



Journal of the Senate

Number 17

Monday, May 28, 1990

CALL TO ORDER

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

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

Excused: Periodically, conferees on Finance and Taxation

PRAYER

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

We ask, O Lord, that you waive the rules so, at week's end these, thy servants, may go in peace. Amen.

PLEDGE

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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, May 28, 1990: SB 1956, CS for SB 1918, CS for SB 1898, CS for SB 3062, SB 2796, CS for SB 2236, CS for CS for SB 538, HB 3615, CS for SB 1322, CS for SB 2480, CS for SB 612, CS for SB 1014, SB 1166, CS for SB 1654, SB 1546, CS for SB 1786, CS for CS for SB 2074, SB 2118, CS for SB 182, SB 582, CS for SB 240, CS for SB 1814, CS for CS for SB 954 and CS for SB 956, CS for SB 1564, CS for CS for SB 1602, CS for HB 1319, HB 2547, HB 1645, CS for CS for SB 2702, CS for SB's 1884 and 764, SB 1542, CS for SB 2740, CS for CS for SB 1578, CS for SB's 1766 and 726, CS for SB 1696, CS for SB 600, CS for CS for CS for SB 114

Respectfully submitted,
James A. Scott, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Monday, May 28, 1990: SB 3188, SB 3190, SB 3198, SB 3200, SB 3180, SB 3078, SB 3136, CS for SB 3178, HB 3229, HB 3243, HB 3269, HB 3285, HB 3317, HB 3319, HB 3359, HB 2409, HB 3467, HB 3611, HB 3699, HB 3445

Respectfully submitted,
James A. Scott, Chairman

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 938

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

The Committee on Insurance recommends a committee substitute for the following: SB 2924

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 760

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

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 3162

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

The Committee on Appropriations recommends committee substitutes for the following: CS for CS for SB 1548, CS for SB 2528, CS for SB 3034

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

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Walker—

SB 3208—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.0121, F.S.; providing additional performances of greyhound racing in Jefferson County; providing an effective date.

Proof of publication of the required notice was attached.

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

SR 3210 was introduced out of order and adopted May 23.

By Senator Plummer—

SB 3212—A bill to be entitled An act relating to Monroe County; creating the Solid Waste and Resource Recovery Authority of Monroe County, to construct, issue permits, acquire, own, maintain, and operate a waste collection, resource recovery, and disposal system in said county for the collection or disposal or both of solid waste, septage, and other waste matter; providing for the governing body of the authority and for terms of its members; providing for officers, meetings, and method of removing members; prescribing the powers of the authority; providing for the granting of franchises; providing for an executive director; authorizing the authority to enter into interlocal agreements with the county and municipalities; authorizing the authority to adopt rules pursuant to public hearing; providing that such rules may be more strict than rules imposed by the Department of Environmental Regulation; authorizing the authority to establish, fix, and collect fees, rentals, or other charges for the services and facilities of said waste collection, resource recovery, and disposal system, and to issue bonds to finance the cost of the construction, acquisition, expansion, or improvement of said waste collection, resource recovery, and disposal system, and purposes related thereto; requiring that such bonds be issued pursuant to a referendum; providing that the bonds shall be revenue bonds payable solely from the fees, rentals, or other charges derived from said waste collection, resource recovery, and disposal system, or from funds other than ad valorem taxes; providing for budget and approval of budget; providing that the authority may supply or furnish the services and facilities of said waste collection, resource recovery, and disposal system outside the service area pursuant to contract authorized by the Board of Trustees; providing for the exercise of eminent domain by the authority; providing for a receiver of said waste collection, resource recovery, and disposal system on default of the authority in the payment on such bonds or of covenants with the holders of such bonds; providing for covenants of the state with respect to the rights of the holders of said bonds; providing for the issuance of refunding bonds; authorizing the authority to covenant with holders of such bonds to include the amounts necessary for debt service and

reserves on said bonds in each year in the budget of such authority for such year; authorizing the authority to require the use of the facilities of said waste collection, resource recovery, and disposal system; authorizing the authority to make other valid and legally binding covenants with the holders of said bonds relative to said waste collection, resource recovery, and disposal system; specifying the rights, security, and remedies of the holders of said bonds; providing that the authority has sole and exclusive authority within the county to collect and dispose of solid waste, and other waste matter; authorizing the authority to prohibit or control incineration and disposal of solid waste and other waste matter; authorizing the authority to prohibit or issue permits, control, and require the disposal of all solid waste, septage, and other waste in a disposal facility as specified by the authority; authorizing the authority to enter into contracts for the collection or disposal or both of solid waste and other waste matter; authorizing the authority to use property rights held by the state and political subdivisions thereof; authorizing the authority to accept grants and loans; authorizing the authority to lease the waste collection, resource recovery, and disposal system, or part thereof, and to lease facilities; authorizing the authority to divide the county into districts for the purposes of solid waste collection or disposal or both; exempting the fees, rentals, or other charges for the services and facilities of such system from regulation, supervision, and control of state agencies; authorizing the authority to delegate authority to administer such waste collection, resource recovery, and disposal system or part thereof; authorizing the authority to make rules and regulations for the use, control, management, and operation of the waste collection, resource recovery, and disposal system; exempting the exercise of rights and powers conferred by the act from the Florida Antitrust Act of 1980; authorizing the authority to grant permits or licenses for collection or disposal, or both, of solid waste, septage, and other waste matter; providing severability; authorizing the authority to issue a specified amount of special assessment anticipation notes to provide for interim operation of solid waste facilities; repealing ch. 89-434, Laws of Florida, relating to the Solid Waste and Resource Recovery Authority of Monroe County; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Johnson—

SB 3214—A bill to be entitled An act relating to the Sarasota County Public Hospital Board, Sarasota County; amending s. 8(b), ch. 26468, Laws of Florida, 1949, as amended, relating to the powers of the board, to enable the hospital board to construct outpatient health facilities and medical offices and to do so without regard to municipal and county zoning ordinances, laws, and regulations; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator D. Childers—

SB 3216—A bill to be entitled An act relating to the Everglades Agricultural Area Environmental Protection District; amending sections 6 and 8 of chapter 89-423, Laws of Florida; authorizing the district to borrow money and issue bond anticipation notes and revenue bonds or other evidences of indebtedness; increasing to \$10 per acre the maximum amount of the special assessment which may be levied by the district board upon assessable land within the district; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Natural Resources and Conservation; and Rules and Calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Natural Resources and Conservation; and Senators McPherson and Brown—

CS for SB 760—A bill to be entitled An act relating to the regulation of waterways; amending s. 327.22, F.S.; deleting the limitation on counties that may impose a vessel registration fee; amending s. 327.25, F.S.; specifying funds to be available for marine mammal research, protection, and recovery; amending s. 327.28, F.S.; specifying amount of funds collected from vessel registration that is to be transferred to the Save the

Manatee Trust Fund; amending s. 327.40, F.S.; providing that the placement of certain markers on state submerged lands does not subject such lands to certain lease requirements; amending s. 370.12, F.S.; authorizing the Department of Natural Resources to adopt certain additional rules for the protection of manatees; deleting an exemption from speed restrictions for a specified portion of the Atlantic Intracoastal Waterway; requiring counties to post boat speed signs at the request of the department; authorizing the department to designate manatee sanctuaries; authorizing counties to regulate the operation of motorboats by ordinance; providing that such ordinance shall not take effect unless approved by the department; providing for the mediation of disputes between the department and local governments relating to the provisions of such an ordinance; requiring certain vessels to use floating or above-water fenders in manatee protection areas; creating s. 374.977, F.S.; providing responsibility for posting and maintaining regulatory markers; providing an appropriation and for additional positions; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senators Stuart, Souto, Brown, Forman, Gardner, Casas, Malchon and Gordon—

