



Journal of the Senate

Number 15

Monday, May 25, 1987

CALL TO ORDER

The Senate was called to order by the President at 2:00 p.m. A quorum present—40:

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

In observance of Memorial Day, a color guard marched into the chamber and placed flags on the rostrum.

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

PRAYER

The following prayer was offered by Edwin R. Hartz, Chaplain-Professor Emeritus, Florida State University:

O Lord, our God, in whose divine keeping is the destiny of our lives, behold us here assembled on this Memorial Day remembering and honoring all those courageous and brave military and law-enforcement officers, who have given their lives that we might enjoy liberty, freedom, safety and peace. We remember before thee those who mourn the loss of their kindred so recently killed on the USS Stark. May this day bring them consolation and courage to face the future as they recall the steadfastness, loyalty and faithfulness of their loved ones.

May thy continual presence be with our Governor, and the members of our Senate as they seek to accomplish something that will add to the security, well-being and happiness of Florida's people, who look with confidence to plans and policies that will bring their cherished hopes for our beloved state to fulfillment. Amen.

Consideration of Resolutions

On motion by Senator Barron, by unanimous consent—

By Senator Vogt—

SR 1359—A resolution honoring the crew of the USS Stark and expressing the sympathy and condolences of the Senate on behalf of the families of the servicemen killed and wounded aboard the USS Stark.

WHEREAS, it is especially appropriate that the Senate should pause in its deliberations on this Memorial Day to commemorate the men and women who have served in our nation's Armed Forces, and

WHEREAS, the Senate also desires to express its condolences to the families and friends of the 37 sailors who were killed and the 21 sailors who were wounded aboard the frigate USS Stark in the Persian Gulf on May 17, 1987, and

WHEREAS, in keeping with the unanimous resolution by the Congress of the United States to honor the killed and wounded crew members with a national day of mourning on Memorial Day, May 25, 1987, NOW, THEREFORE,

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

That the Florida Senate honors those sailors aboard the USS Stark who gave the full measure of devotion to their country.

BE IT FURTHER RESOLVED that copies of this resolution, signed by the President of the Senate, with the Seal of the Senate affixed, be dispatched to Captain Glenn R. Brindel, Commanding Officer of the USS Stark, and Captain John B. Mitchell, Jr., Commander of the Mayport Naval Station, the home port of the USS Stark.

BE IT FURTHER RESOLVED that copies of this resolution be dispatched to the President of the United States, the Secretary of Defense, the Secretary of the Navy, the Chief of Naval Operations, and the Commander of the Sixth Fleet.

—was introduced out of order and read the first time by title. On motion by Senator Barron, SR 1359 was read the second time in full and adopted. The vote on adoption was:

Yeas—40

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

All Senators were recorded as co-introducers of SR 1359.

Senator Barron introduced to the Senate Col. Harry J. Raymond, Department of Military Affairs, Jacksonville; Staff Sergeant John Bylsma, noncommissioned officer in charge, and members of the color guard: Staff Sergeant John H. Carlan, Sergeant Daniel E. Swartz, Specialist 4th Class Charles B. Bennett and Private Gregg B. Carlen.

The President requested Senator Barron to escort Col. Raymond to the rostrum where he was presented a copy of SR 1359.

On motion by Senator Thomas, the following remarks were ordered printed in the Journal:

Senator Barron: Mr. President and Senators, since the unfortunate occurrence on May 17th, I've had time to reflect on the people that I have known in the military service and to especially reflect back to January 29, 1943 when I was on the USS Chicago when that ship was attacked by the Japanese early that night.

We had 1,350 men aboard that ship. I was a young gunner's mate with a 20 millimeter anti-aircraft gun when that ship received direct hits by four torpedoes that night—more torpedoes than any ship in World War II. The next afternoon when the Japanese came back we were dead in the water and received two more torpedoes. We swam for a good long time in the Pacific Ocean and a great number of young men were killed.

This is the price of freedom in our country. This is the price that these young men have paid and we're here today, properly on this Memorial Day, to remember them and to honor them for protecting the freedom of this country. A lot of people have said things about times like this far better than certainly I can.

Frank Knox, who was an Admiral in the Navy in World War II, and later Secretary of the Navy, said these words, "A worthy righteous peace is the fruit of effort. You don't get peace, you don't retain peace, just by being peaceable. You get it, if it is worth having, by a constant willingness to work, sacrifice and risk for it."

Abraham Lincoln said this, "With malice toward none, with charity for all. With fairness in the right as God gives us the right, let us finish the work we're in, to bind up the wounds of the nation, to care for him who shall have borne the battle and for his widows and for his orphans, to do all which may achieve and cherish a just and lasting peace among ourselves with all nations."

Herbert Hoover said this, "Older men declare war, but it's the youth that must fight and die. And it's the youth that must inherit the tribulations, the sorrow and the triumphs that are the aftermath of war."

As I was trying to think of something fitting to say this morning, as we remember those thirty-seven men that were killed and twenty-one that were wounded, I thought of a poem that I learned when I was in the sixth grade. It was titled "In Flanders Fields" and I hope that I haven't forgotten it. It went like this—talking about people who had died in the war—I think World War I:

"In Flanders fields the poppies blow between the crosses, row on row, that mark our place; and in the sky the larks, still bravely singing, fly, scarce heard amid the guns below. We are the dead. Short days ago we lived, felt dawn, saw sunset glow, loved, and were loved, and now we lie in Flanders fields.

Take up our quarrel with the foe: to you, from falling hands, we throw the torch; be yours to hold it high. If ye break faith with us who die we shall not sleep, though poppies grow in Flanders fields."

So I think that we shall always and should always remember, not only those thirty-seven men, but all the hundreds and thousands and millions of people who have fought for peace and freedom as we know it here today, and we stand here today to honor those. Thank you, Mr. President.

On motion by Senator W. D. Childers, by unanimous consent—

By Senator W. D. Childers—

SR 1349—A resolution commending the City of Pensacola and the citizens and officials responsible for earning an "All American Cities" award.

WHEREAS, the City of Pensacola has won the "All American Cities" award from the National Civic League, and

WHEREAS, Pensacola is one of eight communities chosen from an original entry list of 300 cities and is the only entry from this state that received the honor, and

WHEREAS, "All American Cities" awards are presented to communities that best exemplify a working partnership among citizens, business, and government in solving local problems, and

WHEREAS, Pensacola's winning entry highlights the efforts of the Downtown Improvement Board, which has spurred downtown development, including the Palafox Palace project and more than \$40 million worth of additional redevelopment, and

WHEREAS, the award is also a tribute to Community Equity Investments, Inc. (CEII), which began a revolving loan fund that has provided \$840,000 over 2 years for the establishment or expansion of 17 small businesses and has thereby created 103 new jobs, and

WHEREAS, CEII has worked with seven local banks in a partnership so successful that the state now uses it as a model, and

WHEREAS, credit for the award also goes to the Historic Preservation Board of Pensacola, which has transformed the Pensacola Historic District and converted the old City Hall to the T. T. Wentworth Museum, and

WHEREAS, the public officials who proudly announce the award include Mayor Vince Whibbs; City Councilmembers Bill Miller, Jerry Maygarden, Michael DeSorbo, Steve Del Gallo, Cecil Hunter, Joyce Reese, Lester Smith, Cecil Jones, Michael T. Bass and Mayor Pro Tem Howard Rein; City Manager Rodney L. Kendig; John Daniels and Cooper Yates, Historic Pensacola Preservation Board; Elbert Jones and Waymon Wynn, CEII; and Albert Klein and Phil Walker, Downtown Improvement Board, and

WHEREAS, this honor will be officially bestowed at an award presentation in Washington, D.C., in June of this year, NOW, THEREFORE,

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

That the Florida Senate commends the citizens of Pensacola, the members of the business community, and the government officials whose cooperative efforts merited an "All American Cities" award for the City of Pensacola.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Mayor Vince Whibbs of Pensacola as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read the first time by title. On motion by Senator W. D. Childers, SR 1349 was read the second time in full and unanimously adopted.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, May 25, 1987: CS for CS for SB's 400, 328 and 12, CS for HB 1350, CS for CS for CS for SB 235, SB 465, SB 666, CS for SB 1193, CS for SB 1145, CS for SB 1075, SB 710, CS for SB 494, CS for SB 564, SB 645, SB 682, SB 841, SB 360, SB 1173, HB 369, CS for SB 1134, CS for SB 903, CS for SB 754, SB 75, SB 295, CS for SB 323, SB 543

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Education recommends the following pass: SB 334 with 2 amendments, SB 641, SB 896, SB 1200

The Committee on Finance, Taxation and Claims recommends the following pass: CS for SB's 369 and 450, CS for SB 819, CS for SB's 890 and 895, CS for SB 893, CS for SB 1032 with 2 amendments, SB 1082

The Committee on Natural Resources and Conservation recommends the following pass: SB 1039 with 1 amendment, CS for HB 1350 with 2 amendments

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

The Committee on Transportation recommends the following pass: SB 1167 with 2 amendments

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

The Special Master on Claims recommends the following pass: HB 59, CS for HB 110, HB 252, CS for HB 270, CS for HB 271, CS for HB 278, SB 337, SB 394, SB 397, SB 1309

The bills were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Education recommends the following pass: HB 1299

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Appropriations recommends the following pass: CS for HB 1350 with 2 amendments

The Committee on Education recommends the following pass: CS for HB 282, SB 336, SB 1068

The Committee on Finance, Taxation and Claims recommends the following pass: CS for CS for SB 338, SB 476, SB 583, SB 1095, SB 1144 with 2 amendments, SB 1202

The Committee on Judiciary-Civil recommends the following pass: HB 285 with 2 amendments, HB 645, HB 1272 with 2 amendments, SB 567, SB 809, SB 910

The Committee on Natural Resources and Conservation recommends the following pass: SB 1201 with 1 amendment

The Committee on Rules and Calendar recommends the following pass: HB 1286, HB 1287, HB 1288, HB 1289, HB 1290 with 4 amendments, HB 1291 with 6 amendments, HB 1292 with 9 amendments, HB 1293, HB 1294 with 2 amendments, SJR 135, SJR 356, SJR 459, SB 902

The Committee on Transportation recommends the following pass: CS for HB 196 with 2 amendments, SB 826 with 2 amendments

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

The Committee on Judiciary-Civil recommends the following not pass: SB 633

The bill was laid on the table.

The Special Master on Claims recommends the following not pass: SB 199

The bill was referred to the Committee on Corrections, Probation and Parole under the original reference.

The Special Master on Claims recommends the following not pass: SB 632

The bill was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Education recommends committee substitutes for the following: SB 371, SB 663, SB 763, SB 944, SB 951, SB 1077, SB 1120, SB 1199, SB 1287

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 652

The Committee on Judiciary-Civil recommends committee substitutes for the following: SB 485, SB 757

The Committee on Transportation recommends committee substitutes for the following: SB 420, CS for SB's 618 and 721, SB 1256

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

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 486

The Committee on Transportation recommends committee substitutes for the following: SB 226, SB 930

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

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 412, SB 988

The bills with committee substitutes attached were referred to the Committee on Governmental Operations under the original reference.

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: Senate Bills 1289, 771 and 84

The bills with committee substitute attached were referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.

The Committee on Appropriations recommends a committee substitute for the following: CS for CS for SB 235, CS for SB's 400, 328 and 12

The Committee on Education recommends a committee substitute for the following: SB 1094

The Committee on Judiciary-Civil recommends committee substitutes for the following: SB 222, SB 255, SB 647, SB 808, Senate Bills 1012, 726, 97, 9 and 5, SB 1062, Senate Bills 1248 and 554

The Committee on Transportation recommends committee substitutes for the following: SB 527, SB 869, SB 1172

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

REQUESTS FOR EXTENSION OF TIME

May 25, 1987

The Committee on Commerce requests an extension of 15 days for consideration of the following: Senate Bills 15, 32, 70, 76, 77, 161, 198, 211, 217, 225, 237, 256, 290, 319, 320, 324, 325, 333, 368, 384, 425, 445, 464, 505, 532, 533, 578, 584, 609, 620, 642, 646, 807, 829, 832, 838, 870, 907, 932, 933, 937, 938, 948, 949, 953, 958, 986, 991, 1000, 1007, 1022, 1028

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for consideration of the following: Senate Bills 13, 523, 627, 722, 801, 1015, 1034, 1091, 1113, 1267; House Bills 15, 26, 436, 486, 1072

INTRODUCTION AND REFERENCE OF BILLS

First Reading

SR 1349 was introduced and adopted this day.

SR 1350 was introduced and adopted May 21.

By Senator Plummer—

SB 1351—A bill to be entitled An act relating to Monroe County; amending ch. 76-441, Laws of Florida, as amended; allowing the board of directors of the Florida Keys Aqueduct Authority to impose certain assessments; providing for such charges to be a lien on certain properties; providing for the priority of and the enforcement of such lien; allowing the Authority to waive impact fees or charges for certain entities; providing for a lien for certain unpaid fees or other charges; providing for the recordation and enforcement of such lien; eliminating the requirement to have a referendum election before issuing revenue bonds; placing a rate cap on such bonds; providing for a referendum.

—was referred to the Committee on Rules and Calendar.

By Senator Deratany—

SB 1352—A bill to be entitled An act relating to Brevard County; creating the Technological Research and Development Authority; establishing the purposes of the authority; setting a commission to govern the authority; prescribing the duties and responsibilities of the commission and terms of office; providing a procedure for the appointment of the commission; providing for liberal construction; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Plummer—

SB 1353—A bill to be entitled An act relating to Monroe County; providing the district school board authority for acquisition, leasing, construction, erection, building, enlarging, improving, furnishing, and equipping school board owned facilities, for the purchase and improvement of real property, and for equipping leased facilities; authorizing the issuance of certificates of indebtedness payable from the portion of racetrack funds and jai alai fronton funds accruing annually to Monroe County and allocated by law to the school board, to pay the cost of such projects; authorizing the issuance of refunding certificates of indebtedness to refund certificates of indebtedness payable from such racetrack and jai alai fronton funds; providing authority to create and maintain sinking funds for the retirement of indebtedness; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Gordon—

SR 1354—A resolution declaring May 27, 1987, Senior Citizens' Day.

—was referred to the Committee on Rules and Calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Judiciary-Civil and Senators Frank and Dudley—

CS for SB 222—A bill to be entitled An act relating to elections; creating ss. 101.6101-101.6107, F.S., the "Mail Ballot Election Act"; authorizing referendum elections by mail ballot; restricting application to electors of specified political subdivisions; requiring approval of the Secretary of State; providing restrictions; providing for costs of election; providing procedures for the conduct of election; providing for challenge of vote; providing for application of general election laws and absentee voting laws to the act; requiring the Department of State to adopt rules to implement the act; providing an effective date.

By the Committee on Transportation and Senators Kiser, Malchon, Myers, D. Childers and Margolis—

CS for SB 226—A bill to be entitled An act relating to motor vehicle inspection; creating the Motor Vehicle Safety and Emissions Study Commission; providing for membership; requiring public meetings; providing for a report of its findings and recommendations to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives; providing an appropriation; providing for expiration; providing an effective date.

By the Committees on Appropriations; Finance, Taxation and Claims; and Natural Resources and Conservation and Senators Hair, Brown, Kiser, Malchon, Meek, McPherson, Peterson, Deratany, Woodson, Myers, Hill, Stuart and Johnson—

CS for CS for SB 235—A bill to be entitled An act relating to beach management; amending ss. 161.021, 161.041, 161.053, 161.0535, 161.054, 161.091, 161.101, 161.141, 161.142, 161.161, 373.026, F.S.; providing definitions; prohibiting the Department of Natural Resources from issuing permits for certain construction or excavation except in specified circumstances; establishing criteria for local coastal construction zoning and building codes; providing for the deposit of certain fees into the Beach Management Trust Fund; providing for permits when liens are imposed on the property; establishing property rights of the state; renaming the Erosion Control Trust Fund; authorizing the department to use funds from the Beach Management Trust Fund to pay certain costs of specified beach management projects; deleting certain requirements relating to the placement of sand dredgings on beaches; providing procedures for approval of projects; providing for powers and duties of the Department of Environmental Regulation; providing appropriations; providing an effective date.

By the Committee on Judiciary-Civil and Senator Deratany—

CS for SB 255—A bill to be entitled An act relating to campaign financing; amending s. 106.141, F.S.; revising requirements regarding disposition of surplus funds by candidates; providing an effective date.

By the Committee on Education and Senator Johnson—

CS for SB 371—A bill to be entitled An act relating to education; establishing the Governor's Summer Colleges Program; providing the objectives of the program; providing for a Governor's Summer Colleges Council; providing for the State Board of Education to adopt rules to select location of the programs and participants; providing that students shall not be charged fees; providing an appropriation; providing an effective date.

By the Committees on Appropriations and Commerce and Senators Crenshaw, Weinstein, Gordon, Grant, Peterson, Margolis, Deratany, Thurman and D. Childers—

CS for CS for SB's 400, 328 and 12—A bill to be entitled An act relating to state lotteries; creating the State Lottery Act; implementing Art. X, s. 15, State Constitution; providing purpose and intent; providing definitions; creating the Department of the Lottery; providing for appointment of a secretary; specifying qualifications; authorizing creation of divisions and bureaus; creating a Division of Security; providing for departmental offices; creating the State Lottery Council; providing membership and terms; specifying duties of the council; providing for per diem and travel expenses; providing for future repeal; providing powers and duties of the department; providing for audits and reports; providing for use and acquisition of real property; providing for fees; providing for adoption of rules; providing for confidentiality; providing exemptions from the Administrative Procedure Act; providing venue; providing for adoption of emergency rules; providing for employment of personnel; providing restrictions; providing post-employment restrictions; providing procurement procedures; providing for lottery games; providing restrictions on games; providing for advertising and promotion; authorizing reference to future value of prizes; specifying functions of the Department of Law Enforcement and the Division of Security; providing for employment of law enforcement officers; specifying relationship with lottery vendors; providing restrictions; providing for investigations; requiring disclosure of certain information; providing for performance bond; specifying relationship with lottery retailers; providing restrictions; providing for bond; providing accounting procedures; requiring retailers to provide accessibility for disabled persons; providing for preferences and programs for minority business enterprises; providing for bank deposits and control of lottery transactions; providing for payment of prizes; prohibiting cer-

tain persons from purchasing lottery tickets; prohibiting certain extensions of credit; prohibiting certain assignments or transfers of rights to claim prizes; prohibiting counterfeiting or altering of tickets; prohibiting breaches of confidentiality; prohibiting certain representations; providing penalties; providing restrictions on corporate names; exempting lotteries under the act from ch. 849, F.S.; exempting lottery tickets and lottery prizes from taxation; exempting activities of the department from provisions of law relating to public fairs and expositions, wire services, correctional work programs, communications and data processing, agency functional plans, and publications; providing for deposit of gross revenues in a trust fund; providing for allocation of a specified portion of gross revenues to the payment of prizes; requiring monthly deposit of net proceeds in the State Education Lotteries Trust Fund to be appropriated by the Legislature; specifying method and purpose of such appropriations; providing for advance payment of costs to be reimbursed by the department; providing deadlines for certain actions of the State Treasurer and of the Comptroller; requiring the department to cooperate with state agencies; providing for authorization of additional positions; providing for a sales incentive program; creating a State Lottery Estimating Conference; providing for investment of certain moneys; providing an appropriation; providing for repayment of such appropriation out of the net proceeds; providing a date by which the secretary shall be appointed and in office; providing an effective date.

By the Committee on Natural Resources and Conservation and Senator Crawford—

CS for SB 412—A bill to be entitled An act relating to Indian reservations and affairs; amending s. 285.061, F.S.; providing for the transfer of certain lands to the United States in trust for the Seminole Tribe of Indians of Florida; ratifying and approving a compact between the State of Florida and the South Florida Water Management District and the Seminole Tribe of Indians of Florida relating to water rights; directing state agencies to assist the district in implementing the compact; providing an appropriation to settle litigation with the tribe; providing an effective date.

By the Committee on Transportation and Senator Hill—

CS for SB 420—A bill to be entitled An act relating to transportation finance and planning; amending s. 337.11, F.S.; providing that the secretary may designate persons to approve supplemental agreements; amending s. 337.14, F.S.; increasing minimum amount of construction contract requiring certification; providing for waiver of contract bonds; amending s. 337.18, F.S.; providing for waiver of surety bond; providing that the department may require alternate security; providing an effective date.

By the Committee on Judiciary-Civil and Senator Ros-Lehtinen—

CS for SB 485—A bill to be entitled An act relating to private employment agencies; creating s. 501.126, F.S.; providing definition; prohibiting collection of certain fees unless specified conditions are met; providing for surety bonding of agencies; providing for enforcement by the Division of Consumer Services of the Department of Agriculture and Consumer Services; providing an effective date.

By the Committee on Natural Resources and Conservation and Senators Kirkpatrick and Crawford—

CS for SB 486—A bill to be entitled An act relating to alligators; amending s. 372.664, F.S., providing an exception to state law relative to prima facie evidence of intent to violate laws protecting alligators; creating s. 372.6671, F.S., providing definitions; creating s. 372.6672, F.S., providing for the authority of the Game and Fresh Water Fish Commission with respect to an alligator management and trapping program; prohibiting acts constituting a conflict of interest; requiring notice of state-sanctioned sales; authorizing marketing of certain alligator hides or products; creating s. 372.6673, F.S., prohibiting the issuance of certain licenses for persons convicted of certain violations; providing for trapping licenses for the taking or possession of alligators; providing fees; creating s. 372.6674, F.S., providing for required tagging of alligators and alligator hides; providing for fees and revenues; creating s. 372.6678, F.S., providing for alligator study requirements; amending s. 372.6645, F.S., relating to the license required to sell alligator products; providing an effective date.

By the Committee on Transportation and Senator Myers—

CS for SB 527—A bill to be entitled An act relating to transportation; creating s. 335.055, F.S.; authorizing the Department of Transporta-

tion to enter into contracts with counties and municipalities; permitting the county or municipality to perform routine maintenance on state highways located within the county or municipality; limiting liability; providing for payment; amending s. 335.20, F.S.; revising purposes for which funds may be used under the Local Government Transportation Assistance Act; revising eligibility requirements for matching grants to local governments under said act; amending s. 337.27, F.S.; requiring the Department of Transportation, in the condemnation of certain lands within a designated transportation corridor, to produce certain documentation; amending s. 339.08, F.S.; authorizing the use of moneys in the State Transportation Trust Fund for reimbursing counties or municipalities for certain expenditures made on projects in the State Highway System; amending s. 339.12, F.S.; providing for participation by municipalities in rights-of-way, state road building, and maintenance projects under certain circumstances; authorizing the Department of Transportation to reimburse counties and municipalities for expenditures made on certain projects or project phases in the State Highway System under certain circumstances; providing an effective date.

