s. 450.38, F.S.; requiring that moneys to enforce farm labor laws be transferred to the Professional Regulation Trust Fund from the Workers' Compensation Administration Trust Fund within the Department of Financial Services; authorizing the appropriation of moneys for such purpose; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **CS for SB 394** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Clary	Hill
Alexander	Constantine	Jones
Argenziano	Crist	King
Aronberg	Dawson	Klein
Atwater	Diaz de la Portilla	Lawson
Baker	Dockery	Lynn
Bennett	Fasano	Margolis
Bullard	Garcia	Miller
Campbell	Geller	Peaden
Carlton	Haridopolos	Posey

Pruitt	Siplin	Webster
Rich	Smith	Wilson
Saunders	Villalobos	Wise
Sebesta		

Nays—None

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**CS for SB 400**—A bill to be entitled An act relating to the procurement of commodities or contractual services; amending s. 287.057, F.S.; requiring that the Department of Management Services compensate a provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requiring that the provider report transaction data to the department; requiring that fees due to the state on a transactional basis or as a fixed percentage of savings generated be deposited into the State Treasury; requiring that a vendor pay interest on the balance of fees remaining due and unpaid; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **CS for SB 400** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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**CS for CS for SB 404**—A bill to be entitled An act relating to health care; amending s. 400.23, F.S.; delaying provisions requiring a nursing home staffing increase; amending ss. 409.903, 409.904, F.S.; deleting certain limitations on services to the medically needy; amending s. 409.906, F.S., relating to optional Medicaid services; providing for adult denture services; repealing s. 409.9065, F.S., relating to pharmaceutical expense assistance; amending s. 409.908, F.S.; revising guidelines relating to reimbursement of Medicaid providers; amending ss. 409.9112, 409.9113, 409.9117, F.S., relating to the hospital disproportionate share program; deleting obsolete provisions; amending s. 409.91195, F.S.; revising provisions relating to the Medicaid Pharmaceutical and Therapeutics Committee and its duties with respect to developing a preferred drug list; amending s. 409.912, F.S.; revising the Medicaid prescribed drug spending control program; eliminating case management fees; directing the Agency for Health Care Administration to implement, and authorizing it to seek federal waivers for, the program of all-inclusive care for children; amending s. 409.9122, F.S.; revising a provision governing assignment to a managed care option for a Medicaid recipient who does not choose a plan or provider in certain geographic areas where the Agency for Health Care Administration contracts for comprehensive behavioral health services; amending s. 409.9124, F.S.; requiring the Agency for Health Care Administration to publish managed care reimbursement rates annually; limiting the application of certain rates and rate reductions; providing effective dates.

—was read the second time by title. On motions by Senator Saunders, by two-thirds vote **CS for CS for SB 404** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Aronberg	Bennett
Alexander	Atwater	Bullard
Argenziano	Baker	Campbell

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

Nays—None

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

Nays—None

**CS for SB 408**—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 414.065, F.S.; revising the penalties imposed by the department against a participant who is receiving temporary cash assistance and who fails to comply with work requirements; eliminating provisions allowing the continuation of temporary cash assistance for children; amending s. 414.095, F.S.; revising certain requirements for determining eligibility for temporary cash assistance in order to conform to federal requirements; eliminating certain eligibility options for stepparents; amending s. 414.105, F.S.; providing for a lifetime cumulative period during which a person may receive temporary cash assistance; eliminating certain other time limitations; revising the membership requirements for regional workforce boards; repealing s. 414.32(2), F.S., relating to disqualification from the food stamp program for an arrearage in child support payments; amending ss. 409.2564 and 445.048, F.S.; conforming cross-references; repealing s. 114, ch. 2004-267, Laws of Florida, relating to authorization for the department to contract with private vendors for determining eligibility for the Economic Self-Sufficiency Services program; providing an effective date.

—was read the second time by title.

Senator Wilson moved the following amendment:

**Amendment 1 (441024)**—On page 2, lines 8-11, delete those lines and insert: REQUIREMENT PLANS.—The department shall establish procedures for administering penalties for nonparticipation in work requirements and failure to comply with the alternative requirement plan. If an individual in a family receiving

On motion by Senator Saunders, further consideration of **CS for SB 408** with pending **Amendment 1 (441024)** was deferred.

**CS for SB 410**—A bill to be entitled An act relating to the Department of Health; amending s. 456.013, F.S.; eliminating a requirement that the department issue wall certificates; amending s. 456.017, F.S.; prohibiting the use of a state-developed examination if a national examination has been certified by the department; revising the criteria under which an applicant may challenge the validity of an examination; authorizing the department to post examination scores on the Internet in lieu of mailing the scores to each applicant; amending s. 456.036, F.S.; providing for a retired-status license; providing a fee for changing to retired status at the time of license renewal; requiring an additional fee if retired status is chosen at any time other than at the time of license renewal; authorizing each board or the department to reexamine a licensee who has been retired or inactive for a specified period in order to assess the licensee's competency; amending s. 464.201, F.S.; defining the phrase "practice of a certified nursing assistant"; amending s. 464.202, F.S.; requiring the Board of Nursing to adopt rules specifying the scope of practice and level of supervision required for certified nursing assistants; amending s. 464.203, F.S.; requiring the biennial renewal of certification as a nursing assistant; reducing the number of required hours of inservice training for certified nursing assistants; providing a fee for certification renewal; providing an effective date.

—was read the second time by title. On motions by Senator Saunders, by two-thirds vote **CS for SB 410** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker

**CS for SB 424**—A bill to be entitled An act relating to employee benefits; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendment which was adopted:

**Amendment 1 (273818)**—On page 1, lines 17-23, delete section 2 and renumber subsequent section.

On motions by Senator Carlton, by two-thirds vote **CS for SB 424** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**CS for SB 2584**—A bill to be entitled An act relating to higher education; amending s. 1011.94, F.S.; authorizing the deposit of funds appropriated by the Legislature into the Trust Fund for University Major Gifts; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for SB 2584** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Villalobos

Wilson

Wise

Webster

Nays—None

**CS for SB 2610**—A bill to be entitled An act relating to the management of state financial matters; amending s. 14.2015, F.S.; requiring the Office of Tourism, Trade, and Economic Development and the Florida Commission on Tourism to advise and consult with the Consensus Estimating Conference principals concerning certain duties; amending s. 20.316, F.S., relating to the Department of Juvenile Justice information systems; correcting a reference; amending s. 45.062, F.S.; requiring that certain legislative officers and the Attorney General receive prior notice concerning settlement negotiations and presettlement agreements or orders; specifying that such notice is a condition precedent to an agency's authority to enter into such an agreement; providing certain exceptions; requiring that moneys paid in settlement of a legal action be placed unobligated into the General Revenue Fund or an appropriate trust fund; prohibiting payment outside the State Treasury except in settlement of a personal injury claim; requiring that certain legislative officers and the Attorney General receive prior notice concerning certain settlements involving a state agency or officer; correcting a reference; amending s. 110.1239, F.S.; correcting a cross-reference; amending s. 110.1245, F.S., relating to a savings sharing program; correcting a reference; amending s. 215.32, F.S.; providing for unallocated general revenue; revising a provision relating to the restoration of expenditures from the Budget Stabilization Fund; eliminating the Working Capital Fund as a fund type; amending s. 215.5601, F.S., relating to the Lawton Chiles Endowment Fund; revising provisions governing appropriations to the fund; amending ss. 215.93 and 215.94, F.S., relating to the Florida Financial Management Information System; revising duties of the Financial Management Information Board and the functional owners of the information subsystems; requiring the Auditor General to provide technical advice; amending s. 215.97, F.S., relating to the Florida Single Audit Act; revising and providing definitions; revising the uniform state audit requirements for state financial assistance that is provided by state agencies to nonstate entities; requiring the Department of Financial Services to adopt rules and perform additional duties with respect to the provision of financial assistance to carry out state projects; specifying duties of coordinating agencies; exempting nonstate entities that act only as a conduit of state financial assistance from the requirements of the Florida Single Audit Act; amending s. 216.011, F.S.; revising definitions applicable to the fiscal affairs of the state; defining the terms "mandatory reserve," "budget reserve," "activity," and "statutorily authorized entity"; amending s. 216.013, F.S.; revising requirements for the long-range program plans developed by state agencies; providing for submitting such plans on an alternate date under certain circumstances; revising the date for making adjustments; amending s. 216.023, F.S., relating to legislative budget requests; providing alternate dates for submitting such requests under certain circumstances; providing requirements for a request to outsource or privatize agency functions; deleting certain requirements for performance-based program budget requests; amending s. 216.031, F.S.; revising requirements for target budget requests; repealing s. 216.052(2), (3), (8), and (9), F.S., relating to community budget requests and a revolving loan program; repealing s. 216.053(5), F.S., relating to summary information concerning performance-based program budgets; amending s. 216.065, F.S.; requiring that a fiscal impact statement provided to the legislative appropriations committees contain information concerning subsequent fiscal years; amending s. 216.081, F.S.; providing data requirements for the Governor's recommended budget under certain circumstances; amending s. 216.133, F.S.; deleting references to conform; amending s. 216.134, F.S.; stipulating that consensus estimating conferences are within the legislative branch; revising provisions relating to public meetings of consensus estimating conferences; amending s. 216.136, F.S.; deleting provisions for the Child Welfare System Estimating Conference and the Juvenile Justice Estimating Conference; amending s. 216.162, F.S.; revising the date for the Governor to submit the recommended budget for the state; amending s. 216.167, F.S.; deleting references to the Working Capital Fund to conform to changes made by the act; amending s. 216.168, F.S.; deleting provisions exempting the Governor from a requirement to submit amended recommendations; amending s. 216.177, F.S.; revising requirements for notifying the Legislature of actions taken under ch. 216, F.S., and funds expended in settlement of agency litigation; amending s. 216.181, F.S.; requiring approval of certain amendments to an approved operating budget by the Legislative Budget Commission; clarifying provisions with respect to the notice required for the transfer of

