



Journal of the Senate

Number 14

Wednesday, May 23, 1990

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—39:

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

PRAYER

The following prayer was offered by Dr. David Malheiro, Pastor, Fellowship Baptist Church, Tallahassee:

I thank you, Lord, for the opportunity that is mine this day to pray with those who have been called out to serve in such a very special way; to pray with and for those that have the awesome responsibility of making the decisions that will affect the future—the men, women, boys and girls of our great state.

I ask that you would provide them this day with abundant knowledge, keen discernment and unusual wisdom for these are very special men and women who have the respect of those that have selected them.

So my prayer, Father, this day would be that when this day and this session have ended, when the applause has hushed and the accolades have ceased, that these men and women would sense from above your voice speaking to them, "Good job, thy faithful servant." Our Father, bless them in these proceedings this day is our prayer. Amen.

PLEDGE

Senator Souto led the Senate in the pledge of allegiance to the flag of the United States of America.

Consideration of Resolutions

On motion by Senator Souto, by two-thirds vote SR 640 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Souto—

SR 640—A resolution recognizing July of 1990 as Tropical Fruit Month.

WHEREAS, South Florida is the only region within the continental United States that is suitable for the production of tropical fruits, and

WHEREAS, tropical fruit production is important to the economy of south Florida, and

WHEREAS, Mango-Tropical Fruit Festivals have been held in south Florida since the 1940's, and

WHEREAS, the Tropical Agricultural Fiesta coordinated by Southern Florida Tropical Growers, Inc., is held every July and has an annual attendance ranging from 7,000 persons to 10,000 persons, and

WHEREAS, the Rare Fruit Council plant sale is also held every July, NOW, THEREFORE,

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

That the members of this body join in recognizing the month of July 1990 as Tropical Fruit Month.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

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

By Senator Gordon—

SR 3210—A resolution urging each federal, state, and local political subdivision that has jurisdiction or authority over a portion of U.S. Highway 27 in this state to designate that portion as the "Claude Pepper Memorial Highway."

WHEREAS, Claude Pepper served in the Legislature from 1929 to 1931, and

WHEREAS, Claude Pepper served as a United States Senator from Florida from 1936 to 1951, and

WHEREAS, Claude Pepper helped establish the first federal minimum wage law, and

WHEREAS, Claude Pepper was elected to the United States House of Representatives in 1963 and served in Congress until his death in 1989, and

WHEREAS, Claude Pepper was a spokesman for the elderly and fought to save the Social Security system from bankruptcy, and

WHEREAS, U.S. Highway 27 traverses the area which Claude Pepper served with such selfless statesmanship, and

WHEREAS, Claude Pepper represented the ideal of the public servant, NOW, THEREFORE,

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

That each federal, state, and local political subdivision that has jurisdiction or control over a portion of U.S. Highway 27 in this state is urged to respectively designate that portion of the highway over which it has jurisdiction or control as the "Claude Pepper Memorial Highway" in order to provide a uniform designation of the entire portion of U.S. Highway 27 within the State of Florida as the "Claude Pepper Memorial Highway."

On motion by Senator Gordon, SR 3210 was read by title and 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 Wednesday, May 23, 1990: CS for SB 68, SB 40, CS for CS for SB 60, CS for SB 2344, CS for CS for SB 300, CS for SB 972, CS for SB 2472, SB 2698, CS for SB 1950, SB 620, CS for SB 890, CS for SB 218, CS for SB 1440, CS for SB 1442, CS for SB 2748, CS for SB 2442, CS for SB 536, CS for SB 1606, SB 1900, SB 2102, SB 2114, SB 126, CS for SB 128, SB 1050, SB 832, SB 904, CS for SB 534, SB 1496, SB 2554, CS for SB 1404, SB 2556, SB 1384, SB 2558, SB 2146, CS for SB 2638, SB 2498, CS for SB 2320, CS for SB 2038, CS for SB 2426, CS for CS for SB 748, SB 2130

Respectfully submitted,
James A. Scott, Chairman

The Committee on Agriculture recommends the following pass: HB 2535

The Committee on Commerce recommends the following pass: SB 2836 with 1 amendment

The Committee on Education recommends the following pass: SB 2054, SB 2526

The Committee on Finance, Taxation and Claims recommends the following pass: CS for HB 1827, CS for SB 178, CS for SB 2470

The Committee on Judiciary-Criminal recommends the following pass: SB 1420 with 3 amendments, SB 2838

The Committee on Natural Resources and Conservation recommends the following pass: SB 2860 with 2 amendments

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 776

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

The Committee on Commerce recommends the following pass: SB 2176 with 1 amendment, SB 3050

The Committee on Community Affairs recommends the following pass: SB 2098 with 2 amendments

The Committee on Governmental Operations recommends the following pass: SB 2168 with 1 amendment

The Committee on Judiciary-Civil recommends the following pass: SB 1730, SB 1890 with 2 amendments

The Committee on Judiciary-Criminal recommends the following pass: SJR 3206

The Committee on Transportation recommends the following pass: SB 232

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

The Committee on Education recommends the following pass: SB 2562

The Committee on Judiciary-Civil recommends the following pass: SB 2950 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 2736

The Committee on Health Care recommends the following pass: SB 238

The Committee on Judiciary-Criminal recommends the following pass: SB 2148

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

The Committee on Insurance recommends the following pass: SB 2850 with 4 amendments

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

The Committee on Governmental Operations recommends the following pass: CS for HB 967 with 1 amendment

The bill was referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.

The Committee on Commerce recommends the following pass: HM 2393

The Committee on Community Affairs recommends the following pass: SB 3180

The Committee on Judiciary-Civil recommends the following pass: SJR 698 with 4 amendments, CS for SJR 1320, SB 2224 with 1 amendment

The Committee on Transportation recommends the following pass: SB 3078, SB 3136 with 1 amendment

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

The Committee on Agriculture recommends the following pass: CS for HB 2667 with 2 amendments

The Committee on Appropriations recommends the following pass: SB 42, SB 144, SB 236, CS for SB 304 with 1 amendment, SB 348, SB 424, SB 466, CS for SB 470, CS for SB 628 with 2 amendments, SB 632, SB 706 with 1 amendment, SB 784 with 1 amendment, CS for SB 862 with 2 amendments, SB 912, SB 946, CS for CS for SB 954 and CS for SB 956, CS for SB 998, CS for SB 1014, CS for SB 1030 with 2 amendments, SB 1222, CS for SB 1278, SB 1362, SB 1374, SB 1386, SB 1516, SB 1608 with 1 amendment, CS for CS for SB 1620, CS for SB 1644, CS for SB's 1674 and 1016, CS for SB's 1884 and 764, CS for SB 2096 with 7 amendments, CS for CS for SB 2196 with 5 amendments, SB 2592 with 1 amendment, CS for SB 2754, SB 2772, CS for SB 3056

The Committee on Commerce recommends the following pass: CS for HB 691 with 2 amendments

The Committee on Community Affairs recommends the following pass: SB 562

The Committee on Economic, Professional and Utility Regulation recommends the following pass: SB 964

The Committee on Education recommends the following pass: CS for HB's 623 and 739

The Committee on Ethics and Elections recommends the following pass: CS for HB 789

The Committee on Finance, Taxation and Claims recommends the following pass: CS for CS for SB 538, SB 1166 with 1 amendment, CS for SB 1302 with 1 amendment, CS for SB 1382, CS for SB 1636

The Committee on Governmental Operations recommends the following pass: HB 2513 with 1 amendment, CS for SB 664, SB 876, SB 1928, SB 2612

The Committee on Insurance recommends the following pass: CS for HB 3621 with 3 amendments, CS for SB 1696 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 126 with 1 amendment, SB 400, CS for SB 612, CS for SB 1322, SB 1678, SB 1750, SB 2112, SB 2118, SB 2144, CS for SB 2274 with 2 amendments, CS for SB 2320, SB 3042

The Committee on Judiciary-Criminal recommends the following pass: CS for HB 1869, SB 1240, SB 1774, SB 3040

The Committee on Natural Resources and Conservation recommends the following pass: SB 820 with 1 amendment, SB 2348 with 2 amendments

The Committee on Transportation recommends the following pass: HB 373, CS for HB's 1197 and 861, CS for HB 1275, CS for HB 1319, CS for HB 1831, HB 2231, SB 2620, SB 3028

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

The Committee on Economic, Professional and Utility Regulation recommends the following not pass: CS for CS for HB 319

The Committee on Education recommends the following not pass: SB 2164

The Committee on Ethics and Elections recommends the following not pass: SJR 2354

The Committee on Judiciary-Civil recommends the following not pass: SB 1308

The Committee on Judiciary-Criminal recommends the following not pass: SB 2864

The Committee on Natural Resources and Conservation recommends the following not pass: SB 1852

The bills contained in the foregoing reports were laid on the table.

The Committee on Economic, Professional and Utility Regulation recommends a committee substitute for the following: SB 2586

The Committee on Education recommends committee substitutes for the following: SB 194, SB 2284, SB 2296, SB 2718, SB 2968

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 2486

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: CS for SB's 1068 and 22, CS for SB 1578, SB 2568, CS for SB 2702, SB 3194

The Committee on Governmental Operations recommends committee substitutes for the following: SB 306, SB 2544, SB 2550, SB 2970, CS for SB 3006, SB 3036

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 1010, SB 1702, SB 2030, SB 2182

The Committee on Health Care recommends committee substitutes for the following: Senate Bills 1452, 2818 and 1254, SB 2208, SB 2820, SB 3010

The Committee on Higher Education recommends committee substitutes for the following: SB 1160, SB 1692, SB 1968, SB 2412, SB 2740

The Committee on Judiciary-Civil recommends a committee substitute for the following: CS for SB 230

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 1778

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 446

The Committee on Personnel, Retirement and Collective Bargaining recommends committee substitutes for the following: SB 800, SB 1032, SB 1156, SB 1972

The Committee on Transportation recommends committee substitutes for the following: Senate Bills 1314 and 146, SB 2466

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 Education recommends a committee substitute for the following: SB 2024

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 1318, SB 1906

The Committee on Transportation recommends committee substitutes for the following: SB 336, SB 2434, SB 2886

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

The Committee on Judiciary-Criminal recommends a committee substitute for the following: Senate Bills 440, 208 and 2404

The bills with committee substitute attached were referred to the Committee on Corrections, Probation and Parole under the original reference.

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 770

The bill with committee substitute attached was referred to the Committee on Economic, Professional and Utility Regulation under the original reference.

The Committee on Agriculture recommends committee substitutes for the following: SB 1304, SB 2062, SB 2744, SB 3034

The Committee on Community Affairs recommends a committee substitute for the following: SB 2724

The Committee on Economic, Professional and Utility Regulation recommends a committee substitute for the following: SB 2206

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 926

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1388

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 2996

The Committee on Health Care recommends committee substitutes for the following: SB 74, SB 1100, SB 1490, SB 2316

The Committee on Higher Education recommends a committee substitute for the following: SB 1172

The Committee on Insurance recommends a committee substitute for the following: SB 1436

The Committee on Judiciary-Civil recommends a committee substitute for the following: CS for SB 538

The Committee on Judiciary-Criminal recommends committee substitutes for the following: Senate Bills 638 and 2636, Senate Bills 1418 and 2022

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 404, CS for SB 584, SB 1144

The Committee on Transportation recommends committee substitutes for the following: SB 608, SB 2070, SB 2384, SB 2478

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

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 1736

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1352

The Committee on Health Care recommends committee substitutes for the following: SB 2632, SB 2734

The Committee on Higher Education recommends a committee substitute for the following: SB 2410

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 2350

The Committee on Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: SB 1936

The Committee on Transportation recommends a committee substitute for the following: SB 2658

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

The Committee on Economic, Professional and Utility Regulation recommends a committee substitute for the following: SB 1114

The Committee on Insurance recommends a committee substitute for the following: SB 2982

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

The Committee on Transportation recommends committee substitutes for the following: Senate Bills 1306 and 1270, SB 1706

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

The Committee on Agriculture recommends a committee substitute for the following: SB 2608

The Committee on Economic, Professional and Utility Regulation recommends committee substitutes for the following: SB 894, SB 2834

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 2822

The Committee on Governmental Operations recommends committee substitutes for the following: SB 346, SB 2826

The Committee on Transportation recommends a committee substitute for the following: SB 2952

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

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 992

The Committee on Higher Education recommends a committee substitute for the following: SB 2678

The Committee on Transportation recommends a committee substitute for the following: SB 2888

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

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 2688

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

The Committee on Ethics and Elections recommends committee substitutes for the following: SB 656, SJR 658, SB 962

The Committee on Governmental Operations recommends committee substitutes for the following: SB 1298, SB 2268

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 2680

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 2634

The Committee on Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: SB 3124

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

The Committee on Agriculture recommends committee substitutes for the following: SB 1676, SB 1918

The Committee on Appropriations recommends committee substitutes for the following: CS for CS for SB 114, CS for SB 1602, CS for SB 1758, CS for SB 2074, CS for SB 2194, SB 2566

The Committee on Commerce recommends a committee substitute for the following: SB 986

The Committee on Community Affairs recommends a committee substitute for the following: SB 2424

The Committee on Education recommends committee substitutes for the following: SB 128, SB 1898

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 1948

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 2228, SB 2778

The Committee on Health Care recommends committee substitutes for the following: SB 534, SB 2638

The Committee on Higher Education recommends a committee substitute for the following: SB 1404

The Committee on Insurance recommends committee substitutes for the following: SB 2258, SB 2794, SB 2902

The Committee on Judiciary-Civil recommends committee substitutes for the following: CS for SB 692, SB 2038, SB 2426, SB 2480, SB 2642

The Committee on Judiciary-Criminal recommends committee substitutes for the following: SB 24, SB 3000

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 30, SB 536, SB 890, SB 1950

The Committee on Personnel, Retirement and Collective Bargaining recommends committee substitutes for the following: CS for SB 276, SB 428

The Committee on Transportation recommends a committee substitute for the following: SB 2128

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

Bills Referred to Subcommittee

May 22, 1990

The following has been referred to Appropriations Subcommittee B which will report to the full committee within 8 days: CS for SB 2524

The following have been referred to Appropriations Subcommittee C which will report to the full committee within 8 days: CS for SB 18, SB 286, CS for SB 1558

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Judiciary-Criminal and Senator Forman—

CS for SB 24—A bill to be entitled An act relating to weapons and firearms; amending s. 790.06, F.S.; requiring the denial, suspension, or revocation of a license to carry a concealed weapon or firearm in certain circumstances; providing additional application requirements; requiring sheriff verification in certain circumstances; deleting certain obsolete provisions; providing an effective date.

By the Committee on Natural Resources and Conservation—

CS for SB 30—A bill to be entitled An act relating to inland navigation districts; repealing s. 374.97, F.S., relating to participation in the Tennessee-Tombigbee Waterway Development Authority; saving from Sundown repeal chapters 12026 and 23770, Laws of Florida, as amended, relating to the Florida Inland Navigation District and the West Coast Inland Navigation District; providing for future review and repeal; providing an effective date.

By the Committee on Health Care and Senator Kirkpatrick—

CS for SB 74—A bill to be entitled An act relating to cholesterol screening; creating ss. 483.600-483.624, F.S.; providing a short title; providing definitions; prohibiting cholesterol screening by any person without a license; exempting certain persons and institutions from the provisions of the act; authorizing the Department of Health and Rehabilitative Services to issue a license and a provisional license; providing for expiration of a license and a renewal procedure; authorizing the department to establish in rule a license fee; prohibiting the sale or transfer of a cholesterol screening license; requiring the posting of a license; requiring a technical advisory panel and directing the technical advisory panel to develop a table of organization and a policy manual; requiring adequate staffing; requiring the adoption of bylaws; providing standards for cholesterol screening premises, test sites, and equipment; setting standards for the operation of cholesterol screening; limiting the types of services a cholesterol screening license may provide; requiring transport arrangements for certain patients; requiring the maintenance of clinical records and for review of patient records; authorizing inspections by the Department of Health and Rehabilitative Services; requiring that inspection reports be available for public inspection; providing for administrative penalties and emergency orders; providing criminal penalties and injunctive relief; providing an effective date.

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

CS for CS for CS for SB 114—A bill to be entitled An act relating to mobile homes and recreational vehicles; creating s. 320.78, F.S.; establishing the Mobile Home and Recreational Vehicle Protection Trust Fund; providing for the collection of fees for title transactions and dealer and manufacturer license renewals to be deposited in the trust fund; authorizing investment and reinvestment of trust fund revenues; authorizing the use of the trust funds to satisfy judgments against mobile home or recreational vehicle dealers or brokers for certain damages, restitution, and expenses, including reasonable attorney's fees; providing that any

person or his agent who files a notice, statement, or other document required under the provisions of this section which is false or contains any material misstatement of fact is guilty of a misdemeanor of the second degree; providing for punishment of such individuals; providing an appropriation; providing an effective date.

By the Committee on Education and Senators Souto and D. Childers—

CS for SB 128—A bill to be entitled An act relating to public schools; amending s. 233.067, F.S.; requiring school districts to offer 12th grade students training in cardiopulmonary resuscitation for certification purposes; authorizing school districts to arrange with local governments or nonprofit associations to provide such training through certified instructors; providing an effective date.

By the Committee on Education and Senator Souto—

CS for SB 194—A bill to be entitled An act relating to public schools; amending s. 230.2319, F.S.; requiring the Department of Education, local school districts, and laboratory schools to include instruction on the environment and the ecological system within the curriculum for middle school students; providing an effective date.

By the Committees on Judiciary-Civil and Regulated Industries and Senator Weinstein—

CS for CS for SB 230—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.002, F.S.; revising language with respect to the application of the Florida Mobile Home Act; amending s. 723.003, F.S.; providing definitions; amending s. 723.005, F.S.; revising language with respect to regulation by the Division of Florida Land Sales, Condominiums, and Mobile Homes to include reference to certain provisions of law; creating s. 723.010, F.S.; providing for disclosure of lot rental amount increases; amending s. 723.011, F.S.; deleting reference to unconscionable lot rental agreements; amending s. 723.013, F.S.; providing for additional disclosures in the absence of an offering prospectus; amending s. 723.014, F.S.; providing remedies for failure to make certain disclosures; amending s. 723.031, F.S.; requiring lot rental agreements to be reasonable and deleting reference to unconscionable lot rental agreements; correcting a cross-reference; amending s. 723.033, F.S.; prohibiting unreasonable lot rental agreements; establishing criteria to determine unreasonableness; providing additional remedies; amending s. 723.037, F.S.; providing for notice; providing for mediation; providing procedures; allowing mediation of all rent increases in a calendar year for one mobile home park in a single proceeding; amending s. 723.038, F.S.; providing for nonbinding mediation prior to filing court action; providing procedures; providing for appointment of mediators; providing qualifications for mediators; providing for rules of procedure to be established by the mediator in accordance with rules of procedure adopted by the Supreme Court; providing a filing fee; providing for paying the cost of mediation; providing for enforcement of resolution of a dispute; providing for confidentiality; providing immunity for mediators; creating s. 723.0381, F.S.; providing for court-annexed arbitration; requiring the court to refer actions filed pursuant to ch. 723, F.S., to nonbinding arbitration; providing for the parties to share equally the costs of arbitration in certain circumstances; providing for assessment of costs and attorney's fees in certain circumstances; providing for disclosure of an arbitration award in a subsequent court proceeding under certain circumstances; amending ss. 723.002, 723.058, F.S.; providing that restrictions on the disposal of mobile homes are applicable to certain persons; prohibiting certain restrictions against the sale or disposal of mobile homes; providing an effective date.

By the Committees on Personnel, Retirement and Collective Bargaining; Judiciary-Criminal; and Senator Diaz-Balart—

CS for CS for SB 276—A bill to be entitled An act relating to controlled substances; amending s. 112.011, F.S.; providing exceptions to state employment and licensing provisions; creating s. 775.16, F.S.; disqualifying specified convicted drug offenders from state employment, licenses, and other benefits; amending s. 893.11, F.S.; requiring license revocation for specified convicted drug offenders; providing an effective date.

By the Committee on Governmental Operations—

CS for SB 306—A bill to be entitled An act relating to the Board of Trustees of the John and Mable Ringling Museum of Art; amending s. 265.26, F.S.; providing certain responsibilities of the board of trustees; providing that the board of trustees is responsible for preserving and

maintaining all the artifacts, collections, and objects in the custody of the museum; providing for the inventory of properties in the custody of the board; specifying that the Department of State may oversee the activities of the board; allowing the board of trustees to approve a direct-support organization to operate for certain purposes; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; specifying funds which may be held in trust by the direct-support organization; providing for a council to advise and assist the board of trustees and the direct-support organization; providing qualifications for membership on the council; repealing s. 265.261(3), F.S., relating to a council to advise and assist the board of trustees; reviving and readopting ss. 265.26, 265.261, 265.27, F.S., notwithstanding repeal scheduled pursuant to the Sundown Act; providing for future repeal and review of said sections; providing an effective date.

By the Committee on Transportation and Senator Forman—

CS for SB 336—A bill to be entitled An act relating to handicapped parking; amending ss. 316.1955, 316.1956, F.S.; requiring that a portion of handicapped parking spaces be designated for the exclusive use of disabled persons confined to wheelchairs; providing for enforcement; reenacting s. 316.008(4), F.S., relating to local ordinances, s. 316.1957, F.S., relating to evidence of violations, s. 316.1958, F.S., relating to out-of-state vehicles with handicapped identification, and s. 318.18(7), F.S., relating to penalties, to incorporate the amendments to ss. 316.1955 and 316.1956, F.S., in references thereto; providing an effective date.

By the Committee on Governmental Operations and Senator Forman—

CS for SB 346—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.57, F.S.; revising language with respect to decisions which affect substantial interest to provide for the payment of certain costs and fees by a defaulting party; providing an effective date.

By the Committee on Natural Resources and Conservation—

CS for SB 404—A bill to be entitled An act relating to water resources; amending s. 373.069, F.S.; modifying the boundaries of the Suwannee River and St. Johns River Water Management Districts; providing for the transfer of water management district rules, permits, and applications for permits affected by the boundary modifications; amending s. 373.073, F.S.; revising the membership of the governing board of the Southwest Florida Water Management District; prohibiting members from holding certain other offices; providing for the appointment of members to staggered terms; amending s. 373.079, F.S.; providing for delegation of permitting authority to water management district executive directors; amending s. 373.103, F.S.; providing for local government enforcement of a delegated stormwater permitting or surface water management program; amending ss. 373.106, 373.116, F.S.; deleting provisions relating to permits and licenses under s. 403.812, F.S.; amending s. 373.117, F.S.; providing for certification of an activity by a professional engineer, land surveyor, landscape architect, or geologist; creating s. 373.122, F.S.; providing for the inspection of certain property for permit condition compliance by water management district personnel; providing for issuance of inspection warrants; amending s. 373.129, F.S.; authorizing local governments delegated authority pursuant to s. 373.103(8), F.S., to maintain actions and deposit civil fines into a local water pollution control trust fund and use said funds for specified purposes; creating s. 373.1395, F.S.; providing a limitation on liability of water management districts making certain areas available without charge to the public for recreational purposes; abolishing the Green Swamp Basin within the Southwest Florida Water Management District; authorizing the district to establish a Green Swamp Basin Advisory Council; amending s. 373.503, F.S.; revising the maximum millage that may be assessed within the Southwest Florida Water Management District for district and basin purposes; amending s. 373.536, F.S.; providing for the review of water management district budgets by the Department of Environmental Regulation; requiring a uniform budget format; providing for distribution of water management district budgets; requiring annual postaudits; amending s. 403.809, F.S.; deleting an obsolete reference; repealing s. 2, ch. 85-211, Laws of Florida; abrogating the scheduled repeal of a millage assessment within the St. Johns River Water Management District; repealing s. 253.01(3), F.S., relating to authority to use revenues from leased lands to assist in the cleanup and protection of Lake Okeechobee; repealing s. 373.507, F.S., relating to distribution of water management district budget information and to postaudits; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senator Diaz-Balart—

CS for SB 428—A bill to be entitled An act relating to law enforcement officers; amending s. 112.531, F.S.; including deputy sheriffs within the term "law enforcement officer" for purpose of laws relating to rights of law enforcement officers; providing an effective date.

By the Committee on Judiciary-Criminal and Senators Diaz-Balart, Souto and Grizzle—

CS for SB's 440, 208 and 2404—A bill to be entitled An act relating to fleeing or eluding law enforcement officers; amending s. 776.05, F.S.; prohibiting law enforcement agencies and other governmental entities from adopting rules that limit an officer's ability to use deadly force beyond the limits provided by law; providing an exception; requiring law enforcement agencies to adopt guidelines for the use of deadly force; amending s. 316.1935, F.S.; increasing the penalty for fleeing or attempting to elude a police officer; requiring operation of siren and lights by such officer; requiring revocation of a violator's driver's license; prohibiting suspension, deferral, or withholding of adjudication of guilt or imposition of sentence; prohibiting issuance of a driver's license to certain violators for specified periods; providing requirements with respect to pursuit by an unmarked police vehicle, including a penalty; creating s. 316.1937, F.S.; requiring law enforcement agencies to adopt guidelines for vehicular pursuits; specifying certain content of the guidelines; establishing requirements and prohibitions for vehicular pursuits by law enforcement officers; providing effective dates.

By the Committee on Natural Resources and Conservation; and Senator McPherson—

CS for SB 446—A bill to be entitled An act relating to land management; amending s. 177.26, F.S.; deleting a legislative policy statement relating to a program of coastal boundary mapping conducted by the Department of Natural Resources; repealing ss. 177.27(2), 177.30, 177.31, 177.32, 177.33, 177.34, F.S., relating to such coastal mapping program; repealing ss. 177.503(9), 177.504(2)(b), 177.507(1), F.S., relating to a program conducted by the department to validate and certify public land survey corners; amending s. 253.025, F.S.; requiring a land survey be made pursuant to the acquisition of state lands; providing requirements for such survey; amending s. 253.82, F.S.; providing for release of the state's interest in certain lands acquired by the state under the Murphy Act; declaring certain state lands to be surplus lands; providing for the sale of such lands and the disposition of proceeds; naming an island in the Matanzas Bay; providing an effective date.

By the Committee on Regulated Industries and Senators Malchon and McPherson—

CS for SB's 516 and 1444—A bill to be entitled An act relating to clean indoor air; amending s. 386.203, F.S.; modifying definitions; amending s. 386.204, F.S.; modifying prohibition against smoking in a public place; amending s. 386.205, F.S.; requiring designation of smoking areas in specified places; providing additional places that may not be designated as smoking areas; eliminating certain considerations for designating smoking areas in a workplace; eliminating exceptions to the square footage limitation for smoking areas in certain public places; amending s. 386.206, F.S.; deleting authority for certain discretionary signs; creating s. 386.211, F.S.; making it unlawful to interfere with a person who reports certain violations; providing for enforcement; creating s. 386.212, F.S.; requiring certain announcements in specified mass transportation terminals; providing an effective date.

By the Committee on Health Care and Senator Dudley—

CS for SB 534—A bill to be entitled An act relating to chiropractic; amending s. 460.413, F.S.; requiring certain information to be included in patient records; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senators Kirkpatrick and Souto—

CS for SB 536—A bill to be entitled An act relating to pilots, pilotage, and pilotage; amending s. 310.071, F.S.; providing for an initial deputy pilot certificate; amending s. 310.081, F.S.; providing requirements for maintenance of a state pilot license; amending s. 310.101, F.S.; providing additional authority to the board with respect to certain disciplinary action; specifying accountability of pilots; amending s. 310.111, F.S.; providing additional reporting requirements; amending s. 310.141, F.S.; expanding the jurisdiction for requiring pilots on vessels; amending s. 310.161, F.S., revising penalties; providing an effective date.

By the Committees on Judiciary-Civil and Governmental Operations and Senator Kirkpatrick—

CS for CS for SB 538—A bill to be entitled An act relating to the Department of State; amending s. 865.09, F.S.; redesignating and substantially revising the Fictitious Name Statute; providing definitions; providing for registration of fictitious names with the department; requiring renewal; providing exemptions; specifying effect of registration; providing penalties; specifying powers of the department; providing for collection and deposit of fees; amending s. 15.09, F.S.; designating all fees collected by the department as processing fees; increasing certain fees; creating the Public Access Data Systems Trust Fund; providing for deposit of certain moneys in the fund; specifying uses of such moneys; amending s. 267.0617, F.S.; providing for transfer of certain moneys from the Corporations Trust Fund to the Historic Preservation Trust Fund; amending s. 265.2861, F.S.; providing for transfer of certain moneys from the Corporations Trust Fund to the State Major Cultural Institution Trust Fund; specifying uses of such moneys; specifying powers of the department; designating certain theaters as State Major Cultural Institutions and State Theater Programs; reenacting s. 501.131(4), F.S., for the purpose of incorporating the amendment to s. 15.09, F.S., in a reference thereto; providing for transition of authority to register fictitious names from the clerks of the circuit courts to the department; requiring certain notices; providing an effective date.

By the Committees on Natural Resources and Conservation; Transportation; and Senator Jennings—

CS for CS for SB 584—A bill to be entitled An act relating to transportation; creating s. 338.250, F.S.; providing for Central Florida Beltway Mitigation; providing legislative intent; providing a procedure for environmental mitigation required as a result of construction of the beltway; creating s. 372.074, F.S.; establishing the Fish and Wildlife Habitat Trust Fund within the Game and Fresh Water Fish Commission for the purpose of acquiring and managing certain lands; providing an effective date.

By the Committee on Transportation and Senators Walker, Souto, Gardner, W. D. Childers, Dudley, Thomas, D. Childers, Woodson-Howard, Diaz-Balart and Thurman—

CS for SB 608—A bill to be entitled An act relating to motor vehicle licenses; amending ss. 320.06, 320.08, F.S.; providing an additional category of license fees for certain truck tractors and heavy trucks; providing a fee; providing a design requirement; providing an effective date.

By the Committee on Judiciary-Criminal and Senators Davis and Thurman—

CS for SB's 638 and 2636—A bill to be entitled An act relating to games of chance; amending s. 849.0935, F.S.; providing definitions; authorizing certain organizations to conduct drawings by chance or raffles; authorizing requirement of payment of a fee or contribution; specifying use of proceeds; requiring maintenance of records; providing for inspection of records; limiting individuals who may participate in the conduct of games; prohibiting compensation to such persons; prohibiting use of mechanical or electrical devices or media; prohibiting drawings contingent on other contests; providing a conditional effective date.

By the Committee Ethics and Elections; and Senator Malchon—

CS for SB 656—A bill to be entitled An act relating to the code of ethics for public officers and employees; amending s. 112.317, F.S.; providing that restitution for pecuniary harm suffered by an agency as a result of violation of the code be paid to the state or the agency; providing that restitution for benefits gained be paid to the state; providing a contingent effective date.

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

CS for SJR 658—A joint resolution proposing an amendment to Section 8 of Article II of the State Constitution relating to ethics in government.

By the Committees on Judiciary-Civil; Health and Rehabilitative Services; and Senators Meek, Diaz-Balart, Souto, Stuart and Casas—

CS for CS for SB 692—A bill to be entitled An act relating to child dependency proceedings; providing legislative findings; amending s. 39.453, F.S.; authorizing a citizen review panel hearing prior to judicial review and requiring notice; requiring certain determinations; amending s. 39.455, F.S.; providing immunity from civil liability to members and

agents of citizen review panels acting in good faith; requiring certain policies and procedures for citizen review panels; providing an effective date.

By the Committee on Judiciary-Civil and Senator Meek—

CS for SB 770—A bill to be entitled An act relating to court interpreters; providing for the appointment of a study commission; providing for per diem and travel expenses; providing for a report; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senator Gardner—

CS for SB 800—A bill to be entitled An act relating to retirement; creating s. 121.45, F.S., the "Interstate Pension Portability Act"; providing purpose and findings; providing for establishment of interstate compacts; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Langley—

CS for SB 890—A bill to be entitled An act relating to the Wekiva River Protection Act; creating s. 369.309, F.S.; prohibiting the operation of airboats on the river system; providing a definition; providing exemptions; providing penalties; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senator Weinstein—

CS for SB 894—A bill to be entitled An act relating to employment agencies; creating s. 501.126, F.S.; providing for licensing and regulation by the Department of Business Regulation; providing intent; providing definitions; providing powers and duties of the department; requiring licensure; providing licensing procedures, prerequisites, and restrictions; requiring an employment agency to file a schedule of fees and sample contract; establishing requirements for the content of contracts with job applicants, including statement of the refund policy; prohibiting contracts for certain services from being linked to contracts for other services; requiring certain records to be kept; specifying prohibited acts; requiring the department to enforce the act; providing for rulemaking; providing for complaints and hearings; providing civil and criminal penalties; providing for license revocation or suspension; allowing the department to seek injunctions; exempting government employment agencies; providing for a review of certain employment agencies; providing that license taxes on employment agencies are not affected; requiring licensure under ch. 400, F.S., or ch. 402, F.S., for health care or personal care employment agencies; providing an appropriation; providing for review and repeal; providing an effective date.

By the Committee on Ethics and Elections; and Senators Stuart, Malchon, Casas, D. Childers, Weinstock, Forman and Gordon—

CS for SB 926—A bill to be entitled An act relating to campaign financing; amending s. 607.0122, F.S.; increasing the annual report fee for corporations; amending s. 607.1901, F.S.; providing for a portion of the annual report fees for corporations and partnerships to be deposited in the Election Campaign Financing Trust Fund; amending s. 620.182, F.S.; increasing the annual report fee for partnerships; providing an effective date.

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

CS for SB 962—A bill to be entitled An act relating to campaign financing; amending s. 106.011, F.S.; providing a definition; amending s. 106.021, F.S.; deleting requirement that expenditures or contributions be made through the campaign treasurer; deleting authority of political committees and political parties to make certain expenditures directly; amending s. 106.04, F.S.; allowing committees of continuous existence to make contributions through political committees or political parties; requiring reporting of independent expenditures by committees of continuous existence; amending s. 106.07, F.S.; providing for regular reports of contributions and expenditures by or on behalf of candidates and political committees; amending s. 106.071, F.S.; modifying notice required for political advertisements paid for by an independent expenditure; amending s. 106.08, F.S.; prohibiting contributions to political parties for a specified use; prohibiting certain other contributions; allowing for certain purchases with campaign funds; subjecting political parties to fines for campaign contribution violations; providing that contributions and expenditures, except independent expenditures, must be made through the treasurer or campaign treasurer; amending s. 106.19, F.S.; providing penalties for committees of continuous existence and executive

committees of political parties who violate provisions relating to expenditures and contributions; amending s. 106.29, F.S.; requiring reports by political parties to indicate independent expenditures; reviving and re-adopting s. 106.29, F.S., notwithstanding repeal scheduled pursuant to the Sundown Act; providing an effective date.

By the Committee on Regulated Industries and Senator Langley—

CS for SB 984—A bill to be entitled An act relating to the Beverage Law; amending s. 561.01, F.S.; defining the term "bottle club"; amending s. 561.14, F.S.; expanding provisions relative to license classifications to provide for bottle clubs; providing license fees; providing for rules; amending s. 561.025, F.S.; providing for deposit of bottle club license fees; amending s. 561.342, F.S.; providing for distribution of bottle club license fees; creating s. 562.121, F.S.; prohibiting the operation of an unlicensed bottle club; providing penalties; providing an effective date.