By the Committees on Transportation and Judiciary-Civil and Senator Myers—

CS for SB's 618 and 721—A bill to be entitled An act relating to eminent domain; amending ss. 73.021, 73.031, 73.041, F.S.; providing technical changes; amending s. 73.051, F.S.; requiring the nature and extent of special damages and removal or relocation expenses to be set out in a property owner's written defenses; amending s. 73.061, F.S.; providing technical changes; amending s. 73.071, F.S.; providing for jury trials; amending ss. 73.0715, 73.072, 73.081, 73.091, F.S.; providing technical changes; amending ss. 73.101, 73.111, 73.121, 73.131, 73.141, 73.151, 73.161, 74.011, 74.031, F.S.; providing technical changes; amending s. 74.041, F.S.; deleting the requirement that the clerk of court issue a summons to show cause to the defendants; permitting plaintiffs to serve a copy of the declaration of taking on each defendant with a notice of hearing; providing technical changes; amending ss. 74.051, 74.061, 74.071, 74.091, 74.101, 74.111, F.S.; providing technical changes; providing an effective date.

By the Committee on Judiciary-Civil and Senator McPherson—

CS for SB 647—A bill to be entitled An act relating to statutes of limitation applicable to civil actions; amending s. 95.051, F.S.; providing that certain statutes of limitation are tolled by the minority of the person entitled to bring suit; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Myers—

CS for SB 652—A bill to be entitled An act relating to health facilities; amending s. 154.401, F.S.; renaming the "State Health Facilities Authority Law" as the "State of Florida Health Facilities Authority Law"; amending s. 154.402, F.S.; providing findings and declaration of necessity; amending s. 154.403, F.S.; providing definitions; amending s. 154.404, F.S.; creating the State of Florida Health Facilities Authority as a separate body; amending s. 154.405, F.S.; revising the powers of the authority; amending s. 154.407, F.S.; providing requirements for financing agreements; amending s. 154.408, F.S.; providing for construction contracts; amending s. 154.409, F.S., to conform to the act; amending s. 154.41, F.S., relating to revenue bonds; amending s. 154.412, F.S.; providing for payment of bonds; amending s. 154.413, F.S.; providing for revenues; amending s. 154.415, F.S., relating to remedies; amending s. 154.42, F.S.; providing that bonds issued pursuant to the act may be validated as provided in ch. 75, F.S.; amending s. 154.422, F.S.; providing an exemption to certain certificate-of-need requirements with respect to issuance of bonds; amending s. 154.425, F.S., relating to tax exemption; creating s. 154.427, F.S.; providing for liberal construction; creating s. 154.428, F.S.; providing severability; saving part V of ch. 154 from future review and repeal in accordance with the Sundown Act; amending s. 154.205, F.S.; providing definitions with respect to local health facilities authorities; amending s. 154.209, F.S.; revising the powers of the authorities; amending s. 154.213, F.S.; providing for financing agreements; amending s. 154.215, F.S.; providing for construction contracts; amending s. 154.219, F.S., relating to revenue bonds; amending s. 154.223, F.S., relating to the payment of bonds; amending s. 154.225, F.S.; providing for revenues; amending s. 154.229, F.S., relating to remedies; amending s. 154.2331, F.S., relating to tax exemption; amending s. 154.241, F.S.; providing that bonds issued pursuant to the act may be validated as provided in ch. 75, F.S.; amending s. 154.245, F.S.; providing an exemption to certain certificate-of-need requirements with respect to issuance of bonds; providing an effective date.

By the Committee on Education and Senator Peterson—

CS for SB 663—A bill to be entitled An act relating to state university laboratory schools; redesignating such schools as developmental research schools and transferring the responsibility for administering such schools from the state universities to the district school boards of the school districts in which the schools are located; requiring each developmental research school to specialize in designated subject areas; providing criteria for admission; providing for student records, reports, and testing programs; providing funding for such schools from the Florida Education Finance Program and other sources; authorizing a student activity and service fee; providing for school personnel; providing for advisory boards; designating schools as teachers education centers; amending s. 228.041, F.S.; conforming nomenclature; amending s. 228.088, F.S.; requiring such schools to implement security programs; amending s. 230.03, F.S.; authorizing district school boards to operate and supervise such schools; amending s. 238.01, F.S.; redefining the term "teacher" for purposes of the Teachers' Retirement System of Florida to include teachers on the staff of such schools; providing an effective date.

By the Committee on Judiciary-Civil and Senator Crenshaw—

CS for SB 757—A bill to be entitled An act relating to postsecondary education; creating s. 240.512, F.S., establishing the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida; providing for operation by a not-for-profit corporation; authorizing certain agreements; providing for liability; providing for operation by the Board of Regents under certain circumstances; amending s. 240.213, F.S.; removing certain authority to transfer to an insurance trust fund any funds appropriated to the Board of Regents to secure liability insurance; providing an effective date.

By the Committee on Education and Senator Peterson—

CS for SB 763—A bill to be entitled An act relating to educational facilities; amending s. 235.41, F.S.; requiring the Commissioner of Education, in consultation with the legislative appropriations committees, to provide annually to the State Board of Community Colleges and the Board of Regents an estimate of funds to be utilized by the boards in developing their 3-year priority lists; amending s. 235.435, F.S.; providing certain restrictions on the inclusion of certain projects on 3-year priority lists; providing for the carrying forward of certain unfunded projects on such lists; providing an effective date.

By the Committee on Judiciary-Civil and Senators Crawford and Kiser—

CS for SB 808—A bill to be entitled An act relating to assignments for the benefit of creditors; repealing ss. 727.01-727.08, F.S., relating to general assignments; creating ss. 727.101-727.128, F.S.; replacing the existing laws relating to general assignments made for the benefit of creditors; providing statutory intent; providing definitions; providing jurisdiction and venue; providing for commencement of proceeding; providing for proceeding against assignee; providing for turning property over to the assignee; providing for duties of assignor and of assignee; providing power of the court; providing actions by assignee and other parties in interest; providing for notice of assignment; providing for proof of claim; providing for objections to claims; providing for priority of claims; providing for resignation or removal of assignee; providing for assignee's final report and discharge; providing an effective date.

By the Committee on Transportation and Senator Dudley—

CS for SB 869—A bill to be entitled An act relating to financial responsibility; amending s. 324.072, F.S.; providing increased financial responsibility requirements for persons convicted of violations relating to driving under the influence; providing an effective date.

By the Committee on Transportation and Senator Langley—

CS for SB 930—A bill to be entitled An act relating to transportation; amending s. 348.68, F.S.; deleting obsolete language and revising language relative to the Hillsborough County Planning and Zoning Commission to refer to such commission as the Hillsborough County City-County Planning Commission; providing that the Tampa-Hillsborough County Expressway Authority shall give consideration to the city and county comprehensive plans with respect to determining the route or routes, design, and construction of the expressway system or any extension thereof; authorizing the authority to employ consultants and traffic engineers of the Florida Department of Transportation; requiring the authority to transmit studies and recommendations to the Hillsborough

County City-County Planning Commission; providing that the commission may request additional review of approved routes under certain circumstances; deleting a provision requiring an affirmative vote of not less than 5 members of the governing body of the authority to change or alter a route recommended by the commission; creating part X of chapter 348, F.S., the "Central Florida Expressway Authority Law"; providing definitions; creating the Central Florida Expressway Authority; providing for purposes and powers; providing for bonds of the authority; providing for remedies of the bondholders; providing for a lease-purchase agreement with the Department of Transportation; providing that the department may be appointed agent of authority for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing for the covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing that pledges are enforceable by bondholders; providing for the effect of the part; providing for consolidation; providing a conditional effective date.

By the Committee on Education and Senators Malchon and Weinstock—

CS for SB 944—A bill to be entitled An act relating to postsecondary education; amending s. 240.4067, F.S.; renaming the program the Lois Potter Hill Fund; revising the program from loan reimbursement to tuition reimbursement for medical professionals practicing in underserved locations in the state; expanding the program to include nurse practitioners and physicians' assistants; providing for an increased tuition reimbursement maximum; revising budget requests; providing an effective date.

By the Committee on Education and Senator Thurman—

CS for SB 951—A bill to be entitled An act relating to education; requiring notice of toxic substances which may be used in the performance of contracts for repair or maintenance of public school facilities; providing the district superintendent with the responsibility of enforcing safety precautions; providing for a construction against the impairment of obligations of contract; providing an effective date.

By the Committee on Natural Resources and Conservation and Senator Crawford—

CS for SB 988—A bill to be entitled An act relating to Department of Environmental Regulation contracts; providing authority for the department to establish rules relating to contract bidding, awarding contracts, payment of contracts, and contract negotiations; requiring adherence to certain Department of General Services criteria; providing for certain exemptions; amending ss. 403.806, 403.807, 403.808, 403.8081, F.S.; specifying powers and duties of divisions within the Department of Environmental Regulation; providing an effective date.

By the Committee on Judiciary-Civil and Senators Woodson, Dudley, W. D. Childers and Johnson—

CS for SB's 1012, 726, 97, 9 and 5—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; providing definitions; amending s. 101.121, F.S.; providing for persons allowed in polling rooms; amending s. 101.131, F.S.; allowing each political party and each candidate to have one watcher in each polling room at any one time during an election; amending s. 102.031, F.S.; adding the polling room, where the polling place is a shopping center or mall, to the requirements for solicitation of voters near polling places; modifying certain restrictions for soliciting near polling places; authorizing certain officials to maintain order; repealing s. 104.36, F.S., relating to penalties for certain solicitation of voters within 100 yards of a polling place; providing an effective date.

By the Committee on Judiciary-Civil and Senator Weinstein—

CS for SB 1062—A bill to be entitled An act relating to adoption; amending s. 63.022, F.S.; providing for entry of court orders to promote and protect the best interests of the person to be adopted; amending s. 63.032, F.S.; changing definition of "placement" and adding definitions on residency; amending s. 63.102, F.S.; providing time limits for filing of an adoption petition; providing for an action to challenge custody; creating s. 63.135, F.S.; requiring certain information to be submitted to the court; creating s. 63.185, F.S.; providing a residency requirement; amending s. 63.202, F.S.; providing for adoption of rules regarding child-placing agencies; amending s. 63.207, F.S.; requiring use of Interstate Compact on the Placement of Children in applicable cases; amending s. 63.212, F.S.; providing penalties; restricting intermediary or attorney fees; creating s.

63.233, F.S.; providing general rulemaking authority; amending s. 39.01, F.S.; expanding the definition of the term "child who is found to be dependent"; amending s. 39.41, F.S.; providing powers of disposition; providing an effective date.

By the Committee on Education and Senator Margolis—

CS for SB 1077—A bill to be entitled An act relating to education; amending s. 231.533, F.S.; revising annual awards to certain designated associate master teachers under the State Master Teacher Program; revising the term of such teachers; amending s. 5 of chapter 86-157, Laws of Florida; delaying the repeal of the State Master Teacher Program; providing an effective date.

By the Committee on Education and Senator D. Childers—

CS for SB 1094—A bill to be entitled An act relating to remedial education; amending s. 233.051, F.S.; specifying content of remediation programs; requiring a district school board to notify the parents of a student receiving remedial education; requiring certain reports to reflect a student's participation and progress in remedial programs; providing an effective date.

By the Committee on Education and Senator Peterson—

CS for SB 1120—A bill to be entitled An act relating to public schools; creating the School Completion Improvement Act; declaring the purpose; providing for a comprehensive plan for removing specified obstacles to the academic progress of certain students; providing for training programs in district inservice plans; providing for inservice points in professional growth; providing for evaluation of district school completion plans; providing for funding; authorizing a feasibility study for student service specialists; requiring a study of the College-Level Academic Skills Test objectives; providing an effective date.

By the Committee on Transportation and Senator Girardeau—

CS for SB 1172—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.003, F.S.; redefining the term "bicycle"; amending s. 320.01, F.S., defining the term "bicycle"; amending s. 320.08, F.S.; providing license taxes for bicycles; providing an effective date.

By the Committee on Education and Senators Frank, Johnson, Brown, Ros-Lehtinen, Myers and Thurman—

CS for SB 1199—A bill to be entitled An act relating to education; creating s. 228.0725, F.S., relating to adult education for handicapped students; providing for participation in specified programs; providing for rules for eligibility and entrance and exit criteria and program standards; amending ss. 228.074, 228.075, F.S.; providing responsibility of regional coordinating councils for adult education for the handicapped; providing for course offerings and approval and funding of adult education for the handicapped programs; amending s. 236.081, F.S., relating to the Florida Education Finance Program; correcting obsolete language; providing for moderately and severely handicapped programs; providing an effective date.

By the Committee on Judiciary-Civil and Senators McPherson and Kirkpatrick—

CS for SB's 1248 and 554—A bill to be entitled An act relating to elections; amending s. 97.063, F.S.; making the need to have an elector complete a registration cancellation form optional; amending s. 97.072, F.S.; deleting provision for replacement of registration identification card due to change in party affiliation; amending s. 97.1031, F.S.; providing a uniform method to update registration information; amending s. 98.031, F.S.; abolishing the prohibition against changing election districts or precincts during certain years; amending s. 99.097, F.S.; requiring the state to pay for signatures checked on a petition submitted by one who cannot pay; amending s. 100.011, F.S.; providing when polls shall be open in counties covering two time zones; amending s. 101.72, F.S.; providing the supervisors of elections discretion in determining the number of voting booths needed; amending s. 102.012, F.S.; providing any qualified elector in the county can be appointed as a poll inspector or clerk; providing an effective date.

By the Committee on Transportation and Senator Beard—

CS for SB 1256—A bill to be entitled An act relating to transportation; amending s. 339.135, F.S.; removing the requirement for legislative approval of department policies; amending s. 339.24, F.S.; creating s.

339.245, F.S.; creating the Florida Highway Beautification Council; providing membership, terms, and duties; providing for a chairman and staff; providing for the creation of local highway beautification councils; providing duties of the head of the Department of Transportation for the award of highway beautification grants; providing for grant requests; providing for repeal and review; providing an effective date.

By the Committee on Education and Senator Johnson—

CS for SB 1287—A bill to be entitled An act relating to education; amending ss. 229.814, 231.608, 233.37, 236.088, 237.161, and 237.162, F.S.; deleting provisions requiring the State Board of Education to adopt certain rules for high school examinations; deleting certain reporting requirements for teacher education centers; deleting provisions for districts to submit changes in instructional materials for state action; deleting provisions requiring the termination of state funding for certain compensatory education programs; deleting provisions requiring the Department of Education to approve certain obligations incurred by a school board; repealing ss. 229.561, 229.585, 229.841, 230.2311(3), (6), (7), 232.301(2), 233.055(2), 233.34(2)(b), 233.46(2), 235.014(3), (11), 235.149, 235.197, 235.435(3)(c), (4), F.S., relating to the Educational Research and Development Program, relating to computerized instructional management system programs, relating to the adoption of the metric system by the Department of Education, relating to early childhood and basic skills development programs, relating to obsolete provisions pertaining to model programs for the prevention of student failure and school dropout, relating to district remediation programs, relating to the commissioner's planning budget for implementing a remedial reading program, relating to Department of Education surveys of districts with respect to and submission of the selection of instructional materials, relating to solicitation comments by instructional staff on instructional materials, relating to certain responsibilities of the Office of Educational Facilities of the Department of Education, relating to surveys and reports on the availability of instructional space, relating to the disposal of certain state-owned facilities by the State Board of Education, relating to information required in the capital outlay portion of the legislative budget request submitted by the Commissioner of Education, relating to restrictions and requirements pertaining to the funding of capital outlay education projects; requiring the appropriation of sufficient funds annually to ensure certain textbook requirements; requiring the appropriation of sufficient funds annually for duties of the Department of Education and school districts in their duties of selecting and adopting instructional materials; requiring a one-year delay from date of enactment of mandated courses of study to ensure selection and adoption of instructional materials; amending s. 233.09, F.S.; providing for district instructional materials councils of no fewer than 3 persons; providing for completion of district evaluations; providing for reimbursement to district instructional materials council members; providing for equal consideration of district recommendations; amending s. 233.14, F.S.; providing for publisher guarantee of college-bound course textbook replacement; amending s. 233.16, F.S.; providing for notice to publishers of instructional materials bid and proposal openings; amending s. 233.16, F.S.; providing for adoption of instructional materials by the State Board of Education; amending s. 233.17, F.S.; providing for an annual published adoption schedule; providing for Department of Education authority to extend or shorten instructional materials contracts; amending s. 233.18, F.S.; providing for display copies of adopted instructional materials; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senators Ros-Lehtinen, Meek, Kiser and Weinstein—

CS for SB's 1289, 771 and 84—A bill to be entitled An act relating to social services; amending s. 39.12, F.S.; providing for use of records in disqualification from certain employment; amending s. 39.407, F.S., emphasizing the need for immunization of children in shelter care; amending s. 39.411, F.S.; providing for use of records in disqualification from certain employment; amending s. 110.1127, F.S.; changing requirements for employee security checks; expanding possible exemptions from employment disqualification; providing penalties; amending s. 393.063, F.S.; providing changes in definitions; amending s. 393.0655, F.S.; changing minimum standards for screening of caretakers; expanding possible exemptions from employment disqualification; requiring information to be provided by a time certain; removing certain distinctions between permanent and probationary status caretakers; amending s. 393.066, F.S.; providing rulemaking authority; amending s. 393.067, F.S.; deleting outdated provisions; requiring submission of information by a time certain; providing penalty for noncompliance; amending s. 393.0675, F.S.; provid-

ing for injunctive proceedings; amending s. 394.455, F.S.; deleting employment history checks and checks of reference from and changing requirements for volunteers in the definition of "screening"; amending s. 394.457, F.S.; revising minimum standards for mental health personnel; expanding possible exemptions from employment disqualification; deleting outdated provisions; providing for chapter 120 hearing; requiring certain information to be provided by a time certain; providing penalty for noncompliance; removing certain distinctions between permanent and probationary employee status; amending s. 396.032, F.S.; deleting employment history checks and checks of reference from and changing the requirements for volunteers in the definition of "screening"; amending s. 396.042, F.S.; deleting outdated provisions; requiring certain information to be provided by a time certain; providing penalties for noncompliance; amending s. 396.0425, F.S.; revising minimum standards for screening of treatment resource personnel; expanding possible exemptions from employment disqualification; requiring certain information be supplied by specified time; providing penalty for noncompliance; removing certain distinctions between permanent and probationary status treatment resource personnel; requiring automatic termination of treatment resource personnel under certain circumstances; amending s. 396.173, F.S.; requiring submission of fingerprints; amending s. 396.175, F.S.; providing for issuance of license if screening materials have been timely submitted; prohibiting licensure under specified circumstances; providing for the issuance of a probationary license; amending s. 397.021, F.S.; deleting employment history checks and checks of reference from and changing the requirements for volunteers in the definition of "screening"; amending s. 397.0715, F.S.; revising minimum standards for screening of treatment resource personnel; expanding possible exemptions from employment disqualification; requiring certain information be supplied by specified time; providing penalty for noncompliance; removing certain distinctions between permanent and probationary status treatment resource personnel; amending s. 397.081, F.S.; providing penalty for failure to supply required information by a time certain; amending s. 397.091, F.S.; deleting outdated provisions; providing penalty for failure to supply required information by a time certain; providing for issuance of license under certain circumstances; providing for the issuance of a probationary license; amending s. 402.301, F.S.; providing legislative intent that certain membership organizations shall not be screened; amending s. 402.302, F.S.; changing definitions of "child care personnel" and "screening"; amending s. 402.305, F.S.; revising the minimum standards for child care personnel; expanding possible exemptions from employment disqualification; providing for contesting through chapter 120 procedures and others; amending s. 402.3055, F.S.; deleting outdated provisions; providing penalty for failure to supply information within specified time; removing certain distinctions between permanent and probationary child care personnel; amending s. 402.308, F.S.; providing for issuance or renewal of license if all screening materials have been timely submitted; amending s. 402.309, F.S.; providing for issuance of provisional license; amending s. 402.313, F.S.; providing guidelines for screening; amending s. 409.175, F.S.; providing changes in definitions; providing for promulgation of rules; providing requirements for licensure and operation; providing changes to screening requirements; expanding possible exemptions from employment disqualification; requiring submission of information; providing penalty for failure to submit within time required; deleting outdated provisions; providing for issuance or renewal of license under certain circumstances; prohibiting licensure of summer day camps or summer 24-hour camps; providing departmental access to certain records; providing for issuance of provisional license; amending s. 415.102, F.S.; adding a definition of "confirmed report"; amending s. 415.103, F.S.; adding "confirmed report"; providing for amendment and expunction of records; providing procedures; providing for confidentiality; amending s. 415.104, F.S.; providing for classification of report; amending s. 415.107, F.S.; providing Division of Administrative Hearings access to records; providing for search of records; providing for classification of records; specifying information to be released to certain parties; amending s. 415.503, F.S.; adding definition of "confirmed report"; amending s. 415.504, F.S.; providing for classification of reports; providing for amendment and expunction of records; providing procedures; providing for confidentiality; amending s. 415.505, F.S.; changing terminology to conform with changes in definition and usage in current law; amending s. 415.51, F.S.; providing the Division of Administrative Hearings access to records; providing for search of records; providing for classification of records; specifying the information to be released to certain parties; amending s. 447.208, F.S.; providing for delay of appeal hearing under certain circumstances; amending s. 447.401, F.S.; providing for delay of grievance decision under certain circumstances; amending s. 959.001, F.S.; adding a definition of "screening"; amending s. 959.06, F.S.;

requiring screening for contract providers for any juvenile delinquency program; requiring that providers meet criteria; providing for certain exemptions from disqualification; providing exemption procedures; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Langley, the rules were waived and the Committee on Judiciary-Civil was granted permission to consider SB 519 and HB 358 on May 26.

On motion by Senator Deratany, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider CS for SB 827 on May 26.