CS for SB 938—A bill to be entitled An act relating to state lands; amending s. 253.781, F.S.; revising provisions relating to retention of state-owned lands along the former Cross Florida Barge Canal route; extending the application of such provisions to include lands and interests formerly acquired by the state or federal government for the Cross Florida Barge Canal; creating the Cross Florida Greenbelt State Recreation and Conservation Area; revising provisions relating to transfer by the Department of Natural Resources of certain lands for inclusion in the Ocala National Forest; deleting provisions which direct the department to grant certain easements for flooding to the Federal Government; directing the Governor and Cabinet to acquire lands along the canal route; amending s. 253.7829, F.S.; revising provisions relating to development of a management plan by the department for lands acquired for the canal; providing duties of the canal authority; providing requirements of the plan; providing for delineating the boundaries of the Cross Florida Greenbelt State Recreation and Conservation Area; authorizing the department to delegate the operation and maintenance of water control structures to other agencies; providing for implementation of the management plan; deleting provisions relating to disposition of surplus lands; amending s. 253.783, F.S.; revising powers and duties of the department relating to canal lands; providing for disposition of surplus lands; revising provisions relating to refunds to counties; providing for the advisory committee established by the department to report to the canal authority; revising the membership of the advisory committee; requiring counties to bear the costs of participating in such advisory committee; deleting the department's authorization to enter into certain agreements with the Federal Government; amending ss. 374.001, 374.3001, F.S.; conforming cross-references; specifying a time for transfer of the canal authority to the department; repealing s. 374.002, F.S., which authorizes the canal authority to contract with the department for development of management plans; providing for the state to hold the United States harmless from claims arising from the operation of lands transferred to the state; amending s. 12, ch. 79-167, Laws of Florida; deleting the repeal under said section of ss. 374.011, 374.021, 374.031, 374.041, and 374.132, F.S., which relate to the creation, powers, and duties of the canal authority, and repealing said sections on a specified date; providing effective dates.

By the Committees on Appropriations; Finance, Taxation and Claims; Natural Resources and Conservation; and Senators McPherson, Kirkpatrick, Grizzle, Crenshaw, Souto, Brown, W. D. Childers and Deratany—

CS for CS for CS for SB 1548—A bill to be entitled An act relating to outdoor recreation and conservation; creating s. 259.101, F.S., the Florida Preservation 2000 Act; providing legislative findings; providing for proceeds of bonds issued pursuant to the act to be deposited in the Florida Preservation 2000 Trust Fund; providing for allocation of such proceeds in the General Appropriations Act and distribution by the Department of Natural Resources for specified purposes; providing for title to certain lands to vest in the Board of Trustees of the Internal Improvement Trust Fund; providing for future repeal of distribution provisions; providing for legislative review prior to such repeal; providing criteria for certain projects financed by such proceeds; amending s. 201.15, F.S.; providing for transfer of an additional portion of the proceeds of excise taxes on documents to the Land Acquisition Trust Fund; creating s. 375.045, F.S.; creating the Florida Preservation 2000 Trust Fund; providing for deposit of funds therein and for the distribution thereof; providing for

public use of lands purchased with Preservation 2000 funds; providing for control of nonnative invasive plant species on certain lands purchased with Preservation 2000 funds; providing duties of the Department of Natural Resources; amending s. 259.035, F.S.; directing the Land Acquisition Advisory Council to submit a report recommending a process for a state land acquisition needs assessment; creating s. 253.0325, F.S.; directing the Department of Natural Resources to initiate a computerized program to modernize its state lands records and documents; amending s. 201.022, F.S., which requires the filing of a return stating the consideration paid as a condition precedent to the recording of a deed transferring interest in real property; providing that the Department of Natural Resources or its contract appraiser shall have access to such returns under certain conditions; amending s. 253.023, F.S., relating to the Conservation and Recreation Lands Trust Fund; revising the value of inholdings or additions to projects selected for purchase which are exempt from selection procedures; revising provisions relating to transfer of interests to appropriate conservation organizations; revising the percentage of fund moneys which must be available for land acquisition; amending s. 253.025, F.S., relating to acquisition of state lands; deleting certain requirements imposed on appraisers; deleting the circumstances under which the state may pay in excess of the appraised value for land acquisitions; revising the vote by which the Board of Trustees of the Internal Improvement Trust Fund may direct the acquisition of property by eminent domain and requirements with respect thereto; providing that the Board of Trustees of the Internal Improvement Trust Fund may authorize the purchase of certain lands on an immediate basis under certain circumstances; creating s. 372.074, F.S.; creating the Fish and Wildlife Habitat Trust Fund within the Game and Fresh Water Fish Commission to acquire and manage lands important to conservation of fish and wildlife; providing requirements with respect thereto; amending s. 373.59, F.S., relating to the Water Management Lands Trust Fund; requiring water management districts to identify certain lands and plan for their acquisition; providing for the release of funds for preacquisition costs; amending s. 375.031, F.S., relating to the acquisition of land under the Outdoor Recreation and Conservation Act of 1963; revising the value of projects which are exempt from selection procedures; amending s. 375.075, F.S.; revising provisions relating to the funding of the Florida Recreation Development Assistance Program, to correct a reference; qualifying the requirement that the Department of Natural Resources develop and plan a program for outdoor recreation; amending s. 380.504, F.S.; revising the date of the appointment of the public members of the governing body of the Florida Communities Trust; providing for Senate confirmation; amending s. 380.505, F.S.; revising provisions relating to meetings of the governing body; amending s. 380.508, F.S.; providing for establishment of an advisory committee for the trust; amending s. 380.510, F.S.; correcting a reference; providing requirements for the use of Preservation 2000 funds by the Florida Communities Trust; providing appropriations; amending s. 320.08065, F.S.; providing for a Florida Panther license plate; repealing s. 253.01(3), F.S., relating to revenues from certain leases; providing an effective date.

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

CS for CS for SB 2528—A bill to be entitled An act relating to waste tire management; amending s. 403.709, F.S.; providing for distribution of proceeds of waste tire fees; authorizing the Department of Environmental Regulation to take certain actions to recover moneys expended from the Solid Waste Management Trust Fund; amending s. 403.717, F.S.; revising definitions; providing requirements for waste tire sites; prohibiting contracts for the disposal or processing of waste tires under certain circumstances; requiring the department to adopt rules for the registration of waste tire collection centers and site closure permits; exempting indoor tire storage from permit requirements; requiring the department to undertake safety measures at certain waste tire sites; providing for demonstration projects and funding of such projects; providing for an exemption from the sales tax for mobile waste tire processing equipment; providing appropriations; providing an effective date.