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

CS for SB 992—A bill to be entitled An act relating to taxation; amending s. 212.0505, F.S., which imposes a tax on unlawful sales, use, and other transactions involving medicinal drugs, cannabis, or controlled substances; including possession within such transactions; revising calculation of the surcharge imposed under said section and providing that the surcharge shall be included in determining penalties; providing that a United States attorney may request that taxes or penalties be settled or compromised; transferring funds in the Drug Abuse Education Trust Fund; providing for the release of certain liens on property for liability for taxes and penalties imposed under said section; authorizing the Department of Revenue to issue subpoenas in connection with the enforcement of said section and providing requirements and procedures; providing for enforcement by the circuit courts; providing for witness fees; amending s. 607.0505, F.S.; authorizing the Department of Legal Affairs to disclose certain information to the Department of Revenue in connection with the enforcement of s. 212.0505; providing for maintenance of confidentiality and for penalties; amending s. 832.062, F.S.; providing venue for criminal prosecutions for worthless checks, drafts, or debit card orders given to pay any tax, penalty, interest, or associated amounts administered by the Department of Revenue; amending s. 895.02, F.S.; revising the definition of "racketeering activity" under the Florida RICO Act to include certain tax-related crimes; reenacting ss. 655.50(3)(g) and 896.101(1)(g), F.S., relating to definitions of "specified unlawful activity" under the Florida Control of Money Laundering in Financial Institutions Act and provisions which provide penalties for conducting financial transactions involving proceeds of unlawful activities, to incorporate the amendment to s. 895.02, F.S., in references thereto; amending ss. 220.13, 220.03, F.S.; providing tax incentives to encourage the export of Florida agricultural products to East European Emerging Democracies in order to promote Florida agricultural business ventures and to facilitate the reintegration of such countries into the community of democratic nations; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senators Stuart and Woodson-Howard—

CS for SB 1010—A bill to be entitled An act relating to mental health; amending s. 394.875, F.S.; providing requirements for a crisis stabilization unit for minors located on the same premises as a unit for adults; requiring the Department of Health and Rehabilitative Services to adopt rules for construction, staffing, licensure, and operation of units for minors; providing the amount a crisis stabilization unit may exceed its licensed capacity; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senators Davis and Kirkpatrick—

CS for SB 1032—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; clarifying a definition; amending s. 121.051, F.S., relating to optional participation for municipalities, special districts, and hospitals; authorizing municipalities, independent special districts, and hospitals to revoke their participation in the system in order to establish an alternative retirement plan; providing for public hearing; providing for publication of notice; providing for an actuarial report; providing for presentation of the plan and report to each certified bargaining unit; requiring negotiation; providing for adoption of a revocation resolution; providing conditions; providing for increase of retirement contributions; providing an effective date.

By the Committees on Finance, Taxation and Claims; Natural Resources and Conservation; and Senators Kirkpatrick, Gardner, Souto, Brown, Davis, Kiser, Forman, Woodson-Howard, Weinstein, D. Childers, Myers, Gordon and Malchon—

CS for CS for SB's 1068 and 22—A bill to be entitled An act relating to pollution; amending s. 206.9935, F.S., relating to taxes imposed for coastal protection; providing for certain offshore oil drilling activity; providing for catastrophic discharge; creating s. 253.035, F.S.; requiring commercial vessels to anchor in designated anchorage areas; amending s. 310.071, F.S.; providing for evaluation of certificated deputy pilots; amending s. 310.101, F.S.; providing additional grounds for disciplinary actions by the Board of Pilot Commissioners; providing certain accountability in directing foreign vessels; amending s. 310.111, F.S.; providing for report of certain marine incidents; amending s. 310.141, F.S.; providing that certain vessels are subject to pilotage, and reenacting s. 310.161, F.S., relating to penalties for piloting without a license, to incorporate said amendment in a reference thereto; creating ss. 313.21, 313.22, 313.23, and 313.24, F.S.; authorizing ports to regulate certain vessel movements and adopt certain guidelines for bottom clearance, vessel movements, and traffic communications; amending s. 376.031, F.S.; providing definitions; amending s. 376.051, F.S.; providing for issuance of spill prevention and response certificates; amending s. 376.06, F.S.; providing a penalty for operation of a terminal facility without a required registration certificate; increasing the maximum application fee; amending s. 376.065, F.S.; prohibiting operation of a terminal facility without a spill prevention and response certificate; providing requirements for application and operation; providing a penalty; amending s. 376.07, F.S.; providing for rules of the Department of Natural Resources; providing for spill prevention, abatement, and cleanup and for wildlife rescue and rehabilitation; requiring adequate booming in the transfer of pollutants; providing penalties; prohibiting use of certain lobster traps after a specified date; creating s. 376.071, F.S.; requiring certain vessels to maintain spill prevention and control contingency plans; providing requirements; providing penalties; amending s. 376.09, F.S.; providing certain immunity from liability for described persons; amending s. 376.11, F.S.; providing additional sources and uses for moneys in the Florida Coastal Protection Trust Fund; amending s. 376.12, F.S.; increasing certain maximum liabilities for pollutant cleanup costs and damages; specifying conditions for limits on liability; providing financial security requirements; providing penalties; providing liability of cargo owner; specifying conditions for use of certain defenses; providing an exemption from certain notification requirements; creating s. 376.121, F.S.; providing liability for damages to natural resources; providing for determination of restoration or compensation costs; providing for assistance by the Game and Fresh Water Fish Commission and other state and local agencies; specifying uses of moneys recovered; amending s. 376.16, F.S.; providing penalties for repeated pollution violations; creating s. 376.163, F.S.; creating the Pollutant Spill Technical Advisory Council; providing membership and duty; amending s. 376.301, F.S.; revising definitions; amending s. 376.303, F.S.; authorizing the Department of Environmental Regulation to register bulk product facilities; providing an annual fee; requiring certain inspections; deleting a pilot program; amending s. 377.06, F.S.; revising public policy concerning natural resources of oil and gas; amending ss. 287.0595 and 376.3072, F.S.; correcting cross references; providing for review and repeal; providing legislative intent to facilitate pollutant cleanup and control the costs associated with said cleanups; authorizing the Department of Environmental Regulation to designate local government solid waste facilities for disposal of pollutant cleanup wastes; requiring the Center for Solid and Hazardous Waste Management to coordinate research to determine the most appropriate dispersal agents for use in Florida; requiring the Department of Natural Resources to encourage the development of training programs for personnel needed for pollutant spill prevention and cleanup activities; providing effective dates.

By the Committee on Health Care and Senators Kirkpatrick and Myers—

CS for SB 1100—A bill to be entitled An act relating to public water supply; amending s. 381.261, F.S.; providing duties of the Department of Health and Rehabilitative Services relating to private and certain public water systems; providing fees; deleting responsibility for individual sewage disposal systems; creating s. 381.2615, F.S.; providing for deposit of certain fees and penalties; amending s. 403.854, F.S.; expanding a waiver; amending s. 403.860, F.S.; authorizing noncompliance fees relating to safe drinking water monitoring, reporting, and licensure requirements; providing procedures and limitations; amending s. 376.307, F.S.; providing for deposit and use of certain fee revenue; amending s. 403.862,

F.S.; providing duties of the Department of Health and Rehabilitative Services and the county public health units under the Florida Safe Drinking Water Act; providing for review of certain county public health unit functions; providing appropriations; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senators Kirkpatrick and Myers—

CS for SB 1114—A bill to be entitled An act relating to physician assistants and osteopathic physician assistants; amending ss. 458.347, 459.022, F.S.; authorizing a supervisory physician or supervisory osteopathic physician to delegate to a physician assistant or osteopathic physician assistant authority to prescribe medication; providing an exemption from continuing medical education requirements for certain physician assistants and osteopathic physician assistants; providing for temporary certification of physician assistants and osteopathic physician assistants; providing for license reciprocity between physician assistants and osteopathic physician assistants; providing for the composition of the Physician Assistant Committee of the Board of Medicine and the Osteopathic Physician Assistant Committee of the Board of Osteopathic Medical Examiners; providing for the terms of such members and the election of committee chairmen; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator McPherson—

CS for SB 1144—A bill to be entitled An act relating to saltwater products; amending s. 370.06, F.S.; providing for a marine life fishery endorsement on saltwater products licenses; providing a fee; providing for the disposition of the fee; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senator Weinstein—

CS for SB 1156—A bill to be entitled An act relating to firefighters, paramedics, and emergency medical technicians; directing the Department of Administration to conduct a study regarding certain communicable diseases; providing for a report to the Legislature; providing an effective date.

By the Committee on Higher Education and Senator Walker—

CS for SB 1160—A bill to be entitled An act relating to the State University System; amending s. 240.235, F.S.; providing a waiver of internship credit hour tuition fees for certain school psychology graduate students; providing an effective date.

By the Committee on Higher Education and Senator Johnson—

CS for SB 1172—A bill to be entitled An act relating to educational facilities; amending s. 235.195, F.S.; requiring joint-use facilities projects involving a community college and university to appear on both 3-year capital outlay priority lists; deleting provisions relating to specified projects; revising provisions relating to the costs of projects included in the Commissioner of Education's budget request; limiting funding; amending s. 235.196, F.S.; changing the deadline for submission of a request for funds to construct a community educational facility; limiting requests and funding; requiring a description of the facility to be constructed; amending s. 235.011, F.S.; defining the term "satellite facility"; amending s. 235.014, F.S.; revising provisions relating to square footage requirements and use of educational facilities; amending s. 235.15, F.S.; revising provisions relating to the educational plant survey; creating s. 235.198, F.S.; providing for cooperative development and use of satellite facilities by private industry and school boards; providing for a request for funds; providing for prioritization and funding; providing a tax exemption; amending s. 235.211, F.S.; revising provisions relating to design and construction techniques and requirements; amending s. 235.26, F.S.; revising provisions relating to approval of educational facilities plans; amending s. 235.435, F.S.; requiring a school district to levy the maximum millage for capital outlay for a specified period of time; changing a plan approval date; providing for the lease of relocatable educational facilities; providing for establishment of the Increased Utilization Account and for allocation of funds; providing eligibility for funding and use of funds; amending s. 236.25, F.S.; clarifying provisions relating to the use of millage levied for capital outlay purposes; providing an additional use for millage for capital outlay purposes; amending s. 200.065, F.S.; conforming provisions; providing for review and repeal of s. 235.198, F.S.; exempting school districts from a provision that requires the reduction of moneys provided to them pursuant to the Florida Education Finance Program, under certain circumstances; providing an effective date.

By the Committee on Governmental Operations and Senators Stuart, Brown, Weinstock and Forman—

CS for SB 1298—A bill to be entitled An act relating to the membership of statutorily created boards, commissions, councils, and committees of the state; declaring state policy with respect to the gender balance of the membership of such bodies; establishing the Study Committee on Gender Balance of Appointments; providing for the membership of the committee; providing duties; providing for a report; providing for the dissolution of the committee; providing an effective date.

By the Committee on Agriculture—

CS for SB 1304—A bill to be entitled An act relating to dealers of agricultural products; amending s. 604.19, F.S.; increasing the amount the Department of Agriculture and Consumer Services may charge as a license fee for agricultural products dealers; amending s. 604.20, F.S.; increasing the amount of the bond or certificate of deposit required from applicants for such a license; amending s. 604.21, F.S.; providing conditions for filing complaints against licensed dealers of agricultural products; amending s. 604.22, F.S.; correcting a cross-reference; reviving and readopting provisions of ch. 604, F.S., notwithstanding repeals scheduled under the Regulatory Sunset Act; providing for future legislative review and repeal of such provisions; providing an effective date.

By the Committee on Transportation and Senators Johnson, Jennings and Kirkpatrick—

CS for SB's 1306 and 1270—A bill to be entitled An act relating to the Challenger license plate annual use fee; amending s. 320.0808, F.S.; providing for distribution of the fee; abolishing the Space Research Foundation; providing an effective date.

By the Committee on Transportation and Senators Beard and Kiser—

CS for SB's 1314 and 146—A bill to be entitled An act relating to transportation finance and planning; amending s. 339.135, F.S.; prescribing a formula for the allocation of funds by the Department of Transportation to department districts in the 5-year transportation plan; providing exceptions; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senators Johnson and Woodson-Howard—

CS for SB 1318—A bill to be entitled An act relating to the Myakka River Wild and Scenic Designation and Preservation Act; amending s. 258.501, F.S.; defining the terms "agreement," "major infrastructure facility," "person," "river area," and "wild and scenic protection zone"; requiring certain local governments to manage the wild and scenic protection zone in conformance with the act; adding to requirements for the proposed management plan; requiring the amendment of certain local government regulations and comprehensive plans; providing guidelines for such amendments; providing for agreements to be adopted by the Department of Natural Resources, Department of Community Affairs, and local governments; allowing the Department of Natural Resources and the Department of Community Affairs to review those regulations and plans; providing for the Department of Community Affairs to review certain regulations and plans pursuant to s. 163.3184, F.S.; requiring regulatory agencies to notify the Department of Natural Resources of applications to conduct certain types of activities within the protection zone; clarifying the legal status of certain comprehensive plan amendments; providing for standing to enforce amended comprehensive plans; providing an exception to the prohibited operation of airboats; providing an effective date.

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

CS for SB 1352—A bill to be entitled An act relating to drug treatment and rehabilitation facilities; authorizing the Department of Health and Rehabilitative Services to borrow money through the issuance of bonds to the public to provide moneys to construct or expand drug treatment and rehabilitation facilities or make major repairs to such facilities; directing the Division of Bond Finance of the Department of General Services to issue the bonds on behalf of the Department of Health and Rehabilitative Services; providing for issuance of the bonds in the form of stamps to be pasted into stamp books; providing that the bonds be secured and payable by funds from the Drug War Bonds Trust Fund; providing that the Department of Health and Rehabilitative Services distribute funds from the sale of bonds to targeted geographic areas of greatest need; providing each department necessary rulemaking authority; cre-

ating s. 210.141, F.S.; requiring a license for cigarette vendors and providing for a fee; providing for rules; providing for deposit of certain fees in the Drug War Bonds Trust Fund; providing an effective date.

By the Committee on Governmental Operations and Senator Girardeau—

CS for SB 1388—A bill to be entitled An act relating to the investment of state-operated trust funds; creating s. 121.155, F.S.; requiring divestiture of moneys in such trust funds which are invested in obligations of companies and financial institutions doing certain business with the Republic of South Africa; specifying that such divestiture must be conducted in accordance with prudent investment standards; prohibiting such investments in the future; providing a phasing schedule for such divestiture; providing certain duties for the Board of Administration; providing an effective date.

By the Committee on Transportation and Senator Kiser—

CS for SB 1396—A bill to be entitled An act relating to traffic control; amending s. 316.640, F.S.; providing that the Division of Law Enforcement of the Game and Fresh Water Fish Commission and the Division of Law Enforcement of the Department of Natural Resources may enforce traffic laws; authorizing university police officers to enforce traffic laws on campus or as a result of hot pursuit originating on campus; reenacting s. 316.516(1), F.S., to incorporate the amendment to s. 316.640, F.S., in a reference thereto; providing an effective date.

By the Committee on Higher Education and Senator Gordon—

CS for SB 1404—A bill to be entitled An act relating to postsecondary education; amending s. 240.107, F.S.; increasing the number of semester hours or equivalent necessary to take the college-level communication and computation skills examination; providing an effective date.

By the Committee on Judiciary-Criminal and Senators Malchon and Johnson—

CS for SB's 1418 and 2022—A bill to be entitled An act relating to criminal offenses; amending s. 316.193, F.S.; providing that driving with a specified breath alcohol level constitutes driving under the influence; providing minimum fines; requiring certain notice to the defendant; amending s. 316.1932, F.S.; specifying the basis for determining the percent of alcohol in blood or breath; expanding implied consent for blood tests; specifying persons who may withdraw blood for blood test purposes; providing for release of breath test information; amending s. 316.1933, F.S.; providing for blood tests; specifying persons who may withdraw blood; amending s. 316.1934, F.S.; defining "normal faculties"; providing admissibility of breath tests; specifying presumptions relating to impairment; providing that the length of time elapsing between the arrest and the test shall not be considered in determining admissibility of the test; providing for admissibility of an affidavit containing the results of a blood or breath test in specified circumstances; creating s. 316.1937, F.S.; providing for seizure and forfeiture of vehicles involved in certain driving offenses; providing exceptions; amending s. 327.35, F.S.; providing for seizure and forfeiture of vessels involved in certain cases of operating a vessel under the influence; reenacting ss. 327.351(1) and (2) and 327.354(1), F.S., relating to operation of a vessel while intoxicated and presumptions of impairment, to incorporate the amendment to s. 327.35, F.S., in references thereto; amending s. 90.803, F.S.; providing for admissibility of an affidavit containing the results of a blood or breath test; amending s. 316.062, F.S.; providing that the duty of a person to give information regarding an accident to a law enforcement officer does not extend to information that would incriminate the person; amending ss. 316.066 and 324.051, F.S.; providing circumstances under which a law enforcement officer may testify as to statements made to him relating to accidents; providing an effective date.

By the Committee on Health Care and Senators Bankhead and D. Childers—

CS for SB's 1452, 2818 and 1254—A bill to be entitled An act relating to acquired immune deficiency syndrome; amending s. 230.2319, F.S.; revising provisions relating to health education for certain middle school grades; amending s. 381.043, F.S.; modifying the requirements relating to education on human immunodeficiency virus and acquired immune deficiency syndrome for certain employees of facilities licensed pursuant to chapter 395, F.S.; amending s. 381.609, F.S.; providing a definition; authorizing the disclosure of human immunodeficiency virus test results and preliminary results under certain circumstances; providing

additional circumstances under which human immunodeficiency virus tests may be performed without consent; exempting the results of such tests from public records requirements; providing for future legislative review of such exemptions pursuant to the Open Government Sunset Review Act; prohibiting persons or facilities certified by the Department of Health and Rehabilitative Services from requiring that persons submit to a human immunodeficiency virus test as a condition of obtaining services; amending s. 381.6105, F.S.; providing circumstances under which confirming human immunodeficiency virus tests are not required; amending s. 384.29, F.S.; providing for release of confidential information under certain circumstances; amending s. 455.2226, F.S., and repealing s. 381.042, F.S.; conforming certain provisions relating to education requirements for health care professionals to a scheduled repeal; amending s. 796.08, F.S.; authorizing the release of certain test results when such information is medically necessary; providing for the identity of certain persons to remain confidential; providing for future legislative review of such exemption pursuant to the Open Government Sunset Review Act; directing the Department of Health and Rehabilitative Services to conduct a survey and report findings; providing an effective date.

By the Committee on Health Care and Senators Davis and Weinstock—

CS for SB 1490—A bill to be entitled An act relating to health care; providing legislative intent; amending s. 110.602, F.S.; exempting physicians employed by county public health units from the cap on the number of Selected Exempt Service positions; amending s. 154.04, F.S.; specifying circumstances under which certain persons may assess patients; authorizing administrators to sign protocols; eliminating an annual evaluation requirement; reviving and readopting s. 154.04(1)(d), F.S., notwithstanding its scheduled repeal pursuant to s. 2, ch. 86-83, Laws of Florida; providing for conditional retroactivity; amending s. 154.304, F.S.; revising certain definitions used in The Florida Health Care Responsibility Act of 1988; amending ss. 154.306, 154.308, F.S.; clarifying procedures for determining eligibility of indigent patients under such act; amending s. 154.3105, F.S.; deleting an obsolete reference; amending s. 154.316, F.S.; revising notification requirements for hospitals under such act; amending s. 240.4067, F.S.; renaming the Medical Education Tuition Reimbursement Program; deleting certain eligibility restrictions; specifying the licensed health care professionals eligible to participate; specifying the expenses covered under the program and the amount of reimbursement; deleting the full-time employment requirement; requiring participants to accept Medicaid reimbursement, if eligible; establishing criteria for priority participation in the program; providing that the department may use funds from the program for matching federal dollars; amending s. 395.01465, F.S.; correcting cross-references and providing options for determining the scope of inpatient care; amending s. 395.102, F.S.; correcting references; amending s. 240.4075, F.S.; providing for the repayment of loans received by nursing students from state loan programs; providing that advanced registered nurse practitioners are eligible to participate in the program; revising the schedule of loan repayments under the program; limiting the loan amount that may be repaid during a specified period of time; deleting an obsolete reference; amending s. 394.4787, F.S.; changing the definition of "specialty psychiatric hospital" to include community mental health centers; amending s. 409.266, F.S.; deleting provisions authorizing the use of funds from the Public Medical Assistance Trust Fund to expand certain primary care programs; revising the eligibility requirements for Medicaid services to children; increasing fees for obstetrical services; requiring conformity of the Medicaid program with the requirements of the Omnibus Budget Reconciliation Act of 1989; exempting counties from certain Medicaid match requirements; amending s. 409.2661, F.S.; creating an area health education center network; providing responsibilities for the network; providing for operation of the network by the Department of Health and Rehabilitative Services in cooperation with certain medical schools; providing funding; amending s. 409.2673, F.S.; revising provisions relating to the shared county and state health care program for low-income persons; revising eligibility requirements for participation in the program; revising the limitation on the amount of funding counties may receive under the program; providing for the program to be funded pursuant to legislative appropriation; providing requirements for coordination of services under the program; revising requirements for reimbursements to hospitals; providing for disputes among certain agencies participating in the program to be resolved pursuant to ch. 120, F.S.; creating s. 409.2675, F.S.; requiring the department to adopt rules; amending s. 409.701, F.S.; renaming the Florida Small Business Health Access Corporation; prescribing operations of the corporation; revising membership of the board of directors; providing an appropriation; amending s. 409.7015, F.S.; postponing the

scheduled repeal of provisions authorizing the Division of Unemployment Compensation of the Department of Labor and Employment Security to provide information to the Florida Small Business Health Access Corporation; amending s. 641.225, F.S.; clarifying the application of surplus requirements for certain health maintenance organizations; directing the Health Care Cost Containment Board to conduct a study of pooling the state purchasing of health care; requiring a report and recommendations; providing an exemption from competitive bidding procedures; requiring cooperation of state agencies; providing appropriations; directing the Task Force on Government Financed Health Care to evaluate a proposal on universal access to health care; extending a fiscal year 1989-1990 appropriation for the Florida Task Force on Private Sector Health Care Responsibility; amending s. 402.48, F.S.; expanding the statutory requirement for health care service pool professional liability insurance requirements; amending s. 395.002, F.S.; adding definitions for the terms rural primary care hospital and essential access community hospital; creating s. 395.104, F.S.; relating to other rural hospital programs; providing effective dates.

By the Committees on Finance, Taxation and Claims; Community Affairs; and Senator Weinstock—

CS for CS for SB 1578—A bill to be entitled An act relating to the "Local Option Tourist Development Act"; amending s. 125.0104, F.S.; allowing certain charter counties to levy by ordinance a tax on the sale of food, beverages, or alcoholic beverages in hotels, motels, or other specified establishments; prescribing requirements for such levy; providing for the collection of the tax and the uses of the tax proceeds; providing for rulemaking; requiring certain records to be kept and made available to the public; providing penalties; providing an effective date.

By the Committees on Appropriations and Commerce and Senators Thomas, Forman, Bruner, Bankhead, Jennings and Diaz-Balart—

CS for CS for SB 1602—A bill to be entitled An act relating to banking and finance; amending s. 658.33, F.S.; eliminating a reference to directors' reading of the banking code and rules; amending s. 655.045, F.S.; authorizing the Department of Banking and Finance to furnish copies of examinations of state financial institutions to certain institutions; authorizing the department to recover the cost of certain examination and supervision; providing a definition; providing a time period for the payment of certain fees; providing an administrative penalty; increasing an administrative fine under certain circumstances; creating s. 655.047, F.S.; providing for assessments of financial institutions generally; providing an administrative penalty; amending ss. 657.053, 658.73, 665.082, F.S.; providing a timeframe for the payment of certain fees and assessments of certain financial institutions; providing an effective date.

By the Committee on Regulated Industries and Senator Gordon—

CS for SB 1666—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 551.031, F.S.; providing that certain persons who are affected by a proposed action or decision of the Division of Pari-Mutuel Wagering of the Department of Business Regulation or the Florida Pari-Mutuel Commission have legal standing to challenge the action or decision pursuant to ch. 120, F.S.; providing an effective date.

By the Committee on Agriculture and Senator Thurman—

CS for SB 1676—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 570.07, F.S.; specifying certain regulatory powers of the department; providing for enforcement of federal standards and orders; providing a penalty; providing for coordination of programs and provision of information to the public; amending s. 570.544, F.S.; authorizing the Division of Consumer Services of the department to seek injunctions and relief on behalf of consumers when violations of the laws relating to consumer protection may occur, when interests of consumers may be damaged, or when the public health, safety, or welfare may be endangered; requiring expedited hearings under specified circumstances; providing an effective date.

By the Committee on Higher Education and Senator Thurman—

CS for SB 1692—A bill to be entitled An act relating to education; amending s. 229.053, F.S.; revising provisions relating to State Board of Education contracts with certain independent postsecondary institutions; providing for audits and property of the state; amending s. 240.147, F.S.; providing for review and approval of academic program and student services contracts; amending s. 230.645, F.S.; authorizing district school boards to waive postsecondary fees for homeless students; requiring

school boards to adopt procedures to certify students as homeless; requiring the State Board of Education to adopt rules specifying minimum criteria for district procedures; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Forman—

CS for SB 1702—A bill to be entitled An act relating to developmental disabilities; amending s. 393.063, F.S.; clarifying the professional requirements for psychologists employed in comprehensive transitional education programs; expanding the definition of the term “high-risk child” to include a child who has a physical or genetic anomaly which leads to a developmental disability as that term is used in ch. 393, F.S., relating to developmental disabilities; amending s. 393.11, F.S.; specifying conditions for the involuntary admission to residential services of certain mentally retarded persons; providing authority for the court to issue orders for the administration of psychotropic medication and behavioral programming; amending s. 393.13, F.S.; revising the rights of clients of the developmental services program; providing an effective date.

By the Committee on Transportation and Senator Forman—

CS for SB 1706—A bill to be entitled An act relating to transportation; amending s. 334.065, F.S.; providing requirements with respect to the budget of the Center for Transportation Research; amending s. 337.242, F.S.; providing that movement of people and goods to and from seaports and airports is a transportation use; amending s. 337.25, F.S.; providing for lease of rail corridors to ports; amending s. 339.135, F.S.; providing for allocation of public transit block grant funds; amending s. 339.155, F.S.; requiring the statewide transportation plan to take into account certain port master plans; amending s. 339.175, F.S.; revising language with respect to transportation planning organizations; revising membership of metropolitan planning organizations; amending s. 341.031, F.S.; revising definitions for purposes of the Florida Public Transit Act; amending s. 341.041, F.S.; requiring the Department of Transportation to develop and administer state measures concerning public transit systems and including productivity and cost distribution in such measures; revising the measures for certain responsibilities of the department relating to operation of transit systems; amending s. 341.051, F.S.; requiring the department to develop and implement a capital investment policy; creating s. 341.052, F.S.; establishing a public transit block grant program; providing uses for which block grant funds may be expended; providing limitations on use of funds; allocating a percentage of the public transit block grant funds to the Transportation Disadvantaged Trust Fund; creating s. 341.053, F.S.; creating an intermodal development program; requiring the department to administer the program; providing priorities for funding; creating s. 341.071, F.S.; requiring the establishment of transit development plans consistent with approved local comprehensive plans; requiring eligible public transit providers to establish productivity and performance measures; requiring certain reports and publication with respect thereto; amending s. 341.325, F.S.; providing for feasibility and planning studies for high-speed rail facilities and for most promising corridors; providing an effective date.

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

CS for SB 1736—A bill to be entitled An act relating to taxation; amending s. 20.21, F.S.; creating a Division of Tax Processing and providing its duties; revising duties of existing divisions; establishing certain offices within the department; empowering the department to enter into agreements with other agencies of state government for the processing of taxes, fines, or license or regulatory fees for those agencies; amending s. 212.18, F.S.; providing criteria for registering certain exhibitors as dealers under certain circumstances; providing legislative findings; providing an effective date.

By the Committees on Appropriations; Natural Resources and Conservation; and Senator Plummer—

CS for CS for SB 1758—A bill to be entitled An act relating to salt-water fisheries; creating s. 370.142, F.S.; directing the Department of Natural Resources to establish a program to verify the number of spiny lobster traps in state and adjacent federal waters; prohibiting use of traps without tags; providing for a trap tag fee; providing an appropriation; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Johnson—

CS for SB 1778—A bill to be entitled An act relating to driving under the influence; amending ss. 316.193, 316.1932, 316.1933, 316.1934, F.S.; revising the elements of the offense of driving under the influence to provide a prohibited breath alcohol level; providing criteria for establishing the prohibited amount of alcohol in blood and breath; requiring an analysis of breath, for purposes of a charge of driving under the influence, to be conducted according to methods approved by the Department of Health and Rehabilitative Services; specifying additional personnel who may withdraw blood or administer other tests for the purpose of determining alcohol content of blood or the presence of controlled substances; providing an effective date.

By the Committee on Education and Senator Walker—

CS for SB 1898—A bill to be entitled An act relating to education; amending s. 231.15, F.S.; requiring certification of school counselors; amending s. 231.165, F.S.; specifying certain qualifications for prevention counselors; creating s. 230.23135, F.S.; creating the Florida Council on Student Services; describing duties of the council; providing for review and repeal; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator McPherson—

CS for SB 1906—A bill to be entitled An act relating to power plant and transmission line siting; amending s. 403.501, F.S.; revising a reference to the Florida Electrical Power Plant Siting Act; amending s. 403.502, F.S.; clarifying legislative intent; amending s. 403.503, F.S.; providing definitions; amending s. 403.504, F.S.; revising the powers and duties of the Department of Environmental Regulation with respect to the act; amending s. 403.506, F.S., relating to applicability and certification; creating s. 403.5064, F.S.; providing for distribution of application and schedules; amending s. 403.5065, F.S.; revising language with respect to the appointment of a hearing officer; creating s. 403.5066, F.S.; providing for determination of completeness; creating s. 403.5067, F.S.; providing for a determination of sufficiency; amending s. 403.507, F.S.; providing for preliminary statements of issues, reports, and studies; amending s. 403.508, F.S.; providing for notice in the case of delay to issue a recommended order; revising language generally with respect to proceedings, parties, and participants at a certification hearing; amending s. 403.509, F.S.; revising language with respect to the final disposition of an application for certification; amending s. 403.5095, F.S., relating to alteration of time limits; amending s. 403.510, F.S.; revising language with respect to superseded laws, regulations, and certification power; amending s. 403.511, F.S.; revising language with respect to the effect of certification; creating s. 403.5115, F.S.; providing for notice and costs of proceedings; amending ss. 403.512, 403.513, 403.514, F.S.; conforming terminology; amending s. 403.516, F.S.; revising language with respect to modification of certification; amending s. 403.517, F.S.; revising language with respect to supplemental applications for sites certified for ultimate site capacity; creating s. 403.518, F.S.; providing for fees and disposition thereof; amending s. 403.519, F.S.; revising language with respect to determination of need; amending s. 403.52, F.S.; revising a reference to the Transmission Line Siting Act; amending s. 403.521, F.S.; conforming terminology; amending s. 403.522, F.S.; providing definitions; amending s. 403.523, F.S.; revising language with respect to the powers and duties of the Department of Environmental Regulation with respect to the Transmission Line Siting Act; amending s. 403.524, F.S.; revising language with respect to applicability and certification; amending s. 403.525, F.S.; revising language with respect to the appointment of a hearing officer; creating s. 403.5251, F.S.; providing for distribution of applications and schedules; creating s. 403.5252, F.S.; providing for determination of completeness; creating s. 403.5253, F.S.; providing for determination of sufficiency; amending s. 403.526, F.S.; providing for preliminary statements of issues, reports, and studies; amending s. 403.527, F.S.; revising language with respect to certification hearing notice, proceedings, parties, and participants; creating s. 403.5271, F.S.; providing for alternate corridors; amending s. 403.5275, F.S.; deleting language with respect to additional fees from the provision relating to amendments to the application; amending s. 403.529, F.S.; revising language with respect to the final disposition of application; amending s. 403.531, F.S.; revising language with respect to the effect of certification; amending s. 403.5312, F.S.; correcting cross-references; amending s. 403.5315, F.S.; revising language with respect to modification of certification; amending s. 403.533, F.S.; conforming terminology; amending s. 403.536, F.S.; revising language with respect to superseded laws, regulations, and certification power; creating s. 403.5365, F.S.; providing for fees and disposition thereof; amending s.

403.537, F.S.; revising language with respect to determination of need; amending ss. 258.397, 258.45, 288.503, 366.04, 366.05, 380.23, 403.061, 403.539, 403.7045, F.S.; correcting cross-references; providing an appropriation; providing for applicability; providing an effective date.

By the Committee on Agriculture and Senator Thurman—

CS for SB 1918—A bill to be entitled An act relating to aquaculture, freshwater fish dealers, and commercially farmed animals; amending s. 1.01, F.S.; including “aquaculture” within terms related to agriculture, for certain purposes; amending s. 372.65, F.S.; revising certain freshwater fish dealers’ licenses and fees; specifying unlawful acts for which penalties are provided; amending s. 597.002, F.S.; specifying use of certain funds appropriated for aquacultural research; amending s. 597.0021, F.S.; expanding legislative intent of the Florida Aquaculture Policy Act; amending s. 597.005, F.S.; modifying composition of the Aquaculture Review Council; providing for quarterly meetings and election of an industry representative to the Aquaculture Interagency Coordinating Council; revising responsibilities; amending s. 597.006, F.S.; modifying composition of the interagency coordinating council; providing for quarterly meetings and election of officers; revising purpose and responsibilities; creating s. 597.007, F.S.; providing for delegation of permitting of aquaculture facilities from the Department of Environmental Regulation to the water management districts; providing duty of the Institute of Food and Agricultural Sciences; providing timeframes; amending s. 812.014, F.S.; expanding a penalty for theft of livestock to include theft of any commercially farmed animal; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senator Gordon—

CS for SB 1936—A bill to be entitled An act relating to state employees; providing legislative intent; creating the “Family Support Personnel Policies Act”; directing the Department of Administration to develop a model rule with respect to family support personnel policies; providing a timeframe for the adoption of the rule; directing agencies to appoint advisory committees by a certain date; amending s. 110.121, F.S.; authorizing the use of sick leave in a state employee sick leave pool for certain medical emergencies involving immediate family members of participating state employees; providing an effective date.

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

CS for SB 1948—A bill to be entitled An act relating to elections; amending s. 98.111, F.S.; requiring the voter registration form to include the citizenship number and year of naturalization of a person born in a country other than the United States; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Johnson—

CS for SB 1950—A bill to be entitled An act relating to marine mammals; amending s. 370.12, F.S.; deleting provisions relating to the capture of marine mammals now regulated by federal law; authorizing special activity licenses of marine mammal holding facilities and establishing a fee for such licenses; authorizing special activity licenses for transport of marine mammals and establishing a fee for such licenses; establishing civil penalties; providing for payment of fees and civil penalties into the Marine Biological Research Trust Fund for research and management of marine mammals; authorizing actions for injunctive relief against violations of s. 370.12, F.S., or rules and regulations pursuant to that section; providing a condition precedent to any such action; providing guidelines to the court; providing for costs, attorney’s fees, and venue; providing an appropriation; providing for positions; amending s. 380.23, F.S.; providing for federal consistency review of permits for the taking of marine mammals; providing an effective date.