On motions by Senator Kiser, by two-thirds vote SB 505 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Ros-Lehtinen, by two-thirds vote Senate Bills 622, 698, 699 and 1103 were withdrawn from the committees of reference and indefinitely postponed.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 45, 72 and 96, which he approved on May 21, 1987, and SB 134 and CS for SB 837 which became law without his signature on May 22, 1987.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 55, House Bills 461, 1355; has passed as amended CS for CS for HB's 47 and 17, HB 375, CS for HB 992, CS for CS for HB 1008, House Bills 1251, 1390, 1450, 1451, CS for HB 1467 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Select Committee on Claims and Representative Deutsch—

CS for HB 55—A bill to be entitled An act for the relief of James M. Johnson; providing for an appropriation to compensate him for injuries suffered as a result of the negligence of the Florida Department of Corrections; providing an effective date.

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

By Representative Rochlin—

HB 461—A bill to be entitled An act relating to insurance; creating ss. 627.6403 and 627.6618, F.S., requiring individual and group health insurance policies that provide acupuncture coverage to meet certain conditions; providing for review and repeal; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Corrections, Probation and Parole and Representative Kelly—

HB 1355—A bill to be entitled An act relating to corrections; providing for the awarding of gain-time to inmates who owe court costs; providing a limitation; providing an effective date.

—was referred to the Committee on Corrections, Probation and Parole.

By the Committees on Appropriations and Higher Education and Representative Crotty and others—

CS for CS for HB's 47 and 17—A bill to be entitled An act relating to higher education; creating s. 240.551, F.S.; creating the Florida Prepaid Postsecondary Education Expense Program; providing intent; providing definitions; providing a purpose; creating the Prepaid Postsecondary Education Expense Trust Fund; providing for contents; creating the Prepaid Postsecondary Education Expense Board to administer the program; providing for board membership and terms; providing for meetings and staff; providing powers of the board; requiring an annual evaluation of actuarial soundness of the fund; requiring a comprehensive investment plan; authorizing delegation of responsibility for plan administration;

requiring annual reporting on the fund; requiring ruling requests from the Internal Revenue Service and Securities Exchange Commission; providing for marketing of the program; requiring provisions of advance payment contracts for registration and advance payment contracts for dormitory residence; authorizing retention of refund under certain conditions; providing for refunds; providing for contract conversions; providing for multiple contract plans; providing conditions for such plans; providing for application toward independent colleges and universities; requiring board solicitation of proposals for certain services; providing criteria for selection of proposals; providing for state obligations to the program; providing limitations on use of fund assets; providing for fund expenditure priorities; authorizing contract payments through payroll deduction for certain employees; prohibiting contract purchase as guarantee of admission, continuation of enrollment, or graduation; providing for program discontinuation; creating s. 240.3031, F.S.; creating a State Community College System; providing for membership; providing an effective date.

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

By Representative Metcalf—

HB 375—A bill to be entitled An act relating to postsecondary education; amending s. 240.107, F.S.; prohibiting certain students from taking the college-level communication and computation skills examination; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Corrections, Probation and Parole and Representative Bloom—

CS for HB 992—A bill to be entitled An act relating to community control; amending s. 948.03, F.S.; authorizing electronic monitoring of prisoners on supervised release by the Department of Corrections; authorizing electronic monitoring for community control violators; providing for procedures for supervision; providing for exclusions for community control; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

By the Committees on Appropriations and Higher Education and Representatives Bell and Rochlin—

CS for CS for HB 1008—A bill to be entitled An act relating to postsecondary education; amending s. 240.257, F.S.; revising allocations from the Florida Endowment Trust Fund for Eminent Scholars; deleting obsolete language; creating s. 240.499, F.S.; creating the Good-Gulfstream Trust Fund for Higher Education; providing for scholarships; providing for agreement to determine university and college beneficiaries; authorizing the transfer of funds from the General Revenue Fund; providing for the allocation of funds; amending s. 240.402, F.S.; revising criteria for Florida Undergraduate Scholars' award eligibility; increasing the value of awards from the fund; amending s. 240.4025, F.S.; requiring United States residency for award eligibility from the Florida Graduate Scholars' Fund; providing for distribution of new awards; amending s. 240.401, F.S., relating to state tuition vouchers; providing specific accreditation criteria for institutional eligibility; amending s. 240.4067, F.S.; revising the program from loan reimbursement to tuition reimbursement for medical professionals practicing in underserved locations in the state; expanding the program to include nurse practitioners and physicians' assistants; providing for an increased tuition reimbursement maximum; revising budget requests; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Corrections, Probation and Parole and Representative Kelly and others—

HB 1251—A bill to be entitled An act relating to corrections; creating s. 944.053, F.S.; providing for the establishment and purpose of Forestry Work Camps; providing for availability of inmate services to political subdivisions; providing for a restriction on inmate placement; providing a legislative declaration for emergency construction; creating part I of chapter 946, F.S., consisting of ss. 946.002, 946.006, 946.007, 946.008, 946.009, 946.21, 946.24, 946.31, 946.32, 946.33, and 946.40, F.S., relating to correctional work programs, generally; renumbering and transferring ss. 946.005, 946.01, 946.02, 946.03, 946.035, 946.041, 946.042, 946.044, 946.081, 946.083, 946.09, 946.10, 946.11, 946.14, 946.15, 946.18, 946.19,

946.20, and 946.22, F.S.; creating part II of chapter 946, F.S., relating to correctional work programs leased to or managed by a nonprofit corporation; amending s. 946.40, F.S.; providing for an increase in the number of inmates available for supervision; amending ss. 946.01, 946.02, 946.03, 946.035, 946.041, 946.042, 946.044, 946.081, 946.14, 946.15, 946.20 and 946.21, F.S.; conforming to the act; correcting cross-references; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

By the Committee on Housing and Representative Jamerson and others—

HB 1390—A bill to be entitled An act relating to the pocket of poverty program; creating part VIII of chapter 420, F.S.; entitling part VIII as the "Pocket of Poverty Program"; providing legislative findings; providing purpose; providing definitions; creating the Pocket of Poverty Trust Fund; providing for the pocket of poverty program; providing legislative findings and intent, program creation and administration, pilot communities, local comprehensive housing plan, review of plans, and application procedure; creating the Farmworker Housing Task Force; providing for membership and duties; providing for legislative findings; providing for a demographic study; providing an effective date.

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

By the Committee on Appropriations and Representative Bell—

HB 1450—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1987, and ending June 30, 1988, to pay salaries, other expenses, capital outlay - buildings and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations—

HB 1451—A bill to be entitled An act relating to state government; providing legislative intent; authorizing the Administration Commission to approve certain transfers related to reorganization; providing requirements for the purchasing or leasing of automobiles; restricting the transfer or utilization of services of certain employees; restricting price at which vehicles may be purchased; restricting lease or installment purchase of equipment by the executive or judicial branches unless approved by the Comptroller; providing legislative intent regarding the expenditure of certain funds available as a result of litigation against oil companies and refiners and distributors; directing the Governor's Energy Office to recommend projects to be funded; exempting from reversion provisions certain funds appropriated for fixed capital outlay energy conservation projects; providing restrictions with respect to advances for program start-up or advances for contracted services; providing for waiver of such restrictions; providing for the advance of funds in any specific appropriation under certain conditions; authorizing the Department of Administration to use the discretionary paid holiday for Career Service System employees as a paid holiday commemorating the birthday of Dr. Martin Luther King, Jr.; providing for availability and administration of a conference room in the Capitol Building; authorizing the Administration Commission to create positions funded from reimbursements for services rendered to the state lottery; providing for reversion to the General Revenue Fund of certain unencumbered balances in the Election Campaign Trust Fund of the Division of Elections, Department of State; exempting from reversion provisions certain funds appropriated for land acquisition and planning of a new regional service center in Jacksonville; authorizing the Department of General Services to sell or trade the Daniels Building; providing for the disposition of a state-owned office building in Dade County; authorizing the Department of Commerce and the Department of State to assist in preparations for the celebration of Columbus' voyages; authorizing the Division of Motor Vehicles of the Department of Highway Safety and Motor Vehicles to pay salaries, benefits, and expenses from the Motor Vehicle License Replacement Trust Fund; authorizing certain temporary Department of Transportation district reallocation of resources to meet contingencies in the 5-Year Transportation Plan; providing limitations; requiring the Department of Transportation to allocate resources to districts prior to a specified date; providing responsibilities with respect to the 5-Year Transportation Plan for certain counties; authorizing the Department of Transportation to proceed with implementation of the Florida Turnpike plan; restricting establish-

ment of additional Department of Transportation district or urban offices; authorizing the Department of Transportation to advance certain funds to Tri-County Airport, Lakeland Municipal Airport, Melbourne Airport, Marion County Airport, Orlando International Airport, and St. Lucie Airport; authorizing the Department of Transportation to provide moneys to the Department of Commerce to fund economic development transportation projects; exempting the Division of Licensing of the Department of State from certain purchasing, leasing, and equipment approval provisions relating to concealed weapons; providing for advance of funds to the division for concealed weapons legislation start-up costs; extending deadline for meeting local matching fund requirements for construction of the Broward County Performing Arts Center; authorizing expenditure of certain funds by state attorneys and public defenders and requiring a report with respect thereto; restricting the use of Special Category Contract Education funds of the Correctional Education School Authority; providing requirements for contract educational services; providing intent that the state purchase the Martin County jail facility for Department of Corrections use; authorizing payment of expenses for meals and lodging provided to security personnel ordered for sequestered juries; authorizing certain actions by a guardian ad litem in custody disputes pursuant to a dissolution of marriage; prohibiting the Department of Health and Rehabilitative Services from expending funds for the purchase or production of wood pellets; restricting matching funding requirements relating to appropriations for local community mental health centers and alcohol project grants; directing the Department of Health and Rehabilitative Services to review a client identifier methodology; directing the department to study the feasibility of prepaying 50 percent of certain Medicaid claims; transferring the Epilepsy program element from one program office within the Department of Health and Rehabilitative Services to another office within such agency; directing the Department of Health and Rehabilitative Services to review and report on crises stabilization funding; requiring the Department of Health and Rehabilitative Services to develop and report on utilization of the District III pediatric cluster; abolishing the trust funds of certain agencies and providing for transfer of moneys therein; reviving certain trust funds scheduled for repeal; providing procedures for state agencies with respect to solicitation for contractual training needs; providing exemptions from certain student fees; providing for waiver of certain fees and acceptance of in-kind contributions in lieu of fees; providing for the establishment of certain student fees by school districts; providing for reimbursement to school districts for costs of residential nonpublic school contracts and providing conditions, eligibility, and funding with respect thereto; providing that appropriations to the Department of Education for certain purchases of electronic data processing equipment by school districts, community colleges, and the Board of Regents are subject to approval by the Commissioner of Education; requiring the Division of Vocational, Adult, and Community Education of the Department of Education to report on completion of the uniform statewide assignment of all vocational programs according to level of degree or certificate; modifying procedures for determining annual allocations to school districts; providing for the establishment of enrollment ceilings by program groups; providing that certain provisions relating to education shall be implemented only to the extent specifically provided for in the General Appropriations Act; providing that district school boards may levy a nonvoted discretionary millage; providing procedures to be used in determining annual allocations through the Florida Education Finance Program; reappropriating certain unexpended funds to the Florida Council on Far East Research and Development; providing allocations from funds provided in Specific Appropriation 326A of the General Appropriations Act; providing additional considerations applicable to certain projects; reviving and readopting the provisions of s. 212.11(1)(a) and (5), F.S., relating to tax returns and regulations; requiring budget entities to meet certain approved annual salary rate restrictions; authorizing certain interchange of funds appropriated for a community education project of the Broward County School Board and the City of Pembroke Pines; authorizing the board to construct a media center at a certain location; extending the expiration date of provisions of 1986 implementing legislation relating to the refinancing of bonds issued for the Florida International University Bay Vista Housing Apartments; the deletion of reference to deposit of proceeds from the sale of certain property at the University of Central Florida Daytona Beach Center; the creation of the Daytona Beach Applied Research Center, and provision for a consortium of participants; the allocation of funds for a fine arts center with the City of Gainesville, the University of Florida, and Santa Fe Community College; the construction of certain facilities from non-PECO sources; the specification of a date for use in calculating certain appropriations; and the issuance of new bonds by the Board of Regents to finance certain projects; authorizing construc-

tion of certain facilities from non-PECO sources; authorizing improvements or renovations to dormitories at Florida State University; authorizing issuance of bonds therefor; authorizing certain redesignation of programs or departments at certain state universities; authorizing certain transfer of property from the South Florida State Hospital and Northeast Florida State Hospital to Broward and Baker County School Districts, respectively; providing responsibility for moving expenses; providing allocation of funds for construction of the Samuel P. Harn Museum, a joint use facility at the University of Florida, and a Performing Arts Center at Santa Fe Community College; providing that funds for a Palm Beach Junior College project shall not revert; authorizing the Board of Regents to purchase certain buildings and land in Olustee, Florida; amending s. 215.32, F.S., establishing the State Infrastructure Fund; providing source and use of funds therein; amending ss. 201.15, 206.875, and 212.235, F.S., as amended, to conform; providing for transfer of certain excess moneys in the General Revenue Fund to the Working Capital Fund; clarifying the method of repayment regarding the transfer of certain funds for startup costs; providing a retroactive effective date and an expiration date.

—was referred to the Committee on Appropriations.

By the Committees on Appropriations and Criminal Justice and Representative Gustafson and others—

CS for HB 1467—A bill to be entitled An act relating to crime prevention; providing for state crime prevention information systems; providing legislative findings and intent; creating the Risk Assessment Information System Coordinating Council to provide information about the causes of crime; providing for membership and duties; requiring a report to the Legislature; providing for future review and repeal of the council; providing for a uniform sentencing policy; adopting Rules 3.701 and 3.988, Florida Rules of Criminal Procedure; amending s. 921.001, F.S.; providing a deadline for revisions to sentencing guidelines; widening range of sentences; lowering standards of review on appeals; amending s. 924.06, F.S.; limiting appeals by defendants; amending s. 924.07, F.S.; limiting appeals by the state; amending s. 775.084, F.S.; changing the standards for sentencing habitual offenders; amending s. 951.21, F.S.; changing the method of commuting time for good conduct of county prisoners; providing children and youth components; amending s. 233.067, F.S.; changing the comprehensive health education program in the public schools to the comprehensive health education and substance abuse prevention program; providing for establishment of a Prevention Resource Center as a clearinghouse; creating an advisory council to the center; providing for inservice training in substance abuse identification and prevention; providing for management training programs; providing for instruction in substance abuse prevention; providing for district contact persons to coordinate the program; requiring each district school board, laboratory school, or consortia thereof, to submit a proposed program; revising proposal contents; providing for model programs; providing for evaluation and dissemination of effective programs; amending s. 232.245, F.S.; requiring specification of the minimum number of hours of instruction for each grade level; amending s. 230.23, F.S.; requiring the district code of student conduct to include disciplinary action that may be imposed; amending s. 236.0811, F.S.; requiring training in substance abuse prevention education to be included as a component in the master plan for service training; amending s. 231.603, F.S.; requiring inservice training programs of teacher education centers to include substance abuse prevention education; creating s. 230.2318, F.S.; creating a statewide school resource officer program; providing for proposed program plans by school districts; providing contents; providing for approval of plans and provision of funding by the Commissioner of Education; providing duties of school resource officers; authorizing application for federal funds; providing for funding through the General Appropriations Act; providing for review and repeal; providing a guardian ad litem program for juveniles; providing legislative findings and intent; requiring the appointment of guardians ad litem for all juveniles alleged to be dependent; providing definitions; providing for reimbursement; providing for administrative and technical support by the office of the State Courts Administrator; providing for supervision by the chief judge of each circuit, along with a juvenile judge; providing immunity from liability; providing neighborhood and community components; creating the Safe Neighborhoods Act; providing legislative findings and purpose; providing definitions; providing for the creation of safe neighborhood improvement districts; providing for adoption of local planning ordinances; providing for the creation of property owners' association neighborhood improvement districts; providing for the creation of special neighborhood residential or business improvement districts; providing for ad valorem tax referenda; providing election procedures; providing ballots; providing for establishment, organization,

management, funding, and powers and duties for each type of neighborhood improvement district; providing goals and methods for reducing crime through neighborhood improvement programs; providing for fiscal management and budget preparation; providing for development of safe neighborhood improvement plans; providing for notice and public hearings; providing for conformity with local government comprehensive plans; creating the Safe Neighborhoods Trust Fund within the Department of Community Affairs; providing methods for allocations; establishing a "crime prevention through environmental design" program; providing duties; providing duties of the Department of Community Affairs; directing local governments which have approved enterprise zones to consider creation of neighborhood improvement districts within such zones; amending s. 290.007, F.S., to add use of neighborhood improvement districts to listing of local programs to encourage revitalization of enterprise zones; amending s. 163.340, F.S., to add neighborhood improvement districts to list of special districts excluded from definition of "public body" or "taxing authority"; amending s. 220.183, F.S., to make neighborhood improvement districts eligible for purposes of community contribution tax credit; amending s. 624.5105, F.S., to authorize eligibility of neighborhood improvement districts for community contribution tax credit; creating s. 177.086, F.S.; providing that discontinuance of rights-of-way caused by installation of cul-de-sacs shall not operate as abandonment of right-of-way; creating s. 16.55, F.S.; requiring that the Department of Law Enforcement develop and disseminate model crime prevention training materials for use by the localities; providing adult substance abuse control components; amending s. 893.03, F.S.; adding a substance to the list of Schedule I controlled substances; clarifying the meaning of a substance listed in Schedule II; amending s. 893.03, F.S.; including anabolic steroids, among Schedule III controlled substances; creating s. 893.0356, F.S.; requiring the treatment of certain new substances as controlled substances; amending s. 893.13, F.S.; making it a felony to utilize or involve a minor in the sale or delivery of a controlled substance, or to sell, or possess with intent to sell, a controlled substance within a specified distance of a school; providing minimum mandatory sentences; amending s. 893.135, F.S.; decreasing the amount of cocaine required for the offense of trafficking; providing a definition of "knowingly"; providing that any person who knowingly purchases one of the specified controlled substances in one of the specified amounts shall be guilty of trafficking in such substance and shall be punished accordingly; providing penalties; authorizing a court, upon the motion of the state attorney or defense attorney, to reduce or suspend the sentence of certain persons who provide substantial assistance in the identification, arrest, or conviction of a person engaged in trafficking in controlled substances; creating s. 893.137, F.S.; providing a minimum mandatory sentence for a second or subsequent drug-related felony offense; creating s. 322.055, F.S.; providing for revocation or suspension of or delay of eligibility for a person's driver's license upon conviction of certain offenses; amending s. 782.04, F.S.; defining as murder a death caused by the distribution of any cocaine, morphine, phenylcyclidine, or methaqualone; amending s. 60.05, F.S.; expanding use of abatement of nuisance proceedings; amending s. 932.704, F.S.; allowing proceeds from contraband forfeiture sales to be expended for school resource officer, crime prevention, or drug abuse education programs; providing for quarterly reports to the Department of Law Enforcement; providing that proceeds from forfeiture of contraband articles seized by certain state agencies be deposited in the Drug Abuse Trust Fund of the Department of Health and Rehabilitative Services; creating s. 895.055, F.S.; providing for the distribution of residual funds derived from the sale of property forfeited under the RICO Act, to the Department of Health and Rehabilitative Services; specifying uses of such funds; amending s. 319.33, F.S., which provides offenses involving vehicle identification numbers or indicia of ownership of vehicles; providing that any vehicle to which such an offense relates shall constitute contraband subject to seizure and forfeiture proceedings; clarifying that any motor vehicle or mobile home the real identity of which cannot be determined shall constitute contraband; providing penalties; amending s. 329.10, F.S., relating to aircraft registration; authorizing seizure and forfeiture proceedings against aircraft in violation of any aircraft registration or information requirements; amending s. 329.11, F.S., relating to aircraft identification numbers; authorizing seizure and forfeiture proceedings against aircraft in violation of identification requirements; providing penalties; amending s. 330.40, F.S., relating to aircraft fuel tanks; authorizing seizure and forfeiture proceedings against aircraft in violation of any aircraft fuel tank requirements or restrictions; providing penalties; amending s. 328.05, F.S.; providing that specified unlawful acts relating to certificates of title or other indicia of ownership shall constitute any vessel to which they relate as contraband subject to seizure and forfeiture proceedings; amending s. 843.18, F.S.; providing that any vessel used to

flee or attempt to elude a law enforcement officer shall be contraband subject to seizure and forfeiture proceedings; providing penalties; creating the "Florida Money Laundering Act"; providing for the filing of information with the Department of Revenue relating to specified trade or business cash transactions; defining the offense of money laundering; providing fines and penalties; providing for notification of the reporting requirements by local governing authorities to all trades and businesses which they license; authorizing the Department of Revenue to enforce compliance and to be custodian of the information submitted; providing that such information shall be confidential; providing an exception for law enforcement agencies; providing changes in the law relating to pawnbrokers; amending s. 715.041, F.S.; making records available to the local police chief or sheriff or the delegate thereof; providing for recovery of stolen property; creating s. 715.0415, F.S.; requiring verification of ownership; providing penalties; creating s. 790.165, F.S.; prohibiting hoax bombs; providing definitions; providing penalties; creating the Crime Prevention and Law Enforcement Study Commission; providing membership and duties of such commission; providing for per diem and travel expenses; providing effective dates.

—was referred to the Committees on Judiciary-Criminal; Education; Appropriations; and Rules and Calendar.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 124 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 124—A bill to be entitled An act relating to youthful offenders; amending s. 958.04, F.S.; creating a basic training program for certain youthful offenders; providing for the adoption of rules; requiring a report; declaring facility construction necessary due to the overcrowding emergency; providing specialized training; providing an effective date.

Amendment 1—On page 3, line 29, insert after the period (.): *The basic training program shall include drug counseling and rehabilitation programs.*

On motion by Senator Hollingsworth, the Senate concurred in the House amendment.

CS for SB 124 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—36

Mr. President	Girardeau	Johnson	Plummer
Beard	Gordon	Kirkpatrick	Ros-Lehtinen
Brown	Grant	Kiser	Scott
Childers, D.	Grizzle	Langley	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Myers	Weinstock
Frank	Jennings	Peterson	Woodson

Nays—None

Vote after roll call:

Yea—Dudley

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to HB 95, CS for HB 373 and passed as amended.