By the Committee on Insurance and Senator Dudley—

CS for SB 2924—A bill to be entitled An act relating to insurance; amending s. 624.80, F.S.; revising the definition of insurer as used with respect to administrative supervision; including multiple-employer welfare arrangements within the definition of insurer; reenacting ss. 624.80(2), (3), (4), and (5), 624.81, 624.82, 624.83, 624.84, 624.85, 624.86, 624.87, F.S., to conform to the revised definition of insurer; amending s. 624.307, F.S.; authorizing the Department of Insurance to employ con-

sulting actuaries; amending s. 624.411, F.S.; specifying deposit requirements; amending s. 624.436, F.S.; authorizing the adoption of rules to implement the Florida Nonprofit Multiple-Employer Welfare Arrangement Act; amending s. 624.437, F.S.; correcting a cross-reference; amending s. 624.441, F.S.; specifying deposits required of multiple-employer welfare arrangements; requiring an annual report; amending s. 624.610, F.S.; requiring certain notice in connection with credit for reinsurance; providing circumstances in which such credit must be denied; amending s. 625.091, F.S.; providing for loss reserves for workers' compensation claims; amending s. 627.021, F.S.; specifying applicability of the Rating Law; amending s. 627.356, F.S.; specifying applicability of provisions relating to professional liability self-insurance; creating s. 627.4123, F.S.; requiring claims-made policies to include a tail coverage endorsement; amending s. 627.413, F.S.; requiring certain numbers and codes to appear on the declarations page; amending s. 627.425, F.S.; specifying when an insurer must provide forms for proof of loss; repealing s. 627.973(7), F.S., relating to the grandfathering in of certain financial guaranty insurers; amending s. 628.451, F.S.; prohibiting a domestic stock insurer from merging with a foreign stock insurer in certain circumstances; amending s. 624.404, F.S.; prohibiting the department from granting or continuing authority of an insurer under certain circumstances; amending s. 624.413, F.S.; requiring additional information in the application for a certificate of authority; amending s. 628.061, F.S.; limiting the investigative power of the department; amending s. 627.826, F.S.; applying ss. 627.837 and 627.848, F.S., relating to rebates and premium-financed insurance contract cancellation, to certain financial institutions; amending s. 627.828, F.S.; providing premium finance company net worth requirements, providing that premium finance company application fees are nonrefundable; requiring certain notice to the department of changes in office location, officers, or directors of premium finance companies; providing for investigation of certain management changes; amending s. 627.829, F.S.; revising requirements for issuance or renewal of a premium finance company license; specifying that application fees are nonrefundable; creating s. 627.8311, F.S.; applying s. 628.4615, F.S., relating to certain acquisitions, to premium finance companies; amending s. 627.832, F.S.; providing that any one of the listed grounds may trigger the denial, suspension, revocation, or nonrenewal of a premium finance company license; providing for wrap-up of business with respect to the surrender, nonrenewal, or revocation of a premium finance company license; amending s. 627.833, F.S.; providing a penalty and administrative fine for late annual reports of a premium finance company; amending s. 627.834, F.S.; authorizing the department to conduct examinations of premium finance companies under the provisions of s. 624.34, F.S., relating to powers of the Department of Law Enforcement to accept certain fingerprints; amending s. 627.836, F.S.; specifying conditions for filing of certain reports by premium finance companies; amending s. 627.837, F.S.; applying existing restrictions on certain rebates to certain financial institutions when premium financing; amending s. 627.838, F.S.; revising conditions for filing of forms by premium finance companies; creating s. 627.8383, F.S.; providing grounds for disapproval of forms, service charges, and interest rates of premium finance companies; amending s. 627.839, F.S.; revising restrictions on execution of premium finance agreements; amending s. 627.841, F.S.; restricting cancellation of premium-financed insurance; amending s. 627.842, F.S.; revising the prohibition of a clause in premium finance agreements relating to acceleration of maturity; amending s. 627.848, F.S.; revising language dealing with cancellation of premium-financed insurance; specifying certain type size; providing for refund of unearned premium on cancellation; creating s. 627.8501, F.S.; providing requirements regarding the refusal to accept certain premium finance business by insurers or agents; amending s. 628.4615, F.S.; applying certain provisions relating to acquisitions to premium finance companies; amending s. 624.02, F.S.; modifying the definition of "insurance"; amending s. 634.401, F.S.; defining the terms "manufacturer" and "affiliate" for purposes of laws regulating service warranty associations; amending s. 634.404, F.S.; providing for licensure of services warranty associations as manufacturers or affiliates; providing for applications and fees; requiring certain information to be updated periodically; amending s. 634.4085, F.S.; excluding manufacturers from provisions requiring compliance with provisions governing acquisitions, mergers, and consolidations with allied lines insurers; amending s. 634.415, F.S.; specifying annual statement requirements for manufacturers; amending s. 634.430, F.S.; providing for notice and supervision of voluntary dissolution proceedings of manufacturers; providing for protection of the interest of the department and consumers; amending s. 641.17, F.S.; redesignating part II, ch. 641, F.S., as the Health Maintenance Organization Insurance Act; amending s. 641.19, F.S.; providing that a health maintenance organization is an insurer; amending s. 641.201, F.S., to conform; amending s. 641.2017, F.S.;

authorizing health maintenance organizations to enter into certain contracts; creating s. 641.215, F.S.; providing conditions for issuance, maintenance, and renewal of certificates of authority of such insurers; specifying effect of bankruptcy; amending s. 641.27, F.S.; deleting provision relating to insolvency; creating s. 641.284, F.S.; providing for liquidation, rehabilitation, reorganization, and conservation; amending s. 641.33, F.S.; authorizing such insurers to use terms descriptive of certain insurance; providing for review and repeal; amending s. 626.88, F.S.; revising the definition of administrator; defining terms relating to administrators; creating s. 626.8804, F.S., relating to the application fee for an administrator license; amending s. 626.8805, F.S.; revising a cross-reference; clarifying language; revising administrator license application requirements; creating s. 626.8806, F.S.; requiring registration of exempted administrators; creating s. 626.8807, F.S.; providing for service of process on administrators; amending s. 626.8809, F.S., relating to the administrator fidelity bond requirement; increasing and revising the requirement; revising the administrator's errors and omissions requirement and requiring a cancellation or nonrenewal notice; amending s. 626.8814, F.S.; clarifying terminology; amending s. 626.8817, F.S.; providing for the responsibilities of an insurer utilizing an administrator; amending s. 626.882, F.S.; placing requirements on the agreement between the insurer and its administrator; amending s. 626.883, F.S.; requiring that the administrator render an accounting to the insurer; providing requirements for the administrator's fiduciary account; amending s. 626.884, F.S.; specifying recordkeeping requirements of administrators; amending s. 626.885, F.S.; requiring that the administrator account for certain funds; amending s. 626.888, F.S.; restricting the administrator's compensation; amending s. 626.89, F.S.; revising the annual report and other requirements of administrators; amending s. 626.891, F.S., to add to the grounds for revocation of an administrator's certificate of authority; amending s. 626.894, F.S.; increasing administrative penalties of administrators; creating s. 626.8941, F.S.; providing for the disposition of fees and penalties of administrators; creating s. 626.8942, F.S.; specifying the applicability of part VII of ch. 626, F.S., to certain administrators; amending s. 626.897, F.S.; revising service company net worth requirements; providing an effective date.

By the Committees on Appropriations and Agriculture and Senator Thurman—

CS for CS for SB 3034—A bill to be entitled An act relating to citrus; amending s. 602.055, F.S.; prohibiting the Office of Citrus Canker Claims from paying certain claims before a specified date; amending s. 601.282, F.S.; revising the percentage of proceeds from excise taxes transferred to the Citrus Canker Eradication Trust Fund and the Citrus Canker Compensation Trust Fund; providing appropriations; providing for retroactive application; providing an effective date.

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

CS for SB 3162—A bill to be entitled An act relating to the Indian River Lagoon System and Basin; providing definitions; prohibiting new discharges or increased loadings from existing sewage treatment facilities into the Indian River Lagoon System; requiring elimination of existing discharges of treated effluent into the system before July 1, 1995; providing exceptions; requiring owners of sewage treatment facilities within the Indian River Lagoon Basin to investigate the feasibility of using reclaimed wastewater from their facilities for beneficial purposes; directing the Department of Environmental Regulation to identify areas served by package sewage treatment plants which are considered a threat to the water quality of the system; directing the St. Johns River and South Florida Water Management Districts, through the SWIM Plan, to identify areas where existing septic tanks are considered a threat to the water quality of the system; requiring counties and municipalities within the basin to develop and implement programs to provide centralized sewage collection and treatment facilities for the problem areas identified by the department and the water management districts; providing an effective date.