By the Committee on Higher Education and Senator Stuart—

CS for SB 1968—A bill to be entitled An act relating to postsecondary education; amending s. 240.115, F.S.; providing for the admission of a community college associate in arts graduate into certain programs at a state university pursuant to a required provision of the articulation agreement; providing for the admission of other specified community college students; requiring each state university to include an explanation of that provision of the articulation agreement in its orientation programs and student handbooks; amending ss. 240.209, 240.2097, F.S.; providing duties of the Board of Regents relating to limited access programs; requiring reports; providing for the development and distribution of a systemwide counseling manual; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senator Stuart—

CS for SB 1972—A bill to be entitled An act relating to retirement; amending s. 122.08, F.S.; providing for retirement after 30 years of service for members of the State and County Officers and Employees Retirement System; conforming cross-references; amending s. 122.35, F.S.; providing for increased contributions to be paid by the employer; amending s. 238.07, F.S.; providing that the normal retirement age for a member of the Teachers’ Retirement System shall be any age with 30 years of service; amending s. 238.11, F.S.; providing for increased contributions to be paid by the employer; providing an effective date.

By the Committee on Education and Senator Johnson—

CS for SB 2024—A bill to be entitled An act relating to public educational facilities; amending s. 235.34, F.S.; requiring local governmental approval for the construction of certain educational facilities; establishing guidelines for consideration of such proposed facilities; providing for negotiation regarding certain off-site impacts; providing for an ad hoc committee to resolve certain conflicts relating to such negotiations; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Meek—

CS for SB 2030—A bill to be entitled An act relating to the Florida Employment Opportunity Act; amending s. 409.029, F.S.; amending the short title; amending cross-references; providing for housing assistance for teenage parents; establishing the Teenage Parent Group Residence Pilot Program; providing an application procedure and competitive selection of grant recipients; requiring an annual report and evaluation of the program’s effectiveness; providing an effective date.

By the Committee on Judiciary-Civil and Senator Meek—

CS for SB 2038—A bill to be entitled An act relating to mental health; amending s. 394.467, F.S.; revising language with respect to the procedure for a hearing on involuntary placement to provide for a guardian advocate under certain circumstances; providing an effective date.

By the Committee on Regulated Industries and Senator Weinstein—

CS for SB 2052—A bill to be entitled An act relating to business regulation; requiring certain hotels, motels, and apartment complexes to file a certificate of inspection; providing for the filing of such certificates every 3 years; providing penalties; amending s. 509.211, F.S.; providing that public lodging establishments shall maintain railings; providing an effective date.

By the Committee on Agriculture and Senator Thomas—

CS for SB 2062—A bill to be entitled An act relating to the Division of Forestry; amending s. 589.07, F.S.; specifying that the division may acquire lands for state forest purposes by purchase; specifying that land acquisition procedures provided in s. 253.025, F.S., do not apply to acquisitions by the division; amending s. 589.08, F.S.; creating a trust fund and authorizing deposit of a portion of state forest gross receipts therein; providing for use of the trust fund for certain land acquisition and management and providing requirements with respect thereto; providing for confidentiality of appraisal reports and providing for future review and repeal; providing an effective date.

By the Committee on Transportation and Senator Forman—

CS for SB 2070—A bill to be entitled An act relating to motor vehicle licenses; amending ss. 320.0805, 320.08065, 320.08066, 320.0808, 320.0809, 320.083, 320.089, 320.0895, F.S.; authorizing lessees of motor vehicles to purchase certain special license plates; providing for the disposition of the annual use fee assessed on personalized prestige license plates; creating s. 320.0806, F.S.; requiring an annual audit of the expenditure of the use fees assessed on special license plates; providing a limitation on the use of such fees; providing an effective date.

By the Committees on Appropriations and Community Affairs and Senators Thomas, Kirkpatrick and Walker—

CS for CS for SB 2074—A bill to be entitled An act relating to local government finances; amending s. 218.65, F.S.; revising provisions providing for an emergency distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund to certain counties; providing a conditional retroactive effective date.

By the Committee on Transportation and Senator Forman—

CS for SB 2128—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.302, F.S.; specifying the federal regulations applicable to such vehicles; requiring certain tests for controlled substances; amending s. 316.515, F.S.; permitting the operation of certain semitrailers in this state; providing limitations; amending s. 316.550, F.S.; authorizing the issuance of permits to move certain self-propelled truck cranes under certain conditions; providing penalties; providing effective dates.

By the Committee on Health and Rehabilitative Services; and Senator Gardner—

CS for SB 2182—A bill to be entitled An act relating to personal emergency response systems; providing legislative findings; providing a definition; directing the Department of Health and Rehabilitative Services to seek federal financial participation for personal emergency response systems for certain persons who are financially and categorically eligible for medical assistance; providing that these services be competitively bid; providing rulemaking authority; providing an effective date.

By the Committees on Appropriations; Natural Resources and Conservation; and Senator McPherson—

CS for CS for SB 2194—A bill to be entitled An act relating to environmental protection; amending s. 229.8055, F.S.; changing the date for the annual status report on environmental education; amending s. 229.8056, F.S.; deleting requirements for an annual report to be provided by the Coordinator of Environmental Education; amending s. 229.8059, F.S.; adding an employee of the Department of Commerce to the Interagency Coordinating Committee for Environmental Education; requiring the Interagency Coordinating Committee to develop an annual status report; amending s. 229.8064, F.S.; providing for use of funds in the Aquatic Resources Education Account by the Department of Natural Resources for aquatic education purposes; amending s. 370.0608, F.S.; creating the Aquatic Resources Education Account within the Save Our State Environmental Education Trust Fund; amending s. 370.0605, F.S.; defining the term "resident" as used in said section; providing transferability for certain saltwater fishing licenses for vessels carrying customers; providing that certain license fees are nonrefundable; revising certain exemptions from saltwater fishing license requirements; providing penalties and procedures for persons cited for violating certain saltwater fish and crawfish license and stamp requirements; providing that the state assents to the provisions of a specified Act of Congress, as amended; providing for the administration of state fish and wildlife programs by the Department of Natural Resources and the Game and Fresh Water Fish Commission; amending ss. 370.1111, 370.14, F.S.; specifying the period of time during which snook and crawfish stamps are valid; amending s. 372.561, F.S.; requiring tax collectors to report stolen licenses and stamps; requiring tax collectors to make certain audit reports to the Game and Fresh Water Fish Commission; amending s. 372.57, F.S.; revising an exemption from certain license and stamp requirements; amending s. 372.571, F.S.; specifying the period of time during which certain freshwater fishing licenses are valid; amending s. 372.574, F.S.; revising certain bonding requirements for subagents appointed by tax collectors to issue licenses and stamps; providing for the sale of licenses and stamps in states contiguous to Florida; amending s. 372.60, F.S.; providing requirements for issuing replacement licenses and stamps; amending s. 376.11, F.S.; providing for expenditure of the interest earned from investments of the Florida Coastal Protection Trust Fund; amending s. 320.08066, F.S.; providing for the deposit of revenues from manatee license plate sales; providing effective dates.

By the Committee on Economic, Professional and Utility Regulation; and Senator Diaz-Balart—

CS for SB 2206—A bill to be entitled An act relating to court reporters; providing legislative findings; providing for certification and regulation of court reporters by the Supreme Court; prohibiting the uncertified practice of court reporting; providing for fees; repealing the act October 1, 2000, and providing for review of the act in advance of that date; providing an effective date.

By the Committee on Health Care and Senator Diaz-Balart—

CS for SB 2208—A bill to be entitled An act relating to medical assistance; establishing within the Medicaid Program Development Office utilization review staff for the purpose of identifying inappropriate drug-prescribing and related practices; limiting accounts and records to

be reviewed; instructing the Department of Health and Rehabilitative Services to reimburse Medicaid providers for brand name drugs under certain conditions; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Davis—

CS for SB 2228—A bill to be entitled An act relating to runaway youths; amending s. 409.441, F.S.; requiring certain reporting by a person sheltering a runaway youth and providing a noncriminal infraction for failure to comply; providing a definition; deleting obsolete provisions; providing an effective date.

By the Committee on Governmental Operations and Senator Malchon—

CS for SB 2268—A bill to be entitled An act relating to the Auditor General; amending s. 11.45, F.S.; directing the Auditor General to conduct performance audits of each major new program and each major modification to an existing program specifically identified in the General Appropriations Act or other acts within a certain time period; providing for notice to the Legislative Auditing Committee and providing duties of the committee with respect to such notice; authorizing the Auditor General to perform preliminary reviews of identified major new programs and major modifications to existing programs; directing the Auditor General to maintain a schedule of performance audits of major state programs; clarifying the threshold for bond values which would authorize a special district to require a financial audit; providing an effective date.

By the Committee on Education and Senator Stuart—

CS for SB 2284—A bill to be entitled An act relating to the district school system; amending s. 230.2313, F.S.; requiring each school district student services plan to provide for adequate health services staff; providing for implementation; providing an effective date.

By the Committee on Education and Senator Girardeau—

CS for SB 2296—A bill to be entitled An act relating to vocational education; creating s. 240.4093, F.S.; establishing the Vocational Student Assistance Grant Fund; providing eligibility for grants; providing amount of grants; requiring institutions which receive grant moneys to submit reports to the Department of Education; creating a Vocational Student Assistance Grant Trust Fund; providing for implementation; amending s. 240.404, F.S., relating to general requirements for student eligibility for state financial aid; conforming provisions; amending s. 230.645, F.S., relating to postsecondary student fees; providing that in-kind contributions may be accepted as payment of fees; deleting a restriction relating to acceptance of classroom space as a contribution; amending s. 236.081, F.S.; conforming provisions; providing an effective date.

By the Committee on Health Care and Senator Langley—

CS for SB 2316—A bill to be entitled An act relating to health care utilization review; creating s. 395.0172, F.S.; providing legislative intent; providing definitions; providing for registration of private review agents; providing registration requirements; providing for fees; providing administrative penalties; providing for injunction; prohibiting contracting with unlicensed review agents; providing exemptions; requiring certain compliance by hospitals; providing rulemaking authority; providing an effective date.

By the Committee on Judiciary-Civil and Senator Davis—

CS for SB 2350—A bill to be entitled An act relating to mediation and arbitration; amending s. 44.301, F.S.; providing definitions; amending s. 44.302, F.S.; providing procedures for court-ordered mediation; exempting oral and written communication in mediation proceedings from ch. 119, F.S.; providing an exception; providing for certification of mediators by the Supreme Court; providing for reimbursement of volunteer mediators; providing for compensation of nonvolunteer mediators; renumbering s. 44.303, F.S., relating to court-ordered nonbinding arbitration; amending s. 44.304, F.S.; providing a cross-reference; amending s. 44.305, F.S.; providing for nonreferral under certain circumstances unless agreed by the parties; amending s. 44.306, F.S.; requiring the Supreme Court to establish standards and procedures for certification and discipline of court-appointed mediators and arbitrators and to set fees for certification; providing for use of such fees; authorizing the Supreme Court to appoint personnel; amending s. 44.307, F.S.; providing cross-references; amending s. 44.308, F.S.; providing for levying of additional service charges to be used to fund various mediation and arbitration pro-

grams; amending s. 741.01, F.S.; providing for an increase in the marriage license fee to be used to fund family mediation services and to reimburse the Supreme Court for its responsibilities under the act; repealing s. 44.101, F.S., relating to family mediation services; providing an effective date.

By the Committee on Transportation and Senator Plummer—

CS for SB 2384—A bill to be entitled An act relating to parking for persons with disabilities; amending s. 320.0848, F.S.; providing for issuance of exemption parking permits to qualified persons; specifying time limits on said permits; providing for certification by chiropractic physicians; specifying criteria for applicants eligible for permits; specifying the contents of the certificate of disability; providing for renewal of exemption permits; requiring the exemption permit to be a placard; specifying the contents of the temporary exemption permit; prohibiting the department from issuing more than two permits; specifying fees and the disbursement of fees; authorizing counties and municipalities to increase the required number of handicapped parking spaces; prohibiting false or misleading statements in the application or physician's certification; providing penalties; providing for rules; amending s. 316.1967, F.S.; requiring counties to provide the Department of Highway Safety and Motor Vehicles with lists of persons who have violated handicapped parking laws or ordinances; requiring the department to mark the vehicle registrations of such persons; amending s. 316.1956, F.S.; making conforming changes; amending s. 316.1955, F.S.; prohibiting handicapped parking spaces from exceeding a maximum width of 13 feet; amending s. 316.1964, F.S.; exempting certain permits from parking fees; amending s. 526.141, F.S.; requiring full-service gasoline stations to dispense self-service gasoline to vehicles with certain permits; amending s. 316.008, F.S.; correcting a cross-reference; providing an effective date.

By the Committee on Higher Education and Senator Meek—

CS for SB 2410—A bill to be entitled An act relating to ad valorem tax exemptions; amending s. 196.198, F.S.; providing that property owned by an educational institution is exempt from ad valorem taxation if affirmative actions have been taken to prepare the property for educational use; amending s. 196.29, F.S.; providing for cancellation of certain taxes on real property acquired by a community college direct-support organization; providing an effective date.

By the Committee on Higher Education and Senator Meek—

CS for SB 2412—A bill to be entitled An act relating to postsecondary education; amending s. 228.072, F.S.; prescribing when institutions in the State University System may offer college preparatory instruction; creating a dropout reentry and mentor project; specifying eligibility criteria; specifying project components; providing an effective date.

By the Committee on Community Affairs and Senator Malchon—

CS for SB 2424—A bill to be entitled An act relating to public nuisances; amending s. 893.138, F.S.; including a violation of s. 796.07, F.S., relating to lewdness, assignation, and prostitution in a provision of law permitting local administrative action to abate a public nuisance; providing that orders issued by local administrative boards may be enforced pursuant to certain procedures in the Administrative Procedure Act; providing that such boards may seek temporary and permanent injunctive relief; providing an effective date.

By the Committee on Judiciary-Civil and Senator McPherson—

CS for SB 2426—A bill to be entitled An act relating to lost or abandoned property; amending ss. 705.103, 705.104, F.S.; revising the period of time during which lost or abandoned property must be held by a law enforcement agency and notice of such property published; providing an effective date.

By the Committee on Transportation and Senator McPherson—

CS for SB 2434—A bill to be entitled An act relating to traffic control; amending s. 316.183, F.S.; lowering the maximum speed in residence districts; authorizing lower limits under certain circumstances; providing an effective date.

By the Committee on Transportation and Senator Jennings—

CS for SB 2466—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; redesignating the Assistant Secretary for Planning and Engineering as the Assistant Secretary for Transportation Policy; revising division level offices within the

department; revising duties and classification of the Assistant Secretary for Finance and Administration; providing for the appointment of a chief internal auditor; providing duties and responsibilities; providing qualification requirements relating to the department comptroller; providing for the comptroller to be the chief financial officer of the department; revising duties of the State Transportation Planner; redesignating the State Transportation Engineer as the State Highway Engineer; revising the duties of such engineer; providing for the appointment of a State Public Transportation Administrator; providing an effective date.

By the Committee on Transportation and Senator Jennings—

CS for SB 2478—A bill to be entitled An act relating to public transportation; amending s. 334.065, F.S.; providing requirements with respect to the budget of the Center for Urban Transportation Research; amending s. 341.403, F.S.; defining the term "public funds" for purposes of the "Magnetic Levitation Demonstration Project Act"; amending s. 341.404, F.S.; providing for the use of public funds under certain circumstances; providing limitations on bonds and other evidences of indebtedness; amending s. 341.417, F.S.; revising language with respect to public access to transit stations for funding purposes; prohibiting state-funded rail systems from serving transit stations on private property without consent of the owner; amending s. 341.421, F.S.; revising language with respect to the authority of local governments to assess fees; amending s. 341.325, F.S.; providing additional powers of the Florida High-Speed Rail Transportation Commission; amending s. 343.54, F.S.; providing additional power of the Tri-County Commuter Rail Authority; amending s. 343.63, F.S.; providing that the Secretary of the Department of Transportation shall appoint an ex officio, nonvoting member to the Central Florida Commuter Rail Authority; creating part III of chapter 343, F.S., consisting of ss. 343.71-343.77, F.S.; creating the "Tampa Bay Commuter Rail Authority Act"; providing definitions; creating the Tampa Bay Commuter Rail Authority; providing for membership; establishing terms of members; providing for filling vacancies; providing powers and duties of the authority; providing for interagency cooperation and contracts; requiring authority to comply with equal opportunity hiring practices; providing for public and private funding; authorizing issuance of revenue bonds; directing that bonds are not debts or pledges of credit of the state; providing for pledge to bondholders; directing the Transportation Commission to study coordination of public transit and fixed-guideway systems; providing for submission of the study; providing an effective date.

By the Committee on Judiciary-Civil and Senator Langley—

CS for SB 2480—A bill to be entitled An act relating to civil actions; amending s. 57.105, F.S.; providing circumstances for award of prejudgment interest to the plaintiff in civil actions; amending s. 57.111, F.S.; clarifying the amount of attorney's fees and costs which may be awarded to a small business party; providing an exception to the limitation on the amount of an award; providing an effective date.

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

CS for SB 2486—A bill to be entitled An act relating to lobbyists; amending s. 112.3215, F.S.; providing for registration of principals; providing for the effective date of a registration; increasing the registration fee; providing for semiannual reports; providing for receipt and disposition of complaints; providing investigation procedures; authorizing positions; providing appropriations; providing effective dates.

By the Committee on Governmental Operations and Senator Kiser—

CS for SB 2544—A bill to be entitled An act relating to procurement of personal property and services; creating s. 287.087, F.S.; providing a bidding preference for bidders on public contracts who certify that they have implemented a drug-free workplace program; providing program requirements; providing an effective date.

By the Committee on Governmental Operations—

CS for SB 2550—A bill to be entitled An act relating to agency orders issued pursuant to the Administrative Procedure Act; amending s. 119.041, F.S.; prohibiting each state agency from disposing of records of certain agency orders; requiring each state agency to permanently maintain such records pursuant to rules of the Department of State; amending s. 120.53, F.S.; specifying the types of orders of a state agency that the agency must include within a subject-matter index that the agency must make available for public inspection and copying; specifying other information that each state agency must make available for public inspection and copying; requiring the department to establish procedures for state

agencies to prepare subject-matter indexes and other lists of information that must be made available for public inspection and copying; requiring approval of the department of such procedures adopted by state agencies; revising requirements for the preservation of records of agency orders; providing for the publication of such orders in a designated reporter approved by or published by the department; authorizing the department to make such reporter available by annual subscription and to charge an agency a space rate to pay the cost of publishing the reporter; amending s. 120.59, F.S.; providing that certain final orders of state agencies must have the complete text of materials incorporated by reference attached to the order or must include a statement that specifies the location of such materials; requiring state agencies to number certain final orders in a certain manner; requiring state agencies to permanently preserve, pursuant to rules of the department, certain agency orders, subject-matter indexes, and lists that must be made available to the public; requiring the department to adopt rules to coordinate the indexing, listing, and preservation of orders and other information of state agencies that must be made available for public inspection and copying; requiring the department to provide by rule for storage and retrieval systems for state agencies to index and preserve agency orders; requiring the department to determine which of the final orders of each state agency must be included in a subject-matter index that must be made available to the public; authorizing the department to obtain assistance and information from public officers and state agencies to coordinate and administer the indexing, listing, and publication of agency orders; requiring each state agency to submit to the department for approval its plans for coordinating and establishing procedures for indexing, listing, and publishing agency orders; providing an effective date.

By the Committee on Appropriations and Senator Plummer—

CS for SB 2566—A bill to be entitled An act relating to insurance; creating the Automobile Insurance Information Pilot Project within the Department of Insurance; providing intent; providing for telephone access to comparative premium cost information; providing for operation in a county selected by the department; providing for management, staffing, and acquisition of resources; providing for a public information program; providing for expiration of the project; providing appropriations; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senator W. D. Childers—

CS for SB 2568—A bill to be entitled An act relating to sale of liquefied petroleum gas; amending s. 527.01, F.S.; revising definitions; revising the types of activities that constitute a qualifier; amending s. 527.02, F.S.; revising licensure categories; providing an exemption; providing original application and renewal fees; revising examination requirements and fees; creating s. 527.021, F.S.; requiring annual registration of transport vehicles; providing a penalty; amending s. 527.03, F.S.; revising the licensure period; providing a restoration fee; amending s. 527.04, F.S.; revising bond and insurance requirements; amending s. 527.055, F.S.; revising powers of the Department of Insurance relating to competency standards; amending s. 527.0605, F.S.; providing for the application of chapter 527 to liquefied petroleum gas bulk storage locations; amending s. 527.061, F.S.; authorizing inspection of vehicles; amending s. 527.11, F.S., revising minimum storage requirements; amending s. 527.13, F.S.; increasing the civil penalty that may be imposed; amending s. 527.15, F.S.; correcting a cross-reference; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senator Thurman—

CS for SB 2586—A bill to be entitled An act relating to health studios; amending s. 501.012, F.S., repealing subsections (2)-(13) thereof, and creating ss. 501.0125, 501.013, 501.014, 501.015, 501.016, 501.017, 501.018, 501.019, F.S.; revising and restructuring provisions relating to the regulation of health studios; providing definitions; providing for exemption of certain businesses and activities; providing powers and duties of the Department of Agriculture and Consumer Services; providing registration, fee, and security requirements; specifying contractual provisions for the sale of services; providing requirements for change of ownership or location; providing penalties; providing applicability; providing an effective date.

By the Committee on Agriculture and Senators Thurman and Thomas—

CS for SB 2608—A bill to be entitled An act relating to environmental management; creating s. 590.026, F.S.; creating the "Florida Pre-

scribed Burning Act"; providing legislative findings and purpose regarding prescribed burning as a land management tool; providing definitions; providing rulemaking authority of the Division of Forestry of the Department of Agriculture and Consumer Services; providing requirements for the conduct of prescribed burning; providing liability of property owner; requiring a report by the Department of Community Affairs, the Division of Forestry, and the Office of the State Fire Marshal regarding actions to minimize wildfires; providing duty of the Office of Environmental Education of the Department of Education; providing an effective date.

By the Committee on Health Care and Senator Thurman—

CS for SB 2632—A bill to be entitled An act relating to public swimming and bathing facilities; creating the Public Swimming Pool Board within the Department of Health and Rehabilitative Services; providing for appointment of members to the board; providing for meetings and organization of the board; specifying purposes of the board; requiring the board to recommend to the department standards for the construction of public swimming pools; requiring the board to recommend to the department the approval or denial of applications for permission to vary from public swimming pool construction standards; providing for the reimbursement of per diem and travel expenses of members of the board; repealing s. 514.028, F.S., relating to an advisory review board that advises the department regarding the regulation of public swimming and bathing facilities; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Thurman—

CS for SB 2634—A bill to be entitled An act relating to sentencing; providing for legislative adoption and implementation of revisions to sentencing guidelines promulgated by the Florida Supreme Court in accordance with s. 921.001, F.S.; amending s. 921.001, F.S.; providing that reasons for a departure sentence need not be in writing at the time sentence is pronounced; providing for departure from the recommended guidelines range in certain cases involving violation of probation or community control; providing effective dates.

By the Committee on Health Care and Senators Peterson, W. D. Childers, Grizzle and Bankhead—

CS for SB 2638—A bill to be entitled An act relating to automatic external defibrillators; creating s. 401.291, F.S.; providing legislative intent; providing for the use of an automatic or semiautomatic defibrillator by certain persons; specifying training requirements; setting forth responsibilities for each emergency medical services medical director to authorize the use of an automatic defibrillator or to approve another physician to authorize such use; requiring an emergency medical services medical director to establish policies and procedures prior to approving or authorizing another to approve the use of an automatic defibrillator; directing the Department of Health and Rehabilitative Services to conduct an evaluation; requiring a report; providing for Sunset review and repeal; providing an effective date.

By the Committee on Judiciary-Civil and Senator Grant—

CS for SB 2642—A bill to be entitled An act relating to contracts in restraint of trade; amending s. 542.33, F.S.; providing that with respect to certain contracts in restraint of trade the court shall not enter an injunction under certain circumstances; providing an effective date.

By the Committee on Transportation and Senator Bankhead—

CS for SB 2658—A bill to be entitled An act relating to the Jacksonville Transportation Authority; amending s. 349.05, F.S.; repealing a maximum limit on the interest rates of bonds issued by the authority; deleting provisions that require publication of notice of the sale of such bonds; revising the procedure for the sale of such bonds to provide that such bonds must be sold pursuant to the State Bond Act and to provide for the underwriting of such bonds; specifying provisions that such bonds may contain; authorizing the authority to employ fiscal agents; revising a provision that authorizes the State Board of Administration to act as fiscal agent for the authority; providing an effective date.

By the Committee on Higher Education and Senator Meek—

CS for SB 2678—A bill to be entitled An act relating to community colleges; authorizing community colleges to employ police officers to maintain order on campus; specifying the powers and duties of such police officers; requiring such officers to deliver persons they arrest to the local sheriff or law enforcement agency; providing that such officers must meet certain minimum training standards; requiring community colleges

to maintain a surety bond on each officer it employs; requiring community colleges in cooperation with the Department of Law Enforcement to adopt rules for appointing, employing, and removing such officers and to write a policy manual specifying certain procedures for community college police; requiring each community college to prepare certain reports of statistics of crimes committed on its campus; requiring the State Board of Community Colleges to compile such reports into a single report for submission to the Commissioner of Education; amending s. 240.319, F.S.; deleting limitations on the policies of district boards of trustees relating to law enforcement activities; amending s. 240.335, F.S.; providing criteria for the compensation of community college contract employees; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Weinstock—

CS for SB 2680—A bill to be entitled An act relating to infant and prenatal health care; requiring the Deputy Secretary for Health of the Department of Health and Rehabilitative Services to establish a program to screen newborn infants for preventable death or disability; providing program requirements; providing for rules; providing an effective date.

By the Committee on Judiciary-Civil and Senator Diaz-Balart—

CS for SB 2688—A bill to be entitled An act relating to entry onto property; creating s. 112.182, F.S.; providing that a firefighter or law enforcement officer while performing his duties is an invitee, rather than a licensee; specifying liability of property owners when property owner negligently fails to maintain premises or negligently fails to warn invitee of a dangerous condition; providing an effective date.

By the Committees on Finance, Taxation and Claims; Natural Resources and Conservation; and Senator Thurman—

CS for CS for SB 2702—A bill to be entitled An act relating to petroleum storage; amending s. 376.301, F.S.; redefining the term "petroleum storage system"; amending s. 376.3071, F.S.; revising provisions with respect to the Early Detection Incentive Program; providing for redetermination of eligibility; revising language with respect to reimbursement for cleanup expenses; providing legislative intent; providing for quarterly applications; providing that the reimbursement provisions do not apply to sites on the National Priorities List; amending s. 206.9935, F.S.; revising language with respect to the tax for inland protection; providing for increased levies under certain circumstances; amending s. 376.305, F.S.; providing for the establishment of the abandoned tank restoration program to facilitate the restoration of sites contaminated by abandoned petroleum storage systems under the restoration program of the Petroleum Liability Insurance and Restoration Program; providing appropriations; providing an effective date.

By the Committee on Education and Senators Stuart and Gordon—

CS for SB 2718—A bill to be entitled An act relating to the provision of educational and related services by the community to at-risk youth; creating s. 230.23165, F.S.; creating the Florida Constructive Youth Act and providing purpose thereof; authorizing each district school board to provide a constructive youth program and providing requirements of such programs; requiring a comprehensive plan to include funding sources; providing for the awarding of funds; providing for minimum wages; requiring consistency with educational and labor standards; requiring school board application and specifying data to be submitted; specifying eligible projects; providing for interagency cooperation; providing an exemption from public records requirements for certain information in student records and juvenile justice records and providing for review and repeal of such exemption; creating an advisory board and providing purpose thereof; requiring a report; authorizing rulemaking; providing for review and repeal; providing effective dates.

By the Committee on Community Affairs and Senator Stuart—

CS for SB 2724—A bill to be entitled An act relating to emergency management; creating s. 252.311, F.S.; providing legislative intent; amending s. 252.32, F.S.; clarifying policy and purpose with respect to emergency management; amending s. 252.34, F.S.; providing definitions; amending s. 252.36, F.S.; providing clarifying language with respect to the emergency management powers of the Governor; renumbering s. 252.35, F.S.; creating the Division of Emergency Management; providing duties and responsibilities; creating s. 252.365, F.S.; prohibiting the sale of supplies, services, provisions, or equipment during states of emergency at excessive prices; amending s. 252.37, F.S.; creating the Emergency Man-

agement Assistance Trust Fund; providing for the use and source of funds; amending s. 252.38, F.S.; clarifying the emergency management powers of counties and municipalities; renumbering s. 252.355, F.S.; requiring a voluntary registry of disabled persons; specifying the purpose of such registry; specifying the duties of the Department of Health and Rehabilitative Services with regard to the registry; providing timeframes for notification by electric utilities; amending s. 252.51, F.S.; providing immunity from liability; amending s. 252.83, F.S.; requiring funding to county governments; creating part III of chapter 252, F.S.; creating s. 252.91, F.S., relating to the Interstate Compact on Emergency Management; providing findings; providing definitions; providing procedures to effectuate transfer of resources to states party to the compact; requiring the appointment of a compact administrator; providing for adoption of and withdrawal from the interstate compact; allowing for other arrangements; providing severability; creating s. 252.92, F.S.; requiring the appointment of the compact administrator; creating s. 252.93, F.S.; allowing for the payment of financial obligations imposed by the interstate compact; creating s. 252.94, F.S.; specifying the responsibilities of state departments, agencies, and officers; creating s. 252.95, F.S.; providing for the transmittal of copies of the act adopting the compact; amending s. 401.24, F.S.; providing for a medical disaster component of the emergency medical services plan; amending s. 624.5092, F.S.; requiring the Department of Revenue to administer, audit and enforce the assessment and collection of the surcharge; providing for repeal and review by the Legislature of s. 252.37, F.S.; providing an effective date.

By the Committee on Health Care and Senator Thurman—

CS for SB 2734—A bill to be entitled An act relating to the Medicaid program; requiring studies of the reimbursement rates paid by the Medicaid program to providers in order to determine their adequacy in assuring patient access to quality health care; authorizing the conduct of research and the development of innovative programs of health care delivery for Medicaid recipients and uninsured Florida citizens; authorizing the Department of Health and Rehabilitative Services to receive funds from pharmaceutical manufacturers and other persons when negotiated in the form of rebates or other cost-containment initiatives; establishing a Medicaid Research and Development Trust Fund for the deposit of such funds; authorizing expenditures from the trust fund; providing an effective date.

By the Committee on Higher Education and Senator Peterson—

CS for SB 2740—A bill to be entitled An act relating to education; amending s. 240.61, F.S.; providing for the State Board of Education to select proposals for the receipt of college reach-out funds; providing criteria for selecting such proposals; authorizing independent colleges and universities to submit proposals to implement college reach-out programs and participate in the program; providing an effective date.

By the Committee on Agriculture and Senator Thurman—

CS for SB 2744—A bill to be entitled An act relating to animal industry; reorganizing chapter 585, F.S.; creating s. 585.001, F.S.; providing definitions; amending and renumbering s. 585.011, F.S.; authorizing rulemaking by the Department of Agriculture and Consumer Services; providing for fees; renumbering s. 585.35, F.S.; amending and renumbering s. 585.36, F.S., relating to enforcement and duties of state attorneys; amending and renumbering s. 585.37, F.S., relating to enforcement by courts; amending and renumbering s. 585.39, F.S., relating to interference with department employees; amending and renumbering s. 585.41, F.S., relating to penalties; increasing a fine; amending s. 585.01, F.S.; providing definitions; amending s. 585.08, F.S., relating to protection against communicable disease; amending s. 585.09, F.S., relating to condemnation; amending s. 585.10, F.S., relating to payment for condemned animals; amending and renumbering s. 585.44, F.S., relating to approved brucella vaccine; amending s. 585.11, F.S., relating to cooperation with United States authorities; amending s. 585.14, F.S., and creating s. 585.145, F.S., relating to control of animal diseases; requiring health tests and certificates for movement or transfer of animals; amending s. 585.15, F.S.; providing for reportable diseases; amending s. 585.155, F.S., relating to whole-herd and calf vaccination; amending s. 585.16, F.S., relating to powers of the Division of Animal Industry with respect to transmissible diseases; amending s. 585.17, F.S., relating to care of and liability for animals with transmissible diseases; amending s. 585.18, F.S., relating to duty to report diseased animals; amending s. 585.19, F.S., relating duty of veterinarian or owner to report certain diseases; providing a penalty; amending s. 585.195, F.S.; correcting a reference; amending s. 585.20, F.S., relating to injection of pathogenic organisms into animals; amending

s. 585.21, F.S., relating to manufacture and sale of biological products; amending s. 585.22, F.S., relating to public notice of general quarantines; amending s. 585.23, F.S., relating to compliance by owners of quarantined animals and premises; amending s. 585.24, F.S., relating to cattle fever tick eradication; amending s. 585.30, F.S., relating to procedure where owner refuses to dip an animal; amending s. 585.38, F.S., relating to destruction of property used in eradication of diseases; amending s. 585.40, F.S., relating to violation of quarantine; amending s. 585.432, F.S., relating to screwworm control and eradication; amending s. 585.45, F.S., relating to right to declaratory judgment; amending ss. 585.48, 585.50, 585.51, 585.52, 585.53, and 585.59, F.S., relating to feeding garbage to animals; amending ss. 585.61, 585.621, 585.64, and 585.65, F.S., relating to animal disease diagnostic laboratories; amending s. 585.671, F.S., relating to control and eradication of equine infectious anemia and equine piroplasmiasis; creating s. 585.70, F.S.; providing definitions; creating s. 585.71, F.S.; providing legislative intent relating to the regulation of animal products; creating s. 585.72, F.S.; providing for adulteration; creating s. 585.73, F.S.; providing for misbranding; creating s. 585.74, F.S.; requiring a Grant of Inspection to prepare, transport, or sell animal products; creating s. 585.75, F.S.; requiring certain inspections; creating s. 585.76, F.S.; providing for antemortem inspections; providing for certain notice; creating s. 585.77, F.S.; providing for postmortem inspections; creating s. 585.78, F.S.; providing for inspection of prepared animal products; creating s. 585.79, F.S.; providing for labeling of animal products; creating s. 585.80, F.S.; providing prohibitions on the sale and transportation of animal products; providing a penalty; creating s. 585.81, F.S.; providing for unauthorized use or counterfeiting of official marks or labels; creating s. 585.82, F.S.; providing for sale and transportation of equine products; creating s. 585.83, F.S.; providing for the duty of department to provide inspectors; providing for overtime; prohibiting gifts to department employees; creating s. 585.84, F.S.; providing for suspension of certain animals and animal products; providing a penalty; creating s. 585.86, F.S.; providing for proper storage of animal products; creating s. 585.87, F.S.; providing recordkeeping requirements; creating s. 585.88, F.S.; providing exemptions; renumbering s. 585.3401, F.S.; creating s. 585.90, F.S.; providing for investigations, stop sale orders, condemnation, and destruction of animal products; amending and renumbering s. 585.343, F.S., relating to custom slaughterers and processors; renumbering s. 585.3403, F.S.; amending s. 468.382, F.S.; correcting a reference; amending s. 468.383, F.S.; revising a provision that exempts auctions of livestock from pt. VI, ch. 468, F.S., relating to auctioneers; exempting auctions of agricultural products, equipment, and tools from such part under certain circumstances; repealing ss. 585.25, 585.26, and 585.28, F.S., relating to cattle fever tick eradication; repealing s. 585.34, F.S., relating to meat inspection; repealing s. 585.341, F.S., relating to poultry inspection; repealing s. 585.47, F.S., relating to required reporting of animal diseases; repealing ss. 585.49 and 585.60, F.S., relating to definitions; repealing s. 585.61, F.S., relating to animal disease diagnostic laboratories; repealing s. 585.661, F.S., relating to appropriations; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senators Weinstock and Stuart—

CS for SB 2778—A bill to be entitled An act relating to protection from abuse, neglect, and exploitation; amending s. 415.103, F.S.; allowing the Department of Health and Rehabilitative Services to share with other states certain information on adult maltreatment; amending s. 415.107, F.S.; allowing specified agencies of other states to have access to certain confidential reports and records in cases of abuse, neglect, or exploitation of aged persons or disabled adults; amending s. 415.504, F.S.; allowing the department to share with other states certain information on child maltreatment; amending s. 415.51, F.S.; allowing specified agencies of other states to have access to certain confidential reports and records in cases of child abuse or neglect; providing an effective date.

