



Journal of the Senate

Number 18

Thursday, May 25, 1989

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—38:

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	Meek	Walker
Casas	Gordon	Myers	Weinstein
Childers, D.	Grant	Peterson	Weinstock
Childers, W. D.	Grizzle	Plummer	Woodson-Howard
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Scott	

PRAYER

The following prayer was offered by Calvin Goodlett, Reading Clerk:

May God who blesses, bless us this day. In God's Holy Name, we pray. Amen.

Motion

On motion by Senator Crenshaw, the rules were waived and **CS for SB 1285** was ordered immediately certified to the House.

Consideration of Resolutions

On motion by Senator Stuart, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senators Stuart and Thomas—

SR 1550—A resolution honoring Kellee Christine Roche, recipient of the Florida State University President's Humanitarian Award.

WHEREAS, the President of Florida State University has recognized the value of student community involvement to both the community and our students, and

WHEREAS, the university has established the President's Humanitarian Award in recognition of the importance of this service and of helping the less fortunate and the disadvantaged, and

WHEREAS, the second annual President's Humanitarian Award has been presented to Kellee Christine Roche, a student at Florida State University and a ten-year resident of the City of Tallahassee, and

WHEREAS, she has demonstrated her humanitarian spirit and leadership in many ways, including establishing at Lincoln High School a club called the Order of the Silent Voices in order to bring together the hearing and the hearing impaired, and

WHEREAS, she is working diligently toward her Master's degree in Social Work at Florida State University and is using her special sensitivities to volunteer as a guardian ad litem and help our troubled youth, and

WHEREAS, she also spends many hours working at "Someplace Else," a shelter in Tallahassee for homeless children, serving as an outreach specialist there, and recruiting other students to lend their time and support to improve the shelter and help our city's homeless youth with their special needs, NOW, THEREFORE,

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

That the Florida Senate recognizes and commends Kellee Christine Roche for her tireless efforts toward helping the disadvantaged, especially young people and homeless children, and for serving as a premier example to all, but especially to young people in Florida, of someone who is a true humanitarian.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Kellee Christine Roche as a tangible token of the sentiments expressed of the Florida Senate.

On motion by Senator Stuart, SR 1550 was read the second time in full and adopted.

Senator Stuart introduced the following special guests: Kellee Christine Roche, her father Fred Roche, mother Barbara Allen, and stepfather Charles Allen. At the request of the President, Senators Stuart and Thomas escorted the guests to the rostrum where Miss Roche received a copy of the resolution.

On motion by Senator Johnson, by two-thirds vote SR 375 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Johnson—

SR 375—A resolution relating to the Gulf of Mexico Initiative for the management and protection of the resources of the Gulf of Mexico.

WHEREAS, the United States encloses the Gulf of Mexico on three sides, and two-thirds of the area of the contiguous United States drains into the Gulf of Mexico, and

WHEREAS, the Gulf of Mexico produces approximately 40 percent of the nation's commercial fish yield and supports over 30 percent of its marine recreational fishing, and

WHEREAS, the estuaries, wetlands, and barrier islands of the Gulf of Mexico provide critical habitat for large populations of finfish, shellfish, waterfowl, shorebirds, and colonial nesting seabirds, and

WHEREAS, 90 percent of domestic offshore oil and gas comes from the Gulf of Mexico and approximately 45 percent of United States shipping tonnage passes through Gulf of Mexico ports, and

WHEREAS, nutrient over-enrichment, toxic and pesticide contamination, and the presence of human pathogens are contributing to deteriorating water quality and closed fishing areas in the Gulf of Mexico, and

WHEREAS, shoreline development, canal and channel dredging, and alterations of freshwater flow into Gulf of Mexico estuaries are causing extensive losses of salt marsh, mangroves, and seagrass beds, which are critical habitats to a wide variety of estuarine and marine organisms, and

WHEREAS, it is in this state's best interest to preserve and enhance the natural and economic resources of the Gulf of Mexico, NOW, THEREFORE,

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

That the Florida Senate urges all state agencies and governmental entities in this state which have responsibilities for matters affecting the Gulf of Mexico to take a responsible role in a cooperative effort, to be known as the Gulf of Mexico Initiative, with other gulf coastal states and the Federal Government to develop and implement a comprehensive strategy for managing, protecting, and enhancing the resources of the Gulf of Mexico and for achieving a balance between the needs and demands of man-related activities and the preservation and enhancement of living marine resources.

—was read the second time in full and adopted.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 25, 1989: CS for SB 1246, HB 136, SB 292, SB 330, CS for SB 109, SB 394, CS for SB 448, CS for CS for SB 459, CS for SB 482, SB 641, SB 646, CS for SB 961, CS for SB 1213, SB 1317, CS for CS for SB 165, SB 783, CS

for SB's 315 and 1079, SB 1147, CS for SB 1252, SB 476, CS for SB 742, SB 820, CS for SB 532, CS for HB 877, SB 802, CS for SB 1000, CS for SB's 493 and 947, CS for SB 170, SB 989, CS for SB 1068, CS for CS for CS for SB 45, CS for SB 1251, SB 815, CS for CS for SB's 9, 1 and 248, CS for SB 28, CS for SB 1322, SB 1258, CS for SB 550, CS for SB 240, SB 623, CS for SB 844, SB 1170, SB 1371, CS for SB 667, SB 321, CS for SB 256, SB 1272, CS for SB 851, SB 578, CS for SB 1334, CS for SB 934, CS for SB 1414, SB 637, SB 1216, CS for SB 1112, SB 675, SB 1340, SB 262, CS for SB 776, SB 1268, SB 1171, CS for SB 1194, SB 855

Respectfully submitted,
James A. Scott, Chairman

The Committee on Finance, Taxation and Claims recommends the following pass: SB 403 with 1 amendment, SB 1535

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

The Special Master on Claims recommends the following pass: SB 181 with 1 amendment

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

The Committee on Finance, Taxation and Claims recommends the following pass: SB 771

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

The Committee on Commerce recommends the following pass: SB 475

The Committee on Finance, Taxation and Claims recommends the following pass: CS for SB 228, SB 504 with 2 amendments, SB 1203

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

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: CS for SJR 25, SB 398, CS for SB's 566 and 764, SB 586, CS for SB 649, CS for SB 691, SB 1103

The Committee on Insurance recommends a committee substitute for the following: SB 896

The Committee on Transportation recommends a committee substitute for the following: SB 1474

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 Appropriations recommends committee substitutes for the following: CS for SB 20, CS for SB 102, SB 159, CS for SB 185, CS for SB's 481 and 314, CS for SB 543, CS for SB 587, SB 787, SB 791, SB 1141, CS for SB 1148, CS for SB 1305, SB 1385, SB 1534

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: CS for SB 639, SB 1178

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

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Malchon—

SB 1541—A bill to be entitled An act relating to Pinellas County; authorizing the Board of County Commissioners of Pinellas County to designate code inspectors; providing for issuance of citations for violations of county codes; limiting duties; providing exemption from certain requirements; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bruner—

SB 1542—A bill to be entitled An act relating to Franklin County; prohibiting the operation of a mechanized dredge or rake in Apalachicola Bay in that county for the purpose of taking or removing oysters or clams; providing that a violation of this prohibition is a misdemeanor of the first degree, punishable as provided by general law; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Kirkpatrick—

SB 1543—A bill to be entitled An act relating to the Gainesville-Alachua County Regional Airport Authority; amending chapter 86-469, Laws of Florida; clarifying the definition of airport; providing that the authority may acquire land in the name of the city by eminent domain; authorizing the authority to, independently or in conjunction with the City of Gainesville, accept revenues and grants and incur obligations relating thereto; providing that the authority may borrow money from available sources; authorizing the authority to appoint or employ airport guards or police with full police powers; providing that the authority may expend funds to advertise and promote the airport, its operations, and issues affecting the airport; 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 1544—A bill to be entitled An act relating to Monroe County; creating the Solid Waste and Resource Recovery Authority of Monroe County, to construct, issue permits, acquire, own, maintain, and operate a waste collection, resource recovery, and disposal system in said county for the collection or disposal of both of solid waste, septage, and other waste matter; providing for the governing body of the authority and for terms of its members; providing for officers, meetings, and method of removing members; prescribing the powers of the authority; providing for the granting of franchises; providing for an executive director; authorizing the authority to establish, fix, and collect fees, rentals, or other charges for the services and facilities of said waste collection, resource recovery, and disposal system, and to issue bonds to finance the cost of the construction, acquisition, expansion, or improvement of said waste collection, resource recovery, and disposal system, and purposes related thereto; providing that the bonds shall be revenue bonds payable solely from the fees, rentals, or other charges derived from said waste collection, resource recovery, and disposal system, or from funds other than ad valorem taxes; providing for budget and approval of budget; providing that the authority may not supply or furnish the services and facilities of said waste collection, resource recovery, and disposal system outside the service area without the consent of the applicable local governments; providing for the exercise of eminent domain by the authority; providing for a receiver of said waste collection, resource recovery, and disposal system on default of the authority in the payment on such bonds or of covenants with the holders of such bonds; providing for covenants of the state with respect to the rights of the holders of said bonds; providing for the issuance of refunding bonds; authorizing the authority to covenant with holders of such bonds to include the amounts necessary for debt service and reserves on said bonds in each year in the budget of such authority for such year; authorizing the authority to require the use of the facilities of said waste collection, resource recovery, and disposal system; authorizing the authority to make other valid and legally binding covenants with the holders of said bonds relative to said waste collection, resource recovery, and disposal system; specifying the rights, security, and remedies of the holders of said bonds; providing that the authority has sole and exclusive authority within the county to collect and dispose of solid waste, and other waste matter; authorizing the authority to prohibit or control incineration and disposal of solid waste and other waste matter; authorizing the authority to prohibit or issue permits, control, and require the disposal of all solid waste, septage, and other waste in a disposal facility as specified by the authority; authorizing the authority to enter into contracts for the collection or disposal or both of solid waste and other waste matter; authorizing the authority to use property rights held by the state and political subdivisions thereof; authorizing the authority to accept grants and loans; authorizing the authority to lease the waste collection, resource recovery, and disposal system, or part thereof, and to lease facilities; authorizing the authority to divide the county into districts for the purposes of solid waste collection or disposal or both; exempting the fees, rentals, or other charges for the services and facilities of such system from regulation, supervision, and control of state agencies; authorizing the authority to delegate authority to administer such waste collection, resource recovery, and disposal system or part thereof; authorizing the authority to make rules and regulations for the use, control, management, and operation of the waste collection, resource recovery, and disposal system; exempting the exercise of rights and powers conferred by the act from the Florida Antitrust Act of 1980; authorizing the authority to grant permits or licenses for collection or disposal, or both, of solid waste, septage, and other waste matter; providing severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator W.D. Childers—

SB 1545—A bill to be entitled An act relating to Escambia County; prohibiting the siting of a hazardous waste processing, transfer, or storage facility within the drainage basin of the Perdido River or Perdido Bay; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator W.D. Childers—

SB 1546—A bill to be entitled An act relating to the City of Gulf Breeze, Santa Rosa County; providing for the conveyance of state-owned lands located within the city limits to the city; authorizing the use of the lands for recreational, waterfront development; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Thurman—

SB 1547—A bill to be entitled An act relating to the Homosassa Special Water District, Citrus County; amending s. 1, chapter 59-1177, Laws of Florida, as amended; increasing the territorial limits of the district; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Thurman—

SB 1548—A bill to be entitled An act relating to Citrus County, Homosassa Special Water District; amending section 2 of chapter 59-1177, Laws of Florida, as amended; increasing the maximum amount of compensation that may be provided to members of the board of commissioners of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committees on Appropriations and Regulated Industries and Senator McPherson—

CS for CS for SB 20—A bill to be entitled An act relating to alcoholic beverages; creating the "Florida Responsible Vendor Act"; providing legislative intent; providing definitions; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation to establish a responsible vendors program; providing for certification of participating vendors; providing for renewal of certification; providing for revocation or suspension of certification; prescribing qualifications for participation; providing for exemption from license suspension or revocation for certified vendors for certain violations by their employees; providing for mitigation of administrative penalties for certain beverage law violations by employees; imposing a surcharge on alcoholic beverage license fees; providing for use of surcharge revenues; requiring a report; providing for future repeal of such surcharge; providing an appropriation; authorizing additional positions in the department; providing effective dates.

By the Committees on Finance, Taxation and Claims; Community Affairs; and Senators Dudley, Thomas, Stuart, Langley, Forman, Casas, Souto, McPherson, Beard, Crenshaw, Johnson, Woodson-Howard, Bruner, Walker, Thurman, Kirkpatrick, W. D. Childers and Jennings—

CS for CS for SJR 25—A joint resolution proposing the creation of Section 18 of Article VII of the State Constitution, relating to general laws that require counties or municipalities to spend funds or that limit the ability of counties or municipalities to raise revenue or receive state revenue.

By the Committees on Appropriations and Education and Senators Johnson, McPherson, Brown, Stuart, Grizzle, Kirkpatrick, Beard, Casas and Davis—

CS for CS for SB 102—A bill to be entitled An act relating to environmental education; amending s. 229.8055, F.S.; expanding the environ-

mental education program to provide such education in community colleges and state universities; requiring the Commissioner of Education, the Board of Regents, and the State Board of Community Colleges to administer the program; requiring the Department of Education to disseminate information regarding environmental education for adults to the school districts; amending s. 229.8058, F.S.; creating the Advisory Council on Environmental Education within the Legislature; providing membership and authorization for the council to employ staff; transferring certain equipment and materials to the council; providing responsibilities of the Advisory Council on Environmental Education; directing the Governor to administer a grant program for environmental education; authorizing certain organizations and projects to be eligible for the grants; creating the Interagency Environmental Education Coordinating Committee to coordinate the environmental education programs of certain state agencies and water management districts; providing for appointments; providing for payment of per diem and travel expenses; providing for regular meetings of members and staff of specified entities; creating the Save Our State Environmental Education Trust Fund; authorizing the Advisory Council on Environmental Education to establish a nonprofit support corporation for certain purposes; requiring an annual audit of the records of the corporation; exempting from public records requirements information in the audit report; providing for future legislative review of such exemption; creating s. 220.187, F.S.; providing for a credit against the corporate income tax for contributions to such corporation; providing for application; amending s. 220.02, F.S.; specifying the order of taking such credit; providing for future abolition and legislative review of the Advisory Council on Environmental Education and the Interagency Coordinating Committee for Environmental Education; providing for the Advisory Council on Environmental Education to propose projects to the Governor and Cabinet for approval; providing for the Governor and Cabinet to act on such recommendations within a specified time; providing additional positions; providing appropriations; providing an effective date.

By the Committee on Appropriations and Senators Peterson, Kirkpatrick, Stuart, Johnson, Weinstock, Thurman, Davis, Meek and Gordon—

CS for SB 159—A bill to be entitled An act relating to postsecondary education; providing legislative intent; establishing the college reach-out program; providing for grants to public community colleges and universities to strengthen the educational motivation of low-income or educationally disadvantaged students; prescribing program requirements and procedures for obtaining grants under the program; providing for the appointment of an advisory committee to recommend the order of funding proposals under the program; requiring a report on program effectiveness; providing for termination of the program and for legislative review; requiring the Department of Education to report on the success of students participating in the program; providing an effective date.

By the Committees on Appropriations and Agriculture and Senator Forman—

CS for CS for SB 185—A bill to be entitled An act relating to public fairs and expositions; amending s. 616.091, F.S.; providing for safety standards for the operation of amusement devices, amusement attractions, and temporary structures at public fairs and expositions, carnivals, festivals, celebrations, bazaars, permanent facilities, and parking lot still dates; providing legislative intent; providing definitions; providing for permits and certificates to operate; providing inspection requirements and procedures; prescribing the responsibility of the Department of Agriculture and Consumer Services for the inspection of amusement devices; providing for permit fees; deleting reference to a designee of the department; directing the department to impound amusement devices and amusement attractions under certain circumstances; providing for standards and test requirements for the operation of an amusement device or an amusement attraction; requiring the manager of an amusement device or an amusement attraction to report to the department accidents relating to its operation; amending s. 546.006, F.S.; repealing an exemption of permanent site attractions and rides from insurance coverage and bond requirements; repealing an exemption from the requirement of insurance or bond with respect to certain amusement rides and amusement attractions; amending s. 570.46, F.S.; requiring the Division of Standards of the department to administer the provisions of ch. 616, F.S., relating to public fairs and expositions; transferring the Bureau of Fairs and Expositions of the Division of Administration of the Department of Agriculture and Consumer Services to the Division of Standards of the department; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senators D. Childers, Ros-Lehtinen, Plummer, Meek, Stuart, Myers, Casas and Dudley—

CS for SB 398—A bill to be entitled An act relating to community colleges; amending s. 240.345, F.S.; authorizing community college boards of trustees to levy an ad valorem tax for capital outlay purposes; requiring referendum approval; providing limitations; amending s. 240.3031, F.S.; specifying the counties served by state community colleges; providing an effective date.

By the Committees on Appropriations; Natural Resources and Conservation; and Senators Crenshaw, Kirkpatrick, Souto, Brown, Grizzle, Malchon and Thurman—

CS for CS for SB's 481 and 314—A bill to be entitled An act relating to coastal and marine resources; providing legislative intent; amending s. 206.9935, F.S.; increasing the cap on the Coastal Protection Trust Fund and providing for halting the tax or imposing the tax at prescribed levels in the balance in the fund; amending s. 376.11, F.S.; deleting requirements for the Coastal Protection Trust Fund to be used for spoil disposal sites; prescribing purposes of the fund; providing requirements for use of interest earned on the trust fund; amending s. 253.61, F.S.; specifying additional lands not subject to lease; amending ss. 377.24, 377.242, F.S.; prohibiting permits for drilling and associated construction for exploration or production of oil, gas, or other petroleum products in a specified area; amending s. 380.19, F.S.; clarifying a reference to the Department of Environmental Regulation; authorizing the department to create an interagency management committee to advise and assist in coastal zone protection and management; amending s. 380.0558, F.S.; providing that damages recovered for injury to coral reefs that otherwise would be deposited into the Internal Improvement Trust Fund be deposited into the Florida Area of Critical State Concern Restoration Trust Fund; amending s. 253.04, F.S.; authorizing the Department of Natural Resources to develop by rule a schedule for assessing civil penalties for damage to coral reefs and providing for additional penalties; amending s. 161.053, F.S.; extending the deadline for the reestablishment of coastal construction control lines; amending s. 403.413, F.S.; prohibiting dumping litter in canals; providing penalties; creating s. 403.4135, F.S.; requiring ports, terminal facilities, boatyards, marinas, and other similar commercial facilities to provide litter receptacles; providing for enforcement of violations; providing effective dates.

