



Journal of the Senate

Number 24

Monday, May 27, 1985

Prayer

The following prayer was offered by Joe Brown, Secretary of the Senate:

Bless, O Lord, this body, its members and their actions. Amen.

The Senate pledged allegiance to the flag of the United States of America.

Call to Order

The Senate was called to order by the President at 2:00 p.m. A quorum present—37:

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Thomas
Childers, D.	Grizzle	Mann	Thurman
Childers, W. D.	Hair	Margolis	Vogt
Deratany	Hill	McPherson	Weinstein
Dunn	Jenne	Meek	
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Excused periodically: Conferees and alternates on Senate Bills 1300 and 1301: Senators Neal, Thomas, Gordon, Beard, Castor, Kirkpatrick, Peterson, Mann, Fox, Langley, Jenne, Hair, Grizzle and Stuart; Senator Neal from 2:15 p.m. until 5:00 p.m. to tend to matters relating to the Appropriations conference committee

Votes Recorded

Senator Crawford was recorded as voting yea on HB 1098 which was considered May 23.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Monday, May 27, 1985: SB 538, SB 1299, SB 1303, SB 1306, SB 1315, SB 1317, SB 1318, HB 144, HB 427, HB 428, HB 487, HB 509, HB 510, HB 514, HB 544, HB 556, HB 619, HB 656, HB 705, HB 712, HB 768, HB 789, HB 790, HB 837, HB 841, HB 943, HB 968, HB 1038, HB 1053, HB 1074, HB 1113, HB 1145

Respectfully submitted,
Kenneth C. Jenne, Chairman

The Committee on Rules and Calendar submits the following Special Order Calendar for Monday, May 27, 1985: Proposed rule change to Rule 4.6 by Senator Jenne relating to final day for introduction of bills, SB 851, CS for SB 1176, CS for SB 1273, CS for SB's 862, 740 and 1241, SB 464, CS for SB 643, CS for CS for SB 973, CS for SB 974, CS for SB 858, CS for SB 519, SB 1128, SB 144, SB 106, CS for SB 1270, CS for SB 138, SB 407, CS for SB 261, CS for CS for SB 1194, SB 711, CS for SB 413, SB 1216, SB 1291, SB 71, CS for SB 406, CS for SB 451, HB 607, HB 844

Respectfully submitted,
Kenneth C. Jenne, Chairman

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 1234 with 1 amendment, SB 749 with 4 amendments, SB 754 with 5 amendments

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

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 910 with 2 amendments

The bill was referred to the Committee on Natural Resources and Conservation under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 386, SB 719 with 2 amendments, SB 428, SB 426 with 2 amendments

The bills were placed on the calendar.

The Committee on Economic, Community and Consumer Affairs recommends the following not pass: SB 772

The bill was laid on the table.

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: Senate Bills 394 and 238

The bills with committee substitute attached were referred to the Committee on Appropriations under the original reference.

The Committee on Appropriations recommends committee substitutes for the following: SB 591, CS for SB 207, CS for SB 617, CS for SB 997

The bills with committee substitutes attached were placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

May 27, 1985

The Committee on Agriculture requests an extension of 15 days for consideration of the following: Senate Bills 35, 579, 634, 746, 760, 984, 1092

The Committee on Appropriations requests an extension of 15 days for consideration of the following: Senate Bills 10, 15, 17, 18, 24, 31, 36, 43, 57, 63, 66, 81, 82, 93, 95, 98, 113, 127, 139, 164, 165, 166, 177, 187, 193, 194, 203, 214, 218, 222, 225, 232, 245, 253, 256, 270, 273, 298, 300, 306, 321, 343, 349, 364, 366, 374, 377, 379, 384, 388, 405, 408, 410, 415, 424, 435, 439, 443, 455, 457, 460, 461, 469, 479, 480, 491, 505, 509, 521, 527, 530, 557, 559, 566, 582, 588, 589, 596, 597, 601, 613, 620, 622, 623, 624, 644, 657, 670, 678, 708, 726, 768, 775, 794, 797, 798, 805, 826, 830, 831, 835, 849, 888, 899, 912, 929, 933, 935, 944, 948, 949, 953, 964, 1001, 1032, 1049, 1064, 1066, 1069, 1070, 1073, 1076, 1102, 1110, 1112, 1114, 1122, 1146, 1161, 1164, 1168, 1171, 1210, 1211, 1244, 1253, 1266, 1287; House Bills 1173, 1380, 1381

The Committee on Education requests an extension of 15 days for consideration of the following: Senate Bills 38, 67, 137, 149, 157, 167, 276, 294, 296, 341, 352, 418, 430, 459, 765, 777, 819, 821, 1058, 1059, 1072, 1079, 1104, 1115, 1139, 1145, 1149, 1163, 1170, 1195, 1207, 1215, 1222, 1224, 1256, 1285; House Bills 80, 123, 1184

The Committee on Judiciary-Civil requests an extension of 15 days for consideration of the following: Senate Bills 14, 20, 39, 45, 54, 135, 158, 255, 404, 414, 486, 499, 523, 564, 577, 629, 671, 681, 687, 689, 695, 707, 709, 730, 811, 860, 886, 924, 928, 930, 931, 939, 981, 983, 1023, 1047, 1109, 1125, 1219, 1223, 1264, 1275, 1294, 1297; HB 1037

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: Senate Bills 7, 62, 124, 129, 229, 231, 262, 271, 342, 472, 473, 639, 679, 790, 824, 864, 954, 971, 1029, 1034, 1088, 1178, 1316, 1320

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committees on Rules and Calendar, and Governmental Operations and Senators Malchon, Dunn, Myers, McPherson, Mann, Johnson, Gordon, Vogt, Meek, Castor, Hair, Fox and Plummer—

CS for CS for SB 204—A bill to be entitled An act relating to the smoking of tobacco products; creating the Florida Clean Indoor Air Act; providing legislative intent; providing definitions; prohibiting the smoking of tobacco products in certain public places and public meetings; providing exceptions; requiring certain persons to post certain signs; providing penalties; repealing s. 255.27, F.S., relating to smoking in public buildings; providing severability; providing preemption; providing an effective date.

By the Committees on Appropriations and Transportation—

CS for CS for SB 207—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; establishing ten deputy assistant secretary positions within the Department of Transportation; establishing certain divisions of the department; establishing the responsibilities of the central office and regions; establishing satellite offices; providing generally for allocation and control of resources, including allocation of resources to the regions; providing for senior management positions; providing the secretary the power to move positions; providing for budget entities; providing for reporting of allocations, budget entities, and expenditures; providing for contracting for transportation responsibilities; amending s. 320.20, F.S.; providing for deposit of license tax moneys in the State Transportation Trust Fund; amending s. 335.035, F.S.; providing for transfer of funds from ACI Revolving Trust Fund to the State Transportation Trust Fund; amending s. 334.046, F.S.; providing that program objectives of the department be accomplished in the most cost-effective manner; amending s. 334.14, F.S.; providing that certain employees of the department be registered professional engineers; amending s. 334.19, F.S.; providing qualifications and duties of the comptroller; amending s. 334.22, F.S.; providing the annual report of the department include an assessment of program impact and cost-effectiveness; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senators Kirkpatrick and Myers—

CS for SB's 394 and 238—A bill to be entitled An act relating to dietetics; providing legislative purpose; providing definitions; requiring licensure of dietitians; providing exemptions; providing for the creation, powers, duties and membership of the Dietetic Council; providing powers and duties of the Board of Medical Examiners with respect to regulating the practice of dietetics; providing for the adoption of fees and providing fee caps; specifying requirements for licensure; providing for temporary permits; providing for licensure by examination; providing for the issuance and display of licenses; providing for licensure by endorsement; providing for biennial license renewal; providing for inactive status of licenses; providing prohibitions and penalties; providing grounds for disciplinary proceedings; providing for injunctive relief; providing for the application of s. 455.11, F.S.; providing for future repeal and legislative review; providing an effective date.

By the Committee on Appropriations and Senators Malchon, Langley, Johnson, Jenne and W. D. Childers—

CS for SB 591—A bill to be entitled An act relating to the judicial branch; amending s. 27.34, F.S.; requiring counties included within a state attorney's judicial circuit to provide certain services to the state attorney; creating s. 27.3455, F.S., imposing an additional court cost in certain criminal and misdemeanor cases; providing procedures for collecting such costs; providing for use of such amounts to fund the costs of the state attorney's office, public defender's office, and medical examiner's and victim-witness programs; providing reporting requirements; repealing s. 27.3455, F.S., on October 1, 1988; amending s. 27.54, F.S.; requiring payment by the county of certain expenses of the public defender's office; amending s. 914.06, F.S.; requiring payment by the county for the services of expert witnesses required by an indigent defendant in a criminal case; amending s. 914.11, F.S.; requiring payment of the defendant's cost of procuring the subpoena of witnesses and cost of copies of certain depositions and transcripts; authorizing payment of travel expenses for such witnesses under certain circumstances; amending s. 939.07, F.S.; removing certain limitations on the right of a defendant to summon witnesses; providing an effective date.

By the Committees on Appropriations and Education and Senators Castor, Thurman, Meek, Neal, Kirkpatrick, Jenne, Fox, Malchon, Mann, Grant, Grizzle, Beard, Johnson, Weinstein and Stuart—

CS for CS for SB 617—A bill to be entitled An act relating to the State University System; providing legislative intent; providing operational autonomy; amending s. 240.202, F.S.; establishing authority for the State University System; establishing Board of Regents' responsibility for state universities; creating s. 240.2012, F.S.; establishing the State University System as a political subdivision; amending s. 240.205, F.S.; providing authority to acquire real and personal property; amending s. 240.209, F.S.; providing for employment of personnel; providing authority for management information systems; providing for the adoption of rules; providing for the administration of a program for the maintenance and construction of facilities; providing for administrative costs; creating s. 240.2091, F.S.; requiring an annual report to be made to the State Board of Education and the Legislature; amending s. 240.227, F.S.; providing for delegation of authority to university presidents; amending s. 240.257, F.S.; providing for the establishment of challenge grants; creating s. 240.269, F.S.; providing for appropriations; creating s. 240.2695, F.S.; providing for operating budgets and budget controls; amending s. 240.273, F.S.; providing that funds and property shall be held by the Board of Regents; amending s. 240.277, F.S.; providing for approval of expenditure of vending machine collections; providing an exemption for certain budget entities; amending s. 240.279, F.S.; providing for working capital funds; amending s. 240.281, F.S.; providing for deposit of funds; creating s. 11.063, F.S.; providing that employees may participate in lobbying activities; amending s. 110.205, F.S.; exempting State University System personnel from the career service system; amending s. 255.245, F.S.; providing for rental fees for space in state buildings; amending s. 282.308, F.S.; providing for information technology resource plans; creating s. 240.214, F.S.; allowing for coverage under the state's risk management and safety programs; amending ss. 287.155, 287.20, F.S.; authorizing participation in the state motor pool; amending s. 447.203, F.S.; providing authority for collective bargaining; amending s. 216.251, F.S.; providing for setting of salaries of positions in the State University System by the Board of Regents; providing for an agreement with respect to the transfer of Career Service employees; providing for legislative review of such agreement; repealing ss. 240.225, 240.283, F.S., and 240.285, F.S., as amended, relating to delegations by the Department of General Services, additional compensation, and the transfer of funds; providing an effective date.

By the Committee on Rules and Calendar and Senator Thurman—

CS for SB 820—A bill to be entitled An act relating to elections; creating s. 99.013, F.S., relating to the residency requirement of law for public officers and candidates for public office; defining "residency requirement," "resident," and "residence"; providing for investigation of violations by the Florida Elections Commission; amending s. 106.18, F.S.; requiring omission from the ballot of the name of any candidate found in violation of the residency requirement of law; amending s. 106.25, F.S.; granting the Florida Elections Commission authority to investigate, consider, and determine such violations; providing procedure; amending s. 106.26, F.S.; providing procedure upon a determination that such a violation has occurred or has not occurred; providing an effective date.

By the Committees on Appropriations; Personnel, Retirement and Collective Bargaining; and Senators Thomas and Barron—

CS for CS for SB 956—A bill to be entitled An act relating to leaves of absence of officials and employees; amending s. 115.07, F.S., relating to leaves of absence for reserve or guard training; providing legislative intent; providing for computation of leave of absence with respect to officers or employees whose working day consist of certain shifts; providing that where an employee's assigned employment duty conflicts with active or inactive duty training it shall be the responsibility of the employing agency to provide for the assumption of such employment duties while the employee is on assignment; providing an effective date.

By the Committees on Appropriations and Judiciary-Criminal and Senator Beard—

CS for CS for SB 997—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 943.05, F.S.; redefining the duties of the Division of Criminal Justice Information Systems; planning an automated fingerprint identification system; requiring uniform offense and arrest reports; initiating a crime information system; directing certain crime reports be published; providing for certain training;

amending s. 943.051, F.S., relating to criminal justice information collection and storage; amending s. 943.052, F.S.; eliminating prior approval of certain rules by the Supreme Court; amending s. 943.06, F.S.; requiring semiannual meetings of the Criminal Justice Information Systems Council; amending s. 943.08, F.S.; providing additional duties of the Criminal Justice Information Systems Council; requiring the council to review proposed rules and amendments thereto; providing for the operation, maintenance, and use of an automated fingerprint identification system; establishing the minimum information requirements of uniform reports; providing for cooperation with the Criminal Justice Standards and Training Commission; amending s. 943.12, F.S.; providing for employment standards; amending s. 943.131, F.S.; requiring compliance with firearms training; providing procedures for exemption from training requirements; amending s. 943.1395, F.S., relating to concurrent certification; amending s. 943.19, F.S.; modifying the savings clause; amending s. 943.22, F.S.; amending s. 943.22, F.S.; increasing training hour units for salary incentive payments; modifying reporting dates; requiring educational salary incentive payments for correctional officers; amending s. 943.25, F.S.; eliminating training trust fund contributions to fund the Division of Criminal Justice Standards and Training; providing for amendments to the advanced training program; increasing the assessment; providing for the distribution of the assessment; modifying the approval of local funds collected for training purposes; eliminating regional construction projects; establishing an Administrative Trust Fund; eliminating dated referenced Public Law; providing the operation of the division to be paid from the Administrative Trust Fund; providing for specific legislative appropriation of trust fund deposits; amending s. 943.362, F.S.; providing for the deposit of funds; providing an appropriation; providing an effective date.

By the Committees on Appropriations and Governmental Operations and Senators Girardeau and Meek—

CS for CS for SB 1150—A bill to be entitled An act relating to small and minority businesses; creating the "Florida Small and Minority Business Assistance Act of 1985"; providing definitions; creating a Small and Minority Business Advisory Council within the Department of Commerce; providing for an advocate; providing for a statewide contracts register; providing a penalty with respect to certain late payments by contractors to subcontractors and suppliers; amending s. 17.11, F.S., directing the Comptroller to have reported from the state accounting system certain disbursements made to small businesses; amending s. 120.54, F.S., requiring agencies to consider the impact of certain actions under the Administrative Procedure Act upon small businesses; providing procedures; amending s. 215.422, F.S., relating to warrants, vouchers and invoices, processing time limits and agency compliance; creating the Florida Black Business Investment Board; providing for an executive director and employees; providing powers; providing conditions for board action; creating the Florida Investment Incentive Trust Fund; providing for Florida guarantor funds; providing for capital participation instruments; creating s. 625.3245, F.S., providing for investments in capital participation instruments; amending s. 657.042, F.S., relating to investment powers of credit unions; amending s. 658.67, F.S., providing for investment powers of banks and trust companies; amending s. 665.0701, F.S., relating to investment powers of certain associations; providing for an annual report; amending s. 287.042, F.S., providing for the powers of the Division of Purchasing of the Department of General Services; providing for the certification of minority business enterprises; requiring state agencies to utilize minority business enterprises; amending s. 287.055, F.S., relating to the acquisition of professional architectural, engineering, landscape architectural, or land-surveying services; amending s. 287.062, F.S., authorizing agencies to reserve certain competitive bid contracts for certified minority business enterprises; amending s. 287.094, F.S., relating to minority business enterprise programs and penalties for false representation; establishing the Minority Business Enterprise Assistance Office within the Department of General Services; providing for agency minority enterprise assistance; amending s. 288.39, F.S., relating to the duties of the Division of Economic Development of the Department of Commerce; providing that no surety bonds issued by certain insurers shall be refused under certain circumstances; providing for review and repeal; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Neal, the rules were waived and by two-thirds vote Senate Bills 366, 374, 384, 388, 435, 439, 509, 678, 899, 1296, CS for SB 218, CS for SB 410, CS for SB 708, CS for SB 797, CS for SB 1064,

CS for SB 1073, CS for SB 1122 and HB 1173 were withdrawn from the Committee on Appropriations.

On motion by Senator McPherson, the rules were waived and CS for SB 120 was ordered immediately certified to the House.

On motions by Senator Kirkpatrick, the rules were waived and SB 1021 after being engrossed and SB 1255 were ordered immediately certified to the House.

On motion by Senator Hair, the rules were waived and CS for SB 616 after being engrossed was ordered immediately certified to the House.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 120, CS for SB 208, CS for SB 216, CS for SB 345, CS for SB 715, Senate Bills 108, 175, 217, 221, 264, 301, 373, 402, 453, 496, 551, 593, 721, 1227.

Allen Morris, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed CS for HB 639 as amended.

Allen Morris, Clerk

First Reading

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 121, CS for HB 195, CS for HB 204, House Bills 112, 242, 1081, 1177, 1222, 1223, 1224, 1257, 1281, 1325, 1349; and has passed as amended CS for HB 421, CS for HB 457, CS for HB 548, CS for HB 612, CS for HB 835, CS for HB 910, CS for HB 964, CS for HB 1202, House Bills 198, 536, 816, 1094, 1352, 1364; and has adopted HCR 1143; and has adopted as amended HCR 259; and has passed by the required Constitutional three-fifths vote of the membership of the House HJR 1289 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations and Representative Wetherell and others—

CS for HB 121—A bill to be entitled An act relating to postsecondary education; creating s. 240.4066, F.S., establishing the "Chappie" James Most Promising Teacher Scholarship Program; providing for scholarships to selected graduating seniors from each public school district; prescribing criteria for eligibility; providing for the appropriation and allocation of funds; providing criteria for nomination and selection of candidates; providing conditions of scholarships; providing for rules; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Regulatory Reform and Representative Morgan and others—

CS for HB 195—A bill to be entitled An act relating to real estate; creating s. 475.487, F.S., providing for the creation of the Florida Real Estate Commission Education and Research Foundation and advisory committee; providing duties; creating a trust fund; providing for review and repeal; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; Appropriations; and Finance, Taxation and Claims.

By the Committee on Judiciary and Representative Robinson and others—

CS for HB 204—A bill to be entitled An act relating to initiative petitions; creating s. 16.065, F.S., permitting an initiative sponsor to request an advisory opinion from the Attorney General as to the constitutionality of certain proposed constitutional amendments; amending s. 100.371, F.S., to allow the sponsor of an initiative to submit the proposed ballot title and ballot summary to the Attorney General for an opinion;

providing that the Attorney General may request the opinion of the Supreme Court pursuant to Article IV, Section 10, allowing the sponsor to continue signature solicitation; providing for invalidity of signatures if petition is changed; providing an effective date.

—was referred to the Committees on Judiciary-Civil; and Rules and Calendar.