By the Committee on Health Care and Senator Malchon—

CS for SB 2820—A bill to be entitled An act relating to health care; creating a support program for pregnant teenagers; requiring certain activities for the program; providing for a toll-free number; providing for referral recommendations; creating a trust fund; amending s. 382.025, F.S.; increasing the fee for birth certificates for the purpose of funding the program for pregnant teenagers; providing an effective date.

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

CS for SB 2822—A bill to be entitled An act relating to campaign financing; repealing s. 106.08(8), F.S., relating to acceptance or solicitation of campaign contributions during legislative sessions; providing an effective date.

By the Committee on Governmental Operations and Senator Weinstein—

CS for SB 2826—A bill to be entitled An act relating to governmental accountability; creating s. 57.112, F.S.; providing for the award of attorney's fees and costs to the prevailing party or the state in a civil action or administrative proceeding involving environmental or children's rights; providing applicability to governmental units; authorizing governmental entities to purchase certain liability insurance and budget for fees; requiring parties to provide certain notice to various officers; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senator Weinstein—

CS for SB 2834—A bill to be entitled An act relating to the Florida Deceptive and Unfair Trade Practices Act; amending s. 501.203, F.S.; providing that state attorneys are enforcing authorities under the act without regard to referral of cases by the Department of Legal Affairs; amending s. 501.204, F.S.; specifying the version of federal law to be given weight in construing the prohibition on deceptive and unfair practices; amending s. 501.205, F.S.; specifying the applicable version of federal law for rulemaking purposes; amending s. 501.207, F.S.; providing that the prerequisite for an action under the act is a written determination of the state attorney or the Attorney General; providing for admissibility of certain evidence notwithstanding the hearsay rule; creating s. 501.2065, F.S.; providing for use and confidentiality of criminal intelligence or investigative information; providing for review and appeal; providing an effective date.

By the Committee on Transportation and Senator Brown—

CS for SB 2886—A bill to be entitled An act relating to exterior design and landscaping; requiring the department to complete a program for placing specific information panels on certain highways; requiring the department to adopt other programs for consolidating signs on certain highways; requiring the department to file recommendations for such programs with the Legislature; amending s. 163.3202, F.S.; providing that local land development regulations must include certain landscaping regulations and regulations that protect historic districts and resources; amending s. 163.362, F.S.; providing that community redevelopment plans must show by diagram historic resources within redevelopment areas; providing that such plans must include a historic resources element that specifies the effect of the proposed redevelopment upon historic resources and that provides for the protection of such resources; providing that such plans must include requirements that newly constructed developments conform to existing developments; amending s. 336.045, F.S.; requiring the Department of Transportation to adopt standards and criteria to provide for the compatibility of facilities with the surrounding environment; providing that certain transportation facilities must conform to local comprehensive plans; providing an effective date.

By the Committee on Transportation and Senator Dudley—

CS for SB 2888—A bill to be entitled An act relating to the operation of motor vehicles; amending s. 316.066, F.S.; providing penalties for failing to file accident reports; amending s. 316.1934, F.S.; lowering blood alcohol amounts; substituting per se evidence standards for prima facie evidence; creating s. 322.0261, F.S.; requiring driver improvement courses in certain cases; amending s. 324.051, F.S.; eliminating exemptions to suspension of driver's license; amending s. 324.121, F.S.; providing exemptions to license suspension; providing an effective date.

By the Committee on Transportation and Senator Casas—

CS for SB 2952—A bill to be entitled An act relating to the towing of motor vehicles; amending s. 120.57, F.S.; including certain hearings held by the Division of Florida Highway Patrol as an exclusion to the requirement of a hearing officer appointed by the Division of Administrative Hearings under the Administrative Procedure Act; amending s. 125.0103, F.S.; providing that price control restraints do not apply to the removal and storage of certain wrecked or disabled vehicles; amending s. 166.043, F.S.; conforming to the act with respect to certain price control limitations; amending s. 319.30, F.S.; revising language with respect to the dismantling, destruction, or change of identity of a motor vehicle or mobile home and certain salvage; providing definitions; providing documentation and records requirements; providing penalties; amending s. 319.33, F.S.; revising language with respect to offenses involving vehicle identification numbers, applications, certificates, and papers; amending s. 321.051, F.S.; authorizing the Division of Florida Highway Patrol to

limit the number of wrecker operators under certain circumstances; amending s. 713.78, F.S.; revising language with respect to liens for recovering, towing, or storing vehicles; providing fees; providing penalties; providing notice requirements regarding the posting of bonds; amending s. 715.05, F.S.; revising language with respect to the reporting of unclaimed motor vehicles; amending s. 715.07, F.S.; revising language with respect to vehicles parked on private property and the towing therefrom; providing penalties; amending s. 812.055, F.S.; including towing and storage facilities in law requiring the physical inspection of such facilities by law enforcement officers; providing an effective date.

By the Committee on Education and Senators Kiser and Weinstock—

CS for SB 2968—A bill to be entitled An act relating to education; requiring the Department of Education to develop and implement a program of instructional activities and courses for the elderly; providing for the award of program grants to school boards, community college boards of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind; providing requirements for course content; requiring the State Board of Education to adopt rules to govern the program; providing an appropriation; providing an effective date.

By the Committee on Governmental Operations—

CS for SB 2970—A bill to be entitled An act relating to historic preservation boards of trustees; creating s. 266.001, F.S.; providing that the boards of trustees are placed within the Department of State; providing for compensation of managers subject to guidelines by the Department of Administration; directing the Department of State to adopt certain rules; amending s. 266.03, F.S.; expanding the membership of the Historic St. Augustine Preservation Board of Trustees and providing certain criteria for membership, providing that members may be removed for cause; amending s. 266.04, F.S.; removing obsolete language; amending s. 266.05, F.S.; providing that certain funds are to be held in trust by the board and appropriated annually by the Legislature for the board's programs; specifying funds which may be held by the direct-support organization; amending s. 266.08, F.S.; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; amending s. 266.103, F.S.; providing that members of the Historic Pensacola Preservation Board of Trustees may be removed for cause; amending s. 266.104, F.S.; removing certain obsolete language; amending s. 266.105, F.S.; providing that certain funds are to be held in trust by the board and appropriated annually by the Legislature; specifying funds which may be held by the direct-support organization; amending s. 266.109, F.S.; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; amending s. 266.112, F.S.; expanding the membership of the Historic Tallahassee Preservation Board of Trustees; providing that members may be removed for cause; amending s. 266.113, F.S.; removing certain obsolete language; amending s. 266.114, F.S.; providing that certain funds are to be held in trust by the board and appropriated annually by the Legislature; specifying funds which may be held by the direct-support organization; amending s. 266.118, F.S.; providing for the disclosure of certain information; amending s. 266.203, F.S.; providing that members of the Historic Florida Keys Preservation Board of Trustees may be removed for cause; amending s. 266.204, F.S.; removing certain obsolete language; amending s. 266.205, F.S.; providing that certain funds are to be held in trust by the board and appropriated annually by the Legislature; specifying funds which may be held by the direct-support organization; amending s. 266.2095, F.S.; providing for the disclosure of certain information; amending s. 266.303, F.S.; providing that members of the Historic Palm Beach County Preservation Board of Trustees may be removed for cause; providing for Senate confirmation; removing certain obsolete language; amending s. 266.304, F.S.; removing certain obsolete language; amending s. 266.305, F.S.; providing that certain funds are to be held in trust by the board and appropriated annually by the Legislature; specifying which funds may be held by the direct-support organization; amending s. 266.309, F.S.; providing for the disclosure of certain information; amending s. 266.403, F.S.; providing that members of the Historic Tampa-Hillsborough County Board of Trustees may be removed for cause; providing for Senate confirmation; amending s. 266.404, F.S.; removing certain obsolete language; amending s. 266.405, F.S.; providing that certain funds are to be held in trust by the board and appropriated annually by the Legislature; specifying which funds may be held by the direct-support organization; amending s. 266.411, F.S.; providing for the disclosure of certain information; assigning the Department of State to make certain recommendations to the Legislature; reviving and readopting ss. 266.01, 266.02, 266.03, 266.04, 266.05, 266.06, 266.07, 266.08, 266.101, 266.102, 266.103, 266.104, 266.105,

266.106, 266.110, 266.111, 266.112, 266.113, 266.114, 266.115, 266.118, 266.201, 266.202, 266.203, 266.204, 266.205, 266.206, 266.2095, 266.301, 266.302, 266.303, 266.304, 266.305, 266.306, 266.309, 266.401, 266.402, 266.403, 266.404, 266.405, 266.406, 266.408, 266.409, 266.411, F.S., relating to certain historic preservation boards of trustees, notwithstanding its repeal scheduled for October 1, 1990; providing that ss. 266.001, 266.01, 266.02, 266.03, 266.04, 266.05, 266.06, 266.07, 266.08, 266.101, 266.103, 266.104, 266.105, 266.106, 266.108, 266.109, 266.110, 266.111, 266.112, 266.113, 266.114, 266.115, 266.118, 266.201, 266.202, 266.203, 266.204, 266.205, 266.206, 266.208, 266.2095, 266.301, 266.302, 266.303, 266.304, 266.305, 266.306, 266.309, 266.401, 266.402, 266.403, 266.404, 266.405, 266.406, 266.409, 266.411, F.S., are repealed October 1, 2000, and must be reviewed by the Legislature prior to that date pursuant to s. 11.611, F.S., October 1, 2000, and providing for the legislative review in advance of that date, pursuant to s. 11.611, F.S., the Sundown Act; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senators Davis and Weinstein—

CS for SB 2996—A bill to be entitled An act relating to child and adult protection; amending s. 39.002, F.S.; renumbering goals for children; amending s. 39.01, F.S.; providing additional circumstances under which a child is deemed dependent; amending s. 39.40, F.S.; requiring the courts to expedite placement and judicial handling of certain children in dependency proceedings; amending s. 39.402, F.S.; providing conditions for placement in shelter; providing circumstances under which a child may remain home or return home; providing for appointment of guardian ad litem; amending s. 39.404, F.S.; specifying when a petition for termination of parental rights may be filed; amending s. 39.408, F.S.; prescribing documentation to be provided in a predisposition study; amending s. 39.41, F.S.; specifying content of dispositional order in dependency proceedings; providing circumstances under which a child may remain home or return home; amending s. 39.413, F.S.; providing additional parties who may appeal from orders relating to dependency; amending s. 39.418, F.S.; correcting a cross-reference; amending s. 39.453, F.S.; providing timeframes for initial judicial review; providing for hearings by citizen review panels; allowing material evidence to be presented by foster parents; providing circumstances under which a child may remain home or return home; creating s. 39.4531, F.S.; providing membership and duties of citizen review panels; amending s. 39.455, F.S.; providing immunity from liability for members of citizen review panels; amending s. 39.456, F.S.; correcting a cross-reference; amending s. 39.461, F.S.; specifying when a petition for termination of parental rights may be filed; amending s. 39.464, F.S.; revising grounds for termination of parental rights; amending ss. 39.465, 39.466, F.S.; correcting references; amending s. 39.467, F.S.; requiring the court, in an adjudicatory hearing on termination, to consider the specified grounds for termination and the manifest best interests of the child; specifying factors to be used in considering the manifest best interests of the child; amending ss. 39.468, 39.469, F.S.; correcting cross-references; amending s. 39.473, F.S.; providing additional parties who may appeal from orders relating to termination of parental rights; amending s. 216.136, F.S.; providing additional duties of the Social Services Estimating Conference; specifying duties of the Department of Health and Rehabilitative Services; establishing the Child Welfare System Estimating Conference; providing duties; providing for principal participants; amending s. 232.02, F.S.; restricting availability of home education programs to meet school attendance requirements; amending ss. 393.063, 394.455, 396.032, 397.021, 400.462, F.S.; expanding the definition of "screening" with respect to caretakers of the developmentally disabled, mental health personnel, alcoholism and drug dependency treatment resource personnel, and home health agency personnel; specifying who must conduct assessments of employment history checks and checks of references; creating s. 402.26, F.S.; providing legislative intent with respect to child care; creating s. 402.3015, F.S.; providing purpose of the subsidized child care program; providing for fees; providing for transitional child care; amending s. 402.302, F.S.; revising the definition of "family day care home"; providing criteria for provision of care; expanding the definition of "screening" with respect to family day care homes; specifying who must conduct assessments of employment history checks and checks of references; amending s. 402.305, F.S.; revising and increasing minimum staff training requirements for certain child care personnel; providing additional exemptions; providing for evaluation of requirements and procedures; providing pediatric cardiopulmonary training standards for such persons; requiring at least one person trained in pediatric cardiopulmonary resuscitation to be present in a facility when children are present; providing firesafety standards for facilities operated in public schools and for certain before-school and after-school child care

programs; amending s. 402.3055, F.S.; providing additional contents of applications for child care licenses and applications for child care employment; amending s. 402.310, F.S.; providing an additional administrative fine for violations that cause death or serious harm to a child in care; amending s. 402.313, F.S.; requiring licensure of certain family day care homes; authorizing certain voluntary licensure; creating s. 402.3135, F.S.; providing for a subsidized child care case management program for certain children and their families; providing duties and responsibilities; providing for program evaluation; creating s. 402.3145, F.S.; providing for a subsidized child care transportation program for certain children; providing requirements; creating s. 409.146, F.S.; directing the Department of Health and Rehabilitative Services to establish a children, youth, and families client and management information system; providing system requirements; providing duties of the department; requiring quarterly and annual reports; providing for staff training; providing timeframes; amending s. 409.175, F.S.; expanding the definition of "screening" with respect to family foster homes, residential child-caring agencies, and child-placing agencies; specifying who must conduct assessments of employment history checks and checks of references; amending s. 409.178, F.S.; modifying limitations on grants to employers participating in the Child Care Partnership Act; providing priority considerations; providing for biennial reports; amending s. 415.102, F.S.; providing definitions; amending s. 415.103, F.S.; allowing the Department of Health and Rehabilitative Services to share information with other states on adult maltreatment; specifying information to be given to any subject of an investigation; providing notice and content of report classification; providing for appeals procedures; providing a schedule for requesting reports, submitting written comments, and requesting amendment or expunction of records; providing circumstances under which a proposed confirmed report is reclassified as a confirmed report; amending s. 415.104, F.S.; providing that an alleged perpetrator may be represented by counsel; conforming language; limiting use of warnings, reprimands, or disciplinary actions; amending s. 415.107, F.S.; providing for release of certain records involving the death of aged adult or disabled person as a result of abuse or neglect or exploitation; specifying who may have access to certain reports; authorizing additional searches of the abuse registry; conforming language; amending s. 415.1102, F.S.; requiring development of a statewide data bank of volunteer long-term care experts; providing for use of such volunteers in investigations; amending s. 415.111, F.S.; requiring state attorneys to establish procedures to facilitate the prosecution of offenses relating to failure to report abuse or neglect of aged persons or disabled adults; amending s. 415.503, F.S.; providing definitions; amending s. 415.504, F.S.; allowing the Department of Health and Rehabilitative Services to share information with other states on child maltreatment; specifying information to be given to any subject of an investigation; providing notice and content of report classification; providing for appeals procedures; providing a schedule for requesting reports, submitting written comments, and requesting amendment or expunction of records; providing circumstances under which a proposed confirmed report is reclassified as a confirmed report; amending s. 415.505, F.S.; providing that an alleged perpetrator may be represented by counsel; providing for immediate commencement of investigations in certain institutional child abuse cases; specifying information to be provided to subjects of child abuse investigations; requiring the Department of Health and Rehabilitative Services and the Department of Education to develop a protocol for investigations; conforming language; amending s. 415.5055, F.S.; providing for confidentiality of records of child protection teams; providing exceptions; providing for review and repeal; amending s. 415.51, F.S.; conforming language; providing for release of certain records involving the death of a child as a result of abuse or neglect; specifying who may have access to certain reports; providing for confidentiality; providing for review and repeal; amending s. 415.511, F.S.; providing immunity from civil or criminal liability for good faith child abuse reports; amending s. 415.513, F.S.; requiring state attorneys to establish procedures to facilitate the prosecution of offenses relating to failure to report abuse or neglect of children; amending s. 427.011, F.S.; including certain children in the definition of "transportation disadvantaged"; amending s. 959.001, F.S.; expanding the definition of "screening" with respect to youth services personnel; specifying who must conduct assessments of employment history checks and checks of references; amending s. 959.06, F.S.; correcting a cross-reference; amending s. 2, ch. 89-288, Laws of Florida; changing the name of the Task Force on Child Abuse and Child Neglect Reports to the Task Force on Abuse, Neglect, and Exploitation Reports; extending the life of the task force; providing for additional members; providing additional duties; reenacting ss. 402.3055(5)(a), 402.311, 402.312(3), 402.3125(5)(b), F.S., to incorporate the amendment to s. 402.310, F.S., in references thereto; providing for a study of sexual abuse among foster children; providing effective dates.

By the Committee on Judiciary-Criminal and Senator Stuart—

CS for SB 3000—A bill to be entitled An act relating to hate crimes; amending s. 775.085, F.S.; revising elements of the offense to provide for enhanced penalties when the commission of a criminal offense evidences prejudice based on sexual orientation; amending s. 877.19, F.S., the "Hate Crimes Reporting Act," to conform; providing an effective date.

By the Committees on Governmental Operations and Education and Senator Johnson—

CS for CS for SB 3006—A bill to be entitled An act relating to education; creating the Florida Instructional Technology Grant Act; providing legislative findings; creating the Instructional Technology Grant Program; providing for allocation of funds; providing requirements for approval; requiring adoption of forms; providing for a grant review panel; providing for future repeal and review of such grant review panel pursuant to s. 11.611, F.S., the Sundown Act; providing for use of funds; providing for Department of Education assistance; requiring annual reports; amending s. 231.613, F.S.; including computer literacy as a subject area at teacher inservice training institutes; amending s. 229.575, F.S.; revising provisions relating to the commissioner's annual report on the status of the state system of education; providing that such report must be filed with the State Board of Education by a specified date each year; requiring the State Board of Education and the Department of Health and Rehabilitative Services to jointly establish full-service schools to serve students from schools that have a high population of students in need of medical and social services; requiring each local private industry council created pursuant to the Job Training Partnership Act to provide dropout prevention services to participants under the act and to others under specified conditions; creating the Small School Task Force consisting of members appointed by the Governor to conduct research to determine the optimum public school size; requiring the task force to report its finding to the Governor, the Legislature, and the State Board of Education; providing for the abolition of the task force; providing an effective date.

By the Committee on Health Care and Senator Malchon—

CS for SB 3010—A bill to be entitled An act relating to the Medicaid program, repealing ss. 409.266, 409.2662, 409.2663, 409.2664, 409.267, 409.2671, 409.268, F.S.; revising provisions relating to the state Medicaid program; designating the Department of Health and Rehabilitative Services as the single state agency for administration of the Medicaid program; specifying those persons who may be eligible for the Medicaid program; enumerating those federally mandated and optional services covered by the Medicaid program; establishing the requirements for contracts for those persons qualifying to provide Medicaid services and specifying civil and criminal penalties for filing false or incorrect information; establishing reimbursement standards for payment under the Medicaid program; authorizing cost-effective purchasing of care, including contracts with prepaid group practices and establishment of waiver programs; setting forth criteria for oversight of goods and services to protect the integrity of the Medicaid program and providing authority to take appropriate action; authorizing agreements between the department and other entities to further health insurance coverage for citizens of this state; requiring county contributions on behalf of certain persons covered by the Medicaid program, including the establishment of limits thereon and methods for collection; requiring Medicaid payment to be considered payment of last resort and establishing criteria for recovery of payments or avoidance of liability; authorizing the Auditor General to conduct a statewide program of Medicaid fraud control and establishing standards and criminal penalties; providing for the Public Medical Assistance Trust Fund; amending s. 110.123, F.S., relating to the state group insurance program; s. 154.011, F.S., relating to primary care services; s. 394.4787, F.S., relating to definitions applicable to provision of acute care mental health services; s. 395.01465, F.S., relating to emergency care hospitals; s. 400.126, F.S., relating to receivership of nursing home facilities; s. 400.18, F.S., relating to closing of nursing facilities; s. 400.332, F.S., relating to certain funds received by a nursing home for participation in the geriatric outpatient nurse clinic program; s. 407.51, F.S., relating to hospital budgets; s. 409.2673, F.S., relating to the shared county and state health care program for low-income persons; s. 409.345, F.S., relating to public assistance payments as debt of the recipient; s. 409.701, F.S., the Florida Small Business Health Access Corporation Act; s. 410.036, F.S., relating to eligibility for home care for disabled adults and the elderly; s. 624.424, F.S., relating to statements and records of insurers; s. 627.736, F.S., relating to personal injury protection benefits; s. 631.813, F.S., relating to application of the Florida Health Maintenance Organization Consumer Assistance Plan; s. 641.261, F.S., relating to reporting requirements of health

maintenance organizations; s. 641.31, F.S., relating to health maintenance contracts; s. 641.411, F.S., relating to reporting requirements of prepaid health clinics; s. 768.73, F.S., relating to punitive damages; s. 895.02, F.S., relating to definitions under the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; conforming cross-references in said sections to changes by this act or deleting from said sections cross-references made obsolete by this act; providing an effective date.

By the Committee on Governmental Operations and Senator Thurman—

CS for SB 3036—A bill to be entitled An act relating to the Parole Commission; amending ss. 947.04, 947.06, F.S.; requiring the commission to conduct its meetings in various locations in the state; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senator Kirkpatrick—

CS for SB 3124—A bill to be entitled An act relating to Alachua County; amending ss. 1(1), (2)(a), 3(2)(b), ch. 84-388, Laws of Florida, as amended by s. 1, ch. 86-342, Laws of Florida; providing that deputy sheriffs are deemed public employees and enjoy all rights granted public employees by law, including the protections afforded to law enforcement officers by pt. VI, ch. 112, F.S., and the right to engage in collective bargaining; repealing a provision relating to the rehiring of sheriff's employees who have been placed on disciplinary probation for periods of 6 months or more; eliminating the requirement that the sheriff review all complaints against employees and permitting the sheriff to review such complaints at his discretion; providing an effective date.

Proof of publication of the required notice was attached.

By the Committee on Finance, Taxation and Claims—

CS for SB 3194—A bill to be entitled An act relating to the Taxation and Budget Reform Commission; amending s. 101.161, F.S.; including proposals submitted by the commission in provisions relating to constitutional amendment ballot language; creating s. 286.036, F.S.; authorizing the commission to employ personnel, incur expenses, and expend funds; providing for travel and per diem expenses; providing for state agencies and local governments to assist and cooperate with the commission; providing for expiration of the commission; assigning the commission to the Board of Regents for administrative purposes; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Dudley, by two-thirds vote Senate Bills 722, 2552, 2762 and 2896 were withdrawn from the committees of reference and further consideration.

On motion by Senator Brown, by two-thirds vote SB 66 was withdrawn from the committee of reference and further consideration.

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 215, CS for HB 1787, has passed as amended CS for HB 1151, HB 2961 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Judiciary and Representative Rojas and others—

CS for HB 215—A bill to be entitled An act relating to immunity from liability; creating s. 768.075, F.S.; providing civil immunity to owners of interests in real property, and their agents, with respect to death of or injury or damage to trespassers in certain circumstances; providing an effective date.

(Substituted for SB 126 on the special order calendar this day.)

By the Committee on Criminal Justice and Representative Sander-son—

CS for HB 1787—A bill to be entitled An act relating to lost or abandoned property; amending s. 705.103, F.S.; specifying when notice of intended disposition of property must be published; amending s. 705.104, F.S.; specifying when title to lost or abandoned property vests in the finder; reenacting s. 713.585(6), F.S., to incorporate the amendment to s. 705.103, F.S., in a reference thereto; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Health Care and Representative Mims—

CS for HB 1151—A bill to be entitled An act relating to automatic external defibrillators; creating s. 401.291, F.S.; providing legislative intent; providing for use of automatic or semiautomatic defibrillators by certain persons; specifying training requirements; providing responsibilities of emergency medical services medical directors in authorizing use or approving another physician's authorization for use of such equipment; requiring emergency medical services medical directors to establish policies and procedures for such use; providing for review and repeal; providing an effective date.

—was referred to the Committee on Health Care.

By Representative Clements and others—

HB 2961—A bill to be entitled An act relating to motor vehicle insurance; creating s. 627.0653, F.S.; requiring the Department of Insurance to adopt rules to provide for the reduction of premium charges for comprehensive coverage of a motor vehicle equipped with an antitheft device or a motor vehicle recovery system or both; providing an effective date.

—was referred to the Committee on Insurance.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 666, CS for SB 718, SB 806, CS for SB 916, CS for SB 940, CS for SB 1260, CS for SB 1562, SB 1570, CS for SB 1820, CS for SB 1834, and SB 1962.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

Motion

On motion by Senator Souto, the rules were waived and **CS for SB 198** which passed May 17 was ordered immediately certified to the House.

Senator Peterson presiding

SPECIAL ORDER

On motions by Senator Souto, by two-thirds vote CS for HB 71 was withdrawn from the Committees on Agriculture and Appropriations.

On motion by Senator Souto—

CS for HB 71—A bill to be entitled An act relating to agriculture; creating the Florida Tropical Fruit Policy Act; providing legislative declarations and findings; creating the Tropical Fruit Advisory Council; providing for council membership, terms of office, meetings, and responsibilities; requiring the development of a South Florida Tropical Fruit Plan; directing the Commissioner of Agriculture to submit the plan to specified officials; specifying contents of the plan; requiring an annual progress report and budget request; requiring biennial revision and update of the plan; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 68 and read the second time by title. On motion by Senator Souto, by two-thirds vote CS for HB 71 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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|--------------|-----------|-----------|----------------|
| Beard | Forman | Malchon | Stuart |
| Brown | Girardeau | Margolis | Thomas |
| Bruner | Gordon | McPherson | Thurman |
| Casas | Grant | Meek | Walker |
| Childers, D. | Grizzle | Myers | Weinstein |
| Davis | Jennings | Peterson | Weinstock |
| Deratany | Johnson | Plummer | Woodson-Howard |
| Diaz-Balart | Kiser | Scott | |
| Dudley | Langley | Souto | |

Nays—None

Vote after roll call:

Yea—W. D. Childers, Kirkpatrick

SB 40—A bill to be entitled An act relating to educational finance; amending s. 212.055, F.S., and creating s. 236.76, F.S.; providing for distribution of the local government infrastructure surtax to school districts; providing for expenditure of proceeds; providing a definition; providing an effective date.

—was read the second time by title.

Senator Johnson moved the following amendments which were adopted:

Amendment 1—On page 1, line 11, strike everything after the enacting clause and insert:

Section 1. Paragraph (o) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by part I of this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by part I of this chapter transactions involving:

a. Sales or leases directly to churches, *sales directly to a church officer who is acting in an official capacity as a representative of the church and who is making a purchase on behalf of the church exclusively for church purposes*, or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code, 1986, as amended, which owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public.

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code, 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer manpower to organizations designated as charitable institutions hereunder.

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association or the American Dental Association. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.801 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or s. 501(c)(19) of the Internal Revenue Code.

Section 2. Paragraphs (c), (d), and (e) of subsection (2) of section 212.055, Florida Statutes, 1988 Supplement, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(c) Pursuant to s. 212.054(4), the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within such county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, *which agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, pursuant to s. 236.76*; or

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

(d)1. The proceeds of the surtax authorized by this subsection and any interest accrued thereto shall be expended *by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure.* Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure. Counties, as defined in s. 125.011(1), may, in addition, use the proceeds to retire or service indebtedness incurred for bonds issued prior to July 1, 1987, for infrastructure purposes.

2. For the purposes of this paragraph, "infrastructure" means any fixed capital expenditure or fixed capital costs associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

(e) *School districts, counties, and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law.* Local governments may use the services of the Division of Bond Finance of the Department of General Services pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. In no case may a jurisdiction issue bonds pursuant to this subsection more frequently than once per year. Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

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

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to taxation; amending s. 212.08, F.S.; exempting certain purchases made on behalf of churches or for church purposes from sales taxes; amending s. 212.055, F.S.; providing for distribution of the local government infrastructure surtax to school districts; providing for expenditure of proceeds; providing a definition; providing an effective date.

On motion by Senator Johnson, by two-thirds vote SB 40 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Dudley, the rules were waived and **SB 40** was ordered immediately certified to the House.

CS for CS for SB 60—A bill to be entitled An act relating to drivers' licenses; amending s. 322.271, F.S.; providing additional requirements under which the Department of Highway Safety and Motor Vehicles may reinstate, for business or employment purposes, a driver's license that has been revoked under specified circumstances; providing requirements under which the department may reinstate, for employment purposes, a driver's license that has been permanently revoked; providing requirements for retaining such license; conforming language; providing an effective date.

—was read the second time by title.

Senator Weinstein moved the following amendments which were adopted:

Amendment 1—On page 4, line 29, strike said line and insert:

Section 2. Section 322.15, Florida Statutes, is amended to read:

322.15 License to be carried and exhibited on demand; *fingerprnt to be imprinted upon a citation.*—

(1) Every licensee shall have his operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon the demand of a *law enforcement officer or an authorized representative patrol officer, peace officer, or field deputy or inspector* of the department.

(2) *Any person who fails to display a driver's license as required by subsection (1) shall, upon request of the law enforcement officer or authorized representative of the department, allow his fingerprint to be imprinted upon any citation issued by the officer or authorized representative.*

(3)(2) No person charged with violating this section shall be convicted if, prior to or at the time of his court or hearing appearance, he produces in court or to the clerk of the court in which the charge is pending a driver's license theretofore issued to him and valid at the time of his arrest. The clerk of the court is authorized to dismiss such case at any time prior to the defendant's appearance in court. The clerk of the court may assess a fee of \$5 for dismissing the case under this subsection.

(4)(3) In relation to violations of s. 322.03(5) or s. 322.15(1), persons who cannot supply proof of a valid driver's license for the reason that the license was suspended for failure to comply with that citation shall be issued a suspension clearance by the clerk of the court for that citation upon payment of the applicable penalty and fee for that citation. If proof of a valid driver's license is not provided to the clerk of the court within 30 days, the person's driver's license shall again be suspended for failure to comply.

Section 3. Effective April 1, 1991, subsection (1) of section 322.15, Florida Statutes, as amended by section 38 of chapter 89-282, Laws of Florida, is reenacted to read:

322.15 License to be carried and exhibited on demand.—

(1) Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon the demand of a law enforcement officer or an authorized representative of the department.

Section 4. Except as otherwise expressly provided in this act, this act shall take effect October 1, 1990.

Amendment 2—In title, on page 1, line 13, after the semicolon (;) insert: amending s. 322.15, F.S.; requiring persons refusing to display a driver's license upon request of a law enforcement officer or representative of the Department of Highway Safety and Motor Vehicles to allow a fingerprint to be imprinted upon the citation;

On motion by Senator Girardeau, by two-thirds vote CS for CS for SB 60 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 2344—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.302, F.S.; removing the exception from certain federal regulations requiring drug testing; removing the exception from federal regulations concerning reporting of accidents; updating cross-references to the Code of Federal Regulations; conforming language to the terminology used in applicable federal law; revising restrictions on the maximum length of time an operator in intrastate commerce may drive without having a rest period or being off duty; imposing certain federal drug-testing requirements on a person who operates a commercial motor vehicle transporting agricultural products from farm to market or to first place of processing; providing restrictions on certain operators who transport hazardous materials, as defined; providing penalties; including the determination of compliance with hazardous materials regulations in the purposes for which motor carrier terminal audits may be conducted; amending s. 316.3025, F.S.; prohibiting a driver from driving while he is out-of-service or removed from driving status; providing penalties; increasing the amount of fines for certain violations; providing for liens on the property of motor carriers; expanding the list of property to which liens may attach; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for SB 2344 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for CS for SB 300—A bill to be entitled An act relating to medical examiners; amending s. 112.3145, F.S.; requiring district medical examiners to file disclosure of financial interests and clients represented before agencies; amending s. 406.06, F.S.; requiring district medical examiners to file an affidavit regarding financial interests or clients of associate medical examiners; specifying that district medical examiners and associate medical examiners are public officers for purposes of s. 112.313, F.S., and the standards of conduct prescribed thereunder; providing an effective date.

—was read the second time by title. On motion by Senator Woodson-Howard, by two-thirds vote CS for CS for SB 300 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 972—A bill to be entitled An act relating to medical practice; amending s. 458.313, F.S.; revising provisions for licensure by endorsement of physicians who are licensed in other jurisdictions; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote CS for SB 972 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Jennings, the rules were waived and **CS for SB 972** was ordered immediately certified to the House.

CS for SB 2472—A bill to be entitled An act relating to vehicles; amending s. 319.36, F.S., relating to the transportation of vehicles to destinations outside the United States; revising applicable definitions and terminology; repealing requirements that an application for a certificate of right of possession be notarized, that the required proof of ownership be surrendered upon application, and that the Department of Highway Safety and Motor Vehicles inspect equipment before issuing a certificate of right of possession for a vehicle; specifying acceptable evidence of right of possession; repealing a provision that provides that a certificate of right of possession be recognized as a basis for reapplication for a certificate of title for a vehicle upon reimportation of the vehicle; providing an effective date.

—was read the second time by title.

Senator Bankhead moved the following amendments which were adopted:

Amendment 1—On page 5, between lines 23 and 24, insert:

Section 2. Subsection (3) of section 319.225, Florida Statutes, is amended to read:

319.225 Transfer and reassignment forms; odometer disclosure statements.—

(3) Each certificate of title issued by the department must contain on its reverse side ~~as many a minimum of four~~ forms as space allows for reassignment of title by a licensed dealer as permitted by s. 319.21(2), which form or forms shall contain an odometer disclosure statement in the form required by 49 Code of Federal Regulations s. 580.5. When all dealer reassignment forms provided on the back of the title certificate have been filled in, a dealer may reassign the title certificate by using a separate dealer reassignment form issued by the department in compliance with 49 Code of Federal Regulations ss. 580.4 and 580.5, which form shall contain two carbon copies one of which shall be submitted directly to the department by the dealer within 5 business days after the transfer and one of which shall be retained by the dealer in his records for 5 years. The provisions of this subsection shall also apply to vehicles not previously titled in this state and vehicles whose title certificates do not contain the forms required by this section.

Section 3. Subsection (2) of section 319.30, Florida Statutes, is amended to read:

319.30 Dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.—

(2)(a) As used in this section:

1. A motor vehicle or mobile home is a "total loss":

a. When an insurance company pays the vehicle owner to replace the wrecked or damaged vehicle with one of like kind and quality or when an insurance company pays the owner upon the theft of the motor vehicle or mobile home; *a motor vehicle or mobile home shall not be considered a "total loss" if the insurance company and the owner agree to repair, rather than to replace, the motor vehicle or mobile home; or*

b. When an uninsured motor vehicle or mobile home that is wrecked or damaged and is defined to be a total loss when the cost, at the time of loss, of repairing or rebuilding the vehicle is 90 80 percent or more of the cost to the owner of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality.