John B. Phelps, Clerk

SPECIAL ORDER

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

CS for CS for SB's 400, 328 and 12—A bill to be entitled An act relating to state lotteries; creating the State Lottery Act; implementing Art. X, s. 15, State Constitution; providing purpose and intent; providing definitions; creating the Department of the Lottery; providing for appointment of a secretary; specifying qualifications; authorizing cre-

ation of divisions and bureaus; creating a Division of Security; providing for departmental offices; creating the State Lottery Council; providing membership and terms; specifying duties of the council; providing for per diem and travel expenses; providing for future repeal; providing powers and duties of the department; providing for audits and reports; providing for use and acquisition of real property; providing for fees; providing for adoption of rules; providing for confidentiality; providing exemptions from the Administrative Procedure Act; providing venue; providing for adoption of emergency rules; providing for employment of personnel; providing restrictions; providing post-employment restrictions; providing procurement procedures; providing for lottery games; providing restrictions on games; providing for advertising and promotion; authorizing reference to future value of prizes; specifying functions of the Department of Law Enforcement and the Division of Security; providing for employment of law enforcement officers; specifying relationship with lottery vendors; providing restrictions; providing for investigations; requiring disclosure of certain information; providing for performance bond; specifying relationship with lottery retailers; providing restrictions; providing for bond; providing accounting procedures; requiring retailers to provide accessibility for disabled persons; providing for preferences and programs for minority business enterprises; providing for bank deposits and control of lottery transactions; providing for payment of prizes; prohibiting certain persons from purchasing lottery tickets; prohibiting certain extensions of credit; prohibiting certain assignments or transfers of rights to claim prizes; prohibiting counterfeiting or altering of tickets; prohibiting breaches of confidentiality; prohibiting certain representations; providing penalties; providing restrictions on corporate names; exempting lotteries under the act from ch. 849, F.S.; exempting lottery tickets and lottery prizes from taxation; exempting activities of the department from provisions of law relating to public fairs and expositions, wire services, correctional work programs, communications and data processing, agency functional plans, and publications; providing for deposit of gross revenues in a trust fund; providing for allocation of a specified portion of gross revenues to the payment of prizes; requiring monthly deposit of net proceeds in the State Education Lotteries Trust Fund to be appropriated by the Legislature; specifying method and purpose of such appropriations; providing for advance payment of costs to be reimbursed by the department; providing deadlines for certain actions of the State Treasurer and of the Comptroller; requiring the department to cooperate with state agencies; providing for authorization of additional positions; providing for a sales incentive program; creating a State Lottery Estimating Conference; providing for investment of certain moneys; providing an appropriation; providing for repayment of such appropriation out of the net proceeds; providing a date by which the secretary shall be appointed and in office; providing an effective date.

—was read the second time by title.

Senator Crenshaw moved the following amendments which were adopted:

Amendment 1—On page 12, strike all of lines 26-30 and insert:

Section 12. Procurement.—The department may perform any of the functions of the Department of General Services under chapter 255, chapter 273, chapter 281, chapter 283, or chapter 287, Florida Statutes, or any rules adopted under any such chapter, and may grant approvals provided for under any such chapter or rules. If the department finds by rule that compliance with any such chapter would impair or impede the effective or efficient operation of the lottery, the department may adopt rules providing alternative procurement procedures. Such alternative procedures shall be designed to allow the department to evaluate competing proposals and select the proposal that provides the greatest long-term benefit to the state with respect to the quality of the products or services, dependability and integrity of the vendor, dependability of the vendor's products or services, security, competence, timeliness, and maximization of gross revenues and net proceeds over the life of the contract.

Amendment 2—On page 11, strike all of lines 22-26 and insert:

(1) The department shall establish and maintain a personnel program for its employees, including but not limited to a personnel program and pay plan which may provide any benefits provided in the Senior Management Service, the Selected Exempt Service, or the Career Service. Such plan must be approved by the Governor prior to implementation. In addition thereto or in lieu thereof, the department may procure alternative benefit programs or group insurance plans. Each officer or employee of the department shall be a member of the Florida Retirement System. The retirement class of each officer or employee shall be the same as

other persons performing comparable functions for other agencies. Employees of the department shall serve at the pleasure of the secretary and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the secretary. Such personnel actions are exempt from the provisions of chapter 120, Florida Statutes. All employees of the department are exempt from the Career Service System, and, notwithstanding the provisions of s. 110.205(5), Florida Statutes, are not included in the Senior Management Service or the Selected Exempt Service. The department may perform any of the functions of the Department of Administration specified in s. 216.262(1), Florida Statutes, with respect to authorized positions within the department. The compensation of the secretary shall be set annually by the Governor.

Amendment 3—On page 26, strike all of lines 11-19 and insert:

(4) It is the responsibility of the appropriate state agency and of the Judicial Branch to identify to the department, in the form and format prescribed by the department, persons owing an outstanding debt to any state agency or owing child support collected through a court. Prior to the payment of a prize of \$600 or more to any claimant having such outstanding obligation, the department may transmit the prize money to the Comptroller, who may authorize payment of the balance to the prize winner after deduction of the debt. If a prize winner owes multiple debts subject to offset under this subsection and the prize is insufficient to cover all such debts, the amount of the prize shall be applied in the manner that the Comptroller deems appropriate.

Amendment 4—On page 32, line 27, strike "year 1987-1988" and insert: period ending June 30, 1988

Amendment 5—On page 32, line 4, strike "1988" and insert: 1989

Senator Margolis moved the following amendment which was adopted:

Amendment 6—On page 20, line 2, after the period (.) insert: It is the intent of the Legislature that retailer selections be based on business considerations and the public convenience, and that retailers be selected without regard to political affiliation.

Senator Kiser moved the following amendment which was adopted:

Amendment 7—On page 8, line 30, after the period (.) insert: The annual report shall additionally describe the organizational structure of the department, including its hierarchical structure, and identifying divisions and bureaus created by the secretary and summarizing the departmental functions performed by each.

Senator D. Childers moved the following amendment which failed:

Amendment 8—On page 5, line 20, after the period (.) insert: The secretary shall have previous experience in the lottery field.

Senators Meek, Ros-Lehtinen and Girardeau offered the following amendment which was moved by Senator Meek and adopted:

Amendment 9—On page 23, lines 13-18, after "Accordingly," strike all of said lines and insert: 15 percent of all lottery retailers must be minority business enterprises as defined in s. 288.703(2), Florida Statutes; however, no more than 35 percent of such retailers may be owned by the same type of minority person, as defined in s. 288.703(3), Florida Statutes. The department shall undertake training programs and other educational activities to enable such persons to compete for such contracts on an equal basis. This section does not preclude or prohibit a minority person from competing for any other retailing or vending agreement awarded by the department.

Senator D. Childers moved the following amendment which failed:

Amendment 10—On page 21, line 6, after the comma (,) insert: or at a location where alcoholic beverages are sold for consumption on the premises,

Senator Gordon moved the following amendment:

Amendment 11—On page 5, line 30, strike "in Leon County" and insert: by the secretary, in the most convenient and efficient location in the state

Senator Langley moved the following substitute amendment which failed:

Amendment 12—On page 5, line 30, strike "in Leon County" and insert: by the secretary in Orange or Seminole County

Amendment 11 was adopted. The vote was:

Yeas—22

Beard	Grant	Malchon	Stuart
Brown	Hair	Margolis	Weinstein
Childers, D.	Jenne	McPherson	Weinstock
Dudley	Jennings	Meek	Woodson
Frank	Langley	Plummer	
Gordon	Lehtinen	Ros-Lehtinen	

Nays—16

Mr. President	Deratany	Hollingsworth	Myers
Barron	Girardeau	Johnson	Scott
Crawford	Grizzle	Kirkpatrick	Thomas
Crenshaw	Hill	Kiser	Thurman

Senators Lehtinen and Ros-Lehtinen offered the following amendment which was moved by Senator Lehtinen:

Amendment 13—On page 20, line 2, after the period (.) insert: However, the department may not establish a limitation upon the number of retailers and shall make every effort to allow small business participation as retailers.

Senator Gordon moved the following substitute amendment which was adopted:

Amendment 14—On page 19, lines 26-31, and on page 20, lines 1 and 2, strike all of said lines and insert:

(2) The department may require the information it deems necessary of any person applying for authority to act as a lottery retailer. However, the department may not establish a limitation upon the number of retailers and shall make every effort to allow small business participation as retailers.

Senators Lehtinen and Ros-Lehtinen offered the following amendment which was moved by Senator Lehtinen and failed:

Amendment 15—On page 32, between lines 8 and 9, insert:

(10) The net proceeds of the lottery sales shall be distributed to each county school system in an amount equal to the ratio that the lottery revenue raised in each county bears to the total lottery revenue raised.

On motion by Senator Langley, the Senate reconsidered the vote by which Amendment 14 was adopted. By permission, Amendment 14 was withdrawn.

Senators Lehtinen, Ros-Lehtinen and Gordon offered the following substitute amendment for Amendment 13 which was moved by Senator Gordon and adopted:

Amendment 16—On page 19, lines 29-31, and on page 20, lines 1 and 2, strike all of said lines and insert: or activity to the public. In the consideration of these factors, the department may require the information it deems necessary of any person applying for authority to act as a lottery retailer. However, the department may not establish a limitation upon the number of retailers and shall make every effort to allow small business participation as retailers.

On motion by Senator Crenshaw, by two-thirds vote CS for CS for SB's 400, 328 and 12 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	Deratany	Hair	Langley
Beard	Dudley	Hollingsworth	Lehtinen
Brown	Frank	Jenne	Malchon
Childers, D.	Girardeau	Jennings	Margolis
Childers, W. D.	Gordon	Johnson	McPherson
Crawford	Grant	Kirkpatrick	Meek
Crenshaw	Grizzle	Kiser	Myers

Peterson	Scott	Thurman	Woodson
Plummer	Stuart	Weinstein	
Ros-Lehtinen	Thomas	Weinstock	

Nays—1

Barron

On motion by Senator Gordon, the rules were waived and CS for CS for SB's 400, 328 and 12 was ordered immediately certified to the House.

Special Guest

The President introduced the Honorable Claude Pepper, United States Congressman from Florida, who addressed the Senate.

CS for HB 1350—A bill to be entitled An act relating to water resources; creating part V of chapter 373, F.S., the "Surface Water Improvement and Management Act"; providing for the design and implementation of plans and programs by the state's five regional water management districts; providing for participation by state agencies and local governments; providing for general assessment of needs and designation of priorities based on specified criteria; providing for review of plans by the Department of Environmental Regulation, the Florida Game and Fresh Water Fish Commission, and the Department of Natural Resources; providing for review by the Governor and Cabinet sitting as the Land and Water Adjudicatory Commission; creating the Surface Water Improvement and Management Trust Fund within the Department of Environmental Regulation; providing for allocation of moneys in the trust fund to the five water management districts; specifically establishing priority surface water improvement programs for Lake Okeechobee, Lake Apopka, Tampa Bay, the Lower St. Johns River, Biscayne Bay, and the Indian River Lagoons System; creating advisory councils; providing for matching funds; amending s. 373.016, F.S., relating to the "Florida Water Resources Act" declaration of policy; amending s. 373.083, F.S., relating to rulemaking authority of the water management district governing boards; amending s. 373.503, F.S., relating to use by local governments of funds generated by water management district ad valorem tax levies; removing certain restrictions on the use of millage levied by the St. Johns River Water Management District; increasing the authorized millage for the South Florida Water Management District; changing the allocation of basin and district millage assessed in the South Florida Water Management District and the Southwest Florida Water Management District; amending s. 403.061, F.S., to conform provisions relating to administrative duties of the Department of Environmental Regulation; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendment which was moved by Senator Crawford:

Amendment 1—On page 2, line 18, strike everything after the enacting clause and insert:

Section 1. Short title.—This act may be cited as the "Lake Restoration Act."

Section 2. Findings and intent.—

(1) The Legislature finds that lake degradation is the most pressing problem facing lake managers in the state. Eutrophic lakes are systems out of balance because of an over-abundant supply of nutrients. With the conversion of much of the land in the state to agricultural and urban uses, nutrient loadings to state lakes have increased dramatically, accelerating lake eutrophication. Excessive nutrients produce ecological imbalances which are deleterious to fish and wildlife, impair beneficial uses and reduce property values.

(2) The Legislature also finds that certain lakes are of such regional and statewide significance in the provision of water supply, fishing, recreation, wildlife habitats, scenic boating, aesthetics, ecological balance, and economic development in this state that it is in the public interest to develop and implement strategies to prevent and correct degradation of these lakes.

Section 3. Lake restoration activities.—

(1) Each water management district, in cooperation with the Department of Environmental Regulation, and with assistance from the Game and Fresh Water Fish Commission and the Department of Natural Resources, shall prepare a list which shall prioritize lakes of regional or

statewide significance within each water management district based on criteria adopted by rule of the Department of Environmental Regulation which shall assign priorities to lakes in need of protection and restoration. Criteria developed by the Department of Environmental Regulation shall include but need not be limited to violations of water quality standards occurring in the lake, the amounts of nutrients entering the lake and the lake's trophic state, the existence of or need for a continuous aquatic weed control program on the lake, the biological condition of the lake, reduced fish and wildlife values, and threats to water supplies and recreational opportunities. Since a significant amount of public funding is and has been committed to Lake Apopka and Lake Okeechobee for planning, research, and restoration, these two lakes shall receive first priority for funding for protection and restoration activities.

(2) Once the priority list is established, the water management districts in cooperation with the Department of Environmental Regulation, the Game and Fresh Water Fish Commission, the Department of Natural Resources, and local governments shall develop lake restoration and management plans based on the priority list approved by the Department of Environmental Regulation. The plans shall conform with a schedule set out by the Department of Environmental Regulation and agreed to by the water management district. These plans shall also enumerate preventive measures which need to be taken to augment restoration efforts. The Department of Environmental Regulation shall establish a uniform format for such plans. These plans shall include but not be limited to:

(a) A description of the lake system, its hydrology, and a history of the conditions which have led to the need for restoration;

(b) An identification of all governmental units with jurisdiction over the lake, important tributaries to the lake, and the land within a 1-mile perimeter of the lake, including local, regional, state and federal units;

(c) A description of adjacent land uses and those of important tributaries, point and nonpoint sources of pollution, and permitted discharge activities;

(d) A list of the owners of point and nonpoint sources of water pollution that are discharged into each water body and tributary thereto, including a separate list of those sources operating:

1. without a permit;
2. with a temporary operating permit; and
3. that are presently violating effluent limits or water quality standards.

The plan shall also include a timetable for bringing all sources into compliance with state standards. Nothing in this subsection shall authorize any existing or future violations of any applicable statute or regulation;

(e) A description of potential strategies for restoring the lake to a water body of Class III or better;

(f) A description of the research and feasibility studies which will be performed to determine the particular strategy or strategies to restore the lake;

(g) A description of the landside and lakeside measures needed to manage and maintain the lake once it has been restored to prevent future degradation and to establish an ecological system in equilibrium balance; and

(h) An estimate of the funding needed to carry out the restoration and management strategies.

(3) Each water management district shall be responsible for planning, implementing, and coordinating lake restoration and management strategies for lakes within the district which have been approved by the Department of Environmental Regulation as lakes of regional and statewide significance in need of restoration and management. The governing board of the water management district shall hold at least one public hearing and other public workshops in the vicinity of the lakes under consideration as may be necessary for obtaining public input prior to finalizing the restoration and management plans for lakes on the priority list. The water management district shall then forward a copy of the plan to the Department of Environmental Regulation and to appropriate local governmental units. By September of each year the water management districts, in cooperation with the Department of Environmental Regulation, shall develop a plan for the next fiscal year's lake restoration and management activities that will specify which activities need funding and the amount of funding, and will fully describe the specific restoration and management activities proposed.

(4) The governing board of each water management district is encouraged to appoint a technical committee to assist in formulating and evaluating strategies for lake protection and restoration and management activities, and to increase public awareness and intergovernmental cooperation. The committee should include representatives of the Game and Fresh Water Fish Commission, the Department of Natural Resources, the Department of Agriculture and Consumer Services, appropriate local governments and federal agencies, and representatives of the public who use the lake.

Section 4. Lake Restoration Trust Fund.—

(1) There is established within the Department of Environmental Regulation the Lake Restoration Trust Fund to be used as a nonlapsing fund for the purposes of this act. The moneys in this fund shall be continuously appropriated for developing the lake priority list, preparing the lake restoration and management plans, formalizing the annual lake work plan, reimbursing per diem costs of technical committee members, and for related restoration and management activities under this act.

(2) The Secretary of the Department of Environmental Regulation shall release moneys from the Lake Restoration Trust Fund to the water management districts in accordance with the annual plan prepared by the water management districts and the department. The water management districts shall provide additional information requested by the department to explain and justify the activities to be funded. In fiscal year 1987-1988, the first proceeds of the Lake Restoration Trust Fund in an amount of \$500,000 shall be available to be used cooperatively by the department and the water management districts to identify and prioritize lakes within the districts that are of regional and statewide significance and in need of restoration.

(3) Moneys in the fund not needed to meet current obligations incurred under this act shall be transferred to the State Board of Administration, to the credit of the fund, to be invested in the manner provided by law. Interest received on such investments shall be credited to the fund.

Section 5. Bonds.—

(1) In addition to issuing general obligation bonds as provided in ss. 373.563 and 373.584, Florida Statutes, water management districts may issue revenue bonds to pay the costs and expenses incurred in carrying out the purposes of this act or to refund revenue bonds of the district issued under this section. If a district issues revenue bonds or notes under this section, it must first obtain approval from the Department of Environmental Regulation of a long-term plan for lake restoration and management activities. The plan must document the need for this long-term financing method and provide estimates of how the proceeds from the bonds or notes will be used each year. In anticipation of the sale of such revenue bonds, the district may issue negotiable bond anticipation notes and may renew the same from time to time; but the maximum maturity of any such note, including renewals thereof, shall not exceed 5 years from the date of issuance of the original note. Such notes shall be paid from the revenues hereinafter provided or from the proceeds of the sale of the revenue bonds of such district in anticipation of which they were issued. The notes shall be issued in the same manner as the revenue bonds.

(2) The revenue bonds and notes shall be payable solely out of revenues derived by the district from the Lake Restoration Trust Fund as provided in this act. Revenue bonds and notes shall be negotiable instruments, subject only to the provisions of the revenue bonds and notes for registration.

(3) The revenue bonds may be issued as serial bonds or term bonds or both. The revenue bonds shall be authorized by resolution of the governing board and shall bear such date or dates; mature at such time or times, not exceeding 40 years from their respective dates; bear interest at such rate or rates; be payable at such time or times; be in such denominations; be in such form; carry such registration privileges; be executed in such manner; be payable in lawful money of the United States at such place or places; and be subject to such terms of redemption, including redemption prior to maturity, as such resolution or resolutions may provide. If any officer whose signature, or a facsimile of whose signature, appears on any bonds or coupons ceases to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until the delivery. The revenue bonds or notes may be sold at public or private sale for such price or prices as the governing board shall determine. Pend-

ing preparation of the definitive bonds, the district may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

(4) If a district issues revenue bonds or notes under this act, the district may pledge its share of the moneys in the Lake Restoration Trust Fund as security for such bonds or notes. The Department of Environmental Regulation shall pay moneys from the trust fund to a district or its designee sufficient to pay the debt service, as it becomes due, on the outstanding bonds and notes of the district; however, such payments may not exceed the district's cumulative portion of the trust fund. Any moneys remaining after payment of the amount due on the debt service shall be released to the district pursuant to section 4.

Section 6. Section 5 of chapter 85-148, Laws of Florida, is amended to read:

Section 5. The St. Johns River Water Management District governing board shall specify tasks which are to be undertaken by the district, the Department of Environmental Regulation, pertinent local governments, and the Game and Fresh Water Fish Commission in order to initiate the pilot project for Lake Apopka. The governing board shall:

(1) Conduct extensive water sampling of the lake and its associated tributaries to determine the existing water quality and to determine the long term effects of nutrient loading from agricultural activities.

(2) Evaluate the restoration of a portion of floodplain marsh between Lake Apopka and the Apopka-Beauclair Lock by allowing sheet-flow of waters prior to their entrance to the Apopka-Beauclair Canal.

(3) Develop a nutrient budget for the lake to ensure that appropriate regulatory efforts are instituted with respect to nutrient loading.

(4) Examine techniques which may be used to modify the existing physical and biological characteristics of the lake.

(5) Conduct a feasibility study to determine the effects of diking-off and restoring the littoral zone of the lake to enhance sportfish production.

(6) Implement and evaluate a program to demonstrate the feasibility of utilizing water hyacinths to extract excessive nitrogen and phosphorus from the sediment and water columns of the lake.

(7) Implement and evaluate a program to demonstrate the feasibility of recreating a marsh along the lake shoreline using muck dredged from the lake bottom, and

(8) From funds appropriated by this act, expend up to \$100,000 to contract for a feasibility study on the recycling of muck from Lake Apopka.

These tasks and other related pilot studies may be conducted in water bodies other than Lake Apopka if the St. Johns River Water Management District determines it would be scientifically and technically acceptable and economically advantageous. The St. Johns River Water Management District shall provide the staff for the Lake Apopka Restoration Council while engaged in carrying out the provisions of this act.

Section 7. Section 7 of chapter 85-148, Laws of Florida, is amended to read:

Section 7. It is the intent of the Legislature that the St. Johns River Water Management District shall, *encourage competition among contractors for projects through competitive bid, award contracts to implement the provisions of this act. Accordingly, the district shall be governed by its laws and policies for selecting contractors for scientific and technical research projects.*

Section 8. The sum of \$2,208,687 is appropriated for fiscal year 1987-1988 from the General Revenue Fund to the Department of Environmental Regulation for the St. Johns River Water Management District to continue activities related to the pilot project authorized by chapter 85-148, and described in the report to the Legislature entitled "Lake Apopka Restoration Progress Report and Recommendations," dated November, 1986. A portion of these funds may be used in water bodies other than Lake Apopka if the St. Johns River Water Management District determines it would be scientifically and technically acceptable and economically advantageous.

Section 9. There is hereby appropriated to the Department of Environmental Regulation for the South Florida Water Management District the sum of \$7.2 million for fiscal year 1987-1988 from the General Revenue Fund. This appropriation is intended to allow the South Florida Water Management District to continue and expand activities for the restoration of Lake Okeechobee. These funds are for implementing the following program activities:

- (1) Diversion of nutrient-rich waters from Taylor Creek/Nubbin Slough;
- (2) Physical removal of aquatic weeds;
- (3) Reducing the need for backpumping;
- (4) Expansion of best management practices;
- (5) Determining the feasibility of using aquifer storage and recovery techniques for nutrient-rich waters;
- (6) Determining the feasibility of chemical and biological treatment of nutrient-rich waters for various catchment basins; and
- (7) Research which could yield scientific techniques for improving Lake Okeechobee's water quality.