Proof of publication of the required notice was attached.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote Senate Bills 2272 and 2506 were withdrawn from the Committee on Rules and Calendar; CS for SB 2952 and CS for SB 3060 were withdrawn from the Committee on Judiciary-Civil; SB 2440 was withdrawn from the Committee on Govern-

mental Operations; and CS for HB 55 was withdrawn from the Committee on Transportation.

On motions by Senator Margolis, by two-thirds vote Senate Bills 860 and 2836, CS for SB 20, CS for SB 344, CS for SB 1702, CS for SB 2142, CS for SB 2852, CS for SB 1142, and CS for CS for SB 230 were withdrawn from the Committee on Appropriations.

On motions by Senator Bruner, by two-thirds vote Senate Bills 1660, 1798, 1746, 2944, 2942, 3058 and 2260 were withdrawn from the committees 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 HB 245, CS for HB 475, CS for HB 703, CS for CS for HB 1207, HB 1229, CS for CS for HB 1579, CS for HB 1915, HB 1985, CS for HB 2219, CS for HB 2273, CS for HB 2635, CS for HB 2669, HB 2681, CS for HB 2963, CS for HB 3041, CS for HB 3131, CS for HB 3605, HB 3739, HB 3853, has passed as amended CS for HB 269, CS for HB 317, HB 513, CS for CS for HB 553, CS for HB 647, CS for HB 771 and CS for HB 957, HB 993, HB 1055, CS for HB 1115, CS for HB's 1143, 1581 and 1583, CS for HB 1259, CS for HB 1269, CS for HB's 1437 and 1809, CS for HB 1623, CS for CS for HB 1763, HB 2187, CS for CS for CS for HB 2253, CS for HB 2851, CS for HB 3065, CS for HB 3123, HB 3173, HB 3255, CS for HB 3293, HB 3367, HB 3709 and requests the concurrence of the Senate

John B. Phelps, Clerk

By Representative Renke and others—

HB 245—A bill to be entitled An act relating to traffic control; creating ss. 316.1937 and 316.1938, F.S.; authorizing, in addition to other penalties for driving under the influence, the requirement of ignition interlock devices as a condition of probation; providing penalties; providing unlawful acts with respect to such devices; providing an exemption; providing for certification of such devices by the Department of Health and Rehabilitative Services; providing rulemaking authority; amending s. 322.271, F.S., to authorize the Department of Highway Safety and Motor Vehicles to order ignition interlock devices as a condition of reinstatement of driving privilege for certain individuals; providing an effective date.

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

By the Committee on Finance and Taxation; and Representative Long and others—

CS for HB 475—A bill to be entitled An act relating to educational finance; amending s. 212.055, F.S.; providing for distribution of the local government infrastructure surtax to school districts; providing for expenditure of proceeds; providing an effective date.

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

By the Committee on Judiciary and Representatives Trammell and Burke—

CS for HB 703—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; providing effective dates.

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

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

CS for CS for HB 1207—A bill to be entitled An act relating to law enforcement officers; providing a competitive pay adjustment for law enforcement officers in the State University System; providing for adjustments in pay plans to conform; providing a retroactive effective date.

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

By Representatives Wallace and Burke—

HB 1229—A bill to be entitled An act relating to educational institutions; creating the Florida Uniform Management of Institutional Funds Act; providing definitions; providing circumstances under which the governing board of an institution may appropriate for expenditure appreciation on the value of an endowment fund; specifying investments that may be made by a governing board; authorizing a governing board to delegate investment management responsibilities; providing standards of conduct; providing circumstances for release of restrictions on use or investment of a gift; providing for uniform applicability and construction; providing an effective date.

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

By the Committees on Appropriations and Natural Resources and Representatives Wallace and Rush—

CS for CS for HB 1579—A bill to be entitled An act relating to beach and shore preservation; amending ss. 161.041 and 161.053, F.S.; specifying the authority of the Department of Natural Resources to deny or suspend permits when an applicant or permittee fails to give reasonable assurance of protection of sea turtles and vegetation; revising provisions relating to the effective date of coastal construction control line establishment; authorizing the department to adopt, by rule, siting and design criteria on a regional basis in accordance with the statewide comprehensive beach management plan; providing criteria and requirements with respect to the review and authorization of redevelopment permit applications; providing an effective date.

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

By the Committee on Judiciary and Representative Bloom and others—

CS for HB 1915—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.

—was referred to the Committees on Judiciary-Civil; and Personnel, Retirement and Collective Bargaining.

By Representative Mackey—

HB 1985—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; modifying the definition of "absent elector"; amending s. 101.64, F.S.; revising the voter's certificate on absentee ballots, to conform; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By the Committee on Judiciary and Representative Liberti and others—

CS for HB 2219—A bill to be entitled An act relating to governmental accountability; creating s. 57.112, F.S.; providing legislative purpose and intent; creating the Governmental Accountability Act; providing definitions; providing for the award of attorney's fees and costs to the prevailing party or to 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.

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

By the Committee on Natural Resources and Representative Long and others—

CS for HB 2273—A bill to be entitled An act relating to invasive nonnative plants; prohibiting the sale, transportation, collection, cultivation, or possession of plants of the species *Melaleuca quinquenervia*, *Schinus terebinthifolius*, *Casuarina equisetifolia*, *Casuarina glauca*, and *Mimosa pigra*; providing a penalty; requiring the Department of Natural Resources to study methods of control of such plants; requiring the South Florida Water Management District to remove *Melaleuca quinquenervia*

from certain areas of the district; requiring the Department of Natural Resources to adopt rules; providing an effective date.

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

By the Committee on Commerce and Representative Graber and others—

CS for HB 2635—A bill to be entitled An act relating to banking; providing that the provision of a credit card number or expiration date may not be required as a condition of acceptance of a check; providing that recording of certain information is prohibited; providing a penalty; providing exceptions; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Agriculture and Representative Harris and others—

CS for HB 2669—A bill to be entitled An act relating to citrus; amending s. 602.055, F.S.; prohibiting the Office of Citrus Canker Claims from paying certain claims before a specified date; amending s. 601.282, F.S.; revising the percentage of proceeds from excise taxes transferred to the Citrus Canker Eradication Trust Fund and the Citrus Canker Compensation Trust Fund; providing appropriations; providing for retroactive application; providing an effective date.

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

By Representative Crotty—

HB 2681—A bill to be entitled An act relating to liens on motor vehicles; amending s. 713.78, F.S.; providing that the clerk of the court shall issue a certificate directing the lienor to release a towed motor vehicle upon posting of a bond; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

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

CS for HB 2963—A bill to be entitled An act relating to trafficking in controlled substances; amending s. 893.135, F.S.; providing that trafficking in specified amounts of cocaine or opiates is a first degree felony punishable by life imprisonment without the possibility of parole; providing circumstances under which such offense is a capital felony punishable by death or life imprisonment; creating s. 921.142, F.S.; providing findings; providing for separate proceedings on the issue of penalty; providing for advisory sentence by the jury; requiring the court to make certain findings if it imposes the death penalty; providing for Supreme Court review of judgments of conviction and sentences of death; providing aggravating and mitigating circumstances; amending s. 921.141, F.S.; providing that said section does not apply to capital drug trafficking felonies; providing an effective date.

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

By the Committee on Judiciary and Representative Silver and others—

CS for HB 3041—A bill to be entitled An act relating to condominiums; creating the Condominium Study Commission; providing for membership; providing for duties; providing for recommendations; providing an appropriation; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Operations; Rules and Calendar; and Appropriations.