By Representative Kimmel and others—

HB 112—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.1895, F.S., relating to school zone speed limits; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By Representatives Ros and Lehtinen—

HB 242—A bill to be entitled An act relating to the Attorney General; amending s. 16.01, F.S.; providing for the publication of certain reports; amending s. 16.535, F.S.; providing for certain advance payments to the Department of Legal Affairs for legal services; providing an effective date.

—was referred to the Committees on Judiciary-Civil and Appropriations.

By Representative Souto—

HB 1081—A bill to be entitled An act relating to fiduciaries; amending s. 733.817, F.S., providing for the apportionment of estate taxes as to certain marital deduction property; amending s. 737.3053, F.S., providing that the income of certain wills and trusts must, unless otherwise provided in the instrument, be distributed at least annually; amending s. 737.306, F.S., relieving certain successor trustees of personal liability for actions and omissions of certain prior trustees; providing that certain successor trustees are relieved of any duty to institute actions against certain prior trustees; providing an effective date.

—was referred to the Committees on Judiciary-Civil; and Finance, Taxation and Claims.

By the Committee on Judiciary and Representatives Drage and Peebles—

HB 1177—A bill to be entitled An act relating to claims against the state; amending s. 284.385, F.S., authorizing the use of structured settlements; providing an exemption from competitive bidding; providing a limitation; providing for the payment of attorney's fees; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By the Select Committee on Citrus and Agricultural Funding and Representative Kelly and others—

HB 1222—A bill to be entitled An act relating to citrus; amending s. 601.151, F.S.; removing the portion of the additional excise tax designated for brand advertising of fresh fruit; specifying uses of the remaining tax; repealing s. 601.157, F.S., which provides an additional excise tax on grapefruit for processing; amending s. 601.155, F.S., relating to the equalizing excise tax, to delete inclusion of the additional tax on grapefruit in calculation thereof; providing an effective date.

—was referred to the Committees on Agriculture; Appropriations; and Finance, Taxation and Claims.

By the Select Committee on Citrus and Agricultural Funding and Representative Harris and others—

HB 1223—A bill to be entitled An act relating to citrus; amending s. 601.15, F.S.; revising provisions which authorize a reduction in the excise taxes levied for advertising purposes; providing an effective date.

—was referred to the Committees on Agriculture; Appropriations; and Finance, Taxation and Claims.

By the Select Committee on Citrus and Agricultural Funding and Representative C. F. Jones and others—

HB 1224—A bill to be entitled An act relating to the Florida Citrus Advertising Trust Fund; providing for the revival and reinstatement of the trust funds of the Department of Citrus; providing an effective date.

—was referred to the Committees on Agriculture and Appropriations.

By the Committee on Judiciary and Representative Gustafson—

HB 1257—A bill to be entitled An act relating to eminent domain; amending s. 73.071, F.S., reducing the jury size in eminent domain actions; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Finance and Taxation and Representative Easley—

HB 1281—A bill to be entitled An act relating to taxation of corporations; amending ss. 220.03, 221.01, 221.02, and 221.04, F.S.; revising the expiration date of the emergency excise tax; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By the Committee on Judiciary and Representative Upchurch—

HB 1325—A bill to be entitled An act relating to the state court system; amending s. 25.241 and s. 35.22, F.S., providing that the Clerk of the Supreme Court and the clerk of each district court of appeal shall be paid an annual salary in accordance with s. 25.382, F.S.; exempting the state or its agencies from certain filing fees; providing an effective date.

—was referred to the Committees on Judiciary-Civil and Appropriations.

By Representative R. C. Johnson and others—

HB 1349—A bill to be entitled An act relating to the naming of state buildings; authorizing and directing the Board of Regents of the Division of Universities of the Department of Education to name the administration building at the Florida State University's Panama City campus the Dempsey J. Barron Administration Building; directing the Board of Regents to erect suitable markers; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Regulatory Reform and Representative Dunbar and others—

CS for HB 421—A bill to be entitled An act relating to professional regulation; amending s. 484.0501, F.S., requiring the Department of Professional Regulation, rather than the Department of Health and Rehabilitative Services, to promulgate rules and standards providing for minimal procedures and equipment utilized in the fitting and dispensing of hearing aids; providing for inspection of testing equipment and facilities by the Department of Professional Regulation and the charge of a fee therefor; specifying standards; providing for issuance of general radiographer's certificates; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Economic, Community and Consumer Affairs; and Appropriations.

By the Committee on Community Affairs and Representative Kelly and others—

CS for HB 457—A bill to be entitled An act relating to the Florida Emergency Telephone Act of 1974; amending s. 365.171, F.S.; providing for a county "911" local option fee to pay for nonrecurring service and/or equipment charges; providing for approval by referendum or majority vote of the board of county commissioners; providing for an administrative fee; authorizing local governments to indemnify the telephone company; providing for review and repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

By the Committee on Regulatory Reform and Representatives Weinstock and Robinson—

CS for HB 548—A bill to be entitled An act relating to dentists; amending s. 466.017, F.S., directing the Board of Dentistry to establish certain administrative mechanisms; providing for a fee; amending s. 466.024, F.S., providing for the delegation of duties; creating s. 466.0135, F.S., providing continuing education requirements for dentists; providing guidelines and program requirements; providing for development of programs; specifying procedure with respect to license renewal; providing for exceptions; providing for review and repeal; amending s. 466.006, F.S., relating to the examination of dentists; providing exemptions; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By the Committee on Regulatory Reform and Representative Tobiasen and others—

CS for HB 612—A bill to be entitled An act relating to outdoor advertising; amending s. 479.01, F.S., eliminating the definition of the term “new highway” and redefining the term “unzoned commercial or industrial area”; amending Chapter 479, F.S., restricting the authority of the Department of Transportation to revoke certain sign permits; amending s. 479.07, F.S., modifying annual sign permit fees; amending s. 479.11, F.S., eliminating the prohibition of signs on new highways; amending s. 479.14, F.S., deleting language relating to the use of fees for the removal of nonconforming signs; amending s. 479.26, F.S., providing for a grandfather clause; creating s. 479.35, F.S., designating and protecting scenic highways; amending Chapter 479, F.S., relating to on-premise signs; providing for Sunset review and repeal; providing an effective date and a conditional repeal.

—was referred to the Committee on Transportation.

By the Committee on Community Affairs and Representatives Kutun and Metcalf—

CS for HB 835—A bill to be entitled An act relating to local occupational license taxes; amending s. 205.033, F.S.; allowing certain counties to impose an additional tax; designating proceeds for creation and operation of a symphony orchestra and the implementation of a countywide economic development strategy; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Finance, Taxation and Claims.

By the Committee on Appropriations and Representative Bell and others—

CS for HB 910—A bill to be entitled An act relating to communication; amending s. 229.8361, F.S., directing the Florida Council for the Hearing Impaired to oversee service affecting communications and to administer the provisions of part II of chapter 364, F.S.; creating part II of chapter 364, F.S., creating the “Telephone Communication Services for the Deaf Act of 1985”; providing legislative findings and purpose; providing definitions; providing additional duties of the Florida Council for the Hearing Impaired; creating a trust fund; providing for administration of the fund; providing for investments and expenditures; providing for the purchase of equipment, bid specification and requirement and sublease; providing that certain safety and health care providers are required to purchase and operate telecommunication devices; providing for a dual party system; providing for a study; providing for implementation; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By the Committee on Regulated Industries and Licensing and Representative Meffert—

CS for HB 964—A bill to be entitled An act relating to financial assistance by malt beverage manufacturers and distributors; amending s. 561.42, F.S., restricting certain trade and promotional practices relating to the sale of alcoholic beverages; amending s. 561.423, F.S., clarifying the definition of authorized “in-store servicing” of beer or malt beverages; providing an effective date.

—was referred to the Committee on Commerce.

By the Committees on Appropriations and Community Affairs and Representatives Martin and Lawson—

CS for HB 1202—A bill to be entitled An act relating to environmental protection; creating the “Apalachicola Bay Area Protection Act”; providing legislative intent; designating Franklin County, excluding certain lands, as an area of critical state concern to be known as the Apalachicola Bay Area; providing for removal of such designation; providing for the application of certain land and water management laws; providing for the appointment of a resource planning and management committee; providing duties; providing principles for guiding development in the area; providing for comprehensive plan elements and land development regulations; providing for modifications; providing for local government requirements; providing a penalty; providing procedures for applications for certain grants; providing appropriations; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Sample—

HB 198—A bill to be entitled An act relating to traffic infractions; amending s. 318.14, F.S., decreasing the civil penalty for the commission of certain traffic infractions; providing that no costs shall be assessed against persons successfully contesting noncriminal traffic infraction citations; amending s. 318.20, F.S., providing for notice thereof in the traffic citation; providing an effective date.

—was referred to the Committees on Judiciary-Civil; and Finance, Taxation and Claims.

By the Committee on Regulatory Reform—

HB 536—A bill to be entitled An act relating to the Florida Citrus Code; saving ss. 601.55 through 601.78, F.S., relating to citrus fruit dealer licensing from Sunset repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committees on Agriculture and Appropriations.

By Representative Sanderson—

HB 816—A bill to be entitled An act relating to small quantity hazardous waste generators; amending s. 403.7225, F.S., providing that assessment updates by complete mail surveys be done at specified intervals; amending s. 403.7236, F.S., providing that certain information be sent to the Department of Environmental Regulation annually; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By Representative Morgan and others—

HB 1094—A bill to be entitled An act relating to state employees; amending s. 110.1245, F.S., providing a meritorious service awards program for all state employees; limiting participation in part of the program to specified employees; authorizing various types of awards; amending ss. 240.2111 and 240.227, F.S., conforming provisions relating to such programs by the Board of Regents and State University System; providing for reports; repealing s. 110.223, F.S., deleting the meritorious awards program for career service employees; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

By the Committee on Health Care and Insurance and Representative Simon and others—

HB 1352—A bill to be entitled An act relating to professional malpractice; amending s. 395.011, F.S.; providing certain restrictions on an applicant's suit regarding staff privileges; amending s. 395.0115, F.S.; requiring licensed facilities to discipline staff members for certain conduct; requiring investigation by the governing board of licensed facilities of certain conduct by staff members; providing for attorney's fees and costs in certain actions by staff members and requiring staff members to post security in such actions; amending s. 458.331, F.S.; providing definitions; requiring the Department of Professional Regulation to investigate certain physicians; amending s. 459.015, F.S.; providing definitions; requiring the department to investigate certain osteopaths; creating s. 627.4147, F.S.; requiring medical malpractice insurance or self-insurance policies to include certain provisions regarding cooperation of the insured and rights of the insurer to settle without the insured's consent; requiring notice prior to cancellation or nonrenewal; allowing certain requirements; amending s. 627.912, F.S.; requiring insurers and self-insurers to report additional information regarding professional liability claims; requiring the Department of Insurance to report certain information to specified agencies; amending s. 768.40, F.S.; expanding the immunity granted to medical review committees and extending immunity to insurer and self-insurer review committees; providing for review of negligence by hospitals and ambulatory surgical centers; requiring health care providers to submit to such review as a condition of licensure; providing for attorney's fees and costs in certain actions by health care providers and requiring health care providers to post security in such actions; amending s. 768.41, F.S.; requiring certain medical facilities to submit annual risk management reports to the Department of Health and Rehabilitative Services; providing for rules; amending s. 768.45, F.S.; providing for the standard of care in medical malpractice actions; expanding guidelines for qualifying as an expert witness; amending s. 768.48, F.S.; reclassifying certain damages for itemized verdicts; creating s. 768.495, F.S.; requiring attor-

neys filing medical negligence actions to investigate the circumstances and certify that a good faith belief that grounds exist for such actions; providing additional requirements for punitive damage claims; providing for awards of attorney's fees and costs under certain circumstances; amending s. 768.51, F.S.; providing for periodic payments of damages in certain medical malpractice actions; creating s. 768.57, F.S.; requiring notice to prospective defendants and a waiting period before filing suit in medical malpractice actions; requiring a review by insurers and self-insurers during such waiting period; providing for settlement offers of admission of liability and for arbitration; tolling the statute of limitations during such waiting periods; providing arbitration procedures; requiring separate notice filings in multiple-defendant cases; creating s. 768.65, F.S.; providing for offers of judgment and demands for settlement; providing penalty for rejection; creating s. 768.575, F.S.; limiting attorney's fees in medical malpractice actions; amending s. 768.49, F.S.; providing for remittitur and additur in medical malpractice actions; creating s. 768.58, F.S.; requiring settlement conferences in medical malpractice actions; creating s. 768.59, F.S.; establishing apportionment of damages and fault; providing for contribution based on fault in medical malpractice cases; providing for reallocation; amending s. 768.46, F.S.; providing that a valid medical consent in writing raises a rebuttable presumption of validity; amending s. 626.973, F.S.; excluding medical malpractice coverage from fictitious group statute; creating s. 768.60, F.S.; providing that health care facilities are liable for failure to review competence of medical staff; providing health care facilities are liable for failure to maintain risk management program; providing methods of insurance for hospitals; providing certain waiver of sovereign immunity; amending s. 627.351, F.S.; establishing a premium cap for a special risk category and requirement for this category; increasing the association's insurance limits; requiring a risk management program for association insureds; providing for recovery of the special risk category deficit; imposing a premium surcharge for medical malpractice insurance; providing for recovery of a deficit arising from the standard risk category; creating s. 395.0165, F.S.; making alteration of medical records a criminal offense; providing penalties; creating s. 768.61, F.S.; prohibiting excessive diagnostic testing; providing penalties; creating s. 458.320, F.S.; requiring physicians to show financial responsibility or to purchase insurance; providing for reporting of failure to comply; creating s. 459.0085, F.S.; requiring osteopaths to show financial responsibility or purchase insurance; providing for reporting of failure to comply; creating s. 455.244, F.S.; providing for evaluation and certification of foreign medical schools; providing for language equivalency examinations; amending s. 458.311, F.S.; limiting the time a medical applicant may take the FLEX examination; amending s. 455.213, F.S.; providing that certain health care practice boards shall require continuing education as a condition of relicensure; creating s. 455.2287, F.S.; prohibiting and penalizing misrepresentation in health care license providers; amending s. 458.327, F.S.; prohibiting and penalizing misrepresentation in health care licensing and practicing medicine; amending s. 459.013, F.S.; prohibiting and penalizing misrepresentation regarding osteopaths; creating s. 205.194, F.S.; prohibiting local occupational license without state license; amending s. 463.011, F.S.; deleting obsolete language; repealing ss. 205.195, 205.197, 205.198, 205.199, and 480.051, F.S., repealing obsolete sections; amending s. 458.307, F.S.; increasing the number and lay membership of the Board of Medical Examiners; creating s. 768.64, F.S.; providing form and requirements for arbitration agreements in certain group health insurance contracts; providing selection of arbitrators; tolling the statute of limitations; creating part IX of chapter 626, F.S.; creating a health care risk manager advisory council and providing its duties; providing powers and duties of the Department of Insurance relating to the regulation of health care risk managers; providing for certification; prohibiting specified acts and providing penalties; providing for disciplinary actions and grounds therefor; amending s. 624.501, F.S.; providing a certification fee for risk managers; amending s. 458.337, F.S.; requiring notice and reason of physician discipline to be given to the department; providing the department subpoena power over certain records; amending s. 455.241, F.S.; extending department's access to patient records for disciplinary purposes; amending s. 395.017, F.S.; providing that the department may obtain certain disciplinary records; limiting public access; repealing s. 768.56, F.S., relating to attorney's fees in medical malpractice cases; creating s. 768.66, F.S.; requiring department to study risk management; amending ss. 395.502, 395.509, and 395.5094, F.S., allowing hospitals to increase revenues by the amount of the premium surcharge imposed under s. 627.351(4); creating s. 641.391, F.S., requiring health maintenance organizations to establish internal risk management programs; providing for rules; requiring certain reports; providing for review and repeal; providing severability; providing for prospective application; providing an effective date.

—was referred to the Committees on Commerce; Judiciary-Civil; and Health and Rehabilitative Services.

By the Select Committee on Citrus and Agricultural Funding and Representative C. F. Jones and others—

HB 1364—A bill to be entitled An act relating to tax on citrus nursery stock; creating s. 581.192, F.S.; imposing excise taxes on citrus nursery stock; creating a trust fund and providing for deposit of certain proceeds therein; providing for use of tax proceeds; providing for repeal; providing appropriations to the Department of Agriculture and Consumer Services for eradication of citrus canker and for financial assistance to persons suffering losses because of citrus canker; providing an effective date.

—was referred to the Committees on Agriculture; Finance, Taxation and Claims; and Appropriations.

By the Committee on Veterans Affairs and Representative L. R. Hawkins—

HCR 1143—A concurrent resolution designating Interstate Highway 95 from Miami to the Georgia state line as the Dwight David Eisenhower Veterans Memorial Highway.

—was referred to the Committees on Transportation; and Rules and Calendar.

By Representatives Gardner and Sansom—

HCR 259—A resolution designating March as "Florida Aviation History Month."

—was referred to the Committee on Rules and Calendar.

By the Committee on Judiciary and Representative Dudley and others

HJR 1289—A joint resolution proposing the addition of Section 10 to Article IV of the State Constitution relating to the Attorney General.

—was referred to the Committees on Judiciary-Civil; and Rules and Calendar.

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed HB 1425 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance and Taxation and Representative Ogden

HB 1425—A bill to be entitled An act relating to tax on sales, use and other transactions; reenacting s. 212.11, F.S., relating to tax returns and regulations and calculation and payment of estimated tax liability; reenacting s. 212.12(2), F.S., relating to penalties for failure to remit payments; validating the repeal of s. 212.12(5), F.S., relating to extensions for making returns and certain estimated tax payments; validating collections made under chapters 83-310 and 84-549, Laws of Florida; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1, 2, 4 and 6; has refused to concur in Senate Amendments 5 and 7 and requests the Senate to recede.

Allen Morris, Clerk

HB 1098—A bill to be entitled An act relating to mechanics' liens; amending s. 713.10, F.S., changing the circumstances in which a lessor is subject to such liens; providing an effective date.

On motions by Senator Kiser, the Senate receded from Amendments 5 and 7.

HB 1098 passed as amended. The action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Mr. President	Childers, W. D.	Girardeau	Grizzle
Beard	Deratany	Gordon	Hill
Childers, D.	Frank	Grant	Jenne

Jennings	Langley	McPherson	Plummer
Johnson	Malchon	Myers	Stuart
Kirkpatrick	Mann	Neal	Thomas
Kiser	Margolis	Peterson	Weinstein

Nays—None

Vote after roll call:

Yea—Castor, Fox, Gersten

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 48—A bill to be entitled An act relating to the registration of vessels; amending s. 327.11, F.S.; exempting vessels owned by the United States Government that are used for recreational purposes from registration requirements; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 10, insert:

Section 1. Subsection (3) is added to section 327.22, Florida Statutes, 1984 Supplement, to read:

327.22 Regulation of vessels by municipalities or counties.—

(3) *Counties which impose an annual registration fee may establish, by interlocal agreement with one or more of the municipalities located in the county, a distribution formula for dividing the proceeds of the fee or for use of the funds for boating-related projects located within the county or the municipality or municipalities, or the county and the municipality or municipalities.*

(Renumber subsequent sections.)

Amendment 2—On page 1 in the title, line 2, after the semicolon (;) insert: amending s. 327.22, F.S., providing for agreements between certain counties and municipalities for the distribution and use of certain vessel registration fees;

On motions by Senator W. D. Childers, the Senate concurred in the House amendments.