2. A motor vehicle or mobile home is "salvage" when the frame or engine is removed from the motor vehicle or mobile home and not immediately replaced by another frame or engine or when the motor vehicle or mobile home is a total loss as defined in this paragraph.

3. "Junk" means any motor vehicle or mobile home, with or without all component parts, which is inoperable at the time of receipt by a junkyard, salvage yard, or scrap metal processing plant meeting the definition of a solid waste management facility in s. 403.703(10), which vehicle is in such condition that its highest or primary value is either as scrap material or as component parts or a combination of the two.

(b) The owner of any motor vehicle or mobile home which is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company which pays money as compensation for total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home and, within 72 hours after receiving such certificate of title, shall forward such title to the department for processing. The owner or insurance company, as the case may be, may not dispose of a vehicle or mobile home that is a total loss before it has obtained a salvage certificate of title from the department. When applying for a salvage certificate of title, the owner or insurance company must provide the department with an estimate of the costs of repairing the physical and mechanical damage suffered by the vehicle for which a salvage certificate of title is sought. If the estimated costs of repairing the physical and mechanical damage to the vehicle is equal to 90 80 percent or more of the current retail cost of the vehicle, as established in any the official used car or used mobile home guide of the National Automobile Dealers Association, the department shall declare the vehicle unrebuildable and print notice on the salvage certificate of title that the vehicle is unrebuildable; and, thereafter, the department shall refuse issuance of any certificate of title for that vehicle. Nothing in this subsection shall be applicable when a stolen motor vehicle or mobile home is recovered in substantially intact condition and is readily resalable without extensive repairs to or replacement of the frame or engine.

Section 4. Subsections (34) and (35) are added to section 320.01, Florida Statutes, to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(34) "Resident" means a person who has his principal place of domicile in this state for a period of more than 6 consecutive months, who has registered to vote in this state, who has made a statement of domicile pursuant to s. 222 17, or who has filed for homestead tax exemption on property in this state.

(35) "Nonresident" means a person who is not a resident.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 19, after the semicolon (;) insert: amending s. 319.225, F.S.; amending the required number of reassignment forms that a certificate of title must contain; amending s. 319.30, F.S.; defining the conditions under which a motor vehicle or mobile home is a "total loss"; amending s. 320.01, F.S.; defining the terms "resident" and "nonresident";

On motion by Senator Bankhead, further consideration of CS for SB 2472 as amended was deferred.

SB 2698—A bill to be entitled An act relating to county and municipal detention facilities; amending s. 951.23, F.S.; amending the definition of the term "reduced custody housing area"; providing for standards for temporarily housing certain inmates in reduced custody housing areas in specified circumstances; 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, line 23, after the period (.) insert: The sheriff or chief correctional officer shall provide that a reduced custody

housing area shall be governed by fire and life safety standards which do not interfere with the normal use of the facility and which effect a reasonable degree of compliance with rules of the State Fire Marshal for correctional facilities.

On motion by Senator Scott, by two-thirds vote SB 2698 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Table with 4 columns: Beard, Brown, Bruner, Casas, Childers, D., Childers, W. D., Crenshaw, Davis, Deratany, Diaz-Balart, Dudley, Forman, Gardner, Girardeau, Gordon, Grant, Grizzle, Jennings, Johnson, Kirkpatrick, Kiser, Langley, Malchon, Meek, Myers, Peterson, Plummer, Scott, Souto, Thomas, Thurman, Walker, Weinstein, Weinstock, Woodson-Howard

Nays—None

On motion by Senator Scott, the rules were waived and SB 2698 was ordered immediately certified to the House.

Consideration of CS for SB 1950 was deferred.

SB 620—A bill to be entitled An act relating to developments of regional impact; reducing certain thresholds for development-of-regional-impact review; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 620 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Table with 4 columns: Beard, Brown, Bruner, Casas, Childers, D., Childers, W. D., Crenshaw, Davis, Deratany, Diaz-Balart, Dudley, Forman, Gardner, Girardeau, Gordon, Grant, Grizzle, Jennings, Johnson, Kirkpatrick, Kiser, Langley, Malchon, Meek, Myers, Peterson, Thomas, Thurman, Walker, Weinstein, Woodson-Howard

Nays—None

Vote after roll call:

Yea—Souto, Weinstock

CS for SB 890—A bill to be entitled An act relating to the Wekiva River Protection Act; creating s. 369.309, F.S.; prohibiting the operation of airboats on the river system; providing a definition; providing exemptions; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote CS for SB 890 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Table with 4 columns: Bankhead, Beard, Brown, Bruner, Casas, Childers, D., Childers, W. D., Crenshaw, Davis, Deratany, Diaz-Balart, Dudley, Forman, Gardner, Girardeau, Gordon, Grant, Grizzle, Jennings, Johnson, Kirkpatrick, Kiser, Langley, Malchon, Myers, Peterson, Plummer, Souto, Thomas, Thurman, Walker, Weinstein, Woodson-Howard

Nays—None

CS for SB 218—A bill to be entitled An act relating to installment sales; amending s. 520.01, F.S.; renaming the Motor Vehicle Sales Finance Act; amending s. 520.02, F.S.; redefining the terms "holder," "retail buyer," "retail installment contracts," "retail installment seller," "retail installment transaction," and "sales finance company"; deleting reference to industrial banks; amending s. 520.03, F.S.; eliminating certain provisions requiring that retail installment sales license applications be made

under oath and that change of a licensee's location be noted upon the actual license; deleting reference to sales finance companies and industrial banks; increasing the maximum application and renewal fee; requiring that each seller maintain an agent within the state for service of process; amending s. 520.07, F.S.; removing reference to future adoptions of the federal Truth in Lending Act being incorporated within state law without legislative action; amending s. 520.08, F.S.; deleting reference to sales finance companies; amending s. 520.085, F.S.; correcting a reference to the act's short title; amending s. 520.12, F.S.; clarifying and updating certain penalty provisions; amending s. 520.125, F.S.; correcting a cross-reference; amending s. 520.13, F.S.; providing that waiver of certain provisions is unenforceable; amending s. 520.31, F.S.; defining the terms "holder" and "sales finance company"; amending s. 520.32, F.S.; eliminating certain provisions requiring that retail installment sales license applications be made under oath and that change of a licensee's location be noted upon the actual license; increasing the maximum application and renewal fee; requiring that each seller maintain an agent within the state for service of process; amending s. 520.34, F.S.; preventing future amendments to the federal Truth in Lending Act from being automatically incorporated; correcting a cross-reference; deleting the definition of "holder"; amending s. 520.35, F.S.; preventing future amendments to the federal Truth in Lending Act from being automatically incorporated; amending s. 520.39, F.S.; clarifying and updating certain penalty provisions; amending s. 520.51, F.S.; deleting current definitions and incorporating by reference definitions used in other parts of the act; amending s. 520.52, F.S.; eliminating certain provisions requiring that license applications be made under oath and that a change of a licensee's location be noted upon the actual license; deleting reference to industrial banks; increasing the maximum application and renewal fee; requiring that each seller maintain an agent within the state for service of process; amending s. 520.57, F.S.; clarifying and updating certain penalty provisions; amending s. 520.61, F.S.; deleting reference to "industrial savings banks"; providing that the birthday of Dr. Martin Luther King, Jr., is a public holiday for the purposes of the definition of "business day"; deleting reference to the term "contractor" and replacing it with the term "finance seller"; defining the terms "holder" and "retail installment transaction"; deleting the definition for the term "home improvement seller"; amending s. 520.63, F.S.; prescribing the types of business for which a person must obtain a license from the Department of Banking and Finance; eliminating certain provisions requiring that license applications be made under oath and that a change of a licensee's location be noted upon the actual license; increasing the maximum application and renewal fee; requiring that each seller maintain an agent within the state for service of process; amending s. 520.68, F.S.; deleting reference to the term "contractor" and inserting the term "finance seller"; amending s. 520.70, F.S.; providing certain restrictions upon employees of a seller; deleting reference to the term "contractor" and inserting the term "finance seller"; amending s. 520.71, F.S.; deleting reference to the terms "contractor," "seller," and "finance agency" and inserting the term "finance seller"; amending s. 520.72, F.S.; deleting reference to the term "contractor" and inserting the term "finance seller"; amending s. 520.73, F.S.; clarifying certain disclosures requirements and preventing future amendments to the federal Truth in Lending Act from being automatically incorporated; deleting the term "contractor" and inserting the term "finance seller"; amending s. 520.74, F.S.; deleting reference to the term "contractor" and inserting the term "finance seller"; amending s. 520.76, F.S.; clarifying the maximum rates which may be charged for certain insurance; deleting reference to the term "contractor" and inserting the term "finance seller"; amending s. 520.78, F.S.; increasing the maximum allowable finance charge; amending s. 520.81, F.S.; deleting reference to the term "contractor" and inserting the term "finance seller"; amending s. 520.85, F.S.; deleting reference to the term "contractor" and inserting the term "finance seller"; removing the \$5 maximum upon delinquency fees; amending s. 520.88, F.S.; clarifying the type of license required to transfer an obligation connected with a home improvement contract; deleting reference to the term "contractor" and inserting the term "finance seller"; amending s. 520.90, F.S.; deleting reference to the term "contractor" and inserting the term "finance seller"; deleting reference to the term "salesman" and to the requirement that the department be notified as to the appointment of any salesman; amending s. 520.92, F.S.; deleting reference to the term "contractor" and inserting the term "finance seller"; amending s. 520.98, F.S.; clarifying and updating certain penalty provisions; deleting reference to the terms "contractor" and "home improvement finance agency" and inserting the terms "finance seller" and "sales finance company," respectively; creating a new part V; creating s. 520.993, F.S.; providing definitions; creating s. 520.994, F.S.; providing powers of the Department of Banking and Finance; creating s. 520.995, F.S.; defin-

ing disciplinary violations; prescribing penalties; creating s. 520.996, F.S.; providing for investigative powers of the department; providing a limited exemption from as well as review of such exemption in accordance with the Open Government Sunset Review Act; creating s. 520.997, F.S.; providing requirements for the maintenance of books, accounts, and records; creating s. 520.998, F.S.; providing for all collected fees and fines to be deposited in the State Treasury to the credit of the Division of Finance's Regulatory Trust Fund; reviving and readopting portions of ch. 520, F.S., notwithstanding its scheduled repeal on October 1, 1990, pursuant to chs. 81-318, 82-77, and 86-286, Laws of Florida; providing for future repeal and review pursuant to the Regulatory Sunset Act; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendment which was adopted:

Amendment 1—On page 47, strike line 8 and insert: shall not exceed \$250 per 8-hour day for each examiner. Such examination fee shall be calculated on an hourly basis and shall be rounded to the nearest hour. The licensee

On motion by Senator D. Childers, by two-thirds vote CS for SB 218 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crenshaw, Kirkpatrick

On motions by Senator W. D. Childers, by two-thirds vote HB 3589 was withdrawn from the Committees on Insurance and Appropriations.

On motion by Senator W. D. Childers—

HB 3589—A bill to be entitled An act relating to bail bondsmen and runners regulation; amending s. 648.25, F.S.; revising definitions; amending ss. 648.26 and 648.265, F.S.; changing the name of the Bail Bond Regulatory Board to the Bail Bond Advisory Council; deleting obsolete language; amending s. 648.266, F.S., to conform; amending s. 648.27, F.S.; revising requirements relating to the licensure and appointment of managing general agents, bail bondsmen, and runners; amending s. 648.29, F.S.; providing requirements for build-up funds posted by bail bondsmen or managing general agents; creating s. 648.295, F.S.; providing reporting and accounting requirements for licensees; amending s. 648.30, F.S.; requiring licensure and appointment of bail bondsmen and runners; amending s. 648.31, F.S.; providing appointment taxes and fees; amending s. 648.315, F.S.; providing requirements for reapplication for licensure; amending s. 648.33, F.S.; deleting provisions requiring the Department of Insurance to notify the Bail Bond Regulatory Board of bail bond rate filings; amending ss. 648.34 and 648.35, F.S.; revising requirements for application for licensure as a bail bondsman; amending s. 648.36, F.S.; requiring maintenance of certain records; amending s. 648.365, F.S.; requiring the reporting of specified information to the Department of Insurance; amending s. 648.37, F.S.; providing requirements for licensure as a runner; amending s. 648.38, F.S.; revising examination requirements for licensure as a bail bondsman; creating s. 648.381, F.S.; providing reexamination requirements; creating s. 648.382, F.S.; providing requirements for the appointment of bail bondsmen and runners; creating s. 648.383, F.S.; providing for renewal of such appointments; creating s. 648.384, F.S.; providing for the expiration of appointment as a bail bondsman or runner; amending s. 648.388, F.S.; requiring appointment for managing general agents; amending s. 648.39, F.S.; providing for termination of appointment; amending s. 648.40, F.S.; requiring licensed professional bondsmen to apply for appointment; amending s. 648.41, F.S.; providing for termination of appointment as a runner; amending s. 648.42, F.S.; revising requirements for registration of bail bondsmen with sheriffs and

court clerks; amending s. 648.421, F.S.; providing requirements for notice of change of address or telephone number; amending s. 648.43, F.S., to conform; amending s. 648.44, F.S.; providing additional prohibitions for bail bondsmen and runners; amending s. 648.441, F.S.; clarifying prohibiting certain furnishing of supplies to unlicensed bail bondsmen; amending s. 648.442, F.S.; providing requirements for collateral security received by bail bondsmen; amending s. 648.4425, F.S.; requiring a bail bondsman to provide notice of the name, address, and telephone number of the Department of Insurance to certain persons; amending s. 648.45, F.S.; providing additional circumstances under which the department may suspend a license or appointment; amending s. 648.46, F.S.; providing for disciplinary actions under ch. 120, F.S.; authorizing the council to review disciplinary actions taken by the department; amending s. 648.48, F.S.; removing certain powers of the board with respect to witnesses and evidence; amending ss. 648.49 and 648.50, F.S.; increasing the period of time during which a license may be suspended or revoked; providing for the suspension or revocation of an appointment; providing a penalty; amending s. 648.51, F.S.; deleting obsolete provisions; amending s. 648.52, F.S.; authorizing the department to issue fines in lieu of a suspension or revocation of an appointment; amending s. 648.53, F.S.; providing for probation in addition to other fines and penalties; amending s. 648.55, F.S.; providing requirements for the appointment of bail bondsmen; amending s. 648.57, F.S.; providing penalties; amending s. 648.571, F.S.; requiring return of certain collateral; authorizing certain expenses to be deducted from the collateral held as security for a bond; amending s. 648.573, F.S., to conform; creating s. 648.58, F.S.; providing for injunctions and restraining orders; repealing s. 648.32, F.S., relating to initial licensure under the chapter; saving ch. 648, F.S., from Sunset repeal; providing for future review and repeal; amending s. 624.01, F.S.; providing that ch. 648, F.S., is part of the Insurance Code; providing an effective date.

—a companion measure, was substituted for CS for SB 1440 and read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 3589 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator D. Childers, by two-thirds vote HB 3429 was withdrawn from the Committee on Commerce.

On motion by Senator D. Childers—

HB 3429—A bill to be entitled An act relating to securities regulation; amending s. 517.021, F.S.; providing definitions; amending s. 517.051, F.S.; limiting the scope of an exemption from the registration requirement; amending s. 517.061, F.S.; limiting the scope of provisions exempting certain transactions; authorizing the exemption of persons selling exempt securities from registration requirements; amending s. 517.082, F.S.; providing additional securities that may be registered by notification; amending s. 517.111, F.S.; providing additional grounds for suspension or revocation of a registration; authorizing denial of a request to terminate a registration or withdraw an application for registration; amending s. 517.12, F.S.; expanding requirements for registration of dealers, associated persons, investment advisers, and branch offices; providing for registration of certain out-of-state persons who sell securities to persons in the state; providing additional requirements for registration of associated persons; requiring that persons registered as securities dealers also be registered with the Securities and Exchange Commission; amending s. 517.121, F.S.; expanding applicability of record-keeping requirements; amending s. 517.122, F.S.; requiring agreements providing for arbitration to give the aggrieved party the option of arbitration before a panel of nonindustry members; amending s. 517.131, F.S.; deleting an antiquated date; amending s. 517.161, F.S.; providing additional grounds for revocation, denial, or suspension of a dealer, investment adviser, asso-

ciated person, or branch office; amending s. 517.201, F.S.; providing a limited exemption from the Sunset Review Act; amending s. 517.211, F.S.; providing a cross reference; amending s. 517.302, F.S.; deleting an antiquated date; saving ch. 517, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 1442 and read the second time by title.

On motion by Senator D. Childers, further consideration of **HB 3429** was deferred.

CS for SB 2748—A bill to be entitled An act relating to higher education; amending s. 240.209, F.S.; directing the Board of Regents to quickly disburse financial aid generated from student fees; restricting the carry-forward of unexpended fees; amending s. 240.35, F.S.; directing community colleges to quickly disburse financial aid generated from student fees; restricting the carry-forward of unexpended fees; reviving and readopting s. 240.209, F.S., relating to powers and duties of the Board of Regents, notwithstanding repeal scheduled under the Regulatory Sunset Act; providing an effective date.

—was read the second time by title.

Senator Peterson offered the following amendments which were moved by Senator Johnson and adopted:

Amendment 1—On page 1, line 31, strike “No more” and insert: *An amount not greater*

Amendment 2—On page 2, strike all of lines 18-21 and insert: *the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.*

Section 3. From the funds collected by universities and community colleges for financial aid for students with need and from other funds appropriated by the Legislature for need-based financial aid from the Educational Enhancement Trust Fund, not less than 80 percent is to be used to award aid to students who do not qualify for institutional, state, or federal merit-based student financial aid.

(Renumber subsequent sections.)

Senator D. Childers moved the following amendment which was adopted:

Amendment 3—On page 2, between lines 26 and 27, insert:

Section 4. Section 240.4076, Florida Statutes, is created to read:

240.4076 Law enforcement officer student loan forgiveness program.—

(1) In order to encourage qualified personnel to seek employment as law enforcement officers in this state, there is established the law enforcement officer student loan forgiveness program. The primary function of the program is to make repayments towards loans received by students from federal programs or commercial lending institutions for the support of postsecondary education.

(2) From the funds available, the Criminal Justice Standards and Training Commission is authorized to make loan principal repayments as follows:

(a) Up to \$2,500 a year for up to 4 years on behalf of baccalaureate degree recipients who are employed as law enforcement officers in this state, as defined in s. 943.10.

(b) All repayments shall be contingent on continued proof of employment as a law enforcement officer in this state and shall be made directly to the holder of the loan. The state shall not bear responsibility for the repayment of any interest charges or other remaining balance.

(3) The Criminal Justice Standards and Training Commission is authorized to adopt rules necessary for the administration of the program.

(Renumber subsequent section.)

Senator Peterson offered the following amendment which was moved by Senator Johnson and adopted:

Amendment 4—On page 2, strike all of lines 27 and 28 and insert:

Section 3. The Auditor General shall conduct a program and financial audit of the Florida Public Student Assistance Grant Program, pursuant to section 240.409, Florida Statutes, the Florida Private Student Assistance Grant Program, pursuant to section 240.4095, Florida Statutes, and the Florida Postsecondary Student Assistance Grant Program, pursuant to section 240.4097, Florida Statutes. The program audit shall examine and make recommendations concerning the feasibility of decentralizing administration of these three financial aid programs. The audit shall be submitted to the Legislature by December 15, 1990.

Section 4. (1) There is established a Florida Student Financial Aid Task Force which shall submit recommendations for the improvement of the state's student financial assistance programs.

(2) The task force shall consist of 12 members to be appointed as follows:

- (a) One lay person appointed by the Governor;
- (b) One lay person appointed by the President of the Senate;
- (c) One lay person appointed by the Speaker of the House of Representatives;
- (d) Two representatives of the Florida Council of Student Financial Aid Advisors appointed by the Commissioner of Education;
- (e) Two representatives of the State University System appointed by the Board of Regents;
- (f) Two representatives of the State Community College System appointed by the State Board of Community Colleges;
- (g) Two representatives of independent colleges or universities appointed by the State Board of Independent Colleges and Universities; and
- (h) One representative of the Postsecondary Education Planning Commission appointed by the chairman of the commission.

(3) The Commissioner of Education shall call the first meeting of the task force and serve as chairperson until a permanent chairperson is selected by the members. The task force is assigned to the Department of Education for administrative purposes, and the department shall provide staff for the task force.

(4) The responsibilities of the task force shall include, but are not limited to:

- (a) Recommendations on consolidating existing financial aid programs to simplify the application and award process by examining such concerns as differential application dates, duplication in paperwork, and lead-in periods for new financial aid legislation;
 - (b) Assessment of the feasibility of electronic transfer of selected student record information;
 - (c) Suggestions to reduce student loan indebtedness;
 - (d) Recommendations on improving financial aid preservice and inservice staff training opportunities; and
 - (e) Development of a pilot project to implement a decentralized student assistance grant program among a sample of community colleges and public and private colleges and universities, if that is the recommendation of the Auditor General.
- (5) Members of the task force are entitled to per diem and travel expenses pursuant to section 112.061, Florida Statutes.
- (6) The task force shall submit a report and recommendations to the President of the Senate and the Speaker of the House of Representatives on or before February 1, 1991, and is abolished immediately thereafter.

Section 5. This act shall take effect upon becoming a law.

Senator Johnson moved the following amendments which were adopted:

Amendment 5—On page 2, between lines 26 and 27, insert:

Section 4. Section 2 of chapter 78-94, Laws of Florida, as amended by section 45 of chapter 84-336, Laws of Florida, is amended to read:

Section 2. The provisions of chapter 230, Florida Statutes, or any other provision of general law to the contrary notwithstanding, Sarasota County is hereby included within the Manatee County Community College District. The provisions of this section shall not be deemed to affect the membership of the Board of Trustees of the Manatee County Community College District, which shall be 7 ~~remain~~ 5 members and shall be appointed pursuant to rule of the State Board of Education. ~~One member shall be a resident of Sarasota County, and 4 members shall be residents of Manatee County.~~

Amendment 6—In title, on page 1, line 13, after the semicolon (;) insert: amending section 2 of chapter 78-94, Laws of Florida, as amended; revising the membership of the Board of Trustees of the Manatee County Community College District;

Senator Peterson offered the following amendments which were moved by Senator Johnson and adopted:

Amendment 7—In title, on page 1, line 10, after the semicolon (;) insert: providing requirements for the distribution of specified financial aid funds;

Amendment 8—In title, on page 1, line 13, after the semicolon (;) insert: directing the Auditor General to conduct program and fiscal audits of specified state financial aid programs and make recommendations; creating the Florida Student Assistance Grant Task Force; providing task force membership; providing for staff support from the Department of Education; specifying the issues to be addressed by the task force; authorizing per diem and travel expenses for members; requiring the task force to submit reports;

Senator D. Childers moved the following amendment which was adopted:

Amendment 9—In title, on page 1, line 13, after the semicolon (;) insert: creating s. 240.4076, F.S.; establishing the law enforcement officer student loan forgiveness program; providing for repayment of student loans by the Criminal Justice Standards and Training Commission on behalf of baccalaureate degree recipients employed as law enforcement officers in this state; prescribing limits and exceptions; providing for adoption of rules;

On motion by Senator Johnson, by two-thirds vote CS for SB 2748 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Souto

CS for SB 2442—A bill to be entitled An act relating to licensing standards for child care personnel; amending s. 402.305, F.S.; providing pediatric cardiopulmonary training standards for such persons; requiring at least one person trained in pediatric cardiopulmonary resuscitation to be present in a facility when children are present; providing an effective date.

—was read the second time by title. On motion by Senator Bruner, by two-thirds vote CS for SB 2442 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

The Senate resumed consideration of—

CS for SB 2472—A bill to be entitled An act relating to vehicles; amending s. 319.36, F.S., relating to the transportation of vehicles to destinations outside the United States; revising applicable definitions and terminology; repealing requirements that an application for a certificate of right of possession be notarized, that the required proof of ownership be surrendered upon application, and that the Department of Highway Safety and Motor Vehicles inspect equipment before issuing a certificate of right of possession for a vehicle; specifying acceptable evidence of right of possession; repealing a provision that provides that a certificate of right of possession be recognized as a basis for reapplication for a certificate of title for a vehicle upon reimportation of the vehicle; providing an effective date.

—as amended.

On motion by Senator Bankhead, by two-thirds vote CS for SB 2472 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

On motion by Senator Bankhead, the rules were waived and **CS for SB 2472** was ordered immediately certified to the House.

The Senate resumed consideration of—

HB 3429—A bill to be entitled An act relating to securities regulation; amending s. 517.021, F.S.; providing definitions; amending s. 517.051, F.S.; limiting the scope of an exemption from the registration requirement; amending s. 517.061, F.S.; limiting the scope of provisions exempting certain transactions; authorizing the exemption of persons selling exempt securities from registration requirements; amending s. 517.082, F.S.; providing additional securities that may be registered by notification; amending s. 517.111, F.S.; providing additional grounds for suspension or revocation of a registration; authorizing denial of a request to terminate a registration or withdraw an application for registration; amending s. 517.12, F.S.; expanding requirements for registration of dealers, associated persons, investment advisers, and branch offices; providing for registration of certain out-of-state persons who sell securities to persons in the state; providing additional requirements for registration of associated persons; requiring that persons registered as securities dealers also be registered with the Securities and Exchange Commission; amending s. 517.121, F.S.; expanding applicability of record-keeping requirements; amending s. 517.122, F.S.; requiring agreements providing for arbitration to give the aggrieved party the option of arbitration before a panel of nonindustry members; amending s. 517.131, F.S.; deleting an antiquated date; amending s. 517.161, F.S.; providing additional grounds for revocation, denial, or suspension of a dealer, investment adviser, associated person, or branch office; amending s. 517.201, F.S.; providing a limited exemption from the Sunset Review Act; amending s. 517.211, F.S.; providing a cross reference; amending s. 517.302, F.S.; deleting an antiquated date; saving ch. 517, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

Senator D. Childers moved the following amendments which were adopted:

Amendment 1—On page 21, strike all of lines 23-31 and insert:

517.122 Arbitration.—Any agreement to provide services that are covered by this chapter, entered into after ~~October 1, 1990~~ ~~January 1, 1987~~, by a person required to register under this chapter, for arbitration of disputes arising under the agreement ~~shall may~~ provide to an aggrieved party the option of having arbitration before and pursuant to the rules of *the American Arbitration Association or other independent nonindustry arbitration forum as well as any industry forum* ~~the American Arbitration Association.~~

Amendment 2—In title, on page 1, lines 29-31, and on page 2, lines 1 and 2, strike all of said lines and insert: requirements; amending s. 517.122, F.S.; providing for mandatory notice of arbitration options; amending s. 517.131, F.S.; deleting an

On motion by Senator D. Childers, by two-thirds vote HB 3429 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator D. Childers, the rules were waived and **HB 3429** was ordered immediately certified to the House.

CS for SB 1950—A bill to be entitled An act relating to marine mammals; amending s. 370.12, F.S.; deleting provisions relating to the capture of marine mammals now regulated by federal law; authorizing special activity licenses of marine mammal holding facilities and establishing a fee for such licenses; authorizing special activity licenses for transport of marine mammals and establishing a fee for such licenses; establishing civil penalties; providing for payment of fees and civil penalties into the Marine Biological Research Trust Fund for research and management of marine mammals; authorizing actions for injunctive relief against violations of s. 370.12, F.S., or rules and regulations pursuant to that section; providing a condition precedent to any such action; providing guidelines to the court; providing for costs, attorney's fees, and venue; providing an appropriation; providing for positions; amending s. 380.23, F.S.; providing for federal consistency review of permits for the taking of marine mammals; providing an effective date.

—was read the second time by title.

Senators Deratany and Johnson offered the following amendments which were moved by Senator Johnson and adopted:

Amendment 1—On page 1, lines 28-31, strike all of said lines; on pages 2-6, strike all of said pages; and on page 7, lines 1-23, strike all of said lines and insert:

Section 1. Paragraph (c) of subsection (3) of section

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, strike all of lines 2-21 and insert: An act relating to coastal planning and management

On motion by Senator Johnson, by two-thirds vote CS for SB 1950 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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|----------|--------------|-----------------|-------------|
| Bankhead | Bruner | Childers, W. D. | Diaz-Balart |
| Beard | Casas | Crenshaw | Dudley |
| Brown | Childers, D. | Davis | Forman |

| | | | |
|-----------|-------------|-----------|----------------|
| Gardner | Johnson | McPherson | Thomas |
| Girardeau | Kirkpatrick | Meek | Thurman |
| Gordon | Kiser | Myers | Walker |
| Grant | Langley | Peterson | Weinstein |
| Grizzle | Malchon | Souto | Weinstock |
| Jennings | Margolis | Stuart | Woodson-Howard |

Nays—1

Plummer

Vote after roll call:

Yea—Deratany

Nay to Yea—Plummer

On motions by Senator Kirkpatrick, by two-thirds vote CS for HB 517 was withdrawn from the Committees on Natural Resources and Conservation and Economic, Professional and Utility Regulation.

On motion by Senator Kirkpatrick—

CS for HB 517—A bill to be entitled An act relating to pilots, piloting, and pilotage; amending s. 310.071, F.S.; providing for an initial deputy pilot certificate; amending s. 310.081, F.S.; providing requirements for maintenance of a state pilot license; amending s. 310.101, F.S.; providing additional authority to the board with respect to certain disciplinary action; providing clarifying language with respect to accountability of pilots; amending s. 310.111, F.S.; providing additional reporting requirements; amending s. 310.141, F.S.; expanding the jurisdiction for requiring pilots on vessels; amending s. 310.161, F.S.; revising language with respect to penalties; providing an effective date.

—a companion measure, was substituted for CS for SB 536 and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for HB 517 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 1606—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; defining the term "disability in line of duty"; amending s. 121.031, F.S.; exempting lists of retirees' names and addresses from the provisions of s. 119.07(1), F.S., for commercial purposes; amending s. 121.051, F.S.; providing for participation by employees of Regional Coordinating Councils; amending s. 121.055, F.S.; requiring senior managers of the State University System and the State Board of Administration to participate in the Senior Management Service Class of the Florida Retirement System; amending s. 121.091, F.S.; removing erroneous language; allowing judges to select a retirement benefit option when required to retire under disability by Supreme Court order; requiring that the spouse of a member be notified of and acknowledge member's election of Option 1 or Option 2 benefits; providing for the designation of a contingent beneficiary by the member for any Option 2 benefits remaining upon the death of the primary beneficiary; conforming reemployment provisions for the Florida School for the Deaf and the Blind to similar provisions for other educational institutions; amending s. 121.125, F.S.; requiring employers to pay retirement contributions for Workers' Compensation credit received by a member; amending s. 121.35, F.S.; making university presidents and the Chancellor eligible to participate in the Optional Retirement Program; directing the Department of Insurance to conduct an actuarial study; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendments which were adopted:

Amendment 1—On page 4, line 9, after "(b)" insert: 1.

Amendment 2—On page 5, between lines 2 and 3, insert:

2. *Effective January 1, 1991, participation in the Senior Management Service Class shall be compulsory for up to 4 positions at the level of vice president or higher or equivalent managerial or policymaking positions within each community college, as selected by the president of the college and up to 2 positions at the level of deputy executive director or higher or equivalent managerial or policymaking positions within the State Board of Community Colleges, as selected by the Executive Director of the Division of Community Colleges of the Department of Education.*

Amendment 3—In title, on page 1, line 11, after the semicolon (;) insert: requiring certain positions within the State Community College System and the State Board of Community Colleges to participate in the Senior Management Service Class of the Florida Retirement System;

On motion by Senator Weinstein, by two-thirds vote CS for SB 1606 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Langley

SB 1900—A bill to be entitled An act relating to road designations; designating the bridge over the Suwannee River on U.S. Highway 27 at Branford as the Jay W. Brown Bridge; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

On motion by Senator Bruner, the rules were waived to allow the following amendments to be considered:

Senator Bruner moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 3 and 4, insert:

Section 3. State Road 464 located in Ocala between Pine Street and 25th Avenue is hereby designated the Angela Simone Santos Memorial Highway.

Section 4. The Department of Transportation is directed to erect suitable markers designating the Angela Simone Santos Memorial Highway.

Section 5. U.S. Highway 27, U.S. Highway 301, and U.S. Highway 441 located in Ocala between County Road 475 and County Road 328 is hereby designated as the William Hamilton Rutherford Memorial Highway.

Section 6. The Department of Transportation is directed to erect suitable markers designating the William Hamilton Rutherford Memorial Highway.

Section 7. Southwest 8th Street from 32nd Avenue to 34th Avenue in Miami is hereby co-designated the Loring P. Evans Memorial Boulevard.

Section 8. The Department of Transportation is directed to erect suitable markers co-designating the Loring P. Evans Memorial Boulevard.

Section 9. Northwest 7th Avenue from 25th Street to 27th Street in Miami is hereby designated as Manny Anon Memorial Boulevard.

Section 10. The Department of Transportation is directed to erect suitable markers designating the Manny Anon Memorial Boulevard.

Section 11. The newly constructed bridge on U.S. Highway 331 spanning the Choctawhatchee Bay is designated the "Clyde B. Wells Bridge."

Section 12. The Department of Transportation is directed to erect suitable markers designating the "Clyde B. Wells Bridge."

Section 13. East Flagler Street from North Miami Avenue to Northeast Second Avenue in Miami, Florida is hereby designated as Natan R. Rok Boulevard.

Section 14. The Department of Transportation is directed to erect suitable markers designating the Natan R. Rok Boulevard.

Section 15. The roadside park where Interstate Highway 10 crosses the Apalachicola River in Chattahoochee is designated the "Edgar Warren Scarborough Park."