Section 10. Present subsections (1) through (10) of section 161.021, Florida Statutes, 1986 Supplement, are renumbered as subsections (2) through (11), respectively, and new subsections (1) and (12) are added to said section to read:

161.021 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

(1) "Access" or "public access" as used in all parts of this act except part III means the public's right to laterally traverse the sandy beaches of this state where such access exists on or after the effective date of this act.

(12) "Sand beaches of the state fronting on the Atlantic Ocean, the Gulf of Mexico, or the Straits of Florida" include those coastal areas which are contiguous with or adjacent to such sand beaches and adjacent coastal barrier dunes that are subject to severe fluctuations from a 100-year storm surge, storm waves, or other predictable weather conditions propagating from these water bodies.

Section 11. Section 161.041, Florida Statutes, is amended to read:

161.041 Permits required.—

(1) If any person, firm, corporation, county, municipality, township, special district, or any public agency desires to make any coastal construction or reconstruction or change of existing structures, or any construction or physical activity undertaken specifically for shore protection purposes, or other structures and physical activity including groins, jetties, moles, breakwaters, seawalls, revetments, artificial nourishment, inlet sediment bypassing, excavation or maintenance dredging of inlet channels, or other deposition or removal of beach material, or construction of other structures if of a solid or highly impermeable design, upon sovereignty lands of Florida, below the mean high-water line of any tidal water of the state, a coastal construction permit must be obtained from the Department of Natural Resources prior to the commencement of such work. The department may exempt interior tidal waters of the state from the permit requirements of this section. No such development shall interfere, except during construction, with the use by the public of any area of a beach seaward of the mean high-water line unless the department determines such interference is unavoidable for purposes of protecting the beach or any endangered upland structure. The department may require, as a condition to granting permits under this section, the provision of alternative access when interference with public access along the beach is unavoidable. Application for coastal construction permits as defined above shall be made to the department upon such terms and conditions as set forth by rule of the department. Except for the deepwater ports identified in s. 403.021(9)(b), the department shall not issue any permit for the construction of a coastal inlet jetty or the excavation or maintenance of such an inlet if the activity authorized by the permit will have a significant adverse impact on the sandy beaches of this state without a mitigation program approved by the department.

(2) The department may authorize an excavation or erection of a structure at any coastal location upon receipt of an application from a property or riparian owner and upon consideration of facts and circumstances, including:

(a) Adequate engineering data concerning inlet and shoreline stability and storm tides related to shoreline topography;

(b) Design features of the proposed structures or activities; and

(c) Potential impacts of the location of such structures or activities, including potential cumulative effects of any proposed structures or activities upon such beach-dune system or coastal inlet, which, in the opinion of the department, clearly justify such a permit.

(3) The department may require such engineer certifications as necessary to assure the adequacy of the design and construction of permitted projects.

(4) The department may, as a condition to the granting of a permit under this section, require mitigation, financial or other assurances acceptable to the department as may be necessary to assure performance of conditions of a permit, and the execution and recordation, in the public records of the county in which the permitted activity is located, of covenants and restrictions to run with the land or enter into contractual agreements to best assure compliance with any permit conditions.

Section 12. Subsections (1), (4), (5), (12), (13), (14), and (15) and paragraph (b) of subsection (6) of section 161.053, Florida Statutes, 1986 Supplement, are amended to read:

161.053 Coastal construction and excavation; regulation on county basis.—

(1) The Legislature finds and declares that the beaches in this state and the coastal barrier dunes adjacent to such beaches, by their nature, are subject to frequent and severe fluctuations and represent one of the most valuable natural resources of Florida and that it is in the public interest to preserve and protect them from imprudent construction which can jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, and endanger adjacent properties, or interfere with public beach access property and the beach-dune system. In furtherance of these findings, it is the intent of the Legislature to provide that the department establish coastal construction control lines on a county basis along the sand beaches of the state fronting on the Atlantic Ocean, or the Gulf of Mexico, or the Straits of Florida. Such lines shall be established so as to define that portion of the beach-dune system which is subject to severe fluctuations based on a 100-year storm surge, storm waves, or other predictable weather conditions. However, the department may establish a segment or segments of a coastal construction control line further landward than the impact zone of a 100-year storm surge, provided such segment or segments do not extend beyond the landward toe of the coastal barrier dune structure that intercepts the 100-year storm surge. Such segment or segments shall not be established if adequate dune protection is provided by a state-approved dune management plan. Special siting and design considerations shall be necessary seaward of established coastal construction control lines to ensure the protection of the beach-dune system, proposed or existing structures, and adjacent properties and the preservation of public beach access.

(4) Any coastal county or coastal municipality may establish coastal construction zoning and building codes in lieu of the provisions of this section, provided such zones and codes are approved by the department as being adequate to preserve and protect the beaches and coastal barrier dunes adjacent to such beaches which are under the jurisdiction of the department from imprudent construction that will jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, endanger adjacent properties, or interfere with public beach access protect the shoreline from erosion and safeguard adjacent structures. Exceptions to locally established coastal construction zoning and building codes shall not be granted unless previously approved by the department. It is the intent of this subsection to provide for local administration of established coastal construction control lines through approved zoning and building codes where desired by local interests and where such local interests have, in the judgment of the department, sufficient funds and personnel to adequately administer the program. Should the department determine at any time that the program is inadequately administered, the department shall have authority to revoke the authority granted to the county or municipality.

(5) Except in those areas where local zoning and building codes have been established pursuant to subsection (4), a permit to alter, excavate, or construct on property seaward of established coastal construction control lines may be granted by the department as follows:

(a) The department may authorize an excavation or erection of a structure at any coastal location as described in subsection (1) upon receipt of an application from a property and/or riparian owner and upon the consideration of facts and circumstances, including:

1. Adequate engineering data concerning shoreline stability and storm tides related to shoreline topography;
2. Design features of the proposed structures or activities; and
3. Potential impacts of the location of such structures or activities, including potential cumulative effects of any proposed structures or activities upon such beach-dune system, which, in the opinion of the department, clearly justify such a permit.

(b) If in the immediate contiguous or adjacent area a number of existing structures have established a reasonably continuous and uniform construction line closer to the line of mean high-water than the foregoing, and if the existing structures have not been unduly affected by erosion, a proposed structure may, at the discretion of the department, be permitted along such line on written authorization from the department if such structure is also approved by the department. However, the department shall not contravene setback requirements or zoning or building codes established by a county or municipality which are equal to, or more strict than, those requirements provided herein. *This paragraph does not prohibit the department from requiring structures to meet design and siting criteria established in paragraph (a) or in subsection (1) or subsection (2).*

(c) The department may condition the nature, timing, and sequence of construction of permitted activities to provide protection to nesting sea turtles and hatchlings and their habitat, pursuant to s. 370.12, and to native salt-resistant vegetation and endangered plant communities, and endangered or threatened plants identified in s. 581.185 and animal species identified as endangered by rule of the Game and Fresh Water Fish Commission.

(d) *The department may require such engineer certifications as necessary to assure the adequacy of the design and construction of permitted projects.*

(e) *The department shall limit the construction of structures which interfere with public access along the beach. The department may require, as a condition to granting permits, the provision of alternative access when interference with public access along the beach is unavoidable.*

(f) *The department may, as a condition to the granting of a permit under this section, require mitigation, financial or other assurances acceptable to the department as may be necessary to assure performance of conditions of a permit, and the execution and recording, in the public records of the county in which the permitted activity is located, of covenants and restrictions to run with the land, or enter into contractual agreements to best assure compliance with any permit conditions.*

(g) *The beneficial effects of beach-nourishment and dune-enhancement projects or artificially induced beach accretion shall not justify a seaward advancement of a line of construction.*

(6)(a) As used in this subsection:

(b) After October 1, 1985, and notwithstanding any other provision of this part, the department, or a local government to which the department has delegated permitting authority pursuant to subsections (4) and (16)(15), shall not issue any permit for any structure, other than a coastal or shore protection structure, minor structure, or pier, meeting the requirements of this part, or other than intake and discharge structures for a facility sited pursuant to part II of chapter 403, which is proposed for a location which, based on the department's projections of erosion in the area, will be seaward of the seasonal high-water line within 30 years after the date of application for such permit. The procedures for determining such erosion shall be established by rule. In determining the area which will be seaward of the seasonal high-water line in 30 years, the department shall not include any areas landward of a coastal construction control line.

(12) The coastal construction control requirements defined in subsection (1) and the requirements of the erosion projections pursuant to subsection (6) do not apply to any modification, maintenance, or repair to any existing structure within the limits of the existing foundation which does not require, involve, or include any additions to, or repair or modifi-

cation of, the existing foundation of that structure. *Specifically excluded from this exemption are seawalls or other rigid coastal or shore protection structures and any additions or enclosures added, constructed, or installed below the first dwelling floor or lowest deck of the existing structure.*

(13)(a) *Notwithstanding the coastal construction control requirements defined in subsection (1) or the erosion projection determined pursuant to subsection (6), the department may, however, at its discretion, issue a permit for the repair or rebuilding within the confines of the original foundation of a major structure pursuant to the provisions of subsection (5). Alternatively, the department may also, at its discretion, issue a permit for a more landward relocation or rebuilding of a damaged or of an existing structure rather than rebuilding within the confines of the original structure if such relocation or rebuilding would not cause further harm to the beach-dune system, and if in the case of rebuilding, such rebuilding complies with the provisions of subsection (5), and otherwise complies with the provisions of this subsection. When the provisions of subsection (6) would prohibit the construction of a single family dwelling, for the purpose of rebuilding the department may, at its discretion, enter into a binding agreement with the applicant to allow construction and occupancy of the dwelling for a limited period of time. If erosion conditions have not progressed to the degree anticipated at the expiration of that limited period of time, the department may extend the agreement for an additional period of time.*

(b) Under no circumstances shall the department permit such repairs or rebuilding that expand the capacity of the original structure seaward of the 30-year erosion projection established pursuant to subsection (6).

(c) ~~However,~~ In reviewing applications for relocation or rebuilding, the department shall specifically consider changes in shoreline conditions, the availability of other relocation or rebuilding options, and the design adequacy of the project sought to be rebuilt.

(d) Permits issued under this subsection shall not be considered precedential as to the issuance of subsequent permits. ~~Specifically excluded from this exemption are seawalls or other rigid coastal or shore protection structures and any additions or enclosures added, constructed, or installed below the first dwelling floor or lowest deck of the existing structure.~~

(14)(13) Concurrent with the establishment of a coastal construction control line and the ongoing administration of this chapter, the executive director of the department shall make recommendations to the Governor and Cabinet as head of the department concerning the purchase of the fee or any lesser interest in any lands seaward of the control line pursuant to the state's Save our Coast, Conservation and Recreation Lands, or Outdoor Recreation Land acquisition programs; and, with respect to those control lines established pursuant to this section prior to June 14, 1978, the executive director may make such recommendations.

(15)(14) A coastal county or municipality fronting on the Gulf of Mexico, or the Atlantic Ocean, or the Straits of Florida shall advise the department within 5 days after receipt of any permit application for construction or other activities proposed to be located seaward of the line established by the department pursuant to the provisions of this section. Within 5 days after receipt of such application, the county or municipality shall notify the applicant of the requirements for state permits.

(16)(15) In keeping with the intent of subsection (4), and at the discretion of the department, authority for permitting certain types of activities which have been defined by the department may be delegated by the department to a coastal county or coastal municipality. Such partial delegation shall be narrowly construed to those particular activities specifically named in the delegation and agreed to by the affected county or municipality, and the delegation may be revoked by the department at any time if it is determined that the delegation is improperly or inadequately administered.

Section 13. Subsection (5) is added to section 161.054, Florida Statutes, 1986 Supplement, to read:

161.054 Administrative fines; liability for damage; liens.—

(5) *Any applicant for a permit pursuant to s. 161.041, s. 161.052, or s. 161.053 shall be denied a permit if a lien imposed upon the property pursuant to the provisions of this subsection is outstanding against the applicant; however, the department may authorize a permit after-the-fact in accordance with s. 161.041, s. 161.052, and s. 161.053, conditioned upon a resolution of the violation.*

Section 14. Section 161.091, Florida Statutes, 1986 Supplement, is amended to read:

161.091 *Beach Management Erosion-Control Trust Fund.*—

(1) There is created in the State Treasury an account to be known as the "*Beach Management Erosion-Control Trust Fund.*" Subject to such appropriations as the Legislature may make therefor from time to time, disbursements from this account may be made by the division subject to the approval of the department in order to carry out the proper state responsibilities in a comprehensive, long-range, statewide *beach management plan* for erosion control; beach preservation, beach restoration, and beach renourishment; and hurricane protection. The *Beach Management Erosion-Control Trust Fund* and the moneys deposited therein shall be under the direct supervision and control of the department, and such moneys may be disbursed by the Treasurer from time to time upon requisition as determined by the department.

(2) Notwithstanding the provisions of s. 216.292, the *Beach Management Erosion-Control Trust Fund* shall not be available for transfer for any purpose other than those provided for in this section.

Section 15. Section 161.101, Florida Statutes, 1986 Supplement, is amended to read:

161.101 State and local participation in authorized projects and studies relating to beach management and erosion control.—

(1) The Legislature recognizes that beach erosion is a statewide problem that does not confine its effects to local governmental jurisdictions and that beach erosion can be adequately addressed most efficiently by a state-initiated program of beach restoration and beach renourishment. However, since local beach communities derive the primary benefits from the presence of adequate beaches, a program of beach restoration and beach renourishment should not be accomplished without a commitment of local funds to combat the problem of beach erosion. Accordingly, the Legislature declares that the state, through the Department of Natural Resources, shall determine those beaches which are critically eroding and in need of restoration and renourishment and may authorize the expenditure from the *Beach Management Erosion-Control Trust Fund* of the amount necessary to pay up to 75 percent of the actual costs for restoring and renourishing a critically eroded beach. The local government in which the beach is located shall be responsible for the balance of such costs.

(2) To carry out the beach and shore preservation programs, the department is hereby constituted as the beach and shore preservation authority for the state. In this capacity, the executive director of the department may at his own initiative take all necessary steps as soon as practicable and desirable to implement the provisions of this chapter.

(3) Whenever a beach erosion control project has been authorized by Congress for federal financial participation in accordance with any Act of Congress relating to beach erosion control in which nonfederal participation is required, it shall be the policy of the state to assist with an equitable share of such funds to the extent that funds are available, as determined by the department.

(4) The department, for itself or on behalf of any and all duly established beach and shore preservation districts and local governments within the state, may enter into cooperative agreements and otherwise cooperate with, and meet the requirements and conditions (including, but not limited to, execution of indemnification agreements) of, federal, state, and other local governments and political entities, or any agencies or representatives thereof, for the purpose of improving, furthering, and expediting the *beach management and shore preservation program*.

(5) The department is authorized, for and on behalf of the state, to accept such federal moneys for beach erosion control as are available and to sign all necessary agreements therefor and to do and perform all necessary acts in connection therewith to effectuate the intent and purposes of this act.

(6) The department is authorized to make application for federal participation in the cost of any beach and shore preservation *project program* under any Acts of Congress and all amendments thereto.

(7) The department is authorized to pay up to 100 percent of the construction and maintenance costs of projects authorized for construction pursuant to subsection (11), when construction and maintenance are on lands of which the state is the upland riparian owner, ~~or for the establishment and maintenance of a system of feeder beaches.~~

(8) With regard to a project approved in accordance with s. 161.161, the department is authorized to pay from the *Beach Management Erosion-Control Trust Fund* an amount up to 75 percent of the actual costs of the approved project, including, but not limited to, the costs for:

(a) Project design engineering and construction supervision and inspection;

(b) Biological monitoring;

(c) *Inlet sand transfer projects*;

(d)(e) Dune revegetation and stabilization;

(e) *Restoration, renourishment, or feeder beach project costs*;

(f)(d) Construction easements, rights-of-way, public access easements, and vehicle parking spaces;

(g)(e) Obtaining required permits;

(h)(f) Establishing erosion control lines; ~~and~~

(i)(g) Enhancement of marine turtle propagation; ~~and~~

(j) *Sand source studies.*

(9) ~~The department may pay up to 100 percent of the cost of sand source data.~~ The selection of a project engineer acceptable to the department by local government as project sponsor shall be on the basis of competitive negotiation as provided in chapter 287. The project sponsor shall assume full responsibility for all project costs in excess of the state cost limitation.

(10) A local government desiring to initiate and pay the entire cost of designing, constructing, and maintaining an erosion control project prior to the state's initiating such construction may be reimbursed from state funds on the basis of the procedures set forth in s. 161.161, provided the project is approved by the department before initiation of construction and based on legislative appropriations and whether it furthers the provisions of s. 161.161. Such local interests shall, as project sponsor, be responsible for obtaining federal reimbursement in the case of federal-aid projects.

(11) The department may expend funds from the *Beach Management Erosion-Control Trust Fund* to alleviate emergency conditions, upon a declaration, after a hearing, by the Governor and Cabinet that a shoreline emergency of state concern exists.

(12) Twenty-five percent of any funds appropriated for implementation of this section shall be held by the department until the last quarter of the fiscal year for which the appropriation is made. This amount shall be used to meet emergencies prescribed in subsection (11). If no such emergencies occur, then these funds may be released in the last quarter of the fiscal year in which the appropriation is made for projects.

(13) The department shall maintain a current project listing and may, in its discretion and dependent upon the availability of local resources and changes in the criteria listed in s. 161.161, revise the project listing.

Section 16. Subsection (1) of section 161.141, Florida Statutes, 1986 Supplement, is amended to read:

161.141 Property rights of state and private upland owners in beach restoration project areas.—

(1) The Legislature hereby declares that it is the public policy of the state to cause to be fixed and determined, pursuant to beach restoration, beach renourishment, and erosion control projects, the boundary line between sovereignty lands of the state bordering on the Atlantic Ocean, the Gulf of Mexico, *or the Straits of Florida*, and the bays, lagoons, and other tidal reaches thereof, and the upland properties adjacent thereto; except that such boundary line shall not be fixed for beach restoration projects that result from inlet or navigation channel maintenance dredging projects unless such projects involve the construction of authorized beach restoration projects. However, prior to construction of such a beach restoration project, the board of trustees shall establish the line of mean high water for the area to be restored; and any additions to the upland property landward of the established line of mean high water which result from the restoration project shall remain the property of the upland owner subject to all governmental regulations and shall not be used to justify increased density or the relocation of the coastal construction control line as may be in effect for such upland property. Such

resulting additions to upland property shall also be subject to a public easement for traditional uses of the sandy beach consistent with uses which would have been allowed prior to the need for such restoration project. It is further declared that there is no intention on the part of the state to extend its claims to lands not already held by it or to deprive any upland or submerged land owner of the legitimate and constitutional use and enjoyment of his property. If an authorized beach restoration, beach renourishment, and erosion control project cannot reasonably be accomplished without the taking of private property, then such taking shall be made by the requesting authority by eminent domain proceedings.

Section 17. Section 161.142, Florida Statutes, 1986 Supplement, is amended to read:

161.142 Declaration of public policy respecting improved navigation inlets.—The Legislature hereby recognizes the need for maintaining navigation inlets to promote commercial and recreational uses of our coastal waters and their resources. The Legislature further recognizes that inlets alter the natural drift of beach-quality sand resources, which often results in these sand resources being deposited around shallow outer-bar areas instead of providing natural nourishment to the downdrift beaches. Therefore:

(1) All construction and maintenance dredgings of beach-quality sand should be placed on the downdrift beaches; or, if placed elsewhere, an equivalent quality and quantity of sand from an alternate location should be placed on the downdrift beaches at no cost to the state and at a location acceptable to the department.

~~(2) On an average annual basis, a quantity of sand should be placed on the downdrift beaches equal to the natural net annual longshore sediment transport. This sand shall be placed at no cost to the state. The placement location and quantities based on natural net annual longshore transport shall be established by the department, and the sand quality must be acceptable to the department.~~

(2)(3) Construction waterward of the coastal construction control line on downdrift coastal areas, on islands substantially created by the deposit of spoil, located within 1 mile of the centerline of navigation channels or inlets, providing access to ports listed in s. 403.021(9)(b), which suffers or has suffered erosion caused by such navigation channel maintenance or construction shall be exempt from the permitting requirements and prohibitions of subsections (2), (5), and (6) of s. 161.053. The timing and sequence of any construction in such coastal areas shall comply with 44 C.F.R. Part 60 and shall provide protection to nesting sea turtles and hatchlings and their habitats and to native salt resistant vegetation and endangered plant communities.

(3)(4) The provisions of subsections (1) and (2) shall not be a requirement imposed upon ports listed in s. 403.021(9)(b).

Section 18. Subsections (1) and (6) of section 161.161, Florida Statutes, 1986 Supplement, are amended to read:

161.161 Procedure for approval of projects.—

(1) The division shall develop and maintain a comprehensive long-term management plan for the restoration of the state's critically eroding beaches. The beach restoration management plan shall:

(a) Address long-term solutions to the problem of critically eroding beaches in this state.

(b) Evaluate each improved coastal beach inlet and determine whether the inlet is a significant cause of beach erosion. With respect to each inlet determined to be a significant cause of beach erosion, the plan must include the extent to which such inlet causes beach erosion, and recommendations to mitigate the erosive impact of the inlet, including, but not limited to, recommendations regarding inlet sediment bypassing; modifications to channel dredging, jetty design, and disposal of spoil material; establishment of feeder beaches; and beach restoration and beach renourishment; together with cost estimates necessary to take inlet corrective measures and recommendations regarding cost-sharing among the beneficiaries of such inlet.

(c) Specify design criteria for beach restoration and beach renourishment projects, including, but not limited to:

1. Dune elevation and width and revegetation and stabilization requirements; and

2. Beach profile.

(d) Evaluate the establishment of feeder beaches as an alternative to direct beach restoration and recommend the location of such feeder beaches and the source of beach-compatible sand.

(e) Identify causes of shoreline erosion and change, calculate erosion rates, and project long-term erosion for all major beach and dune systems by surveys and profiles.

(f) Identify shoreline development and degree of density and assess impacts of development and shoreline protective structures on shoreline change and erosion.

(g) Identify short-term and long-term economic costs and benefits of beaches, including recreational value to user groups, tax base, revenues generated, and beach acquisition and maintenance costs.

(h) Study dune and vegetation conditions.

(i) Identify beach areas used by marine turtles and develop strategies for protection of the turtles, their nests, and nesting locations.