lump-sum appropriations; revising requirements for determining salary rates; authorizing the Legislative Budget Commission to approve salary rates; deleting certain notice requirements; authorizing certain refunds, payments, and transfers pursuant to budget authority within the executive branch and the judicial branch; requiring notice to the chairs of the legislative committees responsible for developing the general appropriations acts; repealing ss. 216.1825 and 216.183, F.S., relating to the use of zero-based budgeting principles and performance-based program budgets; amending s. 216.192, F.S.; requiring an agency to submit an operational work plan for approval before funds or positions are released or transferred or spending authority is increased for information technology projects; providing requirements for the work plan; requiring that the agency submit project-status reports; requiring that the frequency of work plans and status reports be specified in the General Appropriations Act; deleting provisions authorizing the legislative appropriations committees to provide advice regarding the release of funds; authorizing the Executive Office of the Governor and the Chief Justice to place appropriations in mandatory reserve or budget reserve; amending s. 216.195, F.S.; deleting certain notice and review requirements for the impoundment of funds; amending s. 216.221, F.S.; authorizing the Legislature to direct the use of any state funds in an appropriations act; revising requirements for adjusting budgets in order to avoid or eliminate a deficit; revising procedures for certifying a budget deficit; revising requirements for the Governor and the Chief Justice in developing plans of action; requiring that the Legislative Budget Commission implement certain reductions in appropriations; revising requirements for resolving deficits; requiring that certain actions to resolve a deficit be approved by the Legislative Budget Commission; amending s. 216.231, F.S., relating to the release of classified appropriations; conforming provisions to changes made by the act; amending s. 216.235, F.S., relating to the Innovation Investment Program; correcting references; limiting the funding of certain proposals under the program; amending s. 216.241, F.S.; requiring that the initiation or commencement of new programs be approved by the Legislative Budget Commission; deleting certain notice requirements; limiting certain other actions and budget adjustments by a state agency or the judicial branch without the approval of the Legislature or the Legislative Budget Commission; amending s. 216.251, F.S.; correcting a reference; revising requirements for establishing certain salaries; amending s. 216.262, F.S.; requiring the Legislative Budget Commission to approve certain increases in the number of positions; deleting provisions authorizing an agency to retain salary dollars under certain circumstances; amending s. 216.292, F.S.; revising provisions limiting the transferability of appropriations; prohibiting spending fixed capital outlay for other purposes; prohibiting transferring appropriations except as otherwise provided by law; providing certain exceptions; amending s. 216.301, F.S.; revising requirements for continuing unexpended balances of appropriations for fixed capital outlay; requiring approval by the Executive Office of the Governor; authorizing the President of the Senate and the Speaker of the House of Representatives to provide for the retention of certain balances from legislative budget entities; repealing s. 218.60(3), F.S., relating to estimates made by the revenue estimating conference and provided to local governments; amending ss. 252.37 and 265.55, F.S.; deleting certain references to the Working Capital Fund to conform to changes made by the act; repealing s. 288.1234, F.S., relating to the Olympic Games Guaranty Account within the Economic Development Trust Fund; amending s. 288.7091, F.S.; correcting a cross-reference; amending s. 320.20, F.S.; providing duties of the Chief Financial Officer with respect to the deposit of certain trust fund moneys based on anticipated annual revenues; amending s. 339.135, F.S.; requiring that the Legislative Budget Commission approve certain extensions of spending authority; revising requirements for amending certain work programs; amending s. 381.0303, F.S.; authorizing the Department of Health to obtain reimbursement for special needs shelters from unappropriated moneys in the General Revenue Fund; amending s. 409.906, F.S.; deleting provisions authorizing the Department of Children and Family Services to transfer certain funds in excess of the amount specified in the General Appropriations Act; repealing s. 409.912(11)(b), F.S., relating to the transfer of certain funds from the Department of Elderly Affairs to the Agency for Health Care Administration; amending ss. 468.392 and 475.484, F.S.; deleting provisions exempting funds in the Auctioneer Recovery Fund and the Real Estate Recovery Fund from limitations imposed by an appropriation act; amending s. 631.141, F.S.; clarifying provisions requiring the Legislative Budget Commission to approve certain appropriations; amending s. 921.001, F.S.; requiring the Legislature to make certain determinations with respect to legislation that affects the prison population; amending s. 943.61, F.S., relating to appropriations to the Capitol Police; deleting provisions requiring approval by the Governor and the Legislative

Budget Commission; amending s. 1009.536, F.S.; deleting duties of the Workforce Estimating Conference with respect to certain career education programs; amending s. 1013.512, F.S.; requiring a recommendation by the Governor before placing certain school district funds in reserve; providing for references to the Working Capital Fund in certain appropriations and proviso language to be replaced with a reference to the General Revenue Fund; providing effective dates.

—was read the second time by title.

Senators Carlton and Pruitt offered the following amendments which were moved by Senator Carlton and adopted:

**Amendment 1 (124406)(with title amendment)**—On page 11, line 8 through page 13, line 28, delete those lines and insert: state funds or other state resources, *exceeding \$1 million, the refund or future loss of state revenues exceeding \$10 million, or the establishment of any new program, unless:*

(a) The expenditure is provided for by an existing appropriation or program established by law; ~~and~~

(b) *At the time settlement negotiations are begun in earnest, written notification is given to the President of the Senate, the Speaker of the House of Representatives, the Senate and House minority leaders, the chairs of the appropriations committees of the Legislature, and the Attorney General; and*

(c)(b) *Prior written notification is given at least within 5 business days or as soon thereafter as practicable, before of the date the settlement or presettlement agreement or order is to be made final to the President of the Senate, the Speaker of the House of Representatives, the Senate and House minority leaders, the chairs of the appropriations committees of the Legislature, and the Attorney General. Such notification shall specify how the agency involved will address the costs in future years within the limits of current appropriations.*

1. *The Division of Risk Management need not give the notification required by this paragraph when settling any claim covered by the state self-insurance program for an amount less than \$250,000.*

2. *The notification specified in this paragraph is not required if:*

a. *The only settlement obligation of the state resulting from the claim is to pay court costs in an amount less than \$10,000;*

b. *Notification would preclude the state's participation in multi-state litigation;*

c. *Notification is precluded by federal law or regulation; or*

d. *Notification is precluded by court rule or sanction.*

(2) The state executive branch agency or officer shall negotiate a closure date as soon as possible for the civil action.

(3) The state executive branch agency or officer may not pledge any current or future action of another branch of state government as a condition for settling the civil action.

(4) Any settlement that commits the state to spending in excess of current appropriations or to policy changes inconsistent with current state law shall be contingent upon and subject to legislative appropriation or statutory amendment. The state agency or officer may agree to use all efforts to procure legislative funding or statutory amendment.

(5) *When a state agency or officer settles an action or legal claim in which the state asserted a right to recover money, all moneys paid to the state by a party in full or partial exchange for a release of the state's claim shall be placed into the General Revenue Fund or the appropriate trust fund.*

(6)(5) State executive branch agencies and officers shall report to each substantive and fiscal committee of the Legislature having jurisdiction over the reporting agency on all potential settlements that may commit the state to:

(a) Spend in excess of current appropriations; or

(b) Make policy changes inconsistent with current state law.

The state executive branch agency or officer shall provide periodic updates to the appropriate legislative committees on these issues during the settlement process.

And the title is amended as follows:

On page 1, lines 15-28, delete those lines and insert: presettlement agreements or orders; providing certain exceptions; requiring that moneys paid in settlement of a legal action be placed into the General Revenue Fund or an appropriate trust fund; amending s.

**Amendment 2 (273404)(with title amendment)**—On page 43, line 28 through page 46, line 2, delete those lines and insert:

Section 11. Paragraphs (a), (b), (gg), (hh), and (jj) of subsection (1) of section 216.011, Florida Statutes, are amended, paragraphs (rr) and (ss) are added to that subsection, and paragraph (c) is added to subsection (3) of that section, to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(a) “Annual salary rate” means the monetary compensation authorized to be paid a position on an annualized basis. The term does not include moneys authorized for benefits associated with the position. ~~In calculating salary rate, a vacant position shall be calculated at the minimum of the pay grade for that position.~~

(b) “Appropriation” means a legal authorization to make expenditures for specific purposes within the amounts authorized by law ~~in the appropriations act.~~

(gg) “Mandatory reserve” means the reduction of an appropriation by the Governor or the Legislative Budget Commission due to an anticipated deficit in a fund, pursuant to s. 216.221. Action may not be taken to restore a mandatory reserve either directly or indirectly. ~~“Performance-based program appropriation” means the appropriation category used to fund a specific set of activities or classification of expenditure within an approved performance-based program.~~

(hh) “Budget reserve” means the withholding, as authorized by the Legislature, of an appropriation or portion thereof. The need for a budget reserve may exist until certain conditions set by the Legislature are met by the affected agency, or such need may exist due to financial or program changes that have occurred since, and were unforeseen at the time of, passage of the General Appropriations Act. ~~“Performance-based program budget” means a budget that incorporates approved programs and performance measures.~~

(jj) “Program” means a set of services and activities undertaken in accordance with a plan of action organized to realize identifiable goals and objectives based on legislative authorization.

(rr) “Activity” means a unit of work which has identifiable starting and ending points, consumes resources, and produces outputs.

(ss) “Qualified expenditure category” means the appropriations category used to fund specific activities and projects which must be transferred to one or more appropriation categories for expenditure upon the recommendation by the Governor or Chief Justice, as appropriate, and subject to approval by the Legislative Budget Commission.

(3) For purposes of this chapter, the term:

(c) “Statutorily authorized entity” means any entity primarily acting as an instrumentality of the state, any regulatory or governing body, or any other governmental or quasi-governmental organization that receives, disburses, expends, administers, awards, recommends expenditure of, handles, manages, or has custody or control of funds appropriated by the Legislature and:

1. *Is created, organized, or specifically authorized to be created or established by general law; or*

2. *Assists a department, as defined in s. 20.03(2), or other unit of state government in providing programs or services on a statewide basis with a statewide service area or population.*

Section 12. Effective July 1, 2006, paragraph (n) of subsection (1) of section 216.011, Florida Statutes, as amended by section 11 of this act, is amended to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(n) "Expense" means the appropriation category used to fund the usual, ordinary, and incidental expenditures by an agency or the judicial branch, including such items as ~~contractual services~~, commodities, and supplies of a consumable nature, current obligations, and fixed charges, and excluding expenditures classified as operating capital outlay. Payments to other funds or local, state, or federal agencies may be included in this category.