Section 16. The Department of Transportation is directed to erect suitable markers at the park bearing such designation.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 6, after the semicolon (;) insert: designating a portion of State Road 464 in Ocala as the Angela Simone Santos Memorial Highway; designating a portion of U.S. Highway 27, U.S. Highway 301, and U.S. Highway 441 in Ocala as the William Hamilton Rutherford Memorial Highway; co-designating a portion of Southwest 8th Street in Miami as the Loring P. Evans Memorial Boulevard; designating the roadside park where Interstate Highway 10 crosses the Apalachicola River in Chattahoochee the Edgar Warren Scarborough Park; designating a portion of Northwest 7th Avenue in Miami as Manny Anon Memorial Boulevard; providing for erection of markers; designating the newly constructed bridge upon which U.S. Highway 331 spans the Choctawhatchee Bay as the "Clyde B. Wells Bridge"; designating a portion of East Flagler Street as Natan R. Rok Boulevard; directing the Department of Transportation to erect suitable markers;

Amendment 3—In title, on page 1, strike all of lines 23 and 24 and insert:

WHEREAS, he served as a respected transportation adviser to four Florida governors, and

WHEREAS, Angela Simone Santos graduated from Lake Weir High School in Ocala in 1984 where she was an honor student active in school clubs and the school band, and

WHEREAS, she was an accomplished musician, having written the lyrics and music for many songs which she often performed for her family and friends, and

WHEREAS, although she was offered college scholarships, she joined the Navy after graduation, and

WHEREAS, she advanced to the rank of Petty Officer Third Class, and

WHEREAS, in April 1988 she was stationed in Naples, Italy, as a radioman, and

WHEREAS, throughout her life she worked for the furtherance of goodwill and understanding among people, and

WHEREAS, on April 14, 1988, she volunteered her services to judge a talent contest at a Naples USO, and

WHEREAS, upon leaving the USO building with some Italian friends after judging the contest, she was killed by a terrorist car bomb which exploded just outside the USO building, and

WHEREAS, Angela Simone Santos is believed to be the first American servicewoman to be killed in a terrorist attack, and

WHEREAS, Angela Simone Santos was awarded the purple heart posthumously and given full military honors, and

WHEREAS, William Hamilton Rutherford, age 23, was an outstanding member of the Marion County Sheriff's Department, and

WHEREAS, he served as a correctional officer for 2 years and as a patrol deputy for 1 year, and

WHEREAS, while on duty January 2, 1990, his patrol car was struck by an automobile traveling in the wrong lane on State Road 200, in Ocala, and

WHEREAS, William Hamilton Rutherford died as a result of this collision, and

WHEREAS, Edgar Warren Scarborough was a lifelong resident of Chattahoochee, and

WHEREAS, Mr. Scarborough was an active civic leader, a member of the First United Methodist Church, a councilman, the mayor of Chattahoochee, a member of the Board of County Commissioners of Gadsden County, a member of the Gadsden County School Board, a U.S. Marshal; and a member of the House of Representatives of this state, and

WHEREAS, Mr. Scarborough was a popular and beloved member of the Chattahoochee community, and

WHEREAS, Mr. Scarborough passed away after living 83 years in Chattahoochee, and

WHEREAS, Judge Clyde B. Wells served as a Circuit Court Judge of the First Judicial Circuit for 17 years, and

WHEREAS, Judge Wells was a veteran of the United States Army, having served his country in the Korean War, and

WHEREAS, Judge Wells was an active and respected civic leader in Walton County, a member of the Chamber of Commerce and Lions International, and an active member of the Methodist Church, and

WHEREAS, Judge Wells was involved in the athletic programs at local high schools and encouraged numerous young people, who might not otherwise have pursued higher educations, to attend college, and

WHEREAS, Judge Wells was tragically killed in a plane crash on February 2, 1990, and

WHEREAS, it is appropriate for this body to honor a respected and dedicated servant of his community and the state, NOW, THEREFORE,

On motion by Senator Walker, by two-thirds vote SB 1900 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

On motions by Senator W. D. Childers, by two-thirds vote CS for HB 1137 was withdrawn from the Committees on Transportation and Finance, Taxation and Claims.

On motion by Senator W. D. Childers—

CS for HB 1137—A bill to be entitled An act relating to motorized disability access vehicles; amending s. 320.01, F.S.; defining the term "motorized disability access vehicle"; directing the Department of Highway Safety and Motor Vehicles to make described rules with respect to motorized disability access vehicles; providing fees; amending s. 320.27, F.S.; exempting persons who sell or deliver motorized disability access vehicles from being required to be motor vehicle dealers; providing an effective date.

—a companion measure, was substituted for SB 2102 and read the second time by title.

Senator Weinstein moved the following amendments which were adopted:

Amendment 1—On page 2, strike all of lines 16-21 and insert:

Section 3. Paragraph (c) of subsection (1) of section 320.27, Florida Statutes, is amended, paragraph (t) is added to subsection (9) of said section and subsection (14) is added to said section to read:

320.27 Motor vehicle dealers.—

(1) DEFINITIONS.—The following words, terms, and phrases when used in this section have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(c) "Motor vehicle dealer" means any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail. Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be prima facie presumed to be engaged in such business. The terms "selling" and "sale" include lease-purchase transactions. A motor vehicle dealer may apply for a certificate of title to a motor vehicle required to be registered under s. 320.08(2)(b), (c), and (d), using a manufacturer's statement of origin as permitted by s. 319.23(1), only if such dealer is authorized by a franchised agreement as defined in s. 320.60(1), to buy, sell, or deal in such vehicle and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on the motor vehicle; provided this limitation shall not apply to recreational vehicles, van conversions, or any other motor vehicle manufactured on a truck chassis. The transfer of a motor vehicle by a dealer not meeting these qualifications shall be titled as a used vehicle. The classifications of motor vehicle dealers are defined as follows:

1. "Franchised motor vehicle dealer" means any person who engages in the business of buying, selling, or dealing in motor vehicles pursuant to an agreement as defined in s. 320.60(1).

2. "Independent motor vehicle dealer" means any person other than a franchised or wholesale motor vehicle dealer who engages in the business of buying, selling, or dealing in motor vehicles.

3. "Wholesale motor vehicle dealer" means any person who engages exclusively in the business of buying, selling, or dealing in motor vehicles at wholesale or with motor vehicle auctions. Such person shall be licensed to do business in this state, shall not sell or auction a vehicle to any person who is not a licensed dealer, and shall not have the privilege of the use of dealer license plates. Any person who buys, sells, or deals in motor vehicles at wholesale or with motor vehicle auctions on behalf of a licensed motor vehicle dealer and as a bona fide employee of such licensed motor vehicle dealer is not required to be licensed as a wholesale motor vehicle dealer. In such cases it shall be prima facie presumed that a bona fide employer-employee relationship exists. A wholesale motor vehicle dealer shall be exempt from the display provisions of this section but shall maintain an office wherein records are kept in order that those records may be inspected.

4. "Motor vehicle auction" means any person offering motor vehicles for sale to the highest bidder where both sellers and buyers are licensed motor vehicle dealers. Such person shall not sell a vehicle to anyone other than a licensed motor vehicle dealer.

5. "Salvage motor vehicle dealer" means any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.

The term "motor vehicle dealer" does not include persons not engaged in the purchase or sale of motor vehicles as a business who are disposing of vehicles acquired for their own use or for use in their business or acquired by foreclosure or by operation of law, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding the provisions of this law; persons engaged in the business of manufacturing, selling, or offering or displaying for sale at wholesale or retail no more than 25 trailers in a 12-month period; public officers while performing their official duties; receivers; trustees, administrators, executors, guardians, or other persons appointed by, or acting under the judgment or order of, any court; banks, finance companies, or other loan agencies that acquire motor vehicles as an incident to their regular business, motor vehicle brokers; and motor vehicle rental and leasing companies that sell motor vehicles to motor vehicle dealers licensed under this section. Vehicles owned under circumstances described in this paragraph may be disposed of at retail, wholesale, or auction, unless otherwise restricted.

(9) DENIAL, SUSPENSION, OR REVOCATION.—The department may deny, suspend, or revoke any license issued hereunder or under the provisions of s. 320.77, upon proof that a licensee has failed to comply with any of the following provisions with sufficient frequency so as to establish a pattern of wrongdoing on the part of the licensee:

(t) Representation to a customer or any advertisement to the general public representing or suggesting that a motor vehicle is a new motor vehicle if such vehicle lawfully cannot be titled in the name of the customer or other member of the general public by the seller using a manufacturer's statement of origin as permitted in section 319.23(1).

(14) EXEMPTION.—The provisions of this section do not apply to persons who sell or deliver motorized disability access vehicles as defined in s. 320.01.

Amendment 2—In title, on page 1, line 8, after the second semicolon (;) insert: providing qualifications for use of a manufacturer's statement of origin; prohibiting certain advertising practices by motor vehicle dealers;

On motion by Senator W. D. Childers, by two-thirds vote CS for HB 1137 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator W. D. Childers, the rules were waived and CS for HB 1137 was ordered immediately certified to the House.

On motions by Senator Langley, by two-thirds vote HB 557 was withdrawn from the Committees on Economic, Professional and Utility Regulation and Governmental Operations.

On motion by Senator Langley—

HB 557—A bill to be entitled An act relating to consumer protection organizations; repealing s. 501.131, F.S., which provides that no consumer protection organizations shall solicit funds or anything of value for whatever purpose in this state unless a certificate of registration has been first secured from the Department of State; providing an effective date.

—a companion measure, was substituted for SB 2114 and read the second time by title. On motion by Senator Langley, by two-thirds vote HB 557 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

On motions by Senator Diaz-Balart, by two-thirds vote—

CS for HB 215—A bill to be entitled An act relating to immunity from liability; creating s. 768.075, F.S.; providing civil immunity to owners of interests in real property, and their agents, with respect to death of or injury or damage to trespassers in certain circumstances; providing an effective date.

—a companion measure, was substituted for SB 126 and by two-thirds vote read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote CS for HB 215 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

On motion by Senator Souto, by two-thirds vote HB 1233 was withdrawn from the Committee on Education.

On motions by Senator Souto—

HB 1233—A bill to be entitled An act relating to public schools; amending s. 233.067, F.S.; authorizing school districts to offer 9th through 12th grade students training in cardiopulmonary resuscitation for certification purposes; authorizing school districts to arrange with local governments or nonprofit associations to provide such training through certified instructors; providing an effective date.

—a companion measure, was substituted for CS for SB 128 and read the second time by title. On motion by Senator Souto, by two-thirds vote HB 1233 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 1050—A bill to be entitled An act relating to the acquisition of state lands; amending s. 253.025, F.S.; creating the Relocation and Construction Trust Fund within the Department of Agriculture and Consumer Services; providing conditions for the sale and purchase of certain state lands on which a forestry facility resides; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 1050 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Girardeau

SB 832—A bill to be entitled An act relating to inservice training institutes for public school instructional personnel; amending s. 231.613, F.S.; providing that inservice training institutes may be conducted in foreign countries; providing criteria for such institutes; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 832 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

| | | | |
|-----------------|-------------|-----------|----------------|
| 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 | Scott | |
| Diaz-Balart | Kirkpatrick | Souto | |

Nays—None

Vote after roll call:

Yea—Deratany

SB 904—A bill to be entitled An act relating to the Florida Primary Education Program; amending s. 230.2312, F.S.; providing that instruction in specified basic subjects must be made available for all students in the program; providing an effective date.

—was read the second time by title.

Senator Margolis offered the following amendment which was moved by Senator Johnson and adopted:

Amendment 1—On page 1, line 26, strike “visual” and insert: fine

On motion by Senator Johnson, by two-thirds vote SB 904 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

| | | | |
|-----------------|-------------|-----------|-----------|
| Bankhead | Diaz-Balart | Kiser | Souto |
| Brown | Forman | Langley | Stuart |
| Bruner | Gardner | Malchon | Thomas |
| Casas | Gordon | Margolis | Thurman |
| Childers, D. | Grant | McPherson | Walker |
| Childers, W. D. | Grizzle | Myers | Weinstein |
| Crenshaw | Jennings | Peterson | |
| Davis | Johnson | Plummer | |
| Deratany | Kirkpatrick | Scott | |

Nays—None

Vote after roll call:

Yea—Weinstock, Woodson-Howard

CS for SB 534—A bill to be entitled An act relating to chiropractic; amending s. 460.413, F.S.; requiring certain information to be included in patient records; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote CS for SB 534 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

On motion by Senator Dudley, the rules were waived and **CS for SB 534** was ordered immediately certified to the House.

Motion

On motion by Senator Scott, the rules were waived and time of recess was rescheduled to 4:00 p.m. in lieu of 5:00 p.m. this day.

Committee Meeting Change

On motion by Senator Scott, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet at 4:00 p.m. this day to set the special order calendar for Thursday, May 24.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Margolis, by two-thirds vote Senate Bills 410, 1044, 1180, 1584, 1712, 1956, 2572, CS for SB 508, CS for SB 1238, CS for SB 1250, CS for SB 1452, CS for SB 1564, CS for SB 1958 and CS for SB 2310 were withdrawn from the Committee on Appropriations.

On motions by Senator Margolis, by two-thirds vote CS for SB 1766 was withdrawn from Subcommittee C of the Committee on Appropriations and the Committee on Appropriations.

On motions by Senator Margolis, by two-thirds vote SB 1848 was withdrawn from Subcommittee A of the Committee on Appropriations and the Committee on Appropriations.

RECESS

On motion by Senator Scott, the Senate recessed at 12:00 noon to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:27 p.m. A quorum present—36:

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

Motion

On motion by Senator Scott, the rules were waived and the Committee on Natural Resources and Conservation was granted permission to meet May 24th from 12:00 noon until 2:00 p.m. to consider Senate Bills 1822, 760, 2528 and 938.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote SB 804 and CS for SB 1896 were withdrawn from the Committee on Rules and Calendar; CS for SB 854 and CS for SB 2314 were withdrawn from the Committee on Judiciary-Criminal; SB 1056 and CS for SB 2272 were withdrawn from the Committee on Governmental Operations; CS for SB 1204, CS for SB 2938 and CS for SB 3012 were withdrawn from the Committee on Judiciary-Civil; CS for SB 1906, SB 2440, CS for SB 2852 and CS for SB 2886 were withdrawn from the Committee on Community Affairs; CS for SB 1232 was withdrawn from the Committee on Economic, Professional and Utility Regulation; SB 2562 was withdrawn from the Committee on Health and Rehabilitative Services; CS for SB 2648 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining; and Senate Bills 2662 and 2900 were withdrawn from the Committee on Higher Education.

On motions by Senator Meek, by two-thirds vote Senate Bills 606, 636 and 2080 were withdrawn from the committees of reference and further consideration.

On motion by Senator W. D. Childers, by two-thirds vote SR 1360 was withdrawn from the Committee on Rules and Calendar.

Consideration of Resolution

On motion by Senator W. D. Childers—

SR 1360—A resolution expressing regret at the death of Colonel James Eldrige Beach, retired Director of the Florida Highway Patrol.

WHEREAS, Colonel James Eldrige Beach was a native Floridian, an outstanding athlete, and a capable Director of the Florida Highway Patrol from 1972 until his retirement in 1982, and

WHEREAS, the Florida Senate expresses its deep regret at the death of Colonel Beach and extends its condolences to his family, and

WHEREAS, it is fitting to commemorate his devoted service to the State of Florida and to the cause of law enforcement, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to pay its respects to former Director of the Florida Highway Patrol, Colonel James Eldrige Beach, and that the Florida Senate in session assembled does hereby record this testimonial of esteem and bereavement:

**IN MEMORIAM
JAMES ELDRIGE BEACH**

Colonel James Eldrige Beach was a native Floridian. He was born in St. Petersburg, where he attended public schools and graduated from St. Petersburg High School. He was a star athlete in football, basketball, and track; was selected to all-state teams in football and basketball; and broke four state track records during his high school career.

Colonel Beach was a veteran of World War II and was wounded while serving with the U.S. Marine Corps in the South Pacific. After his discharge, he attended the University of Florida on a football scholarship and starred as a halfback. While in college, he also participated in track and boxing and, in 1951, won the Florida State Heavyweight Golden Gloves Boxing Championship. In 1978, Colonel Beach was nominated and elected to the University of Florida Football Hall of Fame.

He began his career in law enforcement August 26, 1951, by attending the Florida Highway Patrol Recruit Training School at Eglin Air Force Base. Upon graduating, he was assigned to Tallahassee as a patrolman. He resigned in October 1952 to become an agent and district supervisor with the State Beverage Department. Later, he resigned to accept employment with the Attorney General's Office as an investigator.

Colonel Beach returned to the Florida Highway Patrol March 1, 1957, and in the years that followed, he served diligently and faithfully, advancing through the ranks of the patrol.

He served as a trooper in Lake Worth. On January 1, 1958, he was transferred to Gainesville, where he was Safety Education Officer, Field Sergeant, and District Lieutenant. He was promoted to Captain on August 1, 1963, and became Troop Commander of Troop B, Lake City, which included Alachua, Bradford, Baker, Columbus, Dixie, Gilchrist, Hamilton, Levy, Suwannee, and Union Counties.

On October 1, 1967, Colonel Beach was promoted to Major/Deputy Inspector, Northern Region of Florida, and assigned to the general headquarters in Tallahassee. On July 14, 1969, he was promoted to Lieutenant Colonel and served as Deputy Director of the Florida Highway Patrol under Colonel Reid Clifton.

On March 1, 1972, he was promoted to Colonel and designated Director of the Florida Highway Patrol and took command of the thousand-man force. In recognition of his loyal and dedicated service to the Florida Highway Patrol, the 1978 Legislature honored Colonel Beach by designating the Highway Patrol Station in Alachua County the J. Eldrige Beach Building.

Colonel Beach was the patrol's fifth director, and he served in this position for 10 years until his retirement July 31, 1982. As Director of the Florida Highway Patrol, Colonel Beach improved the working conditions, equipment, and salary of the patrol.

After his retirement from the Florida Highway Patrol, Colonel Beach remained active in the law enforcement field and served as lobbyist for the Florida Police Benevolent Association and, later, for the Florida Association of State Troopers. Colonel Beach was active in many civic, fraternal, and professional organizations and was an avid football fan and supporter. He and his wife, Ida, were members of the St. George Island Methodist Church, and in his spare time he was known to try his hand at hunting, fishing, and golfing.

Colonel Beach suffered a fatal heart attack on October 6, 1989, while mullet fishing with friends at St. George Island.

He is survived by his wife, Ida, of Orange Park; two sons, Tom and Jarrod; and a grandson, Jim.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be transmitted to Mrs. Ida Beach, widow of Colonel James Eldrige Beach, as a tangible token of the sentiments expressed herein and a lasting symbol of the respect of the members of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

Senator W. D. Childers introduced to the Senate Mrs. Ida Beach, widow of Colonel Beach; their son, Jarrod; and friends: Mrs. Robert E. Lee, J. P. Hall, Jr., and Colonel Curtis Earp who were seated in the chamber.

Upon request of the President, Senators W. D. Childers and Thomas escorted Mrs. Beach and Jarrod to the rostrum where they were presented a copy of the resolution.

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 CS for SB 402 with amendments and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 402—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for contact lenses and items intended for one-time use which transfer essential optical characteristics to contact lenses; providing a future effective date; amending s. 212.11, F.S.; requiring certain taxpayers to pay estimated sales taxes; providing for distribution; providing penalties; amending ss. 125.0108, 212.0305, 212.054, 212.0606, 403.718, 403.7185, 403.7195, 403.7197, F.S.; amending certain cross-references; providing an appropriation; providing an effective date.

House Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Effective July 1, 1990, or upon becoming a law, whichever occurs later, paragraph (b) of subsection (1) of section 320.06, Florida Statutes, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b) Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 5-year period. At the end of said 5-year period, upon renewal, the plate shall be replaced and the department shall determine the replacement date for plates issued prior to October 1, 1985. The fee for such replacement shall be \$10 \$3, which shall be deposited into the Motor Vehicle License Plate Replacement Trust Fund as created by the department and shall be used, unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, to fund a replacement program. With each license plate, there shall be issued a validation sticker showing the owner's birth month or the appropriate renewal period if the owner is not a natural person. This validation sticker shall be placed on the upper left corner of the license plate and shall be issued one time during the life of the license plate, or upon request when it has been damaged or destroyed. There shall also be issued with each license plate a serially numbered validation sticker showing the year of expiration, which sticker shall be placed on the upper right corner of the license plate. Such license plate and validation stickers shall be issued based on the applicant's appropriate renewal period. The registration period shall be a period of 12 months, and all expirations shall occur based on the applicant's appropriate registration period. A vehicle with an apportioned registration shall be issued an annual license plate which denotes its declared gross vehicle weight where applicable.

Section 2. Effective July 1, 1990, or upon becoming a law, whichever occurs later, subsections (3) and (5) of section 320.0607, Florida Statutes, are amended to read:

320.0607 Replacement license plates, validation decal, or mobile home sticker.—

(3) In all such cases, upon filing of an application accompanied by a fee of \$10 \$3 plus applicable service charges, the department shall issue a replacement plate, sticker, or decal as the case may be if it is satisfied that the information reported in the application is true. The replacement fee shall be deposited into the Motor Vehicle License Plate Replacement Trust Fund.

(5) Upon the issuance of an original license plate, the applicant shall pay a fee of \$10 \$3 to be deposited in the Motor Vehicle License Plate Replacement Trust Fund.

Section 3. Effective July 1, 1990, or upon becoming a law, whichever occurs later, subsection (1) of section 320.072, Florida Statutes, is amended, subsection (4) is renumbered as subsection (5) and a new subsection (4) is added to said section, to read:

320.072 Additional fee imposed on certain motor vehicle registration transactions.—

(1)(a) A fee of \$30 is imposed upon the initial application for registration pursuant to s. 320.06 of every motor vehicle classified in s. 320.08(2), (3), and (9)(c) and (d).

(b) In addition to the fee imposed by paragraph (a) there is imposed an additional \$195 impact fee upon the initial application for registration pursuant to s. 320.06 of every motor vehicle classified in s. 320.08(2), (3), and (9)(c) and (d).

(4)(a) The impact fee imposed in subsection (1)(b) shall not apply to:

1. Any vehicle on which the sales tax and all applicable local option sales taxes pursuant to part I of chapter 212 have been paid;

2. Any vehicle on which the full 6 percent state use tax and all applicable local option use taxes have been paid;

3. Any vehicle 25 model years or older.

(b) If the state use tax has been paid at a rate of less than 6 percent, the impact fee imposed by subsection (1)(b) shall be reduced by that amount.

Section 4. Effective July 1, 1990, or upon becoming a law, whichever occurs later, paragraph (a) of subsection (1) and subsection (2) of section 322.17, Florida Statutes, are amended to read:

322.17 Duplicate and replacement certificates.—

(1)(a) In the event that an instruction permit or driver's license issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may, upon payment of \$10 \$5, obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed, and further furnishing the full name, date of birth, sex, residence address, proof of birth as provided in s. 232.03, and proof of identity satisfactory to the department. Five dollars of the fee levied in this paragraph shall go to the Accident Reports Trust Fund of the department.

(2) Upon the surrender of the original license and the payment of a \$10 \$1 replacement fee, the department shall issue a replacement license to make a change in name, address, or restrictions. Nine dollars of the fee levied in this subsection shall go to the Accident Reports Trust Fund of the department.

Section 5. Effective April 1, 1991, paragraph (a) of subsection (1) of section 322.17, Florida Statutes, as amended by chapter 89-282, Laws of Florida, is amended to read:

322.17 Duplicate and replacement certificates.—

(1)(a) In the event that an instruction permit or driver's license issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may, upon payment of \$10 \$5, obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed, and further furnishing the full name, date of birth, sex, residence and mailing address, proof of birth satisfactory to the department, and proof of identity satisfactory to the department. Five dollars of the fee levied in this paragraph shall go to the Accident Reports Trust Fund of the department.

Section 6. Effective July 1, 1990, or upon becoming a law, whichever occurs later, subsection (2) of section 319.324, Florida Statutes, is amended to read:

319.324 Odometer Fraud Prevention and Detection Trust Fund.—

(2) Moneys deposited into the Odometer Fraud Prevention and Detection Trust Fund may shall be used exclusively to implement and maintain efforts by the department to prevent and detect odometer fraud, including the prompt investigation of alleged instances of odometer mileage discrepancies reported by licensed motor vehicle dealers, auctions, or purchasers of motor vehicles. Such moneys shall also be used to fund an annual report to the Legislature by the Department of Highway Safety and Motor Vehicles, summarizing the department's investigations and findings.

Section 7. Effective July 1, 1990, or upon becoming a law, whichever occurs later, subsection (3) of section 212.0606, Florida Statutes, is amended and renumbered as subsection (5), and new subsections (3) and (4) are added to said sections, to read:

212.0606 Rental car ~~surecharge~~ surcharges.—

(3) *In addition to the surcharge imposed by subsection (1), a surcharge of 25 cents per day or any part of a day is imposed upon the lease or rental of a motor vehicle licensed for hire and designed to carry less than nine passengers regardless of whether such motor vehicle is licensed in Florida. The additional surcharge applies to only the first 30 days of the term of any lease or rental. The additional surcharge is subject to all taxes imposed by this part.*

(4) *Notwithstanding the provisions of ss. 212.20 and 212.235, and less costs of administration, proceeds of this additional surcharge after deducting the service charge imposed by s. 215.20 shall be deposited into the Tourism Promotional Clearing Trust Fund which is hereby created in the Department of Revenue. The proceeds of the surcharge in the Tourism Promotional Clearing Trust Fund shall be transferred into the Tourism Promotional Trust Fund.*

(5)(3) Except as provided in this section, the department shall administer, collect, and enforce the ~~surecharge~~ surcharges as provided in this part. The provisions of this part which apply to interest and penalties on delinquent taxes shall apply to the ~~surecharges~~ surcharges. The ~~surecharges~~ surcharges shall not be included in the calculation of estimated taxes pursuant to s. 212.11(1)(a). The dealer's credit provided in s. 212.12 shall not apply to any amount collected under this section.

Section 8. Effective July 1, 1990, or upon becoming a law, whichever occurs later, section 212.0607, Florida Statutes, is created to read:

212.0607 Cruise ship surcharge.—

(1)(a) *A surcharge of 50 cents is imposed on each ticketed passenger who embarks and on each ticketed passenger who disembarks from any commercial vessel in a Florida port, on trips lasting 24 hours or longer.*

(b) *A surcharge of 25 cents is imposed on each ticketed passenger who embarks and on each ticketed passenger who disembarks from any commercial vessel in a Florida port, on trips lasting less than 24 hours.*

(c) *For the purpose of this section, "commercial vessel" means a vessel as defined in s. 327.02(3)(b) which weighs at least 250 tons.*

(2) *Notwithstanding the provisions of ss. 212.20 and 212.235, and less costs of administration, the proceeds of this surcharge, after deducting the service charge pursuant to s. 215.20, shall be deposited into the Tourism Promotional Clearing Trust Fund which is hereby created in the Department of Revenue. The proceeds of the surcharge in the Tourism Promotional Clearing Trust Fund shall be transferred into the Tourism Promotional Trust Fund. For purposes of this section, "proceeds" of the surcharge means all funds collected and received by the department under this section, including interest and penalties on delinquent surcharges.*

(3) *Except as provided in this section, the department shall administer, collect, and enforce the surcharge as provided in this part. The provisions of this part which apply to interest and penalties on delinquent taxes shall apply to the surcharge. The surcharge shall not be included in the calculation of estimated taxes pursuant to s. 212.11. The dealer's credit provided in s. 212.12 shall not apply to any amount collected under this section.*

(4) *No county or municipality may impose any additional fee in excess of the fee being imposed on the effective date of this act on the embarkation or disembarkation of ticketed passengers on commercial vessels unless the entire proceeds from the additional fee are used for port improvements.*

Section 9. Effective October 1, 1990, subsections (3) and (5) of section 212.18, Florida Statutes, are amended to read:

212.18 Administration of law; rules and regulations.—

(3) Every person desiring to engage in or conduct business in this state as a dealer, as defined in this chapter, or to lease, rent, or let or grant licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, or real property, as defined in this chapter, and every person who sells or receives anything of value by way of admissions, shall file with the department an application for a certificate of registration for each place of business, showing the names of the persons who have interests in such business and their residences, the address of the business, and such other data as the department may reasonably require. The application shall be made to the department before the person, firm, copartnership, or corporation may engage in such business, and it shall be accompanied by a registration fee of \$10 \$5. However, no registration fee is required to accompany an application to engage in or conduct business to make mail order sales. The department, upon receipt of such application, will grant to the applicant a separate certificate of registration for each place of business, which certificate may be canceled by the department or its designated assistants for any failure by the certificateholder to comply with any of the provisions of this chapter. The certificate shall not be assignable and shall be valid only for the person, firm, copartnership, or corporation to which issued, and such certificate shall be placed in a conspicuous place in the business or businesses for which it is issued and shall be so displayed at all times. No person shall engage in business as a dealer or in leasing, renting, or letting of or granting licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, or real property as hereinbefore defined, nor shall any person sell or receive anything of value by way of admissions, without first having obtained such a certificate or after such certificate has been canceled; no person shall receive any license from any authority within the state to engage in any such business without first having obtained such a certificate or after such certificate has been canceled. The engaging in the business of selling or leasing tangible personal property or services or as a dealer, as defined in this chapter, or the engaging in leasing, renting, or letting of or granting licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, or real property as hereinbefore defined, or the engaging in the business of selling or receiving anything of value by way of admissions, without such certificate first being obtained or after such certificate has been canceled by the department is prohibited. The failure or refusal of any person, firm, copartnership, or corporation to so qualify when required hereunder is a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, or subject to injunctive proceedings as provided by law.

(5) In addition to any other fee imposed under this part, persons who hold a certificate of registration granted under subsection (3) and who had taxable sales or purchases during the preceding calendar year of \$30,000 or more shall pay an additional annual registration fee for each certificate of registration granted. For certificateholders with taxable sales or purchases during the preceding calendar year of at least \$30,000 but not more than \$200,000, the fee shall be \$35 \$25. For certificateholders with taxable sales or purchases during the preceding calendar year of \$200,000 or more the fee shall be \$80 \$50. However, the fee pursuant to this subsection shall not exceed \$10,000 for any dealer who files a consolidated return pursuant to s. 212.11. The fee shall be due and payable with the person's January return or his first quarterly return each year. Failure to comply with the provisions of this subsection shall subject such person to penalties provided under s. 212.12(2).

Section 10. Effective October 1, 1990, paragraphs (e) and (f) of subsection (6) of section 212.20, Florida Statutes, are amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this part shall be as follows:

(e) Proceeds from the fee imposed pursuant to s. 212.18(5) shall be distributed in the following manner:

1. Sixty-five percent of the proceeds shall be transferred to the Solid Waste Management Trust Fund.
2. Five percent of the proceeds shall be transferred to the BIDCO Trust Fund.
3. Twenty percent of the proceeds shall be transferred to the Cooperative Advertising Trust Fund as authorized by s. 288.03.
4. Ten percent of the proceeds shall be deposited in the General Revenue Fund.

(f) Sixty-five percent of the proceeds from the fee imposed pursuant to s. 212.18(3) shall remain with the General Revenue Fund and the remainder shall be transferred to the BIDCO Trust Fund.

Section 11. Effective October 1, 1990, subsection (7) of section 288.03, Florida Statutes, is amended to read:

288.03 Powers and duties of division.—The general purposes of the Division of Economic Development of the Department of Commerce shall be to guide, stimulate, and promote the coordinated, efficient, and beneficial development of the state and its regions, counties, and municipalities in accordance with present and future needs and resources and the requirements of the prosperity, convenience, comfort, health, safety, and general welfare of the people of the state. For the accomplishment of such purposes, the division shall have the power and authority to make expenditures for and to:

(7) Encourage and cooperate with other public and private organizations or groups in their efforts to publicize the agricultural and industrial advantages of the state, including the establishment of, and expenditure for, a program of cooperative advertising with local governments and such public and private organizations or groups in accordance with rules promulgated by the division pursuant to chapter 120. *The Cooperative Advertising Trust Fund is hereby created within the State Treasury for the purpose of providing grant awards. Costs for administering the program shall be taken from the Cooperative Advertising Trust Fund and shall not exceed \$75,000 annually. Awards under the cooperative advertising program shall be approved by a committee composed of the Secretary of Commerce, the Chairman of the Economic Development Advisory Council, the Chairman of the Small and Minority Business Advisory Council, or their designees; and a representative of Associated Industries, the Florida Retail Federation, the Florida Chamber of Commerce, and the National Federation of Independent Businesses. Groups which are represented on the selection committee shall not receive awards under the cooperative advertising program authorized by this subsection. Standards for such awards shall favor organizations or groups located in enterprise zones approved under s. 290.0065 and organizations or groups located in counties with high unemployment rates, and shall also include such other criteria as recommended by the selection committee authorized under this section.*

Section 12. Effective July 1, 1991, subsection (5) of section 212.18, Florida Statutes, as amended by this act, is amended to read:

212.18 Administration of law; rules and regulations.—

(5) In addition to any other fee imposed under this part, persons who hold a certificate of registration granted under subsection (3) and who had taxable sales or purchases during the preceding calendar year of \$30,000 or more shall pay an additional annual registration fee for each certificate of registration granted. For certificateholders with taxable sales or purchases during the preceding calendar year of at least \$30,000 but not more than \$200,000, the fee shall be \$45 ~~\$35~~. For certificateholders with taxable sales or purchases during the preceding calendar year of \$200,000 or more the fee shall be \$95 ~~\$80~~. However, the fee pursuant to this subsection shall not exceed \$10,000 for any dealer who files a consolidated return pursuant to s. 212.11. The fee shall be due and payable with the person's January return or his first quarterly return each year. Failure to comply with the provisions of this subsection shall subject such person to penalties provided under s. 212.12(2).

Section 13. Effective July 1, 1991, paragraph (e) of subsection (6) of section 212.20, Florida Statutes, as amended by this act, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this part shall be as follows:

(e) Proceeds from the fee imposed pursuant to s. 212.18(5) be distributed in the following manner:

1. Sixty ~~sixty-five~~ percent of the proceeds shall be transferred to the Solid Waste Management Trust Fund.
2. Fifteen ~~Five~~ percent of the proceeds shall be disbursed to the BIDCO Trust Fund.
3. Twenty percent of the proceeds shall be disbursed to the Cooperative Advertising Trust Fund as authorized by s. 288.03.
4. Five ~~Ten~~ percent of the proceeds shall be deposited in the General Revenue Fund.

Section 14. Effective July 1, 1990, or upon becoming a law, whichever occurs later, paragraph (a) of subsection (1) of section 320.04, Florida Statutes, is amended to read:

320.04 Registration service charge.—

(1)(a) There shall be a service charge of \$2.50 for each application which is handled in connection with original issuance, duplicate issuance, or transfer of any license plate, mobile home sticker, or validation sticker or with transfer or duplicate issuance of any registration certificate. *There may also be a service charge of up to \$1 for the issuance of each license plate validation sticker and mobile home sticker issued from an automated vending facility which shall be payable to and retained by the department to provide for automated vending facilities or machines used to dispense such stickers in each tax collector's or license tag agent's office.*

Section 15. Effective July 1, 1990, or upon this act becoming a law, whichever occurs later, subsection (11) of section 210.25, Florida Statutes, is amended to read:

210.25 Definitions.—As used in this part:

(11) "Tobacco products" means loose tobacco suitable for smoking; cigars; snuff; snuff flour; cavendish; plug and twist tobacco; fine cuts and other chewing tobaccos; shorts; refuse scraps; clippings, cuttings, and sweepings of tobacco, and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing; but "tobacco products" does not include cigarettes, as defined by s. 210.01(1), ~~or cigars~~.

Section 16. Effective July 1, 1990, or upon this act becoming a law, whichever occurs later, section 210.30, Florida Statutes, is amended to read:

210.30 Tax on tobacco products.—

(1) A tax is hereby imposed upon all tobacco products in this state and upon any person engaged in business as a distributor thereof at the rate of 25 percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor:

(a) Brings or causes to be brought into this state from without the state tobacco products for sale;

(b) Makes, manufactures, or fabricates tobacco products in this state for sale in this state; or

(c) Ships or transports tobacco products to retailers in this state, to be sold by those retailers.

(2) *In addition to the tax imposed by subsection (1), a tax of 20 percent of the wholesale sales price is imposed on all tobacco products in this state. Sixty-seven and six-tenths percent of the moneys collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.*

(3)~~(2)~~ A tax is hereby imposed upon the use or storage by consumers of tobacco products in this state and upon such consumers at the rate of 25 percent of the cost of such tobacco products. The tax imposed by this subsection shall not apply if the tax imposed by ~~subsections subsection~~ (1) and (2) on such tobacco products has been paid. This tax shall not apply to the use or storage of tobacco products in quantities of less than 1 pound in the possession of any one consumer.

(4) In addition to the tax imposed by subsection (3), a tax is imposed upon the use or storage by consumers of tobacco products in this state and upon such consumers at the rate of 20 percent of the cost of such tobacco products. The tax imposed by this subsection shall not apply if the tax imposed by subsections (1) and (2) on such tobacco products has been paid. This tax shall not apply to the use or storage of tobacco products in quantities of less than 1 pound in the possession of any one consumer. Sixty-seven and six-tenths percent of the moneys collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.