By the Committee on Science Industry and Technology; and Representatives Roberts and Tobin—

CS for HB 3131—A bill to be entitled An act relating to the Spaceport Florida Authority Act; amending s. 331.303, F.S.; providing definitions; amending s. 331.304, F.S.; revising the boundaries of the authority with respect to real property located in Gulf County; amending s. 331.305, F.S.; authorizing the authority to establish procedures, rules, and rates governing the per diem and travel expenses of the members of its board of supervisors and other persons authorized by the board to incur such expenses; subjecting authority per diem and travel expense rules to state law or rules; revising bond authority; providing for the expenditure of funds for entertainment and travel expenses and business clients, guests,

and other authorized persons; amending s. 331.310, F.S.; providing additional powers and duties of the board of supervisors; creating s. 331.3101, F.S.; requiring the authority to adopt rules with respect to travel and entertainment expenses; requiring an annual report; providing penalties; amending s. 331.331, F.S.; revising bond authority and reporting requirements; amending s. 331.334, F.S.; providing that bonds do not constitute an obligation, either general or special, of the state; amending s. 331.338, F.S.; revising language with respect to trust agreements; amending s. 331.347, F.S., to conform; amending s. 331.348, F.S.; revising language with respect to investment of funds to include investment through the State Treasurer; amending s. 331.352, F.S.; revising limitations on the power of the authority; providing an effective date.

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

By the Committees on Rules and Calendar; and Regulatory Reform; and Representative Rudd—

CS for HB 3605—A bill to be entitled An act relating to information resources; amending s. 282.004, F.S.; providing legislative intent related to information resources management; assigning responsibilities to the Board of Regents; amending s. 282.305, F.S.; specifying powers and duties of the Board of Regents; providing rulemaking authority to the Board of Regents; amending s. 282.3062, F.S.; requiring an annual report on information resources management within the State University System; amending s. 282.307, F.S.; providing an exception related to strategic plans for information resources management; amending s. 282.308, F.S.; modifying planning requirements for the State University System; specifying duties of the Chancellor of the Board of Regents; amending s. 282.312, F.S.; providing an exception related to annual performance reports of the State University System; amending s. 282.318, F.S., relating to security of information technology resources; specifying duties of the Board of Regents; amending ss. 216.031 and 216.0445, F.S.; correcting cross references; saving ss. 282.303, 282.304, 282.305, 282.306, 282.3061, 282.3062, 282.307, 282.308, 282.309, 282.311, 282.3115, and 282.312, F.S., relating to the Information Resource Commission, s. 282.313, F.S., relating to data processing advisory councils, and s. 287.073, F.S., relating to the Information Technology Resource Procurement Advisory Council, from Sundown repeal scheduled for October 1, 1990; repealing such sections October 1, 1995, and providing for legislative review thereof in advance of that date; repealing s. 216.0445, F.S., relating to budget evaluation by the Information Resource Commission, October 1, 1995, and providing for legislative review of such section in advance of that date; directing the Legislative Information Technology Resource Committee to study the operations of the Information Resource Commission, data processing advisory councils, and the Information Technology Resource Procurement Advisory Council; directing the committee to seek information and assistance from specified persons; directing the Auditor General to evaluate the information resources management functions of the Board of Regents; providing for the Legislative Information Technology Resource Committee and the Auditor General to submit certain recommendations to specified legislative committees; providing an effective date.

—was referred to the Committees on Governmental Operations; Higher Education; and Rules and Calendar.

By the Committee on Regulatory Reform and Representatives Rudd and Kelly—

HB 3739—A bill to be entitled An act relating to the Historic St. Augustine Preservation Board of Trustees; amending s. 266.01, F.S.; providing certain administrative supervision by the Division of Historical Resources of the Department of State; modifying purpose; amending s. 266.02, F.S.; providing definitions; amending s. 266.03, F.S.; voiding present board of trustees; providing for appointment of a new board of trustees; revising procedures and requirements; amending s. 266.05, F.S.; providing for deposit of certain moneys into the Historic St. Augustine Preservation Board Operating Trust Fund; creating s. 266.056, F.S.; providing for audit of the board by the Auditor General; amending s. 266.06, F.S.; requiring the department to monitor program effectiveness and exercise certain oversight; authorizing the board to employ a manager and other necessary employees; modifying powers of the board; amending s. 266.08, F.S.; revising provisions relating to a direct-support organization; providing a public records exemption; providing for review and repeal; providing for liberal construction; repealing s. 266.410, F.S., relating to direct control by the Secretary of State; providing for effect on pending litigation; saving ss. 266.01, 266.02, 266.03, 266.04, 266.05, 266.06,

266.07, and 266.08, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

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

By the Committee on Community Affairs and Representative C. F. Jones and others—

HB 3853—A bill to be entitled An act relating to the Community Development Corporation Support and Assistance Program; amending ss. 290.0311 and 290.032, F.S.; revising legislative findings and purpose; amending s. 290.033, F.S.; providing definitions; amending s. 290.035, F.S.; revising the requirements which a community development corporation must meet to be eligible for assistance; providing requirements relating to election or appointment of board members; deleting provisions relating to submission of an audit to the Joint Committee on Community Development Corporations; amending s. 290.036, F.S.; revising requirements relating to proposals for administrative grants; providing requirements with respect to board membership; revising the funding cycle and providing requirements with respect thereto; providing for corporations that are ineligible for funding; providing for evaluation of funded corporations; providing that a corporation that provides certain false information is disqualified from funding; specifying the source of administrative funding; providing for monitoring, site visits, and assistance; providing requirements for annual audits; amending s. 290.037, F.S.; providing requirements for annual audits; providing for monitoring of loans; revising criteria for evaluating loan proposals; providing repayment requirements; providing for extension of loan payments or loan renegotiation under certain conditions; providing effect when payments are delinquent; amending s. 290.038, F.S.; providing authority of the Department of Community Affairs; requiring certain training; providing requirements relating to an annual report by the department; designating the subdivisions of ch. 290, F.S.; providing an effective date.

—was referred to the Committees on Community Affairs and Appropriations.

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

CS for HB 269—A bill to be entitled An act relating to African American history; creating the Study Commission on African American History in Florida; providing for the appointment of the commission; providing for powers and duties; providing for a report; providing for the dissolution of the commission; providing an appropriation; providing an effective date.

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

By the Committee on Commerce and Representatives Tobin and Bloom—

CS for HB 317—A bill to be entitled An act relating to telecommunications; amending s. 501.059, F.S.; providing definitions; expanding the scope of restrictions on consumer telephone calls to include other telephonic sales calls; including mobile telephones and telephonic paging devices within such restrictions; deleting provisions relating to "no sales solicitation calls" telephone directory listings; providing for maintenance of a "no sales solicitation calls" list by the Division of Consumer Services of the Department of Agriculture and Consumer Services; providing for fees; prohibiting unsolicited telephonic sales calls to telephones included in such listing; providing circumstances under which a contract made pursuant to a telephonic sales call is invalid; restricting charges to consumer credit card accounts pursuant to such calls; providing exceptions; restricting use of automated systems for selection or dialing of telephone numbers; authorizing actions by the Department of Legal Affairs against violators; providing for award of attorney's fees and costs; requiring notice to telecommunications consumers; repealing ss. 365.165 and 365.1655, Florida Statutes, relating to automated telephone solicitation and to the Florida Telephone Solicitation Act; providing an effective date.

—was referred to the Committees on Economic, Professional and Utility Regulation; and Judiciary-Civil.

By Representative Guber and others—

HB 513—A bill to be entitled An act relating to life-prolonging procedures; amending s. 765.03, F.S.; revising the definition of "life-prolonging

procedure" as used in the Life-Prolonging Procedure Act of Florida, which act provides a procedure for permitting life-prolonging procedures to be withheld or withdrawn from a patient in a terminal condition, under certain circumstances; amending s. 765.05, F.S.; revising the suggested form of declaration; creating s. 765.075, F.S.; providing circumstances under which nutrition or hydration may be withheld or withdrawn; providing right of next of kin to negate such withholding or withdrawal; creating s. 765.17, F.S.; providing for recognition of declarations executed in other states; providing an effective date.