SB 48 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Girardeau	Kirkpatrick	Neal
Beard	Gordon	Kiser	Peterson
Carlucci	Grant	Langley	Plummer
Childers, D.	Grizzle	Malchon	Scott
Childers, W. D.	Hair	Mann	Stuart
Deratany	Hill	Margolis	Thomas
Dunn	Jenne	McPherson	Weinstein
Fox	Jennings	Meek	
Frank	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Castor, Gersten

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 291—A bill to be entitled An act relating to forfeiture; amending ss. 370.061, 932.701, 932.704, F.S.; creating s. 321.32, F.S.; providing for the deposit of proceeds from the sale of certain confiscated property into the Motorboat Revolving Trust Fund and the Florida Highway Patrol Forfeiture Trust Fund under certain circumstances; defining certain terms; providing that such proceeds shall be used for law enforcement purposes; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, lines 25-31, strike all of said lines, and strike all of pages 4, 5 and 6 and insert:

Section 2. Subsection (3) of section 932.704, Florida Statutes, is amended to read:

932.704 Forfeiture proceedings.—

(3)(a) Whenever the head of the law enforcement agency effecting the forfeiture deems it necessary or expedient to sell the property forfeited rather than to retain it for the use of the law enforcement agency, or if the property is subject to a lien which has been preserved by the court, he shall cause a notice of the sale to be made by publication as provided by law and thereafter shall dispose of the property at public auction to the highest bidder for cash without appraisal. In lieu of the sale of the property, the head of the law enforcement agency, whenever he deems it necessary or expedient, may salvage the property or transfer the property to any public or nonprofit organization, provided such property is not subject to a lien preserved by the court as provided in s. 932.703(3). The proceeds of sale shall be applied: first, to payment of the balance due on any lien preserved by the court in the forfeiture proceedings; second, to payment of the cost incurred by the seizing agency in connection with the storage, maintenance, security, and forfeiture of such property; third, to payment of the costs incurred by the state attorney; and fourth, to payment of costs incurred by the court. The remaining proceeds shall be deposited in a special law enforcement trust fund established by the board of county commissioners or the governing body of the municipality and shall be used for law enforcement purposes only. These funds may be expended only upon appropriation to the sheriff's office or police department, by the board of county commissioners or the governing body of the municipality, to defray the costs of protracted or complex investigations, to provide additional technical equipment or expertise, to provide matching funds to obtain federal grants, or for such other law enforcement purposes as the board of county commissioners or governing body of the municipality deems appropriate and shall not be considered a source of revenue to meet normal operating needs. In the event that the seizing law enforcement agency is a state agency, all remaining proceeds shall be deposited into the state General Revenue Fund. However, in the event the seizing law enforcement agency is the Department of Law Enforcement, the proceeds accrued pursuant to the provisions of this chapter shall be deposited into the Forfeiture and Investigative Support Trust Fund and, if the seizing law enforcement agency is the Department of Natural Resource, the proceeds accrued pursuant to the provisions of this chapter shall be deposited into the Motorboat Revolving Trust Fund to be used for law enforcement purposes.

(b) If more than one law enforcement agency was substantially involved in effecting the forfeiture, the court having jurisdiction over the forfeiture proceeding shall equitably distribute the property among the seizing agencies. Any forfeited money or currency, or any proceeds remaining after the sale of the property, shall be equitably distributed to the board of county commissioners or the governing body of the municipality having budgetary control over the seizing law enforcement agencies for deposit into the law enforcement trust fund established pursuant to paragraph (a). In the event that the seizing law enforcement agency is a state agency, the court shall direct that all forfeited money or currency and all proceeds be forwarded to the Treasurer for deposit into the state General Revenue Fund, unless the seizing agency is the Department of Natural Resources, in which case the court shall direct that the proceeds be deposited into the Motorboat Revolving Trust Fund to be used for law enforcement purposes.

Section 3. This act shall take effect upon becoming a law.

Amendment 2—In the title, on page 1, strike lines 2-11 and insert: An act relating to forfeiture; amending s. 370.061, F.S., providing for deposit into the Motorboat Revolving Trust Fund of proceeds from the sale of certain property under certain circumstances; amending s. 932.704, F.S., providing for deposit of forfeiture proceeds of property seized by the Department of Natural Resources into the Motorboat Revolving Trust Fund under certain circumstances; providing an effective date.

On motions by Senator Mann, the Senate concurred in the House amendments.

SB 291 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gordon	Kiser	Peterson
Beard	Grant	Langley	Scott
Childers, D.	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Mann	Thomas
Deratany	Hill	Margolis	Thurman
Dunn	Jenne	McPherson	Weinstein
Fox	Jennings	Meek	
Frank	Johnson	Myers	
Gersten	Kirkpatrick	Neal	

Nays—None

Vote after roll call:

Yea—Castor

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 322—A bill to be entitled An act relating to the Florida Retirement System; authorizing the Department of Administration to select a state licensed insurance company to offer and administer a Medicare Supplement policy to eligible retirees of the Florida Retirement System; authorizing health insurance coverage; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 18-19, strike: “the Florida Retirement System” and insert after “of”: a state or local public employer

Amendment 2—On page 1, line 22, strike: “retiree of the Florida Retirement System” and insert: before “who”: public employee who retired from a state or local public employer

Amendment 3—On page 1, line 30, strike: “retirees of the Florida Retirement System” and insert after “all”: public employees who retired from a state or local public employer

Amendment 4—On page 2, line 5, insert:

Section 2. Any employer who provides insurance coverage under s. 110.123 or s. 112.0801, Florida Statutes, shall notify those employees, who retire, of their eligibility to participate in either the same group insurance plan or self-insurance plan as provided in s. 110.123 and 112.0801, or the insurance coverage as provided by this law.

(Renumber subsequent sections.)

Amendment 5—In title, on page 1, line 7, strike: “the Florida Retirement System” and insert after “of”: a state or local public employer

Amendment 6—On page 2, strike line 9 and insert:

Section 3.

(1) Notwithstanding any provisions of law to the contrary, or the provisions of Section 1 of Chapter 84-290, Laws of Florida, the Department of Administration shall provide health insurance coverage in the State Group Health Insurance Plan for persons who retired prior to January 1, 1976 under any of the state-administered retirement systems and who are not covered by Social Security, and for the spouses and surviving spouses of such retirees who are also not covered by Social Security. Such health insurance coverage shall provide the same benefits as provided to other retirees who are entitled to participate under s. 110.123, Florida Statutes. The claims experience of this group shall be comingled with the claims experience of other members covered under s. 110.123, Florida Statutes.

(2) Funds appropriated pursuant to Chapter 84-290, Laws of Florida, are hereby transferred to the State Employees Health Insurance Trust Fund for the purposes of implementing the provisions of this act.

(3) Subsequent periods of coverage for such retirees, spouses, and surviving spouses shall be provided for in an annual appropriation which shall not exceed the initial appropriation and shall reflect any decline in enrollment within the State Group Health Insurance Plan by such retirees, spouses, and surviving spouses.

(4) Within the Department of Administration, one position is authorized and \$15,311 to fund the position is hereby appropriated from the State Employees Insurance Trust Fund. Said position is to be utilized in the administration of the retiree health insurance program.

Section 4. This act shall take effect October 1, 1985, except that this section and section 3 shall take effect July 1, 1985 and if this act does not become a law prior to July 1, 1985 sections 3, and 4 shall operate retroactively to said date.

Amendment 7—In the title, on page 1, line 9, strike: “providing an effective date.” and insert: providing for health insurance coverage for certain retired persons and their spouses; providing a retroactive effective date.

On motions by Senator Margolis, the Senate concurred in the House amendments.

SB 322 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gersten	Johnson	Myers
Beard	Girardeau	Kirkpatrick	Neal
Carlucci	Gordon	Kiser	Peterson
Childers, D.	Grant	Langley	Scott
Childers, W. D.	Grizzle	Malchon	Stuart
Deratany	Hair	Mann	Thomas
Dunn	Hill	Margolis	Thurman
Fox	Jenne	McPherson	Weinstein
Frank	Jennings	Meek	

Nays—None

Vote after roll call:

Yea—Castor

LOCAL CALENDAR

On motion by Senator Dunn, the rules were waived and by two-thirds vote HB 1149 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Dunn—

HB 1149—A bill to be entitled An act relating to the Utilities Commission of the City of New Smyrna Beach, Volusia County; amending chapter 67-1754, Laws of Florida; limiting the length and number of terms of members of the commission; providing that the commission may extend city utilities beyond the corporate limits of the city only upon approval of the city commission; providing for city commission review and approval of the commission budget; providing for approval of the city commission before issuing or refunding revenue certificates; providing for city commission approval before entering into certain contracts; providing for the fiscal year required by general law; providing severability; providing an effective date.

—a companion measure, was substituted for SB 538 and read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 1149 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

SB 538 was laid on the table.

SB 1299—A bill to be entitled An act relating to the City of Gainesville, Florida, permitting that city, if it so chooses, to pay for health or hospitalization insurance, or both, for dependents of retired employees; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote SB 1299 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

On motion by Senator Plummer, the rules were waived and by two-thirds vote HB 753 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Plummer—

HB 753—A bill to be entitled An act relating to the City of Key Colony Beach, Monroe County; authorizing the city to exercise its police powers and jurisdiction extending 600 feet into the tidal waters adjacent to its established corporate limits; providing an effective date.

—a companion measure, was substituted for SB 1303 and read the second time by title. On motion by Senator Plummer, by two-thirds vote HB 753 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

SB 1303 was laid on the table.

On motions by Senator Dunn, the rules were waived and by two-thirds vote HB 1348 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Rules and Calendar.

On motion by Senator Dunn—

HB 1348—A bill to be entitled An act relating to Volusia County; establishing and organizing a municipality in said county to be known by the name selected by its electors; defining its territorial boundaries; providing for its government, jurisdiction, powers, franchises, immunities, privileges, and means for exercising the same; prescribing the general powers to be exercised by said City; providing extraterritorial powers; creating a Reserve Area; providing for the dissolution of certain existing governments; providing for a referendum.

—a companion measure, was substituted for SB 1306 and read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 1348 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

SB 1306 was laid on the table.

SB 1315—A bill to be entitled An act relating to Manatee County; creating the Manatee County Fire Prevention Code Enforcement Board; providing membership, terms, and quorum; providing for annual budgets; providing for per diem and traveling expenses; providing for issuance of citations to persons in violation of fire prevention codes; providing that the board has exclusive authority to enforce fire prevention codes and take action on such citations; providing for public hearings on such citations; providing for compliance orders and cease and desist orders; providing for levy of fines against a person who fails to comply with such an order within a specified time; authorizing the board to maintain an action in court to enforce such orders and collect such fines; providing for disposition of the proceeds of such fines; creating the Manatee County Fire Marshal Appeals Board; requiring the appeals board to hear appeals from the decisions of fire marshals disapproving plans or specifications for construction or alteration of structures; providing membership, terms, and quorum; providing for annual budgets; providing for per diem and traveling expenses; providing for rules of procedure; providing for public hearings; providing for written findings of fact and conclusions of law; specifying burden on appellant; providing an effective date.

—was read the second time by title.

Senator Neal moved the following amendment which was adopted:

Amendment 1—On page 8, line 12, strike "Section 3" and insert: a new section 3.

Section 3. This act shall be repealed on July 1, 1986.

(Renumber subsequent section.)

On motion by Senator Neal, by two-thirds vote SB 1315 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

On motion by Senator Vogt—

HB 487—A bill to be entitled An act relating to Brevard County; relating to the enforcement of Chapter 4, Code of Brevard County, the Brevard County Animal Control Ordinance; allowing specific penalties for the violation thereof; authorizing the enactment of an ordinance establishing procedures to implement this act; providing severability; providing an effective date.

—a companion measure, was substituted for SB 1317 and read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 487 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

SB 1317 was laid on the table.

SB 1318—A bill to be entitled An act relating to the City of Pensacola, Escambia County, relating to the Firemen's Relief and Pension Fund; providing for an increase in the amount of pension for those firemen retiring prior to January 1, 1973, and to those widows of such firemen; providing for the funding of such increase; repealing all laws or parts of laws in conflict herewith; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 1318 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 144—A bill to be entitled An act relating to the City of Lakeland, Polk County; amending the 1963 Pension Plan which is contained at Division II, Article III of the City of Lakeland Charter; amending section 35(c) of said Division II, Article III; modifying the requirements for investment in corporate equities; authorizing the investment of pension funds in business trusts which invest solely in securities which are direct obligations of the United States Government and in repurchase agreements pertaining to such securities; authorizing the pension board to retain investment managers; providing for the responsibility of investment managers; authorizing investment managers to invest pension funds in authorized investments and pursuant to the investment policy of the board; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 144 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dunn	Grizzle	Kiser
Barron	Fox	Hair	Langley
Beard	Frank	Hill	Malchon
Carlucci	Gersten	Jenne	Mann
Childers, D.	Girardeau	Jennings	Margolis
Childers, W. D.	Gordon	Johnson	McPherson
Deratany	Grant	Kirkpatrick	Meek

Myers	Plummer	Thomas	Weinstein
Neal	Scott	Thurman	
Peterson	Stuart	Vogt	

Nays—None

Vote after roll call:

Yea—Castor

HB 427—A bill to be entitled An act relating to Lafayette County; authorizing the board of county commissioners to maintain and construct cattle gaps on any county graded road; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 427 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 428—A bill to be entitled An act relating to Citrus County; amending section 1 of chapter 77-526, Laws of Florida, relating to prohibited commercial fishing in certain waters in the county, to correct a land description; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 428 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 509—A bill to be entitled An act relating to the Valencia Drainage District, Orange County; prescribing a quorum to be present at all landowners' meetings; requiring a majority vote for certain elections and passage of motions; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 509 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dunn	Grizzle	Kiser
Barron	Fox	Hair	Langley
Beard	Frank	Hill	Malchon
Carlucci	Gersten	Jenne	Mann
Childers, D.	Girardeau	Jennings	Margolis
Childers, W. D.	Gordon	Johnson	McPherson
Deratany	Grant	Kirkpatrick	Meek

Myers	Plummer	Thomas	Weinstein
Neal	Scott	Thurman	
Peterson	Stuart	Vogt	

Nays—None

Vote after roll call:

Yea—Castor

HB 510—A bill to be entitled An act relating to the Windermere Water and Navigation Control District, Orange County; amending section 25 of chapter 63-1711, Laws of Florida, increasing the number of members of the Advisory Committee to the Board of County Commissioners of Orange County from three members to five members; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 510 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 514—A bill to be entitled An act relating to East Charlotte Drainage District, Charlotte County; amending section 3 of chapter 65-664, Laws of Florida, requiring members of the board of supervisors to be residents of the State of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 514 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 544—A bill to be entitled An act relating to the City of Temple Terrace, Hillsborough County; amending section 4 of chapter 31320, Laws of Florida, 1955, as amended, to add the northern half of the right-of-way of Fowler Avenue to the corporate limits of the city; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendments which were adopted:

Amendment 1—On page 1, lines 11-31, and on page 2, lines 1-21, strike all of said lines and insert:

Section 1. The corporate limits of the City of Temple Terrace in Hillsborough County, Florida, are hereby extended to include the following lands and territory in said County of Hillsborough, in the State of Florida, to-wit:

Parts of Sections 10, 11, 12, 13, 14, and 15, Township 28 South, Range 19 East, lying in Hillsborough County, Florida, and described as follows:

Beginning at the intersection of the West boundary of the corporate boundary of the City of Temple Terrace as now established with the South right-of-way line of Fowler Avenue (SR 582) as now established, said P.O.B. being also the intersection of the West boundary of the Northeast 1/4 of the Northwest 1/4 of Section 15, Township 28 South, Range 19 East, with the South right-of-way line of said Fowler Avenue, thence North along the West boundary of said corporate boundary and its projection North to the North right-of-way line of said Fowler Avenue (SR 582) as now established; thence East following the established North right-of-way line of said Fowler Avenue to the West boundary of TECO right-of-way line as now established in Sections 12 and 13, Township 28 South, Range 19 East, said West boundary of TECO right-of-way being also the East boundary of the Southwest 1/4 of said Section 12 and the East boundary of the Northwest 1/4 of said Section 13; thence South along the West boundary of said TECO right-of-way to the South right-of-way line of Fowler Avenue (SR 582) as now established; thence West following the established South right-of-way line of said Fowler Avenue to the P.O.B.

Amendment 2—In title, on page 1, lines 3-5, strike "amending section 4 of chapter 31320, Laws of Florida, 1955, as amended, to add" and insert: adding

On motion by Senator Beard, by two-thirds vote HB 544 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 556—A bill to be entitled An act relating to the Big Corkscrew Island Fire Control and Rescue District, Collier County; amending section 14 of chapter 77-535, Laws of Florida; clarifying authority of members of the district board to receive volunteer firefighter compensation; providing an effective date.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote HB 556 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 619—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; amending section 1 of chapter 63-661, Laws of Florida, as amended, changing the boundary lines of said district so as to include additional lands within said district; providing for the right of said district to annex lands within said district upon the voluntary petition of the landowners affected; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 619 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 656—A bill to be entitled An act relating to the City of Pembroke Pines, Broward County; extending and enlarging the corporate limits of the City; providing for the assumption of duties, powers, and responsibilities over the annexed territory; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote HB 656 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 705—A bill to be entitled An act relating to St. Johns County; amending sections 1 and 2 of chapter 65-2178, Laws of Florida, authorizing the county and municipalities within the county to impose user access fees upon vehicular traffic on beaches within their boundaries; providing the use of such fees; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote HB 705 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 712—A bill to be entitled An act relating to Lee County; amending section 4 of chapter 65-1823, Laws of Florida; conforming the budgetary planning process of the Fort Myers Beach Public Library District to that of general law; providing an effective date.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote HB 712 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 768—A bill to be entitled An act relating to Holmes County; amending section 1 of chapter 63-769, Laws of Florida, as amended, providing that the sum of \$25,000 from the Holmes County Racetrack Funds which is currently being paid to the trustees of the Holmes County Hospital Corporation, shall be paid into the General Operating Fund of the Board of County Commissioners; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 768 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 789—A bill to be entitled An act relating to the greater Boca Raton Beach Tax District, Palm Beach County; amending section 4 of chapter 74-423, Laws of Florida, as amended, providing for the power to borrow money; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 789 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 790—A bill to be entitled An act relating to Jupiter Inlet District, a special taxing district in Palm Beach County; amending section 5 of chapter 8910, Laws of Florida, 1921, as amended, to increase the compensation payable to members of the board of commissioners of the district; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 790 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 837—A bill to be entitled An act relating to the Escambia County Law Library; amending section 4 of chapter 61-2130, Laws of Florida, as amended; revising the membership of the Escambia County Law Library Board; providing that one circuit court judge, one county court judge, and three members of the Escambia-Santa Rosa Bar Association, all to be appointed annually, shall constitute the law library board; providing 4-year terms of office; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 837 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 841—A bill to be entitled An act relating to Escambia County; abolishing the Century Memorial Hospital Board of Trustees; transferring administration of Century Memorial Hospital to the board of county commissioners; repealing chapter 77-553, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 841 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 943—A bill to be entitled An act relating to North Springs Improvement District, Broward County; amending section 2 of chapter 71-580, Laws of Florida, expanding the boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 943 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 968—A bill to be entitled An act relating to the cities of Coconut Creek and Margate, Broward County; annexing and deannexing parcels within the corporate limits of the cities of Coconut Creek and Margate; redefining the cities' common boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 968 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 1038—A bill to be entitled An act relating to Pinellas County; amending sections 11 and 23 of chapter 75-489, Laws of Florida, as amended, defining the terms "aluminum contractor," "aluminum specialty contractor," "roofing contractor," "commercial pool contractor," "residential pool contractor," "swimming pool servicing contractor," and "underground utility contractor"; providing that it is unlawful for any person to engage in the business or act in the capacity of contracting or subcontracting without having been duly registered or certified by the Pinellas County Construction Licensing Board; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote HB 1038 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Childers, W. D.	Gersten	Hair
Barron	Deratany	Girardeau	Hill
Beard	Dunn	Gordon	Jenne
Carlucci	Fox	Grant	Jennings
Childers, D.	Frank	Grizzle	Johnson

Kirkpatrick	Margolis	Peterson	Thurman
Kiser	McPherson	Plummer	Vogt
Langley	Meek	Scott	Weinstein
Malchon	Myers	Stuart	
Mann	Neal	Thomas	

Nays—None

Vote after roll call:

Yea—Castor

HB 1053—A bill to be entitled An act relating to the City of Coconut Creek, Broward County; extending and enlarging the corporate limits of the City of Coconut Creek to include specified unincorporated lands within said corporate limits; redefining city limits; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote HB 1053 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 1074—A bill to be entitled An act relating to the City of Palm Bay, Brevard County and the Town of Malabar, Brevard County; amending the Charter of the City of Palm Bay to include within its legal, corporate boundaries certain property heretofore located within the Town of Malabar by amending the Charter of the City of Palm Bay to include such parcel and amending the Articles of Incorporation of the Town of Malabar to delete said parcel; providing an effective date.