By the Committees on Appropriations and Education and Senator Johnson—

CS for CS for SB 543—A bill to be entitled An act relating to educational facilities; amending s. 235.011, F.S.; modifying the definitions of educational facilities, educational plant, maintenance and repair, and renovation; amending s. 235.014, F.S.; providing that the Office of Educational Facilities of the Department of Education shall make post-occupancy evaluation and make technical assistance relating to commodity and product selection available to district school boards, community college boards of trustees, the Board of Trustees for the Florida School for the Deaf and the Blind, and the Board of Regents; amending s. 235.04, F.S.; authorizing boards as defined in s. 235.011, F.S., including district school boards, to dispose of unnecessary real property without being subjected to the rules of the State Board of Education; amending s. 235.056, F.S.; deleting the review requirement for state university system leases; providing that a lease contract for 1 year or less when renewed beyond a year must be approved by the Office of Educational Facilities; amending s. 235.26, F.S.; authorizing boards to employ a chief building official or inspector or use a local building department inspector certified by the Office of Educational Facilities; increasing the limitation on the cost of constructing or modifying educational facilities which must have the approval of the Office of Educational Facilities; allowing the reuse of construction plans under certain conditions; amending s. 235.31, F.S.; allowing boards to renegotiate construction contracts in an emergency; requiring the Department of Education to develop rules; increasing cost limitation on work to be done on a day-labor basis; amending s. 235.435, F.S.; requiring certain levels of expenditure for safety-to-life corrections; placing additional restrictions on a school district's request for funds from the Special Facility Construction Account; deleting procedure for determining the amount eligible to be funded by the Legislature; providing an effective date.

By the Committees on Finance, Taxation and Claims; Community Affairs; and Senators Myers and Brown—

CS for CS for SB's 566 and 764—A bill to be entitled An act relating to special districts; creating s. 189.401, F.S.; creating the Uniform Special District Accountability Act of 1989; creating s. 189.402, F.S.; providing a statement of legislative purpose and intent; requiring special districts to comply with certain requirements; creating s. 189.403, F.S.; providing definitions; creating s. 189.4031, F.S.; providing statutory requirements for special districts; creating s. 189.4035, F.S.; providing for the preparation of the official list of special districts; creating s. 189.404, F.S.; providing for independent special district creation; creating s. 189.4041, F.S.; providing for dependent special district creation; creating s. 189.4042, F.S.; providing for special district merger; creating s. 189.4043, F.S.; providing dissolution procedures; creating s. 189.4044, F.S.; providing special dissolution procedures; creating s. 189.4045, F.S.; providing for financial allocations; creating s. 189.405, F.S.; providing for election requirements and procedures; creating s. 189.4051, F.S.; providing for special requirements and procedures for certain elections; creating s. 189.4065, F.S.; providing for the collection of non-ad valorem assessments; creating s. 189.407, F.S.; providing a limitation on taxes or fees; creating s. 189.408, F.S.; providing for special district bond referenda; creating s. 189.409, F.S.; providing for a determination of financial emergency; creating s. 189.412, F.S.; creating the Special District Information Program and providing duties and responsibilities thereof; creating s. 189.413, F.S.; providing for the oversight of state funds used by special districts; creating s. 189.415, F.S.; providing for a special district public facilities report; creating s. 189.4155, F.S.; providing for activities of special districts with respect to local government comprehensive planning; creating s. 189.4156, F.S.; providing for water management district technical assistance with respect to local government comprehensive planning; renumbering s. 189.004, F.S.; modifying language; renumbering and amending s. 189.005, F.S.; modifying meeting notice requirements; renumbering and amending s. 189.006, F.S.; modifying report filing requirements; correcting cross-references; renumbering and amending s. 189.007, F.S.; clarifying language; correcting cross-references; renumbering and amending s. 189.008, F.S.; correcting cross-references; renumbering and amending s. 189.009, F.S.; correcting cross-references; renumbering and amending s. 189.30, F.S., relating to purchase or sale of water or sewer utility by special district; providing applicability; amending s. 11.45, F.S.; providing for annual financial audits of certain special districts; providing for a hearing; providing for the transfer of certain information to designated recipients; correcting cross-references; amending s. 20.18, F.S.; providing for cooperation of the Department of Community Affairs and other state agencies with respect to special district reporting requirements; amending s. 75.05, F.S.; providing for a copy of certain served complaints with respect to independent special districts; amending s. 112.322, F.S.; providing for a report; amending s. 112.665, F.S.; directing the Division of Retirement of the Department of Administration to issue an annual report concerning compliance of special districts with certain retirement provisions; amending s. 165.011, F.S.; changing the title of the "Formation of Local Governments Act" to the "Formation of Municipalities Act"; amending ss. 165.021, 165.031, 165.041, 165.051, 165.052, 165.061, 165.071, F.S.; deleting reference to local government and special districts and providing reference to municipalities; amending s. 218.32, F.S., relating to financial reporting; requiring the Legislative Auditing Committee to notify specified departments of failure to report; providing for a hearing; providing that the annual financial report of each municipality and county shall include a list of dependent districts located therein; correcting cross-references; deleting certain required reporting information; amending s. 218.37, F.S.; providing for a report to the Special District Information Program; expanding powers and duties of the Division of Bond Finance with respect to bond validation; amending s. 218.38, F.S., relating to notice of bond issues; requiring the Legislative Auditing Committee to notify specified departments of failure to comply; providing for a hearing; correcting cross-references; amending s. 190.011, F.S.; providing that community development districts shall have the power to impose, collect, and enforce non-ad valorem assessments; amending s. 190.012, F.S.; providing for special powers of community development districts; amending s. 190.021, F.S.; providing for the funding of certain activities from non-ad valorem assessments; amending s. 190.046, F.S., relating to the termination, contraction, or expansion of districts; providing requirements with respect to a government formed by a merger involving a community development district; creating s. 200.0684, F.S.; requiring an annual compliance report for the Department of Community Affairs; amending s. 218.34, F.S.; providing procedures for budgets and other financial matters of special districts; amending s.

218.23, F.S.; prescribing eligibility requirements for revenue-sharing by units of local government; deleting requirements for certain reports to the Department of Banking and Finance; amending s. 100.011, F.S.; providing that independent and dependent special district elections shall be conducted in a certain manner; providing an exception; amending s. 218.503, F.S., relating to determination of financial emergency; creating s. 373.0391, F.S.; providing for technical assistance to local government by water management districts; amending s. 121.021, F.S.; redefining the term "special district" with respect to the Florida Retirement System; amending s. 200.001, F.S.; providing definitions; amending s. 218.31, F.S.; providing definitions; authorizing the Department of Community Affairs to make rules; repealing s. 189.001, F.S., relating to the short title of the "Special Districts Disclosure Act of 1979"; repealing s. 189.002, F.S., relating to legislative findings and intent; repealing s. 189.003, F.S., relating to definitions; directing the Department of Community Affairs to compile an inventory of fire control districts in the state; requiring a report to the Legislature; directing the Department of Community Affairs to establish a fee schedule with respect to the administration of the act; providing a limitation thereto; creating s. 189.430, F.S.; providing for the consideration of hiring a professional manager for independent special districts under certain circumstances; providing an appropriation to the Department of Community Affairs; creating s. 189.44, F.S.; prohibiting certain special acts and general acts of local application; amending s. 165.022, F.S.; deleting reference to special districts in the preemption provisions of the "Formation of Local Governments Act"; providing effective dates.

By the Committee on Finance, Taxation and Claims; and Senator Woodson-Howard—

CS for SB 586—A bill to be entitled An act relating to tax credits; creating ss. 212.098 and 220.187, F.S.; providing for credits against the sales tax and corporate income tax for companies owning railroad rights-of-way that donate property for use in the Florida Recreational Trails System and local government owned mass rapid transit systems; providing limitations; providing for carryover of the credits; amending s. 220.02, F.S.; providing order of credits against the corporate income tax; providing responsibilities of the Department of Natural Resources; amending s. 212.095, F.S.; requiring the Department of Revenue to pay interest on any refunds and credits; amending s. 212.12, F.S.; requiring the Department of Revenue to waive penalties under certain circumstances; providing an effective date.

By the Committees on Appropriations; Finance, Taxation and Claims; and Senator Deratany—

CS for CS for SB 587—A bill to be entitled An act relating to insurance premium taxation; amending s. 624.509, F.S.; reducing the insurance premium tax rate; deleting certain payment provisions; revising a limitation on the total of credits that may be taken against the tax; deleting the authority of affiliated groups of insurers to file consolidated returns; deleting and revising certain administrative provisions; revising the exemption for certain commercial motor vehicle insurance; providing an exemption for certain flood insurance; creating s. 624.5092, F.S.; providing for administration, audit, and enforcement of certain insurance premium taxes by the Department of Revenue; providing for installment payments and associated penalties; amending s. 624.521, F.S.; providing duties of the Department of Revenue with respect to certain insurance premium taxes; amending s. 213.05, F.S.; broadening the Department of Revenue's administrative authority to include certain insurance premium taxes; amending s. 631.705, F.S.; revising the credit that can be taken for Florida Insurance Guaranty Association assessments against the insurance premium tax or corporate income tax; amending s. 631.719, F.S.; revising the credit that can be taken for Florida Life and Health Insurance Guaranty Association assessments against the insurance premium tax or corporate income tax; amending s. 627.6494, F.S.; removing the offset of State Comprehensive Health Association assessments against the state corporate income tax or insurance premium tax; amending ss. 220.02 and 627.6492, F.S., to conform and to delete obsolete references; amending ss. 175.101 and 185.08, F.S.; providing for installment payments with respect to excise taxes which may be imposed by certain municipalities on property and casualty insurance premiums and for application of penalties associated therewith; amending s. 440.57, F.S.; conforming a cross reference; amending s. 624.429, F.S.; revising provisions relating to certain credit that is not to be considered in determining retaliatory tax; changing the amount of retaliatory tax funds to be deposited in the Insurance Commissioner's Regulatory Trust Fund; providing duties of the Department of Revenue with respect to said tax; amending s. 624.4425, F.S.; conforming a cross reference; amending s. 624.475, F.S.;

conforming a cross reference; amending s. 627.356, F.S.; conforming a cross reference; amending s. 627.357, F.S.; conforming a cross reference; temporarily reducing the tax rate on medical malpractice self-insurance; amending s. 627.0625, F.S.; adding flood insurance to the exclusions from the definition of commercial property insurance; creating a task force to review premium tax laws; providing membership and duties of the task force; requiring a report to the Legislature; providing for the repeal and review of ss. 627.648 through 627.6498, F.S., the State Comprehensive Health Association Act; transferring certain positions from the Department of Insurance to the Department of Revenue; deleting funds from the Department of Insurance and providing an appropriation to the Department of Revenue; amending s. 624.509, F.S., as created by ch. 88-206, Laws of Florida, and amended by this act; delaying the future repeal of certain provisions; amending s. 626.752, F.S.; applying a premium receipts tax to premiums charged for insurance which is exchange of business; providing for collection and payment thereof; prohibiting absorption or rebate thereof; providing for certain recovery by suit; exempting such premiums from certain other taxes; providing for retroactive application; providing effective dates.

By the Committees on Finance, Taxation and Claims; Transportation; and Senator Forman—

CS for CS for SB 639—A bill to be entitled An act relating to motor vehicle fraud; creating the "Odometer Fraud Prevention and Detection Act"; amending s. 319.001, F.S.; defining the term "used motor vehicle"; amending s. 319.14, F.S.; changing the term "for hire" to "lease"; deleting the exception to public disclosure of previous status for vehicles which are not current models; providing that when a certificate of title is branded to reflect a condition or prior use of the vehicle, the brand must be carried forward; amending s. 319.21, F.S.; permitting reassignment of out-of-state motor vehicle titles by dealers; deleting certain provisions relating to vehicles without certificates of title in this state; creating s. 319.225, F.S.; requiring that a statement of requirements of federal and state law relating to odometer disclosure be included on title certificates; providing for transfer and reassignment forms with odometer disclosure statements on the reverse of title certificates; requiring dealers to take title in certain circumstances; providing for use of separate dealer reassignment forms in certain situations; requiring odometer disclosure upon transfer of certain used vehicles; providing penalties for failure to make disclosure; prohibiting the same person from signing a disclosure statement as transferor and transferee in the same transaction except when a title certificate is held by a lienor and providing for signature by power of attorney in such a case; providing for notation of auctions and odometer readings at time of auction; requiring notations by auctioneers and providing a penalty for failure to so note; providing for construction in conformance with federal rules; amending s. 319.24, F.S.; providing that the Department of Highway Safety and Motor Vehicles record and maintain odometer mileage readings and that motor vehicle dealer license numbers be required for duplicate titles; amending s. 319.32, F.S.; increasing motor vehicle title transfer fees; amending s. 319.323, F.S.; increasing fees for expedited service; providing a revised timeframe; amending s. 320.27, F.S.; providing that motor vehicle dealers must have duly assigned certificates of title or must have made proper application for title or duplicate for any motor vehicle offered for sale; providing that a vehicle may not be sold until such certificate or proof of such application can be produced; deleting certain redundant provisions on use of reassignment forms by dealers; creating s. 320.90, F.S.; providing that dealers must provide retail purchasers of used motor vehicles with a consumer's rights pamphlet; amending s. 319.22, F.S.; deleting certain provisions related to notaries; deleting odometer disclosure requirements inconsistent with those provided in this act; amending s. 319.23, F.S.; deleting certain provisions relating to oaths and notaries; conforming said section to other provisions of this act; deleting a provision on applications for duplicate titles by dealers; prohibiting issuance of title until s. 319.225, F.S., has been complied with; amending s. 319.29, F.S.; providing for verification of applicants for duplicate title certificates under certain circumstances; creating s. 319.324, F.S.; creating the Odometer Fraud Prevention and Detection Trust Fund; providing for deposit of moneys into the fund; providing purposes of the fund; providing effective dates.

By the Committees on Finance, Taxation and Claims; Governmental Operations; and Senator McPherson—

CS for CS for SB 649—A bill to be entitled An act relating to museums; creating the Science Museum Trust Fund; authorizing the Division of Cultural Affairs of the Department of State to provide grants from the trust fund to science museums; specifying criteria for receipt of grants;

requiring an accounting of moneys granted from the trust fund; providing for an independent audit of such moneys; amending s. 265.286, F.S.; providing for an annual transfer of funds from the State Major Cultural Institution Trust Fund to the Vital Local Cultural Program; providing for addition or deletion of programs; providing a limitation on grants; amending s. 265.2861, F.S.; designating certain State Major Cultural Institutions; amending s. 267.021, F.S.; defining the term "Florida history museum"; amending s. 267.072, F.S.; authorizing the Division of Historical Resources of the Department of State to conduct a program to provide grants from the trust fund to state or local governmental agencies and public or private organizations to finance public exhibits on Florida historical resources and to provide grants to Florida history museums to help pay operating costs; specifying criteria for receipt of grants; providing for applications for grants; providing procedures for grant application evaluation and approval; providing for approval of grant applications by the Secretary of State; providing for the deposit of moneys appropriated or donated to the program; prohibiting grants to museums for the payment of the costs of specified activities; directing the Division of Corporations to annually transfer specified amounts of money from the Corporations Trust Fund to the Science Museum Trust Fund and the Museum of Florida History Trust Fund; amending ss. 15.091, 495.071, 620.182, F.S.; increasing fees paid to the department and deposited in the Corporations Trust Fund for filing, searching, and copying documents filed with the department pursuant to ch. 679, F.S., the Uniform Commercial Code-Secured Transactions, for filing certain documents with the department pursuant to ch. 620, F.S., the Florida Revised Uniform Limited Partnership Act, and obtaining certified copies thereof and for renewal of a registration mark; repealing s. 617.015, F.S., relating to filing fees for corporations not for profit, so that such fees will be charged, collected, and deposited into the Corporations Trust Fund under s. 607.361, F.S., as made applicable by s. 617.002, F.S.; providing an effective date.

By the Committees on Finance, Taxation and Claims; Natural Resources and Conservation; and Senators Thurman, Woodson-Howard, Stuart and Peterson—

CS for CS for SB 691—A bill to be entitled An act relating to pollution control; amending s. 376.30, F.S.; revising legislative intent with respect to pollution of surface and ground waters; amending s. 376.301, F.S.; providing definitions of terms used in ss. 376.30-376.319, F.S.; amending s. 376.303, F.S.; revising provisions with respect to the powers and duties of the Department of Environmental Regulation pertaining to pollution of surface and ground waters; authorizing the establishment of standards for underground facilities that store hazardous substances and pollutants, marine fueling facilities, and aboveground facilities that store pollutants not covered by ss. 376.011-376.21 or ch. 377, F.S.; revising provisions relating to the department's compliance verification program; providing for advances of working capital to local governments to expedite completion of such program; providing for issuance and display of registration placards; providing registration fees for storage tanks; requiring marine fueling facilities to pay registration fees; amending s. 376.3071, F.S.; providing an additional use for the Inland Protection Trust Fund; revising provisions relating to reimbursement for cleanup expenses; amending s. 376.3072, F.S.; changing the name of the Florida Petroleum Liability Insurance Program to the Florida Petroleum Liability Insurance and Restoration Program; revising provisions with respect to the scope and type of coverage under the program; redefining the term "incident" as used in said section; defining the term "petroleum product"; revising criteria with respect to eligibility for participation in the program; providing for the payment of premiums directly to contractors under certain circumstances; amending s. 376.3073, F.S., relating to local programs for control of contamination; providing for the advance of working capital to the local government under certain circumstances; amending s. 376.317, F.S.; authorizing county governments to adopt ordinances regulating underground storage tanks under certain circumstances; amending s. 287.0595, F.S., relating to pollution response action construction contracts, to conform a cross-reference; amending s. 403.091, F.S., relating to inspection of facilities by the Department of Environmental Regulation under the Florida Air and Water Pollution Control Act, to conform a cross-reference; amending s. 403.760, F.S., relating to public used oil collection centers, to conform a cross-reference; providing an effective date.

By the Committee on Appropriations and Senators Bankhead and Gardner—

CS for SB 787—A bill to be entitled An act relating to financial matters; amending s. 18.10, F.S.; authorizing the Treasurer to invest in bank-

ers' acceptances issued by banks that are not members of the Federal Reserve System and in certain obligations of state and local governments; revising provisions relating to investment in intermediate-term corporate notes and authorizing investment in corporate master notes; clarifying the types of investments authorized to be made by the Treasurer under certain conditions; amending s. 697.203, F.S.; removing duties of the State Board of Administration in administering the Home Equity Conversion Mortgage Guaranty Fund; providing legislative purpose and intent; amending s. 215.58, F.S.; defining the term "governmental agency"; amending s. 215.64, F.S.; providing the division has the authority to direct agencies to comply with federal arbitrage laws; providing the division with powers related to conducting investigations or proceedings; amending s. 215.65, F.S.; allowing the division to adopt by resolution a schedule of fees and expenses; deleting the requirement that the State Board of Administration must approve such schedule and revisions thereto; creating s. 215.655, F.S.; creating the Arbitrage Compliance Trust Fund to pay certain expenses of the division; providing for fees to reimburse the trust fund; amending s. 215.76, F.S.; providing that the division is responsible for ensuring compliance with federal arbitrage law; providing that governmental agencies are subject to the direction of the division, as specified; amending s. 215.83, F.S.; providing that the federal arbitrage compliance functions of the department supersede any inconsistent provisions of other laws; providing for an appropriation; providing for a transfer of funds from the Bond Fee Trust Fund to the Arbitrage Compliance Trust Fund; providing an effective date.