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

By the Committees on Appropriations; Finance and Taxation; and Small Business and Economic Development; and Representatives Logan and Gutman—

CS for CS for HB 553—A bill to be entitled An act relating to neighborhood improvement districts; amending s. 163.502, F.S.; revising legislative findings and intent under the Safe Neighborhoods Act; creating s. 163.5055, F.S.; requiring neighborhood improvement districts to register with the Department of Community Affairs; requiring notification of dissolution of a district; amending ss. 163.501, 163.506, 163.508, 163.511, 163.5151, and 163.516, F.S., to conform and correct references; revising the membership of advisory councils for local government neighborhood improvement districts; revising requirements for safe neighborhood improvement plans; creating s. 163.512, F.S.; authorizing the creation of community redevelopment neighborhood improvement districts; authorizing use of community redevelopment trust funds to implement safe neighborhood improvement plans; providing for dissolution of such districts; amending ss. 163.503 and 163.504, F.S., to conform and correct references; amending s. 163.513, F.S.; revising duties of boards under the act; providing that neighborhood improvement districts may not restrict access to or lawful use of public facilities; amending s. 163.514, F.S.; authorizing districts to make and collect special assessments; requiring referendum approval and providing requirements with respect thereto; amending s. 163.517, F.S.; revising provisions relating to planning grants and technical assistance provided under the Safe Neighborhoods Trust Fund; providing for rating and ranking of planning grant applications and for funding thereof; requiring audits; creating s. 163.5175, F.S.; providing for recognition awards for safe neighborhood improvement plans; amending s. 163.518, F.S.; revising provisions relating to creation of a crime prevention through environmental design program by the Department of Legal Affairs; amending s. 163.519, F.S., relating to duties of the Department of Community Affairs; amending s. 163.521, F.S.; authorizing local governing bodies of municipalities or counties which contain a neighborhood improvement district to request the department to submit a budget request to fund capital improvements; providing requirements and restrictions; providing duties of the Department of Community Affairs; creating s. 163.5215, F.S.; specifying the effect of the Safe Neighborhoods Act on existing laws; amending s. 163.522, F.S.; directing local governments to consider the creation of neighborhood improvement districts within community redevelopment areas; authorizing a study of crime prevention in public housing units; providing an effective date.

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

By the Committee on Rules and Calendar; and Representative Gordon and others—

CS for HB 647—A bill to be entitled An act relating to public officers and employees; amending s. 112.312, F.S.; providing definitions; amending s. 112.3135, F.S.; limiting the applicability of the definition of the term "relative"; amending s. 112.3185, F.S.; prohibiting agency employees from procuring contractual services from certain additional relatives; amending ss. 112.3145 and 112.3148, F.S.; providing for the reporting of certain gifts by persons required to file public financial disclosure; providing exceptions; providing definitions; requiring lobbyists to report certain gifts to recipients required to file public financial disclosure; prohibiting solicitation of gifts by certain public officers and employees for their own benefit; creating s. 112.3149, F.S.; prohibiting certain public officers and employees from soliciting honoraria related to their public positions; requiring reporting of certain expenses and of honoraria received by such officers and employees which are not related to their public positions; providing applicability to spouses; amending ss. 20.171, 121.24, and 337.185, F.S.; clarifying that specified payments are stipends rather than honoraria; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committees on Finance and Taxation; and Natural Resources; and Representative Saunders and others—

CS for HB 771 and CS for HB 957—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 effective dates.

—was referred to the Committees on Natural Resources and Conservation; Economic, Professional and Utility Regulation; and Finance, Taxation and Claims.

By Representative Trammell and others—

HB 993—A bill to be entitled An act relating to motor vehicle licenses; amending ss. 320.06 and 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; amending s. 320.0805, F.S.; providing that moneys collected from the sale of personalized prestige license plates be deposited into the State Transportation Trust Fund and the Capital Outlay and Debt Service School Trust Fund; repealing s. 380.511(1)(d), F.S., which requires deposit of said funds into the Florida Communities Trust Fund; creating s. 320.08062, F.S.; providing for annual audits of all organizational recipients of any special license plate annual use fees; providing an effective date.

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

By Representative Renke—

HB 1055—A bill to be entitled An act relating to dependent children; amending s. 39.01, F.S.; revising a definition; amending s. 39.453, F.S.; extending the period of the court's jurisdiction over a child for whom custody is given to a social service agency; amending s. 39.464, F.S.; providing that a voluntarily executed parental surrender of a child and custody consent order may be withdrawn only upon a court finding of fraud or duress; amending s. 63.152, F.S.; providing for preparation of a new birth record by the child-placing agency in an agency adoption; amending s. 39.473, F.S.; providing for expedited appeals of orders terminating parental rights; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Health Care and Representatives Mims and Gutman—

CS for HB 1115—A bill to be entitled An act relating to victims' rights; creating s. 960.003, F.S.; providing legislative intent; providing for human immunodeficiency virus testing of persons charged with, convicted of, or incarcerated for certain sex offenses, upon the victim's or victim's guardian's request, and for disclosure of test results to the victims or their guardians; providing limited exceptions; providing for victim counseling; providing for post-conviction testing orders and disclosure of results and for disclosure of results of testing during incarceration; amending s. 951.27, F.S., to authorize disclosure of human immunodeficiency virus test results obtained under that section to victims or their guardians; providing for retroactive applicability with respect to testing previously performed on inmates; amending s. 381.609, F.S., relating to testing for human immunodeficiency virus, to conform; providing severability; providing an appropriation; providing an effective date.

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

By the Committee on Regulated Industries and Representative Renke and others—

CS for HB's 1143, 1581 and 1583—A bill to be entitled An act relating to the Beverage Law; creating s. 561.026, F.S.; creating the Alcoholic Beverage and Tobacco Forfeiture and Investigative Trust Fund; amending s. 561.12, F.S.; providing for a cross reference to provide an exception to the deposit of funds under the Beverage Law; amending s. 561.17, F.S., including the Division of Hotels and Restaurants of the Department of Business Regulation as an organization which provides a certificate which shall accompany application for a license for consumption on the premises; amending s. 561.331, F.S.; revising language with respect to temporary licenses to provide for the extension of a temporary license by the Division of Alcoholic Beverages and Tobacco; repealing s. 561.506, F.S., relating to payment of taxes by the wholesaler; repealing s. 565.15, F.S., relating to price affirmation; amending s. 932.704, F.S.; revising language with respect to forfeiture proceedings to make reference to the Alcoholic Beverage and Tobacco Forfeiture and Investigative Trust Fund; establishing the Wildlife Law Enforcement Trust Fund within the Game and Fresh Water Fish Commission to provide moneys for the law enforcement activities of the commission and to provide moneys to conduct public educational programs relating to the enforcement of such regulations; amending s. 932.704, F.S.; providing that moneys derived from the sale of contraband property forfeited to the commission pursuant to ch. 932, F.S., must be deposited into the trust fund; amending s. 562.452, F.S.; revising language with respect to curb service of intoxicating liquor; amending s. 561.20, F.S.; authorizing issuance of special licenses to certain American Legion Posts and restricting use of revenue from sale of alcoholic beverages by the posts so licensed; providing an annual license fee; repealing s. 561.506, F.S., to delete obsolete provisions relating to tax payments by wholesalers; repealing s. 562.37, F.S., relating to prima facie evidence that the federal tax is not paid; repealing s. 562.39, F.S., relating to the disposition and appraisal of property seized under the Beverage Law; repealing s. 562.40, F.S., relating to forfeiture proceedings; repealing s. 562.401, F.S., relating to the delivery of property to the claimant; repealing s. 562.402, F.S., relating to the proceeding when no claim is filed; repealing s. 562.403, F.S., relating to proceedings when a claim is filed; repealing s. 562.404, F.S., relating to the provision allowing the attorney for the board of county commissioners to represent the state in certain proceedings; repealing s. 562.405, F.S., relating to the judgment of forfeiture; repealing s. 562.406, F.S., relating to fees for services; repealing s. 562.407, F.S., relating to the disposition of proceeds of forfeiture,

repealing s. 565.15, F.S., relating to affirmation of price of distilled spirits; providing effective dates.