—was read the second time by title.

Senator Deratany moved the following amendments which were adopted:

Amendment 1—On page 2, strike all of lines 10-12 and insert:

Section 1. The following described territory is hereby annexed to the City of Palm Bay, Brevard County, Florida: that property owned by

Amendment 2—On page 4, strike all of lines 6-9 and insert:

Section 2. That portion of the property owned by Theodore Theodoropoulos and Adriane Theodoropoulos, his wife, described in section 1 is hereby deannexed and excluded from the territory of the Town of Malabar, Brevard County, Florida.

On motion by Senator Deratany, by two-thirds vote HB 1074 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 1113—A bill to be entitled An act relating to the Matlacha and Pine Island Fire Control District, Lee County; amending section 1 of chapter 63-1558, Laws of Florida, changing the boundaries of the Matlacha and Pine Island Fire Control District to include additional lands lying in Lee County; providing a referendum.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote HB 1113 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

HB 1145—A bill to be entitled An act relating to the Alligator Point water resources district, Franklin County; amending s. 4 of chapter 63-1350, Laws of Florida, to provide staggered terms for members of the governing board of the district; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote HB 1145 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Castor

On motion by Senator Deratany, the rules were waived and SB 1003 after being engrossed was ordered immediately certified to the House.

On motion by Senator Jenne, the rules were waived and by two-thirds vote CS for CS for SB 1174 was added to the special order calendar following CS for CS for SB 1150.

On motion by Senator Jenne, the rules were waived and time of adjournment was extended until completion of CS for SB 1099, CS for CS for SB 1150 and CS for CS for SB 1174.

SPECIAL ORDER

Consideration of CS for SB 1099 was deferred.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar respectfully recommends a revision of Senate Rule 4.6 attached hereto and by reference made a part of this report.

The vote of the Committee was without objection of those present.

Respectfully submitted,
Kenneth C. Jenne, Chairman

4.6—Reference generally; final day for introduction of bills

All Senate bills filed for introduction after 5:00 p.m. the eleventh day of the fourth day of the regular session (except for the general appropriations bill, local bills, and joint resolutions) shall be referenced, but shall be withheld from the committee or committees of reference until after adjournment sine die of such session.

On motion by Senator Jenne the foregoing report was adopted.

The vote was:

Yeas—20

Mr. President	Fox	Jenne	Peterson
Carlucci	Frank	Kirkpatrick	Plummer
Castor	Gersten	Malchon	Stuart
Crawford	Gordon	Margolis	Vogt
Dunn	Hair	Meek	Weinstein

Nays—13

Barron	Grant	Johnson	Thurman
Beard	Grizzle	Langley	
Childers, D.	Hill	Myers	
Deratany	Jennings	Scott	

Vote after roll call:

Yea—W. D. Childers, Girardeau

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 1130—A bill to be entitled An act relating to Monroe County; amending ss. 1, 3, 9(7), 10, 16 and 28 of chapter 76-441, Laws of Florida, as amended, relating to the Florida Keys Aqueduct Authority; expressing the intent that the Authority be the sole supplier of potable water in Monroe County; providing a definition of public water supplier; providing the power to furnish and supply water to municipalities or alternative or private persons; providing the power to require the use of its facilities where accessible; providing the power to regulate and supervise alternative water supplies; providing the power to grant or deny permits for the construction or operation of alternative water supplies based upon certain enumerated factors; providing the power to prohibit the use of alternative water supplies; providing that unpaid fees and charges shall constitute a lien on premises to which water service has been furnished, and providing a method for recording such liens; amending the procedure for issuance of bonds to eliminate the requirement for a voter referendum; reenacting section 2 of chapter 83-468, Laws of Florida, which affirms the rules in Part VII of the Rules of the Florida Keys Aqueduct Authority regarding environmental requirements as a valid exercise of delegated legislative authority; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On pages 2-9, strike all of said pages and insert:

WHEREAS, the legislation creating the Florida Keys Aqueduct Authority and defining its purposes and powers implicitly confers upon the Authority exclusive authority over the provision of potable water to the residents of Monroe County, Florida; and

WHEREAS, it is desirable that such authority be clarified, defined and made explicit;

THEREFORE, Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1 of chapter 76-441, Laws of Florida, as amended by chapter 77-605, Laws of Florida, is amended to read:

Section 1. Creation of Authority; boundaries defined.—The Florida Keys Aqueduct Authority is recreated and shall be the successor agency to the Florida Keys Aqueduct Authority which is abolished by this act.

The primary purpose and function of this Authority shall be to obtain, supply, and distribute an adequate water supply for the Florida Keys. It is the intent of the Legislature that the Authority be granted sole and exclusive jurisdiction over the supply of potable water in Monroe County. If the Authority is prohibited from supplying or is unable for any reason to supply potable water service to areas of Monroe County, then the Authority board of directors shall authorize the use of alternative water supplies upon the terms and conditions set forth in this act. The geographic jurisdiction of the Authority shall be as provided in this act. The Florida Keys Aqueduct Authority shall be an autonomous public body corporate and politic and have perpetual existence. All lawful debts, bonds, obligations, contracts, franchises, promissory notes, audits, minutes, resolutions, and other undertakings of the Florida Keys Aqueduct Authority are hereby validated and shall continue to be valid and binding on the Florida Keys Aqueduct Authority in accordance with their respective terms, conditions, covenants, and tenor. Any proceedings heretofore begun by the Florida Keys Aqueduct Authority for the construction of any improvements, works, or facilities; for the assessment of benefits and damages or for the borrowing of money shall not be impaired or voided by this act but may be continued and completed in the name of the Florida Keys Aqueduct Authority. The Authority shall include within its territorial boundaries all of the lands within Monroe County, but may procure water outside its boundaries for sale within said boundaries, and may serve customers residing in Monroe County and those residing outside Monroe County but within 1 mile of its pipeline from its wellfield at Florida City in Dade County to the territorial boundary of the Authority.

Section 2. Section 3 of Chapter 76-441, Laws of Florida, is amended to add subsection (9), as follows:

Section 3. Definitions.—Unless the context shall indicate otherwise, the following words as used in this act shall have the following meaning:

(9) "Alternative water supply" means a water service or system other than that of the Authority, for the provision of piped potable water. Such term includes:

(a) Any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

(b) Any collection or pretreatment storage facilities which are used primarily in connection with such system.

Any water service or system other than that of the Authority, including wells, cisterns, catchments, or other sources used to supply not more than one single-family residence or duplex shall not be considered an alternative water supply, provided, however, permits shall be required pursuant to Section 9(7)(f)(1) hereof for residential developments utilizing five or more such single residential systems.

Section 3. Subsection (1) of section 4 of Chapter 76-441, Laws of Florida, is amended by chapters 80-546, 83-468, and 84-484, Laws of Florida, is amended to read:

Section 4. Board of directors; organization; qualifications; term of office; quorum; annual meeting, report, and minutes.—

(1)(a) ~~Until December 31, 1984, the board of directors of the Florida Keys Aqueduct Authority shall consist of the members of the governing board of the South Florida Water Management District which is authorized and empowered to exercise those powers granted to the Florida Keys Aqueduct Authority. The provisions of ss. 373.106-373.1062, Florida Statutes shall not limit the exercise of the powers granted hereunder. Within 30 days after the act becomes a law, the Governor shall appoint a resident of Monroe County to serve as a voting member of the Florida Keys Aqueduct Authority board of directors, subject to all rights, privileges, duties and responsibilities of other board members. Such member shall be in addition to the nine regular members of the board of directors. The board shall elect one of its members as chairman and shall choose some suitable person as secretary-treasurer, who may or may not be a member of the board, and who may be required to execute a bond for the faithful performance of his duties as the board may determine. A majority of the members of the board shall constitute a quorum. No vacancy in the board shall impair the right of a quorum to exercise all the rights and perform all of the duties of the board. All members of the board shall be required to be bonded. Beginning December 31, 1984, the board of directors of the Florida Keys Aqueduct Authority shall be as prescribed in paragraphs (b) and (c).~~

(b) The board of directors of the Florida Keys Aqueduct Authority shall be the governing body of the authority and shall, subject to the provisions of this act, exercise the powers granted to the authority under this act. ~~Beginning December 31, 1984, The board of directors shall consist of nine members: four members of the South Florida Water Management District, appointed by the Governor as transition members of the governing body of the authority, and five regular members who shall each represent one of five districts which shall be coterminous with the districts of the Board of County Commissioners of Monroe County. Each regular member of the board of directors shall be a registered elector within Monroe County and shall have been a resident of the district for 6 months prior to the date of his appointment. The regular members shall be appointed by the Governor, subject to confirmation by the Senate, for terms of 4 years each and the transition members shall be appointed by the Governor for terms of one and one-half years each, except that any appointment to fill a vacancy shall be for the unexpired portion of the term. Of the regular members of the board of directors who assume office on December 31, 1984, two shall be appointed for a term of 2 years each and three shall be appointed for a term of 4 years each. The board shall elect any one of its members as chairman and shall also elect any one of its members as secretary-treasurer. A majority of the members of the board shall constitute a quorum. No vacancy in the board shall impair the right of a quorum to exercise all the rights and perform all of the duties of the board. All members of the board shall be required to be bonded. Any vacancy occurring on the board shall be filled by appointment by the Governor, subject to confirmation by the Senate, for the duration of the unexpired term. The four transition members shall be voting members of the board, subject to all rights, privileges, duties and responsibilities of board membership.~~

~~(c) Beginning July 1, 1986, the board of directors shall consist solely of the five regular members appointed by the Governor as provided in paragraph (b) of this subsection.~~

Section 4. Subsection (7) of Section 9 of Chapter 76-441, Laws of Florida, is amended to read:

Section 9. Powers of the Authority.—In addition and not in limitation of the powers of the Authority, it shall have the following powers:

(7) WATER SYSTEMS.—

(a) To purchase, own, acquire, construct, reconstruct, operate, maintain, extend, and improve water systems;

(b) To furnish and supply water service to any municipality and any person, firm, or corporation, public or private.

(c) To place, construct, operate, maintain, extend and improve pipes and water mains, conduits or pipelines, in, along, or under any street, alley, highway, or other public places, rights-of-ways, or in, along, or under easements and other rights of access held or acquired by the Authority, within or without the boundaries of the Authority when deemed necessary or desirable by the board of directors in accomplishing the purposes of this act.

(d) To regulate the use of and supply of water, including rationing, and regulations to enforce rationing, within the Authority boundaries;

(e) To require and enforce the use of its facilities whenever and wherever they are accessible.

(f) To regulate and supervise each alternative water supply within the geographic jurisdiction of the Authority in accordance with the provisions of this act. In the exercise of its exclusive jurisdiction, the Authority shall have power over alternative water supplies for the following purposes:

(1) To grant or deny permits for the construction or operation of alternative water supplies within the geographic boundaries of the Authority. Before the issuance of any permit hereunder, the applicant shall demonstrate compliance with each of the following conditions:

(i) receipt of all local, regional, state and federal environmental permits and development approvals for the project to be served by the alternative water supply seeking to receive a permit from the Authority;

(ii) the lack of available potable water service from the Authority due to legal prohibitions, restriction placed on the supply of water by local, state, or federal governmental agencies, or physical limitations of the authority's supply and treatment capacity;

(iii) the issuance of a consumptive use permit from the South Florida Water Management District, if necessary for the water source being used or proposed to be used;

(iv) the payment of a reasonable fee as established by the Authority board of directors;

(v) the furnishing of reasonable assurances by the applicant that the proposed project will provide adequate and proper service to any person entitled to service and that the proposed project comports with FKAA engineering standards and good engineering practices; and

(vi) such other factors as the board of directors may determine to be appropriate or relevant to the issuance of a permit for the construction or operation of alternative water supply systems.

(2) To prohibit or regulate the use of alternative water supplies within the Authority's geographic boundaries, provided the use of alternative water supplies shall not be prohibited in areas of Monroe County which the Authority does not supply potable water service pursuant to Part VII, Rules of the Florida Keys Aqueduct Authority.

(3) to issue general permits on a regional or countywide basis for alternative water supply facilities for those areas of Monroe County where the Board of Directors determines that potable water service is not available from the Authority.

Section 5. Section 10 of chapter 76-441, Laws of Florida, is amended to read:

Section 10. Rules.—The board shall adopt bylaws, rules, resolutions, regulations, and orders prescribing the powers, duties, and functions of the members of the board and employees of the Authority; the conduct of the business of the Authority; the maintenance of records of the Authority, and shall adopt administrative rules and regulations to effect and enforce the purposes and functions with respect to any of the projects of the Authority. All such rules, resolutions, regulations, and orders and administrative rules shall be adopted pursuant to the provisions of chapter 120, Florida Statutes.

Section 6. Section 16 of Chapter 76-411, Laws of Florida, is amended to read as follows:

Section 16. Discontinuance of service.—In the event that the fees, rentals, or other charges for the services and facilities of any project are not paid when due, the board of directors shall have the power to discontinue and shut off the same until such fees, rentals, or other charges, including interest, penalties, and charges for the shutting off or discontinuance and the restoration of such services and facilities, are fully paid, and for such purposes may enter on any lands, waters, and premises of any person, firm, corporation, or other body, public or private. Such delinquent fees, rentals, or other charges together with interest, penalties, and of such services and facilities and reasonable attorneys' fees and other expenses may be recovered by the Authority by suit in any court of competent jurisdiction. The Authority may also enforce payment of such delinquent fees, rentals, or other charges by any other lawful method of enforcement. In addition, all such fees and other charges including interest and penalties shall constitute a lien upon the real property or other premises (such as but not limited to trailers or mobile homes) to which water service has been furnished; provided that such lien shall not attach to real property that is or was occupied or possessed by a tenant pursuant to written or oral agreement with the owner thereof as landlord, and where water service has been furnished to the tenant as customer and the tenant is personally responsible for the water service charges. Such lien shall be recordable by filing a notice in the office of the clerk of the circuit court showing the street address of the premises served and a legal description of the property, if real property, or a description of the property showing its location, if other than real property, and including the aggregate amount of the unpaid charges as to which the customer is delinquent. Such lien shall be enforceable in the manner as provided by law in Chapter 173, Florida Statutes.

Section 7. Section 28 of Chapter 76-441, Laws of Florida, is amended to read as follows:

Section 28. Authorization and form of revenue bonds.—Revenue bonds may be authorized by resolution of the board of directors which shall be adopted by a majority of all members thereof then in office, subject to approval of a majority of the electors of Monroe County voting in a referendum election called by the board of directors. However, no such election shall be required for the approval of the issuance of any revenue

~~bond to finance any emergency repair of any equipment or machinery owned or operated by the Authority if such issuance is approved by a majority of the bond trustees. If the board holds a special election for approval of a bond resolution instead of placing the issue before the electors at a regularly scheduled primary or general election, the board of directors shall pay the cost of the election out of funds of the Authority. Such resolutions may be adopted at the meeting subsequent to and not at the same meeting at which they are introduced and need not be published or posted. The board may by resolution authorize the issuance of revenue bonds, fix the aggregate amount of revenue bonds to be issued, the purpose or purposes for which the moneys derived therefrom shall be expended, the rate or rates of interest, which rate shall not exceed 1 percent above the rate authorized by chapter 69-1730, Laws of Florida, for similar bonds. Section 215.84, Florida Statutes, The denomination of bonds, whether or not the bonds are to be issued in one or more series, the date or dates thereof, the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance, the medium of payment, place or places within or without the state where payment shall be made, registration privileges, redemption terms and privileges (whether within or without premium), the manner of execution, the form of the bonds, including any interest coupons to be attached thereto, the manner of execution of bonds and coupons, and any all other terms, covenants and conditions thereof, and the establishment of reserve or other funds.~~

Section 8. Section 2 of chapter 83-468, Laws of Florida, is hereby re-enacted to read:

Section 2. The Aqueduct Authority Board, as constituted herein, and any successory agency or board may adopt rules necessary to meet environmental requirements imposed by federal agencies as a condition of funding. Rules adopted by the Aqueduct Authority prior to effective date of this act, contained in Part 7 of the Rules of the Florida Keys Aqueduct Authority are hereby affirmed as a valid exercise of delegated legislative authority.

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

Amendment 2—In title, on page 1, strike lines 3-31 and insert: 1, 3, 4(1), 9(7), 10, 16 and 28 of chapter 76-441, Laws of Florida, relating to the Florida Keys Aqueduct Authority; expressing the intent that the Authority be the sole supplier of potable water in Monroe County; providing a definition of alternative water supply; making the Governor's appointment of the members of the Florida Keys Aqueduct Authority board of directors subject to Senate confirmation; deleting redundant and obsolete provisions; providing the power to furnish and supply water to municipalities or public or private persons; providing the power to require the use of its facilities where accessible; providing the power to regulate and supervise alternative water supplies; providing the power to grant or deny permits for the construction or operation of alternative water supplies based upon certain enumerated factors; providing the power to prohibit the use of alternative water supplies; providing that unpaid fees and charges shall constitute a lien on certain premises to which water service has been furnished and a method for recording such liens; amending the procedure for issuance of revenue bonds to eliminate the requirement for a voter referendum; re-enacting section 2 of chapter 83-468, Laws of Florida, which affirms the rules in Part VII of the Rules of the Florida Keys Aqueduct Authority regarding environmental requirements as a valid exercise of delegated legislative authority; providing an effective date.

On motions by Senator Plummer, the Senate concurred in the House amendments.

SB 1130 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Dunn	Hill	Meek
Barron	Fox	Jenne	Myers
Beard	Frank	Jennings	Plummer
Carlucci	Gersten	Johnson	Scott
Castor	Gordon	Kirkpatrick	Thurman
Childers, D.	Grant	Langley	Vogt
Crawford	Grizzle	Malchon	Weinstein
Deratany	Hair	Margolis	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Neal

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Crawford, the rules were waived and SB 1080 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Crawford, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider Senate Bills 1191, 1080, 684 and HB 1425, May 28 at 1:00 p.m.

SPECIAL ORDER, continued

The hour of 3:00 p.m. having arrived, the Senate proceeded to consideration of CS for CS for SB 1150.