And the title is amended as follows:

On page 3, line 1, after "activity," insert: "qualified expenditure category"

**Amendment 3 (684050)(with title amendment)**—On page 54, delete line 4 and insert: *instructions and, within the discretion of the head of the state agency or the Chief Justice of the Supreme Court, may contain only information found in the pleadings.*

And the title is amended as follows:

On page 3, line 15, after the first semicolon (;) insert: *changing the requirements for an annual inventory of certain litigation;*

**Amendment 4 (904494)**—On page 74, line 16, after the period (.) insert: *A proposed budget action shall be deemed approved by a chair of a legislative committee if written notice of the objection is not provided to the Governor or Chief Justice, as appropriate, within 14 days of the chair receiving notice of the action pursuant to the provisions of s. 216.177.*

**Amendment 5 (911040)**—On page 93, after line 25, insert:

3. *Any agency exceeding salary rate established pursuant to s. 216.181(8) on June 30th of any fiscal year shall not be authorized to make transfers pursuant to subparagraphs 1. and 2. in the subsequent fiscal year.*

4. *Notice of proposed transfers under subparagraphs 1. and 2. shall be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 3 days prior to agency implementation in order to provide an opportunity for review. The review shall be limited to ensuring that the transfer is in compliance with the requirements of this paragraph.*

On motions by Senator Carlton, by two-thirds vote **CS for SB 2610** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**CS for SB 408**—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 414.065, F.S.; revising the penalties imposed by the department against a participant who is receiving temporary cash assistance and who fails to comply with work requirements; eliminating provisions allowing the continuation of temporary cash assistance for children; amending s. 414.095, F.S.; revising certain requirements for determining eligibility for temporary cash assistance in order to conform to federal requirements; eliminating certain eligibility options for stepparents; amending s. 414.105, F.S.; providing for a lifetime cumulative period during which a person may receive temporary cash assistance; eliminating certain other time limitations; revising the membership requirements for regional workforce boards; repealing s. 414.32(2), F.S., relating to disqualification from the food stamp program for an arrearage in child support payments; amending ss. 409.2564 and 445.048, F.S.; conforming cross-references; repealing s. 114, ch. 2004-267, Laws of Florida, relating to authorization for the department to contract with private vendors for determining eligibility for the Economic Self-Sufficiency Services program; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (441024)** by Senator Wilson was withdrawn.

On motions by Senator Saunders, by two-thirds vote **CS for SB 408** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Fasano

Vote after roll call:

Nay to Yea—Fasano

**MOTIONS**

On motions by Senator Miller, the rules were waived and staff of the Committee on Ways and Means was instructed to make title amendments; and technical and conforming changes in **SB 2600** and **SB 2602** as necessary; and that Rule 2.19(2) be waived to allow Senate Budget Conferees on **SB 2600** and **SB 2602** as amended, the latitude to deal with additional issues which may develop outside all the bills included in the conference. The motions were adopted.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Pruitt, by two-thirds vote **CS for SB 1478** was withdrawn from the Committees on Judiciary; and Rules and Calendar; **HB 1001** was withdrawn from the Committees on Governmental Oversight and Productivity; Judiciary; and Rules and Calendar; **CS for SB 1232** was removed from the calendar and was also referred to the Committee on General Government Appropriations; **SB 2562** was withdrawn from the Committee on Commerce and Consumer Services; **SB 1790** and **CS for SB 1144** were withdrawn from the Committee on Rules and Calendar.

The Senate resumed consideration of—

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 7, 2005: SB 2600, SB 2602, CS for SB 388, CS for SB 392, CS for SB 394, CS for SB 400, CS for CS for SB 404, CS for SB 408, CS for SB 410, CS for SB 424, CS for SB 2584, CS for SB 2610

Respectfully submitted,  
Ken Pruitt, Chair

The Committee on Judiciary recommends the following pass: SB 80

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

The Committee on Transportation recommends the following pass: SB 1576, SB 1778

**The bills were referred to the Committee on Commerce and Consumer Services under the original reference.**

The Committee on Health Care recommends the following pass: SB 112 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 1702

The Committee on Transportation recommends the following pass: SB 870

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

The Committee on Criminal Justice recommends the following pass: SB 282 with 1 amendment

**The bill was referred to the Committee on Domestic Security under the original reference.**

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 2000

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

The Committee on Criminal Justice recommends the following pass: CS for CS for SB 590

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1670

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

The Committee on Transportation recommends the following pass: SB 872 with 2 amendments

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

The Committee on Judiciary recommends the following pass: CS for SB 1016 with 1 amendment

**The bill was referred to the Committee on Governmental Oversight and Productivity under the original reference.**

The Committee on Criminal Justice recommends the following pass: SB 2310

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

The Committee on Criminal Justice recommends the following pass: SB 1512

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

The Committee on Judiciary recommends the following pass: CS for SB 938 with 4 amendments, CS for SB 940

**The bills were placed on the calendar.**

The Committee on Education recommends a committee substitute for the following: SB 1716

**The bill with committee substitute attached was referred to the Committee on Children and Families under the original reference.**

The Committee on Education recommends a committee substitute for the following: SB 1704

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1348

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

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1572

The Committee on Health Care recommends a committee substitute for the following: SB 898

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

The Committee on Education recommends a committee substitute for the following: SB 1272

The Committee on Transportation recommends committee substitutes for the following: SB 1118, SB 1168

**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 Transportation recommends a committee substitute for the following: SB 1808

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

The Committee on Education recommends a committee substitute for the following: SB 2254

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 1316

The Committee on Transportation recommends a committee substitute for the following: SB 2156

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

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The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1488

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 486

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 1784

The Committee on Health Care recommends a committee substitute for the following: SB 318

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

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The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 1598

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 2462

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 620

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

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The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1478

The Committee on Community Affairs recommends a committee substitute for the following: SB 662

The Committee on Environmental Preservation recommends committee substitutes for the following: SB 444, SB 2502

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 2178

**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.**

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The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2330

The Committee on Transportation recommends committee substitutes for the following: SB 1264, SB 2434

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

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The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2412

The Committee on Education recommends a committee substitute for the following: SB 1420

The Committee on Environmental Preservation recommends a committee substitute for the following: CS for SB 858

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 2022

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 652

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1174

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

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The Committee on Agriculture recommends a committee substitute for the following: SB 958

The Committee on Community Affairs recommends committee substitutes for the following: SB 632, SB 2286

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

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The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 680

**The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.**

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The Committee on Community Affairs recommends a committee substitute for the following: SB 2284

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 592

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

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The Committee on Community Affairs recommends committee substitutes for the following: SB 494, SB 1184

The Committee on Education recommends a committee substitute for the following: SB 1034

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 1322

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

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Health Care; and Senators Margolis, Fasano, Atwater, Miller, Lawson and Rich—

**CS for SB 318**—A bill to be entitled An act relating to cystic fibrosis treatment; creating s. 627.6614, F.S.; requiring a group health insurance policy to cover services needed to treat cystic fibrosis as authorized by a physician; amending s. 641.31, F.S.; requiring a contract by a health maintenance organization to cover services needed to treat cystic fibrosis as authorized by a physician; amending s. 627.6515, F.S., relating to out-of-state groups; conforming a cross-reference to changes made by the act; providing that the act fulfills an important state interest; providing an effective date.

By the Committee on Environmental Preservation; and Senator Dockery—

**CS for SB 444**—A bill to be entitled An act relating to the development of water supplies; amending s. 201.15, F.S.; providing for the distribution of certain excise taxes on documents to the Water Protection and Sustainability Program Trust Fund of the Department of Environmental Protection; creating s. 215.6197, F.S.; establishing the Water Protection and Sustainability Program; authorizing the issuance of bonds; establishing criteria for distribution of bonds for a specified period; prohibiting the sale of bonds under certain conditions; authorizing the issuance of the water protection and sustainability bonds in the best interest of the state; amending s. 373.196, F.S.; encouraging cooperation in the development of water supplies; providing for alternative water supply development; establishing the primary roles of the water management district in water supply development; establishing the primary roles of local governments, regional water supply authorities, special districts, and publicly owned and privately owned water utilities in water supply development; encouraging municipalities, counties, and special districts to create regional water supply authorities; requiring the Legislature to identify a recurring and dedicated source of statewide funds to provide economic incentives to local water suppliers; requiring that the water management districts develop a plan to provide economic incentives for alternative water supply development by January 1, 2006; requiring that state funds made available for alternative water supply development be matched by the entity receiving the funds; requiring the development of cost-effective alternative water supplies in areas where traditional sources of water are inadequate for existing and future uses; requiring that appropriate rate-setting authorities establish a rate structure for all water facilities in a service area that receives financial assistance from the state and a water management district for alternative water supply development; amending s. 373.1961, F.S.; providing general powers and duties of the water management districts in water production; requiring that the water management districts include the amount needed to implement the water supply development projects in each annual budget; establishing general funding criteria for funding assistance to the state or water management districts; establishing economic incentives for alternative water supply development; defining the term “alternative water supplies”; creating a funding formula for the distribution of state funds to the water management districts for alternative water supply development; requiring that funding assistance for alternative water supply development be limited to a percentage of the local capital costs of an approved project; defining the term “capital costs”; requiring that the alternative water supplies grants advisory committee recommend alternative water supply projects for grant funding; establishing criteria; establishing criteria for funding assistance for water reuse systems; amending s. 373.1962, F.S.; clarifying that counties, municipalities, and special districts may execute interlocal agreements to create regional water supply authorities; amending s. 373.223, F.S.; establishing criteria for certain water supply entities to be presumed to have a use consistent with the public interest for requirements for consumptive use permitting; amending s. 373.236, F.S.; providing permits of at least 20 years for development of alternative water supplies under certain conditions; amending s. 373.459, F.S.; requiring that entities receiving state funding for implementation of surface water improvement and management projects provide a 50-percent match of cash or in-kind services; amending s. 373.0361, F.S.; providing for the development of regional water supply plans; providing requirements for the content of each plan; providing for an approval process for the plans; providing for annual updates; providing for local government use of the plans; providing notification requirements for water management districts concerning findings within the plan; changing the deadline for certain plan updates; amending s. 163.3177, F.S.; providing that a local government submit a water supply analysis to the department; establishing criteria; encouraging multijurisdictional water supply facilities to develop alternative water sources; amending s. 163.3180, F.S.; requiring adequate water supplies to serve new development; amending s. 163.3191, F.S.; requiring the evaluation and appraisal report to evaluate water supply sources; amending s. 403.067, F.S.; providing that preliminary allocation of allowable pollutant loads between point and nonpoint