—was referred to the Committees on Finance, Taxation and Claims; and Regulated Industries.

By the Committee on Judiciary and Representative De Grandy and others—

CS for HB 1259—A bill to be entitled An act relating to civil actions; amending s. 28.24, F.S.; clarifying the authority of the clerk of the court to modernize the public records system; amending s. 28.241, F.S.; requiring a filing fee for modification of final orders in a civil action; amending s. 57.105, F.S.; providing circumstances for award of prejudgment interest to the plaintiff in civil actions; providing an effective date.

(Substituted for CS for SB 2480 on the special order calendar this day.)

By the Committee on Governmental Operations and Representatives Goode and Roberts—

CS for HB 1269—A bill to be entitled An act relating to local government financial matters; creating s. 218.39, F.S.; defining "local governmental agency"; requiring local governmental agencies, prior to approving execution of certain types of lease-purchase agreements, to hold a public hearing; requiring such agencies to adopt resolutions pertaining to the approval of the execution of such agreements; authorizing a referendum by petition on such agreements; providing for retroactive application; providing that certain meetings and records of not-for-profit corporations participating in such agreements are subject to open meetings and public records requirements; providing an exemption from public records requirements for certain records of such corporations; providing for review and repeal; specifying the agreements to which the act applies; providing an effective date.

—was referred to the Committees on Community Affairs and Governmental Operations.

By the Committee on Community Affairs and Representatives Kelly and Mackey—

CS for HB's 1437 and 1809—A bill to be entitled An act relating to the 911 emergency telephone system; creating a task force committee on "911"; providing for membership, organization, and meetings; providing for a review and evaluation of the "911" emergency telephone system in the state; providing for operations review and evaluation; providing for an interim and final report; providing for termination of the committee; amending s. 365.171, F.S.; increasing the time period over which the payment of the nonrecurring charge for the "911" service may be made at the request of the subscribing county; revising language with respect to confidentiality of records; prohibiting false "911" calls; providing a penalty; providing an appropriation; providing an effective date.

—was referred to the Committees on Economic, Professional and Utility Regulation; Rules and Calendar; Finance, Taxation and Claims; and Appropriations.

By the Committee on Community Affairs and Representatives C. F. Jones and Langton—

CS for HB 1623—A bill to be entitled An act relating to the Florida Small Cities Community Development Block Grant Program Act; amending s. 290.042, F.S.; providing definitions; amending s. 290.044, F.S.; providing an emergency-related set-aside in the neighborhood revitalization category; providing for establishment of a system of monitoring grants and criteria for implementation of internal control; amending s. 290.046, F.S.; revising the limitation on the number of grants applicants may receive; providing requirements for application for additional grants in various grant categories; providing grounds for rejection of certain applications; revising criteria used to measure community need; providing criteria to be considered by the Department of Community Affairs in scoring applications in certain categories; requiring certain applicants to demonstrate that activities will be carried out in distinct service areas; amending s. 290.047, F.S.; providing a limitation on block grant funds that may be spent on engineering costs; amending s. 290.0475, F.S.; revising circumstances under which applications may be rejected without scoring; amending s. 290.048, F.S.; revising general powers of the department and providing for requirements relating to service areas rather than target areas; amending s. 290.049, F.S.; providing for a chairman of the advisory council and for meetings of the council; providing an effective date.

—was referred to the Committees on Community Affairs and Appropriations.

By the Committees on Finance and Taxation; and Natural Resources; and Representative Wallace and others—

CS for CS for HB 1763—A bill to be entitled An act relating to manatees; providing legislative intent; amending s. 370.12, F.S.; providing for the adoption of rules by the Department of Natural Resources to protect manatees from harmful collisions with motorboats and from harassment by regulating motorboat operation and speed and by controlling expansion and construction of marinas and docking facilities; deleting a restriction on the ability of the department to regulate boat speeds in certain waters; modifying time restrictions on regulations in warm water discharge zones; modifying intent; authorizing the department to protect manatee habitat; authorizing the designation of limited areas as safe havens for specified manatee activity; allowing local governments to adopt motorboat speed ordinances; providing for implied approval of local government ordinances; requiring fenders under certain circumstances; amending s. 327.02, F.S.; clarifying the definition of "vessel"; amending s. 327.11, F.S.; revising language with respect to vessel registration; amending s. 327.22, F.S.; allowing any county to impose a specified vessel registration fee; amending s. 327.25, F.S.; providing funds for manatee and marine mammal research, protection, and recovery; offering for sale a voluntary manatee sticker to the general public and with vessel registrations; amending s. 327.28, F.S.; providing funds for manatee and marine mammal research, protection, and recovery; amending s. 327.40, F.S.; exempting certain regulatory markers from state submerged lands lease requirements; creating s. 374.977, F.S.; requiring inland navigation districts to post and maintain manatee protection regulatory markers; providing for a study; providing an appropriation; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Finance, Taxation and Claims.

By Representative Sindler—

HB 2187—A bill to be entitled An act relating to child abuse; amending s. 415.505, F.S.; requiring the Department of Health and Rehabilitative Services to provide medical records relating to a child's injuries to the appropriate state attorney and law enforcement agency in specified circumstances; reenacting s. 39.423(4), F.S., relating to intake, to incorporate the amendment to s. 415.505, F.S., in a reference thereto; amending s. 415.51, F.S.; providing confidentiality for records and reports of child protection teams; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By the Committees on Rules and Calendar; Finance and Taxation; and Education; and Representatives Long and Nergard—

CS for CS for CS for HB 2253—A bill to be entitled An act relating to educational facilities; 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.; 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.; providing an additional use for millage for capital outlay purposes; amending s. 200.065, F.S.; conforming provisions; 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. 235.435, 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; amending s. 236.25, F.S.; clarifying provisions relating to the use of millage levied for capital outlay purposes; creating s. 235.44, F.S.; authorizing school districts to award

multi-year capital improvement contracts; providing for review and repeal; amending s. 440.02, F.S., relating to the Workers' Compensation Law; providing that the definition of "employer" includes school districts; reenacting s. 440.56(1), F.S., relating to safety rules, to incorporate the amendment to s. 440.02, F.S., in a reference thereto; providing for review and repeal; providing an effective date.

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

By the Committee on Health Care and Representative King—

CS for HB 2851—A bill to be entitled An act relating to health care cost containment; amending s. 154.209, F.S.; authorizing health facilities authorities to participate in an issue bonds and other forms of indebtedness for the purpose of an accounts receivable program; amending s. 154.245, F.S.; authorizing health facilities authorities to issue bonds for projects not subject to review under ss. 381.701-381.715, F.S.; without a certificate of need from the Department of Health and Rehabilitative Services; amending s. 407.31, F.S., requiring a nursing home to report information on charges for personal laundry; amending s. 407.002, F.S.; revising the formula for calculating the maximum allowable rate of increase in a hospital's gross charges and other operating revenue; directing the Health Care Cost Containment Board to make a determination and certify that determination to the Legislature; providing that the revised formula shall not take effect under certain circumstances; providing effective dates.