On motions by Senator Girardeau, by two-thirds vote HB 1266 was withdrawn from the Committees on Governmental Operations, Commerce and Appropriations.

Point of Order

Senator Barron raised a point of order that unanimous consent is required to take up a bill out of order, and according to Rule 3.11, a companion measure should be substantially the same and identical as to specific intent and purpose as the measure for which it is being substituted.

The President ruled the point not well taken.

On motions by Senator Girardeau—

HB 1266—A bill to be entitled An act relating to small and minority businesses; creating the "Florida Small and Minority Business Assistance Act of 1985"; providing definitions; creating a Small and Minority Business Advisory Council within the Department of Commerce; providing for an advocate; providing for a statewide contracts register; providing a penalty with respect to certain late payments by contractors to subcontractors and suppliers; amending s. 17.11, F.S., directing the Comptroller to have reported from the state accounting system certain disbursements made to small businesses; amending s. 120.54, F.S., requiring agencies to consider the impact of certain actions under the Administrative Procedure Act upon small businesses; providing procedures; amending s. 215.422, F.S., relating to warrants, vouchers and invoices, processing time limits and agency compliance; creating the Florida Black Business Investment Board; providing for an executive director and employees; providing powers; providing conditions for board action; creating the Florida Investment Incentive Trust Fund; providing for Florida guarantor funds; providing for capital participation instruments; amending s. 215.47, F.S., providing for the investment of certain funds in any form or type of capital participation instrument or other evidence of indebtedness issued by the Florida black Business Investment Board or insured loans made to black business enterprises in Florida; creating s. 625.3245, F.S., providing for investments in capital participation instruments; amending s. 657.042, F.S., relating to investment powers of credit unions; amending s. 658.67, F.S., providing for investment powers of banks and trust companies; amending s. 665.0701, F.S., relating to investment powers of certain associations; providing for an annual report; amending s. 287.042, F.S., providing for the powers of the Division of Purchasing of the Department of General Services; providing for the certification of minority business enterprises; amending s. 287.055, F.S., relating to the acquisition of professional architectural, engineering, landscape architectural, or land-surveying services; amending s. 287.062, F.S., authorizing agencies to reserve certain competitive bid contracts for certified minority business enterprises; amending s. 287.094, F.S., relating to minority business enterprise programs and penalties for false representation; establishing the Minority Business Enterprise Assistance Office within the Department of General Services; providing for agency minority enterprise assistance; amending s. 288.39, F.S., relating to the duties of the Division of Economic Development of the Department of Commerce; creating s. 627.757, F.S., relating to surety bond insurers; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 1150 and read the second time by title.

Senator Girardeau moved the following amendment:

Amendment 1—On page 5, line 6, strike everything after the enactment clause and insert:

Section 1. Short title.—This act shall be known and may be cited as the "Florida Small and Minority Business Assistance Act of 1985."

Section 2. Definitions.—As used in this act, the following words and terms shall have the following meanings unless the content shall indicate another meaning or intent:

(1) "Small business" means an independently owned and operated business concern which does not primarily involve the practice of a profession, which employs 25 or fewer permanent full-time employees, and which has a net worth of not more than \$1 million. As applicable to sole proprietorships, the \$1 million net worth requirement shall include both personal and business investments.

(2) "Minority business enterprise" means any small business concern as defined in subsection (1) which is organized to engage in commercial transactions and which is at least 51 percent owned by minority persons and whose management and daily operations are controlled by such persons. A minority business enterprise may primarily involve the practice of a profession.

(3) "Minority person" means a lawful permanent resident of Florida who is:

(a) A black American, a person having origins in any of the black racial groups of Africa.

(b) A Hispanic American, a person of Spanish or Portuguese culture with origins in Mexico, South America, Central America, or the Caribbean, regardless of race.

(c) An Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

(d) A Native American, a person who is a member of, or is eligible to be a member of, a federally recognized Indian tribe. A "federally recognized Indian tribe" means an Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony, or other organized group or community, including any Alaska Native Village, which is recognized by the Secretary of the Interior on the effective date of this act as having special rights and is recognized as eligible for the services provided by the United States to Indians because of their status as Indians, and any tribe that has a pending application for federal recognition on the effective date of this act.

(e) A Native Hawaiian, a person any of whose ancestors were native of the area which consists of the Hawaiian Islands prior to 1778.

(f) An American woman.

(g) A physically disabled person, a person who has a physical impairment, defect, disease, ailment, or disability of a permanent nature which in any way limits the type of employment for which the person would otherwise be qualified.

(4) "Certified minority business enterprise" means a business which has been certified by the Department of General Services to be a minority business enterprise.

(5) "Council" means the Florida Small and Minority Business Advisory Council.

(6) "Ombudsman" means an office or individual whose responsibilities include providing assistance to small and minority businesses in dealing with governmental agencies.

(7) "Financial institution" means any bank, trust company, insurance company, savings and loan association, credit union, federal lending agency, or foundation.

Section 3. Small and Minority Business Advisory Council.—

(1) There is created within the Department of Commerce a Small and Minority Business Advisory Council, hereinafter referred to as the "council."

(2) There is hereby created a position in the Department of Commerce which shall be designated the Small and Minority Business Advocate, hereinafter referred to as the "advocate," who shall provide staffing for the council. The advocate shall be an individual who is or has been actively engaged in the area of small business, is generally familiar with issues concerning small and minority business, possesses an ability to interpret and analyze rules, regulations and statutes affecting small and

minority business, and possesses any other qualifications as determined by the department as necessary to fulfill the duties of advocate. Duties of the advocate shall include, but not be limited to:

(a) Commenting at public hearings pursuant to chapter 120, Florida Statutes, on issues and concerns of small and minority businesses.

(b) Serving as spokesperson for the council.

(c) Representing the interests of small and minority business in conformance with direction from the council regarding legislation affecting small and minority businesses.

(d) Representing the interests of small and minority business in conformance with direction from the council regarding the adoption or amendment of state agency rules, which adoption or amendment would affect small and minority businesses.

(e) Encouraging local governments to submit solicitations for contractual services, supplies, and commodities to the Florida Small Business Development Center Procurement System, a Type I center of the State University System funded as provided in P.L. 96-302, as amended.

(3) The council shall be composed of 15 members appointed by the Governor, two of whom shall be members of the Senate, two of whom shall be members of the House of Representatives, one of whom shall be a representative of the small business sector, four of whom shall be owners or managers of small businesses, one of whom shall be a woman representative of the minority business sector, four of whom shall be owners or managers of minority businesses, and one of whom shall have special knowledge, experience and familiarity with issues relating to small and minority business. Insofar as possible, the collective membership of the council shall represent diverse areas of small and minority business in the state. Members shall serve terms of 4 years, except that in the first appointment under this section, three members shall be appointed for terms of 1 year, three members for terms of 2 years, four members for terms of 3 years, and five members for terms of 4 years; and the terms of such members shall be designated by the Governor at the time of appointment. No member appointed to the council shall serve beyond the time he ceases to hold the office or employment by reason of which he was eligible for appointment to the council. Any member appointed to fill a vacancy occurring because of death, resignation, or ineligibility for membership shall serve only for the unexpired term of his predecessor. Any member who, without cause, fails to attend two consecutive meetings shall be removed by the appointing authority.

(4) The council shall annually elect its chairperson and other officers.

(5) The council shall meet as soon as practicable after the initial 15 members are appointed and thereafter shall meet at the call of its chairperson, at the request of a majority of its membership, at the request of the department, or at such times as may be prescribed by its rules; provided, that the council shall meet at least quarterly. A majority of the members of the council shall constitute a quorum.

(6) Members of the council shall serve without compensation, but shall be reimbursed for per diem and traveling expenses in accordance with s. 112.061, Florida Statutes.

(7) The council shall:

(a) Identify issues and concerns of small and minority business.

(b) Serve as a source of expertise and information on small and minority businesses.

(c) Serve as a liaison between the small and minority business community, state agencies, and the Legislature.

(d) Advise the Department of General Services and the Department of Commerce with respect to problems of, and matters affecting, small and minority businesses.

(e) Make recommendations to state agencies and to the Legislature regarding needed policy changes as related to their effect on small and minority businesses.

(f) On or before September 1 of each year, submit an annual report to the Governor, Secretary of Commerce, President of the Senate, and Speaker of the House of Representatives which report shall include, but not be limited to:

1. A description of the activities of the council.

2. Findings of the council regarding small and minority business matters.

3. Nature and extent of assistance provided by the council.

4. Recommendations made by the council to state agencies and to the Legislature regarding policy changes, and action taken resulting from such recommendations.

Section 4. Statewide contracts register.—All state agencies shall in a timely manner provide the Florida Small Business Development Center Procurement System, a Type I center of the State University System funded as provided in P.L. 96-302, as amended, with all formal solicitations for contractual services, supplies, and commodities. The Small Business Development Center shall compile and distribute such information to Florida small and minority businesses requesting such service for the period of time necessary to familiarize the business with the market represented by state agencies. On or before February 1 of each year, the Small Business Development Center shall report to the Department of General Services, Department of Commerce, and the Small and Minority Business Advisory Council on utilization of the statewide contracts register. Such report shall include, but not be limited to, information relating to:

(1) Total number of solicitations received from state agencies during the calendar year.

(2) Number of solicitations received from each state agency during the calendar year.

(3) Method of distributing solicitation information to those businesses requesting such service.

(4) Total number of businesses utilizing the service.

(5) Percentage of businesses utilizing the service which are owned and controlled by minorities.

Section 5. Late payments by contractors to subcontractors and suppliers; penalty.—

(1) When a contractor receives from a state agency any payment for contractual services, commodities, or supplies, the contractor shall pay such moneys received to each subcontractor and supplier in proportion to the percentage of work completed by each subcontractor and supplier at the time of receipt of the payment. If the contractor receives less than full payment, then the contractor shall be required to disburse only the funds received on a pro rata basis with the contractor, subcontractors, and suppliers, each receiving a pro rated portion based on the amount due on the payment. If the contractor without reasonable cause fails to make payments required by this section to subcontractors and suppliers within 7 working days after the receipt by the contractor of full or partial payment, the contractor shall pay to the subcontractors and suppliers a penalty in the amount of one-half of 1 percent of the amount due, per day, from the expiration of the period allowed herein for payment. Such penalty shall be in addition to actual payments owed and shall not exceed 15 percent of the outstanding balance due.

(2) This section shall not apply where the contract between the contractor and subcontractors or subvendors provides otherwise.

Section 6. Section 17.11, Florida Statutes, is amended to read:

17.11 To report disbursements made.—The Comptroller shall make in all his future annual reports an exhibit stated from the record of disbursements made during the fiscal year, and the several heads of expenditures under which such disbursements were made. *The Comptroller shall also cause to have reported from the state automated management accounting subsystem no less than quarterly the disbursements agencies made to small businesses, as defined in the Florida Small and Minority Business Assistance Act of 1985, certified minority business enterprises in the aggregate, and certified minority business enterprises broken down into categories of minority persons. This information shall be made available to the agencies, the Department of Commerce, the Minority Business Enterprise Assistance Office, the Small and Minority Business Advisory Council, the Governor, President of the Senate, and Speaker of the House of Representatives. Each agency shall be responsible for the accuracy of information entered into the state automated management accounting subsystem for use in this reporting.*

Section 7. Subsection (2) and paragraph (a) of subsection (11) of section 120.54, Florida Statutes, 1984 Supplement, are amended to read:

120.54 Rulemaking; adoption procedures.—

(2)(a) Each agency, prior to the adoption, amendment, or repeal of any rule, shall consider the impact of such proposed action on small business as defined in the Florida Small and Minority Business Assistance Act of 1985 and, whenever possible, shall tier such rules to reduce disproportionate impacts on small business and to avoid regulating businesses which do not contribute significantly to the problem the rule is designed to regulate. An agency may define small business to include more than 25 persons if it finds that such a definition is necessary to adapt any rule to the needs and problems of small business. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small business:

1. Establishing less stringent compliance or reporting requirements in the rule for small business.

2. Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements for small business.

3. Consolidating or simplifying the rule's compliance or reporting requirements for small business.

4. Establishing performance standards to replace design or operational standards in the rule for small business.

5. Exempting small business from any or all requirements of the rule.

(b) Each agency shall provide information on its proposed action by preparing a detailed economic impact statement. The economic impact statement shall include:

1. An estimate of the cost to the agency of the implementation of the proposed action, including the estimated amount of paperwork;

2. An estimate of the cost or the economic benefit to all persons directly affected by the proposed action;

3. An estimate of the impact of the proposed action on competition and the open market for employment, if applicable; and

4. A detailed statement of the data and method used in making each of the above estimates; and

5. An analysis of the impact on small business as defined in the Florida Small and Minority Business Assistance Act of 1985.

(c)(b) If an economic impact statement is required before an agency takes action on an application or petition by any person, the statement shall be prepared within a reasonable time after the application is made or the petition is filed.

(d)(e) The failure to provide an adequate statement of economic impact is a ground for holding the rule invalid; however, beginning October 1, 1978, no rule shall be declared invalid for want of an adequate statement of economic impact unless the issue is raised in an administrative or judicial proceeding within 1 year of the effective date of the rule to which the statement applies.

(3)(a) If the intended action concerns any rule other than one relating exclusively to organization, procedure, or practice, the agency shall, on the request of any affected person received within 14 days after the date of publication of the notice, give affected persons an opportunity to present evidence and argument on all issues under consideration appropriate to inform it of their contentions. Prisoners, as defined in s. 944.02(5), may be limited by the Department of Corrections to an opportunity to submit written statements concerning intended action on any department rule. The agency may schedule a public hearing on the rule and, if requested by any affected person, shall schedule a public hearing on the rule. Any material pertinent to the issues under consideration submitted to the agency within 14 days after the date of publication of the notice or submitted at a public hearing shall be considered by the agency and made a part of the record of the rulemaking proceeding.

(b) If the agency determines that the proposed action will affect small business as defined by the agency as provided in paragraph (2)(a), the agency shall send written notice of such rule to the Small and Minority Business Advocate, Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce not less than 21 days prior to the intended action.

1. Within the 21-day period after written notice has been sent and the day on which the intended action is to take place, the agency shall give the Small and Minority Business Advocate, Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce an opportunity to present evidence and argument and to offer alternatives regarding the impact of the rule on small business.

2. Each agency shall adopt those alternatives offered pursuant to this subsection which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small business.

3. If an agency does not adopt all alternatives offered pursuant to this subsection, it shall, prior to rule adoption or amendment and pursuant to subsection (11) file a detailed written statement with the committee explaining the reasons for failure to adopt such alternatives. Within 3 working days of the filing of such notice, the agency shall send a copy of such notice to the Small and Minority Business Advocate, Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce.

(11)(a) The adopting agency shall file with the committee, at least 21 days prior to the proposed adoption date, a copy of each rule it proposes to adopt; a detailed written statement of the facts and circumstances justifying the proposed rule; a copy of the estimate of economic impact required by subsection (2); a statement of the extent to which the proposed rule establishes standards more restrictive than federal standards or a statement that the proposed rule is no more restrictive than federal standards or that a federal rule on the same subject does not exist; a written statement of the impact on small business as defined in the Florida Small and Minority Business Assistance Act of 1985; and the notice required by subsection (1). After the final public hearing on the proposed rule, or after the time for requesting a hearing has expired, the adopting agency shall file any changes in the proposed rule and the reasons therefor with the committee or advise the committee that there are no changes. In addition, when any change is made in a proposed rule, other than a technical change, the adopting agency shall provide a detailed statement of such change by certified mail or actual delivery to any person who requests it in writing at the public hearing. The agency shall file the change with the committee, and provide the statement of change to persons requesting it, at least 7 days prior to filing the rule for adoption. Educational units, other than units of the State University System and the Florida School for the Deaf and the Blind, and local units of government with jurisdiction in only one county or part thereof shall not be required to make filings with the committee. This paragraph does not apply to emergency rules adopted pursuant to subsection (9). However, agencies, other than those listed herein, adopting emergency rules shall file a copy of each emergency rule with the committee.

Section 8. Section 215.422, Florida Statutes, is amended to read:

215.422 Warrants, vouchers, and invoices; processing time limits; agency compliance.—

(1) The voucher authorizing payment of an invoice submitted to an agency of the state, required by law to be filed with the Comptroller, shall be filed with the Comptroller not later than 15 days after receipt of the invoice and receipt, inspection, and approval of the goods or services, except that in the case of a bona fide dispute the voucher shall contain a statement of the dispute and authorize payment only in the amount not disputed. If a voucher filed within the 15-day period is returned by the Department of Banking and Finance because of an error, it shall nevertheless be deemed timely filed. The 15-day filing requirement may be waived by the Department of Banking and Finance on a showing of exceptional circumstances in accordance with rules and regulations of the department.

(2) The warrant in payment of an invoice submitted to an agency of the state shall be mailed not later than 15 days after filing of the voucher authorizing payment. However, this requirement may be waived by the Department of Banking and Finance on a showing of exceptional circumstances in accordance with rules and regulations of the department.

(3)(a) Each agency of the state which is required by law to file vouchers with the Comptroller shall keep a record of the date of receipt of the invoice, dates of receipt, inspection, and approval of the goods or services, date of filing of the voucher, and date of mailing of the warrant in payment thereof. If the voucher is not filed or the warrant is not mailed within the time required, an explanation in writing by the agency head shall be attached to the voucher.

(b) If a warrant in payment of an invoice is not mailed by a state agency within 45 days after receipt of the invoice and receipt, inspection, and approval of the goods and services, the agency shall pay to the vendor, in addition to the amount of the invoice, for interest at a rate of 1 percent per month or portion thereof on the unpaid balance from the expiration of such 45-day period until such time as the warrant is mailed to the vendor. Such interest shall be added to the invoice at the time of submission to the Comptroller for payment whenever possible. If addition of the interest penalty is not possible, the agency shall mail the interest penalty payment within 15 days after mailing the warrant. The provisions of this paragraph apply only to undisputed amounts for which payment has been authorized. In the case of an error on the part of the vendor, the 45-day period shall begin to run upon receipt of a corrected invoice by the agency. The provisions of this paragraph do not apply when the filing requirement under subsection (1) or subsection (2) has been waived by the Department of Banking and Finance. The various state agencies shall be responsible for initiating the penalty payments required by this subsection and shall use this subsection as authority to make such payments. The budget request submitted to the Legislature shall specifically disclose the amount of any interest paid by any agency pursuant to this subsection.

(c) An agency may make partial payments to a contractor upon partial delivery of goods or services or upon partial completion of construction when a request for such partial payment is made by the contractor and approved by the agency. Provisions of this section and rules of the Department of Banking and Finance shall apply to partial payments in the same manner as they apply to full payments.

(4) If the terms of the invoice provide a discount for payment in less than 30 days, agencies of the state shall preferentially process it and use all diligence to obtain the saving by compliance with the invoice terms.

(5) All purchasing agreements between a state agency and a vendor, applicable to this section, shall include a statement on the vendor's rights and the state's responsibilities under this section.

(6) The Department of Banking and Finance shall monitor each agency's compliance with the time limits and interest penalty provisions of this section. The department shall provide a quarterly report to each agency head disclosing the agency's compliance rate. The report shall also include a list of late vouchers or payments, the amount of interest owed or paid, and any corrective actions recommended. The department shall perform monitoring responsibilities pursuant to this section utilizing the General Services and Purchasing Subsystem provided in s. 215.94. Each agency shall be responsible for the accuracy of information entered into the General Services and Purchasing Subsystem and the State Automated Management Accounting Subsystem for use in this monitoring.