sources may be developed as part of a total maximum daily load; establishing criteria for establishing preliminary and final allocations to attain pollutant reductions; authorizing the Department of Environmental Protection to adopt phased total maximum daily loads that establish incremental total maximum daily loads under certain conditions; requiring the development of basin management action plans; requiring that basin management action plans integrate the appropriate management strategies to achieve the total maximum daily loads and the restoration of designated uses; requiring that the plans establish a schedule for implementing management strategies, establish a basis for evaluating the plans’ effectiveness, and identify feasible water funding strategies; requiring that a basin management action plan equitably allocate pollutant reductions to individual basins; authorizing that plans may provide pollutant load reduction credits to dischargers that have implemented strategies to reduce pollutant loads prior to the development of the basin management action plan; requiring that the plan identify mechanisms by which potential future sources of pollution will be addressed; requiring that the department assure key stakeholder participation in the basin management action planning process; requiring that the department hold at least one public meeting to discuss and receive comments during the planning process; providing notice requirements; requiring that the department adopt all or part of a basin management action plan by secretarial order pursuant to ch. 120, F.S.; requiring that basin management action plans that alter that calculation or preliminary allocation of a total maximum daily load, the revised calculation, or preliminary allocation must be adopted by rule; requiring periodic evaluation of basin management action plans; requiring that revisions to plans be made by the department in cooperation with stakeholders; providing for basin plan revisions regarding nonpoint pollutant sources; authorizing the department’s use of additional strategies, including an adopted basin plan, to implement pollutant load reductions; requiring that adopted basin management action plans be included in subsequent NPDES permits or permit modifications; providing that implementation of a total maximum daily load or basin management action plan for holders of a NPDES municipal separate storm water sewer system permit may be achieved through the use of best management practices; requiring the department to impose additional pollution-reduction requirements for a pollutant of concern in a NPDES permit until such time as the total maximum daily load or the basin management action plan is revised, the NPDES permit expires, or the NPDES permit holder modifies its discharge; providing that basin management action plans do not relieve a discharger from the requirement to obtain, renew, or modify a NPDES permit or to abide by other requirements of the permit; requiring that plan management strategies be completed pursuant to the schedule set forth in the basin management action plan and providing that the implementation schedule may extend beyond the term of a NPDES permit; providing that management strategies and pollution reduction requirements in a basin management action plan for a specific pollutant of concern are not subject to a challenge under ch. 120, F.S., at the time they are incorporated, in identical form, into a subsequent NPDES permit or permit modification; requiring timely adoption and implementation of pollutant reduction actions for nonagricultural pollutant sources not subject to NPDES permitting but regulated pursuant to other state, regional, or local regulatory programs; requiring timely implementation of best management practices for agricultural or nonagricultural nonpoint pollutant source dischargers not subject to permitting at the time a basin management action plan is adopted; providing an exemption; providing for presumption of compliance under certain circumstances; providing for enforcement action by the department or a water management district; requiring that a landowner, discharger, or other responsible person that is implementing management strategies specified in an adopted basin management action plan will not be required by permit, enforcement action, or otherwise to implement additional management strategies to reduce pollutant loads; providing that the authority of the department to amend a basin management plan is not limited; requiring that the department verify at representative sites the effectiveness of interim measures, best management practices, and other measures adopted by rule; requiring that the department use its best professional judgment in making initial verifications that best management practices are not effective; requiring notice to the appropriate

water management district or the Department of Agriculture and Consumer Services under certain conditions; establishing a presumption of compliance for implementation of practices initially verified to be effective or verified to be effective at representative sites; limiting the institution of proceedings by the department against the owner of a source of pollution to recover costs or damages associated with the contamination of surface or ground water caused by those pollutants; requiring the Department of Agriculture and Consumer Services to institute a re-evaluation of best management practices or other measures where water quality problems are detected or predicted during the development or amendment of a basin management action plan; providing for rule revisions; providing the department with rulemaking authority; requiring that a report be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing recommendations on rules for pollutant trading prior to the adoption of those rules; requiring that recommendations be adopted in cooperation with a technical advisory committee containing experts in pollutant trading and representatives of potentially affected parties; deleting a requirement that no pollutant trading program shall become effective prior to review and ratification by the Legislature; amending ss. 373.4595 and 570.085, F.S.; correcting cross-references; amending s. 403.885, F.S.; revising requirements relating to the department's grant program for water quality improvement and water restoration project grants; eliminating grants for water quality improvement, water management, and drinking water projects; authorizing grants for wastewater management; creating additional criteria for funding storm water grants; requiring local matching funds; providing an exception from matching fund requirements for financially disadvantaged small local governments; creating s. 403.890, F.S.; establishing the Water Protection and Sustainability Funding Program; establishing a funding formula for the distribution of revenues generated by the bonding provisions as provided in s. 215.6197, F.S.; establishing funding for alternative water supply development as provided in s. 373.1961, F.S., the development and implementation of total maximum daily load projects as provided in s. 403.067, F.S., surface water improvement and management plans and programs as provided in ss. 373.451 and 373.459, F.S., the Clean Water State Revolving Loan Grants Program as provided in s. 403.1835, F.S., the Drinking Water State Revolving Loan Grant Program as provided in s. 403.8532, F.S., and the Disadvantaged Small Community Wastewater Grant Program as provided in s. 403.1838, F.S.; providing an effective date.

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By the Committee on Environmental Preservation; and Senator Dockery—

**CS for SB 486**—A bill to be entitled An act relating to phosphate mine reclamation; amending s. 378.034, F.S.; deleting an obsolete provision relating to the use of reclamation funds; amending s. 378.035, F.S.; deleting an obsolete provision authorizing the Department of Environmental Protection to expend certain funds; amending s. 373.414, F.S.; requiring financial responsibility for wetlands mitigation; specifying the financial responsibility demonstration for permitted activities occurring over a period of 3 years or more of mining activities; providing an effective date.

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By the Committee on Community Affairs; and Senator Bennett—

**CS for SB 494**—A bill to be entitled An act relating to renewable energy; creating s. 366.91, F.S.; providing legislative findings; providing definitions; requiring public utilities, municipal utilities, and rural electric cooperatives to offer a purchase contract to producers of renewable energy; providing requirements for such contracts; requiring that a producer pay the costs for interconnection; amending s. 366.11, F.S.; specifying that requirements for the purchase of renewable energy apply to municipal utilities; amending s. 403.7061, F.S.; revising a permit requirement for a waste-to-energy facility; encouraging specified applicants for a landfill permit to consider construction of a waste-to-energy facility; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Bennett—

**CS for SB 592**—A bill to be entitled An act relating to alternative energy; providing legislative findings; providing definitions; creating the Florida Alternative Energy Technology Center, Inc., as a not-for-profit corporation; requiring compliance with public meetings and records laws; providing for the organization, purpose, and duties of the center; providing for the membership on the board of directors of the center; requiring the disclosure of financial interests by board members; specifying the powers and duties of the board; requiring an annual report; providing an appropriation; providing an effective date.

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By the Committees on Governmental Oversight and Productivity; Communications and Public Utilities; and Senator Bennett—

**CS for CS for SB 620**—A bill to be entitled An act relating to the wireless emergency telephone system; amending s. 11.45, F.S.; removing the annual audit of the Wireless Emergency Telephone System Fund from the duties of the Auditor General; amending s. 364.02, F.S.; revising fee schedules for providers of interexchange telecommunications services; amending s. 365.171, F.S.; revising provisions for certain non-emergency telephone number pilot projects; amending s. 365.172, F.S.; limiting application of definitions; adding definitions relating to wireless telephone communications; revising duties of the Wireless 911 Board; providing for grants and loans to certain counties for the purpose of upgrading E911 systems; authorizing the hiring of an executive director and an independent, private attorney; specifying that state and local governments are not customers under provisions for the wireless E911 monthly fee; revising timeframe to reduce the amount of the fee or for reallocation of moneys collected for the fee; providing legislative intent regarding the emergency wireless telephone system; providing standards for local governments to follow when regulating the placement, construction, or modification of a wireless communications facility; directing local governments to grant or deny properly completed applications within specified time periods; providing criteria and procedures for local approval of an application by a provider of wireless communications services; authorizing the local government to impose an application fee; directing local governments to notify a provider in writing of the deficiencies in an application; directing local governments to notify a provider in writing whether the resubmission of information properly completes the application; authorizing local governments to continue requesting information until the application deficiencies are cured; providing for a limited review by a local government of an accessory wireless communications facility; prohibiting local governments from imposing certain restrictions on wireless communications facilities; providing that an action brought by a person adversely affected by a decision of a local government relating to a wireless communications facility shall be considered on an expedited basis; removing certain complaint procedures; amending s. 365.173, F.S.; directing how a county may use funds derived from the E911 fee; requiring the board of county commissioners to appropriate the funds to the proper uses; removing the requirement that the Auditor General annually audit the E911 fund; amending s. 337.401, F.S.; revising provisions relating to use of right-of-way for utilities subject to regulation to remove certain application provisions; providing an effective date.

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By the Committee on Community Affairs; and Senators Bennett and King—

**CS for SB 632**—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a short title; amending s. 218.72, F.S.; redefining terms used in part VII of ch. 218, F.S.; amending s. 218.735, F.S.; revising provisions relating to timely payment for purchases of construction services; revising deadlines for payment; providing procedures for project closeout and payment of retainage; providing requirements for local government construction retainage; providing that ss. 218.72-218.76, F.S., apply to the

payment of any payment request for retainage; providing exceptions; creating s. 255.0705, F.S.; providing a short title; amending s. 255.071, F.S.; revising deadlines for the payment of subcontractors, sub-subcontractors, materialmen, and suppliers on construction contracts for public projects; creating ss. 255.072, 255.073, 255.074, 255.075, 255.076, 255.077, and 255.078, F.S.; providing definitions; providing for timely payment for purchases of construction services by a public entity; providing procedures for calculating payment-due dates; providing procedures for handling improper payment requests; providing for an award of court costs and attorney's fees; providing for the resolution of disputes; providing for project closeout and payment of retainage; providing that ss. 255.072-255.076, F.S., apply to the payment of any payment request for retainage; providing exceptions; amending s. 255.05, F.S.; providing requirements for certain notices of nonpayment served by a claimant who is not in privity with the contractor; providing limitations on a claimant's institution of certain actions against a contractor or surety; amending s. 95.11, F.S., to conform a cross-reference; providing that specified sections of the act do not apply to certain pending contracts and projects; providing an effective date.

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By the Committee on Governmental Oversight and Productivity; and Senator Sebasta—

**CS for SB 652**—A bill to be entitled An act relating to public construction bonds; amending s. 255.05, F.S.; revising requirements for the form used for public construction bonds; requiring payment provisions of public construction bonds to be construed as statutory bonds; requiring payment bond forms to reference notice and time limitation provisions; providing an effective date.

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By the Committee on Community Affairs; and Senator Clary—

**CS for SB 662**—A bill to be entitled An act relating to hospitals that provide charity care; creating a commission to study the effect of the 2004 hurricane season on certain hospitals and identify hospitals unable to comply with the Florida Building Code or located in flood-prone areas; providing for membership, reimbursement, and duties of the study commission; requiring the Department of Community Affairs to provide staff for the study commission; requiring the commission to submit a report and recommendations to the Governor and the Legislature; providing an effective date.

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By the Committees on Governmental Oversight and Productivity; and Communications and Public Utilities—

**CS for SB 680**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 202.195, F.S.; revising a public-records exemption for proprietary confidential business information obtained from a telecommunications company or franchised cable company for specified purposes under the Communications Services Tax Simplification Law; removing the October 2, 2005, repeal thereof scheduled under the Open Government Sunset Review Act; removing superfluous provisions; making editorial changes; providing an effective date.