(5)(3) Any tobacco product with respect to which a tax has once been imposed under this part shall not again be subject to tax under this part.

(6)(4) No tax shall be imposed by this part upon tobacco products not within the taxing power of the state under the Commerce Clause of the United States Constitution.

(7)(5) The exemptions provided for cigarettes under s. 210.04(4) shall also apply to tobacco products under this part.

Section 17. Effective July 1, 1990, or upon this act becoming a law, whichever occurs later, section 210.70, Florida Statutes, is amended to read:

210.70 Disposition of funds.—As collections from the taxes imposed under this part are received by the division, it shall pay the same into the General Revenue Fund, *except as provided in s. 210.30.*

Section 18. (1) Subsection (6) is added to section 212.11, Florida Statutes, to read:

212.11 Tax returns and regulations.—

(6)(a)1. *Notwithstanding the provisions of paragraph (1)(a) and subsections (4) and (5), each dealer who is subject to the tax imposed by this part and who paid such tax for the immediately preceding state fiscal year in an amount greater than or equal to \$200,000 shall calculate the amount of estimated tax due pursuant to this section for any month by multiplying by 66 percent the amount of such tax he collected in the immediately preceding month.*

2. *Beginning July 1, 1991, such dealer shall calculate the amount of estimated tax due pursuant to this section for any month by multiplying by 55 percent the amount of such tax he collected in the immediately preceding month.*

(b) *The amount of any estimated tax shall be due, payable, and remitted by electronic funds transfer by the 20th day of the month for which it is estimated. The difference between the amount of estimated tax paid and the actual amount of tax due under this part for such month shall be due and payable by the first day of the following month and remitted by electronic funds transfer by the 20th day thereof.*

(c) *Any dealer who is eligible to file a consolidated return and who paid the tax imposed by this part for the immediately preceding state fiscal year in an amount greater than or equal to \$200,000 or would have paid the tax in such amount if he had filed a consolidated return shall be subject to the provisions of this subsection notwithstanding an election by him in any month to file a separate return.*

(d) *The penalty provisions of this part, except s. 212.12(2)(c), apply to the provisions of this subsection.*

(2) The provisions of s. 212.11(6), Florida Statutes, as created by this section, shall first apply to sales tax returns remitted in June 1990, except that the calculation contained in s. 212.11(6)(a)2., Florida Statutes, shall first apply to sales tax returns remitted in July 1991.

Section 19. (1) Effective January 1, 1992, subsection (5) of section 212.04, Florida Statutes, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(5) All of the provisions of this chapter relating to collection, investigation, discovery, and aids to collection of taxes upon sales of tangible personal property shall likewise apply to all privileges described or referred to in this section, and the obligations imposed in this chapter upon retailers are hereby imposed upon the seller of such admissions. When tickets or admissions are sold and not used but returned and credited by the seller, the seller may apply to the department for a credit allowance for such returned tickets or admissions if advance payments

have been made by the buyer and have been returned by the seller, upon such form and in such manner as the department may from time to time prescribe. The department may, upon obtaining satisfactory proof of the refunds on the part of the seller, credit the seller for taxes paid upon admissions that have been returned unused to the purchaser of those admissions. The seller of admissions, upon the payment of the taxes before they become delinquent and the rendering of the returns in accordance with the requirement of the department and as provided in this law, shall be entitled to a discount of 2.5 percent of the amount of taxes upon the payment thereof before such taxes become delinquent, in the same manner as permitted the sellers of tangible personal property in this chapter. However, if the amount of the tax due and remitted to the department for the reporting period exceeds \$1,200, the 2.5-percent discount shall be reduced to 1 0/83 percent for all amounts in excess of \$1,200.

(2) The amendment to s. 212.04, Florida Statutes, contained in this section shall first apply to admissions tax returns remitted in January 1992.

Section 20. (1) Effective January 1, 1992, subsection (1) of section 212.12, Florida Statutes, is amended to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(1) Notwithstanding any other provision of law and for the purpose of compensating persons granting licenses for and the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property, for the purpose of compensating dealers providing communication services and taxable services, for the purpose of compensating owners of places where admissions are collected, and for the purpose of compensating remitters of any taxes or fees reported on the same documents utilized for the sales and use tax, as compensation for the keeping of prescribed records and the proper accounting and remitting of taxes by them, such seller, person, lessor, dealer, owner and remitter (except dealers who make mail order sales) shall be allowed 2.5 percent of the amount of the tax due and accounted for and remitted to the department, in the form of a deduction in submitting his report and paying the amount due by him; the department shall allow such deduction of 2.5 percent of the amount of the tax to the person paying the same for remitting the tax in the manner herein provided, for paying the amount due to be paid by him, and as further compensation to dealers in tangible personal property for the keeping of prescribed records and for collection of taxes and remitting the same. However, if the amount of the tax due and remitted to the department for the reporting period exceeds \$1,200, the 2.5-percent allowance shall be reduced to 1 0/83 percent for all amounts in excess of \$1,200. The executive director of the department is authorized to negotiate a collection allowance, pursuant to rules promulgated by the department, with a dealer who makes mail order sales. The rules of the department shall provide guidelines for establishing the collection allowance based upon the dealer's estimated costs of collecting the tax, the volume and value of the dealer's mail order sales to purchasers in this state, and the administrative and legal costs and likelihood of achieving collection of the tax absent the cooperation of the dealer. However, in no event shall the collection allowance negotiated by the executive director exceed 10 percent of the tax remitted for a reporting period.

(a) The collection allowance may not be granted, nor may any deduction be permitted, if the tax is delinquent at the time of payment.

(b) The Department of Revenue may reduce the collection allowance by 10 percent or \$50, whichever is less, if a taxpayer files an incomplete return.

1. An "incomplete return" is, for purposes of this chapter, a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return may not be readily accomplished.

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify. The department shall require that transient rentals and agricultural equipment transactions be separately shown.

(c) The collection allowance and other credits or deductions provided in this part shall be applied proportionally to any taxes or fees reported on the same documents used for the sales and use tax.

(2) The amendment to s. 212.12, Florida Statutes, contained in this section shall first apply to sales tax returns remitted in January 1992.

Section 21. *Notwithstanding the provisions of s. 212.20, Florida Statutes, 83.4 percent of the estimated sales taxes collected in June 1990 from any dealer who remits such taxes pursuant to the amendments to s. 212.11, Florida Statutes, contained in this act shall be deposited into the General Revenue Fund. The remainder shall be allocated as provided in ss. 212.20 and 212.235, Florida Statutes.*

Section 22. Paragraph (f) of subsection (2) of section 125.0108, Florida Statutes, is amended to read:

125.0108 Areas of critical state concern; tourist impact tax.—

(2)

(f) The estimated tax provisions contained in s. 212.11(4) do not apply to the administration of any tax levied under this section.

Section 23. Paragraph (h) of subsection (3) of section 212.0305, Florida Statutes, is amended to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(3) APPLICATION; ADMINISTRATION; PENALTIES.—

(h) The estimated tax provisions contained in s. 212.11(4) do not apply to the administration of any tax levied under this section.

Section 24. Subsection (4) of section 212.054, Florida Statutes, is amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(4) The department shall administer, collect, and enforce the tax authorized under s. 212.055 pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales tax imposed under the provisions of this chapter, except as provided in this section. The provisions of this chapter regarding interest and penalties on delinquent taxes shall apply to the surtax. Discretionary sales surtaxes shall not be included in the computation of estimated taxes pursuant to s. 212.11(4)(a). Notwithstanding any other provision of law, a dealer need not separately state the amount of the surtax on the charge ticket, sales slip, invoice, or other tangible evidence of sale. For the purposes of this section and s. 212.055, the "proceeds" of any surtax shall be construed to mean all funds collected and received by the department pursuant to a specific authorization and levy under s. 212.055, including any interest and penalties on delinquent surtaxes. The proceeds of each discretionary sales surtax imposed by each county, less the costs of administration, shall be transferred to a discretionary sales surtax trust fund. A separate trust fund shall be established in the State Treasury for each county imposing a discretionary surtax. The amount deducted for the costs of administration shall not exceed 3 percent of the total revenue generated for all counties levying a surtax authorized in s. 212.055. The amount deducted for the costs of administration shall be used only for those costs which are solely and directly attributable to the surtax. The total cost of administration shall be prorated among those counties levying the surtax on the basis of the amount collected for a particular county to the total amount collected for all counties. No later than March 1 of each year, the department shall submit a written report which details the expenses and amounts deducted for the costs of administration to the President of the Senate, the Speaker of the House of Representatives, and the governing authority of each county levying a surtax. Proceeds shall be distributed monthly to the appropriate counties, unless otherwise provided in s. 212.055.

Section 25. Subsection (3) of section 212.0606, Florida Statutes, is amended to read:

212.0606 Rental car surcharge.—

(3) Except as provided in this section, the department shall administer, collect, and enforce the surcharge as provided in this part. The provisions of this part which apply to interest and penalties on delinquent taxes shall apply to the surcharge. The surcharge shall not be included in

the calculation of estimated taxes pursuant to s. 212.11(4)(a). The dealer's credit provided in s. 212.12 shall not apply to any amount collected under this section.

Section 26. Paragraph (a) of subsection (3) of section 403.718, Florida Statutes, is amended to read:

403.718 Waste tire fees.—

(3)(a) The Department of Revenue shall administer, collect, and enforce the fee authorized under this section pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales tax imposed under chapter 212, except as provided in this section. The provisions of this section regarding the authority to audit and make assessments, keeping of books and records, and interest and penalties on delinquent fees shall apply. The fee shall not be included in the computation of estimated taxes pursuant to s. 212.11(4)(a) nor shall the dealer's credit for collecting taxes or fees in s. 212.12 apply to this fee.

Section 27. Paragraph (a) of subsection (3) of section 403.7185, Florida Statutes, is amended to read:

403.7185 Lead-acid battery fees.—

(3)(a) The Department of Revenue shall administer, collect, and enforce the fee authorized under this section pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales tax imposed under chapter 212, except as provided in this section. The provisions of chapter 212 regarding the authority to audit and make assessments, keeping of books and records, and interest and penalties on delinquent fees shall apply. The fee shall not be included in the computation of estimated taxes pursuant to s. 212.11(4)(a), nor shall the dealer's credit for collecting taxes or fees in s. 212.12 or the exemptions in chapter 212 apply to this fee.

Section 28. Paragraph (a) of subsection (2) of section 403.7195, Florida Statutes, is amended to read:

403.7195 Waste newsprint disposal fees.—

(2) The product waste disposal fee imposed by this section shall be reported and paid to the Department of Revenue quarterly. A credit of 10 cents per ton of newsprint against the fee obligation may be taken by the producer or publisher for overruns or such similar products not actually circulated or delivered. The credit of 10 cents per ton is also allowed against the fee obligation for each ton of recycled newsprint used in publication of products. The payment shall be accompanied by such form as the Department of Revenue may prescribe. The proceeds of the product waste disposal fee collected pursuant to this section, less administrative costs, shall be transferred to the Solid Waste Management Trust Fund. For the purposes of this section, "proceeds" of the fee shall mean all funds collected and received by the department hereunder, including interest and penalties on delinquent fees. The amount deducted for the costs of administration shall not exceed 3 percent of the total revenues collected hereunder and shall be only for those costs solely and directly attributable to the fee.

(a) The Department of Revenue shall administer, collect, and enforce the fee authorized under this section pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales tax imposed under chapter 212, except as provided in this section. The provisions of this section regarding the authority to audit and make assessments, keeping of books and records, and interest and penalties on delinquent fees shall apply. The fees shall not be included in the computation of estimated taxes pursuant to s. 212.11(4)(a) nor shall the dealer's credit for collecting taxes or fees provided in s. 212.12 apply to this fee.

Section 29. Paragraph (c) of subsection (3) of section 403.7197, Florida Statutes, is amended to read:

403.7197 Advance disposal fee program.—

(3)

(c) The Department of Revenue shall administer, collect, and enforce the fee authorized under this section pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales tax imposed under chapter 212 except as provided in this section. The provisions of this section regarding the authority to audit and make assessments, keeping of books and records, and interest and penalties on delinquent fees shall apply. The fees shall not be included in the

computation of estimated taxes pursuant to s. 212.11(1)(a), nor shall the dealer's credit for collecting taxes or fees provided in s. 212.12 apply to this fee.

Section 30. (1) Subsection (1) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(1) It is the intent of the Legislature in enacting this code to impose a tax upon all corporations, organizations, associations, and other artificial entities which derive from this state or from any other jurisdiction permanent and inherent attributes not inherent in or available to natural persons, such as perpetual life, transferable ownership represented by shares or certificates, and limited liability for *some* or all owners. It is intended that limited liability companies and limited partnerships be subject to the tax imposed by this code. It is the intent of the Legislature to subject such corporations and other entities to taxation hereunder for the privilege of conducting business, deriving income, or existing within this state. This code is not intended to tax, and shall not be construed so as to tax, any natural person who engages in a trade, business, or profession in this state under his own or any fictitious name, whether individually as a proprietorship or in partnership with others; any estate of a decedent or incompetent; or any testamentary trust. However, a corporation or other taxable entity which is or which becomes partners with one or more natural persons shall not, merely by reason of being a partner, exclude from its net income subject to tax its respective share of partnership net income. *The income of corporations, limited liability companies, limited partnerships, and other taxable entities is distinct from the income of its shareholders, partners, or members.* This statement of intent shall be given preeminent consideration in any construction or interpretation of this code in order to avoid any conflict between this code and the mandate in s. 5, Art. VII of the State Constitution that no income tax be levied upon natural persons who are residents and citizens of this state.

(2) This section shall take effect upon this act becoming a law, and shall be applicable to tax years ending after June 30, 1990. However:

(a) No accretion of value, no accrual of gain, and no acquisition of a right to receive or accrue income which has occurred or been generated by a limited partnership prior to July 1, 1990, shall be deemed to be "property," or an interest in property, for any purpose under chapter 220, Florida Statutes.

(b) All income realized by a limited partnership for federal income tax purposes after June 30, 1990, shall be subject to taxation in full by this state and be taxed in the manner and to the extent provided in chapter 220, Florida Statutes.

Section 31. (1) Paragraph (e) of subsection (1) of section 220.03, Florida Statutes, is amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(e) "Corporation" includes all domestic corporations; foreign corporations qualified to do business in this state or actually doing business in this state; joint-stock companies; limited liability companies, under chapter 608; *limited partnerships, under part I of chapter 620, or other similar partnerships created as artificial entities pursuant to the statutes of the United States or any other state, territory, possession, or jurisdiction;* common-law declarations of trust, under chapter 609; corporations not for profit, under chapter 617; agricultural cooperative marketing associations, under chapter 618; professional service corporations, under chapter 621; foreign unincorporated associations, under chapter 622; private school corporations, under chapter 623; foreign corporations not for profit which are carrying on their activities in this state; and all other organizations, associations, legal entities, and artificial persons which are created by or pursuant to the statutes of this state, the United States, or any other state, territory, possession, or jurisdiction. The term "corporation" does not include proprietorships, even if using a fictitious name; partnerships, *other than limited partnerships of any type,* as such; state or public fairs or expositions, under chapter 616; estates of decedents or incompetents; testamentary trusts; or private trusts.

(2) This section shall take effect upon this act becoming a law, and shall be applicable to tax years ending after June 30, 1990. However:

(a) No accretion of value, no accrual of gain, and no acquisition of a right to receive or accrue income which has occurred or been generated by a limited partnership prior to July 1, 1990, shall be deemed to be "property," or an interest in property, for any purpose under chapter 220, Florida Statutes.

(b) All income realized by a limited partnership for federal income tax purposes after June 30, 1990, shall be subject to taxation in full by this state and be taxed in the manner and to the extent provided in chapter 220, Florida Statutes.

Section 32. (1) Paragraph (l) is added to subsection (2) of section 220.13, Florida Statutes, to read:

220.13 "Adjusted federal income" defined.—

(2) For purposes of this section, a taxpayer's taxable income for the taxable year means taxable income as defined in s. 63 of the Internal Revenue Code and properly reportable for federal income tax purposes for the taxable year, but subject to the limitations set forth in paragraph (1)(b) with respect to the deductions provided by ss. 172 (relating to net operating losses), 170(d)(2) (relating to excess charitable contributions), 404(a)(1)(D) (relating to excess pension trust contributions), 404(a)(3)(A) and (B) (to the extent relating to excess stock bonus and profit-sharing trust contributions), 404(d) (relating to excess contributions under the 1939 code), and 1212 (relating to capital losses) of the Internal Revenue Code, except that, subject to the same limitations, the term:

(l) "Taxable income" in the case of a limited partnership as defined in and organized under ss. 620.101-620.186, the Florida Revised Uniform Limited Partnership Act (1986), or a similar limited partnership also created as an artificial entity pursuant to the statutes of the United States or any other state, territory, possession, or jurisdiction, means taxable income computed pursuant to s. 703 of the Internal Revenue Code without reduction for items that must be separately stated pursuant to ss. 702(a) and 703(a)(1) of the Internal Revenue Code.

(2) This section shall take effect upon this act becoming a law, and shall be applicable to tax years ending after June 30, 1990. However:

(a) No accretion of value, no accrual of gain, and no acquisition of a right to receive or accrue income which has occurred or been generated by a limited partnership prior to July 1, 1990, shall be deemed to be "property," or an interest in property, for any purpose under chapter 220, Florida Statutes.

(b) All income realized by a limited partnership for federal income tax purposes after June 30, 1990, shall be subject to taxation in full by this state and be taxed in the manner and to the extent provided in chapter 220, Florida Statutes.

Section 33. Effective upon this act becoming a law and operating retroactively to January 1, 1990, paragraph (n) of subsection (1) and paragraph (c) of subsection (2) of section 220.03, Florida Statutes, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, 1990 ~~1989~~, except as provided in subsection (3).

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code shall have the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, 1990 ~~1989~~. However, if subsection (3) is implemented, the meaning of any term shall be taken at the time the term is applied under this code.

Section 34. Effective July 1, 1990, or upon this act becoming a law, whichever occurs later, section 624.429, Florida Statutes, is renumbered as section 624.5091, Florida Statutes, and reenacted to read:

624.5091 ~~624.429~~ Retaliatory provision, insurers.—

(1) When by or pursuant to the laws of any other state or foreign country any taxes, licenses, and other fees, in the aggregate, and any fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions are or would be imposed upon Florida insurers or upon the agents or representatives of such insurers, which are in excess of such taxes, licenses, and other fees, in the aggregate, or which are in excess of the fines, penalties, deposit requirements, or other obligations, prohibitions, or restrictions directly imposed upon similar insurers, or upon the agents or representatives of such insurers, of such other state or country under the statutes of this state, so long as such laws of such other state or country continue in force or are so applied, the same taxes, licenses, and other fees, in the aggregate, or fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions of whatever kind shall be imposed by the Department of Revenue upon the insurers, or upon the agents or representatives of such insurers, of such other state or country doing business or seeking to do business in this state. In determining the taxes to be imposed under this section, 80 percent of the credit provided by s. 624.509(5), as limited by s. 624.509(6) and further determined by s. 624.509(7), shall not be taken into consideration.

(2) Any tax, license, or other obligation imposed by any city, county, or other political subdivision or agency of a state, jurisdiction or foreign country on Florida insurers or their agents or representatives shall be deemed to be imposed by such state, jurisdiction, or foreign country within the meaning of subsection (1).

(3) This section does not apply as to personal income taxes, nor as to ad valorem taxes on real or personal property, nor as to special purpose obligations or assessments imposed by another state in connection with particular kinds of insurance other than property insurance, except that deductions, from premium taxes or other taxes otherwise payable, allowed on account of real estate or personal property taxes paid shall be taken into consideration by the department in determining the propriety and extent of retaliatory action under this section.

(4) For the purposes of this section, the domicile of an alien insurer shall be as defined in s. 624.07(2).

(5) The excess amount of all fees, licenses, and taxes collected by the Department of Revenue under this section over the amount of similar fees, licenses, and taxes provided for in part IV, together with all fines, penalties, or other monetary obligations collected under this section and ss. 626.711 and 626.743 exclusive of such fees, licenses, and taxes, shall be deposited by the Department of Revenue to the credit of the Insurance Commissioner's Regulatory Trust Fund; provided that such excess amount shall not exceed \$5.2 million for 1989, and for any subsequent year shall not exceed \$5.2 million adjusted annually by the lesser of 10 percent or the growth in the total of such excess amount. The remainder of such excess amount shall be deposited into the General Revenue Fund.

Section 35. Effective July 1, 1990, or upon this act becoming a law, whichever occurs later, section 213.05, Florida Statutes, is amended to read:

213.05 Department of Revenue; control and administration of revenue laws.—The Department of Revenue shall have only those responsibilities for ad valorem taxation specified to the department in chapter 192, taxation, general provisions; chapter 193, assessments; chapter 194, administrative and judicial review of property taxes; chapter 195, property assessment administration and finance; chapter 196, exemption; chapter 197, tax collections, sales, and liens; chapter 199, intangible personal property taxes; and chapter 200, determination of millage. The Department of Revenue shall have the responsibility of regulating, controlling, and administering all revenue laws and performing all duties as provided in s. 125.0104, the Local Option Tourist Development Act; chapter 198, estate taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 206, motor and other fuel taxes; chapter 207, tax on operation of commercial motor vehicles; chapter 211, tax on production of oil and gas and severance of solid minerals; chapter 212, tax on sales, use, and other transactions; chapter 214, administration of designated nonproperty taxes; chapter 220, income tax code; chapter 221, emergency excise tax; s. 376.11, pollutant spill prevention and control; ss. 403.717-403.7185, waste tire and lead-acid battery fees; s. 440.57, group self-insurer's fund premium tax; s. 624.5091 624.429, retaliatory tax; s. 624.4425, multiple-employer welfare arrangement premium tax; s. 624.475, commercial self-insurance fund premium tax; ss. 624.509-624.514, insurance code: administration and general provisions; s. 624.515, State Fire Marshal regulatory assessment; s. 627.356, profes-

sional liability self-insurance premium tax; s. 627.357, medical malpractice self-insurance premium tax; s. 629.5011, reciprocal insurers premium tax; s. 637.406, dental service plan corporation premium tax; and s. 651.027, continuing care contract entrance fees.

Section 36. Effective July 1, 1990, or upon this act becoming a law, whichever occurs later, paragraph (d) of subsection (1) of section 624.523, Florida Statutes, is amended to read:

624.523 Insurance Commissioner's Regulatory Trust Fund.—

(1) There is created in the State Treasury a trust fund designated "Insurance Commissioner's Regulatory Trust Fund" to which shall be credited all payments received on account of the following items:

(d) All sums received under s. 624.5091 624.429, as provided in subsection (5) (6) thereof.

Section 37. Effective July 1, 1990, or upon this act becoming a law, whichever occurs later, subsection (3) of section 625.51, Florida Statutes, is amended to read:

625.51 Purpose of deposit.—Such deposits shall be held for the following purposes:

(3) Deposits required pursuant to the retaliatory provision, s. 624.5091 624.429, shall be held for such purposes as are required by such law and as specified by the order of the department by which the deposit is required.

Section 38. Effective July 1, 1990, or upon this act becoming a law, whichever occurs later, subsection (4) of section 625.52, Florida Statutes, is amended to read:

625.52 Securities eligible for deposit.—

(4) Deposits of foreign insurers made in this state under the retaliatory provision, s. 624.5091 624.429, shall consist of such securities or assets as are required by the department pursuant to the retaliatory provision.

Section 39. Effective July 1, 1990, or upon this act becoming a law, whichever occurs later, section 625.60, Florida Statutes, is amended to read:

625.60 Levy upon deposit.—No judgment creditor or other claimant of an insurer shall have the right to levy upon any of the assets or securities held in this state as a deposit for the protection of the insurer's policyholders or policyholders and creditors. As to deposits made pursuant to the retaliatory provision, s. 624.5091 624.429, levy thereupon shall be permitted if so provided in the order of the department under which the deposit is required.

Section 40. Effective July 1, 1990, or upon this act becoming a law, whichever occurs later, subsection (1) of section 625.62, Florida Statutes, is amended to read:

625.62 Duration and release of deposit.—

(1) Every certificate of deposit filed and every deposit made in this state by an insurer, prior to or pursuant to this code, made voluntarily or pursuant to specific requirements shall be subject to the applicable provisions of this code as amended from time to time. If the deposit is required under the retaliatory provision, s. 624.5091 624.429, the deposit shall be held for so long as the basis for such retaliation exists.

Section 41. Effective July 1, 1990, or upon this act becoming a law, whichever occurs later, subsection (7) is added to section 627.733, Florida Statutes, to read:

627.733 Required security.—

(7)(a) Upon the issuance and renewal of every policy providing personal injury protection benefits required by this section, the insurer shall collect a separate and identifiable annual surcharge of \$5 for each vehicle covered under the policy. The surcharge shall not be considered part of the premium with respect to any law affecting premiums, except that an insurer may cancel or refuse to renew a policy for nonpayment of the surcharge to the same extent that an insurer may cancel or refuse to renew a policy for nonpayment of premium.

(b) If a policy providing personal injury protection benefits is for a period of less than 1 year, the surcharge shall be prorated for the period of coverage.

(c) *If an agent collects the surcharge required by this subsection, the agent shall separately identify the surcharge upon remitting payments to the insurer. No commissions or other collection fees may be retained by an agent or insurer from the amount of the surcharge. Insurers shall separately identify amounts collected for this surcharge upon remitting premium tax payments to the Department of Revenue.*

(d) *The surcharge shall be nonrefundable in the event of cancellation of a policy.*

(e) *The Department of Revenue shall administer the provisions of this section pursuant to s. 624.5092 and may adopt rules as necessary for this purpose.*

(f) *All moneys collected pursuant to this subsection shall be deposited in the General Revenue Fund.*

Section 42. Subsection (5) of section 627.736, Florida Statutes, is amended to read:

627.736 Required personal injury protection benefits; exclusions; priority.—

(5) CHARGES FOR TREATMENT OF INJURED PERSONS.—

(a) Any physician, hospital, clinic, or other person or institution lawfully rendering treatment to an injured person for a bodily injury covered by personal injury protection insurance may charge only a reasonable amount for the products, services, and accommodations rendered, and the insurer providing such coverage may pay for such charges directly to such person or institution lawfully rendering such treatment, if the insured receiving such treatment or his guardian has countersigned the invoice, bill, or claim form approved by the Department of Insurance upon which such charges are to be paid for as having actually been rendered, to the best knowledge of the insured or his guardian. In no event, however, may such a charge be in excess of the amount the person or institution customarily charges for like products, services, or accommodations in cases involving no insurance, provided that charges for cephalic thermograms and peripheral thermograms shall not exceed the maximum reimbursement allowance for such procedures as set forth in the applicable fee schedule established pursuant to s. 440.13.

(b) *In order to lessen the impact of the surcharge imposed by s. 627.733(7) a physician as defined in s. 440.13 may not charge for such treatment covered by personal injury protection insurance more than 105 percent of the maximum reimbursement allowance as set forth in the applicable fee schedules established pursuant to s. 440.13, or the amount allowable under paragraph (a), whichever is less. Once the maximum limits for personal injury protection benefits have been paid by an insurer, the fee schedule shall not apply to services rendered by a physician.*

Section 43. Effective July 1, 1990, or upon this act becoming a law, whichever occurs later, section 624.5092, Florida Statutes, is amended to read:

624.5092 Administration of taxes; payments.—

(1) The Department of Revenue shall administer, audit, and enforce the assessment and collection of those taxes to which this section is applicable. The Department of Insurance is authorized to share information with the Department of Revenue as necessary to verify premium tax liability arising under such taxes and credits which may apply thereto.

(2)(a) Installments of the taxes to which this section is applicable shall be due and payable on April 15, June 15, and October 15 in each year, based upon the estimated gross amount of receipts of insurance premiums or assessments received during the immediately preceding calendar quarter. A final payment of tax due for the year shall be made at the time the taxpayer files his return for such year. On or before March 1 in each year, an annual return shall be filed showing, by quarters, the gross amount of receipts taxable for the preceding year and the installment payments made during that year.

(b) Any taxpayer who fails to report and timely pay any installment of tax, who estimates any installment of tax to be less than 90 percent of the amount finally shown to be due in any quarter, or who fails to report and timely pay any tax due with the final return is in violation of this section and is subject to a penalty of 10 percent on any underpayment of taxes or delinquent taxes due and payable for that quarter or on any delinquent taxes due and payable with the final return; provided, how-

ever, for purposes of this calculation credits and deductions shall not apply. Any taxpayer paying, for each installment required in this section, 27 percent of the amount of the annual tax reported on his return for the preceding year shall not be subject to the penalty provided by this section.

(c) When any taxpayer fails to pay any amount due under this section, or any portion thereof, on or before the day when such tax or installment of tax is required by law to be paid, there shall be added to the amount due interest at the rate of 12 percent per year from the date due until paid.

(d) All penalties and interest imposed on those taxes to which this section is applicable shall be payable to and collectible by the Department of Revenue in the same manner as if they were a part of the tax imposed.

(e) The Department of Revenue may settle or compromise any such interest or penalties imposed on those taxes to which this section is applicable pursuant to s. 213.21.

(3) This section is applicable to taxes imposed by s. 624.5091 ~~624.429~~, s. 624.4425, s. 624.475, ss. 624.509-624.515, s. 627.356, s. 627.357, s. 627.733, s. 629.5011, s. 637.406, s. 651.027, and s. 440.57.

Section 44. Effective July 1, 1990, or upon this act becoming a law, whichever occurs later, subsections (1) and (5) of section 626.932, Florida Statutes, are amended to read:

626.932 Surplus lines tax.—

(1) The premiums charged for surplus lines coverages are subject to a premium receipts tax of 9 3/8 percent of all gross premiums charged for such insurance. The surplus lines agent shall collect from the insured the amount of the tax at the time of the delivery of the cover note, certificate of insurance, policy, or other initial confirmation of insurance, in addition to the full amount of the gross premium charged by the insurer for the insurance. The surplus lines agent is prohibited from absorbing such tax or, as an inducement for insurance or for any other reason, rebating all or any part of such tax or of his commission.

(5) The department shall deposit *one-third* of all taxes collected under this section to the credit of the Insurance Commissioner's Regulatory Trust Fund. *Two-thirds* of all taxes collected under this section shall be deposited into the General Revenue Fund.

Section 45. Effective July 1, 1990, or upon this act becoming a law, whichever occurs later, subsections (3) and (7) of section 626.938, Florida Statutes, are amended to read:

626.938 Report and tax of independently procured coverages.—

(3) For the general support of the government of this state, there is levied upon the obligation, chose in action, or right represented by the premium charged for such insurance a tax at the rate of 9 3/8 percent of the gross amount of such premium. The insured shall withhold the amount of the tax from the amount of premium charged by and otherwise payable to the insurer for such insurance; and, within 30 days after the insurance was so procured, continued, or renewed, and coincidentally with the filing with the department of the report provided for in subsection (1), the insured shall pay the amount of the tax to the department.

(7) The department shall deposit *one-third* of all taxes and interest collected under this section to the credit of the Insurance Commissioner's Regulatory Trust Fund. *Two-thirds* of all taxes and interest collected under this section shall be deposited into the General Revenue Fund.

Section 46. Effective July 1, 1990, or upon this act becoming a law, whichever occurs later, paragraphs (h) and (i) of subsection (1) of section 624.523, Florida Statutes, are amended to read:

624.523 Insurance Commissioner's Regulatory Trust Fund.—

(1) There is created in the State Treasury a trust fund designated "Insurance Commissioner's Regulatory Trust Fund" to which shall be credited all payments received on account of the following items:

(h) All Sums received under s. 626.932, as provided in subsection (5) thereof.

(i) All Sums received under s. 626.938, as provided in subsection (7) thereof.

Section 47. *There is hereby appropriated from the General Revenue Fund to the Department of Health and Rehabilitative Services \$12,760,092 to fund deficits in AFDC and Medicaid services. Additionally, \$230,683 is hereby appropriated from the General Revenue Fund to the Department of Administration, Division of Retirement, to fund the deficit in National Guard pensions.*

Section 48. *The Department of Revenue shall conduct a study of the revenue generated from and of the economic impact to the state of imposing the corporate income tax on subchapter S corporations.*

Section 49. For the state fiscal year 90/91, \$30,000,000 of the revenues collected pursuant to Chapter 220, F.S., shall be appropriated to the State Comprehensive Health Association to carry out the provision of the State Comprehensive Health Association Act. This section is contingent upon CS/HB 3489 or similar legislation becoming law.

Section 50. Except as otherwise provided herein, this act shall take effect upon becoming a law.

House Amendment 2—Strike the entire title and insert: A bill to be entitled An act relating to taxation; amending s. 320.06, F.S.; increasing the fee for replacement license plates; amending s. 320.0607, F.S.; increasing the fee for replacement plates, stickers, or decals for motor vehicles and mobile homes; amending s. 320.072, F.S.; providing an impact fee upon certain motor vehicle initial applications for registration; providing exceptions; amending s. 322.17, F.S.; increasing fees with respect to duplicate and replacement license certificates; amending s. 319.324, F.S.; revising language with respect to the use of moneys in the Odometer Fraud Prevention and Detection Trust Fund; amending s. 212.0606, F.S.; imposing a surcharge on certain leased or rented motor vehicles; providing for distribution of the proceeds; creating s. 212.0607, F.S.; imposing a surcharge on cruise ship passengers; providing a definition; providing for distribution of the proceeds; providing the Department of Revenue authority to administer the surcharge; limiting local government authority to levy such fees; amending s. 212.18, F.S.; providing for increased initial and annual registration fees; amending s. 212.20, F.S.; providing for disposition of funds; amending s. 288.03, F.S.; creating the Cooperative Advertising Trust Fund; providing for administrative costs; providing for awards; amending s. 320.04, F.S.; providing for an additional registration service charge for certain automated vending facilities; amending s. 210.25, F.S.; including cigars within the definition of "tobacco products" for purposes of the imposition of tax thereon; amending s. 210.30, F.S.; increasing the tax on tobacco products and providing for the disposition of a portion of the proceeds of said tax; amending s. 210.70, F.S., to conform; amending s. 212.11, F.S.; requiring certain taxpayers to pay estimated sales taxes; providing for distribution; providing penalties; amending ss. 125.0108, 212.0305, 212.054, 212.0606, 403.718, 403.7185, 403.7195, and 403.7197, F.S.; correcting references; amending ss. 212.04 and 212.12, F.S.; revising the reduced dealer's credit for collecting sales taxes; amending s. 220.02, F.S.; asserting that it is the intention of the Legislature to impose corporate income tax on limited partnerships; amending s. 220.03, F.S.; amending the definition of "corporation"; amending s. 220.13, F.S.; defining taxable income for limited partnerships; amending s. 220.03, F.S.; revising the definition of the Internal Revenue Code for purposes of the Florida Income Tax Code; providing for retroactive effect; renumbering and reenacting s. 624.429, F.S., relating to retaliatory provisions with respect to insurers; amending ss. 213.05, 624.523, 625.51, 625.52, 625.60, and 625.62, F.S.; correcting references; amending s. 627.733, F.S.; imposing a surcharge on personal injury protection policies; requiring agents to separately state the surcharge; providing for disposition of revenue; amending s. 627.736, F.S., establishing a fee schedule for physician charges covered by personal injury protection coverage; amending s. 624.5092, F.S.; authorizing the Department of Revenue to administer, audit, and enforce the surcharge; providing for penalties; correcting a reference; amending s. 626.932, F.S.; increasing the insurance premium receipts tax on surplus lines coverage; amending s. 626.938, F.S.; increasing the tax on independently procured coverages; providing for disposition of the proceeds; amending s. 624.523, F.S., to conform; directing the Department of Revenue to conduct a study; providing an appropriation; providing effective dates.