(7)(5) The Department of Banking and Finance is authorized and directed to adopt and promulgate rules and regulations to implement this section.

(8) Each agency shall include in the official position description of every officer or employee who is responsible for the approval or processing of vendors' invoices or distribution of warrants to vendors that the requirements of this section are mandatory. In addition, each employee shall be required to sign a statement at least annually that he has been provided a copy of this section and the rules promulgated by the Comptroller. The statement shall also acknowledge that the employee understands the approval and processing time limitations and the provision for automatic interest penalty payments. Each agency shall certify its compliance with this subsection to the Comptroller on or before February 1 of each year.

(9)(6) Persistent failure to comply with this section by any agency of the state shall constitute good cause for discharge of employees duly found responsible, or predominantly responsible, for failure to comply.

(10)(7) In order to alleviate any hardship that may be caused to a health care provider as a result of delay in receiving reimbursement for services, any payment or payments for hospital, medical, or other health care services which are to be reimbursed by the state, either directly or indirectly, shall be made to the health care provider not more than 35 days from the date eligibility for payment of such claim is determined.

(11)(8) The Comptroller may adopt rules to authorize advance payments for goods and services, including, but not limited to, maintenance agreements and subscriptions. Such rules shall provide objective criteria

for determining when it is in the best interest of the state to make payments in advance and shall also provide for adequate protection to ensure that such goods or services will be provided.

Section 9. Florida Black Business Investment Board.—

(1) The Legislature finds that the public interest of Florida will be served by the creation and growth of black business enterprises by:

- (a) Increasing opportunities for employment of blacks, as well as the population in general;
- (b) Providing role models and establishing business networks for the benefit of future generations of aspiring black entrepreneurs; and
- (c) Strengthening the economy of the state by increasing the number of qualified black business enterprises, which in turn will increase competition in the marketplace and improve the welfare of economically depressed neighborhoods.

(2) For the purposes of sections 9 through 21 of this act:

- (a) "Black business enterprise" means any business concern which is organized to engage in commercial transactions and which is at least 51 percent owned by one or more black Americans as defined in section 2 of this act and whose management and daily operations are controlled by such persons.
- (b) "Black business investment corporation" means a subsidiary of a financial institution or a consortium of financial institutions investing in, or lending to, black business enterprises.

(c) "Consortium" means two or more financial institutions which jointly negotiate and agree to provide assistance to black business enterprises as provided in sections 9 through 21 of this act.

(3) There is hereby created within the Department of Commerce a body politic and corporate to be known as the Florida Black Business Investment Board, hereinafter referred to as the "board." The board is hereby constituted a public instrumentality and the exercise by the board of the powers conferred by sections 9 through 21 of this act shall be deemed to be the performance of an essential governmental function.

(4) The board shall consist of seven members appointed by the Governor subject to confirmation by the Senate, six of whom shall be experienced in investment finance and business development.

(5) Members appointed by the Governor shall serve terms of 4 years, except that in making the initial appointments, the Governor shall appoint one member to serve for a term of 1 year, two members to serve for terms of 2 years, two members to serve for terms of 3 years, and two members to serve for terms of 4 years.

(6) Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment.

(7) The Governor shall appoint the chairperson who shall be a member of the board. The board shall annually elect one of its members as vice chairperson and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all books, documents, and papers filed with the board, the minute books of the board and of its official seal. A majority of the members of the board shall constitute a quorum.

(8) Members of the board shall serve without compensation, but shall be reimbursed for per diem and traveling expenses in accordance with s. 112.061, Florida Statutes.

(9) Each member of the board shall file full and public disclosure of financial interests at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing s. 8, Art. II of the State Constitution.

Section 10. Executive director; employees.—The executive director of the board, who may also be designated as secretary-treasurer, shall be appointed by the board. The executive director shall be the chief administrative and operational officer of the board and shall direct and supervise administrative affairs and the general management of the board. The executive director may contract with or employ legal and technical experts and such other employees, permanent and temporary, as shall be

authorized by the board, shall attend meetings of the board, shall cause copies to be made of all minutes and other records and documents of the board and shall certify that such copies are true copies, and all persons dealing with the board may rely upon such certification. The executive director and all employees of the board shall be exempt from the provisions of part II of chapter 110, Florida Statutes; and the executive director shall be subject to the provisions of part IV of chapter 110, Florida Statutes.

Section 11. Powers of the Florida Black Business Investment Board.—The board shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of sections 9 through 21, including, but not limited to, the power to:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business and rules pursuant to chapter 120, Florida Statutes.

(2) Adopt an official seal.

(3) Sue and be sued in its own name.

(4) Make and execute contracts and other instruments necessary or convenient for the exercise of its power and functions.

(5) Acquire, hold and dispose of personal property for its corporate purposes.

(6) Enter into agreements or other transactions with any federal, state or local agency.

(7) Encourage financial institutions to participate in consortiums for the purpose of investing in black business enterprises.

(8) Ensure that funds available to the board for purposes set forth in sections 9 through 21 of this act are disbursed on a statewide basis and are not concentrated in one geographical area.

(9) Acquire real property or any interest therein, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect or secure any investment or loan in which the board has an interest; to sell, transfer and convey any such property to a buyer without regard to the provisions of chapter 253 and chapter 270, Florida Statutes; and, in the event that such sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, to lease such property for occupancy by eligible persons.

(10) Invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be authorized for trust funds under s. 215.47, Florida Statutes; provided, such investments will be made on behalf of the board by the Office of State Treasurer or by another trustee appointed for that purpose.

(11) Appear in its own behalf before boards, commissions, departments or other agencies of municipal, county, state or federal government.

(12) Procure insurance or require bond against any loss in connection with its property in such amounts and from such insurers as may be necessary or desirable.

(13) Receive and accept from any federal, state, or local agency grants, loans or advances for, or in aid of, the purposes of sections 9 through 21 of this act, and to receive and accept contributions from any source of either money, property, labor or other things of value, to be held, used and applied for said purposes.

(14) Create, issue, buy and sell stock, evidences of indebtedness, and other capital participation instruments; to hold such stock, evidences or indebtedness, and capital participation instruments and to underwrite the creation of a capital market for these securities in a manner designed to enhance development of capital ownership in the target group.

(15) Provide and pay for such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this act.

(16) Engage in special programs to enhance the development of black business enterprises as authorized by this act.

(17) Do any and all things necessary or convenient to carry out the purposes of, and exercise the powers given and granted in, sections 9 through 21 of this act and exercise any other powers, rights, or responsibilities of a corporation.

Section 12. Conditions for board action.—The board shall require of all programs in which the board participates that any black business enterprise demonstrate to the appropriate entity that:

(1) The proposed investment is economically sound and will benefit the people of the state by increasing opportunities for employment, strengthening the economy of the state, or expanding black business enterprises.

(2) The black business enterprise proposed to be assisted is able to compete successfully in the private sector if it obtains the requested financial assistance and has or will obtain necessary technical or managerial support through a private mentor, a state or federally sponsored small business assistance center, or other credible source. In determining whether a black business enterprise will be able to compete successfully, the entity shall consider such factors as:

(a) The successful completion of, or participation in, courses of study recognized by an appropriate accrediting agency or appropriate state agency as providing financial, technical, or managerial skills related to the operation of the business, by the owner or partner;

(b) The prior success of the owner or partner in personal, career or business activities;

(c) Amount of local and other financial assistance available to the black business enterprise;

(d) The availability of ongoing technical or managerial assistance by private sources; and

(e) Other factors identified by the board.

Section 13. Florida Investment Incentive Trust Fund.—

(1) There is hereby created the Florida Investment Incentive Trust Fund from which money may be drawn for investments or loans, as authorized by this section, to encourage the development of appropriate financial mechanisms in the private sector to capitalize and assist in the development of black business enterprises. All income earned by investments of the fund shall be deposited in the fund for carrying out the purposes of sections 9 through 21 of this act. Administrative costs of the program shall be appropriated in a lump sum appropriation from the fund created herein and shall be provided in the General Appropriations Act.

(2) The board is authorized to invest from the Florida Investment Incentive Trust Fund in black business investment corporations which conduct, or agree to conduct, programs of assisting the development of black business enterprises. Such investments shall be made under conditions required by law and as the board may, from time to time, require and may take any of the following forms:

(a) Purchases of stock, preferred or common, voting or nonvoting, as determined by the board;

(b) Loans, with or without recourse, in either a subordinated or priority position, as determined by the board; or

(c) Any other investment authorized by the board based on the expertise of its members.

(3) It is the intent of the Legislature that if any one type of investment mechanism authorized in subsection (2) is held to be invalid all other valid mechanisms remain available.

(4) All loans and investments, and any income related thereto, shall be used to carry out the public purpose of sections 9 through 21 of this act which is to develop black business enterprises. This is not meant to preclude a reasonable profit for the participating black business investment corporation or for return of equity developed to the state and participating financial institutions upon any distribution of the assets or excess income of the investment corporation.

Section 14. Florida guarantor funds.—

(1) The board is authorized to establish, with or without public or private partners, guarantor funds to assure capital availability to black business enterprises and to assist qualified black business enterprises in obtaining, either directly or indirectly, surety bonds when required.

(2) There is hereby created in the State Treasury the Black Contractors Bond Trust Fund, the Black Contractors Bonding Program Administrative and Loss Reserve Fund, the Black Business Loan Guaranty Trust Fund, and the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund.

(3)(a) The board may contract with a regulated surety company to conduct a surety bond program for black business enterprises.

(b) If the board chooses to administer directly a surety bond program, it may utilize the Black Contractors Bond Trust Fund in the State Treasury, consisting of moneys deposited or credited to the Black Contractors Bond Trust Fund pursuant to appropriation made by law; any grants, gifts, and contributions received pursuant to sections 9 through 21 of this act; all moneys recovered following defaults; and any other moneys obtained by the board for this purpose. The fund shall be administered by the board in trust for the purposes of this section and shall at no time be part of general public funds under the following procedures:

1. The board shall utilize the Black Contractors Bonding Program Administrative and Loss Reserve Fund in the State Treasury, consisting of all premiums charged and collected in accordance with this subsection and any income earned from the moneys in the account. All expenses of the board in carrying out the purposes of this subsection shall be paid from the Black Contractors Bonding Program Administrative and Loss Reserve Fund. Any moneys to the credit of the Black Contractors Bonding Program Administrative and Loss Reserve Fund in excess of the amount necessary to fund the board's activity shall be held as a loss reserve to pay claims arising from defaults on surety bonds underwritten in accordance with this section.

2. Any claims against the state arising from defaults shall be payable initially from the Black Contractors Bonding Program Administrative and Loss Reserve Fund and, secondarily, from the Black Contractors Bond Trust Fund.

3. The board may execute construction contract bonds as surety for black contractors as principles, on construction contracts with the state, any political subdivision or instrumentality thereof, or any person as the obligee. The board as surety may exercise all rights and powers of a company authorized by the Department of Insurance to execute construction contract bonds as surety but shall not be subject to any requirements of a surety company under the Florida Insurance Code, nor to any rules of the Department of Insurance; however, the board shall refer to the Insurance Code and rules thereunder when designing and administering such program. The board shall follow sound actuarial principles when administering this program. The board shall establish a premium for the bond and such rules as may be necessary to carry out the purposes of this section.

4. Nothing in this subsection shall be construed to prohibit or restrict the board from entering into a joint venture or other contractual agreement with a private insurer to handle all or part of a black contractors bonding program. The board is authorized and encouraged to contract with a regulated surety company to conduct a surety bond program for black business enterprises and may participate in a reserve fund when authorized by the board based on the expertise of its members. Moneys from the Black Contractors Bond Trust Fund or the Black Contractors Bonding Program Administrative and Loss Reserve Fund may be used for this purpose.

(4)(a) The board may establish a loan guaranty program to assure capital availability to black business enterprises.

(b) If the board chooses to establish a loan guaranty program, it shall utilize the Black Business Loan Guaranty Trust Fund in the State Treasury, consisting of moneys deposited or credited to the Black Business Loan Guaranty Trust Fund pursuant to appropriation made by law; any grants, gifts, and contributions received pursuant to sections 9 through 21 of this act; all moneys recovered following defaults; and any other moneys obtained by the board for this purpose. The Black Business Loan Guaranty Trust Fund shall be administered by the board in trust for the purposes of this section and shall at no time be part of general public funds under the following procedures:

1. The board shall utilize the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund in the State Treasury, consisting of all premiums charged and collected in accordance with this section and any income earned from the moneys in the account. All expenses of the board in carrying out the purposes of this subsection shall be paid from the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund. Any moneys to the credit of the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund in excess of the amount necessary to fund the board's activity shall be held as a loss reserve to pay claims arising from defaults on loans underwritten in accordance with this section.

2. Any claims against the state arising from defaults shall be payable initially from the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund and, secondarily, from the Black Business Loan Guaranty Trust Fund.

3. The board as loan guarantor may exercise all rights and powers of a company authorized by the Department of Insurance to guarantee loans but shall not be subject to any requirements of an insurance company under the Florida Insurance Code, nor to any rules of the Department of Insurance; however, the board shall refer to the Insurance Code and rules thereunder when designing and administering such program. The board shall follow sound actuarial principles when administering this program. The board shall establish a premium for the loan guaranty and such rules as may be necessary to carry out the purposes of this section.

4. The board may guarantee no more than 20 percent of the principal of a loan to a black business enterprise.

(5)(a) The board shall establish a program to develop a secondary market for loans to black business enterprises. It shall cooperate with the Small Business Administration and the State Board of Administration in identifying market opportunities and barriers to efficient and effective handling of a secondary market for loans to black business enterprises.

(b) If the board finds that an insufficient or ineffective secondary market exists in the state for loans to black business enterprises, the board is authorized to develop, with or without public or private partners, investment pools of such loans. It may insure such investment pools, use any of its moneys available to establish reserve funds, charge such premiums and establish trust funds as may be necessary to carry out the provisions of this subsection.

(6) Nothing in this section grants or pledges to any obligee or other person any state moneys other than the moneys in the Black Contractors Bonding Program Administrative and Loss Reserve Fund, the Black Contractors Bond Trust Fund, the Black Business Loan Guaranty Trust Fund, the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund, or moneys available upon request of the board specially retained for this purpose.

(7) Personal financial records of persons participating in the programs pursuant to this section shall not be subject to the provisions of chapter 119, Florida Statutes.

Section 15. Capital participation instruments.—

(1) The board may issue capital participation instruments in the form of stock or equity investments repayable solely from revenues derived from underlying equity or loans made to black business enterprises and any payments from an insurer or guarantor of loans.

(2) The board may authorize counties and municipalities to issue bonds to finance loan pools developed under section 14 repayable solely from revenues derived from the underlying loans and any payments from an insurer or guarantor of the loans. The board shall have the power and authority to authorize the issuance of the bonds in the manner granted by ss. 215.57-215.83, Florida Statutes, except the following provisions shall control:

(a) The bonds may be sold at either public or private sale.

(b) All bonds issued under authority of this act shall state on the face thereof that the bonds are payable, both as to principal and interest, solely out of the revenues pledged, including any insurance or guaranties as to revenues, and do not constitute an obligation, either general or special, of the state or of any local government.

(c) Any pledge of earnings, revenues, or other moneys made by a local government shall be valid and binding from the time the pledge is made. The earnings, revenues, or other moneys so pledged and thereafter received by the agency shall immediately be subject to the lien of that pledge without any physical delivery thereof or further act. The lien of the pledge shall be valid and binding as against the local government irrespective of whether the parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded or filed pursuant to the Uniform Commercial Code.

Section 16. Section 625.3245, Florida Statutes, is created to read:

625.3245 Capital participation instrument.—An insurer may invest in any capital participation instrument or evidence of indebtedness issued by the Florida Black Business Investment Board pursuant to the Florida Small and Minority Business Assistance Act of 1985.

Section 17. Paragraph (c) is added to subsection (3) of section 657.042, Florida Statutes, to read:

657.042 Investment powers and limitations.—A credit union may invest its funds subject to the following definitions, restrictions, and limitations:

(3) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of the credit union or \$15,000, whichever is greater, may be invested in any of the following:

(c) Any capital participation instrument or evidence of indebtedness issued by the Florida Black Business Investment Board pursuant to the Florida Small and Minority Business Assistance Act of 1985.

Section 18. Paragraph (f) is added to subsection (4) of section 658.67, Florida Statutes, 1984 Supplement, to read:

658.67 Investment powers and limitations.—A bank may invest its funds, and a trust company may invest its corporate funds, subject to the following definitions, restrictions, and limitations:

(4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR LESS OF CAPITAL ACCOUNTS.—

(f) Up to 10 percent of the capital accounts of a bank or trust company may be invested in any capital participation instrument or evidence of indebtedness issued by the Florida Black Business Investment Board pursuant to the Florida Small and Minority Business Assistance Act of 1985.

Section 19. Subsection (4) of section 665.0701, Florida Statutes, 1984 Supplement, is amended to read:

665.0701 Investment powers and limitations.—An association may invest its funds subject to the following definitions, restrictions, and limitations:

(4) INVESTMENTS SUBJECT TO AN AGGREGATE LIMITATION OF TEN PERCENT OF NET WORTH.—Up to 10 percent of the net worth of the investing association may be used to:

(a) Invest in or purchase bonds or other evidences of indebtedness of the State of Israel.

(b) Invest in any capital participation instrument or evidence of indebtedness issued by the Florida Black Business Investment Board pursuant to the Florida Small and Minority Business Assistance Act of 1985.

Section 20. Annual report.—By January 1 of each year the board shall submit to the Governor, President of the Senate, and Speaker of the House of Representatives a complete and detailed report setting forth:

(1) Operations and accomplishments of the board;

(2) The number of black business enterprises which participated during the past year in programs established or administered by the board;

(3) The number of black business enterprises receiving assistance from the board and the manner in which the assistance was received;

(4) The status of black business enterprises which participated in programs established or administered by the board;

(5) The total number of jobs represented by black business enterprises participating in programs established or administered by the board;

(6) Receipts and expenditures of the board during its most recent fiscal year in accordance with the categories or classifications established by the board for its operating and capital accounts;

(7) Assets and liabilities of the board at the end of its most recent fiscal year and the status of its trust funds; and

(8) A schedule of local bonds outstanding authorized by the board and capital participation instruments issued by the board for the year and the total to date.

Section 21. Paragraph (f) of subsection (4) of section 287.042, Florida Statutes, 1984 Supplement, is amended, and subsections (15) and (16) are added to said section, to read:

287.042 Powers, duties, and functions.—The division shall have the following powers, duties, and functions:

(4) To establish a system of coordinated, uniform procurement policies, procedures, and practices to be used by agencies in acquiring *commodities and contractual services*, which shall include, but not be limited to:

(f) Development of procedures to be used by an agency in identifying *commodities, contractual services, and construction contracts services* that could be provided by minority-owned firms or companies or minority persons. Each agency is encouraged to ~~spend 15 annually set aside a sum of money not to exceed 5 percent of the moneys actually expended for commodities, contractual services, and construction contractual services~~ during the previous fiscal year and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with *certified minority business enterprises as defined in this act. One-half of the overall 15 percent minority business enterprise goal shall be expended with businesses owned and controlled by blacks. The remaining half of the goal shall be expended with businesses owned by other minorities as defined in this act. qualified, responsive, minority-owned firms or companies or minority persons. Any individual falsely representing any firm or company as being minority owned and controlled is guilty of a felony of the third degree, punishable pursuant to s. 775.082, s. 775.083, or s. 775.084.*

(15) To establish a system to record and measure the use of minority business enterprises in state contracting. This system shall maintain information and statistics on minority business enterprise participation, awards, dollar volume and goals, and other appropriate types of information to analyze progress in the access of minority business enterprises to state contracts and to monitor agency compliance with this section. Agencies shall report their compliance with the requirements of this reporting system at least annually and at the request of the division. All agencies shall cooperate with the division in establishing this reporting system.