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By the Committees on Environmental Preservation; Agriculture; and Senator Smith—

**CS for CS for SB 858**—A bill to be entitled An act relating to agriculture; amending ss. 372.921 and 372.922, F.S.; conforming provisions relating to regulatory authority over the possession, control, care, and maintenance of bison; creating s. 450.175, F.S.; providing a short title; repealing s. 450.211, F.S., relating to the advisory committee for the Legislative Commission on Migrant Labor; amending s. 487.2031, F.S.; revising the definition of the term "material safety data sheet" for purposes of the Florida Agricultural Worker Safety Act; repealing s.

502.014(5), F.S.; deleting a duty of the Department of Agriculture and Consumer Services relating to the issuance of a temporary marketing permit for milk and milk products and a fee therefor; amending s. 502.091, F.S.; deleting a reference to a type of milk which is no longer produced; amending s. 503.011, F.S.; updating a reference in the definition of the term "frozen desserts"; amending s. 531.39, F.S.; deleting an outdated reference relating to state standards for weights and measures; amending s. 531.47, F.S.; revising provisions relating to packages on which information is required; amending s. 531.49, F.S.; revising provisions relating to advertising packaged commodities; creating s. 570.076, F.S.; authorizing the department to adopt rules establishing the Environmental Stewardship Certification Program; providing program standards; providing requirements for receipt of an agricultural certification; authorizing the Soil and Water Conservation Council to develop and recommend additional criteria; authorizing the department and the Institute of Food and Agricultural Sciences at the University of Florida to develop, deliver, and certify completion of a curriculum; amending s. 570.9135, F.S.; correcting a reference; amending s. 581.011, F.S.; defining the term "invasive plant"; amending s. 581.083, F.S.; prohibiting the cultivation of nonnative plants for purposes of fuel production or purposes other than agricultural in plantings greater than a specified size, except under a special permit issued by the department; providing an exemption; requiring application for a special permit and a fee therefor; requiring an applicant to show proof of security through a bond or certificate of deposit; defining the term "certificate of deposit"; requiring the removal and destruction of plants under certain circumstances; specifying the circumstances under which the department may issue a final order for plant removal and destruction; requiring reimbursement of costs and expenses for plant removal and destruction by the department; providing requirements for maintenance of a bond or certificate of deposit by a permitholder; providing requirements relating to assignment and cancellation of a bond or certificate of deposit; authorizing the requirement of an annual bond or certificate of deposit and an increase or decrease in the amount of security required; authorizing the department to verify statements and accounts with respect to cultivated acreage; providing for the suspension or revocation of a special permit under certain circumstances; amending s. 585.002, F.S.; providing for the department's regulatory authority over the possession, control, care, and maintenance of bison; providing an exception; amending s. 590.125, F.S.; clarifying liability with respect to prescribed burning; providing for obsolete agricultural equipment to be assessed at its value as salvage; defining the term "agricultural equipment"; providing a procedure for a taxpayer to claim the right of assessment under this section; authorizing the property appraiser to require information establishing a taxpayer's right to the classification; providing severability; providing an effective date.

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By the Committee on Health Care; and Senator Rich—

**CS for SB 898**—A bill to be entitled An act relating to rabies prevention and control; amending s. 828.30, F.S.; requiring a veterinarian to vaccinate certain animals with a vaccine that is licensed by the United States Department of Agriculture; establishing revaccination requirements; prohibiting using evidence of rabies antibodies in lieu of revaccination; revising the requirements for certificates of rabies vaccinations; requiring the use of a certain form for certifying a vaccination; authorizing the administering veterinarian to use a signature stamp on the vaccination certificate; prohibiting a local government from requiring revaccination of currently vaccinated animals, except for postexposure treatment; providing legislative findings; providing an effective date.

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By the Committee on Agriculture; and Senators Baker, Peadar, Bullard, Lawson, Bennett, Campbell and Fasano—

**CS for SB 958**—A bill to be entitled An act relating to animal health care services; amending s. 474.203, F.S.; providing that ch. 474, F.S., related to veterinary medical practice, does not apply to certain persons

who are under the supervision of an animal's owner or to certain persons providing specific services to horse owners; providing an effective date.

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By the Committee on Education; and Senator Baker—

**CS for SB 1034**—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing district school boards to establish a waiver process; requiring the State Board of Education to approve school district waiver processes; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

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By the Committee on Transportation; and Senators Saunders and Lynn—

**CS for SB 1118**—A bill to be entitled An act relating to motor vehicle crash reports; amending s. 316.003, F.S.; defining the term “victim services programs”; amending s. 316.066, F.S.; providing for victim services programs to immediately obtain vehicle crash reports; providing an effective date.

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By the Committee on Transportation; and Senators Constantine and Alexander—

**CS for SB 1168**—A bill to be entitled An act relating to the Commission for the Transportation Disadvantaged; amending s. 427.012, F.S.; revising the membership of the commission; establishing term limits; directing each member of the commission to serve without regional bias; providing qualifications for appointment to membership on the commission; requiring candidates for appointment to the commission to meet certain standards for background screening; requiring the Department of Transportation to inform the commission if a candidate fails to meet the screening standards; providing that costs of screening be borne by the department or the candidate for appointment; authorizing the commission to appoint technical advisory committees; providing an effective date.

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By the Committee on Regulated Industries; and Senator Jones—

**CS for SB 1174**—A bill to be entitled An act relating to slot machine gaming; creating ch. 551, F.S.; implementing s. 23, Art. X of the State Constitution; authorizing slot machines and slot machine gaming within certain pari-mutuel facilities located in Miami-Dade and Broward Counties upon approval by a local referendum; providing definitions; providing powers and duties of the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation; providing for licensure to conduct slot machine gaming; providing for slot machine licensure renewal; providing for a license fee, machine fee, and tax rate; requiring occupational licenses and application fees; prohibiting certain business relationships; prohibiting certain acts and providing penalties; providing an exception to prohibitions relating to slot machines; providing for the exclusion of certain persons from facilities; prohibiting minors under 21 years of age from playing slot machines; designating slot machine gaming areas; providing for days and hours of operation; providing penalties; providing a compulsive gambling treatment program; providing for a caterer's license; providing for rulemaking; providing an effective date.

By the Committee on Community Affairs; and Senator Fasano—

**CS for SB 1184**—A bill to be entitled An act relating to statutory ways of necessity; amending s. 704.01, F.S.; revising criteria for establishing a statutory way of necessity exclusive of common-law right; amending s. 704.04, F.S.; removing a limitation on the existence of certain easements; providing for reenactment of certain provisions under certain circumstances; providing for effectiveness; providing an effective date.

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By the Committee on Transportation; and Senators Saunders, Fasano and Constantine—

**CS for SB 1264**—A bill to be entitled An act relating to highway safety; creating the Anjelica and Victoria Velez Memorial Traffic Safety Act; amending s. 316.650, F.S.; requiring the printed traffic citation form to have a box for failing to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal showing a steady red indication; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring a driver improvement course for a second moving violation of a traffic control signal showing a steady red indication within a specified time period; providing a penalty for failure to complete such course within a specified time period; amending s. 322.27, F.S.; assigning a point value for conviction of a moving violation of a traffic control signal showing a steady red indication; correcting a cross-reference relating to assessment of points for litter violations; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; providing for audits and attestations; providing an effective date.

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By the Committee on Education; and Senator Wise—

**CS for SB 1272**—A bill to be entitled An act relating to public records and public meetings exemptions for investigations by the Commission for Independent Education; amending s. 1005.38, F.S.; creating an exemption from public records requirements for investigatory records, including minutes and findings of an exempt probable cause panel relating to suspected violations of ch. 1005, F.S., or commission rules; creating an exemption from public meetings requirements for proceedings of a probable cause panel; providing for limited duration of the exemptions; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

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By the Committee on Community Affairs—

**CS for SB 1316**—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; requiring the Department of Environmental Protection and appropriate water management districts to expedite permitting of certain marina projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 327.47, F.S.; providing for funding certain boating grant programs administered by

the Fish and Wildlife Conservation Commission; amending s. 328.72, F.S.; increasing vessel registration fees; providing for a portion of the fees to be designated for boating grant programs; amending s. 328.76, F.S.; clarifying the use of funds designated for boating grant programs; creating s. 324.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax-deferral ordinances for recreational and commercial working waterfronts; providing a tax deferral for ad valorem taxes and non-ad valorem assessments covered by a tax certificate and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease if there is a change in the use of the property; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

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By the Committees on Governmental Oversight and Productivity; and Communications and Public Utilities—

**CS for CS for SB 1322**—A bill to be entitled An act relating to the Public Service Commission; creating the Committee on Public Service Commission Oversight as a standing joint committee of the Legislature; providing for its membership, powers, and duties; amending s. 350.001, F.S.; requiring that the commission perform its duties independently; specifying that the Governor has no planning or budgetary authority with respect to the commission; specifying that the Governor and the Department of Management Services have no authority over the commission's employees; amending s. 350.031, F.S.; authorizing the Florida Public Service Commission Nominating Council to make expenditures to advertise a vacancy on the council or the commission; requiring that the Committee on Public Service Commission Oversight provide a nominee for recommendation to the Governor for appointment to the Public Service Commission; providing procedures; amending s. 350.041, F.S.; clarifying the prohibition against accepting gifts with respect to its application to commissioners attending conferences; requiring that a penalty be imposed against a person who gives a commissioner a prohibited gift; requiring that commissioners avoid impropriety and act in a manner that promotes confidence in the commission; amending s. 350.042, F.S.; requiring that a penalty be imposed against a person involved in a prohibited ex parte communication with a commissioner; amending s. 350.061, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee appoint the Public Counsel; providing for biennial reconfirmation rather than annual; requiring that the Public Counsel perform his or her duties independently; amending s. 350.0614, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee oversee expenditures of the Public Counsel; amending s. 120.80, F.S.; requiring that the commission refer certain matters affecting the substantial interest of a utility to the Division of Administrative Hearings so that an administrative judge may be assigned to conduct a hearing and enter a recommended order; providing an effective date.