On motions by Senator Deratany, the Senate refused to concur in the House amendments and the House was requested to recede and in the event the House refused to recede a conference committee was requested. The action of the Senate was certified to the House.

On motion by Senator Deratany, the rules were waived to allow the Conference Committee on Finance and Taxation to consider CS for HB 3695 and CS for SB 402.

SPECIAL ORDER, continued

On motion by Senator D. Childers, by two-thirds vote HB 2687 was withdrawn from the Committee on Higher Education.

On motion by Senator D. Childers—

HB 2687—A bill to be entitled An act relating to higher education; providing a definition of hazing; providing for the prohibition of hazing on campuses of public and private universities and colleges; requiring private colleges and universities to provide to the State Board of Independent Colleges and Universities a copy of their hazing policies; providing an effective date.

—a companion measure, was substituted for SB 1496 and read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 2687 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Davis, Grant, Stuart

SB 2554—A bill to be entitled An act relating to public records; amending s. 119.085, F.S.; abrogating the repeal of provisions authorizing public records custodians to provide access to records by remote electronic means; deleting provisions relating to legislative review of said section; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 2554 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Davis, Grant, Stuart

Senator W. D. Childers presiding

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

CS for SB 1404—A bill to be entitled An act relating to postsecondary education; amending s. 240.107, F.S.; increasing the number of semester hours or equivalent necessary to take the college-level communication and computation skills examination; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for SB 1404 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|----------|--------------|-----------------|-------------|
| Bankhead | Bruner | Childers, W. D. | Diaz-Balart |
| Bead | Casas | Crenshaw | Dudley |
| Brown | Childers, D. | Deratany | Forman |

| | | | |
|-----------|-------------|----------|----------------|
| Gardner | Kirkpatrick | Meek | Thomas |
| Girardeau | Kiser | Myers | Thurman |
| Gordon | Langley | Peterson | Walker |
| Grizzle | Malchon | Plummer | Weinstein |
| Jennings | Margolis | Scott | Weinstock |
| Johnson | McPherson | Souto | Woodson-Howard |

Nays—None

Vote after roll call:

Yea—Davis, Grant, Stuart

SB 2556—A bill to be entitled An act relating to the internal audit of state agencies; amending s. 20.055, F.S.; specifying a period during which a person who supervises a program function or operational unit within a state agency may respond to an adverse finding of the chief internal auditor of the state agency; repealing s. 2, ch. 86-131, Laws of Florida, to continue provisions relating to agency chief internal auditors and their duties; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 2556 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Davis, Stuart

On motion by Senator Forman, by two-thirds vote HB 2961 was withdrawn from the Committee on Insurance.

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

HB 2961—A bill to be entitled An act relating to motor vehicle insurance; creating s. 627.0653, F.S.; requiring the Department of Insurance to adopt rules to provide for the reduction of premium charges for comprehensive coverage of a motor vehicle equipped with an antitheft device or a motor vehicle recovery system or both; providing an effective date.

—a companion measure, was substituted for SB 1384 and by two-thirds vote read the second time by title. On motion by Senator Forman, by two-thirds vote HB 2961 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Davis, Stuart

SB 2558—A bill to be entitled An act relating to the State Theater Program; deleting requirement that contracts with professional theatrical management companies must be signed by the chairman of the State Theater Board of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 2558 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

| | | | |
|-----------------|-------------|-----------|----------------|
| Bankhead | Dudley | Kiser | Souto |
| 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 | |
| Deratany | Johnson | Plummer | |
| Diaz-Balart | Kirkpatrick | Scott | |

Nays—None

Vote after roll call:

Yea—Davis, Stuart

SB 2146—A bill to be entitled An act relating to the correctional system; amending s. 944.277, F.S.; prohibiting provisional credits to inmates serving concurrent sentences in other jurisdictions, and reenacting s. 947.146(4)(g), F.S., relating to control release, to incorporate said amendment in a reference thereto; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole recommended the following amendment which was moved by Senator Kiser:

Amendment 1—On page 3, strike line 2 and insert: *state or federal jurisdiction.*

Further consideration of **SB 2146** was deferred.

On motion by Senator Kirkpatrick, by unanimous consent—

CS for SB 1278—A bill to be entitled An act relating to asbestos control; requiring the Department of Environmental Regulation to charge an inspection and notification fee for any asbestos removal project; providing exemptions; providing for the disposition of such fees; allowing the department to contract to have local governments conduct such projects; 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 1278 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Deratany

On motion by Senator Kirkpatrick, the rules were waived and **CS for SB 1278** was ordered immediately certified to the House.

Consideration of **CS for SB 2638** and **SB 2498** was deferred.

On motions by Senator McPherson, by two-thirds vote CS for HB 1787 was withdrawn from the Committee on Judiciary-Civil.

On motions by Senator McPherson, by unanimous consent—

CS for HB 1787—A bill to be entitled An act relating to lost or abandoned property; amending s. 705.103, F.S.; specifying when notice of intended disposition of property must be published; amending s. 705.104, F.S.; specifying when title to lost or abandoned property vests in the

finder; reenacting s. 713.585(6), F.S., to incorporate the amendment to s. 705.103, F.S., in a reference thereto; providing an effective date.

—was taken up out of order and by two-thirds vote a companion measure was substituted for CS for SB 2426.

On motions by Senator McPherson, by two-thirds vote CS for HB 1787 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Davis

On motions by Senator Peterson, by two-thirds vote CS for HB 1151 was withdrawn from the Committee on Health Care.

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

CS for HB 1151—A bill to be entitled An act relating to automatic external defibrillators; creating s. 401.291, F.S.; providing legislative intent; providing for use of automatic or semiautomatic defibrillators by certain persons; specifying training requirements; providing responsibilities of emergency medical services medical directors in authorizing use or approving another physician's authorization for use of such equipment; requiring emergency medical services medical directors to establish policies and procedures for such use; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 2638 and by two-thirds vote read the second time by title. On motion by Senator Peterson, by two-thirds vote CS for HB 1151 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 2498—A bill to be entitled An act relating to information systems of the Department of Education; repealing s. 282.502, F.S., relating to the Risk Assessment Information System Coordinating Council of the Department of Education; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 2498 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

| | | | |
|-----------------|-------------|----------|----------------|
| Bankhead | Diaz-Balart | Kiser | Thomas |
| Beard | Dudley | Langley | Thurman |
| Brown | Forman | Malchon | Walker |
| Bruner | Gardner | Meek | Weinstein |
| Childers, D. | Girardeau | Myers | Weinstock |
| Childers, W. D. | Grant | Peterson | Woodson-Howard |
| Crenshaw | Grizzle | Plummer | |
| Davis | Johnson | Souto | |
| Deratany | Kirkpatrick | Stuart | |

Nays—None

Vote after roll call:

Yea to Nay—Weinstock

CS for SB 2320—A bill to be entitled An act relating to trademarks and service marks; amending s. 495.011, F.S.; defining "use"; amending s. 495.021, F.S.; providing criteria for registrability; creating s. 495.027, F.S.; providing for reservation of the right to register a trademark or service mark; providing for applications and fees; amending s. 495.031, F.S.; specifying content of application for registration; amending s. 495.061, F.S.; providing that a reservation confers a right of priority of ownership of a trademark or service mark; amending s. 495.101, F.S.; providing criteria for abandonment; creating s. 495.181, F.S.; providing a rule of construction; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote CS for SB 2320 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

The Senate resumed consideration of—

SB 2146—A bill to be entitled An act relating to the correctional system; amending s. 944.277, F.S.; prohibiting provisional credits to inmates serving concurrent sentences in other jurisdictions, and reenacting s. 947.146(4)(g), F.S., relating to control release, to incorporate said amendment in a reference thereto; providing an effective date.

—with pending Amendment 1 which was adopted.

Senator Kiser moved the following amendments which were adopted:

Amendment 2—On page 2, lines 2-30, and on page 3, lines 1-15, strike all of said lines and insert: committing or attempting to commit sexual battery, or incest or a lewd or indecent assault or act;

(d) Is convicted, or has been previously convicted, of committing or attempting to commit a lewd or indecent assault or act as a result of masturbating in public, exposing the sexual organs in a perverted manner or non-consensual handling or fondling of the sexual organs of another person.

(e)(d) Is convicted, or has been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, or aggravated battery, and a sex act was attempted or completed during commission of the offense;

(f)(e) Is convicted, or has been previously convicted, of committing or attempting to commit kidnapping, burglary, or murder, and the offense was committed with the intent to commit sexual battery;

(g)(f) Is convicted, or has been previously convicted, of committing or attempting to commit false imprisonment upon a child under the age of 13 and, in the course of committing the offense, the inmate committed aggravated child abuse; sexual battery against the child; or a lewd, lascivious, or indecent assault or act upon or in the presence of the child; or

(h)(g) Is sentenced, or has been previously been sentenced, under s. 775.084, or has been sentenced at any time in another jurisdiction as a habitual offender;

(i)(h) Is convicted, or has been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, aggravated battery, kidnapping, manslaughter, or murder against an officer as

defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) or against a state attorney or assistant state attorney;

(j)(4) Is convicted, or has been previously convicted, of committing or attempting to commit murder in the first, second, or third degree under s. 782.04(1), (2), (3), or (4); or:

(k) Is serving a concurrent sentence in another jurisdiction.

Section 2. For the purpose of incorporating the amendment to section 944.277, Florida Statutes, in a reference thereto, the subdivision of Florida Statutes set forth below is reenacted to read:

947.146 Control Release Authority.—

(4) A panel of no fewer than two members of the authority shall establish a control release date for each parole ineligible inmate committed to the department within 90 days following notification by the department of receipt of the inmate, except an inmate who is convicted, or has been previously convicted, and sentenced for the following:

(g) Any offense which would render the inmate ineligible for provisional credits under s. 944.277.

Section 3. A person who is convicted, or has been previously convicted, of committing prior to the effective date of this act a lewd or indecent assault or act specified in section 944.277(1)(c), Florida Statutes, is eligible for provisional credits. However, a person who is convicted or has been previously convicted, of committing or attempting to commit a lewd or indecent assault or act as a result of masturbating in public, exposing the sexual organs in a perverted manner, or non-consensual handling or fondling of the sexual organs of another person is not eligible for provisional credits.

(Renumber subsequent section.)

Amendment 3—In title, on page 1, line 8, after the semicolon (;) insert: providing a saving clause;

On motion by Senator Kiser, by two-thirds vote SB 2146 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

| | | | |
|-----------------|-------------|----------|----------------|
| Bankhead | Diaz-Balart | Kiser | Stuart |
| Beard | Dudley | Langley | Thurman |
| Brown | Forman | Malchon | Walker |
| Bruner | Gardner | Margolis | Weinstein |
| Childers, D. | Girardeau | Meek | Weinstock |
| Childers, W. D. | Grant | Myers | Woodson-Howard |
| Crenshaw | Grizzle | Peterson | |
| Davis | Johnson | Plummer | |
| Deratany | Kirkpatrick | Souto | |

Nays—None

Vote after roll call:

Yea—Thomas

CS for SB 2038—A bill to be entitled An act relating to mental health; amending s. 394.467, F.S.; revising language with respect to the procedure for a hearing on involuntary placement to provide for a guardian advocate under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Meek, by two-thirds vote CS for SB 2038 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

On motion by Senator Meek, the rules were waived and **CS for SB 2038** was ordered immediately certified to the House.

CS for CS for SB 748—A bill to be entitled An act relating to health care; providing for the designation of a health care surrogate; providing the duties, authorities, and liability of the health care surrogate; providing restrictions on surrogate's consent; providing the responsibility and liability of the health care providers; providing for revocation of the designation of a health care surrogate; providing for the adoption of rules; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for CS for SB 748 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

SB 2130—A bill to be entitled An act relating to juvenile delinquency; amending s. 959.31, F.S.; changing the name and scope of "Delinquency Prevention Councils" to "Juvenile Delinquency and Gang Prevention Councils"; providing legislative intent; revising council membership and grant application procedures; amending s. 943.0572, F.S.; changing "youth gang data base" to "youth and street gang data base," to conform; providing additional direction and duties; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote SB 2130 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Motion

On motion by Senator Bruner, Rule 4.17 was waived to allow consideration of the following bills: Senate Bills 2842, 2772, 2066, 2112, 1642, 1222, 1386, CS for SB 1030, Senate Bills 706, 1580, 42, and CS for CS for SB 276.

On motion by Senator D. Childers, by two-thirds vote HB 3543 was withdrawn from the Committee on Higher Education.

On motion by Senator D. Childers—

HB 3543—A bill to be entitled An act relating to designation of state buildings; requiring the Board of Regents of the Division of Universities of the Department of Education to name the research center building at the University of Florida, Institute of Food and Agricultural Sciences (IFAS), Everglades Research and Education Center, Belle Glade, the "Herman H. and Ruth S. Wedgworth Building"; requiring the Board of Regents to erect suitable markers; providing an effective date.

—a companion measure, was substituted for SB 2842 and read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 3543 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

| | | | |
|-----------------|-------------|----------|----------------|
| Bankhead | Dudley | Langley | Thomas |
| Beard | Forman | Malchon | Thurman |
| Brown | Girardeau | Margolis | Walker |
| Bruner | Gordon | Meek | Weinstein |
| Childers, D. | Grant | Myers | Weinstock |
| Childers, W. D. | Grizzle | Peterson | Woodson-Howard |
| Crenshaw | Johnson | Plummer | |
| Davis | Kirkpatrick | Souto | |
| Diaz-Balart | Kiser | Stuart | |

Nays—None

SB 2772—A bill to be entitled An act relating to the Florida State Fire College; providing additional duties for the Division of State Fire Marshal or the Department of Insurance relating to the funding of the fire college; providing uses for funds; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 2772 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

| | | | |
|-----------------|-------------|-------------|----------------|
| Bankhead | Diaz-Balart | Kirkpatrick | Thomas |
| Beard | Dudley | Kiser | Thurman |
| Brown | Forman | Langley | Walker |
| Bruner | Girardeau | Malchon | Weinstein |
| Childers, D. | Gordon | Margolis | Weinstock |
| Childers, W. D. | Grant | Meek | Woodson-Howard |
| Crenshaw | Grizzle | Myers | |
| Davis | Johnson | Souto | |

Nays—None

SB 2066—A bill to be entitled An act relating to robbery; amending s. 812.13, F.S.; prescribing the elements of the crime of robbery; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote SB 2066 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

| | | | |
|-----------------|-------------|----------|----------------|
| Bankhead | Forman | Malchon | Thomas |
| Brown | Girardeau | Margolis | Thurman |
| Bruner | Gordon | Meek | Walker |
| Childers, W. D. | Grant | Myers | Weinstein |
| Crenshaw | Grizzle | Peterson | Weinstock |
| Davis | Johnson | Scott | Woodson-Howard |
| Diaz-Balart | Kirkpatrick | Souto | |
| Dudley | Kiser | Stuart | |

Nays—1

Langley

Vote after roll call:

Nay to Yea—Langley

Consideration of **SB 2112** was deferred.

SB 1642—A bill to be entitled An act relating to environmental resources; amending s. 253.61, F.S.; specifying state lands not subject to oil or natural gas leases; amending ss. 377.24 and 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; providing application of the act; providing an effective date.

—was read the second time by title.

Senators Crenshaw and Bruner offered the following amendment which was moved by Senator Bruner and adopted:

Amendment 1—On page 1, line 14, strike everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (1) of section 253.61, Florida Statutes, is amended to read:

253.61 Lands not subject to lease.—

(1) Regardless of anything to the contrary contained in this law in any previous section or part thereof, no board or agency mentioned therein or the state shall have the power or authority to sell, execute or enter into any lease of the type covered by this law relating to any of the following lands, submerged or unsubmerged, except under the circumstances and conditions as hereinafter set out in this section, to wit:

(d) Without exception, after July 1, 1989, no lease of the type covered by this law shall be granted, sold, or executed south of 26° north latitude off Florida's west coast and south of 27° north latitude off Florida's east coast, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. 1301, ~~subsection (6)~~. After July 31, 1990, no oil or natural gas lease shall be granted, sold, or executed covering lands located north of 26°00'00" north latitude off Florida's west coast to the western boundary of the state bordering Alabama as set forth in s. 1, Art. II of the State Constitution, or located north of 27°00'00" north latitude off Florida's east coast to the northern boundary of the state bordering Georgia as set forth in s. 1, Art. II of the State Constitution, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. 1301.

Section 2. Subsection (9) of section 377.24, Florida Statutes, is amended to read:

377.24 Notice of intention to drill well; permits; abandoned wells and dry holes.—

(9) Without exception, after July 1, 1989, no permit to drill a well in search of oil or gas shall be granted south of 26°00'00" north latitude off Florida's west coast and south of 27°00'00" north latitude off Florida's east coast, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. 1301, ~~subsection (6)~~. After July 31, 1990, no permit to drill a well in search of oil or gas shall be granted north of 26°00'00" north latitude off Florida's west coast to the western boundary of the state bordering Alabama as set forth in s. 1, Art. II of the State Constitution, or located north of 27°00'00" north latitude off Florida's east coast to the northern boundary of the state bordering Georgia as set forth in s. 1, Art. II of the State Constitution, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. 1301.

Section 3. Paragraph (a) of subsection (1) of section 377.242, Florida Statutes, is amended to read:

377.242 Permits for drilling or exploring and extracting through well holes or by other means.—The department is vested with the power and authority:

(1)(a) To issue permits for the drilling for, exploring for, or production of oil, gas, or other petroleum products which are to be extracted from below the surface of the land, including submerged land, only through the well hole drilled for oil, gas, and other petroleum products.

1. No structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed on any submerged land within any bay or estuary.

2. No structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed within 1 mile seaward of the coastline of the state.

3. No structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed within 1 mile of the seaward boundary of any state, local, or federal park or aquatic or wildlife preserve or on the surface of a freshwater lake, river, or stream.

4. No structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed within 1 mile inland from the shoreline of the Gulf of Mexico, the Atlantic Ocean, or any bay or estuary or within 1 mile of any freshwater lake, river, or stream unless the department is satisfied that the natural resources of such bodies of water and shore areas of the state will be adequately protected in the event of accident or blowout.

5. Without exception, after July 1, 1989, no structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed south of 26°00'00" north latitude off Florida's west coast and south of 27°00'00" north latitude off Florida's east coast, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. 1301, ~~subsection (6)~~. After July 31, 1990, no structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed north of 26°00'00" north latitude off Florida's

da's west coast to the western boundary of the state bordering Alabama as set forth in s. 1, Art. II of the State Constitution, or located north of 27°00'00" north latitude off Florida's east coast to the northern boundary of the state bordering Georgia as set forth in s. 1, Art. II of the State Constitution, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. 1301.

Each permit shall contain an agreement by the permitholder that the permitholder will not prevent inspection by division personnel at any time.

Section 4. This act does not apply to any lease entered into before the effective date of this act.

Section 5. This act shall take effect August 1, 1990.

On motion by Senator Bruner, by two-thirds vote SB 1642 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 2112—A bill to be entitled An act relating to witnesses; creating s. 92.57, F.S.; prohibiting a person from being dismissed from employment because the person was a witness in a judicial proceeding; providing for attorney's fees and punitive damages; providing an effective date.

—was read the second time by title. On motion by Senator Plummer, by two-thirds vote SB 2112 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|-------------|----------|----------------|
| Bankhead | Diaz-Balart | Kiser | Stuart |
| Beard | Dudley | Langley | Thomas |
| Brown | Forman | Malchon | Thurman |
| Bruner | Girardeau | Margolis | Walker |
| Childers, D. | Gordon | Meek | Weinstein |
| Childers, W. D. | Grant | Myers | Weinstock |
| Crenshaw | Grizzle | Plummer | Woodson-Howard |
| Davis | Johnson | Scott | |
| Deratany | Kirkpatrick | Souto | |

Nays—None

SB 1222—A bill to be entitled An act relating to weapons and firearms; amending s. 790.225, F.S.; adding unlawful acts and increasing criminal penalties relating to self-propelled knives; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote SB 1222 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

| | | | |
|-----------------|-------------|----------|----------------|
| Bankhead | Diaz-Balart | Malchon | Thomas |
| Beard | Forman | Margolis | Thurman |
| Brown | Girardeau | Meek | Walker |
| Bruner | Gordon | Myers | Weinstein |
| Childers, D. | Grant | Peterson | Weinstock |
| Childers, W. D. | Grizzle | Plummer | Woodson-Howard |
| Crenshaw | Johnson | Scott | |
| Davis | Kirkpatrick | Souto | |
| Deratany | Kiser | Stuart | |

Nays—None

Vote after roll call:

Yea—Dudley, Langley

SB 1386—A bill to be entitled An act relating to the Florida Prepaid Postsecondary Education Expense Program; amending s. 240.551, F.S.; providing a definition; modifying terms of advance payment contracts; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote SB 1386 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

| | | | |
|-----------------|-------------|----------|----------------|
| Bankhead | Diaz-Balart | Kiser | Souto |
| Brown | Dudley | Malchon | Stuart |
| Bruner | Forman | Margolis | Thomas |
| Childers, D. | Girardeau | Meek | Thurman |
| Childers, W. D. | Grant | Myers | Walker |
| Crenshaw | Grizzle | Peterson | Weinstein |
| Davis | Johnson | Plummer | Woodson-Howard |
| Deratany | Kirkpatrick | Scott | |

Nays—None

Vote after roll call:

Yea—Langley

CS for SB 1030—A bill to be entitled An act relating to higher education; authorizing use of student financial assistance for approved programs of study in another state or foreign country; precluding use of financial aid for certain institutions; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, between lines 24 and 25, insert:

Section 2. This act expires July 1, 1991.

(Renumber subsequent section.)

Senator Brown moved the following substitute amendment which was adopted:

Amendment 2—On page 1, line 14, after "country" insert: for a period of up to 1 year

On motion by Senator Brown, by two-thirds vote CS for SB 1030 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

| | | | |
|-----------------|-------------|-------------|----------------|
| Bankhead | Deratany | Kirkpatrick | Stuart |
| Beard | Diaz-Balart | Kiser | Thomas |
| Brown | Dudley | Malchon | Thurman |
| Bruner | Forman | Meek | Walker |
| Childers, D. | Girardeau | Myers | Weinstein |
| Childers, W. D. | Grant | Peterson | Weinstock |
| Crenshaw | Grizzle | Scott | Woodson-Howard |
| Davis | Johnson | Souto | |

Nays—None

Vote after roll call:

Yea—Langley

SB 706—A bill to be entitled An act relating to the regulation of receptive tour operators; amending s. 559.925, F.S.; defining the term "receptive tour operator" for purposes of regulation; providing for regulation of receptive tour operators by the Department of Agriculture and Consumer Services rather than by the Department of Business Regulation; providing for the deposit of fees and fines; providing duties of the department; transferring certain powers, duties, functions, records, and property from the Department of Business Regulation to the Department of Agriculture and Consumer Services; abrogating the repeal of s. 559.925, F.S., scheduled under the Regulatory Sunset Act; providing for future review and repeal; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 5, line 11, insert:

Section 5. Section 559.801, Florida Statutes, is amended to read:

559.801 Definitions.—For the purpose of ss. 559.80-559.815:

(1) "Business opportunity" means the sale or lease of any products, equipment, supplies, or services which are sold to a purchaser to enable the purchaser to start a business for which the purchaser is required to pay an initial fee or sum of money which exceeds \$500 to the seller, and in which the seller represents:

(a) That the seller will provide locations or assist the purchaser in finding locations for the use or operation of vending machines, racks, display cases, or other similar devices or currency-operated amusement machines or devices on premises neither owned nor leased by the purchaser or seller;

(b) That, *if applicable* the seller will purchase any or all products made, produced, fabricated, grown, bred, or modified by the purchaser using in whole or in part the supplies, services, or chattels sold to the purchaser;

(c) That the seller guarantees *in writing* that the purchaser will derive income from the business opportunity which exceeds the price paid for the business opportunity or that the seller will refund all or part of the price paid for the business opportunity or repurchase any of the products, equipment, supplies, or chattels supplied by the seller if the purchaser is unsatisfied with the business opportunity; or

(d) That the seller will provide a sales program or marketing program which will enable the purchaser to derive income from the business opportunity, except that this paragraph shall not apply to the sale of a marketing program made in conjunction with the licensing of a registered trademark or service mark.

"Business opportunity" does not include the sale of ongoing businesses when the owner of those businesses sells and intends to sell only those business opportunities so long as those business opportunities to be sold are no more than five in number; nor does it include the not-for-profit sale of sales demonstration equipment, materials, or samples for a total price of \$500 or any sales training course offered by the seller the cost of which does not exceed \$500; *nor does it include the sale or lease of laundry and dry cleaning equipment.*

(2) "Division" means the Division of Consumer Services of the Department of Agriculture and Consumer Services.

(Renumber subsequent sections.)

On motion by Senator Thomas, by two-thirds vote SB 706 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|-------------|----------|----------------|
| Bankhead | Diaz-Balart | Kiser | Stuart |
| Beard | Dudley | Malchon | Thomas |
| Brown | Forman | Margolis | Thurman |
| Bruner | Girardeau | Meeke | Walker |
| Childers, D. | Gordon | Myers | Weinstein |
| Childers, W. D. | Grant | Peterson | Weinstock |
| Crenshaw | Grizzle | Plummer | Woodson-Howard |
| Davis | Johnson | Scott | |
| Deratany | Kirkpatrick | Souto | |

Nays—None

Vote after roll call:

Yea—Langley

SB 1580—A bill to be entitled An act relating to lewdness; amending s. 800.04, F.S.; adding commission or enticement of sexual conduct to the offenses proscribed for which felony penalties are provided by law when a child is present, and reenacting ss. 775.15(7), 787.01(3), 787.02(3), 914.16, F.S., relating to time limitations, kidnapping, and false imprisonment of a child under age 13, and interview limits on child abuse and

sexual abuse victims under age 16, to incorporate said amendment in references thereto; providing an effective date.

—was read the second time by title.

One amendment was adopted to SB 1580 to conform the bill to HB 83.

Pending further consideration of SB 1580 as amended, on motion by Senator Myers, by two-thirds vote HB 83 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Myers—

HB 83—A bill to be entitled An act relating to lewdness; amending s. 800.04, F.S.; adding commission or enticement of sexual conduct to the offenses proscribed for which felony penalties are provided by law when a child is present, and reenacting ss. 775.15(7), 787.01(3), 787.02(3), and 914.16, F.S., relating to time limitations, kidnapping and false imprisonment of a child under age 13, and interview limits on child abuse and sexual abuse victims under age 16, to incorporate said amendment in references thereto; providing an effective date.

—a companion measure, was substituted for SB 1580 and read the second time by title.

Senator Myers moved the following amendment which was adopted:

Amendment 1—On page 1, lines 24-30, and on page 2, lines 1-19, strike all of said lines and insert:

(2) *Commits actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sadomasochistic abuse, actual lewd exhibition of the genitals, or any act or conduct which simulates that sexual battery is being or will be committed upon any child under the age of 16 years or forces or entices the child to commit any such act;*

(3)~~(2)~~ Commits an act defined as sexual battery under s. 794.011(1)(h) upon any child under the age of 16 years; or

(4)~~(3)~~ Knowingly commits any lewd or lascivious act in the presence of any child under the age of 16 years,

without committing the crime of sexual battery, ~~commits is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Neither the victim's lack of chastity nor the victim's consent is a defense to the crime proscribed by this section.

(Renumber subsequent sections.)

On motion by Senator Myers, by two-thirds vote HB 83 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

| | | | |
|-----------------|-------------|----------|----------------|
| Bankhead | Dudley | Langley | Thomas |
| Brown | Forman | Malchon | Thurman |
| Bruner | Girardeau | Meeke | Walker |
| Childers, D. | Grant | Myers | Weinstein |
| Childers, W. D. | Grizzle | Peterson | Weinstock |
| Crenshaw | Johnson | Plummer | Woodson-Howard |
| Davis | Kirkpatrick | Souto | |
| Diaz-Balart | Kiser | Stuart | |

Nays—None

SB 42—A bill to be entitled An act relating to capital felonies; amending s. 775.082, F.S.; providing that persons convicted of specified capital felonies and sentenced to life imprisonment are ineligible for parole; amending s. 790.161, F.S.; prescribing penalties for persons convicted of a capital felony involving death as a result of making, possessing, throwing, placing, projecting, discharging, or attempting to discharge a destructive device; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 42 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

| | | | |
|-----------------|-------------|----------|----------------|
| Bankhead | Diaz-Balart | Kiser | Souto |
| Brown | Dudley | Langley | Stuart |
| Bruner | Forman | Malchon | Thomas |
| Childers, D. | Girardeau | Margolis | Thurman |
| Childers, W. D. | Grant | Meek | Walker |
| Crenshaw | Grizzle | Myers | Weinstein |
| Davis | Johnson | Peterson | Weinstock |
| Deratany | Kirkpatrick | Plummer | Woodson-Howard |

Nays—None

Vote after roll call:

Yea—Gordon

CS for CS for SB 276—A bill to be entitled An act relating to controlled substances; amending s. 112.011, F.S.; providing exceptions to state employment and licensing provisions; creating s. 775.16, F.S.; disqualifying specified convicted drug offenders from state employment, licenses, and other benefits; amending s. 893.11, F.S.; requiring license revocation for specified convicted drug offenders; providing an effective date.

—was read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote CS for CS for SB 276 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

| | | | |
|-----------------|-------------|-------------|----------------|
| Bankhead | Diaz-Balart | Kirkpatrick | Souto |
| Brown | Dudley | Kiser | Stuart |
| Bruner | Forman | Langley | Thomas |
| Childers, D. | Girardeau | Malchon | Thurman |
| Childers, W. D. | Gordon | Margolis | Walker |
| Crenshaw | Grant | Myers | Weinstein |
| Davis | Grizzle | Peterson | Weinstock |
| Deratany | Johnson | Plummer | Woodson-Howard |

Nays—None

The President presiding**MESSAGES FROM THE HOUSE OF REPRESENTATIVES****Conferees on CS for HB 3695 Appointed***The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendments to CS for HB 3695 and requests that a Conference Committee be appointed.

The Speaker has appointed Representatives Mackenzie, Liberti, Saunders, Simon, Tobin, Gutman, Wise and Logan.

John B. Phelps, Clerk

On motions by Senator Deratany, the Senate refused to recede from Senate amendments to CS for HB 3695 and acceded to the request for a conference committee. The President appointed Senator Deratany, Chairman; Senators Bruner, Forman, Kiser, Langley, Meek and Weinstock. The action of the Senate was certified to the House.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House amendments to CS for SB 402 and has acceded to the request of the Senate for the appointment of a Conference Committee.

The Speaker has appointed Representatives Mackenzie, Liberti, Saunders, Simon, Tobin, Gutman and Wise as conferees on the part of the House.

John B. Phelps, Clerk

The President appointed Senator Deratany, Chairman; Senators Bruner, Forman, Kiser, Langley, Meek and Weinstock. The action of the Senate was certified to the House.

House Conferees on HB 3701 and HB 3703 Appointed*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for the appointment of a Conference Committee for HB 3701.

The Speaker has appointed Representative Wetherell, Chairman; Health and Rehabilitative Services - Representatives Abrams, Brown, Frankel, Hafner, Sanderson, with Flagg, Valdes, alternates; Criminal Justice - Representatives Martinez, Jamerson, Glickman, Langton, Rehm, with Burke, Mims, alternates; Transportation - Representatives Figg, Bronson, Cosgrove, Guber, Drage, with Hargrett, Peeples, alternates; General Government - Representatives Mitchell, Arnold, Rudd, Mackey, Morse, with Logan, Roberts, alternates; Education - Representatives B. L. Johnson, Davis, Friedman, Long, Hawkins, with Holzendorf, Garcia, alternates; Government Administration and Personnel - Representatives Clark, Bloom, Clements, Gordon, Ireland, with Ritchie, De Grandy, alternates; Representative Lippman, at large.

*John B. Phelps, Clerk**The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for the appointment of a Conference Committee for HB 3703.

The Speaker has appointed Representative Wetherell, Chairman; Health and Rehabilitative Services - Representatives Abrams, Brown, Frankel, Hafner, Sanderson, with Flagg, Valdes, alternates; Criminal Justice - Representatives Martinez, Jamerson, Glickman, Langton, Rehm, with Burke, Mims, alternates; Transportation - Representatives Figg, Bronson, Cosgrove, Guber, Drage, with Hargrett, Peeples, alternates; General Government - Representatives Mitchell, Arnold, Rudd, Mackey, Morse, with Logan, Roberts, alternates; Education - Representatives B. L. Johnson, Davis, Friedman, Long, Hawkins, with Holzendorf, Garcia, alternates; Government Administration and Personnel - Representatives Clark, Bloom, Clements, Gordon, Ireland, with Ritchie, De Grandy, alternates; Representative Lippman, at large.

*John B. Phelps, Clerk***Motion**

On motion by Senator Scott, the rules were waived and the Committee on Transportation was granted permission to meet this day at 7:00 p.m. to consider SB 1316.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote SB 360 was withdrawn from the Committee on Rules and Calendar; CS for SB 130 was withdrawn from the Committee on Judiciary-Civil; and SB 1066 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Margolis, by two-thirds vote CS for SB 2492, SB 2496, and CS for CS for SB 3006 were withdrawn from the Committee on Appropriations.

On motions by Senator Deratany, by two-thirds vote CS for SB 74, SB 582, CS for CS for SB 584, CS for SB 984, SB 1730, CS for SB 1906, SB 2168, CS for SB 2478 and CS for SB 2908 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Scott, by two-thirds vote CS for SB 836 was withdrawn from the Committee on Transportation.

Motion to Reconsider

Senator Bruner moved that the Senate reconsider the vote by which **CS for SB 1606** passed this day.

The motion was placed on the calendar.

ENROLLING REPORTS

SB 3106 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 18, 1990.

*Joe Brown, Secretary***CORRECTION AND APPROVAL OF JOURNAL**

The Journal of May 17 was corrected and approved.

CO-INTRODUCERS

Senator Bruner—CS for SB 608, SB 2366; Senator Souto—CS for SB 1226; Senator Weinstock—CS for SB 1490, CS for SB 2758; Senator Bankhead—CS for SB 1644; Senator Thomas—SB 1938; Senator Brown—CS for CS for SB 2196; Senator Forman—SB 2488, SB 2706; Senator Woodson-Howard—SB 2706

RECESS

On motion by Senator Scott, the Senate recessed at 3:49 p.m. to reconvene at 9:30 a.m., Thursday, May 24.

SENATE PAGES

May 21-25

Ellen H. Boyd, Pensacola Beach; Shelton Sorrels Bridges IV, Havana; Myndret C. Busack III, Bradenton; Garrett Heath Chumney, Apalachicola; Samuel (Sam) L. Cooper, Milton; Katherine Derden, Tallahassee; Christopher Stephen Gordon, Chattahoochee; Michael Gordon, Quincy; Terry Tyshell Harper, Jacksonville; Dana Marie Jones, Tallahassee; Shanna Marie Kent, Chattahoochee; Amy Lavren McClellan, Tallahassee; Jocelyn Rudd, Tallahassee; Julie E. Sindler, Sorrento; Nancy Elizabeth Vanston, Quincy; Allison Renee Warren, Tallahassee; George (Trae) E. Williamson III, Miami; Marco C. Youman, Quincy; Kristin M. Zitnik, St. Petersburg