By the Committee on Appropriations and Senator Thurman—

CS for SB 791—A bill to be entitled An act relating to public safety; amending s. 235.06, F.S.; revising provisions relating to firesafety inspections of educational plants; amending s. 526.141, F.S.; revising regulations relating to self-service gasoline stations; amending s. 552.091, F.S.; revising license and permit fees of manufacturer-distributors, dealers, users, and blasters of explosives; amending s. 552.092, F.S.; requiring a processing fee for fingerprinting; amending s. 552.093, F.S.; providing an examination fee; amending s. 552.094, F.S.; revising age requirement for issuance of a license or permit; amending s. 552.161, F.S.; clarifying language relating to administrative fines; amending s. 552.171, F.S.; increasing the period of suspension and revocation of a license or permit; amending s. 552.25, F.S., relating to regulation by local government entities; amending s. 554.109, F.S.; providing for inspection of boilers and expanding exemptions; amending s. 554.111, F.S.; revising fees for certification of inspectors and for inspections; amending s. 624.515, F.S.; revising the State Fire Marshal regulatory assessment; amending s. 633.01, F.S.; clarifying duties of the State Fire Marshal relating to the service of fire extinguishers, pre-engineered systems, and individually designed fire protection systems and the training and licensing of persons engaged in such business; amending s. 633.021, F.S.; redefining "preengineered system"; amending s. 633.061, F.S.; revising requirements, including fees, of licensure and permitting of organizations and individuals servicing and installing fire extinguishers and preengineered systems; providing for continuing education; providing for written examination and fees; providing for identification cards; providing for license expiration; amending s. 633.065, F.S.; revising requirements relating to installation, inspection, and maintenance of fire extinguishers and preengineered systems; amending s. 633.071, F.S.; clarifying provisions relating to service tags and serial numbers; amending s. 633.083, F.S.; prohibiting the sale or use of additional types of fire extinguishers; amending s. 633.085, F.S.; requiring a fee schedule for inspections of state buildings and testing of firesafety equipment; amending s. 633.162, F.S.; providing that disciplinary action includes denial and nonrenewal of licenses and permits; providing additional grounds for such action; amending s. 633.163, F.S.; providing for an administrative fine in lieu of suspension or revocation; amending s. 633.171, F.S.; clarifying penalty provisions; amending s. 633.34, F.S.; revising qualifications for employment as a firefighter; amending s. 633.35, F.S.; revising the firefighter training program and requiring passage of an examination for certification; amending s. 633.351, F.S.; clarifying provisions relating to decertification; amending s. 633.41, F.S.; clarifying implementation of the saving clause; amending ss. 633.45, 633.46, and 633.461, F.S.; changing the name of the Fire College Trust Fund and use of funds therein; amending s. 633.524, F.S.; revising fire protection system contractor certificate fees; amending s. 633.537, F.S.; providing for maintaining such certificate in an inactive status; creating s. 633.539, F.S.; providing requirements for installation, inspection, and maintenance of fire protection systems; amending s. 633.547, F.S.; providing additional acts which constitute cause for disciplinary action; revising amount of administrative fine; amending s. 633.551, F.S.; prohibiting municipalities and counties from requiring certain drawings to be sealed;

changing the date for submission of specified information on certified contractors; amending s. 633.554, F.S.; expanding application of law regulating contractors; amending s. 791.01, F.S.; revising definitions relating to the sale of fireworks; amending s. 791.015, F.S.; revising registration fees for seasonal retailers of sparklers and retailers of sparklers; creating the State Fire Marshal Scholarship Grant Trust Fund; providing purpose and expenditure procedures; providing investment procedures; creating a State Fire Marshal Scholarship Grant Fund Council; providing guidelines for the council; providing rulemaking authority; providing an appropriation; providing for review and repeal; providing an effective date.

By the Committee on Insurance—

CS for SB 896—A bill to be entitled An act relating to workers' compensation; amending ss. 112.3145, 120.52, 287.012, 381.609, 413.341, 440.02, 440.021, 440.09, 440.10, 440.11, 440.12, 440.13, 440.14, 440.15, 440.16, 440.17, 440.185, 440.19, 440.20, 440.24, 440.25, 440.271, 440.28, 440.29, 440.30, 440.31, 440.32, 440.33, 440.34, 440.385, 440.39, 440.41, 440.42, 440.44, 440.442, 440.45, 440.47, 440.49, 440.54, 440.56, 440.57, 442.115, 455.241, 489.131, 549.08, 626.869, 627.311, 766.101, 766.302, 766.304, 766.307, 766.308, 766.309, 766.31, 766.311, 766.312, 960.03, 960.09, 960.15, F.S.; creating ss. 440.115, 440.295, 489.114, 489.510, 624.22, F.S.; changing the name of the position of Chief Commissioner within the office of the secretary of the Department of Labor and Employment Security to Chief Judge; changing the name of the positions of deputy commissioner within such office to judge of compensation claims; providing that training and educational services are not contractual services for purposes of state purchasing contracts; providing for a judge of compensation claims to authorize access to a human immunodeficiency virus test result; providing definitions; providing an offset for professional athletes' compensation benefits; requiring certain employers to show proof of having secured workers' compensation coverage for their employees; providing immunity from liability; providing for drug testing; authorizing rules; providing for weekly payment of compensation; providing for the deauthorization of health care without order of a judge of compensation claims under certain circumstances; providing an exception to the confidentiality of certain medical records; limiting the hours of compensable attendant care that may be provided by a family member; requiring the panel that determines certain reimbursement allowances to review recommendations of a committee appointed by the Insurance Commissioner; providing requirements for utilization review by health care providers; providing employee's choice of physician; providing for the payment of compensation on a weekly basis; providing for determining average weekly wage; providing requirements for payment of temporary total disability benefits; providing requirements for payment of wage-loss benefits; providing requirements for payment of temporary partial wage-loss benefits; requiring full-pay status for law enforcement officers; providing that certain death benefits do not cease upon the remarriage of the deceased's spouse; increasing certain penalties for failure to give timely notice of injury or death; providing that the statute of limitations for specified claims is not tolled or extended by the failure of the division, an employer, or a carrier to file certain notices or reports or to provide certain information; providing that certain benefits shall be paid at stated intervals; requiring the Division of Workers' Compensation of the department to monitor compensation payment practices; requiring the judges of compensation claims and the Chief Judge to make certain reports; providing additional requirements for investigations by the division; authorizing the secretary of the department to issue subpoenas; requiring mediation; requiring the division to have mediation officers; authorizing the Governor to appoint a qualifications advisory committee; providing terms; requiring examinations; authorizing a judge of compensation claims to order that certain evaluations be conducted prior to the adjudication of a claim for permanent total disability benefits; revising circumstances under which attorney's fees may be awarded; modifying provisions relating to actions against a third party for compensation for employee injuries; providing duties of the advisory council appointed by the secretary of the department; requiring the Governor to appoint a workers' compensation oversight board; providing duties and responsibilities of the board; specifying the salary of judges of compensation claims; requiring the division to provide training and education benefits; providing a rotation system for selection of training and education providers; providing payments of training and education from the Workers' Compensation Administration Trust Fund; providing for the development of training and education standards; providing for certain reimbursement to the subsequent employer of a permanently impaired worker; requiring the division to identify employers whose employees have a high frequency of or severe work-related injuries; providing requirements for employers so identified; increasing penalties; authorizing the cancellation

of the contract for insurance if an employer fails to implement a safety training program as required by the division; providing that certain dividends or refunds issued by a self-insurer may not be contingent upon policy renewal; requiring evidence of workers' compensation coverage as a condition for issuance or renewal of certification or registration as a contractor or electrical contractor; requiring certain proof of coverage for out-of-state contractors; defining the term "motorsports teams"; providing continuing education requirements for adjusters of workers' compensation claims; creating s. 624.22, F.S.; providing legislative intent; creating s. 624.23, F.S.; directing the Joint Legislative Auditing Committee to appoint a Public Insurance Counsel to represent the general public before the Department of Insurance in matters pertaining to health and motor vehicle insurance; providing for oath; providing restrictions on the counsel and his employees; creating s. 624.24, F.S.; providing for the duties and powers of the counsel; creating s. 624.25, F.S.; providing for the location of the counsel office; creating s. 624.26, F.S.; providing that the Joint Legislative Auditing Committee may authorize the counsel to employ certain assistants; creating s. 624.27, F.S.; providing for expenses; creating the Public Insurance Counsel Trust Fund; providing legislative intent; amending s. 624.319, F.S.; providing that the Public Insurance Counsel shall have access to certain examination and investigation files and reports; amending s. 624.523, F.S.; providing for the transfer of certain funds to the Public Insurance Counsel Trust Fund; providing for review and repeal; providing immunity from liability for peer review or utilization committees; providing conforming language; requiring the division to conduct a cost analysis of employee rehabilitation; providing for a schedule of maximum reimbursements based upon such analysis; requiring a report by the Department of Labor and Employment Security; requiring the Center for Public Policy at Florida State University to conduct a cost comparison study; requiring a report; providing for funding; requiring the division to publish a guide to the workers' compensation system; providing an appropriation; correcting cross-references; providing for future repeal and review of ch. 440, F.S.; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senators Forman, Deratany, McPherson, Brown and Jennings—

CS for SB 1103—A bill to be entitled An act relating to real property tax assessment; creating a temporary commission within the Department of Environmental Regulation to study and recommend whether lands producing high water recharge of aquifers should be specially classified and their assessment based upon their character or use pursuant to s. 4, Art. VII of the State Constitution; providing for composition of the commission; requiring public hearings; specifying the issues to be studied by the commission; requiring reports; providing for assistance of the department and other state agencies; providing an appropriation; providing an effective date and an expiration date.

By the Committees on Appropriations and Judiciary-Civil—

CS for SB 1141—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; amending s. 35.06, F.S.; increasing the number of judges for specified district courts of appeal; amending s. 25.241, F.S.; providing additional filing fees; amending s. 28.241, F.S.; providing an additional service charge; amending s. 35.22, F.S.; increasing certain filing fees; providing effective dates.

By the Committees on Appropriations and Higher Education and Senator Kirkpatrick—

CS for CS for SB 1148—A bill to be entitled An act relating to health care; creating s. 240.4986, F.S.; creating a grant fund to increase enrollment in nursing and other health service programs at community colleges; providing for administration; providing for funding and for matching funding; amending ss. 407.50, 407.51, F.S.; authorizing the Health Care Cost Containment Board to approve certain hospital expenditures to educational institutions for training nurses and other allied health professionals; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senator Forman—

CS for SB 1178—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.03, F.S.; limiting to certain facilities the exemption from the transient rentals tax for an entire facility; amending s. 212.08, F.S.; exempting sales of magazines, books, records, or tapes under certain circumstances; providing an effective date.

By the Committees on Appropriations and Judiciary-Civil and Senators Weinstein and Dudley—

CS for CS for SB 1305—A bill to be entitled An act relating to guardianship; amending the Florida Guardianship Law by replacing the term “incompetent” with the term “incapacitated person”; reenacting s. 744.101, F.S., pertaining to the short title for ch. 744, F.S.; repealing s. 744.1011, F.S., pertaining to effective date and to the enforcement of certain substantive rights under prior law; creating s. 744.1012, F.S.; declaring legislative intent; amending s. 744.102, F.S.; revising definitions; reenacting s. 744.1025, F.S., pertaining to application of definitions contained in the Florida Probate Code; amending s. 744.103, F.S.; providing conforming language; reenacting s. 744.104, F.S., pertaining to verification of documents; amending s. 744.105, F.S., relating to costs in guardianship proceedings, to delete an obsolete provision; amending s. 744.106, F.S.; providing for notice; deleting provisions relating to application of certain virtual representation provisions; amending s. 744.107, F.S.; providing for court monitors; amending s. 744.108, F.S.; establishing factors to be used in setting guardians’ and attorneys’ fees and expenses; creating s. 744.109, F.S.; providing requirements for records of hearings; creating s. 744.1095, F.S.; providing rights of the alleged incapacitated person or the adjudicated ward at hearings under ch. 744, F.S.; amending s. 744.201, F.S.; providing for the domicile of a ward; amending s. 744.202, F.S.; providing for venue in proceedings for declaration of incapacity and in proceedings for appointment of a guardian; providing for change of venue of a guardianship; creating s. 744.2025, F.S.; providing for the change of a ward’s residence; repealing s. 744.303, F.S., pertaining to limited guardianships; creating s. 744.3031, F.S.; providing for emergency temporary guardianship; requiring certain court findings and procedures; providing for the automatic expiration, and for the possible extension, of such guardianship; providing for the issuance of appropriate writs; amending s. 744.304, F.S.; providing conforming language; creating s. 744.3045, F.S.; providing for naming a preneed guardian; providing for such guardian’s assumption of duties; providing rebuttable presumptions; repealing s. 744.305, F.S., pertaining to nonprofit corporate guardianship; amending s. 744.306, F.S.; providing for representation by a foreign guardian; amending s. 744.307, F.S.; providing for a foreign guardian who manages the property of a non-resident ward in this state to be subject to the rules concerning guardianships; amending s. 744.308, F.S.; providing procedures for the appointment of a resident guardian for a nonresident incapacitated person’s property; amending s. 744.309, F.S.; establishing who may, or may not, be appointed guardian of a resident incapacitated person; amending s. 744.312, F.S.; specifying considerations for the court in the appointment of a guardian, a preneed guardian, or a standby guardian; transferring, renumbering, and amending s. 744.313, F.S.; providing for the issuance and contents of letters of guardianship; creating s. 744.3125, F.S.; requiring a prospective guardian to complete an application for appointment as guardian; providing exemptions; creating s. 744.3135, F.S.; allowing a court to order a credit investigation or a criminal investigation of a prospective guardian; creating s. 744.3145, F.S.; providing education requirements for guardians; providing for the resignation of part V of ch. 744, F.S.; creating s. 744.3201, F.S.; providing for a petition to determine incapacity; requiring such petition to be accompanied by a petition for appointment of a guardian; allowing it to be accompanied by a petition for appointment of an emergency temporary guardian; creating s. 744.3215, F.S.; specifying the rights that an incapacitated person retains and the rights that a guardian may exercise under specified conditions; amending s. 744.331, F.S.; providing procedures to determine incapacity, including giving notice, providing counsel, appointing an examining committee, submitting a committee report, conducting an adjudicatory hearing, entering an order determining incapacity, and paying reasonable fees; providing for assessing costs against the petitioner in specified circumstances; amending s. 744.334, F.S.; prescribing the contents of a petition for the appointment of a guardian; repealing s. 744.337, F.S., pertaining to notice of hearing; amending s. 744.341, F.S.; providing conforming language; amending s. 744.344, F.S.; providing for an order appointing a guardian; specifying limitations and requirements for the order; reenacting s. 744.347, F.S., pertaining to the guardian’s oath; amending s. 744.351, F.S.; providing for the filing of bond by the guardian and related requirements; providing for requirements in lieu of a bond; reenacting s. 744.354, F.S., pertaining to the validity of certain bonds; reenacting s. 744.357, F.S., pertaining to liability of a surety for a guardian; creating s. 744.358, F.S.; providing standards of liability of a guardian; amending s. 744.361, F.S.; prescribing powers and duties of the guardian; creating s. 744.362, F.S.; providing for the initial guardianship report; specifying its contents; creating s. 744.363, F.S.; providing for the initial guardianship plan; specifying its contents; providing limitations upon its substance and

its term of validity; repealing s. 744.364, F.S., pertaining to periodic examination of a ward by a physician; creating s. 744.365, F.S.; requiring a verified inventory and statements of cash assets; providing for opening safety deposit boxes; requiring records to be retained; providing for an audit fee; amending s. 744.367, F.S.; requiring the guardian to file an annual guardianship report; prescribing the contents of the report; creating s. 744.3675, F.S.; requiring the guardian to file an annual guardianship plan and written evaluation from a physician; prescribing the contents of the plan; creating s. 744.3678, F.S.; requiring the guardian to file an annual financial return, to obtain and preserve substantiating papers, and to pay an auditing fee; providing for a waiver and an alternative source of payment of that fee; creating s. 744.368, F.S.; providing for the clerk of the circuit court to review the report and audit the verified inventory or financial return; creating s. 744.369, F.S.; providing for judicial review of guardianship reports, for objections, and for a hearing; prescribing limits to the guardian’s power; amending s. 744.371, F.S.; providing for the court to grant relief based upon examination of the plan; creating s. 744.3715, F.S.; providing for interim court review upon petition; creating s. 744.372, F.S.; providing for judicial review of guardianships; creating s. 744.3725, F.S.; providing prerequisites to the guardian’s exercise of certain rights; amending s. 744.374, F.S.; providing for the guardian who controls a ward’s property to make payments to any other guardian; repealing s. 744.377, F.S., pertaining to the duties of a guardian of the property; reenacting s. 744.381, F.S., pertaining to appraisals; amending s. 744.384, F.S.; providing for the inventory of subsequently discovered or acquired property; amending s. 744.387, F.S.; providing for the settlement of claims; amending s. 744.391, F.S.; providing procedures for certain actions in which the interests of the guardian are adverse to those of the ward; amending s. 744.394, F.S.; providing for suspension of statutes of limitations in favor of the guardian; amending s. 744.397, F.S.; providing for the application of the income of the ward’s property; amending s. 744.421, F.S.; providing for petition for an order directing support of a ward’s dependents; specifying conditions in which a court may authorize certain payments; repealing s. 744.424, F.S., pertaining to attorney’s fees and expenses; repealing s. 744.427, F.S., pertaining to annual returns by a guardian of the property; transferring, renumbering, and amending s. 744.431, F.S.; providing for an order requiring a guardianship report; providing a penalty for a failure to file such report; transferring, renumbering, and amending s. 744.434, F.S.; specifying which assets of the ward the guardian must produce or show that he controls and allowing the ward to petition for the production of assets; transferring, renumbering, and amending s. 744.437, F.S.; providing for an annual appearance of the guardian before the court; amending s. 744.441, F.S.; revising the powers of a guardian upon court approval; amending s. 744.444, F.S.; prescribing the powers a guardian may exercise without court order; creating s. 744.446, F.S.; prohibiting conflicts of interest; declaring prohibited activities void; providing penalties; amending s. 744.447, F.S.; revising content and notice requirements for a petition for authorization to act; amending s. 744.451, F.S.; providing requirements for the contents of certain orders; amending s. 744.454, F.S.; forbidding a guardian to purchase property or borrow money from his ward except as specified; amending s. 744.457, F.S.; providing for conveyance of various property rights of a ward; reenacting s. 744.461, F.S., pertaining to protection of purchasers and lenders; amending s. 744.464, F.S.; providing for the restoration of a ward to capacity; providing for determining venue, filing a suggestion of capacity, and entering an order of restoration; reenacting s. 744.467, F.S., pertaining to resignation of a guardian; amending s. 744.471, F.S.; requiring the appointment of a successor guardian in certain circumstances; amending s. 744.474, F.S.; prescribing reasons for the removal of a guardian; amending s. 744.477, F.S.; specifying who may institute proceedings for removal of a guardian; amending s. 744.511, F.S.; requiring a removed guardian to file an accounting as specified; amending s. 744.514, F.S.; providing for the surrender of the ward’s assets to the successor guardian or ward upon removal of the guardian; amending s. 744.517, F.S.; providing for proceedings for holding a removed guardian in contempt in certain circumstances; amending s. 744.521, F.S.; providing for the termination of a guardianship; amending s. 744.524, F.S.; providing for termination of guardianship upon change of the ward’s domicile; amending s. 744.527, F.S.; providing for the filing of a guardian’s final returns and hearing objections thereto; creating s. 744.528, F.S.; providing for the discharge of a guardian authorized to manage property, who is subsequently appointed personal representative; providing for a hearing on objections filed by beneficiaries; amending s. 744.531, F.S.; prescribing prerequisites to entry of an order of discharge; revising the statute of limitations on actions against a guardian; amending s. 744.534, F.S., pertaining to disposition of unclaimed funds held by a guardian; deleting the term “guardian of the property”; amending s. 744.604, F.S.; conforming definition of term

used in the Veterans' Guardianship Law to terminology used in this act; reenacting and amending the Public Guardianship Act, consisting of ss. 744.701, 744.702, 744.703, 744.704, 744.705, 744.706, 744.707, 744.708, 744.709, F.S.; replacing the terms "competency," "incompetency," and "incompetent" with "capacity," "incapacity," and "incapacitated"; revising a cross-reference; deleting obsolete provisions; repealing s. 394.467(3)(c), F.S., pertaining to appointing a guardian advocate for a hearing on involuntary placement; repealing ss. 747.06, 747.07, 747.08, 747.09, 747.10, 747.11, 747.12, 747.13, 747.14, 747.15, 747.16, 747.17, 747.18, 747.19, F.S., pertaining to curators; amending ss. 61.052, 322.2505, 393.12, 790.06, 947.16, F.S., relating to capacity of persons with developmental disabilities, dissolution of marriage, drivers' licenses of persons adjudicated incompetent, and licensing of persons to carry concealed weapons or firearms, respectively; conforming said sections to changes in terminology made by this act; providing an effective date.