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By the Committee on Regulated Industries; and Senator Geller—

**CS for SB 1348**—A bill to be entitled An act relating to indoor smoking places; amending s. 386.203, F.S.; conforming a cross-reference; defining the term "person" for purposes of the act; redefining the term

"stand-alone bar" to include a licensed premises that derives no more than a specified amount of gross revenue from the sale of food consumed on the licensed premises and that is located in a building individually listed in the National Register of Historic Places; amending s. 386.204, F.S.; eliminating certain exceptions to the prohibition against smoking in an enclosed indoor workplace; prohibiting a proprietor or person in charge of an enclosed indoor workplace from permitting smoking in that workplace; requiring that a proprietor or person in charge of an enclosed indoor workplace request a person who is smoking to stop smoking or leave the premises; providing penalties; amending s. 386.2045, F.S.; conforming cross-references; permitting smoking upon a stage as part of a theatrical production; amending s. 386.205, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting certain provisions made obsolete by operation of law which require the posting of signs in an enclosed indoor workplace; amending s. 386.208, F.S.; authorizing a law enforcement officer to issue a citation to a person who violates the Florida Clean Indoor Air Act; providing requirements for the citation; providing that failure to comply with a citation is deemed a waiver of the right to contest the citation; authorizing a law enforcement officer to remove a person from the premises who is in violation of the Florida Clean Indoor Air Act; providing that penalties imposed under the act do not limit other actions by a law enforcement officer or state agency; amending s. 561.695, F.S.; conforming cross-references; providing a penalty for a licensee who knowingly makes a false statement on an annual compliance affidavit; eliminating provisions requiring a stand-alone bar to certify to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation compliance with certain provisions of the Florida Clean Indoor Air Act; providing additional penalties for a third or subsequent violation of requirements applicable to a stand-alone bar; providing an effective date.

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By the Committee on Education; and Senator Wise—

**CS for SB 1420**—A bill to be entitled An act relating to education; authorizing individual district school boards by resolution to allow an inspirational message at specified secondary school-related events; providing legislative intent; providing severability; providing an effective date.

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By the Committee on Banking and Insurance; and Senator Garcia—

**CS for SB 1478**—A bill to be entitled An act relating to public records and meetings; creating s. 627.06292, F.S.; exempting from public-records requirements reports of hurricane loss and exposure data which are specific to an insurance company and reported by insurers or rating organizations to the Office of Insurance Regulation or to a state university for purposes of developing a public hurricane loss projection model; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; amending s. 627.0628, F.S.; exempting from public-records and public-meetings requirements trade secrets used in designing and constructing a hurricane loss model, which information is provided to the Florida Commission on Hurricane Loss Projection Methodology, the Office of Insurance Regulation, or the consumer advocate; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing contingent effective dates.

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By the Committee on Banking and Insurance; and Senators Garcia and Klein—

**CS for SB 1488**—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the retention of losses for which an insurer is not entitled to reimbursement from the Florida Hurricane Catastrophe Fund; amending s. 215.559, F.S.; revising the allocation of funds appropriated to the Department of Community Affairs from the Florida Hurricane Catastrophe Fund for the Hurricane

Loss Mitigation Program; requiring that the department establish a low-interest loan program and pilot project for hurricane loss mitigation; authorizing contractual agreements between the department and financial institutions; authorizing the Department of Community Affairs to adopt rules; amending s. 627.062, F.S.; requiring the Office of Insurance Regulation to submit a proposed plan to the Legislature establishing uniform rating territories to be used by insurers for residential property insurance rate filings; requiring a further act of the Legislature to implement the plan; limiting the recoupment by an insurer in its rates of the reimbursement premium it pays to the Florida Hurricane Catastrophe Fund; repealing provisions allowing an insurer to submit a rate filing to an arbitration panel; amending s. 627.0628, F.S.; restricting the admissibility and relevance in rate proceedings of findings of the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.0629, F.S.; lowering the percentage amount of a rate filing based on a computer model which requires a public hearing; creating s. 627.06291, F.S.; requiring residential property insurance and rating and advisory organizations to report hurricane loss data for development of a public hurricane model for hurricane loss projections; amending s. 627.351, F.S.; limiting the coverage limits for dwellings insured by Citizens Property Insurance Corporation; revising the appointments to the board and the approval of officers and employees of the corporation; creating a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and service levels; providing for membership of the committee; providing terms of office; requiring the committee to report to the corporation at each board meeting; revising the criteria and standards for establishing the rates charged for coverage by the corporation; providing that rates may not be increased by more than a specified percentage; creating s. 627.40951, F.S.; providing legislative findings and intent; providing for an advisory committee; providing for membership; providing for recommendations to be submitted to the Legislature regarding standard residential property insurance policies; amending s. 627.411, F.S.; adding grounds for which the Office of Insurance Regulation must disapprove a form filed by an insurer; amending s. 627.4133, F.S.; prohibiting insurers from canceling or non-renewing residential property insurance policies under certain emergency circumstances; providing exceptions; providing notice requirements; providing application to personal residential and commercial residential policies covering certain damaged property; amending s. 627.4143, F.S.; requiring insurers to provide personal lines property insurance policyholders with a checklist of items contained in policies; authorizing the Financial Services Commission to adopt rules; prescribing elements to be contained in the checklist; requiring the checklist and outline of insurance coverage to be sent with each renewal; clarifying that homeowners' insurance includes mobile homeowners', dwelling, and condominium unit owners' insurance for purposes of the outline of coverage; amending s. 627.701, F.S.; increasing the maximum allowable hurricane deductible for personal lines and certain commercial lines residential policies; requiring insurers to offer specified hurricane deductibles for such policies; requiring insurers to provide written notice explaining hurricane deductible options for such policies; amending s. 627.7011, F.S.; requiring insurers to offer coverage for additional costs of repair due to laws and ordinances; requiring insurers to pay the replacement cost for a loss insured on that basis, whether or not the insured replaces or repairs the dwelling or property; amending s. 627.7015, F.S.; providing a penalty for an insurer that fails to notify a claimant of the availability of mediation procedures for resolving a disputed property insurance claim; amending s. 627.702, F.S.; providing legislative intent regarding the requirement that an insurer pay policy limits if there is a total loss of a building; amending s. 627.706, F.S., relating to sinkhole insurance; providing definitions; amending s. 627.707, F.S.; revising requirements for insurers in investigating sinkhole claims; requiring that the insurer provide certain notification to the policyholder; requiring that the insurer engage an engineer and professional geologist; providing requirements for the insurer if a claim is denied; providing requirements if a sinkhole loss is verified; creating s. 627.7071, F.S.; requiring that the Department of Business and Professional Regulation certify persons as qualified to identify sinkholes and recommend remediation of sinkhole damage; providing for the Department of Financial Services to select engineers and professional geologists to verify sinkhole loss; requiring that the insurer pay the fees of the

department in selecting the engineer or geologist; authorizing the Department of Business and Professional Regulation to adopt rules; creating s. 627.7072, F.S.; providing testing standards for sinkholes; authorizing the Department of Financial Services to adopt rules; creating s. 627.7073, F.S.; providing requirements for reports issued by engineers and professional geologists; requiring certain reports and certifications to be issued to the policyholder and the insurer; requiring that the insurer file a copy of the report and certification with the clerk of court to be recorded with the certificate of title or deed for the property; providing that there is no cause of action or liability against an insurer for filing such report and certification; creating s. 627.711, F.S.; requiring insurers to provide written notice to applicants and policyholders of the amount of the premium discounts and credits for fixtures and construction techniques that reduce the amount of windstorm loss; authorizing the Financial Services Commission to adopt rules; creating s. 627.712, F.S.; requiring property insurers to pay or deny claims within certain time periods; providing that overdue payments bear interest; requiring the Office of the Auditor General to conduct an operational audit of Citizens Property Insurance Corporation; providing that the amendment to s. 627.702, F.S., is intended to be remedial and clarifying in nature; providing an appropriation and authorizing positions; providing effective dates.

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By the Committee on Commerce and Consumer Services; and Senators Bennett and Atwater—

**CS for SB 1572**—A bill to be entitled An act relating to the Scripps Funding Corporation; amending s. 4 of ch. 2003-420, Laws of Florida; prohibiting the use of eminent domain against other governmental entities under certain circumstances; providing an effective date.

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By the Committees on Community Affairs; Commerce and Consumer Services; and Senators Dockery and Baker—

**CS for CS for SB 1598**—A bill to be entitled An act relating to enterprise zones; creating s. 290.00710, F.S.; authorizing the City of Lakeland to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; creating s. 290.0073, F.S.; authorizing Indian River County, the City of Vero Beach, and the City of Sebastian to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone in Indian River County; providing requirements with respect thereto; requiring the office to establish the initial effective date of the enterprise zone; creating s. 290.0074, F.S.; authorizing Sumter County to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; providing an effective date.

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By the Committee on Education; and Senator Klein—

**CS for SB 1704**—A bill to be entitled An act relating to assistive technology; amending s. 413.407, F.S.; requiring the Assistive Technology Advisory Council to conduct certain activities required by federal law; revising the composition of the membership of the council; requiring that the council be made up of a majority who are persons with disabilities and who use assistive technology; deleting a provision requiring staggered terms of service; requiring the council to appoint a public policy and advocacy committee; providing for the reappointment of members of the council; providing an effective date.

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By the Committee on Education; and Senator Klein—

**CS for SB 1716**—A bill to be entitled An act relating to regional autism centers; amending s. 1004.55, F.S.; creating an additional re-

gional autism center in the state; reducing the number of counties within the service areas of two existing regional autism centers; providing for consistency in service delivery; encouraging each constituency board to raise funds; providing a prohibition; providing an effective date.

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By the Committees on Governmental Oversight and Productivity; Regulated Industries; and Senators Clary and Crist—

**CS for CS for SB 1784**—A bill to be entitled An act relating to professional services acquisition; amending s. 287.055, F.S.; revising certain definitions; defining the term “negotiate”; providing additional criteria for processing bids to purchase professional services which exceed certain threshold amounts; revising criteria for the competitive selection of bids to purchase professional services; amending s. 287.17, F.S.; revising the limitation on the use of state aircraft; providing an effective date.

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By the Committee on Transportation; and Senator Campbell—

**CS for SB 1808**—A bill to be entitled An act relating to the regulation of airports; amending s. 330.30, F.S.; prohibiting the Department of Transportation from renewing or reissuing licenses to certain general aviation airports that fail to develop a security plan; requiring that the plans be consistent with certain published guidelines; requiring that certain information in the plans be submitted to the Department of Law Enforcement; requiring periodic update of the plans; providing an effective date.

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By the Committee on Ethics and Elections; and Senator Posey—

**CS for SB 2022**—A bill to be entitled An act relating to constitutional amendments; amending s. 16.061, F.S.; requiring the Attorney General to petition the Supreme Court regarding compliance of financial impact statements; amending s. 100.371, F.S.; requiring initiative petitions to be filed by February 1 of a general election year in order to be placed on the ballot; providing an effective date.