(16) On or before February 1 of each year, the division shall report agency compliance with this section to the Governor and Cabinet, President of the Senate, Speaker of the House of Representatives, and the Small and Minority Business Advisory Council.

Section 22. Certification of minority business enterprises.—

(1) The Department of General Services shall certify minority business enterprises as defined in section 2 of this act. All certified minority business enterprises must be currently performing a useful business function. A "useful business function" is defined as one which results in the provision of materials, supplies, equipment, or services to customers other than state government. Acting as a conduit to transfer funds to a nonminority business does not constitute a useful business function unless it is done so in a normal industry practice. Upon certification of a minority business enterprise the department shall notify the certified minority business enterprise in writing of obligations provided in subsection (6).

(2) The department shall maintain an up-to-date vendors list of certified minority business enterprises and shall make this list available to all agencies. The list may include information about minority firms or persons who provide legal services, auditing services, and health services as defined by s. 287.012, Florida Statutes. Agencies shall use this list in efforts to meet the minority business enterprise goal set forth in s. 287.042, Florida Statutes.

(3) The department shall identify minority business enterprises eligible for certification in all areas of state services and commodities purchasing. The department may contract with a private firm or other agency, if necessary, in seeking to identify minority business enterprises for certification. Agencies may request the department to identify certifiable minority business enterprises that are in the business of providing a given service or commodity; the department shall respond to such requests and seek out such certifiable minority business enterprises.

(4) The department shall adopt rules necessary to implement this section.

(5) State agencies shall comply with this act except to the extent that the requirements of this act are in conflict with federal law.

(6) Any transfer of ownership or permanent change in the management and daily operations of a certified minority business enterprise

which may affect certification must be reported to the department within 14 days of the transfer or change taking place. In the event of a transfer of ownership, the transferee seeking to do business with the state as a certified minority business enterprise is responsible for such reporting. In the event of a permanent change in the management and daily operations, owners seeking to do business with the state as a certified minority business enterprise are responsible for reporting such change to the department. Any person violating the provisions of this subsection shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(7) The Auditor General may review these certifications pursuant to s. 11.45, Florida Statutes.

Section 23. Paragraph (d) of subsection (3) and paragraph (b) of subsection (4) of section 287.055, Florida Statutes, 1984 Supplement, are amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or land-surveying services; definitions; procedures; contingent fees prohibited; penalties.—

(3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

(d) Each agency shall adopt administrative procedures for the evaluation of professional services, including, but not limited to, capabilities, adequacy of personnel, past record, and experience, *whether the firm is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985*, and such other factors as may be determined by the agency to be applicable to its particular requirements. *When securing professional services, an agency shall endeavor to meet the minority business enterprise procurement goal set forth in s. 287.042.*

(4) COMPETITIVE SELECTION.—

(b) The agency shall select, in order of preference, no fewer than three firms deemed to be the most highly qualified to perform the required services. *In determining whether a firm is qualified, the agency shall consider after considering such factors as the ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads work loads of the firms; and the volume of work previously awarded to each firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms.*

Section 24. Subsections (4) and (5) are added to section 287.062, Florida Statutes, to read:

287.062 Competitive bids, when required; exception; deferred-payment purchases.—

(4) *In order to strive to meet the minority business enterprise goals set forth in s. 287.042, an agency may reserve any contract for competitive bidding only among certified minority business enterprises. Agencies shall review all their contracts each fiscal year and shall determine which contracts may be reserved for bidding only among minority business enterprises. This reservation may only be used when it is determined before the invitation to bid that there are capable, qualified certified minority business enterprises available to bid on a contract to provide for effective competition. Before a contract can be reserved for bidding only by certified minority business enterprises, the agency head must find that such a reservation is in the best interests of the state. Once a decision has been made to reserve a contract, but before bids are requested, the agency shall estimate what it expects the amount of the contract to be, based on the nature of the services or commodities involved and their value under prevailing market conditions. If all the bids received are over this estimate, the agency may reject the bids and request new ones from minority business enterprises, or the agency may reject the bids and reopen the bidding to all eligible qualified contractors.*

(5) *An agency may reserve any contract for competitive bidding only among contractors who agree to utilize certified minority enterprises as subcontractors or subvendors. The percentage of funds which must be expended with minority business enterprise subcontractors and subvendors shall be determined by the agency before such contracts may be reserved. In order to bid on a contract so reserved, the contractor shall identify those certified minority business enterprises which will be utilized as subcontractors or subvendors.*

Section 25. Section 287.094, Florida Statutes, is amended to read:

287.094 Minority business enterprise programs; penalty for false representation.—

(1) ~~“Minority business enterprise” means any legal entity, other than a joint venture, which is organized to engage in commercial transactions and which is at least 51 percent owned and controlled by minority persons.~~

(2) ~~“Minority person” means a person who is a citizen or lawful permanent resident of the United States and who is:~~

(a) ~~A black, a person having origins in any of the black racial groups of Africa;~~

(b) ~~An Hispanic person, a person of Spanish or Portuguese culture with origins in Mexico, South America, Central America, or the Caribbean Islands, regardless of race;~~

(c) ~~An Asian, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;~~

(d) ~~An American Indian or Alaskan Native, a person having origins in any of the original peoples of North America; or~~

(e) ~~A woman.~~

(1)(3) It is unlawful for any individual to falsely represent any entity as a minority business enterprise for purposes of qualifying for certification as such an enterprise under a program of a state agency which, ~~in compliance with federal law,~~ is designed to assist minority business enterprises in the receipt of contracts with the agency for the provision of goods or services. Any person who violates this section is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) *Any contractor or firm which falsely represents to an agency, pursuant to a state contract, that it is a minority business enterprise, or which represents that it will use the services or commodities of a minority business enterprise and subsequently does not do so, shall be in breach of contract. Upon determination that a breach has occurred, all payments under the contract may be immediately suspended. The contractor or firm may show that it attempted in good faith to comply with the terms of the contract but was unable to comply. If the agency determines that the contractor or firm did not act in good faith, all amounts paid to the contractor or firm under the state contract intended for expenditure with the minority business enterprises shall be forfeited and recoverable by the Department of Legal Affairs. In addition, the contract may be rescinded and the agency may return all goods received and recover all amounts paid under the contract.*

(3) *No contractor or firm, or affiliate of such contractor or firm, shall be qualified for 36 months to bid on contracts or negotiate for the rendering of professional services pursuant to s. 287.055 awarded by an agency after it is determined that he has falsely represented that he is a minority business enterprise, or that he has not acted in good faith to fulfill the terms of a contract calling for him to use the services or commodities of a minority business enterprise.*

(4) *A minority business enterprise that has been found guilty under subsection (1) shall not create a new corporate structure for the purpose of circumventing this section.*

Section 26. Minority Business Enterprise Assistance Office.—

(1) The Legislature finds that the lack of minority participation in the economy as a whole is reflected in state contracting for the purchases of commodities and services and in construction contracts. The purpose and intent of this section is to provide the maximum practicable opportunity for increased participation by the largest number of minority business enterprises in the state procurement system. This purpose will be accomplished by encouraging the full use of the largest number of existing minority business enterprises and the entry of new and diversified minority business enterprises into the marketplace.

(2) The Minority Business Enterprise Assistance Office is established within the Department of General Services, reporting directly to the executive director of the department, to assist minority business enterprises in becoming suppliers of commodities, services, and construction to state government.

(3) The Minority Business Enterprise Assistance Office shall have the following powers, duties, and functions:

(a) Adopt rules to determine what constitutes a “good faith effort” for purposes of state agency compliance with the 15-percent minority business enterprise procurement goal set forth in s. 287.042, Florida Statutes. Factors which shall be considered by the Minority Business Enterprise Assistance Office in determining good faith effort shall include, but not be limited to:

1. Whether the agency scheduled presolicitation or prebid meetings for the purpose of informing minority business enterprises of contracting and subcontracting opportunities;

2. Whether the agency provided interested minority business enterprises or minority persons with adequate information about the plans, specifications, and requirements of contracts or the availability of jobs;

3. Whether the agency effectively used services and resources of available minority community organizations, minority contractors’ groups, local, state and federal minority business assistance offices, and other organizations that provide assistance in the recruitment and placement of minority business enterprises or minority persons; and

4. Whether the agency provided written notice to a reasonable number of minority business enterprises that their interest in contracting with the agency was being solicited in sufficient time to allow the minority business enterprises to participate effectively.

(b) Adopt rules to determine what constitutes a “good faith effort” for purposes of contractor compliance with contractual requirements relating to the use of services or commodities of a minority business enterprise. Factors which shall be considered by the Minority Business Enterprise Assistance Office in determining whether a contractor has made good faith efforts shall include, but not be limited to:

1. Whether the contractor attended any presolicitation or prebid meetings that were scheduled by the agency to inform minority business enterprises of contracting and subcontracting opportunities;

2. Whether the contractor advertised in general circulation, trade association, and/or minority-focus media concerning the subcontracting opportunities;

3. Whether the contractor provided written notice to a reasonable number of specific minority business enterprises that their interest in the contract was being solicited in sufficient time to allow the minority business enterprises to participate effectively;

4. Whether the contractor followed up initial solicitations of interest by contacting minority business enterprises or minority persons to determine with certainty whether the minority business enterprises or minority persons were interested;

5. Whether the contractor selected portions of the work to be performed by minority business enterprises in order to increase the likelihood of meeting the minority business enterprise goals, including, where appropriate, breaking down contracts into economically feasible units to facilitate minority business enterprise participation;

6. Whether the contractor provided interested minority business enterprises or minority persons with adequate information about the plans, specifications, and requirements of the contract or the availability of jobs;

7. Whether the contractor negotiated in good faith with interested minority business enterprises or minority persons, not rejecting minority business enterprises or minority persons as unqualified without sound reasons based on a thorough investigation of their capabilities;

8. Whether the contractor made efforts to assist interested minority business enterprises in obtaining bonding, lines of credit, or insurance required by the agency or contractor; and

9. Whether the contractor effectively used the services of available minority community organizations, minority contractors’ groups, local, state, and federal minority business assistance offices, and other organizations that provide assistance in the recruitment and placement of minority business enterprises or minority persons.

(c) Adopt rules and do all things necessary or convenient to guide all state agencies toward the goal of making 15 percent of expenditures for

commodities, services, and construction with minority business enterprises with the goal of making 7.5 percent of such expenditures with minority business enterprises owned by blacks and 7.5 percent of such expenditures with other minority business enterprises.

(d) Review and comment on proposed agency rules relating to minority business enterprise procurement.

(e) Monitor the degree to which agencies procure services, commodities, and construction from minority business enterprises in conjunction with the Department of Banking and Finance as specified in s. 17.11, Florida Statutes.

(f) Receive and disseminate information relative to procurement opportunities, availability of minority business enterprises, and technical assistance.

(g) Advise agencies on methods and techniques for achieving procurement objectives.

(h) Provide a central minority business enterprise certification process which includes independent verification of status as a minority business enterprise.

(i) Refer all information on businesses suspected of misrepresenting minority status to the Department of General Services for investigation. When an investigation is completed and there is reason to believe that a violation has occurred, the Department of General Services shall refer the matter to the Office of the Attorney General, Department of Legal Affairs, for prosecution.

(j) Maintain a directory of all minority business enterprises which have been certified and provide this information to any agency or business requesting it.

(k) Encourage all firms which do more than \$1 million in business with the state within a 12-month period to develop, implement, and submit to this office a minority business development plan.

(l) Communicate on a monthly basis with the Small and Minority Business Advisory Council to keep the council informed on issues relating to minority enterprise procurement.

Section 27. Agency minority business enterprise assistance.—Each state agency shall coordinate its minority business enterprise procurement activities with the Minority Business Enterprise Assistance Office. At a minimum, each agency shall:

(1) Adopt a minority business enterprise utilization plan for review and approval by the Minority Enterprise Business Assistance Office;

(2) Adopt rules, duly promulgated in the Florida Administrative Code, which set forth procedures to achieve the minority business enterprise procurement goals set forth in s. 287.042, Florida Statutes; and

(3) Designate a senior level employee in the agency as a minority enterprise assistance officer, responsible for overseeing the agency's minority business enterprise utilization activities.

Section 28. Subsections (3) and (4) of section 288.39, Florida Statutes, 1984 Supplement, are amended to read:

288.39 Assistance to small businesses.—

(3) DUTIES OF THE DIVISION OF ECONOMIC DEVELOPMENT OF THE DEPARTMENT OF COMMERCE.—The Division of Economic Development of the Department of Commerce shall establish and administer programs or shall coordinate with existing programs to:

(a) Educate existing small and minority businesses on:

1. State procurement policies.
2. The existence of a statewide contracts register maintained by the Small Business Development Centers.
3. Federal and state programs available to assist small and minority businesses.

(b) Compile packets of information useful to small and minority businesses and distribute such packets to all occupational licensing offices in the state. Information in the packets shall include, but not be limited to, information relating to:

1. Locations and functions of Small Business Development Centers.

2. Locations and functions of Minority Business Development Centers.

3. Functions of the Division of Economic Development and programs offered by the division.

4. Functions of the Small and Minority Business Advisory Council.

5. Florida taxes and licensing requirements.

6. Federal and state registration and reporting requirements for starting a business in Florida.

(c) Serve as ombudsman, as defined in section 2 of this act, for small and minority businesses.

(d)(a) Provide, in cooperation with the Florida Small Business Development Center and other existing small business assistance programs, a system for the development, collection, summarization, and dissemination of information helpful to any person in establishing or operating a small business, including information on:

1. Identification and development of new business opportunities.
2. Feasibility studies.
3. Market research.
4. The operation, management, and financing of small businesses.
5. Programs of federal, state, and local governmental agencies which benefit small businesses.
6. The incentives and programs listed in s. 290.007 which are available in enterprise zones in this state.

7. The right provided in s. 120.54(5) of any person regulated by an agency or having a substantial interest in an agency rule to petition such agency to adopt, amend, or repeal a rule or to provide the minimum public information required by s. 120.53.

(e)(b) In cooperation with existing state and federal small business assistance programs, assist and counsel small businesses on:

1. How to deal with federal, state, or local governmental agencies.
2. How to meet federal, state, or local regulation.
3. Policies of federal, state, and local governments relating to procurement and disposal of government property and government contracts.
4. How to utilize the incentives and programs listed in s. 290.007 that are available in enterprise zones in this state.

(f)(e) Receive complaints and suggestions concerning policies and activities of federal, state, and local governmental agencies which affect small businesses; develop, in cooperation with the agency, proposals for changes in policies, rules, or activities to alleviate any unnecessary or disproportionate adverse effects to small businesses; and work with the agency in implementing the changes.

(g)(d) In cooperation with the Florida Small Business Development Centers and other existing small business assistance programs, conduct studies, workshops, and seminars dealing with small businesses.

(h) Monitor public hearings pursuant to chapter 120 in order to provide comments and recommendations upon the effects on small business of proposed rules.

(i) Coordinate between agencies to consolidate and simplify rules, compliance requirements, and reporting requirements which affect small businesses.

(4) ANNUAL REPORTS.—On March 1 of each year, beginning with March 1, 1978, the Division of Economic Development of the Department of Commerce shall make a written report to the Governor, the President of the Senate, and the Speaker of the House of Representatives with respect to the implementation of this section. The report shall contain information on:

(a) The establishment and administration of the information system, including:

1. The information available.
2. How the information is disseminated.

3. The number and types of small businesses which have used the information system and what percentage the number using the system represents of the total number of small businesses in the state.

(b) The types of assistance and counseling that are available to small businesses from the department and contract agents; the number and types of businesses which have requested assistance or counseling, whether or not the assistance or counseling requested was provided, and, if such assistance or counseling was provided, the nature of the assistance or counseling; and what percentage the number of businesses assisted or counseled represents of the total number of small businesses in the state.

(c) The types of assistance, counseling, and information on the incentives and programs available in enterprise zones in this state that are available to small businesses from the department and its agents; the number and types of businesses which have requested assistance, counseling, and information regarding incentives and programs available in enterprise zones in this state, whether or not the assistance, counseling, or information requested was provided, and, if such assistance, counseling, or information requested was provided, the nature of the assistance, counseling, or information; and what percentage of the number of businesses assisted or counseled incentives and programs represents to the total number of small businesses in the state.

(d) *State agency rules adopted or amended in the past year which impact small business and recommendations on any existing rules which the division determines should be reviewed for significant alternatives as provided in s. 120.54(2).*

(e)(d) The activity of the certified development corporation to which the division provided assistance in the past year, including, without limitation, the number of loans made by such corporation to small businesses; the total amount of loans made by such corporation to small businesses; the number of jobs created or preserved by small businesses which received loans from such corporation; the total cost of the assistance provided to such corporation; and the amount of any reimbursement for the assistance and support received by the division from such corporation.

(f)(e) The complaints and suggestions received by the department or contract agents and any changes in policies which have been developed or implemented to alleviate unnecessary adverse effects to small businesses.

(g)(f) How the appropriations to carry out this section were spent and will be spent for the remainder of the current fiscal year.

(h)(g) Plans and specific objectives to be accomplished by the department in the next fiscal year to further the purpose of this section. Except for the first report required by this section, each report shall contain information on whether or not the plans and specific objectives of the department were accomplished.

(i)(h) Recommended amendments to this section.

(j)(i) The budget for the next fiscal year.

Section 29. Surety bond insurers.—No surety bond issued by an insurer holding a certificate of authority authorizing it to write surety bonds in this state shall be refused by any person or by the state or any political subdivision thereof requiring a surety bond on any project for which the bond requirement does not exceed \$500,000 and for which public funds are utilized, if said insurer has twice the minimum surplus and capital required by the Florida Insurance Code at the time the invitation to bid is issued, if the insurer is otherwise in compliance with the provisions of the Florida Insurance Code, and if the insurer holds a currently valid certificate of authority issued by the United States Department of the Treasury under Section 9304 to 9308 of Title 31 of the United States Code.

Section 30. Section 3 of this act is repealed on October 1, 1995, and the Small and Minority Business Advisory Council shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.

Section 31. Each section which is added to chapter 625, Florida Statutes, by this act is repealed on October 1, 1991, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 32. Sections 9, 10, 11, 12, 13, 14, 15, 21, 23, and 27 of this act and ss. 215.47(2)(k), 287.062(4) and (5), 657.042(3)(c), 658.67(4)(f), and 665.0701(4)(b), Florida Statutes, as created by this act, are repealed effective October 1, 1995.

Section 33. This act shall take effect October 1, 1985.

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

Amendment 1A—On page 2, after line 29, insert:

(h) A person either of whose parents was a resident of this state at the time such parent entered the Armed Forces and died in that service or from injuries sustained or disease contracted during a period of wartime service as defined in s. 1.01(15), Florida Statutes, or disability resulting from such war service, or has been determined by the Veterans Administration to have a service-connected 100-percent disability rating for compensation or has been issued a valid identification card by the Division of Veteran's Affairs of the Department of Administration in accordance with the provision of s. 295.17, Florida Statutes.