By the Committee on Appropriations and Senator Gordon—

CS for SB 1385—A bill to be entitled An act relating to public health and the health sciences; establishing the Center for Health Technologies to be located at and administered by a statutory teaching hospital in Dade County; establishing objectives; providing for the administration of the center; requiring reports; authorizing the administrator of the center to accept certain funds; providing an effective date.

By the Committee on Transportation and Senators Kirkpatrick and Beard—

CS for SB 1474—A bill to be entitled An act relating to transportation; amending s. 339.135, F.S.; providing definitions; revising terminology; revising procedures and requirements for submittal of the legislative budget request and tentative work program; deleting obsolete provisions; providing for certain reports to be submitted by the department to the Legislature; specifying procedures for development of the tentative work program and for changes thereto submitted by metropolitan planning organizations; providing for objections to be filed by the metropolitan planning organizations under certain circumstances; revising requirements for publication of the tentative work program; providing for review of the tentative work program by the Department of Community Affairs for specified purposes; providing for separate identification by specific appropriation of certain projects included in the appropriations act; defining the original approved budget of the department; revising requirements for certification forward of funds at the end of the fiscal year; providing procedures for roll forward of spending authority under certain circumstances; revising procedures for amending the adopted work program and for notification and approvals related thereto; providing for temporary transfers of funds between districts in certain circumstances; providing requirements for performance monitoring by the department and for annual reporting related thereto; amending s. 339.155, F.S.; providing for development of a statewide transportation plan; providing that the plan of work prepared by a metropolitan planning organization must be consistent, to the maximum extent feasible, with specified local government comprehensive plans; providing for the program and resource plan as a section of the Florida Transportation Plan; amending s. 339.175, F.S.; expanding the planning responsibilities of the metropolitan planning organizations; providing for rescheduling or deletion of projects from transportation improvement programs under certain circumstances; providing for consistency of metropolitan planning organization plans and programs with specified local government comprehensive plans; providing that the department shall give priority to certain transportation improvements in a transportation improvement program; providing for review of transportation improvement programs by the Department of Community Affairs for specified purposes and providing for notifications related thereto; amending s. 339.2405, F.S.; revising the number of members which constitutes a quorum of the Florida Highway Beautification Council; amending s. 20.23, F.S.; assigning the Florida Transportation Commission of the department to the Office of the Secretary for specific purposes only; providing for the commission to employ sufficient staff; requiring the secretary to provide assistance and information to the commission or its staff, upon request; providing for the commission to develop and submit a budget; revising certain current functions, and providing additional functions of the commission; reorganizing the department; specifying the qualifications, titles, and duties of certain employees of the department; specifying the reporting responsibilities of certain employees of the department; exempting specified department employees from part III of ch. 110, F.S., relating to the Senior Management Service System and providing that their salaries be set in accordance with specified considerations; providing that the commission and

secretary determine the reports to be submitted by the district secretaries; deleting obsolete language; amending s. 216.163, F.S.; providing the content and form of the Governor's recommended budget; amending ss. 215.605, 332.007, 337.015, 337.11, 338.223, 339.12, 339.402, 341.041, 341.051, 341.302, 341.303, F.S.; conforming to changes in cross-references and terminology; providing for the disposition of certain appropriated funds under certain circumstances; providing an effective date.

By the Committee on Appropriations and Senators Crawford, Deratany and Gardner—

CS for SB 1534—A bill to be entitled An act relating to transportation and drug abuse prevention and control; creating s. 320.072, F.S.; providing for an additional fee on certain motor vehicle registration transactions; providing for deposit of fee proceeds into the Department of Highway Safety and Motor Vehicles Law Enforcement Trust Fund; amending s. 320.06, F.S.; requiring license plates of leased or rented cars to be imprinted with the word "Lease"; amending s. 320.0705, F.S.; providing for semiannual registration of certain rental or leased motor vehicles; creating s. 212.0606, F.S.; imposing a surcharge on the lease or rental of certain motor vehicles; providing for distribution; providing for the application of certain provisions of part I of ch. 212, F.S., to the surcharge; authorizing the Department of Revenue to adopt emergency rules; providing appropriations; amending s. 893.13, F.S.; prescribing a minimum term of imprisonment for persons who sell, purchase, manufacture, or deliver a controlled substance as defined in s. 893.03(1)(a), (b), (d), (2)(a), (b), F.S., within 1,000 feet of a school or who possess such controlled substance with intent to commit such actions; providing that such persons are not eligible for parole or statutory gain-time; providing that persons performing such activities with any other controlled substance must be fined \$500 and must serve 100 hours of public service in addition to any other penalty; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Margolis, by two-thirds vote CS for CS for SB 128, CS for SB 208, CS for SB 1220, CS for SB 1349, CS for SB's 1366 and 209, Senate Bills 135, 344, 390 and 1364 were withdrawn from the Committee on Appropriations.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 392, CS for HB 777, HB 880, CS for HB 1000, CS for HB 1019, CS for HB 1057, CS for HB 1386, House Bills 1456, 1493; has passed as amended CS for HB 25, HB 56, CS for HB 190, HB 268, CS for HB 308, CS for HB 331, HB 483, CS for HB 581, CS for HB 696, CS for HB 711, CS for HB 757, CS for HB 1113; has passed CS for HJR's 999 and 1319 by the required Constitutional three-fifths vote of the membership and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Governmental Operations and Representative Morse—

CS for HB 392—A bill to be entitled An act relating to state reorganization; amending s. 20.16, F.S.; establishing a Division of Administration within the Department of Business Regulation; amending s. 20.30, F.S.; establishing a Division of Administration within the Department of Professional Regulation; providing for a director; providing an effective date.

(Substituted for CS for SB 482 on the special order calendar this day.)

By the Committee on Governmental Operations and Representative Locke—

CS for HB 777—A bill to be entitled An act relating to interchange programs; amending s. 112.24, F.S.; providing for biennial extensions of agreements relating to faculty members of the State University System; providing application to existing agreements; providing an effective date.

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

By Representative Campbell—

HB 880—A bill to be entitled An act relating to county government; amending s. 125.66, F.S.; eliminating the requirement that notices of intent to enact ordinances be kept in a separate book; validating certain ordinances for which a separate book of notices of intent was not kept; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committee on Ethics and Elections; and Representative Wetherell and others—

CS for HB 1000—A bill to be entitled An act relating to the Legislature; creating s. 11.0105, F.S.; providing for the date of the regular legislative session in even-numbered years; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Governmental Operations and Representative Crotty and others—

CS for HB 1019—A bill to be entitled An act relating to risk management; amending s. 768.28, F.S.; providing an exemption from the requirements of s. 286.011, F.S., for certain meetings of risk management programs administered by the state, its agencies, or its subdivisions; providing a limited exemption from the requirements of ss. 119.07 and 286.011, F.S., for tape recordings and minutes of such meetings; providing an effective date.

—was referred to the Committees on Governmental Operations and Insurance.

By the Committee on Governmental Operations and Representatives Nergard and Hoffman—

CS for HB 1057—A bill to be entitled An act relating to State Minimum Building Codes; amending s. 553.73, F.S.; revising language with respect to the State Minimum Building Codes to update references to certain codes; providing standards to govern promulgation of administrative rules; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committee on Criminal Justice and Representative Canady and others—

CS for HB 1386—A bill to be entitled An act relating to controlled substances violations; amending s. 893.135, F.S.; adding trafficking offenses relating to amphetamine; providing penalties; reenacting ss. 421.102, 782.04, 903.133, 907.041(4)(b)3., and 944.598(3) and (4), F.S., relating to tenant eviction, murder, bail on appeal, pretrial detention, and emergency release of prisoners, to incorporate said amendment in references; providing an effective date.

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

By Representative Ritchie and others—

HB 1456—A bill to be entitled An act relating to firefighters; amending s. 633.34, F.S.; requiring a person who applies for a job as a firefighter to be a nonuser of tobacco or tobacco products; providing an effective date.

(Substituted for SB 476 on the special order calendar this day.)

By Representative Martinez—

HB 1493—A bill to be entitled An act relating to probate; amending s. 733.604, F.S.; clarifying those persons authorized to inspect inventories in probate cases; clarifying those persons to whom the personal representative shall serve a copy of the inventory; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Criminal Justice and Representative Bloom and others—

CS for HB 25—A bill to be entitled An act relating to criminal penalties; creating the "Law Enforcement Protection Act"; providing legislative findings and intent; creating s. 775.0823, F.S.; establishing mandatory minimum penalties for persons convicted of murder, manslaughter, kidnapping, aggravated battery, and aggravated assault of law enforcement officers, correctional officers, state attorneys, and assistant state attorneys; prohibiting provisional credits; amending s. 944.277, F.S.; prohibiting the granting of provisional credits to inmates convicted of committing certain offenses against law enforcement officers, correctional officers, state attorneys, and assistant state attorneys; providing an effective date.

(Substituted for CS for CS for CS for SB 45 on the special order calendar this day.)

By Representative Irvine and others—

HB 56—A bill to be entitled An act relating to criminal penalties; amending s. 228.091, F.S.; increasing the penalties for trespass upon grounds or facilities of public schools; amending s. 230.23, F.S.; providing for school boards to add specified notice of possible criminal penalties to codes of student conduct; amending s. 39.03, F.S.; requiring notification of the district school superintendent or his designee of the arrest of a student under certain circumstances; providing an exemption from public disclosure laws; providing for future legislative review of such exemption pursuant to the Open Government Sunset Review Act; providing for removal of information from school records; amending s. 790.01, F.S.; providing for penalties for carrying concealed weapons or firearms upon grounds or facilities of public and nonpublic schools; amending s. 790.10, F.S.; adding destructive devices to weapons which may not be improperly exhibited; providing for unlawful possession and discharge of weapons and firearms on school property and at school functions; providing a definition and an exception; providing penalties, including a mandatory minimum term of imprisonment for unlawful possession, unlawful carrying of a concealed weapon or unlawful discharge; amending s. 790.06, F.S., to conform; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Commerce and Representatives Tobin and Mortham—

CS for HB 190—A bill to be entitled An act relating to consumer protection; creating s. 365.1655, F.S.; creating the "Florida Telephone Solicitation Act"; providing definitions; providing exemptions; providing for the enforceability of certain contracts made by telephone; prohibiting charges to a consumer's credit account under certain circumstances; providing for certain deceptive and unfair trade practices; providing penalties; providing an effective date.

(Substituted for CS for CS for SB 165 on the special order calendar this day.)

By the Committee on Emergency Preparedness, Military and Veterans Affairs; and Representative Reddick—

HB 268—A bill to be entitled An act relating to emergency management; amending s. 252.355, F.S., relating to registry of disabled citizens; providing that the Department of Health and Rehabilitative Services shall assist local emergency management agencies in the voluntary registration of disabled citizens; provides an exemption from public records requirements for registries of disabled citizens maintained by local emergency management agencies; saving such exemption from repeal; providing for future review and repeal; providing that, upon request of the director of a local emergency management agency, district school boards shall provide transportation and personnel services for emergency evacuations; providing that directors of local emergency management agencies shall coordinate certain emergency evacuation efforts; providing certain immunity from liability; providing for confidentiality; creating a Task Force on Emergency Preparedness; providing an effective date.

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

By the Committee on Education and Representative Glickman—

CS for HB 308—A bill to be entitled An act relating to child discipline; creating the Task Force on School Discipline; providing for appointment of members; providing duties of the task force; specifying contents of a task force report; providing for an appropriation; creating the Task Force on Child Abuse and Child Neglect Reports; providing for appointment of members; providing duties of the task force; specifying contents of a task force report; providing an effective date.

—was referred to the Committees on Education; Health and Rehabilitative Services; Rules and Calendar; and Appropriations.

By the Committee on Insurance and Representative Abrams and others—

CS for HB 331—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.727, F.S.; redefining the term "uninsured motor vehicle" for purposes of uninsured motor vehicle coverage; providing that an insurer may elect binding arbitration or trial; prohibiting cer-

tain insurer actions; prescribing requirements for uninsured motorist coverage; amending s. 627.736, F.S.; providing that personal injury protection coverage shall include death benefits in a specified amount; providing an effective date.

(Substituted for CS for SB 1246 on the special order calendar this day.)

By Representatives Cosgrove and Valdes—

HB 483—A bill to be entitled An act relating to remedies for unlawful taking; amending s. 772.11, F.S.; providing for a minimum damages recovery for persons injured by specified theft offenses; providing a procedure for written demand and written release; providing for recovery of damages from the parents or legal guardian of a minor; amending s. 68.065, F.S., relating to civil action to collect worthless checks; increasing the service charge and providing for the rights of subsequent parties in interest; amending s. 832.07, F.S., relating to criminal proceedings for uttering worthless checks; increasing the service charge and providing for the rights of subsequent parties in interest; amending ss. 125.0105 and 166.251, F.S., relating to service fees for dishonored checks issued to counties and municipalities, respectively; increasing the service fee; creating s. 832.05(9), F.S.; relating to form of complaint for worthless checks; providing an effective date.

(Substituted for SB 783 on the special order calendar this day.)

By the Committee on Criminal Justice and Representatives Lippman and Grindle—

CS for HB 581—A bill to be entitled An act relating to cruelty to animals; amending s. 828.073, F.S.; expanding custody provision and authorizing the issuance of orders to provide care to animals; amending s. 828.12, F.S.; providing an enhanced penalty for torturing an animal with intent to inflict intense pain, serious physical injury, or death; providing an effective date.

—was referred to the Committees on Agriculture and Judiciary-Criminal.

By the Committee on Employee and Management Relations; and Representative Mackey—

CS for HB 696—A bill to be entitled An act relating to state employment; creating s. 110.1236, F.S.; creating the Advisory Council on the State of Florida Employees' Health Insurance Plan within the Department of Administration; providing for membership, terms, officers, meetings, and duties; authorizing per diem and traveling expenses; providing for an annual report; providing for review and repeal; providing an effective date.

—was referred to the Committee on Personnel, Retirement and Collective Bargaining.

By the Committee on Governmental Operations and Representative Ascherl and others—

CS for HB 711—A bill to be entitled An act relating to governmental efficiency; amending ss. 11.13, 11.149, 11.40, 11.401, 11.42, 11.43, 11.44, 11.45, 11.46, 11.50, 20.055, 20.23, 24.123, 215.95, 216.141, 216.251, 218.32, 218.38, 218.503, 287.114, 339.149, 350.061, 766.105, 766.315, and 946.516, F.S.; changing the name of the Legislative Auditing Committee to the Legislative Auditing and Governmental Efficiency Committee; creating s. 11.491, F.S.; providing the seal of the House of Representatives; providing limitations on use; providing for the rendering of opinions involving use; creating s. 11.402, F.S.; directing the committee to provide, by rule, for a biennial governmental efficiency recognition program and recognition ceremony; providing for required elements of the biennial program; providing an effective date.

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

By the Committee on Agriculture and Representative Bronson—

CS for HB 757—A bill to be entitled An act relating to agricultural commodities; amending s. 573.102, F.S.; providing purposes of the laws regulating the sales of agricultural commodities with respect to research; amending s. 573.103, F.S.; redefining "agricultural commodities" to include citrus with respect to funding of production research and activities related to chemical residue; amending s. 573.114, F.S., authorizing issuance of marketing orders for certain types of research; amending s. 573.118, F.S.; establishing the rate of certain assessments levied on citrus

fruit; providing for the deposit of such assessments; providing an effective date.

—was referred to the Committees on Agriculture and Appropriations.

By the Committee on Governmental Operations and Representatives Dantzler and Campbell—

CS for HB 1113—A bill to be entitled An act relating to asbestos; amending ss. 255.551 and 455.301, F.S.; excluding certain roofing products from the definition of "asbestos"; exempting such products from certain asbestos abatement projects; providing for on-site supervision of removal of such products by specified persons; providing an effective date.

—was referred to the Committees on Health Care; and Economic, Professional and Utility Regulation.

By the Committee on Ethics and Elections; and Representative Wetherell and others—

CS for HJR's 999 and 1319—A joint resolution proposing an amendment to Section 3 of Article III of the State Constitution relating to the date of regular sessions of the Legislature.

—was referred to the Committee on Rules and Calendar.

SPECIAL ORDER

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

CS for HB 331—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.727, F.S.; redefining the term "uninsured motor vehicle" for purposes of uninsured motor vehicle coverage; providing that an insurer may elect binding arbitration or trial; prohibiting certain insurer actions; prescribing requirements for uninsured motorist coverage; amending s. 627.736, F.S.; providing that personal injury protection coverage shall include death benefits in a specified amount; providing an effective date.

—a companion measure, was substituted for CS for SB 1246 and by two-thirds vote read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 331 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Dudley	Malchon	Stuart
Bankhead	Forman	Meek	Thomas
Beard	Gardner	Myers	Thurman
Brown	Girardeau	Peterson	Walker
Bruner	Gordon	Plummer	Weinstein
Childers, D.	Grizzle	Ros-Lehtinen	Weinstock
Childers, W. D.	Kiser	Scott	Woodson-Howard
Deratany	Langley	Souto	

Nays—None

Vote after roll call:

Yea—Casas, Davis, Grant, McPherson

HB 136—A bill to be entitled An act relating to road designation; designating a portion of State Road 60 in Hillsborough County as "Brandon Boulevard"; directing the Department of Transportation to erect appropriate markers; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote HB 136 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Davis	Kiser	Stuart
Bankhead	Deratany	Langley	Thomas
Beard	Dudley	Malchon	Thurman
Brown	Forman	Margolis	Walker
Bruner	Gardner	Meek	Woodson-Howard
Casas	Girardeau	Peterson	
Childers, D.	Gordon	Plummer	
Childers, W. D.	Grizzle	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Grant, McPherson

Consideration of Senate Bills 292, 330 and CS for SB 109 was deferred.