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By the Committee on Transportation; and Senator Baker—

**CS for SB 2156**—A bill to be entitled An act relating to vessels; amending s. 327.59, F.S.; authorizing marina owners, operators, employees, and agents to take actions to secure vessels during severe weather and to charge fees and be held harmless for such service; authorizing contract provisions and notice relating to removing or securing vessels; amending s. 328.17, F.S.; providing for possessory liens for marinas on certain abandoned vessels; providing for attachment of the lien and recovery of certain costs under certain circumstances; providing that a marina may satisfy its possessory lien by giving notice to certain individuals; requiring the marina to conduct a good-faith lien search of vessel registration records for vessels registered outside this state; authorizing the marina to sell the vessel if the fees, costs, and interest are not paid within a specified time after the marina gives notice to the vessel owner; authorizing the owner or the lienholder to satisfy the lien; amending s. 376.11, F.S.; revising provisions relating to the Florida Coastal Protection Trust Fund to conform to changes made by the act; amending s. 376.15, F.S.; revising provisions relating to the removal of abandoned and derelict vessels; specifying officers authorized to remove such vessels; providing that certain costs shall be recoverable; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; expanding eligibility for disbursement of grant funds for the removal of derelict vessels; amending s. 403.813, F.S.; providing exemptions from permitting for certain floating vessel platforms; amending s. 705.101, F.S.; defining certain vessels as abandoned property; amending s. 823.11, F.S.; revising provisions relating to abandoned and derelict vessels and the removal of such vessels; specifying officers authorized to remove such vessels; providing

that vessel removal may be funded by certain grants; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; deleting a provision authorizing the commission to delegate certain authority to local governments under certain circumstances; providing an effective date.

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By the Committee on Ethics and Elections; and Senator Posey—

**CS for SB 2178**—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter’s signature and social security number; creating exemptions from disclosure for a voter’s driver’s license number and Florida identification number; deleting an exemption from disclosure provided for the voter’s telephone number; providing certain exceptions; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

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By the Committee on Education; and Senators King, Pruitt, Diaz de la Portilla and Bullard—

**CS for SB 2254**—A bill to be entitled An act relating to community colleges; amending s. 1001.64, F.S.; providing that community colleges that grant baccalaureate degrees pursuant to s. 1007.33, F.S., remain under the authority of the State Board of Education with respect to specified responsibilities; providing that, subject to specified conditions, the board of trustees of such a community college is the governing board for purposes of granting baccalaureate degrees and, under certain conditions, approving an articulated associate in science degree program to a bachelor of applied science baccalaureate degree program; providing powers of the boards of trustees, including the power to establish tuition and out-of-state fees; providing restrictions; requiring such boards to adopt a policy requiring teachers who teach certain upper-division courses to teach a specified minimum number of hours; amending s. 1004.65, F.S.; requiring community colleges that offer baccalaureate degrees to maintain their primary purpose and not terminate associate in arts programs because they offer baccalaureate degrees; amending s. 1007.33, F.S.; removing a requirement for review and comment by the Council for Education Policy Research and Improvement of a proposal to deliver baccalaureate degree programs; requiring that a formal agreement for the delivery of specified baccalaureate degree programs by a regionally accredited college or university at a community college site include certain provisions; requiring that the curriculum for the degree be developed and approved within a specified time; requiring that the degree program be implemented within a specified time; requiring that a proposal to deliver such a degree document that the community college has notified the accredited colleges and universities in the district of its intent to seek approval for delivery of the degree; allowing the colleges and universities to propose an alternative plan for providing the degree; amending s. 1009.23, F.S.; providing guidelines and restrictions for setting tuition and out-of-state fees for upper-division courses; requiring the State Board of Education, annually by a specified date, to adopt a resident fee schedule for baccalaureate degree programs offered by community colleges; amending s. 1011.83, F.S.; providing requirements for funding nonrecurring and recurring costs associated with such programs; limiting per-student funding to a specified percentage of costs associated with baccalaureate degree programs offered in state universities; requiring community colleges to maintain a distinction in reporting and funding between baccalaureate degree programs approved under s. 1007.33, F.S., and those offered under concurrent-use partnerships; amending s. 1013.60, F.S.; allowing community college boards of trustees to request funding for all authorized programs; requiring that enrollment in baccalaureate degree programs be computed into the survey of need for facilities; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College

Foundation; providing restrictions on the management of the endowment; releasing the foundation from certain trust agreement and statutory requirements; providing an effective date.

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By the Committee on Community Affairs; and Senator Bennett—

**CS for SB 2284**—A bill to be entitled An act relating to Small Cities Community Development Block Grants; amending s. 290.0411, F.S.; stating legislative intent regarding the Small Cities Community Development Block Grant Program; amending s. 290.044, F.S.; providing an additional program category for grants; removing requirement that the Department of Community Affairs provide recommendations to the Legislature as to distribution of federal funds relating to Small Cities Community Development Block Grant Program Fund; authorizing the department to set aside federal funds for a local government for disaster relief; removing provisions limiting a set-aside to certain federal funds; providing an effective date.

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By the Committee on Community Affairs; and Senator Bennett—

**CS for SB 2286**—A bill to be entitled An act relating to building permit applications; requiring that a local government automatically consider an application for a building permit to be properly completed unless the applicant is notified in writing within a specified period that additional information is required; requiring that the local government notify an applicant following receipt of a completed application for a building permit if additional information is required and to approve, approve with conditions, or deny an application within a specified period; specifying those building permit applications to which the act applies; exempting wireless communication facilities from application of the act; providing that the act does not supersede any other provision of law, rule, or local ordinance; providing an effective date.

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By the Committee on Banking and Insurance; and Senator Alexander—

**CS for SB 2330**—A bill to be entitled An act relating to offenses involving insurance; amending s. 400.9935, F.S.; prohibiting a medical or clinic director from referring patients to the clinic under specified circumstances; providing for health care clinics to post signs with information about a reward program for information leading to conviction of certain offenses; providing for inspections of such clinics by employees of the Division of Insurance Fraud; amending s. 440.105, F.S.; deleting the provision that a violation of a stop-work order is a misdemeanor of the first degree; increasing penalties for employers unlawfully failing to secure workers' compensation insurance when an employee is injured by or dies from a work-related injury; amending s. 624.15, F.S.; providing criminal penalties for violations of emergency rules or orders of the Department of Financial Services or Office of Insurance Regulation; amending s. 624.155, F.S.; revising provisions that authorize a civil cause of action for violations of the requirement for a certificate of authority to act as an insurer; amending s. 626.112, F.S.; providing criminal penalties for transacting insurance or engaging in insurance activities without a license; amending s. 626.901, F.S.; stating that independently procured coverage constitutes an exception to the prohibition on representing an unauthorized entity only when transacted outside the state; amending s. 626.918, F.S.; providing that certain letters of credit issued or confirmed by a qualified United States financial institution may be used to fund a trust established and maintained by an alien insurer for the protection of policyholders in the United States; defining the term "qualified United States financial institution"; amending s. 626.938, F.S.; providing that independently procured coverage must be accomplished outside the state, must be procured through an unauthorized insurer licensed in some other state or country, and is not available for life, health, or workers' compensation insurance; amending s. 626.989, F.S.; allowing insurers, agents, and other licensees, their employees, and self-insured entities contracting or associated with the Na-

tional Insurance Crime Bureau to report fraudulent insurance acts; authorizing adoption of rules for reporting suspected fraudulent activity; amending s. 817.234, F.S.; providing that it is insurance fraud for a service provider to agree or intend to waive deductibles; providing criminal penalties for scheming to create documentation of a nonexistent motor vehicle accident; amending s. 817.2361, F.S.; providing criminal penalties for creating, marketing, or presenting any false or fraudulent proof of motor vehicle insurance; amending s. 817.50, F.S.; providing that giving false or fictitious information to a health care provider is not prima facie evidence of intent to defraud when done by a law enforcement officer during an investigation; amending s. 817.505, F.S.; providing criminal penalties for soliciting or receiving compensation or receiving a split-fee arrangement for acceptance or acknowledgement of treatment from a health care provider or health care facility; redefining the term "health care provider or health care facility"; amending s. 843.08, F.S.; providing criminal penalties for falsely personating an officer of the Department of Financial Services; providing severability; providing an effective date.

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By the Committee on Banking and Insurance; and Senator Garcia—

**CS for SB 2412**—A bill to be entitled An act relating to viatical settlements; amending s. 517.021, F.S.; revising and providing definitions; creating s. 517.072, F.S.; specifying nonapplication of certain exemptions to viatical settlement investments; specifying the offering of a viatical settlement investment as not an exempt transaction under certain provisions of law; amending s. 517.081, F.S.; authorizing the Financial Services Commission to adopt additional rules relating to securities registration; authorizing the commission to adopt rules establishing requirements and standards for disclosures and records relating to viatical settlement investments; creating s. 517.1215, F.S.; requiring the commission to adopt rules specifying requirements for certain investment advisors; requiring the commission to establish by rule rules of conduct and prohibited business practices for investment advisers and associated persons; providing requirements; creating s. 517.1217, F.S.; authorizing the commission to establish by rule rules of conduct and prohibited business practices for dealers and associated persons; providing requirements; amending s. 624.501, F.S.; including agents making an appointment under certain life insurance agent fee provisions; amending ss. 626.015, 626.112, 626.207, and 626.331, F.S., to conform; amending s. 626.611, F.S.; providing an additional ground for compulsory refusal, suspension, or revocation of certain licenses or appointments for transactions relating to viatical settlement contracts; amending s. 626.777, F.S., to conform; amending s. 626.7845, F.S.; prohibiting certain activities by a person relating to viatical settlement contracts unless he or she is a licensed life agent; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9912, F.S., to conform; amending s. 626.9913, F.S.; specifying additional requirements for annual statements by viatical settlement provider licensees; providing an alternative bond provision for certain viatical settlement providers for a certain time period; prohibiting certain persons from levying upon certain assets or securities under certain circumstances; requiring annual statements to contain certain information; amending s. 626.9914, F.S.; including the authority to deny a license among the adverse actions the Office of Insurance Regulation may take against a viatical settlement provider for certain actions; amending s. 626.9916, F.S.; revising licensure requirements for viatical settlement brokers; providing for self-appointment; providing for transfers of appointments; providing for termination of licenses; specifying a fiduciary duty of viatical settlement brokers; prohibiting dividing or sharing compensation received by a life agent for certain activities under certain circumstances; amending ss. 626.9919, 626.992, and 626.9921, F.S., to conform; amending s. 626.9922, F.S.; specifying office jurisdiction over certain viatical settlement purchase agreements; authorizing the office to refer certain cases to the United States Securities and Exchange Commission for administrative action under certain circumstances; providing application to life expectancy providers; amending ss. 626.99245, 626.9925, 626.9926, and 626.9927, F.S., to conform; amending s. 626.99275, F.S.; revising a prohibited practice to apply to issuing life expectancies under certain cir-

cumstances; providing a criminal penalty; amending s. 626.99278, F.S.; requiring an anti-fraud plan to include a life expectancy accuracy review process; amending ss. 626.9928 and 626.99285, F.S., to conform; amending s. 626.99295, F.S.; revising application of a grace period for certain viatical settlement purchase agreements; repealing s. 626.9917, F.S., relating to denial, suspension, revocation, or nonrenewal of viatical settlement broker licenses; repealing s. 626.9918, F.S., relating to effect of suspension or revocation of viatical settlement broker licenses; repealing s. 626.99235, F.S., relating to disclosures to viatical settlement purchasers; repealing s. 626.99236, F.S., relating to further disclosures to viatical settlement purchasers; repealing s. 626.99277, F.S., relating to false representations; providing an effective date.