(j) Identify alternative management responses to preserve undeveloped beach and dune systems, to restore damaged beach and dune systems, and to prevent inappropriate development and redevelopment on migrating beaches; and consider beach restoration and renourishment, armoring, relocation and abandonment, dune and vegetation restoration, and acquisition.

(k) Establish criteria, including costs and specific implementation actions, for alternative management techniques.

(l) Select and recommend appropriate management measures for all of the state's sandy beaches in a beach management program.

(m)(e) Establish a list of beach restoration and beach renourishment projects, arranged in order of priority, and the funding levels needed for such projects.

The beach restoration management plan may be prepared at the district level based upon areas of greatest need and probable federal funding. Such district plans shall be components of the statewide beach management plan and shall serve as the basis for state funding decisions upon approval in accordance with chapter 86-138, Laws of Florida. In accordance with a schedule established for the submission of district plans by the department, any completed plan must be submitted to the head of the department for approval no later than March 1 of each year. These district level plans shall include, but shall not be limited to, recommendations of appropriate funding mechanisms for implementing projects in the beach restoration management plan, giving consideration to the use of single-county and multi-county taxing districts or other revenue generation measures by state and local governments and the private sector. Prior to presenting the plan to the head of the department, the department shall hold a public meeting in the areas or district for which the plan is prepared. The district plan submission schedule shall be submitted to the head of the department for approval by August 1, 1986. Any revisions to such schedule must be approved in like manner.

(6) The board of trustees shall approve or disapprove the beach restoration or beach renourishment project as it affects sovereignty lands. If approval is granted, the head of the department shall authorize the expenditure from the Beach Management Erosion Control Trust Fund of the amount necessary to pay for up to 75 percent of the costs of the project, and the board of trustees shall establish the location of the erosion control line. In locating said line, the board of trustees shall be guided generally by the existing line of mean high water, bearing in mind the requirements of proper engineering in the erosion control project, the extent to which erosion or avulsion has occurred, and the need to protect existing ownership of as much upland as is reasonably possible.

Section 19. Subsection (8) of section 373.026, Florida Statutes, 1986 Supplement, is amended to read:

373.026 General powers and duties of the department.—The Department of Environmental Regulation, or its successor agency, shall be responsible for the administration of this chapter at the state level. However, it is the policy of the state that, to the greatest extent possible, the department may enter into interagency or interlocal agreements with any other state agency, any water management district, or any local government conducting programs related to or materially affecting the water resources of the state. All such agreements shall be subject to the provisions of s. 373.046. In addition to its other powers and duties, the department shall, to the greatest extent possible:

(8)(a) Provide such coordination, cooperation, or approval necessary to the effectuation of any plan or project of the Federal Government in connection with or concerning the waters in the state. Unless otherwise provided by state or federal law, the department shall, subject to confirmation by the Legislature, have the power to approve or disapprove such federal plans or projects on behalf of the state. If such plan or project is for a coastal inlet, the department shall first consult with the Division of Beaches and Shores of the Department of Natural Resources for a determination of the impact of the plan or project on the sandy beaches in the state. If the Department of *Natural Resources* determines that the plan will have a significant adverse impact on the sandy beaches, the department shall not approve the plan or project unless it is revised to mitigate those impacts in accordance with the recommendations of the Department of *Natural Resources*.

(b) The department, subject to confirmation by the Legislature, shall act on behalf of the state in the negotiation and consummation of any agreement or compact with another state or states concerning waters of the state.

Section 20. The sum of \$240,000 is hereby appropriated from the General Revenue Fund to the Department of Natural Resources for the first-year costs of additional storm surge modeling for the coastal areas contiguous to Florida's sand beaches.

Section 21. The sum of \$35 million is hereby appropriated from the State Infrastructure Trust Fund to the Beach Management Trust Fund for fiscal year 1987-1988 for use by the Division of Beaches and Shores of the Department of Natural Resources, as provided in s. 161.091(1), Florida Statutes. Annually, thereafter at least \$35 million shall be available from the State Infrastructure Trust Fund for the purposes provided in s. 161.091(1), Florida Statutes.

Section 22. This act shall take effect July 1, 1987, or upon becoming a law, whichever occurs later.

The Committee on Appropriations recommended the following substitute amendment which was moved by Senator Crawford:

Amendment 2—On page 2, line 18, strike everything after the enacting clause and insert:

Section 1. Short title.—This act may be cited as the "Lake Restoration Act."

Section 2. Findings and intent.—

(1) The Legislature finds that lake degradation is the most pressing problem facing lake managers in the state. Eutrophic lakes are systems out of balance because of an over-abundant supply of nutrients. With the conversion of much of the land in the state to agricultural and urban uses, nutrient loadings to state lakes have increased dramatically, accelerating lake eutrophication. Excessive nutrients produce ecological imbalances which are deleterious to fish and wildlife, impair beneficial uses and reduce property values.

(2) The Legislature also finds that certain lakes are of such regional and statewide significance in the provision of water supply, fishing, recreation, wildlife habitats, scenic boating, aesthetics, ecological balance, and economic development in this state that it is in the public interest to develop and implement strategies to prevent and correct degradation of these lakes.

Section 3. Lake restoration activities.—

(1) Each water management district, in cooperation with the Department of Environmental Regulation, and with assistance from the Game and Fresh Water Fish Commission and the Department of Natural Resources, shall prepare a list which shall prioritize lakes of regional or statewide significance within each water management district based on criteria adopted by rule of the Department of Environmental Regulation which shall assign priorities to lakes in need of protection and restoration. Criteria developed by the Department of Environmental Regulation shall include but need not be limited to violations of water quality standards occurring in the lake, the amounts of nutrients entering the lake and the lake's trophic state, the existence of or need for a continuous aquatic weed control program on the lake, the biological condition of the lake, reduced fish and wildlife values, and threats to water supplies and recreational opportunities. Since a significant amount of public funding is and has been committed to Lake Apopka and Lake Okeechobee for planning, research, and restoration, these two lakes shall receive first priority for funding for protection and restoration activities.

(2) Once the priority list is established, the water management districts in cooperation with the Department of Environmental Regulation, the Game and Fresh Water Fish Commission, the Department of Natural Resources, and local governments shall develop lake restoration and management plans based on the priority list approved by the Department of Environmental Regulation. The plans shall conform with a schedule set out by the Department of Environmental Regulation and agreed to by the water management district. These plans shall also enumerate preventive measures which need to be taken to augment restoration efforts. The Department of Environmental Regulation shall establish a uniform format for such plans. These plans shall include but not be limited to:

(a) A description of the lake system, its hydrology, and a history of the conditions which have led to the need for restoration;

(b) An identification of all governmental units with jurisdiction over the lake, important tributaries to the lake, and the land within a 1-mile perimeter of the lake, including local, regional, state and federal units;

(c) A description of adjacent land uses and those of important tributaries, point and nonpoint sources of pollution, and permitted discharge activities;

(d) A list of the owners of point and nonpoint sources of water pollution that are discharged into each water body and tributary thereto, including a separate list of those sources operating:

1. without a permit;
2. with a temporary operating permit; and
3. that are presently violating effluent limits or water quality standards.

The plan shall also include a timetable for bringing all sources into compliance with state standards. Nothing in this subsection shall authorize any existing or future violations of any applicable statute or regulation and nothing in this subsection shall diminish the authority of the Department of Environmental Regulation;

(e) A description of potential strategies for restoring the lake to a water body of Class III or better;

(f) A description of the research and feasibility studies which will be performed to determine the particular strategy or strategies to restore the lake;

(g) A description of the landside and lakeside measures needed to manage and maintain the lake once it has been restored to prevent future degradation and to establish an ecological system in equilibrium balance; and

(h) An estimate of the funding needed to carry out the restoration and management strategies.

(3) Each water management district shall be responsible for planning, implementing, and coordinating lake restoration and management strategies for lakes within the district which have been approved by the Department of Environmental Regulation as lakes of regional and statewide significance in need of restoration and management. The governing board of the water management district shall hold at least one public hearing and other public workshops in the vicinity of the lakes under consideration as may be necessary for obtaining public input prior to finalizing the restoration and management plans for lakes on the priority list. The water management district shall then forward a copy of the plan to the Department of Environmental Regulation and to appropriate local governmental units. By September of each year the water management districts, in cooperation with the Department of Environmental Regulation, shall develop a plan for the next fiscal year's lake restoration and management activities that will specify which activities need funding and the amount of funding, and will fully describe the specific restoration and management activities proposed.

(4) The governing board of each water management district is encouraged to appoint a technical committee to assist in formulating and evaluating strategies for lake protection and restoration and management activities, and to increase public awareness and intergovernmental cooperation. The committee should include representatives of the Game and Fresh Water Fish Commission, the Department of Natural Resources, the Department of Agriculture and Consumer Services, appropriate local governments and federal agencies, and representatives of the public who use the lake.

Section 4. Lake Restoration Trust Fund.—

(1) There is established within the Department of Environmental Regulation the Lake Restoration Trust Fund to be used as a nonlapsing fund for the purposes of this act. The moneys in this fund shall be continuously appropriated for developing the lake priority list, preparing the lake restoration and management plans, formalizing the annual lake work plan, reimbursing per diem costs of technical committee members, and for related restoration and management activities under this act.

(2) The Secretary of the Department of Environmental Regulation shall release moneys from the Lake Restoration Trust Fund to the water management districts in accordance with the annual plan prepared by the water management districts and the department. The water management districts shall provide additional information requested by the department to explain and justify the activities to be funded. In fiscal year 1987-1988, the first proceeds of the Lake Restoration Trust Fund in an amount of \$500,000 shall be available to be used cooperatively by the department and the water management districts to identify and prioritize lakes within the districts that are of regional and statewide significance and in need of restoration.

(3) Moneys in the fund not needed to meet current obligations incurred under this act shall be transferred to the State Board of Administration, to the credit of the fund, to be invested in the manner provided by law. Interest received on such investments shall be credited to the fund.

Section 5. Bonds.—

(1) In addition to issuing general obligation bonds as provided in ss. 373.563 and 373.584, Florida Statutes, water management districts may issue revenue bonds to pay the costs and expenses incurred in carrying out the purposes of this act or to refund revenue bonds of the district issued under this section. If a district issues revenue bonds or notes under this section, it must first obtain approval from the Department of Environmental Regulation of a long-term plan for lake restoration and management activities. The plan must document the need for this long-term financing method and provide estimates of how the proceeds from the bonds or notes will be used each year. In anticipation of the sale of such revenue bonds, the district may issue negotiable bond anticipation notes and may renew the same from time to time; but the maximum maturity of any such note, including renewals thereof, shall not exceed 5 years from the date of issuance of the original note. Such notes shall be paid from the revenues hereinafter provided or from the proceeds of the sale of the revenue bonds of such district in anticipation of which they were issued. The notes shall be issued in the same manner as the revenue bonds.

(2) The revenue bonds and notes shall be payable solely out of revenues derived by the district from the Lake Restoration Trust Fund as provided in this act. Revenue bonds and notes shall be negotiable instruments, subject only to the provisions of the revenue bonds and notes for registration.

(3) The revenue bonds may be issued as serial bonds or term bonds or both. The revenue bonds shall be authorized by resolution of the governing board and shall bear such date or dates; mature at such time or times, not exceeding 40 years from their respective dates; bear interest at such rate or rates; be payable at such time or times; be in such denominations; be in such form; carry such registration privileges; be executed in such manner; be payable in lawful money of the United States at such place or places; and be subject to such terms of redemption, including redemption prior to maturity, as such resolution or resolutions may provide. If any officer whose signature, or a facsimile of whose signature, appears on any bonds or coupons ceases to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until the delivery. The revenue bonds or notes may be sold at public or private sale for such price or prices as the governing board shall determine. Pending preparation of the definitive bonds, the district may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

(4) If a district issues revenue bonds or notes under this act, the district may pledge its share of the moneys in the Lake Restoration Trust Fund as security for such bonds or notes. The Department of Environmental Regulation shall pay moneys from the trust fund to a district or its designee sufficient to pay the debt service, as it becomes due, on the outstanding bonds and notes of the district; however, such payments may

not exceed the district's cumulative portion of the trust fund. Any moneys remaining after payment of the amount due on the debt service shall be released to the district pursuant to section 4.

Section 6. Section 5 of chapter 85-148, Laws of Florida, is amended to read:

Section 5. The St. Johns River Water Management District governing board shall specify tasks which are to be undertaken by the district, the Department of Environmental Regulation, pertinent local governments, and the Game and Fresh Water Fish Commission in order to initiate the pilot project for Lake Apopka. The governing board shall:

(1) Conduct extensive water sampling of the lake and its associated tributaries to determine the existing water quality and to determine the long term effects of nutrient loading from agricultural activities.

(2) Evaluate the restoration of a portion of floodplain marsh between Lake Apopka and the Apopka-Beauclair Lock by allowing sheet-flow of waters prior to their entrance to the Apopka-Beauclair Canal.

(3) Develop a nutrient budget for the lake to ensure that appropriate regulatory efforts are instituted with respect to nutrient loading.

(4) Examine techniques which may be used to modify the existing physical and biological characteristics of the lake.

(5) Conduct a feasibility study to determine the effects of diking-off and restoring the littoral zone of the lake to enhance sportfish production.

(6) Implement and evaluate a program to demonstrate the feasibility of utilizing water hyacinths to extract excessive nitrogen and phosphorus from the sediment and water columns of the lake.

(7) Implement and evaluate a program to demonstrate the feasibility of recreating a marsh along the lake shoreline using muck dredged from the lake bottom, and

(8) From funds appropriated by this act, expend up to \$100,000 to contract for a feasibility study on the recycling of muck from Lake Apopka.

These tasks and other related pilot studies may be conducted in water bodies other than Lake Apopka if the St. Johns River Water Management District determines it would be scientifically and technically acceptable and economically advantageous. The St. Johns River Water Management District shall provide the staff for the Lake Apopka Restoration Council while engaged in carrying out the provisions of this act.

Section 7. Section 7 of chapter 85-148, Laws of Florida, is amended to read:

Section 7. It is the intent of the Legislature that the St. Johns River Water Management District shall, *encourage competition among contractors for projects through competitive bid, award contracts* to implement the provisions of this act. *Accordingly, the district shall be governed by its laws and policies for selecting contractors for scientific and technical research projects.*

Section 8. The sum of \$2,208,687 is appropriated for fiscal year 1987-1988 from the General Revenue Fund or as provided in the 1987-88 General Appropriations Act to the Department of Environmental Regulation for the St. Johns River Water Management District to continue activities related to the pilot project authorized by chapter 85-148, and described in the report to the Legislature entitled "Lake Apopka Restoration Progress Report and Recommendations," dated November, 1986. A portion of these funds may be used in water bodies other than Lake Apopka if the St. Johns River Water Management District determines it would be scientifically and technically acceptable and economically advantageous. In addition, \$150,000 is appropriated for fiscal year 1987-88 from the General Revenue Fund or as provided in the 1987-88 General Appropriations Act to the Department of Environmental Regulation for the St. Johns River Water Management District for the purpose of studying Ichthyofauna reconstruction as a lake restoration technique.

Section 9. There is hereby appropriated to the Department of Environmental Regulation for the South Florida Water Management District the sum of \$7.2 million for fiscal year 1987-1988 from the General Revenue Fund or as provided in the 1987-88 General Appropriations Act. This appropriation is intended to allow the South Florida Water Management District to continue and expand activities for the restoration of Lake Okeechobee. These funds are for implementing the following program activities:

- (1) Diversion of nutrient-rich waters from Taylor Creek/Nubbin Slough;
- (2) Physical removal of aquatic weeds;
- (3) Reducing the need for backpumping;
- (4) Expansion of best management practices;
- (5) Determining the feasibility of using aquifer storage and recovery techniques for nutrient-rich waters;
- (6) Determining the feasibility of chemical and biological treatment of nutrient-rich waters for various catchment basins; and
- (7) Research which could yield scientific techniques for improving Lake Okeechobee's water quality.

Section 10. Present subsections (1) through (10) of section 161.021, Florida Statutes, 1986 Supplement, are renumbered as subsections (2) through (11), respectively, and a new subsection (1) is added to said section to read:

161.021 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

(1) "Access" or "public access" as used in all parts of this act except part III means the public's right to laterally traverse the sandy beaches of this state where such access exists on or after the effective date of this act.

Section 11. Section 161.041, Florida Statutes, is amended to read:

161.041 Permits required.—

(1) If any person, firm, corporation, county, municipality, township, special district, or any public agency desires to make any coastal construction or reconstruction or change of existing structures, or any construction or physical activity undertaken specifically for shore protection purposes, or other structures and physical activity including groins, jetties, moles, breakwaters, seawalls, revetments, artificial nourishment, inlet sediment bypassing, excavation or maintenance dredging of inlet channels, or other deposition or removal of beach material, or construction of other structures if of a solid or highly impermeable design, upon sovereignty lands of Florida, below the mean highwater line of any tidal water of the state, a coastal construction permit must be obtained from the Department of Natural Resources prior to the commencement of such work. *The department may exempt interior tidal waters of the state from the permit requirements of this section.* No such development shall interfere, except during construction, with the use by the public of any area of a beach seaward of the mean high-water line unless the department determines such interference is unavoidable for purposes of protecting the beach or any endangered upland structure. *The department may require, as a condition to granting permits under this section, the provision of alternative access when interference with public access along the beach is unavoidable. The width of such alternate access may not be required to exceed the width of the access that will be obstructed as a result of the permit being granted.* Application for coastal construction permits as defined above shall be made to the department upon such terms and conditions as set forth by rule of the department. *Except for the deepwater ports identified in s. 403.021(9)(b), the department shall not issue any permit for the construction of a coastal inlet jetty or the excavation or maintenance of such an inlet if the activity authorized by the permit will have a significant adverse impact on the sandy beaches of this state without a mitigation program approved by the department. In evaluating the mitigation program, the department shall take into consideration the benefits of the long-term sand management plan of the permittee and the overall public benefits of the inlet activity.*

(2) *The department may authorize an excavation or erection of a structure at any coastal location upon receipt of an application from a property or riparian owner and upon consideration of facts and circumstances, including:*

(a) *Adequate engineering data concerning inlet and shoreline stability and storm tides related to shoreline topography;*

(b) *Design features of the proposed structures or activities; and*

(c) *Potential impacts of the location of such structures or activities, including potential cumulative effects of any proposed structures or activities upon such beach-dune system or coastal inlet, which, in the opinion of the department, clearly justify such a permit.*

(3) *The department may require such engineer certifications as necessary to assure the adequacy of the design and construction of permitted projects.*

(4) *The department may, as a condition to the granting of a permit under this section, require mitigation, financial or other assurances acceptable to the department as may be necessary to assure performance of conditions of a permit or enter into contractual agreements to best assure compliance with any permit conditions. The department may also require notice of the permit conditions required and the contractual agreements entered into pursuant to the provisions of this subsection to be filed in the public records of the county in which the permitted activity is located.*

Section 12. Subsections (1), (4), (5), (12), (13), (14), and (15) and paragraph (b) of subsection (6) of section 161.053, Florida Statutes, 1986 Supplement, are amended to read:

161.053 Coastal construction and excavation; regulation on county basis.—

(1) The Legislature finds and declares that the beaches in this state and the coastal barrier dunes adjacent to such beaches, by their nature, are subject to frequent and severe fluctuations and represent one of the most valuable natural resources of Florida and that it is in the public interest to preserve and protect them from imprudent construction which can jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, and endanger adjacent properties, or interfere with public beach access ~~property and the beach-dune system~~. In furtherance of these findings, it is the intent of the Legislature to provide that the department establish coastal construction control lines on a county basis along the sand beaches of the state fronting on the Atlantic Ocean, or the Gulf of Mexico, or the Straits of Florida. Such lines shall be established so as to define that portion of the beach-dune system which is subject to severe fluctuations based on a 100-year storm surge, storm waves, or other predictable weather conditions. However, the department may establish a segment or segments of a coastal construction control line further landward than the impact zone of a 100-year storm surge, provided such segment or segments do not extend beyond the landward toe of the coastal barrier dune structure that intercepts the 100-year storm surge. Such segment or segments shall not be established if adequate dune protection is provided by a state-approved dune management plan. Special siting and design considerations shall be necessary seaward of established coastal construction control lines to ensure the protection of the beach-dune system, proposed or existing structures, and adjacent properties and the preservation of public beach access.

(4) Any coastal county or coastal municipality may establish coastal construction zoning and building codes in lieu of the provisions of this section, provided such zones and codes are approved by the department as being adequate to preserve and protect the beaches and coastal barrier dunes adjacent to such beaches which are under the jurisdiction of the department from imprudent construction that will jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, endanger adjacent properties, or interfere with public beach access ~~protect the shoreline from erosion and safeguard adjacent structures~~. Exceptions to locally established coastal construction zoning and building codes shall not be granted unless previously approved by the department. It is the intent of this subsection to provide for local administration of established coastal construction control lines through approved zoning and building codes where desired by local interests and where such local interests have, in the judgment of the department, sufficient funds and personnel to adequately administer the program. Should the department determine at any time that the program is inadequately administered, the department shall have authority to revoke the authority granted to the county or municipality.

(5) Except in those areas where local zoning and building codes have been established pursuant to subsection (4), a permit to alter, excavate, or construct on property seaward of established coastal construction control lines may be granted by the department as follows:

(a) The department may authorize an excavation or erection of a structure at any coastal location as described in subsection (1) upon receipt of an application from a property and/or riparian owner and upon the consideration of facts and circumstances, including:

1. Adequate engineering data concerning shoreline stability and storm tides related to shoreline topography;

2. Design features of the proposed structures or activities; and

3. Potential impacts of the location of such structures or activities, including potential cumulative effects of any proposed structures or activities upon such beach-dune system, which, in the opinion of the department, clearly justify such a permit.

(b) If in the immediate contiguous or adjacent area a number of existing structures have established a reasonably continuous and uniform construction line closer to the line of mean high water than the foregoing, and if the existing structures have not been unduly affected by erosion, a proposed structure may, at the discretion of the department, be permitted along such line on written authorization from the department if such structure is also approved by the department. However, the department shall not contravene setback requirements or zoning or building codes established by a county or municipality which are equal to, or more strict than, those requirements provided herein. *This paragraph does not prohibit the department from requiring structures to meet design and siting criteria established in paragraph (a) or in subsection (1) or subsection (2).*

(c) The department may condition the nature, timing, and sequence of construction of permitted activities to provide protection to nesting sea turtles and hatchlings and their habitat, pursuant to s. 370.12, and to native salt-resistant vegetation and endangered plant communities, and endangered or threatened plants identified in s. 581.185 and animal species identified as endangered by rule of the Game and Fresh Water Fish Commission.