SB 394—A bill to be entitled An act relating to credit life and credit disability insurance; amending ss. 627.553 and 627.679, F.S.; increasing the allowable amount of credit life and credit disability insurance; providing an effective date.

—was read the second time by title.

Senator Gardner moved the following amendment:

Amendment 1—On page 2, between lines 12 and 13, insert:

Section 3. Section 627.0653, Florida Statutes, is created to read:

627.0653 *Legislative intent.*—It is the intent of the Legislature that the Auto Insurance Public Counsel shall represent the public interest in matters pertaining to motor vehicle insurance.

Section 4. Section 627.0654, Florida Statutes, is created to read:

627.0654 *Auto Insurance Public Counsel; appointment; oath; restrictions on Auto Insurance Public Counsel and his employees.*—

(1) There is hereby created the Office of the Auto Insurance Public Counsel within the Executive Office of the Governor to be headed by the Auto Insurance Public Counsel who shall be an attorney admitted to The Florida Bar and who shall be appointed by the Governor and confirmed by the Senate. The office shall be a separate budget entity and the Auto Insurance Public Counsel shall be its agency head for all purposes. The Executive Office of the Governor shall provide administrative support and service to the office to the extent requested by the Auto Insurance Public Counsel. The office shall not be subject to control, supervision, or direction by the Executive Office of the Governor in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) The Auto Insurance Public Counsel has the right to appeal actions by the Executive Office of the Governor that affect amendments to the Office of the Auto Insurance Public Counsel's approved operating budget or any personnel actions pursuant to chapter 216 to the Administration Commission, which shall decide such issue by majority vote. The appropriations committees may advise the Administration Commission on the issue. If the President of the Senate and the Speaker of the House of Representatives object in writing to the effects of the appeal, the appeal may be affirmed by the affirmative vote of two-thirds of the commission members present.

(3) The Auto Insurance Public Counsel shall take and subscribe to the oath of office required of state officers by the State Constitution.

(4) No officer or full-time employee of the Auto Insurance Public Counsel shall actively engage in any other business or profession; serve as the representative of any political party or on any executive committee or other governing body thereof; serve as an executive, officer, or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; or engage on behalf of any candidate for public office in the solicitation of votes or other activities in behalf of such candidacy. Neither the Auto Insurance Public Counsel nor any employee of the Auto Insurance Public Counsel shall become a candidate for election to public office unless he shall first resign from his office or employment.

Section 5. Section 627.0655, Florida Statutes, is created to read:

627.0655 *Auto Insurance Public Counsel; duties and powers.*—It shall be the duty of the Auto Insurance Public Counsel to provide legal representation for the people of the state in proceedings before the department pertaining to health insurance. The Auto Insurance Public Counsel shall have such powers as are necessary to carry out the duties of his office, including, but not limited to, the following specific powers:

(1) To recommend to the department, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the department pertaining to:

(a) Rules governing motor vehicle insurance; or

(b) Rate filings for motor vehicle insurance which request rate increases of 10 percent or greater or rate decreases of 5 percent or greater within a 12-month period.

(c) The Auto Insurance Public Counsel must initiate or intervene in any rate proceeding or action within 60 days of when the rate filing is made. To do so, the Auto Insurance Public Counsel must file notice with the Insurance Commissioner stating that based upon a preliminary review the Auto Insurance Public Counsel believes that the rates filed are excessive, inadequate or unfairly discriminatory. For purposes of this section, Department of Insurance approval of or retraction of objections to a rate filing shall constitute final agency action, which may be appealed only to the District Court of Appeals and which may not be stayed.

(2) To urge in any proceeding or action to which he is a party any position which he deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the department, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the department which shall be reviewable by summary procedure in the circuit courts of this state. The Auto Insurance Public Counsel shall have access to the examination and investigation files and reports pertaining to health liability insurance at any time. The Auto Insurance Public Counsel shall withhold from public inspection any information received while the department's examination or investigation is still in progress.

(3) To have access to and use of all files, records, and data of the department available to any other attorney representing parties in a proceeding before the department.

(4) In any proceeding in which he has participated as a party, to seek review of any determination, finding, or order of the department, or of any hearing examiner designated by the department, in the name of the state or its citizens.

(5) To prepare and issue reports, recommendations, and proposed orders to the department, the Governor, and the Legislature on any matter or subject within the jurisdiction of the department pertaining to health insurance, and to make such recommendations as he deems appropriate for legislation relative to department procedures, rules, jurisdiction, personnel, and functions.

(6) To appear before other state agencies, federal agencies, and state and federal courts in connection with matters pertaining to motor vehicle insurance under the jurisdiction of the department, in the name of the state or its citizens.

Section 6. Section 627.0656, Florida Statutes, is created to read:

627.0656 *The Auto Insurance Public Counsel; location.*—The Auto Insurance Public Counsel shall maintain his office in Leon County at such place convenient to the offices of the department as will enable him to carry out expeditiously the duties and functions of his office.

Section 7. Section 627.0657, Florida Statutes, is created to read:

627.0657 *Auto Insurance Public Counsel; receipt of pleadings.*—The department shall furnish the Auto Insurance Public Counsel with copies of the initial pleadings in all proceedings before the department, and if the Auto Insurance Public Counsel intervenes as a party in any proceeding he shall be served with copies of all subsequent pleadings, exhibits, and prepared testimony, if used. Pleadings shall include, but are not limited to, all rate filings for motor vehicle insurance filed pursuant to chapter 627. Upon filing notice of intervention, the Auto Insurance Public Counsel shall serve all interested parties with copies of such notice and all of his subsequent pleadings and exhibits.

Section 8. Section 627.0658, Florida Statutes, is created to read:

627.0658 *Auto Insurance Public Counsel; compensation and expenses; legislative office.*—

(1) There is hereby created an Auto Insurance Public Counsel Trust Fund in the Executive Office of the Governor to fund the operations of the Auto Insurance Public Counsel.

(2) The salaries and expenses of the Auto Insurance Public Counsel employees shall be allocated only from moneys appropriated to the Auto Insurance Public Counsel by the Legislature.

Section 9. Subsection (3) is added to section 624.523, Florida Statutes, to read:

624.523 *Insurance Commissioner's Regulatory Trust Fund.*—

(3) An amount as determined by the General Appropriations Act shall be transferred annually from the Insurance Commissioner's Regulatory Trust Fund to the Auto Insurance Public Counsel Trust Fund for the purpose of funding the office of the Auto Insurance Public Counsel.

Section 10. Each section which is added to part I of chapter 627, Florida Statutes, by this act is repealed on October 1, 1992, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Further consideration of **SB 394** was deferred.

CS for SB 448—A bill to be entitled An act relating to military personnel of the Department of Military Affairs; amending s. 250.05, F.S.; providing a definition of military personnel; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote CS for SB 448 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Johnson	Ros-Lehtinen
Bankhead	Deratany	Kirkpatrick	Souto
Beard	Dudley	Kiser	Stuart
Brown	Forman	Langley	Thomas
Bruner	Gardner	Malchon	Thurman
Casas	Girardeau	Margolis	Walker
Childers, D.	Gordon	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Grant, McPherson, Peterson

On motion by Senator Beard, the rules were waived and **CS for SB 448** was ordered immediately certified to the House.

SB 330—A bill to be entitled An act relating to state lands; amending s. 253.034, F.S.; excluding the sale of certain lands by the Board of Trustees of the Internal Improvement Trust Fund from review by the Land Management Advisory Committee; clarifying an exclusion from the application of said section relating to leases of state lands for private uses and purposes; amending s. 253.04, F.S.; authorizing the board of trustees to impose an administrative fine for failure to comply with an order to remove or alter a structure located on state lands; authorizing the board of trustees to remove or alter such a structure and recover the cost of removal or alteration; clarifying provisions providing that fines imposed and damages awarded under the section constitute liens on the violator's property; clarifying provisions providing for the disposition of fines and damages collected; amending s. 253.111, F.S.; eliminating the public purpose requirement as a condition of the sale of certain state lands to a county; revising the procedure with respect to such a sale; revising the method for fixing the price the county must pay for such lands; amending s. 253.115, F.S.; excluding certain sovereignty land leases for existing structures by the board of trustees from public notice and hearing requirements; amending s. 260.015, F.S.; providing an alternative procedure for the Department of Natural Resources to acquire abandoned railroad rights-of-way under the Florida Rails to Trails Program; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendments which were moved by Senator Brown and adopted:

Amendment 1—On page 5, line 14, strike "or convey" and insert: *or convey*

Amendment 2—On page 9, line 25, strike "2" and insert: 5

Amendment 3—On page 10, line 30, insert:

Section 6. Subsection (3) of section 193.085, Florida Statutes, is amended to read:

193.085 Listing all property.—

(3) (a) The department will coordinate with all other departments of state government to ensure that the several property appraisers are prop-

erly notified annually of state ownership of real property. The department shall promulgate regulations to ensure that all forms of local government, special taxing districts, multicounty districts, and municipalities properly notify annually the several property appraisers of any and all real property owned by any of them so that ownership of all such property will be properly listed.

(b) Whenever real property is listed on the real property assessment rolls of the respective counties in the name of the State of Florida or any of its agencies, the listing shall not be changed in the absence of a recorded deed executed by the State of Florida or the state agency in whose name the property is listed. If, in preparing the assessment rolls, the several property appraisers within the state become aware of the existence of a recorded deed not executed by the state and purporting to convey real property listed on the assessment rolls as state-owned, the property appraiser shall immediately forward a copy of the recorded deed to the state agency in whose name the property is listed.

Section 7. Paragraph (d) is added to subsection (8) of section 253.03, Florida Statutes, to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(8)

(d) Whenever real property is listed on the real property assessment rolls of the respective counties in the name of the State of Florida or any of its agencies, the listing shall not be changed in the absence of a recorded deed executed by the State of Florida or the state agency in whose name the property is listed. If, in preparing the assessment rolls, the several property appraisers within the state become aware of the existence of a recorded deed not executed by the state and purporting to convey real property listed on the assessment rolls as state-owned, the property appraiser shall immediately forward a copy of the recorded deed to the state agency in whose name the property is listed.

(Renumber subsequent section.)

Senator Brown moved the following amendment which was adopted:

Amendment 4—On page 10, line 30, insert:

Section 6. Subsection (1) of section 375.031, Florida Statutes, is amended to read:

375.031 Acquisition of land; procedures.—

(1) The department is empowered and authorized to identify for acquisition lands, water areas, and related resources and to perform all other activities necessary or incident to improving, maintaining, selling, leasing, or disposing of land, water areas, and related resources, and improvements thereon. Prior to the acquisition of such land by the department, the seller of the land shall file a statement with the department of State disclosing, for at least the last 5 years prior to the conveyance of title to the state, all financial transactions concerning the land, all parties having a financial interest in any transaction, and the amount of the tax assessment thereon for each year. The Board of Trustees of the Internal Improvement Trust Fund shall hold title to lands so acquired, but the beneficial use, control, and management shall be with the department. All lands identified for acquisition under this chapter shall be acquired with funds from the Land Acquisition Trust Fund.

(Renumber subsequent section.)

Further consideration of **SB 330** as amended was deferred.

CS for CS for SB 459—A bill to be entitled An act relating to public schools; creating s. 233.0575, F.S.; providing legislative intent; authorizing school districts to employ mathematics-science mentor teachers; providing qualifications; providing duties; providing for the allocation of appropriated funds; providing for rules, evaluations, and reporting; providing for state funded pilot projects; providing requirements for approving pilot projects; requiring a library of information; providing for review and repeal; creating s. 236.1228, F.S.; providing legislative intent; creating an incentives grant program for public high schools; defining the term "high school"; providing achievement indicators; providing for program funding; creating s. 232.2467, F.S.; defining "graduation rate"; providing for rulemaking; requiring reports; amending s. 236.13, F.S.; exempting certain incentives funds from use in federal compliance standards; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for CS for SB 459 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Davis	Johnson	Ros-Lehtinen
Bankhead	Deratany	Kirkpatrick	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Langley	Thurman
Bruner	Gardner	Malchon	Walker
Casas	Girardeau	Margolis	Weinstein
Childers, D.	Gordon	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Grant, McPherson, Peterson, Stuart

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

CS for HB 392—A bill to be entitled An act relating to state reorganization; amending s. 20.16, F.S.; establishing a Division of Administration within the Department of Business Regulation; amending s. 20.30, F.S.; establishing a Division of Administration within the Department of Professional Regulation; providing for a director; providing an effective date.

—a companion measure, was substituted for CS for SB 482 and by two-thirds vote read the second time by title.

Senator Crenshaw moved the following amendments which were adopted:

Amendment 1—On page 1, line 12, insert:

Section 1. Subsections (2), (3), and (5) of section 20.13, Florida Statutes, 1988 Supplement, is amended to read:

20.13 Department of Insurance.—There is created a Department of Insurance.

(2) The following divisions of the Department of Insurance are established:

- (a) Division of *Insurer Services* ~~Insurance Company Regulation~~.
- (b) Division of Insurance Consumer Services.
- (c) Division of *Agents and Agencies Services* ~~Insurance Rating~~.
- (d) Division of Liquefied Petroleum Gas.
- (e) Division of Rehabilitation and Liquidation.
- (f) Division of Risk Management.
- (g) Division of State Fire Marshal.
- (h) Division of Insurance Fraud.
- (i) Division of Administration.
- (j) Division of Treasury.
- (k) Division of Benefits.
- (l) *Division of Legal Services*.

(3)(a) *The department shall have an assistant insurance commissioner and treasurer, three deputies, and a general counsel. A deputy may also serve as general counsel.*

(b) *The Division of Insurer Services* ~~Insurance Company Regulation~~ shall have a director, ~~an assistant director, and~~ at least two deputy directors. All other divisions shall have a director and may have an assistant director. *The department may change the name of any division, by rule, if the name reflects the respective subject area of the division secretaries.*

(5) A Bureau of Financial and Support Services and a Bureau of Information Systems is created within the Division of Administration. ~~The Division of Administration shall have a director and an assistant director.~~

(Renumber subsequent sections.)

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

Section 3. Rules in effect on the effective date of this act which relate to duties transferred from one division to another within the Department of Insurance by this act shall remain in effect until they are specifically amended or repealed. Such rules shall transfer to the division to which the duties are transferred on the effective date of this act.

(Renumber subsequent section.)

Amendment 3—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 20.13, F.S.; revising the organization and structure of the Department of Insurance;

Amendment 4—In title, on page 1, line 9, after the semicolon (;) insert: providing for the continuation and transfer of rules related to certain divisions within the Department of Insurance;

On motion by Senator Crenshaw, by two-thirds vote CS for HB 392 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kirkpatrick	Souto
Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—McPherson

On motion by Senator Crenshaw, the rules were waived and CS for HB 392 was ordered immediately certified to the House.

SB 641—A bill to be entitled An act relating to public defenders; amending s. 27.54, F.S.; requiring the counties within each judicial circuit to provide for communication services for the public defender; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 641 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Peterson	Woodson-Howard
Crenshaw	Johnson	Plummer	
Davis	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Deratany

On motions by Senator McPherson, by two-thirds vote HB 974 was withdrawn from the Committees on Governmental Operations and Transportation.

On motion by Senator McPherson—

HB 974—A bill to be entitled An act relating to Indian reservations and affairs; amending s. 285.18, F.S.; adding traffic offenses to the law enforcement authority of special improvement districts within reservations of the Seminole and Miccosukee Tribes; providing an effective date.

—a companion measure, was substituted for SB 646 and read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 974 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	

Nays—None

CS for SB 961—A bill to be entitled An act relating to community association management; amending s. 468.431, F.S.; providing definitions; amending ss. 468.432, 468.433, F.S.; providing for licensure and certification of community association managers; providing requirements for certification in a classification; amending s. 468.436, F.S.; providing for enforcement of part VIII of chapter 468, F.S., by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation; providing for investigations; providing for enforcement proceedings; providing for a civil penalty; providing grounds for suspension or revocation of a license or certification; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote CS for SB 961 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	

Nays—None

CS for SB 1213—A bill to be entitled An act relating to professional regulation; amending s. 455.213, F.S.; eliminating the ceiling on initial license fees; amending s. 455.217, F.S.; requiring the Department of Professional Regulation or the respective regulatory boards to charge an examination review fee; amending s. 455.225, F.S., relating to disciplinary proceedings; modifying provision relating to legal sufficiency of complaints; providing condition for submission of an investigative report; providing for notice to licensees of minor violations under certain circumstances; requiring corrective action within a specified time period; amending ss. 395.0115, 401.414, 458.307, 466.022, 489.107, F.S.; correcting cross-references; amending s. 459.0085, F.S.; providing an exemption from assessments under the Florida Birth-Related Neurological Injury Compensation Plan for certain osteopathic physicians; amending s. 481.213, F.S.; modifying requirements for licensure by endorsement as an architect or interior designer; amending s. 481.219, F.S.; modifying requirements for certification of architectural corporations and partnerships; amending s. 489.111, F.S.; requiring a report on construction contracting certification examinations; providing for review of examination questions by a sensitivity review committee; amending s. 489.129, F.S.; adding a disciplinary penalty for certain violations by contractors; amending s. 489.521, F.S.; eliminating prohibition against charges in transfers of contracting certificates; amending s. 455.203, F.S.; requiring the department to establish a procedure for biennial license renewal; amending ss. 457.105, 457.107, 459.0092, 459.022, 468.3852, 468.453, 473.305, 484.0447, 489.509, 492.104, F.S.; increasing or authorizing the increase of various fees relating to acupuncture, osteopathy, auctioneers, athlete agents, public accountancy, fitting and dispensing of hearing aids, electrical contracting, and professional geologists; amending ss. 460.406, 460.407, 460.4104, 460.4165, 462.08, 464.008, 464.014, 466.013, 466.017, 466.032, 468.1705, 468.1735, 468.508, 470.006, 474.2065, 474.215, 475.24, 476.155, 476.192, 481.207, 481.307, 484.002, 484.007, 484.008, 484.009, 489.109, F.S., increasing or authorizing the increase of various fees relating to chiropractic, naturopathy, nursing, dentistry, dental hygiene, dental laboratories, nursing home administration, dietetics and nutrition

practice, funeral directing, embalming, direct disposition, veterinary medical practice, real estate brokers, salesmen, and schools, barbering, architecture and landscape architecture, interior design, preparing and dispensing of eyeglasses and optical devices, and construction contracting; amending ss. 458.311, 458.313, 458.315, 458.316, 458.3165, 458.317, 458.321, 458.345, 458.347, F.S.; increasing or authorizing the increase of various fees relating to medical practice; modifying criteria for issuance of a restricted license to practice medicine; amending ss. 470.021, 470.024, 470.025, F.S.; authorizing the board to establish a late renewal penalty fee for direct disposal establishments, funeral establishments, and cinerator facilities; providing for biennial, rather than annual, renewal of cinerator facility licenses; amending s. 480.044, F.S.; authorizing the increase of various fees relating to massage practice; providing for separate application and license fees for massage establishments; providing an appropriation; repealing s. 460.4065, F.S., relating to licensure by endorsement as a chiropractic physician; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendments which were adopted:

Amendment 1—On page 47, between lines 14 and 15, insert:

Section 67. Paragraph (j) is added to subsection (2) of section 471.003, Florida Statutes, to read:

471.003 Qualifications for practice, exemptions.—

(2) The following persons are not required to register under the provisions of ss. 471.001-471.039 as a registered engineer:

(j) *Any general contractor, certified or registered pursuant to the provisions of chapter 489, when negotiating or performing services under a design-build contract as long as the engineering services offered or rendered in connection with the contract are offered and rendered by an engineer licensed or registered in accordance with this chapter.*

Section 68. Present subsections (3), (4), (5), (6), and (7) of section 481.229, Florida Statutes, 1988 Supplement, are renumbered as subsections (4), (5), (6), (7), and (8), respectively, and a new subsection (3) is added to said section to read:

481.229 Exceptions; exemptions from licensure.—

(3) *Notwithstanding the provisions of this part, a general contractor who is certified or registered pursuant to the provisions of chapter 489 is not required to be licensed as an architect when negotiating or performing services under a design-build contract as long as the architectural services offered or rendered in connection with the contract are offered and rendered by an architect licensed in accordance with this chapter.*

Section 69. Subsection (16) is added to section 489.103, Florida Statutes, 1988 Supplement, to read:

489.103 Exemptions.—This part does not apply to:

(16) *An architect or landscape architect licensed pursuant to chapter 481 or an engineer licensed pursuant to chapter 471 who offers or renders design-build services which may require the services of a contractor certified or registered pursuant to the provisions of this chapter, as long as the contractor services to be performed under the terms of the design-build contract are offered and rendered by a certified or registered general contractor in accordance with this chapter.*

Section 70. Present subsections (3), (4), (5), (6), and (7) of section 481.329, Florida Statutes, 1988 Supplement, are renumbered as subsections (4), (5), (6), (7), and (8), respectively, and a new subsection (3) is added to said section to read:

481.329 Exceptions; exemptions from licensure.—

(3) *None of the provisions of this part shall apply to any general contractor certified or registered pursuant to the provisions of chapter 489 when negotiating or performing services under a design-build contract, as long as the landscape architectural services offered or rendered in connection with the contract are offered and rendered by a landscape architect licensed in accordance with this part, or by an architect licensed in accordance with part I or by an engineer licensed in accordance with chapter 471.*

(Renumber subsequent sections.)