By the Committee on Transportation; and Senator Sebesta—

**CS for SB 2434**—A bill to be entitled An act relating to driver responsibility; amending s. 318.1451, F.S.; providing an additional assessment fee for persons who attend driver improvement schools; providing for the collection and allocation of such fees; amending s. 318.18, F.S.; increasing the civil penalties for certain load violations; amending s. 318.21, F.S.; providing for the distribution of load-violation fees; creating s. 322.75, F.S.; providing a short title; creating s. 322.751, F.S.; directing the Department of Highway Safety and Motor Vehicles to assess specified annual surcharges against a motor vehicle licensee who accumulates seven or more points against his or her license within the previous 36 months; requiring the department to notify a licensee by first-class mail upon receipt of four points against his or her license; creating s. 322.7515, F.S.; directing the department to assess specified annual surcharges against motor vehicle licensees who have a final conviction within the previous 36 months for a DUI offense; creating s. 322.752, F.S.; directing the department to assess specified annual surcharges against persons who have been convicted of driving without a license or without insurance within a specified period; creating s. 322.7525, F.S.; requiring the department to notify licensees of the surcharges and the time period in which to pay the surcharges; creating s. 322.753, F.S.; requiring the department to accept installment payments for the surcharges; providing sanctions for a licensee’s failure to pay an installment; authorizing the department to permit licensees to pay assessed surcharges with credit cards; requiring the department to suspend a driver’s license if the licensee does not pay the surcharge or arrange for installment payments within a specified time after the notice of surcharge is sent; creating s. 322.7535, F.S.; authorizing the department to contract with a public or private vendor to collect specified annual surcharges; creating s. 322.754, F.S.; providing for distribution of surcharges collected by the department; providing an effective date.

By the Committee on Environmental Preservation; and Senator Atwater—

**CS for SB 2462**—A bill to be entitled An act relating to water resource planning and reporting; amending s. 373.036, F.S.; authorizing submission of an annual strategic plan in lieu of other district water management plan information and providing requirements therefor; requiring water management districts to submit a consolidated annual report and providing requirements therefor; correcting a cross-reference; amending ss. 11.80, 163.3177, 193.625, 373.0397, 373.042, 373.145, 373.1961, 373.199, 373.207, 373.414, 373.4592, 373.45926, 373.4595, 373.470, and 373.536, F.S.; revising certain reporting requirements and cross-references to conform; directing the Department of Environmental Protection to recommend to the Governor and Legislature additional changes to or consolidation of planning and reporting requirements of ch. 373, F.S., relating to water resources; repealing s. 373.0395, F.S., relating to groundwater basin resource availability inventories; providing an effective date.

By the Committee on Environmental Preservation; and Senator Dockery—

**CS for SB 2502**—A bill to be entitled An act relating to water management districts; creating s. 373.1135, F.S.; authorizing each water management district to establish a small business program to encourage small businesses, including those owned by women and minorities, to participate in district procurement and contract activities; amending s. 373.073, F.S.; allowing a water management district government board member to serve until a replacement has been appointed; amending s. 373.414, F.S.; allowing a petition for a jurisdictional declaratory statement to be submitted to the Department of Environmental Protection or a water management district on or before June 1, 1994; providing an effective date.

**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>
Florida Black Business Investment Board, Inc. Appointees: Jackson, Dorothea U., Boynton Beach Keys, Brady, Jr., Orlando	06/30/2008 06/30/2005
Florida State Boxing Commission Appointee: Entin, Alvin E., Tamarac	09/30/2008
Education Practices Commission Appointees: Demetriades, Lynn F., Indialantic Rasco, Ana M., Key Biscayne	09/30/2007 09/30/2007
Florida Elections Commission Appointee: Merritt-Bell, Demetria L., Tampa	12/31/2007
Florida Housing Finance Corporation Appointee: Terry, Sandra, Laurel	11/13/2008
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc. Appointee: Smith, Rebecca J., Tampa	09/30/2008
<b>[Referred to the Committee on Ethics and Elections.]</b>	
Board of Governors Appointee: McCollum, Ira “Bill” William, Jr., Longwood	01/06/2012
Board of Trustees, Florida A & M University Appointees: Branker, Laura, Chevy Chase Griffin, David, Tallahassee	01/06/2010 01/06/2010
Board of Trustees, Florida Atlantic University Appointees: Feder, David, Boca Raton Grossman, Armand W., Boca Raton	01/06/2010 01/06/2006
Board of Trustees, University of Central Florida Appointees: Christiansen, Patrick T., Orlando Weiss, Allen R., Kissimmee	01/06/2010 01/06/2010
Board of Trustees, Florida State University Appointee: Knowles, Harold M., Tallahassee	01/06/2010
Board of Trustees, Florida Gulf Coast University Appointee: Harrington, Lindsay, Punta Gorda	01/06/2006
Board of Trustees, New College of Florida Appointee: Mason, Raymond E., Jr., Osprey	01/06/2010
Board of Trustees, University of Florida	

*Office and Appointment*

Appointee:	Cunningham, Courtney, Pinecrest	01/06/2010
Board of Trustees, University of North Florida		
Appointee:	Halverson, Steven T., Jacksonville	01/06/2010
Board of Trustees, University of South Florida		
Appointee:	Garcia, Sonja W., Tampa	01/06/2010
Board of Trustees, University of West Florida		
Appointees:	Bell, Honor M., Pensacola	01/06/2010
	Fetterman, Nancy A., Pensacola	01/06/2006
	Young, Jarl T., Pensacola	01/06/2010

[Referred to the Committees on Education; and Ethics and Elections.]

Governing Board of the South Florida Water Management District		
Appointees:	Carlson, Alice J., Naples	03/01/2007
	Lindahl, Lennart E., Tequesta	03/01/2009
	Wade, Malcolm S., Jr., Clewiston	03/01/2009

[Referred to the Committees on Environmental Preservation; and Ethics and Elections.]

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

**FIRST READING**

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 655; has passed as amended HB 157 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Machek and others—

**HB 655**—A bill to be entitled An act relating to the Florida Inland Navigation District; amending s. 374.984, F.S.; providing responsibility and authority of the Board of Commissioners of the Florida Inland Navigational District with respect to that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; revising the list of acts authorizing and directing the improvement and maintenance of the Intracoastal Waterway and that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; providing an exception for maintaining the navigability of the Okeechobee Waterway under certain circumstances; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Community Affairs

By Representative Sorensen and others—

**HB 157**—A bill to be entitled An act relating to motor vehicles; providing a popular name; creating the “Road Rage Reduction Act”; providing legislative intent; amending s. 316.081, F.S.; requiring operators of motor vehicles in the left-most lane to yield the right-of-way to vehicles moving faster on certain highways; requiring operators of motor vehicles to drive in the right-hand lane on certain highways; providing exceptions; providing penalties for violation; amending s. 322.27, F.S.; providing for the assessment of points for violating specified provisions that require operators of motor vehicles to drive on the right side of the road; requiring the Department of Highway Safety and Motor Vehicles to provide an educational awareness campaign; providing a grace period when warnings and educational literature may be issued; providing effective dates.

*For Term Ending*

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

**RETURNING MESSAGES—FINAL ACTION**

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 436.

*John B. Phelps, Clerk*

The bill contained in the foregoing message was ordered enrolled.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 6 was corrected and approved.

**CO-INTRODUCERS**

Senators Aronberg—SB 1252; Baker—SB 2312; Bullard—SB 96, SB 752; Campbell—SB 2074; Clary—SB 476, SB 818, SB 1692, SB 1862, SB 2002, CS for SB 2068, SB 2074, SB 2124, SB 2132, SB 2560, SB 2562, SB 2564, SB 2566, SB 2568; Crist—CS for SB 1220, SB 1762; Dawson—SB 130, SB 132; Klein—CS for SB 1216, SB 1234; Miller—SB 130; Posey—SB 2126

**RECESS**

On motion by Senator Pruitt, the Senate recessed at 3:33 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, April 13 or upon call of the President.

**BILL ACTION SUMMARY**

**THURSDAY, APRIL 7, 2005**

S	96	Read third time; Passed 39-0
S	142	Adopted
S	388	Read second time; Read third time; CS passed 40-0; immediately certified
S	392	Read second time; Read third time; CS passed 40-0; immediately certified
S	394	Read second time; Read third time; CS passed 40-0; immediately certified
S	400	Read second time; Read third time; CS passed 40-0; immediately certified
S	404	Read second time; Read third time; CS passed 39-0; immediately certified
S	408	Read second time; Read third time; CS passed 39-1; immediately certified
S	410	Read second time; Read third time; CS passed 40-0; immediately certified
S	424	Read second time; Read third time; CS passed as amended 40-0; immediately certified
S	450	Read third time; Passed as amended 38-0
S	690	Read third time; CS passed 39-0
S	732	Read third time; Substituted HB 157; Laid on Table, refer to HB 157
S	748	Read third time; CS passed 39-0
S	868	Read third time; Passed as amended 40-0
S	1114	Read third time; CS passed as amended 38-1
S	1146	Read third time; CS passed as amended 40-0
S	1312	Read third time; CS passed as amended 40-0
S	1352	Substituted HB 655; Laid on Table, refer to HB 655
S	1436	Read third time; CS passed 40-0
S	1476	Read third time; CS passed as amended 39-0
S	1494	Read third time; CS passed 39-0
S	1518	Adopted
S	1546	Adopted
S	1858	Read third time; Passed as amended 39-0
S	2144	Read third time; CS passed 39-0
S	2146	Read third time; CS passed 39-0
S	2584	Read second time; Read third time; CS passed 40-0; immediately certified

**April 7, 2005**

**JOURNAL OF THE SENATE**

S	2600	Read second time; Read third time; Passed as amended 40-0; immediately certified	S	2646	Read third time; CS passed 39-0
S	2602	Read second time; Read third time; Passed as amended 40-0; immediately certified	S	2684	Adopted
S	2610	Read second time; Read third time; CS passed as amended 40-0; immediately certified	S	2736	Read second time; Adopted
S	2644	Read third time; CS passed 39-0	H	157	Substituted for CS for SB 732; Read second time; Read third time; Passed as amended 28-10
			H	655	Substituted for SB 1352; Read second time; Read third time; Passed 40-0