The vote was:

Yeas—19

Barron	Deratany	Johnson	Plummer
Beard	Grant	Kirkpatrick	Scott
Carlucci	Grizzle	Kiser	Thurman
Childers, D.	Hill	Langley	Vogt
Childers, W. D.	Jennings	Myers	

Nays—14

Mr. President	Frank	Malchon	Stuart
Castor	Girardeau	Mann	Weinstein
Crawford	Gordon	Margolis	
Fox	Jenne	Meek	

Vote after roll call:

Yea to Nay—Plummer

Senator Dunn presiding

The President presiding

Senator Langley moved the following amendment to Amendment 1 which failed:

Amendment 1B—On page 1, lines 21 and 22, strike “, and which has a net worth of not more than \$1 million” and insert: Provided however that the net worth of the business, including the combined net worth of its majority stockholders shall not exceed \$250,000.

And on line 23 before “net” insert: \$250,000

The vote was:

Yeas—15

Barron	Childers, W. D.	Grizzle	Peterson
Beard	Deratany	Jennings	Scott
Carlucci	Frank	Langley	Vogt
Childers, D.	Grant	Myers	

Nays—19

Mr. President	Gersten	Jenne	Meek
Castor	Girardeau	Kiser	Plummer
Crawford	Gordon	Malchon	Stuart
Dunn	Hair	Mann	Weinstein
Fox	Hill	Margolis	

Senator Langley moved the following amendment to Amendment 1 which failed:

Amendment 1C—On page 1, line 31, after the period (.) insert: Provided however that the net worth of the business, including the combined net worth of its majority stockholders, shall not exceed \$250,000.

The vote was:

Yeas—15

Barron	Childers, W. D.	Grizzle	Peterson
Beard	Deratany	Jennings	Scott
Carlucci	Frank	Langley	Vogt
Childers, D.	Grant	Myers	

Nays—21

Mr. President	Girardeau	Malchon	Stuart
Castor	Gordon	Mann	Thurman
Crawford	Hair	Margolis	Weinstein
Dunn	Hill	McPherson	
Fox	Jenne	Meek	
Gersten	Kiser	Plummer	

Senator Langley moved the following amendment to Amendment 1 which failed:

Amendment 1D—On page 17, strike all of lines 5-17 and insert: Section 9.

(Renumber subsequent subsections.)

The vote was:

Yeas—12

Barron	Childers, D.	Jennings	Myers
Beard	Deratany	Johnson	Peterson
Carlucci	Grant	Langley	Scott

Nays—23

Mr. President	Gersten	Kiser	Plummer
Castor	Girardeau	Malchon	Stuart
Crawford	Gordon	Margolis	Thurman
Dunn	Hair	McPherson	Vogt
Fox	Hill	Meek	Weinstein
Frank	Jenne	Neal	

Senator Barron moved the following amendment to Amendment 1 which failed:

Amendment 1E—On page 17, line 5, after "Black" insert: and Hispanic American

The vote was:

Yeas—14

Barron	Deratany	Jennings	Scott
Beard	Grant	Johnson	Vogt
Carlucci	Grizzle	Langley	
Childers, D.	Hill	Myers	

Nays—21

Mr. President	Gersten	Kiser	Stuart
Castor	Girardeau	Malchon	Thurman
Crawford	Gordon	Mann	Weinstein
Dunn	Hair	Margolis	
Fox	Jenne	Meek	
Frank	Kirkpatrick	Plummer	

Senator Barron moved the following amendment to Amendment 1 which failed:

Amendment 1F—On page 17, line 5, after "Black" insert: and Native American

The vote was:

Yeas—15

Barron	Grant	Kiser	Peterson
Childers, D.	Grizzle	Langley	Scott
Childers, W. D.	Jennings	Mann	Vogt
Deratany	Johnson	Myers	

Nays—22

Mr. President	Fox	Jenne	Stuart
Beard	Frank	Malchon	Thomas
Carlucci	Gersten	Margolis	Thurman
Castor	Girardeau	Meek	Weinstein
Crawford	Gordon	Neal	
Dunn	Hair	Plummer	

Senator Stuart presiding

Senator Langley moved the following amendment to Amendment 1 which failed:

Amendment 1G—On page 32, line 30, strike "15"; on page 33, line 5, strike "One-half of the"; on page 33, strike all of lines 6-9; and on page 32, line 24, insert: "10"

The vote was:

Yeas—14

Barron	Childers, W. D.	Jennings	Scott
Beard	Deratany	Langley	Vogt
Carlucci	Grant	Myers	
Childers, D.	Grizzle	Peterson	

Nays—21

Castor	Girardeau	Malchon	Thomas
Crawford	Gordon	Margolis	Thurman
Dunn	Hair	Meek	Weinstein
Fox	Hill	Neal	
Frank	Jenne	Plummer	
Gersten	Kirkpatrick	Stuart	

The President presiding

Senator Barron moved the following amendment to Amendment 1 which failed:

Amendment 1H—On page 2, line 30, insert: (h) An American Veteran.

The vote was:

Yeas—15

Barron	Childers, W. D.	Jennings	Peterson
Beard	Deratany	Kirkpatrick	Scott
Carlucci	Grant	Langley	Vogt
Childers, D.	Grizzle	Myers	

Nays—21

Mr. President	Girardeau	Margolis	Thomas
Castor	Gordon	McPherson	Thurman
Dunn	Hair	Meek	Weinstein
Fox	Hill	Neal	
Frank	Jenne	Plummer	
Gersten	Malchon	Stuart	

Senator Langley moved the following amendment to Amendment 1 which failed:

Amendment 1I—On page 50, line 14, insert: new Section 30

Section 30. If the Legislature passes HB 407 or similar legislation that raises the annual salaries of state legislators, any amounts in excess of the current salary of each member shall be placed in the Small and Minority Business Assistance Trust Fund and used for the purposes of this act. Provided however that the provisions of this section shall be applicable to only those members voting in the affirmative for CS for CS for SB 1150 or similar legislation and for HB 407 or similar legislation.

(Renumber subsequent sections.)

The vote was:

Yeas—8

Barron	Childers, W. D.	Jennings	Myers
Childers, D.	Deratany	Langley	Scott

Nays—27

Mr. President	Girardeau	Johnson	Plummer
Castor	Gordon	Kirkpatrick	Stuart
Crawford	Grant	Kiser	Thomas
Dunn	Grizzle	Malchon	Thurman
Fox	Hair	Margolis	Vogt
Frank	Hill	Meek	Weinstein
Gersten	Jenne	Neal	

Senator Barron moved the following amendment to Amendment 1 which failed:

Amendment 1J—On page 2, line 30, insert: (h) An American Farmer.

The vote was:

Yeas—13

Barron	Deratany	Langley	Vogt
Beard	Grant	Peterson	
Childers, D.	Grizzle	Scott	
Childers, W. D.	Jennings	Thomas	

Nays—20

Mr. President	Girardeau	Johnson	Meek
Crawford	Gordon	Kirkpatrick	Neal
Fox	Hair	Kiser	Plummer
Frank	Hill	Malchon	Stuart
Gersten	Jenne	Margolis	Weinstein

Senators Thomas, Gordon and Girardeau offered the following amendment to Amendment 1 which was moved by Senator Thomas and adopted:

Amendment 1K—On page 24, lines 16-31; on page 25, lines 1-31; and on page 26, lines 1-23, strike all of said lines and insert:

Section 14. Florida guarantor funds.—

(1) The board is authorized to establish, with or without public or private partners, guarantor funds to assure capital availability to black business enterprises and to assist qualified black business enterprises in obtaining surety bonds when required.

(2) There is hereby created in the State Treasury the Black Contractors Bond Trust Fund, the Black Business Loan Guaranty Trust Fund, and the Black Business Loan Guaranty Program Administrative and Loss Reserve Fund.

(3)(a) The board may contract with a regulated surety company to conduct a surety bond program for black business enterprises.

(b) For purposes of this section, the board may utilize the Black Contractors Bond Trust Fund in the State Treasury, consisting of moneys deposited or credited to the Black Contractors Bond Trust Fund pursuant to appropriation made by law; any grants, gifts, and contributions received pursuant to sections 9 through 21 of this act; all moneys recovered following defaults; and any other moneys obtained by the board for this purpose. The fund shall be administered by the board in trust for the purposes of this section and shall at no time be part of general public funds under the following procedures:

1. The board is authorized to post or pledge the assets of the Black Contractors Bond Trust Fund as collateral in amounts necessary to secure the issuance of bid bonds and construction contract bonds to black business enterprises. The board shall establish a premium to be charged to the black business enterprise for which the assets have been so posted or pledged, pursuant to generally accepted actuarial principles, and shall establish such rules as may otherwise be necessary to carry out the purposes of this section.

2. Any claims against the state arising from defaults shall be payable from the Black Contractors Bond Trust Fund.

3. Nothing in this subsection shall be construed to prohibit or restrict the board from entering into a joint venture or other contractual agreement with a private insurer to handle part of a black contractors bonding program. The board is authorized and encouraged to contract with a regulated surety company to conduct a surety bond program for black business enterprises. Moneys from the Black Contractors Bond Trust Fund may be used for this purpose.

Senators Girardeau and Meek offered the following amendment to Amendment 1 which was moved by Senator Girardeau and adopted:

Amendment 1L—On page 32, line 28, after "contracts" insert: , except those construction contracts subject to the provisions of chapter 339.

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

Amendment 1M—On page 1, line 27, after "transactions" insert: , which is domiciled in Florida,

Amendment 1N—On page 34, line 5, after "act" insert: , and shall re-certify such minority business enterprises not less than once each year.

Amendment 1O—On page 41, line 22, after "enterprise" insert: under section 287.094(2)

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

Amendment 1P—On page 42, lines 29 and 30, and on page 43, lines 1 and 2, strike all of said lines

The vote was:

Yeas—20

Barron	Deratany	Jennings	Myers
Beard	Dunn	Johnson	Scott
Carlucci	Frank	Kiser	Stuart
Childers, D.	Grant	Langley	Thurman
Childers, W. D.	Hill	McPherson	Vogt

Nays—13

Mr. President	Girardeau	Malchon	Weinstein
Crawford	Gordon	Margolis	
Fox	Hair	Meek	
Gersten	Jenne	Plummer	

Vote after roll call:

Nay to Yea—Jenne

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

Amendment 1Q—On page 4, strike all of lines 16-21 and insert: appointed by the Governor, two of whom shall be representatives of the small business sector, five of whom shall be owners or managers of small businesses, two of whom shall be women or representatives of the minority business sector, five of whom

Senator Kiser moved the following amendment to Amendment 1 which failed:

Amendment 1R—On page 50, strike line 23 and insert:

Section 32. Upon the attainment of the 15% goal specified in the amendments to s. 287.042, Florida Statutes, for a continuous 24-month period by all state agencies, said amendments shall expire.

Section 33. Sections 9, 10, 11, 12, 13, 14, 15,

(Renumber subsequent section.)

The vote was:

Yeas—8

Beard	Childers, W. D.	Kiser	Myers
Childers, D.	Jennings	Langley	Vogt

Nays—22

Mr. President	Girardeau	Margolis	Stuart
Barron	Gordon	McPherson	Thomas
Dunn	Hill	Meek	Thurman
Fox	Jenne	Neal	Weinstein
Frank	Johnson	Plummer	
Gersten	Malchon	Scott	

Senator D. Childers moved the following amendment to Amendment 1 which failed:

Amendment 1S—On page 2, line 30, insert: (h) Any person having a net worth of less than \$25,000.

Senator Barron moved the following amendments to Amendment 1 which failed:

Amendment 1T—On page 2, line 30, insert: (h) An American over the age of 65.

Amendment 1U—On page 2, line 30, insert: (h) A Jewish American.

Amendment 1V—On page 2, line 30, insert: (h) An Irish American.

Amendment 1W—On page 2, line 30, insert: (h) An Italian American.

Senator Girardeau moved the following amendment which was adopted:

Amendment 1X—On page 50, between lines 27 and 28, insert:

Section 33. In the event that any provision of this act is held invalid, the invalidity shall not affect the remaining provisions of this act.

(Renumber subsequent sections.)

Senators Gordon and Langley offered the following amendment to Amendment 1 which was moved by Senator Gordon and adopted:

Amendment 1Y—On page 34, line 15, insert: New subsection

Every contractor who is awarded a contract under this act shall report to the agency any sub-contracts that he enters with non-minority contractors to provide services or materials required under the contract.

Amendment 1 as amended was adopted.

Senator Girardeau moved the following amendment:

Amendment 2—In title, on page 5, line 3, strike everything before the enacting clause and insert: A bill to be entitled An act relating to small and minority businesses; creating the "Florida Small and Minority Business Assistance Act of 1985"; providing definitions; creating a Small and Minority Business Advisory Council within the Department of Commerce; providing for an advocate; providing for a statewide contracts register; providing a penalty with respect to certain late payments by contractors to subcontractors and suppliers; amending s. 17.11, F.S., directing the Comptroller to have reported from the state accounting system certain disbursements made to small businesses; amending s. 120.54, F.S., requiring agencies to consider the impact of certain actions under the Administrative Procedure Act upon small businesses; providing procedures; amending s. 215.422, F.S., relating to warrants, vouchers and invoices, processing time limits and agency compliance; creating the Florida Black Business Investment Board; providing for an executive director and employees; providing powers; providing conditions for board action; creating the Florida Investment Incentive Trust Fund; providing for Florida guarantor funds; providing for capital participation instruments; creating s. 625.3245, F.S., providing for investments in capital participation instruments; amending s. 657.042, F.S., relating to investment powers of credit unions; amending s. 658.67, F.S., providing for investment powers of banks and trust companies; amending s. 665.0701, F.S., relating to investment powers of certain associations; providing for an annual report; amending s. 287.042, F.S., providing for the powers of the Division of Purchasing of the Department of General Services; providing for the certification of minority business enterprises; requiring state agencies to utilize minority business enterprises; amending s. 287.055, F.S., relating to the acquisition of professional architectural, engineering, landscape architectural, or land-surveying services; amending s. 287.062, F.S., authorizing agencies to reserve certain competitive bid contracts for certified minority business enterprises; amending s. 287.094, F.S., relating to minority business enterprise programs and penalties for false representation; establishing the Minority Business Enterprise Assistance Office within the Department of General Services; providing for agency minority enterprise assistance; amending s. 288.39, F.S., relating to the duties of the Division of Economic Development of the Department of Commerce; providing that no surety bonds issued by certain insurers shall be refused under certain circumstances; providing for review and repeal; providing an effective date.

WHEREAS, economic growth and development are among the highest priorities in Florida, and

WHEREAS, an important part of promoting the economic growth in Florida involves fostering economic diversification through the development of new industries and the expansion of existing businesses, and

WHEREAS, the health of small and minority businesses is central to the overall welfare of Florida's economy, and

WHEREAS, independent and locally owned businesses have historically provided a foundation for community stability, a value which is becoming more important as we recognize the mammoth social and economic cost of economic dislocation, and

WHEREAS, a strong small and minority business sector in Florida can protect an endangered right, the right of the individual to enter productive activity as a self-reliant, independent entrepreneur, and

WHEREAS, the Legislature can encourage growth of the small and minority business by removing unnecessary burdens imposed on these businesses and by aggressively promoting an atmosphere conducive to their development, and

WHEREAS, the time has come to eliminate the economically crippling and demeaning disparities between blacks and other Floridians, and

WHEREAS, there is a great disparity in the economic and social well-being of black Floridians as compared to both the general population and other minority groups, and

WHEREAS, the disparities between blacks and other minorities caused primarily by the vestiges of racial discrimination dictate that the most urgent need for direct financial and other assistance lies in the black business community, and

WHEREAS, because of past discrimination and persistent unwritten social prejudices, blacks face substantial barriers in obtaining the major elements necessary for business ownership such as availability of capital, technical assistance, and market opportunities, and

WHEREAS, the rate of business formation for blacks is much lower than it is for the rest of the population, including minorities other than blacks, and

WHEREAS, blacks are represented in the professional, executive, and managerial work force in substantially smaller percentages than nonminorities and other minorities and tend to be much more highly concentrated in the lower paying, lower status manual labor and domestic service sector than the rest of the population, including other minorities, and

WHEREAS, blacks are often unable to establish the necessary relationships in the traditional networks of commerce such as with credit sources, suppliers and potential markets for their products or services, and

WHEREAS, assisting qualified blacks in obtaining adequate capital and management skills for business ventures, as well as eradicating existing market barriers, are essential elements of a strategy to advance business development among blacks, and

WHEREAS, successful strategies to advance business development should reduce crime and social dependence, save state resources in the long run, and enhance self-esteem and the quality of life among black Floridians, NOW, THEREFORE,

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

Amendment 2A—On page 3, line 11, after the semicolon (;) insert: providing for severability;

Amendment 2 as amended was adopted.

Senator Gordon moved that debate be limited to two minutes per Senator and the motion failed. The vote was:

Yeas—18

Mr. President	Frank	Malchon	Peterson
Castor	Gersten	Margolis	Plummer
Crawford	Hair	McPherson	Weinstein
Dunn	Kirkpatrick	Meek	
Fox	Kiser	Neal	

Nays—20

Barron	Deratany	Jenne	Scott
Beard	Girardeau	Jennings	Stuart
Carlucci	Grant	Johnson	Thomas
Childers, D.	Grizzle	Langley	Thurman
Childers, W. D.	Hill	Myers	Vogt

On motion by Senator Girardeau, by two-thirds vote HB 1266 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Girardeau	Kirkpatrick	Plummer
Castor	Gordon	Kiser	Stuart
Crawford	Grizzle	Malchon	Thomas
Dunn	Hair	Margolis	Thurman
Fox	Hill	McPherson	Weinstein
Frank	Jenne	Meek	
Gersten	Johnson	Neal	

Nays—13

Barron	Childers, W. D.	Langley	Vogt
Beard	Deratany	Myers	
Carlucci	Grant	Peterson	
Childers, D.	Jennings	Scott	

CS for CS for SB 1150 was laid on the table.

On motion by Senator Jenne, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet immediately upon adjournment to set the special order calendar for Tuesday, May 28.

On motions by Senator Jenne, the rules were waived and by unanimous consent, HB 1007 was withdrawn from the Committees on Commerce and Rules and Calendar and HB 1092 was withdrawn from the Committee on Transportation.

On motions by Senator Jenne, the rules were waived and by two-thirds vote Senate Bills 358, 372, 398, 470 and 1123 were withdrawn from the Committee on Finance, Taxation and Claims; SB 629 was withdrawn from the Committee on Judiciary-Civil; CS for SB's 697 and 1200 was

withdrawn from the Committees on Commerce and Appropriations; SB 1239 and HB 884 were withdrawn from the Committee on Natural Resources and Conservation and HB 289 was withdrawn from the Committee on Commerce.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 24 was corrected and approved as follows:

Page 422, column 1, from bottom, between lines 9 and 10 insert: Section 12. Subsections (39) and (40) are added to Section 215.22, Florida Statutes, 1984 Supplement, to read:

Page 422, column 2, between lines 10 and 11 insert:

Amendment 3—In title on page 1, line 28, after the word "interests;" insert: amending s. 215.22, F.S.; providing for a General Revenue Fund service charge on certain funds;

Page 426, column 1, between lines 18 and 19 insert: On motions by Senator Jenne, the rules were waived and by two-thirds vote CS for HB 287 was withdrawn from the Committees on Natural Resources and Conservation, and Appropriations and by two-thirds vote placed on the special order calendar.

CO-INTRODUCERS

Senator Scott—SB 1132

RECESS

On motion by Senator Jenne, the Senate recessed at 8:26 p.m. to reconvene at 9:00 a.m., Tuesday, May 28.