Amendment 2—In title, on page 3, line 21, after the semicolon (;) insert: adding s. 471.003(2)(j), F.S.; providing an exemption to the engineering licensing law; redesignating s. 481.229(3), (4), (5), (6), and (7), F.S., 1988 Supplement, and adding a new subsection (3) to said section; providing an exemption to the architect licensing and certification law; adding s. 489.103, F.S., 1988 Supplement; providing an exemption to the contracting licensure law; redesignating 481.329(3), (4), (5), (6), and (7), F.S., 1988 Supplement; and adding a new subsection (3) to said section; providing an exemption to the landscape architecture licensing law;

Further consideration of **CS for SB 1213** as amended was deferred.

SB 1317—A bill to be entitled An act relating to the Long-Term Care Insurance Act; amending s. 627.9403, F.S.; providing that the act shall not apply to certain renewal policies; amending s. 627.9405, F.S.; permitting underwriting within policyholder-sponsored, noncontributory groups; amending s. 627.9407, F.S.; increasing the maximum elimination period; providing an effective date.

—was read the second time by title.

Senator Gardner moved the following amendment:

Amendment 1—On page 2, between lines 23 and 24, insert:

Section 4. Section 627.0653, Florida Statutes, is created to read:

627.0653 *Legislative intent.*—It is the intent of the Legislature that the Health Insurance Public Counsel shall represent the public interest in matters pertaining to health insurance.

Section 5. Section 627.0654, Florida Statutes, is created to read:

627.0654 *Health Insurance Public Counsel; appointment; oath; restrictions on Health Insurance Public Counsel and his employees.*—

(1) There is hereby created the Office of the Health Insurance Public Counsel within the Executive Office of the Governor to be headed by the Health Insurance Public Counsel who shall be an attorney admitted to The Florida Bar and who shall be appointed by the Governor and confirmed by the Senate. The office shall be a separate budget entity and the Health Insurance Public Counsel shall be its agency head for all purposes. The Executive Office of the Governor shall provide administrative support and service to the office to the extent requested by the Health Insurance Public Counsel. The office shall not be subject to control, supervision, or direction by the Executive Office of the Governor in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) The Health Insurance Public Counsel has the right to appeal actions by the Executive Office of the Governor that affect amendments to the office of the Health Insurance Public Counsel's approved operating budget or any personnel actions pursuant to chapter 216 to the Administration Commission, which shall decide such issue by majority vote. The appropriations committees may advise the Administration Commission on the issue. If the President of the Senate and the Speaker of the House of Representatives object in writing to the effects of the appeal, the appeal may be affirmed by the affirmative vote of two-thirds of the commission members present.

(3) The Health Insurance Public Counsel shall take and subscribe to the oath of office required of state officers by the State Constitution.

(4) No officer or full-time employee of the Health Insurance Public Counsel shall actively engage in any other business or profession; serve as the representative of any political party or on any executive committee or other governing body thereof; serve as an executive, officer, or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; or engage on behalf of any candidate for public office in the solicitation of votes or other activities in behalf of such candidacy. Neither the Health Insurance Public Counsel nor any employee of the Health Insurance Public Counsel shall become a candidate for election to public office unless he shall first resign from his office or employment.

Section 6. Section 627.0655, Florida Statutes, is created to read:

627.0655 *Health Insurance Public Counsel; duties and powers.*—It shall be the duty of the Health Insurance Public Counsel to provide legal representation for the people of the state in proceedings before the department pertaining to health insurance. The Health Insurance Public Counsel shall have such powers as are necessary to carry out the duties of his office, including, but not limited to, the following specific powers:

(1) To recommend to the department, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the department pertaining to:

(a) Rules governing health insurance; or

(b) Rate filings for health insurance which request rate increases of 10 percent or greater or rate decreases of 5 percent or greater within a 12-month period.

(c) The Health Insurance Public Counsel must initiate or intervene in any rate proceeding or action within 60 days of when the rate filing is made. To do so, the Health Insurance Public Counsel must file notice with the Insurance Commissioner stating that based upon a preliminary review the Health Insurance Public Counsel believes that the rates filed are excessive, inadequate or unfairly discriminatory. For purposes of this section, Department of Insurance approval of or retraction of objections to a rate filing shall constitute final agency action, which may be appealed only to the District Court of Appeals and which may not be stayed.

(2) To urge in any proceeding or action to which he is a party any position which he deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the department, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the department which shall be reviewable by summary procedure in the circuit courts of this state. The Health Insurance Public Counsel shall have access to the examination and investigation files and reports pertaining to health insurance at any time. The Health Insurance Public Counsel shall withhold from public inspection any information received while the department's examination or investigation is still in progress.

(3) To have access to and use of all files, records, and data of the department available to any other attorney representing parties in a proceeding before the department.

(4) In any proceeding in which he has participated as a party, to seek review of any determination, finding, or order of the department, or of any hearing examiner designated by the department, in the name of the state or its citizens.

(5) To prepare and issue reports, recommendations, and proposed orders to the department, the Governor, and the Legislature on any matter or subject within the jurisdiction of the department pertaining to health insurance, and to make such recommendations as he deems appropriate for legislation relative to department procedures, rules, jurisdiction, personnel, and functions.

(6) To appear before other state agencies, federal agencies, and state and federal courts in connection with matters pertaining to health insurance under the jurisdiction of the department, in the name of the state or its citizens.

Section 7. Section 627.0656, Florida Statutes, is created to read:

627.0656 *The Health Insurance Public Counsel; location.*—The Health Insurance Public Counsel shall maintain his office in Leon County at such place convenient to the offices of the department as will enable him to carry out expeditiously the duties and functions of his office.

Section 8. Section 627.0657, Florida Statutes, is created to read:

627.0657 *Health Insurance Public Counsel; receipt of pleadings.*—The department shall furnish the Health Insurance Public Counsel with copies of the initial pleadings in all proceedings before the department, and if the Health Insurance Public Counsel intervenes as a party in any proceeding he shall be served with copies of all subsequent pleadings, exhibits, and prepared testimony, if used. Pleadings shall include, but are not limited to, all rate filings for health insurance filed pursuant to chapter 627. Upon filing notice of intervention, the Health Insurance Public Counsel shall serve all interested parties with copies of such notice and all of his subsequent pleadings and exhibits.

Section 9. Section 627.0658, Florida Statutes, is created to read:

627.0658 *Health Insurance Public Counsel; compensation and expenses; legislative office.*—

(1) *There is hereby created a Health Insurance Public Counsel Trust Fund in the Executive Office of the Governor to fund the operations of the Health Insurance Public Counsel.*

(2) *The salaries and expenses of the Health Insurance Public Counsel employees shall be allocated only from moneys appropriated to the Health Insurance Public Counsel by the Legislature.*

Section 10. Subsection (3) is added to section 624.523, Florida Statutes, to read:

624.523 Insurance Commissioner's Regulatory Trust Fund.—

(3) *An amount as determined by the General Appropriations Act shall be transferred annually from the Insurance Commissioner's Regulatory Trust Fund to the Health Insurance Public Counsel Trust Fund for the purpose of funding the office of the Health Insurance Public Counsel.*

Section 11. *Each section which is added to part I of chapter 627, Florida Statutes, by this act is repealed on October 1, 1992, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.*

(Renumber subsequent sections.)

Further consideration of **SB 1317** was deferred.

The Senate resumed consideration of—

SB 330—A bill to be entitled An act relating to state lands; amending s. 253.034, F.S.; excluding the sale of certain lands by the Board of Trustees of the Internal Improvement Trust Fund from review by the Land Management Advisory Committee; clarifying an exclusion from the application of said section relating to leases of state lands for private uses and purposes; amending s. 253.04, F.S.; authorizing the board of trustees to impose an administrative fine for failure to comply with an order to remove or alter a structure located on state lands; authorizing the board of trustees to remove or alter such a structure and recover the cost of removal or alteration; clarifying provisions providing that fines imposed and damages awarded under the section constitute liens on the violator's property; clarifying provisions providing for the disposition of fines and damages collected; amending s. 253.111, F.S.; eliminating the public purpose requirement as a condition of the sale of certain state lands to a county; revising the procedure with respect to such a sale; revising the method for fixing the price the county must pay for such lands; amending s. 253.115, F.S.; excluding certain sovereignty land leases for existing structures by the board of trustees from public notice and hearing requirements; amending s. 260.015, F.S.; providing an alternative procedure for the Department of Natural Resources to acquire abandoned railroad rights-of-way under the Florida Rails to Trails Program; providing an effective date.

Senator Brown moved the following amendment which was adopted:

Amendment 5—On page 10, line 30, insert:

Section 6. Subsection (1) of section 253.025, Florida Statutes, 1988 Supplement, is amended to read:

253.025 Acquisition of state lands.—

(1) Neither the Board of Trustees of the Internal Improvement Trust Fund nor its duly authorized agent shall commit the state, through any instrument of negotiated contract or agreement for purchase, to the purchase of lands with or without appurtenances unless the provisions of this section have been fully complied with. However, the board of trustees may substitute federally mandated acquisition procedures for the provisions of this section when federal funds are available and will be utilized for the purchase of lands, title to which will vest in the board of trustees, and qualification for such federal funds requires compliance with federally mandated acquisition procedures. *Notwithstanding any provisions in this section to the contrary, if lands are being acquired by the board of trustees for the anticipated sale, conveyance, or transfer to the Federal Government pursuant to a joint state and federal acquisition project, the board of trustees may use appraisals obtained by the Federal Government in the acquisition of such lands.* The board of trustees may waive any provision of this section when land is being conveyed from a state agency to the board.

(Renumber subsequent section.)

The Committee on Natural Resources and Conservation recommended the following amendments which were moved by Senator Brown and adopted:

Amendment 6—In title, on page 1, line 29, after "trustees" insert: and other conveyances of a certain size

Amendment 7—In title, on page 2, line 3, after the semicolon (;) insert: amending ss. 193.085(3) and 253.03(8), F.S.; providing that real property listed on assessment rolls in the name of the state shall not be changed except under certain conditions; providing that property appraisers shall notify state agencies of certain deeds;

Senator Brown moved the following amendment which was adopted:

Amendment 8—In title, on page 2, line 3, after "Program;" insert: amending s. 375.031, F.S.; deleting requirements for filing a statement relating to land acquisition with the Department of State;

On motion by Senator Brown, by two-thirds vote SB 330 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	Kiser	Scott
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Johnson	Plummer	
Davis	Kirkpatrick	Ros-Lehtinen	

Nays—None

On motion by Senator Brown, the rules were waived and **SB 330** was ordered immediately certified to the House.

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

CS for HB 190—A bill to be entitled An act relating to consumer protection; creating s. 365.1655, F.S.; creating the "Florida Telephone Solicitation Act"; providing definitions; providing exemptions; providing for the enforceability of certain contracts made by telephone; prohibiting charges to a consumer's credit account under certain circumstances; providing for certain deceptive and unfair trade practices; providing penalties; providing an effective date.

—a companion measure, was substituted for CS for SB 165 and by two-thirds vote read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 190 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Johnson	Plummer	
Davis	Kirkpatrick	Ros-Lehtinen	

Nays—None

Consideration of **SB 783** was deferred.

CS for SB's 315 and 1079—A bill to be entitled An act relating to offenses involving controlled substances; creating s. 893.20, F.S.; establishing the crime of engaging in a continuing criminal enterprise; providing for criminal penalties; exempting such crime from the application of sentencing guidelines; prohibiting adjudication of guilt or imposition of sentence from being suspended, deferred, or withheld; requiring the mandatory minimum sentence to be served prior to eligibility for parole or provisional credits; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for SB's 315 and 1079 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Scott
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

Consideration of **SB 1147** was deferred.

CS for SB 1252—A bill to be entitled An act relating to continuing care contracts; amending s. 651.021, F.S., relating to application for a certificate of authority; amending s. 651.022, F.S.; revising requirements for application for a provisional certificate of authority; providing a time period for issuance; requiring an escrow agreement; amending s. 651.023, F.S.; revising requirements and procedures for issuance of a certificate of authority; revising conditions and procedures for releasing certain moneys held in escrow; amending s. 651.026, F.S.; providing for designating a fiscal year other than a calendar year; amending s. 651.035, F.S.; providing for satisfaction of minimum liquid reserve requirements; amending s. 651.095, F.S.; prohibiting unfair insurance advertising practices; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote CS for SB 1252 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard
Davis	Kirkpatrick	Ros-Lehtinen	
Dudley	Kiser	Scott	

Nays—None

Vote after roll call:

Yea—Deratany

On motion by Senator Deratany, the rules were waived and **CS for SB 1252** was ordered immediately certified to the House.

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

HB 483—A bill to be entitled An act relating to remedies for unlawful taking; amending s. 772.11, F.S.; providing for a minimum damages recovery for persons injured by specified theft offenses; providing a procedure for written demand and written release; providing for recovery of damages from the parents or legal guardian of a minor; amending s. 68.065, F.S., relating to civil action to collect worthless checks; increasing the service charge and providing for the rights of subsequent parties in interest; amending s. 832.07, F.S., relating to criminal proceedings for uttering worthless checks; increasing the service charge and providing for the rights of subsequent parties in interest; amending ss. 125.0105 and 166.251, F.S., relating to service fees for dishonored checks issued to counties and municipalities, respectively; increasing the service fee; creating s. 832.05(9), F.S.; relating to form of complaint for worthless checks; providing an effective date.

—a companion measure, was substituted for SB 783 and by two-thirds vote read the second time by title. On motion by Senator Souto, by two-thirds vote HB 483 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Forman	Kirkpatrick	Souto
Bankhead	Gardner	Langley	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	Myers	Thurman
Casas	Grizzle	Peterson	Walker
Childers, W. D.	Jennings	Plummer	Weinstein
Dudley	Johnson	Ros-Lehtinen	Woodson-Howard

Nays—3

Davis Malchon Weinstock

Vote after roll call:

Yea—Deratany

Nay—Meek

Yea to Nay—Grizzle, Peterson

The Senate resumed consideration of—

CS for SB 1213—A bill to be entitled An act relating to professional regulation; amending s. 455.213, F.S.; eliminating the ceiling on initial license fees; amending s. 455.217, F.S.; requiring the Department of Professional Regulation or the respective regulatory boards to charge an examination review fee; amending s. 455.225, F.S., relating to disciplinary proceedings; modifying provision relating to legal sufficiency of complaints; providing condition for submission of an investigative report; providing for notice to licensees of minor violations under certain circumstances; requiring corrective action within a specified time period; amending ss. 395.0115, 401.414, 458.307, 466.022, 489.107, F.S.; correcting cross-references; amending s. 459.0085, F.S.; providing an exemption from assessments under the Florida Birth-Related Neurological Injury Compensation Plan for certain osteopathic physicians; amending s. 481.213, F.S.; modifying requirements for licensure by endorsement as an architect or interior designer; amending s. 481.219, F.S.; modifying requirements for certification of architectural corporations and partnerships; amending s. 489.111, F.S.; requiring a report on construction contracting certification examinations; providing for review of examination questions by a sensitivity review committee; amending s. 489.129, F.S.; adding a disciplinary penalty for certain violations by contractors; amending s. 489.521, F.S.; eliminating prohibition against charges in transfers of contracting certificates; amending s. 455.203, F.S.; requiring the department to establish a procedure for biennial license renewal; amending ss. 457.105, 457.107, 459.0092, 459.022, 468.3852, 468.453, 473.305, 484.0447, 489.509, 492.104, F.S.; increasing or authorizing the increase of various fees relating to acupuncture, osteopathy, auctioneers, athlete agents, public accountancy, fitting and dispensing of hearing aids, electrical contracting, and professional geologists; amending ss. 460.406, 460.407, 460.4104, 460.4165, 462.08, 464.008, 464.014, 466.013, 466.017, 466.032, 468.1705, 468.1735, 468.508, 470.006, 474.2065, 474.215, 475.24, 476.155, 476.192, 481.207, 481.307, 484.002, 484.007, 484.008, 484.009, 489.109, F.S., increasing or authorizing the increase of various fees relating to chiropractic, naturopathy, nursing, dentistry, dental hygiene, dental laboratories, nursing home administration, dietetics and nutrition practice, funeral directing, embalming, direct disposition, veterinary medical practice, real estate brokers, salesmen, and schools, barbering, architecture and landscape architecture, interior design, preparing and dispensing of eyeglasses and optical devices, and construction contracting; amending ss. 458.311, 458.313, 458.315, 458.316, 458.3165, 458.317, 458.321, 458.345, 458.347, F.S.; increasing or authorizing the increase of various fees relating to medical practice; modifying criteria for issuance of a restricted license to practice medicine; amending ss. 470.021, 470.024, 470.025, F.S.; authorizing the board to establish a late renewal penalty fee for direct disposal establishments, funeral establishments, and cinerator facilities; providing for biennial, rather than annual, renewal of cinerator facility licenses; amending s. 480.044, F.S.; authorizing the increase of various fees relating to massage practice; providing for separate application and license fees for massage establishments; providing an appropriation; repealing s. 460.4065, F.S., relating to licensure by endorsement as a chiropractic physician; providing an effective date.