(d) *The department may require such engineer certifications as necessary to assure the adequacy of the design and construction of permitted projects.*

(e) *The department shall limit the construction of structures which interfere with public access along the beach. However, the department may require, as a condition to granting permits, the provision of alternative access when interference with public access along the beach is unavoidable. The width of such alternate access may not be required to exceed the width of the access that will be obstructed as a result of the permit being granted.*

(f) *The department may, as a condition to the granting of a permit under this section, require mitigation, financial or other assurances acceptable to the department as may be necessary to assure performance of conditions of a permit or enter into contractual agreements to best assure compliance with any permit conditions. The department may also require notice of the permit conditions required and the contractual agreements entered into pursuant to the provisions of this subsection to be filed in the public records of the county in which the permitted activity is located.*

(g) *The beneficial effects of beach-nourishment and dune-enhancement projects or artificially induced beach accretion shall not justify a seaward advancement of a line of construction.*

(6)(a) As used in this subsection:

(b) After October 1, 1985, and notwithstanding any other provision of this part, the department, or a local government to which the department has delegated permitting authority pursuant to subsections (4) and (16) (15), shall not issue any permit for any structure, other than a coastal or shore protection structure, minor structure, or pier, meeting the requirements of this part, or other than intake and discharge structures for a facility sited pursuant to part II of chapter 403, which is proposed for a location which, based on the department's projections of erosion in the area, will be seaward of the seasonal high-water line within 30 years after the date of application for such permit. The procedures for determining such erosion shall be established by rule. In determining the area which will be seaward of the seasonal high-water line in 30 years, the department shall not include any areas landward of a coastal construction control line.

(12) The coastal construction control requirements defined in subsection (1) and the requirements of the erosion projections pursuant to subsection (6) do not apply to any modification, maintenance, or repair to any existing structure within the limits of the existing foundation which does not require, involve, or include any additions to, or repair or modification of, the existing foundation of that structure. *Specifically excluded from this exemption are seawalls or other rigid coastal or shore protection structures and any additions or enclosures added, constructed, or installed below the first dwelling floor or lowest deck of the existing structure.*

(13)(a) *Notwithstanding the coastal construction control requirements defined in subsection (1) or the erosion projection determined pursuant to subsection (6), the department may, however, at its discretion, issue a permit for the repair or rebuilding within the confines of the original foundation of a major structure pursuant to the provisions of subsection (5). Alternatively, the department may also, at its discretion, issue a permit for a more landward relocation or rebuilding of a damaged or of an existing structure rather than rebuilding within the confines of the original structure if such relocation or rebuilding would not cause further harm to the beach-dune system, and if in the case of rebuilding, such rebuilding complies with the provisions of subsection (5), and otherwise complies with the provisions of this subsection. When the provisions of subsection (6) would prohibit the construction of a single family dwelling, for the purpose of rebuilding the department may, at its discretion, enter into a binding agreement with the applicant to allow construction and occupancy of the dwelling for a limited period of time. If erosion conditions have not progressed to the degree anticipated at the expiration of that limited period of time, the department may extend the agreement for an additional period of time.*

(b) Under no circumstances shall the department permit such repairs or rebuilding that expand the capacity of the original structure seaward of the 30-year erosion projection established pursuant to subsection (6).

(c) ~~However,~~ In reviewing applications for relocation or rebuilding, the department shall specifically consider changes in shoreline conditions, the availability of other relocation or rebuilding options, and the design adequacy of the project sought to be rebuilt.

(d) Permits issued under this subsection shall not be considered precedential as to the issuance of subsequent permits. ~~Specifically excluded from this exemption are seawalls or other rigid coastal or shore protection structures and any additions or enclosures added, constructed, or installed below the first dwelling floor or lowest deck of the existing structure.~~

(14)(13) Concurrent with the establishment of a coastal construction control line and the ongoing administration of this chapter, the executive director of the department shall make recommendations to the Governor and Cabinet as head of the department concerning the purchase of the fee or any lesser interest in any lands seaward of the control line pursuant to the state's Save our Coast, Conservation and Recreation Lands, or Outdoor Recreation Land acquisition programs; and, with respect to those control lines established pursuant to this section prior to June 14, 1978, the executive director may make such recommendations.

(15)(14) A coastal county or municipality fronting on the Gulf of Mexico, or the Atlantic Ocean, or the Straits of Florida shall advise the department within 5 days after receipt of any permit application for construction or other activities proposed to be located seaward of the line established by the department pursuant to the provisions of this section. Within 5 days after receipt of such application, the county or municipality shall notify the applicant of the requirements for state permits.

(16)(15) In keeping with the intent of subsection (4), and at the discretion of the department, authority for permitting certain types of activities which have been defined by the department may be delegated by the department to a coastal county or coastal municipality. Such partial delegation shall be narrowly construed to those particular activities specifically named in the delegation and agreed to by the affected county or municipality, and the delegation may be revoked by the department at any time if it is determined that the delegation is improperly or inadequately administered.

Section 13. Section 161.0535, F.S., is amended to read:

161.0535 Permits; fees, costs.—The department may establish by rule a fee schedule and may assess fees for the filing, processing, and issuance of permits issued pursuant to s. 161.041 and s. 161.053. The fee schedule shall contain categories of permits based on the varying costs of evaluating applications for different types of proposed construction. The fee schedule shall be based on the actual costs of administering these permitting programs. *Monies from fees assessed pursuant to this section shall be deposited into the Beach Management Trust Fund.* The department may also assess the applicant for the costs of public notice by publication prior to the consideration of these permit applications.

Section 14. Subsection (5) is added to section 161.054, Florida Statutes, 1986 Supplement, to read:

161.054 Administrative fines; liability for damage; liens.—

(5) Any applicant for a permit pursuant to s. 161.041, s. 161.052, or s. 161.053 shall be denied a permit if a lien imposed upon the property pursuant to the provisions of this subsection is outstanding against the applicant; however, the department may authorize a permit after-the-fact in accordance with s. 161.041, s. 161.052, and s. 161.053, conditioned upon a resolution of the violation.

Section 15. Section 161.091, Florida Statutes, 1986 Supplement, is amended to read:

161.091 ~~Beach Management Erosion-Control~~ Trust Fund.—

(1) There is created in the State Treasury an account to be known as the "~~Beach Management Erosion-Control~~ Trust Fund." Subject to such appropriations as the Legislature may make therefor from time to time, disbursements from this account may be made by the division subject to the approval of the department in order to carry out the proper state responsibilities in a comprehensive, long-range, statewide beach management plan for erosion control; beach preservation, beach restoration, and beach renourishment; and hurricane protection. The ~~Beach Management Erosion-Control~~ Trust Fund and the moneys deposited therein shall be under the direct supervision and control of the department, and such moneys may be disbursed by the Treasurer from time to time upon requisition as determined by the department.

(2) Notwithstanding the provisions of s. 216.292, the ~~Beach Management Erosion-Control~~ Trust Fund shall not be available for transfer for any purpose other than those provided for in this section.

Section 16. Section 161.101, Florida Statutes, 1986 Supplement, is amended to read:

161.101 State and local participation in authorized projects and studies relating to beach management and erosion control.—

(1) The Legislature recognizes that beach erosion is a statewide problem that does not confine its effects to local governmental jurisdictions and that beach erosion can be adequately addressed most efficiently by a state-initiated program of beach restoration and beach renourishment. However, since local beach communities derive the primary benefits from the presence of adequate beaches, a program of beach restoration and beach renourishment should not be accomplished without a commitment of local funds to combat the problem of beach erosion. Accordingly, the Legislature declares that the state, through the Department of Natural Resources, shall determine those beaches which are critically eroding and in need of restoration and renourishment and may authorize the expenditure from the ~~Beach Management Erosion-Control~~ Trust Fund of the amount necessary to pay up to 75 percent of the actual costs for restoring and renourishing a critically eroded beach. The local government in which the beach is located shall be responsible for the balance of such costs.

(2) To carry out the beach and shore preservation programs, the department is hereby constituted as the beach and shore preservation authority for the state. In this capacity, the executive director of the department may at his own initiative take all necessary steps as soon as practicable and desirable to implement the provisions of this chapter.

(3) Whenever a beach erosion control project has been authorized by Congress for federal financial participation in accordance with any Act of Congress relating to beach erosion control in which nonfederal participation is required, it shall be the policy of the state to assist with an equitable share of such funds to the extent that funds are available, as determined by the department.

(4) The department, for itself or on behalf of any and all duly established beach and shore preservation districts and local governments within the state, may enter into cooperative agreements and otherwise cooperate with, and meet the requirements and conditions (including, but not limited to, execution of indemnification agreements) of, federal, state, and other local governments and political entities, or any agencies or representatives thereof, for the purpose of improving, furthering, and expediting the beach management and shore preservation program.

(5) The department is authorized, for and on behalf of the state, to accept such federal moneys for beach erosion control as are available and to sign all necessary agreements therefor and to do and perform all necessary acts in connection therewith to effectuate the intent and purposes of this act.

(6) The department is authorized to make application for federal participation in the cost of any beach and shore preservation project ~~program~~ under any Acts of Congress and all amendments thereto.

(7) The department is authorized to pay up to 100 percent of the construction and maintenance costs of projects authorized for construction pursuant to subsection (11), when construction and maintenance are on lands of which the state is the upland riparian owner, ~~or for the establishment and maintenance of a system of feeder beaches.~~

(8) With regard to a project approved in accordance with s. 161.161, the department is authorized to pay from the ~~Beach Management Erosion-Control~~ Trust Fund an amount up to 75 percent of the actual costs of the approved project, including, but not limited to, the costs for:

(a) Project design engineering and construction supervision and inspection;

(b) Biological monitoring;

(c) *Inlet sand transfer projects;*

(d)(e) Dune revegetation and stabilization;

(e) *Restoration, renourishment, or feeder beach project costs;*

(f)(d) Construction easements, rights-of-way, public access easements, and vehicle parking spaces;

(g)(e) Obtaining required permits;

(h)(f) Establishing erosion control lines; and

(i)(g) Enhancement of marine turtle propagation; and

(j) *Sand source studies.*

(9) ~~The department may pay up to 100 percent of the cost of sand source data.~~ The selection of a project engineer acceptable to the department by local government as project sponsor shall be on the basis of competitive negotiation as provided in chapter 287. The project sponsor shall assume full responsibility for all project costs in excess of the state cost limitation.

(10) A local government desiring to initiate and pay the entire cost of designing, constructing, and maintaining an erosion control project prior to the state's initiating such construction may be reimbursed from state funds on the basis of the procedures set forth in s. 161.161, provided the project is approved by the department before initiation of construction and based on legislative appropriations and whether it furthers the provisions of s. 161.161. Such local interests shall, as project sponsor, be responsible for obtaining federal reimbursement in the case of federal-aid projects.

(11) The department may expend funds from the ~~Beach Management Erosion-Control~~ Trust Fund to alleviate emergency conditions, upon a declaration, after a hearing, by the Governor and Cabinet that a shoreline emergency of state concern exists.

(12) Twenty-five percent of any funds appropriated for implementation of this section shall be held by the department until the last quarter of the fiscal year for which the appropriation is made. This amount shall be used to meet emergencies prescribed in subsection (11). If no such emergencies occur, then these funds may be released in the last quarter of the fiscal year in which the appropriation is made for projects.

(13) The department shall maintain a current project listing and may, in its discretion and dependent upon the availability of local resources and changes in the criteria listed in s. 161.161, revise the project listing.

Section 17. Subsection (1) of section 161.141, Florida Statutes, 1986 Supplement, is amended to read:

161.141 Property rights of state and private upland owners in beach restoration project areas.—

(1) The Legislature hereby declares that it is the public policy of the state to cause to be fixed and determined, pursuant to beach restoration, beach renourishment, and erosion control projects, the boundary line between sovereignty lands of the state bordering on the Atlantic Ocean, the Gulf of Mexico, or the Straits of Florida, and the bays, lagoons, and other tidal reaches thereof, and the upland properties adjacent thereto; except that such boundary line shall not be fixed for beach restoration projects that result from inlet or navigation channel maintenance dredg-

ing projects unless such projects involve the construction of authorized beach restoration projects. However, prior to construction of such a beach restoration project, the board of trustees shall establish the line of mean high water for the area to be restored; and any additions to the upland property landward of the established line of mean high water which result from the restoration project shall remain the property of the upland owner subject to all governmental regulations and shall not be used to justify increased density or the relocation of the coastal construction control line as may be in effect for such upland property. Such resulting additions to upland property shall also be subject to a public easement for traditional uses of the sandy beach consistent with uses which would have been allowed prior to the need for such restoration project. It is further declared that there is no intention on the part of the state to extend its claims to lands not already held by it or to deprive any upland or submerged land owner of the legitimate and constitutional use and enjoyment of his property. If an authorized beach restoration, beach renourishment, and erosion control project cannot reasonably be accomplished without the taking of private property, then such taking shall be made by the requesting authority by eminent domain proceedings.

Section 18. Section 161.142, Florida Statutes, 1986 Supplement, is amended to read:

161.142 Declaration of public policy respecting improved navigation inlets.—The Legislature hereby recognizes the need for maintaining navigation inlets to promote commercial and recreational uses of our coastal waters and their resources. The Legislature further recognizes that inlets alter the natural drift of beach-quality sand resources, which often results in these sand resources being deposited around shallow outer-bar areas instead of providing natural nourishment to the downdrift beaches. Therefore:

(1) All construction and maintenance dredgings of beach-quality sand should be placed on the downdrift beaches; or, if placed elsewhere, an equivalent quality and quantity of sand from an alternate location should be placed on the downdrift beaches ~~at no cost to the state and at a location acceptable to the department.~~

~~(2) On an average annual basis, a quantity of sand should be placed on the downdrift beaches equal to the natural net annual longshore sediment transport. This sand shall be placed at no cost to the state. The placement location and quantities based on natural net annual longshore transport shall be established by the department, and the sand quality must be acceptable to the department.~~

~~(2)(3)~~ Construction waterward of the coastal construction control line on downdrift coastal areas, on islands substantially created by the deposit of spoil, located within 1 mile of the centerline of navigation channels or inlets, providing access to ports listed in s. 403.021(9)(b), which suffers or has suffered erosion caused by such navigation channel maintenance or construction shall be exempt from the permitting requirements and prohibitions of subsections (2), (5), and (6) of s. 161.053. The timing and sequence of any construction in such coastal areas shall comply with 44 C.F.R. Part 60 and shall provide protection to nesting sea turtles and hatchlings and their habitats and to native salt resistant vegetation and endangered plant communities.

~~(3)(4)~~ The provisions of subsections (1) and (2) shall not be a requirement imposed upon ports listed in s. 403.021(9)(b).

Section 19. Subsections (1) and (6) of section 161.161, Florida Statutes, 1986 Supplement, are amended to read:

161.161 Procedure for approval of projects.—

(1) The division shall develop and maintain a comprehensive long-term management plan for the restoration of the state's critically eroding beaches. The beach restoration management plan shall:

(a) Address long-term solutions to the problem of critically eroding beaches in this state.

(b) Evaluate each improved coastal beach inlet and determine whether the inlet is a significant cause of beach erosion. With respect to each inlet determined to be a significant cause of beach erosion, the plan must include the extent to which such inlet causes beach erosion, and recommendations to mitigate the erosive impact of the inlet, including, but not limited to, recommendations regarding inlet sediment bypassing; modifications to channel dredging, jetty design, and disposal of spoil material; establishment of feeder beaches; and beach restoration and

beach renourishment; together with cost estimates necessary to take inlet corrective measures and recommendations regarding cost-sharing among the beneficiaries of such inlet.

(c) Specify design criteria for beach restoration and beach renourishment projects, including, but not limited to:

1. Dune elevation and width and revegetation and stabilization requirements; and
2. Beach profile.

(d) Evaluate the establishment of feeder beaches as an alternative to direct beach restoration and recommend the location of such feeder beaches and the source of beach-compatible sand.

(e) Identify causes of shoreline erosion and change, calculate erosion rates, and project long-term erosion for all major beach and dune systems by surveys and profiles.

(f) Identify shoreline development and degree of density and assess impacts of development and shoreline protective structures on shoreline change and erosion.

(g) Identify short-term and long-term economic costs and benefits of beaches, including recreational value to user groups, tax base, revenues generated, and beach acquisition and maintenance costs.

(h) Study dune and vegetation conditions.

(i) Identify beach areas used by marine turtles and develop strategies for protection of the turtles, their nests, and nesting locations.

(j) Identify alternative management responses to preserve undeveloped beach and dune systems, to restore damaged beach and dune systems, and to prevent inappropriate development and redevelopment on migrating beaches; and consider beach restoration and renourishment, armoring, relocation and abandonment, dune and vegetation restoration, and acquisition.

(k) Establish criteria, including costs and specific implementation actions, for alternative management techniques.

(l) Select and recommend appropriate management measures for all of the state's sandy beaches in a beach management program.

~~(m)~~(e) Establish a list of beach restoration and beach renourishment projects, arranged in order of priority, and the funding levels needed for such projects.

The beach restoration management plan may be prepared at the district level based upon areas of greatest need and probable federal funding. Such district plans shall be components of the statewide beach management plan and shall serve as the basis for state funding decisions upon approval in accordance with chapter 86-138, Laws of Florida. In accordance with a schedule established for the submission of district plans by the department, any completed plan must be submitted to the head of the department for approval no later than March 1 of each year. These district level plans shall include, but shall not be limited to, recommendations of appropriate funding mechanisms for implementing projects in the beach restoration management plan, giving consideration to the use of single-county and multi-county taxing districts or other revenue generation measures by state and local governments and the private sector. Prior to presenting the plan to the head of the department, the department shall hold a public meeting in the areas or district for which the plan is prepared. The district plan submission schedule shall be submitted to the head of the department for approval by August 1, 1986. Any revisions to such schedule must be approved in like manner.

(6) The board of trustees shall approve or disapprove the beach restoration or beach renourishment project as it affects sovereignty lands. If approval is granted, the head of the department shall authorize the expenditure from the Beach Management Erosion Control Trust Fund of the amount necessary to pay for up to 75 percent of the costs of the project, and the board of trustees shall establish the location of the erosion control line. In locating said line, the board of trustees shall be guided generally by the existing line of mean high water, bearing in mind the requirements of proper engineering in the erosion control project, the extent to which erosion or avulsion has occurred, and the need to protect existing ownership of as much upland as is reasonably possible.

Section 20. Subsection (8) of section 373.026, Florida Statutes, 1986 Supplement, is amended to read:

373.026 General powers and duties of the department.—The Department of Environmental Regulation, or its successor agency, shall be responsible for the administration of this chapter at the state level. However, it is the policy of the state that, to the greatest extent possible, the department may enter into interagency or interlocal agreements with any other state agency, any water management district, or any local government conducting programs related to or materially affecting the water resources of the state. All such agreements shall be subject to the provisions of s. 373.046. In addition to its other powers and duties, the department shall, to the greatest extent possible:

(8)(a) Provide such coordination, cooperation, or approval necessary to the effectuation of any plan or project of the Federal Government in connection with or concerning the waters in the state. Unless otherwise provided by state or federal law, the department shall, subject to confirmation by the Legislature, have the power to approve or disapprove such federal plans or projects on behalf of the state. If such plan or project is for a coastal inlet, the department shall first consult with the Division of Beaches and Shores of the Department of Natural Resources for a determination of the impact of the plan or project on the sandy beaches in the state. If the Department of *Natural Resources* determines that the plan will have a significant adverse impact on the sandy beaches, the *Department of Environmental Regulation* shall not approve the plan or project unless it is revised to mitigate those impacts in accordance with the recommendations of the Department of *Natural Resources*.

(b) The department, subject to confirmation by the Legislature, shall act on behalf of the state in the negotiation and consummation of any agreement or compact with another state or states concerning waters of the state.

Section 21. The Division of Beaches and Shores within the Department of Natural Resources is authorized 5 additional positions and appropriated the sum of \$427,439 from the Beach Management Trust Fund to further carry out the provisions of s. 161.161, F.S., 1986 Supplement.

Section 22. The sum of \$35 million is hereby appropriated from the State Infrastructure Trust Fund to the Beach Management Trust Fund for fiscal year 1987-88 or as provided in the General Appropriations Act for use by the Division of Beaches and Shores of the Department of Natural Resources, as provided in s. 161.091(1), Florida Statutes. Beginning in fiscal year 1988-89 and annually thereafter at least \$35 million shall be available from the State Infrastructure Trust Fund or as provided in the General Appropriations Act for the purposes provided in s. 161.091(1), Florida Statutes. Up to \$2,000,000 appropriated herein for Fiscal Year 1987-88, shall be used for the purpose of conducting a pilot project in southwest Florida to determine the feasibility of leasing on a year-round basis beach renourishing dredge equipment and crew for operation on a regional basis. Additionally, the division shall evaluate the feasibility of using this leased equipment for purposes of re-opening or re-establishing Midnight Pass in Sarasota County.

Section 23. This act shall take effect July 1, 1987, or upon becoming a law, whichever occurs later.

Senator Grant moved the following amendment to Amendment 2 which failed:

Amendment 2A—On page 3, strike all of lines 14-23 and insert: A list of the owners of point and nonpoint sources of water pollution that are causing serious water degradation of water bodies of regional or statewide significance, and an evaluation of the cost of bringing said sources into compliance with water quality standards or best management practices. Said cost evaluations shall be presented to the Governor, Speaker of the House, and President of the Senate by March 1, 1988. Nothing in this

Senator Kirkpatrick moved the following amendments to Amendment 2 which were adopted:

Amendment 2B—On page 1, line 26, after “supply” insert: for agricultural and urban uses, flood control

Amendment 2C—On page 2, line 16, after “threats to” insert: agricultural and urban

Amendment 2D—On page 3, line 4, after “system,” insert: historical and current lake uses,

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

Amendment 2E—On page 3, line 23, after “standards” insert: where environmentally and economically feasible and not contrary to the public interest

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

Amendment 2F—On page 4, line 4, strike “landside and lakeside”

Senators Malchon and Frank offered the following amendment which was moved by Senator Malchon and failed:

Amendment 2G—On page 33, between lines 4 and 5, insert:

Section 21. Section 373.4463, Florida Statutes, is created to read:

373.4463 Tampa Bay improvement and management.—

(1) **SHORT TITLE.**—This section may be cited as the “Tampa Bay Improvement and Management Act.”