—as amended.

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 1213 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	Forman	Langley	Souto
Bankhead	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Ros-Lehtinen	
Dudley	Kiser	Scott	

Nays—None

The Senate resumed consideration of—

SB 394—A bill to be entitled An act relating to credit life and credit disability insurance; amending ss. 627.553 and 627.679, F.S.; increasing the allowable amount of credit life and credit disability insurance; providing an effective date.

—with pending Amendment 1 which was withdrawn.

On motion by Senator Bankhead, by two-thirds vote SB 394 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dudley	Kiser	Stuart
Bankhead	Gardner	Langley	Thomas
Brown	Girardeau	Malchon	Thurman
Bruner	Gordon	Margolis	Walker
Casas	Grant	McPherson	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Souto	

Nays—None

On motion by Senator Bankhead, the rules were waived and **SB 394** was ordered immediately certified to the House.

The Senate resumed consideration of—

SB 1317—A bill to be entitled An act relating to the Long-Term Care Insurance Act; amending s. 627.9403, F.S.; providing that the act shall not apply to certain renewal policies; amending s. 627.9405, F.S.; permitting underwriting within policyholder-sponsored, noncontributory groups; amending s. 627.9407, F.S.; increasing the maximum elimination period; providing an effective date.

—with pending Amendment 1 which was withdrawn.

On motion by Senator Weinstein, by two-thirds vote SB 1317 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

Motion to Reconsider

Senator Gordon moved that the Senate reconsider the vote by which HB 483 passed this day.

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

HB 1456—A bill to be entitled An act relating to firefighters; amending s. 633.34, F.S.; requiring a person who applies for a job as a firefighter to be a nonuser of tobacco or tobacco products; providing an effective date.

—a companion measure, was substituted for SB 476 and by two-thirds vote read the second time by title.

Senator Johnson moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 14-16 and insert:

(6) *The State Fire Marshal may consider by rule the use or non-use of tobacco or tobacco products as a condition of employment as a fire-fighter.*

The vote was:

Yeas—25

Beard	Dudley	Langley	Thurman
Brown	Grant	Meek	Walker
Bruner	Grizzle	Myers	Weinstein
Casas	Jennings	Peterson	Woodson-Howard
Childers, W. D.	Johnson	Plummer	
Crenshaw	Kirkpatrick	Ros-Lehtinen	
Deratany	Kiser	Thomas	

Nays—10

Mr. President	Forman	Malchon	Weinstock
Childers, D.	Girardeau	Margolis	
Davis	Gordon	McPherson	

On motion by Senator Malchon, by two-thirds vote HB 1456 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Jennings	Ros-Lehtinen
Bankhead	Deratany	Johnson	Souto
Beard	Dudley	Kiser	Stuart
Brown	Forman	Langley	Thomas
Bruner	Gardner	Malchon	Thurman
Casas	Girardeau	Margolis	Walker
Childers, D.	Gordon	Meek	Weinstein
Childers, W. D.	Grant	Peterson	Weinstock
Crenshaw	Grizzle	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick, McPherson

CS for SB 742—A bill to be entitled An act relating to the Government Employees Deferred Compensation Plan Act; amending s. 112.215, F.S.; exempting certain deferred compensation plan providers from the requirements of the Florida Security for Public Deposits Act under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote CS for SB 742 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Davis	Johnson	Ros-Lehtinen
Bankhead	Dudley	Kirkpatrick	Souto
Beard	Forman	Kiser	Thomas
Brown	Gardner	Langley	Thurman
Bruner	Girardeau	Malchon	Walker
Casas	Gordon	Margolis	Weinstein
Childers, D.	Grant	McPherson	Weinstock
Childers, W. D.	Grizzle	Meek	Woodson-Howard
Crenshaw	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Deratany, Stuart

Consideration of **SB 820**, **CS for SB 532**, **CS for HB 877** and **SB 802** was deferred.

On motions by Senator Dudley, by two-thirds vote CS for HB's 437 and 215 was withdrawn from the Committees on Economic, Professional and Utility Regulation; and Appropriations.

On motion by Senator Dudley—

CS for HB's 437 and 215—A bill to be entitled An act relating to real estate; amending s. 475.17, F.S.; revising language with respect to post-licensure education requirements for real estate salesmen; amending s. 475.25, F.S.; authorizing the Florida Real Estate Commission to discipline a licensee for failure to deposit funds in an escrow account under certain circumstances; amending s. 475.42, F.S.; requiring the trade name to be noted on a broker's license under certain circumstances; providing a penalty; amending s. 475.482, F.S.; providing that all moneys collected from fines imposed by the Florida Real Estate Commission and collected by the Department of Professional Regulation shall be transferred into the Real Estate Recovery Fund; amending s. 475.483, F.S.; revising language with respect to eligibility for recovery under the fund; amending s. 475.484, F.S.; providing for the suspension of the license of a broker or salesman when a payment is made from the fund under certain circumstances; providing for reinstatement; amending s. 475.501, F.S.; revising language with respect to compensation for members of the Real Estate Appraisal Subcommittee of the Florida Real Estate Commission; providing an effective date.

—a companion measure, was substituted for CS for SB 1000 and read the second time by title. On motion by Senator Dudley, by two-thirds vote CS for HB's 437 and 215 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

On motion by Senator Kirkpatrick, by unanimous consent—

CS for SB 1194—A bill to be entitled An act relating to state fiscal matters; amending s. 216.011, F.S.; defining the appropriation category "Grants and Aids to Local Governments and Nonprofit Organizations-Fixed Capital Outlay" for the purpose of the fiscal affairs of the state, appropriation acts, legislative budgets, and approved budgets; appropriating moneys from specific vetoed items to the State Working Capital Fund; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 1194 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grizzle	Meek	Weinstock
Childers, W. D.	Jennings	Myers	Woodson-Howard
Crenshaw	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Davis, Stuart

CS for SB's 493 and 947—A bill to be entitled An act relating to boating safety; amending s. 327.02, F.S.; including navigation and safety responsibilities in the operation of a vessel; creating s. 327.321, F.S.; prohibiting certain persons from operating certain power vessels without having successfully completed a boating safety course and without having the certificate or license available for inspection; providing definitions; authorizing the imposition of certain fees; authorizing the department to adopt rules for approval or registration of boating courses, training facili-

ties, and instructors; providing exemptions for certain persons; amending s. 327.73, F.S.; clarifying a cross-reference; providing that violations relating to boating safety courses are noncriminal infractions; providing an effective date.

—was read the second time by title.

Senators McPherson and Thurman offered the following amendment which was moved by Senator Thurman:

Amendment 1—On page 2, lines 15, 16, 21 and 22, strike "born on or after October 1, 1974,"

Further consideration of **CS for SB's 493 and 947** was deferred.

CS for SB 170—A bill to be entitled An act relating to the Sports Advisory Council of the Department of Commerce; amending s. 20.17, F.S.; authorizing the department to contract with a direct-support organization to promote and develop professional sports and related industries; prescribing qualifications for the direct-support organization; specifying contract requirements; providing for the use of property and services of the department; providing for audits; exempting certain information from the public records requirements of ch. 119, F.S.; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote CS for SB 170 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Scott	

Nays—None

SB 989—A bill to be entitled An act relating to the Yacht and Ship Brokers' Act; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide information relative to the Yacht and Ship Brokers' Act to the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation; amending s. 326.002, F.S.; deleting the definition of the term "department" and defining the term "division" to mean the Division of Florida Land Sales, Condominiums, and Mobile Homes; changing the term "department" to "division" throughout the act; amending s. 326.003, F.S.; conforming to the act; amending s. 326.004, F.S.; providing for the filing of a new bond or letter of credit under certain circumstances; amending s. 326.005, F.S.; providing additional places for escrow deposits; providing a penalty for intentional failure to comply with escrow requirements; amending s. 326.006, F.S.; providing for the powers and duties of the division; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote SB 989 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Thomas
Beard	Forman	Malchon	Thurman
Brown	Gardner	Margolis	Walker
Bruner	Girardeau	McPherson	Weinstein
Casas	Gordon	Meek	Weinstock
Childers, D.	Grant	Myers	Woodson-Howard
Childers, W. D.	Grizzle	Plummer	
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Scott	

Nays—None

Vote after roll call:

Yea—Stuart

CS for SB 1068—A bill to be entitled An act relating to the Consultants' Competitive Negotiation Act; amending s. 287.055, F.S.; defining the term "design-build contract" and related terms; providing that the act does not apply to the procurement of design-build contracts by an agency; requiring preparation of a design criteria package by specified persons; requiring each agency to adopt rules or ordinances for the award of design-build contracts; specifying minimum procedures for municipalities, political subdivisions, school districts, and school boards; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendment which was adopted:

Amendment 1—On page 1, lines 27-31 and on page 2, lines 1-4, strike all of said lines and insert:

(h) A "design-build firm" means a partnership, corporation, or other legal entity which:

1. Is certified under s. 489.119 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; and

2. Is certified under s. 471.023 to practice or to offer to practice engineering; certified under s. 481.219 to practice or to offer to practice architecture; or certified under s. 481.319 to practice or to offer to practice landscape architecture.

Senator Gardner moved the following amendments which were adopted:

Amendment 2—On page 2, line 1, strike "or" and insert: and

Amendment 3—On page 2, line 26, after "landscape architecture or" insert: a firm who

Amendment 4—On page 4, strike all of lines 17 and 18 and insert: drawings of the project; and for evaluation of the compliance of the project construction with the design criteria package by the design criteria professional.

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

Yeas—39

Mr. President	Deratany	Kiser	Scott
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

On motion by Senator Forman, the rules were waived and **CS for SB 1068** was ordered immediately certified to the House.

Motion to Reconsider

The motion by Senator Gordon that the rules be waived and the Senate reconsider the vote by which—

HB 483—A bill to be entitled An act relating to remedies for unlawful taking; amending s. 772.11, F.S.; providing for a minimum damages recovery for persons injured by specified theft offenses; providing a procedure for written demand and written release; providing for recovery of damages from the parents or legal guardian of a minor; amending s. 68.065, F.S., relating to civil action to collect worthless checks; increasing the service charge and providing for the rights of subsequent parties in interest; amending s. 832.07, F.S., relating to criminal proceedings for uttering worthless checks; increasing the service charge and providing for the rights of subsequent parties in interest; amending ss. 125.0105 and 166.251, F.S., relating to service fees for dishonored checks issued to counties and municipalities, respectively; increasing the service fee; creating s. 832.05(9), F.S., relating to form of complaint for worthless checks; providing an effective date.

—passed this day was taken up and adopted.

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

Amendment 1—On page 3, line 2, strike "\$20" and insert: \$15

HB 483 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Margolis	Thomas
Brown	Gardner	McPherson	Thurman
Bruner	Gordon	Meek	Walker
Casas	Grant	Peterson	Weinstein
Childers, D.	Jennings	Plummer	Woodson-Howard
Childers, W. D.	Johnson	Ros-Lehtinen	
Crenshaw	Kirkpatrick	Scott	

Nays—3

Davis	Malchon	Weinstock
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Vote after roll call:

Yea to Nay—Thurman

Consideration of **CS for CS for CS for SB 45** was deferred.

CS for SB 1251—A bill to be entitled An act relating to insurance; amending s. 627.351, F.S., relating to motor vehicle insurance risk apportionment; requiring a poll of member insurers and additional filing requirements; prohibiting a renewal discount for plan insureds; requiring a disclosure on an application for coverage; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote CS for SB 1251 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	

Nays—None

SB 815—A bill to be entitled An act relating to insurance; creating part VI of chapter 624, F.S.; providing for administrative supervision of an insurer by the Department of Insurance under specified conditions, including unsound condition, hazardous practices, and operation in excess of its certificate of authority; providing for confidentiality of certain proceedings and records; prohibiting certain acts during period of supervision; providing for other procedural matters with respect to such supervision including the payment of expenses; providing an effective date.

—was read the second time by title.

Senator Scott moved the following amendment which was adopted:

Amendment 1—On page 3, lines 23-31 and on page 4, lines 1-23, strike all of said lines and insert:

(1) If the department determines that the conditions set forth in subsection (2) exist, the department shall notify the insurer in writing of its determination, setting forth the reasons giving rise to the determination, and specifying that the department is applying and effectuating the provisions of this part.

(2) An insurer shall be subject to administrative supervision by the department if upon examination or at any other time the department determines that:

(a) The insurer is in unsound condition;

(b) The insurer's methods or practices render the continuance of its business hazardous to the public or to its insureds; or

(c) The insurer has exceeded its powers granted under its certificate of authority and applicable law.

(3) Within 15 days of receipt of notice of the department's determination to proceed under this part, an insurer shall submit to the department a plan to correct the conditions set forth in the notice. For good cause shown, the department may extend the 15 day time period for submission of the plan. If the department and the insurer agree on a corrective plan, a written agreement shall be entered into to carry out the plan.

(4) If an insurer fails to timely submit a plan, the department may specify the requirements of a plan to address the conditions giving rise to imposition of administrative supervision under this part. In addition, failure of the insurer to timely submit a plan is a violation of the provisions of this code punishable in accordance with s. 624.418.

(5) The plan shall address, but shall not be limited to, each of the activities of the insurer's business which are set forth in s. 624.83.

(6) If the department and the insurer are unable to agree on the provisions of the plan, the department may proceed under applicable provisions of this code other than the provisions of this part.

(7) The insurer shall have 60 days, or a longer period of time as designated by the department but not to exceed 120 days, after the date of the written agreement or the receipt of the department's plan within which to comply with the requirements of the department. At the conclusion of the initial period of supervision, the department may extend the supervision in increments of 60 days or longer, not to exceed 120 days, if conditions justifying supervision exist. Each extension of supervision shall provide the insurer with a point of entry pursuant to chapter 120.

(8) The initiation or pendency of administrative proceedings arising from actions taken under this section shall not preclude the department from initiating judicial proceedings to place an insurer in conservation, rehabilitation, or liquidation or initiating other delinquency proceedings however designated under the laws of this state.

(9) If it is determined that the conditions giving rise to administrative supervision have been remedied so that the continuance of its business is not longer hazardous to the public or to its insureds, the department shall release the insurer from supervision.

On motion by Senator Scott, by two-thirds vote SB 815 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

CS for CS for SB's 9, 1 and 248—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.01, F.S.; defining the term "marine fish"; creating s. 370.0605, F.S.; providing for saltwater fishing licenses; providing fees; providing duties of tax collectors and the Department of Natural Resources; providing for the department to charge a tax collector the fees for lost licenses that exceed a limit specified by the department; prohibiting certain unlawful uses of a saltwater fishing license; amending s. 370.111, F.S.; providing for a snook stamp; amending s. 370.14, F.S.; providing for a crawfish stamp; creating s. 370.0606, F.S.; providing for the appointment of subagents for the issuance and sale of saltwater fishing licenses; providing bonding requirements for such subagents; providing for a marine information system; providing for the disposition of license fees; creating a Marine Resources Conservation Trust Fund; specifying level of general revenue funding for certain activities and programs; providing for the allocation of certain federal moneys to the department and the Game and Fresh Water Fish Commission; creating additional positions and providing appropriations; providing an effective date.

—was read the second time by title.

Senator Bruner moved the following amendment:

Amendment 1—On page 4, line 19, insert:

(e) Any person 65 years of age or older.

(Renumber subsequent sections.)

Senator Grizzle moved the following amendment to Amendment 1:

Amendment 1A—On page 1, line 4, strike "65" and insert: 75

Further consideration of CS for CS for SB's 9, 1 and 248 with pending Amendment 1A was deferred.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote CS for SB 993, CS for SB 1207 and CS for SB 1088 were withdrawn from the Committee on Governmental Operations; Senate Memorials 1403, 987, 735 and 778 were withdrawn from the Committee on Rules and Calendar; CS for SB 1378 and CS for SB 1007 were withdrawn from the Committee on Economic, Professional and Utility Regulation; and CS for SB 622 was withdrawn from the Committee on Community Affairs.

RECESS

On motion by Senator Scott, the Senate recessed at 12:06 p.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:37 p.m. A quorum present—40:

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scott, by two-thirds vote CS for SB 896 was withdrawn from the Committee on Appropriations.

On motion by Senator Margolis, the rules were waived and the Committee on Appropriations was granted permission to consider CS for SB 1275 on May 26.

Session Schedule Changed

On motion by Senator Scott, the rules were waived and the schedule for May 26 was changed as follows: The Senate would meet from 10:00 a.m. until 1:00 p.m. and the afternoon session was cancelled.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 194 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 194—A bill to be entitled An act relating to adult congregate living facilities; creating s. 400.442, F.S.; requiring the consultant services of a pharmacist or dietitian under certain circumstances; providing for certain pharmacists within the Department of Health and Rehabilitative Services; providing an effective date.

Amendment 1—On page 2, line 5, after the period insert a new Section 2:

Section 2. Subsection (3) of section 395.017, Florida Statutes, 1988 Supplement, is amended to read:

395.017 Patient records; copies; examination.—

(3) Patient records shall have a privileged and confidential status and shall not be disclosed without the consent of the person to whom they pertain, but appropriate disclosure may be made without such consent to:

(a) Hospital personnel for use in connection with the treatment of the patient.;

(b) Hospital personnel only for internal hospital administrative purposes associated with the treatment.;

(c) The Hospital Cost Containment Board.;

(d) In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice by the party seeking such records to the patient or his legal representative.;

(e) The Department of Professional Regulation upon subpoena issued pursuant to s. 455.223, but the records obtained thereby shall be used solely for the purpose of the Department of Professional Regulation and the appropriate professional board in its investigation, prosecution, and appeal of disciplinary proceedings. If the Department of Professional Regulation requests copies of such records, the facility shall charge no more than its actual copying costs, including reasonable staff time. The records shall be sealed and shall not be available to the public pursuant to s. 119.07 or any other statute providing access to records, nor shall they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the Department of Professional Regulation or the appropriate regulatory board. However, the Department of Professional Regulation shall make available, upon written request by a practitioner against whom probable cause has been found, any such records which form the basis of the determination of probable cause.;

(f) The department or its agent, for the purpose of establishing and maintaining a trauma registry and for the purpose of ensuring that hospitals are in compliance with the standards of s. 395.031(5).

(g) *The State Nursing Home and Long-Term Care Facility Ombudsman Council and the District Nursing Home and Long-Term Care Facility Ombudsman Councils, with respect to the records of a patient who has been admitted from a nursing home or long-term care facility, when the councils are conducting an investigation involving the patient as authorized under part I of chapter 400, upon presentation of identification as a council member by the person making the request. Disclosure under this paragraph shall only be made after a competent patient or the patient's representative has been advised that disclosure may be made and the patient has not objected.*

(Renumber subsequent section.)

Amendment 2—On page 1, line 8, after the semicolon insert: amending s. 395.017, F.S.; providing appropriate disclosure of certain patient records to the State Nursing Home and Long-Term Care Facility Ombudsman Council;

Amendment 3—On page 1 in the title, lines 2 and 3, strike "adult congregate living facilities" and insert: long-term care

Amendment 4—On page 2, between lines 5 and 6, insert:

Section 2. Section 465.0156, Florida Statutes, is amended to read:

465.0156 *Registration of nonresident Disclosure; mail service pharmacies.*—

(1) Any pharmacy which is located outside this state and which ships, mails, or delivers, in any manner, a dispensed medicinal drug into this state shall be considered a nonresident special pharmacy, shall be registered with the board, provide pharmacy services at a high level of protection and competence, and disclose to the board the following specific information and shall disclose to the board the following:

(a)(1) That it maintains at all times, a valid, unexpired license, permit, or registration to operate the pharmacy in compliance with the laws of is licensed in the state in which the dispensing facility is located and from which the medicinal drugs shall be dispensed;

(b)(2) The location, names, and titles of all principal corporate officers and all pharmacists who are dispensing medicinal drugs to residents of this state. This disclosure shall be made on an annual basis and within 30 days after any change of office location, corporate officer, or pharmacist;

(c)(3) That it complies with all lawful directions and requests for information from the regulatory or licensing agency Board of Pharmacy of all states in which it is licensed as well as with all requests for information made by the board pursuant to this section. ~~except that~~ It shall respond directly to all communications from the board concerning emergency circumstances arising from errors in the dispensing of medicinal drugs to the residents of this state;

(d)(4) That it maintains its records of medicinal drugs dispensed to patients in this state so that the records are readily retrievable from the other business records of the pharmacy and from the records of other medicinal drugs dispensed; and

~~(5) That it cooperates with the board pursuant to subsection (3) in providing information to the Board of Pharmacy of the state in which it is licensed concerning matters related to the dispensing of medicinal drugs to residents of this state; and~~

(e)(6) That during its regular hours of operation but not less than 6 days per week, for a minimum of 40 hours per week, a toll-free telephone service shall be provided to facilitate communication between patients in this state and a pharmacist at the pharmacy who has access to the patient's records. This toll-free number must be disclosed on the label affixed to each container of dispensed medicinal drugs. ~~A nonresident special pharmacy which complies with the requirements of this section shall not be required to obtain a permit from the board.~~

(2) Applications for nonresident pharmacy registration under this section shall be made on a form furnished by the board. The board may require such information as the board deems reasonably necessary to carry out the purposes of this section. The board may grant an exemption from the registration requirements of this section to any nonresident pharmacy which confines its dispensing activity to isolated transactions. The board may define by rule the term isolated transactions.

(3) The registration fee and the biennial renewal fee shall be the fee specified in s. 465.022.

(4) The board may deny, revoke, or suspend registration of, or fine or reprimand, a nonresident pharmacy for failure to comply with s. 465.025 or with any requirement of this section in accordance with the provisions of this chapter.

(5) In addition to the prohibitions of subsection (4) the board may deny, revoke, or suspend registration of, or fine or reprimand, a nonresident pharmacy in accordance with the provisions of this chapter for conduct which causes serious bodily or serious psychological injury to a resident of this state if the board has referred the matter to the regulatory or licensing agency in the state in which the pharmacy is located and the regulatory or licensing agency either fails to investigate within 180 days of the referral.

(6) It is unlawful for any nonresident pharmacy which is not registered pursuant to this section to advertise its services in this state, or for any person who is a resident of this state to advertise the pharmacy services of a nonresident pharmacy which has not registered with the board, with the knowledge that the advertisement will or is likely to induce members of the public in this state to use the pharmacy to fill prescriptions.

Section 3. Paragraph (b) of subsection (6) of section 465.025, Florida Statutes, is amended to read:

465.025 Substitution of drugs.—

(6) The Board of Pharmacy and the Board of Medical Examiners shall establish by rule a formulary of generic drug type and brand name drug products which are determined by the boards to demonstrate clinically significant biological or therapeutic inequivalence and which, if substituted, would pose a threat to the health and safety of patients receiving prescription medication.

(b) Upon adoption of the formulary required by this subsection, and upon each addition, deletion, or modification to the formulary, the Board of Pharmacy shall mail a copy to each manager of the prescription

department of each community pharmacy licensed by the state, *each nonresident pharmacy registered in the state*, and each board regulating practitioners licensed by the laws of the state to prescribe drugs shall incorporate such formulary into its rules. No pharmacist shall substitute a generically equivalent drug product for a prescribed brand name drug product if the brand name drug product or the generic drug type drug product is included in the said formulary.

(Renumber subsequent section.)

Amendment 5—On page 1, lines 2-9, strike all of said lines and insert: An act relating to adult congregate living facilities, pharmacy, and dietary services; creating s. 400.442, F.S.; requiring the consultant services of a pharmacist or dietitian under certain circumstances; providing for certain pharmacists within the Department of Health and Rehabilitative Services; amending chapter 465; providing for the prescribing and dispensing of medicinal drugs; providing an effective date.

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

Amendment 1—In title, on page 1, line 14, after "Council" insert: and the district nursing home and long-term care facility ombudsman councils

Senator Dudley moved the following amendment to House Amendment 5 which was adopted:

Amendment 1—In title, on page 1, strike all of lines 13-19 and insert: An act relating to public health; creating s. 400.442, F.S.; requiring the consultant services of a pharmacist or dietitian to an adult congregate living facility under certain circumstances; providing for the Department of Health and Rehabilitative Services to determine whether such services should be continued; amending s. 465.0156, F.S.; requiring certain out-of-state pharmacies to register with the state Board of Pharmacy; providing for disciplinary action; providing for fees; amending s. 465.025, F.S.; requiring the Board of Pharmacy to mail certain information to registered out-of-state pharmacies; providing an effective date.

On motion by Senator Casas, the Senate concurred in House Amendments 1, 3 and 4; concurred in House Amendments 2 and 5 as amended and the House was requested to concur in the Senate amendments to the House amendments.

CS for SB 194 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Scott
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

SPECIAL ORDER, continued

The Senate resumed consideration of—

CS for CS for SB's 9, 1 and 248—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.01, F.S.; defining the term "marine fish"; creating s. 370.0605, F.S.; providing for saltwater fishing licenses; providing fees; providing duties of tax collectors and the Department of Natural Resources; providing for the department to charge a tax collector the fees for lost licenses that exceed a limit specified by the department; prohibiting certain unlawful uses of a saltwater fishing license; amending s. 370.111, F.S.; providing for a snook stamp; amending s. 370.14, F.S.; providing for a crawfish stamp; creating s. 370.0606, F.S.; providing for the appointment of subagents for the issuance and sale of saltwater fishing licenses; providing bonding requirements for such subagents; providing for a marine information system; providing for the disposition of license fees; creating a Marine Resources Conservation Trust Fund; specifying level of general revenue funding for certain activities and programs; providing for the allocation of certain federal moneys to the department and the Game and Fresh Water Fish Commission; creat-

ing additional positions and providing appropriations; providing an effective date.

—which was taken up with pending Amendment 1A which was adopted.

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

Amendment 2—On page 4, between lines 19 and 20, insert:

(e) The tax collector shall issue an annual saltwater fishing license for a fee of 5 dollars to any Florida resident who is age 65 or older whose monthly benefit payable from the Social Security Administration does not exceed the average monthly benefit which is payable by the Administration for a single person.

Senators Weinstein and W. D. Childers offered the following substitute amendment for Amendment 1 which was moved by Senator Weinstein and failed:

Amendment 3—On page 4, between lines 19 and 20, insert:

(e) Any person 62 years of age or older.

(Redesignate subsequent paragraph.)

Amendment 1 as amended was adopted.

Senator Bruner moved the following amendment:

Amendment 4—On page 3, strike all of lines 13 and 14 and insert:

(a)1. For a resident of the state, \$5 for a one year license.

Senator Girardeau moved the following substitute amendment which failed:

Amendment 5—On page 3, strike all of lines 13 and 14 and insert:

(a)1. For a resident of the state, \$7 for a one year license.

The vote was:

Yeas—18

Bankhead	Girardeau	Plummer	Thurman
Beard	Gordon	Ros-Lehtinen	Walker
Bruner	Langley	Souto	Weinstein
Childers, D.	Meek	Stuart	
Childers, W. D.	Myers	Thomas	

Nays—20

Mr. President	Deratany	Grizzle	Malchon
Brown	Dudley	Jennings	Margolis
Casas	Forman	Johnson	McPherson
Crenshaw	Gardner	Kirkpatrick	Weinstock
Davis	Grant	Kiser	Woodson-Howard

Amendment 4 failed.

Senator Grant moved the following amendments which were adopted:

Amendment 6—On page 4, between lines 23 and 24, insert:

(f) Any person who has been accepted by the Department of Health and Rehabilitative Services for developmental services.

Amendment 7—On page 4, between lines 23 and 24, insert:

(4) The tax collector shall issue a permanent saltwater fishing license, without license fee, to any resident who is certified by a licensed physician of this state, by any branch of the United States Armed Services, or by the United States Veterans Administration to be totally and permanently disabled or who holds a valid identification card issued by the Department of Veterans' Affairs pursuant to s. 295.17.

(Renumber subsequent subsections.)

Senators Thurman and Langley offered the following amendment which was moved by Senator Thurman:

Amendment 8—On page 4, between lines 23 and 24, insert:

(4) The department shall issue a license which shall permit the taking of both saltwater and freshwater fish for noncommercial purposes. The annual fee for a saltwater and freshwater fishing license shall be \$10.

(Renumber subsequent subsections.)

Senator D. Childers moved the following substitute amendment which failed:

Amendment 9—On page 4, between lines 23 and 24, insert:

(4) The department shall also issue a license which permits the taking of saltwater and freshwater fish for noncommercial purposes. The annual fee for such license shall be \$15.

(Renumber subsequent sections.)

The vote was:

Yeas—14

Bruner	Langley	Ros-Lehtinen	Walker
Childers, D.	Meek	Stuart	Weinstein
Childers, W. D.	Myers	Thomas	
Gordon	Plummer	Thurman	

Nays—21

Mr. President	Deratany	Kirkpatrick	Souto
Beard	Forman	Kiser	Weinstock
Brown	Gardner	Malchon	Woodson-Howard
Casas	Grant	Margolis	
Crenshaw	Grizzle	McPherson	
Davis	Johnson	Peterson	

Vote after roll call:

Yea—Girardeau

Amendment 8 failed.

Senator D. Childers moved the following amendment which failed:

Amendment 10—On page 10, lines 12 and 14, strike "30" and insert: 20

Senator Walker moved the following amendment which was adopted:

Amendment 11—On page 7, between lines 12 and 13, insert:

(12) Violation of subsection (1) constitutes a noncriminal violation, punishable as provided in s. 775.083.

Senator Thurman moved the following amendment which failed:

Amendment 12—On page 13, strike all of lines 4-7 and insert:

Section 12. The Department of Natural Resources and the Game and Fresh Water Fish Commission shall each, independently of the other, identify the functions performed by that agency that are duplicative of those performed by the other. Each agency shall make recommendations to the President of the Senate and the Speaker of the House of Representatives by March 1, 1990, for eliminating or merging under one agency the functions which are duplicated by those agencies with respect to the regulation of wildlife and freshwater and aquatic species, including licensing and permitting and enforcement functions.

Section 13. This act shall take effect January 1, 1990, except that this section and sections 8, 9, 10, 11, and 12 shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later.

Senator Weinstein moved the following amendment which failed:

Amendment 13—On page 4, line 13, strike "Florida resident" and insert: person

Senator Bruner moved the following amendments which failed:

Amendment 14—On page 4, line 19, insert:

(e) Pursuant to an ordinance enacted by a majority vote, the governing body of a county may exempt taking or attempting to take marine fish within the territorial waters of the county from the licensure requirements of subsections (1) and (2) of section 2.

Amendment 15—On page 2, line 29, after "included." insert: For a license issued pursuant to subparagraph (2)(b)3. or subparagraph (2)(b)4., a decal signifying the year during which the license is valid shall be furnished by the department. The license decal shall be issued in a contrasting color each year and shall be displayed on each side of the for-

ward half of the vessel either before or after the registration number or hull identification number. Any decal issued for a previous year must be removed from a vessel operating on the waters of the state. Such license shall be renewable as of June 1 of each year for the forthcoming fiscal year upon payment of the license fee.

Senators Deratany and McPherson offered the following amendment which was moved by Senator Deratany and adopted:

Amendment 16—On page 11, lines 28-31 and on page 12, lines 1-6, strike all of said lines and renumber subsequent sections.

Senator Bruner moved the following amendment which failed:

Amendment 17—On page 1, line 5, strike "Licenses" and insert: Taxes

The vote was:

Yeas—12

Beard	Childers, W. D.	Langley	Ros-Lehtinen
Bruner	Gordon	Myers	Stuart
Childers, D.	Kiser	Plummer	Thomas

Nays—24

Mr. President	Deratany	Grizzle	Peterson
Bankhead	Dudley	Johnson	Souto
Brown	Forman	Kirkpatrick	Thurman
Casas	Gardner	Malchon	Walker
Crenshaw	Girardeau	Margolis	Weinstock
Davis	Grant	McPherson	Woodson-Howard

Vote after roll call:

Yea to Nay—Beard

On motion by Senator McPherson, by two-thirds vote CS for CS for SB's 9, 1 and 248 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Mr. President	Dudley	Jennings	Peterson
Bankhead	Forman	Johnson	Souto
Beard	Gardner	Kirkpatrick	Walker
Brown	Girardeau	Kiser	Weinstock
Casas	Gordon	Malchon	Woodson-Howard
Crenshaw	Grant	Margolis	
Davis	Grizzle	McPherson	

Nays—14

Bruner	Langley	Ros-Lehtinen	Thurman
Childers, D.	Meek	Scott	Weinstein
Childers, W. D.	Myers	Stuart	
Deratany	Plummer	Thomas	

Motion

On motion by Senator Scott, the rules were waived and the Committees on Appropriations; and Finance, Taxation and Claims were granted permission to meet May 26 from 8:00 a.m. until 10:00 a.m. in lieu of 8:00 a.m. until 9:00 a.m.

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

CS for HB 25—A bill to be entitled An act relating to criminal penalties; creating the "Law Enforcement Protection Act"; providing legislative findings and intent; creating s. 775.0823, F.S.; establishing mandatory minimum penalties for persons convicted of murder, manslaughter, kidnapping, aggravated battery, and aggravated assault of law enforcement officers, correctional officers, state attorneys, and assistant state attorneys; prohibiting provisional credits; amending s. 944.277, F.S.; prohibiting the granting of provisional credits to inmates convicted of committing certain offenses against law enforcement officers, correctional officers, state attorneys, and assistant state attorneys; providing an effective date.

—a companion measure, was substituted for CS for CS for CS for SB 45 and by two-thirds vote read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for HB 25 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Bankhead

CS for SB 109—A bill to be entitled An act relating to enforcement of contracts; providing that the parties to certain contracts may agree that the law of this state will govern their rights and duties under such contracts; providing that the parties to certain contracts may agree to subject themselves to the jurisdiction of the courts of this state in the event of disputes under such contracts; providing that the act does not affect the enforcement of choice-of-law provisions in, or the jurisdiction of the courts of this state with respect to, other contracts; providing for applicability of the act; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendment which was adopted:

Amendment 1—On page 2, strike all of lines 5-12 and insert:

(a) Regarding any transaction which does not bear a substantial or reasonable relation to this state in which every party is either or a combination of:

1. A resident and citizen of the United States, but not of this state; or
2. Incorporated or organized under the laws of another state and does not maintain a place of business in this state;

(Renumber subsequent sections.)

On motion by Senator Gordon, by two-thirds vote CS for SB 109 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	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Bankhead, Weinstock

SB 292—A bill to be entitled An act relating to personnel of the district school system; amending s. 231.02, F.S.; requiring the fingerprinting of certain noninstructional personnel; providing for guidelines and policies; providing an effective date.

—was read the second time by title.

Senator Gardner moved the following amendments which were adopted:

Amendment 1—On page 1, lines 28 and 29, strike “, laboratory school, or the Florida School for the Deaf and the Blind” and insert: or laboratory school

Amendment 2—On page 2, line 4, after “processing.” insert: School districts that have authorized terminal access to the Florida Crimes Information Telecommunications Network or the National Crime Information Center may use this equipment for the background checking required by this subsection.

Amendment 3—On page 2, strike line 8 and insert: have been convicted of a crime involving moral turpitude

Amendment 4—On page 2, lines 10 and 11, strike “Employees shall have the right to appeal a decision of noncompliance.” and insert: Probationary employees terminated because of their criminal records shall have the right to appeal such decisions.

Amendment 5—On page 2, lines 13 and 14, strike “, laboratory school, and the Florida School for the Deaf and the Blind” and insert: and each laboratory school

Amendment 6—On page 2, line 18, after the period (.) insert: Within these standards, the lack of good moral character shall be defined as having been convicted of a crime involving moral turpitude.

(c) Noninstructional personnel who have been fingerprinted or screened pursuant to this subsection and who have not been unemployed for more than 90 days shall not be required to be refingerprinted or rescreened in order to comply with the requirements of this subsection.

Amendment 7—In title, on page 1, line 6, after the semicolon (;) insert: providing exemptions;

On motion by Senator Grant, by two-thirds vote SB 292 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	Kiser	Scott
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Peterson	Woodson-Howard
Crenshaw	Johnson	Plummer	
Davis	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Gardner

Rules and Calendar Committee Report

Senator Scott reported that the Committee on Rules and Calendar had determined that an emergency exists compelling the introduction of SB 1551, notwithstanding the fact that the final day had passed for introduction of bills.

On motion by Senator Scott, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following bill out of order:

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senators Peterson, Crawford, Langley, D. Childers, Beard, Grant, Stuart, Johnson and Brown—

SB 1551—A bill to be entitled An act relating to sexual battery; amending s. 794.011, F.S.; making it a first degree felony to commit sexual battery upon certain persons who are physically incapacitated; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

Senator Deratany presiding

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scott, by two-thirds vote SB 1551 was withdrawn from the Committee on Judiciary-Criminal and placed on the calendar.

On motions by Senator Scott, by two-thirds vote HB 114 was withdrawn from the Committee on Health and Rehabilitative Services; CS for SB 993 was withdrawn from the Committee on Rules and Calendar; and SB 1511 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Margolis, by two-thirds vote CS for SB 793, CS for SB 1192, CS for SB 1468, Senate Bills 598 and 869 were withdrawn from the Committee on Appropriations.

On motion by Senator Margolis, by two-thirds vote CS for SB 1193 was removed from the calendar and referred to the Committee on Appropriations.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 24 was corrected and approved.

CO-INTRODUCERS

Senators Grizzle, Kiser, Malchon and Myers—SB 650

RECESS

On motion by Senator Scott, the Senate recessed at 4:03 p.m. to reconvene at 10:00 a.m., Friday, May 26.