(2) **LEGISLATIVE INTENT.**—It is hereby declared that the intent of the Legislature is:

(a) To protect the water quality of Tampa Bay to ensure a healthy environment and a sound economy for the residents of the Tampa Bay area and the state;

(b) To identify, analyze, and prioritize the impacts of stormwater and wastewater discharges into Tampa Bay in order to reduce or eliminate such impacts;

(c) To assist local governments and state and regional agencies in preparing projects to assess the biological, chemical, and physical characteristics of Tampa Bay;

(d) To review the fisheries laws and rules for Tampa Bay for conflict and overlap, determine the need for modification or consolidation of such laws and rules, and ensure that appropriate laws and rules are effectively enforced;

(e) To educate the residents of and visitors to the Tampa Bay area about the need to protect, preserve, and manage the natural resources of the bay;

(f) To coordinate the improvement and management of Tampa Bay on a regional basis; and

(g) To monitor activities within the Tampa Bay area to ensure the long-term protection of all of the area’s resources.

(3) **DEFINITIONS.**—

(a) As used in this section:

1. “Tampa Bay” means the bodies of water, and the land area surrounding such bodies of water, commonly known as Old Tampa Bay, Hillsborough Bay, Tampa Bay, Boca Ciega Bay, McKay Bay, and Terra Ceia Bay, and any bay, bayou, sound, or tributary of these bodies of water.

2. “Tampa Bay area” means the Counties of Pinellas, Hillsborough, and Manatee.

(b) Nothing in this subsection shall be construed to affect title to any land or prescribe the boundaries of Tampa Bay for any purpose other than the purposes of this section.

(4) **COMPREHENSIVE IMPROVEMENT AND MANAGEMENT OF TAMPA BAY.**—

(a) There shall be established a comprehensive program for the improvement and management of Tampa Bay. The Southwest Florida Water Management District shall coordinate and develop the program. The program shall include, but not be limited to, the following:

1. A master water quality assessment for Tampa Bay as set forth in subsection (5);

2. A regional public awareness and environmental information project on Tampa Bay as set forth in subsection (6); and

3. A scientific information compilation project for Tampa Bay as set forth in subsection (7).

The district shall develop other projects that need to be undertaken as part of the comprehensive program for improvement and management. To the maximum extent possible, existing information and research on the natural resources and water quality of Tampa Bay shall be used in developing the comprehensive program for improvement and management. Assessments and projects developed as part of the comprehensive program for improvement and management shall use, as necessary, information compiled through the scientific information compilation project set forth in subsection (7).

(b) The Southwest Florida Water Management District shall be responsible for ensuring that appropriate state and regional agencies and local governments are given the opportunity to review and comment on the program and projects within their jurisdiction as required by this section.

(5) WATER QUALITY MANAGEMENT FOR TAMPA BAY.—

(a) There shall be developed a master water quality assessment for Tampa Bay as part of the comprehensive program for improvement and management set forth in subsection (4). The master water quality assessment, which shall be considered a project as defined in s. 373.4455, shall consist of a stormwater assessment and a wastewater assessment.

1. At a minimum, the stormwater assessment shall:

a. Use watershed assessment techniques to identify, characterize, and quantify the negative effects of stormwater in the watershed of Tampa Bay;

b. Establish criteria for determining where retrofitting of existing stormwater management systems or facilities is necessary to improve the water quality of Tampa Bay, giving consideration to the feasibility and cost effectiveness of such retrofitting in abating stormwater quality problems;

c. Prioritize retrofitting needs so as to systematically target stormwater quality problems;

d. Evaluate stormwater management alternatives for existing and new development, which shall include the potential for construction, operation, and maintenance of onsite, as well as regional, stormwater management facilities;

e. Identify and recommend appropriate stormwater management and abatement practices needed to carry out the findings of the assessment as further defined in subparagraphs a.-d.;

f. Identify financing alternatives for implementing the recommendations of the assessment; and

g. Identify the entity or entities responsible for implementing the recommendations of the assessment.

2. At a minimum, the wastewater assessment shall:

a. Use wastewater impact assessment techniques to identify, characterize, and quantify the negative effects of wastewater on Tampa Bay;

b. Prioritize wastewater problems;

c. Evaluate wastewater management alternatives for existing and new development, which shall include the potential for construction, operation, and maintenance of onsite, as well as regional, wastewater management facilities;

d. Identify and recommend appropriate wastewater management practices to the appropriate governmental entities to carry out the findings of the assessment as further defined in subparagraphs a.-c.;

e. Identify financing alternatives for implementation of the recommendations of the assessment; and

f. Identify the entity or entities responsible for implementing the recommendations of the assessment.

The master water quality assessment shall be completed within 18 months of the effective date of this act.

(b)1. Within 270 days of receipt of the findings and recommendations of the master water quality assessment developed under paragraph (a), local governments or state or regional agencies that own or are responsible for the operation and maintenance of existing stormwater management systems or facilities that are identified in the assessment as systems or facilities in need of retrofitting shall prepare and adopt a schedule and workplan for retrofitting the existing systems or facilities. In preparing the schedule and workplan, local governments or state or regional agencies shall place a priority on retrofitting existing stormwater management systems or facilities in conjunction with modifications of the existing systems or facilities, modifications of other public facilities, or redevelopment.

2. The Southwest Florida Water Management District shall coordinate the schedules and workplans required in subparagraph 1. to ensure their preparation.

3. Any retrofitting of stormwater and wastewater systems identified as needed pursuant to this subsection shall not be considered as required public facilities pursuant to s. 163.3202(2), unless a local government has adopted a requirement for such facilities as part of its local government comprehensive plan or other ordinance.

4. Nothing in this subsection shall be construed as requiring the retrofitting of existing stormwater systems or as supplementing any existing law that would require retrofitting of stormwater systems.

(6) PUBLIC INFORMATION PROJECT ON TAMPA BAY.—

(a) There shall be developed a regional public awareness and environmental information project on Tampa Bay as part of the comprehensive program for improvement and management set forth in subsection (4). The Southwest Florida Water Management District shall enter into a contract with the Tampa Bay Regional Planning Council to develop the project through the council's Agency on Bay Management. The objectives of the project shall be to:

1. Increase public knowledge of the function and interdependence of the various habitats and organisms within the Tampa Bay estuarine system;

2. Increase public knowledge of the sources and causes of water pollution and measures to prevent pollution;

3. Improve public awareness of the historical and archaeological values of Tampa Bay;

4. Improve public awareness of the economic, commercial, and recreational opportunities provided by the bay; and

5. Inform the public of the powers, responsibilities, and permitting procedures of local governments and federal, state, and regional agencies with jurisdiction over Tampa Bay and its shorelands and resources.

The public awareness and environmental information project shall be implemented through public workshops on issues related to Tampa Bay and through the use of brochures, reports, public service announcements, and other materials that describe issues or activities related to the improvement and management of the bay. The Tampa Bay Regional Planning Council may contract with private nonprofit organizations to disseminate the information developed through the project.

(b) In addition, the public awareness and environmental information project shall include the following activities:

1. Improvement of the management and protection of Tampa Bay by facilitating the participation of state and regional agencies, local governments, and business, environmental, and public interest groups and individuals in regulatory, research, and informational activities pertaining to Tampa Bay.

2. Review and monitoring of the existing and future research and regulatory programs of federal, state, or regional agencies or local governments pertaining to improvement and management of Tampa Bay and providing comments to those agencies or governments for achieving better coordination of the programs.

3. Publication of an annual progress report which highlights issues and problems in and recommendations for the comprehensive improvement and management of Tampa Bay and submittal of the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives before January 15 of each year.

4. Sponsoring an annual regional environmental conference emphasizing growth management and natural resources improvement and management in the Tampa Bay area.

(7) **SCIENTIFIC INFORMATION COMPILATION.**—There shall be developed a scientific information compilation project for Tampa Bay as part of the comprehensive program for improvement and management set forth in subsection (4). The Southwest Florida Water Management District shall enter into a contract with the Center for Coastal Research of the University of South Florida to develop the project. The project shall involve the compilation of all scientific and factual information relating to the natural resources and water quality of Tampa Bay that has been or is being generated by local governments and federal, state, and regional agencies. The information compiled shall be maintained in a central repository and shall be made available in a usable form to public and private users of the bay and to assist in developing the projects required in this section. All local governments and state and regional agencies are directed to cooperate in the development of the project by making available such scientific and factual information as they may have, generate, or possess, as is deemed necessary for the development of the project. A user guide shall be published no later than January 15, 1988, and annually thereafter, on the information compiled as part of the project and the means of accessing such information.

(8) **HABITAT MONITORING AND RESEARCH FOR TAMPA BAY.**—The Department of Natural Resources shall develop a marine and estuarine habitat monitoring and research project for Tampa Bay. At a minimum, the project shall include:

(a) Data compilation, collection, and analysis on historical and current habitat trends;

(b) Biological sampling to assess the importance of marine habitats to fish and invertebrate populations in the bay;

(c) A survey of the use of the bay and habitat areas by endangered species, including an identification of locations used for feeding and reproduction;

(d) Testing of seagrass plantings and restoration using the best available technology;

(e) A survey and recovery-rate monitoring of damage to seagrass from boat propellers and trawls;

(f) An assessment of the role of unvegetated offshore sand bars in seagrass habitat protection;

(g) Based upon the results of the efforts described in paragraphs (a)-(f), an assessment of and recommendations regarding the need for increased use of shallow-boat channel markings, boat ramp signage, and boat use closure areas to protect seagrass areas from damage and disturbance by boats; and

(h) Based upon the results of the efforts described in paragraphs (a)-(f), and in conjunction with other water quality studies, an assessment of the need to establish water quality criteria to protect and aid in restoring marine habitats.

(9) **FISHERIES RESOURCES MONITORING AND RESEARCH IN TAMPA BAY; EVALUATION OF FISHING LAWS AND RULES FOR TAMPA BAY.**—

(a) The Department of Natural Resources shall develop a fisheries resources monitoring and research project for Tampa Bay. At a minimum, the project shall include:

1. A project design based upon an evaluation of existing information on the production of sport and commercial fisheries in the bay;

2. A fisheries independent survey to determine the approximate type, number, and distribution of fisheries in the bay;

3. Evaluation of sport and commercial fishing activity and its effect on the fisheries of the bay;

4. An identification and evaluation of the factors affecting fisheries and an identification of the sites in the bay where detailed research should be performed;

5. Site investigations based upon the site identification conducted in subparagraph 4. where long-term fisheries monitoring is appropriate;

6. The enhancement of the state fisheries statistics program with special emphasis on Tampa Bay fisheries; and

7. Recommendations for the improvement, management, and regulation of the fisheries of the bay.

(b) The Marine Fisheries Commission shall evaluate all local and special laws and rules pertaining to saltwater fishing and shellfish harvesting in Tampa Bay, for the purposes of identifying conflicting or inconsistent saltwater fishing and shellfish harvesting laws and rules, and shall make recommendations regarding modification or consolidation of such laws and rules. In performing the evaluation, the commission shall use information and recommendations prepared under the fisheries monitoring and research project described in paragraph (a) and other appropriate information, studies, reports, or analyses. The commission shall prepare a report containing its findings and recommendations for proposed modification or consolidation and shall submit the report to the Governor and Cabinet, and shall submit a summary of the report to affected local governments, no later than October 1, 1988. In addition to the report, the commission shall submit any proposed rules or amendments to rules necessary to implement its proposals for modification or consolidation.

(10) The district shall coordinate its activities with the Agency on Bay Management of the Tampa Bay Regional Planning Council and shall use the expertise of the agency in performing its powers and duties. Final approval for all Tampa Bay improvement and management activities shall rest with the Southwest Florida Water Management District and shall conform to the recommendations of the Agency on Bay Management of the Tampa Bay Regional Planning Council.

(Renumber subsequent sections.)

Amendment 2 as amended was adopted.

The Committee on Appropriations recommended the following amendment which was moved by Senator Crawford and adopted:

Amendment 3—In title, on page 1, lines 1-31, and on page 2, lines 1-16, strike all of said lines and insert: A bill to be entitled An act relating to protection of natural resources; providing legislative findings and intent; providing for lake restoration activities; providing for the Lake Restoration Trust Fund; providing for issuance of bonds; amending section 5 of chapter 85-148, Laws of Florida; providing tasks for the pilot project for Lake Apopka; amending section 7 of chapter 85-148, Laws of Florida; providing for competition among contractors for projects; providing an appropriation for the St. Johns River Water Management District for Lake Apopka project activities; providing an appropriation for the South Florida Water Management District for Lake Okeechobee project activities; amending ss. 161.021, 161.041, 161.053, 161.054, 161.091, 161.101, 161.141, 161.142, 161.161, 373.026, F.S.; providing definitions; prohibiting the Department of Natural Resources from issuing permits for certain construction or excavation except in specified circumstances; establishing criteria for local coastal construction zoning and building codes; providing for permits when liens are imposed on the property; establishing property rights of the state; renaming the Erosion Control Trust Fund; authorizing the department to use funds from the Beach Management Trust Fund to pay certain costs of specified beach management projects; deleting certain requirements relating to the placement of sand dregings on beaches; providing procedures for approval of projects; providing for powers and duties of the Department of Environmental Regulation; providing appropriations; providing an effective date.

On motion by Senator Crawford, by two-thirds vote CS for HB 1350 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crenshaw	Grizzle	Kirkpatrick
Barron	Deratany	Hair	Kiser
Beard	Dudley	Hill	Langley
Brown	Frank	Hollingsworth	Lehtinen
Childers, D.	Girardeau	Jenne	Malchon
Childers, W. D.	Gordon	Jennings	Margolis
Crawford	Grant	Johnson	McPherson

Meek	Plummer	Stuart	Weinstein
Myers	Ros-Lehtinen	Thomas	Weinstock
Peterson	Scott	Thurman	Woodson

Nays—None

On motion by Senator Crawford, the rules were waived and CS for HB 1350 was ordered immediately certified to the House.

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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar respectfully recommends a revision of Senate Rules 4.6, 4.8, and 7.1 attached hereto and by reference made a part of this committee report.

Sincerely,
Dempsey J. Barron,
Chairman

Proposed change to Rule 4.6, second paragraph:

4.6—Reference generally; final day for introduction of bills

All Senate bills filed for introduction after 5:00 p.m. of the fourth day of the regular session (except for the general appropriations bill, local bills, and joint resolutions) and resolutions filed after the thirtieth day 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 Barron, the amendment to Rule 4.6 was adopted.

The following is recommended as a substitute for the text of the second paragraph of Rule 4.8:

4.8—Reference to the Committees on Appropriations; Finance, Taxation and Claims; and Personnel, Retirement and Collective Bargaining; claim bills

a. Claim bills are of two types: excess judgment claims filed pursuant to Section 768.28(5), F.S., and equitable claims filed without an underlying excess judgment.

b. The provisions of the first paragraph of this Rule to the contrary notwithstanding, all claim bills shall be first referred by the President to a Senate Special Master who shall conduct a de novo hearing, pursuant to reasonable notice, and determine liability, proximate cause and damages. Discovery procedures shall be governed by the Florida Rules of Civil Procedure and the Florida Evidence Code, as applicable. The Special Master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, tape record the proceedings, and prepare a final report containing findings of fact, conclusions of law and recommendations. The report shall be signed by the Special Master who shall be available, in person, to explain his report to the committees and to the Senate.

c. On receipt of the Special Master's report and recommendations, the Secretary shall, under the President's initial reference, deliver each claim bill with the report attached, to the Committee on Finance, Taxation and Claims or other committee designated by the President.

d. On receipt of the Special Master's report and recommendations concerning an equitable claim that is unsupported by an excess judgment, the Chairman of Finance, Taxation and Claims shall refer the claim bill and Special Master's report to a select subcommittee to consider and make a recommendation to the committee thereon. The select subcommittee shall consist of not less than three members of the Senate representing geographic areas outside that from which the claim bill arises and shall notice, hear and report each claim bill and Special Master's report referred to it in the same manner as any other bill.

e. Stipulations entered into by the parties are not binding on the Special Master, the Senate or its committees.

f. The hearing and consideration of a claim, any element of which is pending in litigation, shall be held in abeyance until all judicial activity thereon, including any appellate proceedings, shall have come to rest.

On motion by Senator Barron, the amendment to Rule 4.8 was adopted.

Add the following sentence to Rule 7.1:

7.1—General form; manner of consideration

Bills which have received an unfavorable committee report, and bills the substance of which have not been reported favorably by a committee or committees of reference, are out of order and shall not be admitted or considered under color of amendment to a bill on the calendar and under consideration by the Senate.

Senators Barron, Jenne and Langley offered the following amendment which was moved by Senator Barron and adopted:

Insert before the "period": ; amendments covered by this rule shall be substantially the same and identical as to specific intent and purpose as the measure residing in the committee or committees of reference

On motion by Senator Barron, the amendment to Rule 7.1 as amended was adopted.

Introduction of Bill

Senator Barron reported that the Committee on Rules and Calendar recommended favorably Senator Myers' motion to introduce SB 1356 after the filing deadline.

SB 1356—A bill to be entitled An act relating to the Florida Atlantic University West Palm Beach Center; amending s. 2, chapter 82-247, Laws of Florida, as amended by s. 18, chapter 86-145, Laws of Florida; eliminating the requirement of a minimum bid in the sale of 10 acres of the center; authorizing the rejection of all bids under certain circumstances; authorizing the Board of Trustees of the Internal Improvement Trust Fund to employ a real estate broker to arrange the sale of such property; providing an effective date.

—was referred to the Committee on Rules and Calendar.

On motion by Senator Myers, by two-thirds vote SB 1356 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Myers, by unanimous consent SB 1356 was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Frank	Johnson	Peterson
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Scott
Childers, D.	Grizzle	Lehtinen	Stuart
Childers, W. D.	Hair	Malchon	Thomas
Crawford	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	McPherson	Weinstein
Deratany	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson

Nays—None

On motion by Senator Myers, the rules were waived and SB 1356 was ordered immediately certified to the House.

SPECIAL ORDER, continued

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

CS for CS for CS for SB 235—A bill to be entitled An act relating to beach management; amending ss. 161.021, 161.041, 161.053, 161.0535, 161.054, 161.091, 161.101, 161.141, 161.142, 161.161, 373.026, F.S.; providing definitions; prohibiting the Department of Natural Resources from issuing permits for certain construction or excavation except in specified circumstances; establishing criteria for local coastal construction zoning and building codes; providing for the deposit of certain fees into the Beach Management Trust Fund; providing for permits when liens are imposed on the property; establishing property rights of the state; renaming the Erosion Control Trust Fund; authorizing the department to use funds from the Beach Management Trust Fund to pay certain costs of specified beach management projects; deleting certain requirements relating to the placement of sand dredgings on beaches; providing procedures for approval of projects; providing for powers and duties of the

Department of Environmental Regulation; providing appropriations; providing an effective date.

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

Yeas—38

Mr. President	Frank	Johnson	Plummer
Barron	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thurman
Childers, W. D.	Hair	Malchon	Weinstein
Crawford	Hill	Margolis	Weinstock
Crenshaw	Hollingsworth	McPherson	Woodson
Deratany	Jenne	Meek	
Dudley	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Peterson, Thomas

Motion to Reconsider

Senator Langley moved that the Senate reconsider the vote by which HB 428 passed on May 21.

The motion was placed on the calendar.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Langley, the rules were waived and the Committee on Judiciary-Civil was granted permission to consider HB 549 and CS for SB's 942, 945 and 946 on May 26.

On motions by Senator Deratany, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider CS for SB 486, CS for SB 120 and CS for SB 110 on May 26.

On motions by Senator Scott, the rules were waived and the Committee on Appropriations was granted permission to consider SB 1072 and CS for SB 413 on May 26.

On motions by Senator Scott, by two-thirds vote CS for SB 365 and SB 682 were removed from the calendar and referred to the Committee on Appropriations.

On motions by Senator Scott, by two-thirds vote CS for SB 242, Senate Bills 258, 292, 447, CS for SB 515, CS for CS for SB 589, CS for SB 607,

SB 815, CS for SB 831, CS for SB 862 and Senate Bills 892 and 1246 were withdrawn from the Committee on Appropriations.

On motion by Senator Jennings, by two-thirds vote CS for SB 1247 was withdrawn from the Committee on Commerce.

On motion by Senator Margolis, by two-thirds vote CS for SB 950 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Hair, by two-thirds vote CS for SB's 1289, 771 and 84 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motion by Senator Barron, by two-thirds vote HB 183 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Barron, the rules were waived and by two-thirds vote CS for SB 484 and CS for SB 1161 were placed as the first bills on the special order calendar for Wednesday, May 27, to be followed by the bills remaining on today's special order calendar.

Special Guest

Senator Thomas presented to the Senate the Honorable Bill Grant, United States Congressman from Florida.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 21 was corrected and approved as follows:

Page 371, from bottom of column 1, line 22, strike "HB 1078" and insert: CS for HB 211

Page 378, column 1, from bottom, line 8, strike "2, line" and insert: 3 between lines 4 and

The Journal of May 20 was corrected and approved as follows:

Page 344, column 1, line 14, before "Senator" insert: Senator Stuart at 12:00 noon,

Page 362, column 2, in roll call strike "Stuart" and on page 364, column 1, in roll call strike "Stuart"

CO-INTRODUCERS

Senators Myers, D. Childers and Margolis—CS for SB 226; Senators Meek, Weinstein, Weinstock, Johnson, Myers and Jenne—CS for CS for SB 414

RECESS

On motion by Senator Barron, the Senate recessed at 5:28 p.m. to reconvene at 2:00 p.m., Wednesday, May 27.

SENATE PAGES

May 25-29

Gregory Wade Anderson, Atlantis; Jennifer Barber, Bell; Lorrie D. Browning, East Palatka; Donnie Griesheimer, Tallahassee; Sarah Ellen Ivie, Dade City; LaTanya C. Combs, Jacksonville; Jodi Crum, Tallahassee; Christine Marie Dallet, Tallahassee; Christopher M. Ferrell, Orange Park; Elizabeth A. Gianini, Orlando; Alton R. Greene, Jacksonville; Lance Horenbein, Tallahassee; O. Fernando Juarez, II, Orlando; Zollie Maynard, III, Tallahassee; Terry Ozment, Trenton; Gerhard Pischel, Miami; Stacey R. Poston, Bradenton; Rebecca Quinn, Bonita Springs; Scott Schanbacher, Tallahassee; Matthew Walton, Miami