—was referred to the Committees on Health Care and Appropriations.

By the Committee on Environmental Regulation and Representatives Huenink and C. Smith—

CS for HB 3065—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 dis-

position 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 section 380.06, F.S., providing exemptions; 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.

—was referred to the Committees on Natural Resources and Conservation; Community Affairs; and Appropriations.

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

CS for HB 3123—A bill to be entitled An act relating to state employment; creating s. 110.1091, F.S.; enabling state agencies to provide a program to assist certain employees; amending s. 119.07, F.S.; exempting public records referred to in s. 110.1091, F.S., from the provisions of s. 119.07, F.S., relating to inspection and examination of public records; amending s. 110.123, F.S.; providing a limitation on actions to pay and collect premiums under the state group insurance program; providing that final decisions concerning the existence of coverage or benefits under the state group health insurance plan shall not be delegated by the Department of Administration; amending s. 110.151, F.S.; revising language with respect to state officers' and employees' child care services; amending s. 110.161, F.S.; revising language with respect to the pretax benefits program relating to excess funds; amending s. 110.207, F.S.; deleting language requiring the department to make classification changes in the career service within a certain time period after action by an agency; amending s. 110.227, F.S.; revising language with respect to demotions and similar actions; amending s. 110.602, F.S.; revising language with respect to the number of positions in the Selected Exempt Service; providing an effective date.

(Substituted for CS for SB 1814 on the special order calendar this day.)

By Representative Patchett and others—

HB 3173—A bill to be entitled An act relating to mosquito control; s. 388.021, F.S.; providing for creation of independent mosquito control districts; amending ss. 388.261, 388.281, F.S.; revising the distribution of funding to counties and districts for mosquito control; providing for the use of such funds; amending s. 388.291, F.S.; requiring property owners to maintain their own property so as not to create mosquito breeding habitat; providing for notice of nuisance and procedure to enjoin; amending s. 388.42, F.S., redesignating the West Florida Arthropod Research Laboratory as the John A. Mulrennan, Sr., Arthropod Research Laboratory; authorizing an additional source of funding for such laboratory; amending s. 388.46, F.S.; revising the membership and meeting requirements of the Florida Coordinating Council on Mosquito Control; providing an effective date.

—was referred to the Committees on Health Care, Community Affairs and Appropriations.

By Representative Stone and others—

HB 3255—A bill to be entitled An act relating to the City of Sanford, Seminole County; amending chapter 61-2791, Laws of Florida, as amended, the Civil Service System and the Civil Service Board of the City of Sanford, Seminole County, to abolish the Civil Service System and the Civil Service Board of Sanford, and to create the Civil Service System and the Civil Service Board of Sanford, Seminole County, as its successor; providing for organization of the Civil Service Board; establishing meetings; providing for employment of a secretary; deleting all references to "Chief Examiner," "Examinations," "Assistant Examiners," "Notice of Examinations," "Eligible Registers," "Nature of Examinations," "Examination Grades," and the examination process; providing for delivery of copy of changes to code of rules and certificates of receipt of acknowledgment; providing effective date of amendments or changes to rules and regulations; providing for succession of interests and conflicts; providing an effective date.

(Substituted for SB 3190 on the local bill calendar this day.)

By the Committee on Employee and Management Relations; and Representative Locke and others—

CS for HB 3293—A bill to be entitled An act relating to law enforcement officers; providing a competitive pay adjustment for certified career service law enforcement employees of the Department of Law Enforcement; providing for adjustments in pay plans to conform; providing a retroactive effective date.

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

By the Committee on Finance and Taxation; and Representative Representative Mackenzie—

HB 3367—A bill to be entitled An act relating to taxation; amending ss. 203.013, 203.62, and 203.63, F.S.; deleting a special method for the assessment of the tax on the gross receipts from the provision of interstate teletypewriter or computer exchange services; amending s. 199.032, F.S.; providing for application of the annual 1-mill intangible personal property tax to bonds secured by real property situated in Florida; amending s. 199.282, F.S.; prescribing duties of the Department of Revenue with respect to assessment and collection of interest and penalties on intangible personal property taxes; amending s. 213.755, F.S.; revising conditions under which the Department of Revenue has the authority to require taxpayers to remit taxes by electronic funds transfer; amending s. 72.011, F.S., which provides for the jurisdiction of circuit courts or for administrative hearings with respect to specific tax matters; defining "tax" and specifying additional taxes, fees, and surcharges to which said section applies; amending s. 213.05, F.S., which provides the laws which the department has responsibility to administer; specifying additional taxes, fees, and responsibilities to which said section applies; amending s. 213.053, F.S., which provides for confidentiality of information received by the department; specifying additional taxes, fees, and responsibilities to which said section applies; authorizing the department to disclose certain information relating to certain certificates of registration; amending s. 220.13, F.S., which provides for determination of adjusted federal income for corporate income tax purposes; deleting obsolete language and revising references; revising definitions of "taxable income" and providing an additional definition; amending s. 220.186, F.S.; clarifying the method of computing the credit for the alternative minimum tax; requiring the Department of Revenue to conduct a study to determine surcharge rates on short-term rental transactions; requiring a report on the study; amending s. 212.04, F.S.; providing an exemption from the discretionary sales surtax to and reduction of the admissions tax for admissions to the world cup soccer games; amending s. 20.21, F.S.; creating a Division of Tax Processing within the Department of Revenue and providing its duties; revising responsibilities and functions of divisions within the department; deleting provisions which specify functions under the assistant executive director and executive director; providing for offices within the department; authorizing the department to process taxes, fines, or fees for other state agencies; establishing positions within the department; amending s. 212.18, F.S.; specifying conditions under which certain exhibitors are required to obtain resale certificates or register as dealers and collect sales tax; providing an effective date.

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

By the Committee on Higher Education and Representative Young—

HB 3709—A bill to be entitled An act relating to education; repealing s. 12, ch. 85-241, Laws of Florida; abrogating the repeal of provisions of ss. 216.181, 216.251, 240.205, 240.209, 240.225, 240.227, 240.272, 240.277, 110.205, and 447.203, F.S., relating to university budgets, the salaries of university positions not specified in the appropriations acts, the acquisition of property by the Board of Regents and certain powers and duties of the board, the exclusion of the State University System from construction rules of the Department of General Services, certain powers and duties of university presidents, the unexpended funds of universities at the end of the budget year, the appropriation to the Board of Regents of certain moneys received by institutions under the management of the board, the exemption of state university employees from state career service, and the definition of the term "public employer" for purposes of provisions relating to Board of Regents bargaining units; amending s. 235.193, F.S.; providing for review and approval process of proposed educational facilities; amending s. 240.116, F.S.; authorizing the inclusion of certain nonpublic secondary students in dual enrollment instruction; revising provisions relating to credit for student participation in the

International Baccalaureate Program; amending s. 240.1161, F.S.; authorizing the inclusion of certain nonpublic secondary schools in interinstitutional articulation agreements; amending s. 240.209, F.S.; authorizing the Board of Regents to permit certain employees to take tuition-free courses; amending s. 240.2111, F.S.; renaming the meritorious service awards program and revising provisions thereof; amending s. 240.233, F.S.; revising foreign language credit requirements for admission to universities; amending s. 240.2605, F.S.; revising provisions relating to contributions and matching grants from the Trust Fund for Major Gifts; providing an effective date.

—was referred to the Committees on Higher Education, Governmental Operations and Appropriations.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 28 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 28—A bill to be entitled An act relating to environmental regulation; amending ss. 403.111, 403.7197, 403.73, F.S.; continuing, with modifications, the exemptions from public record disclosure requirements provided for certain reports and information provided to the Department of Environmental Regulation, including sales information of individual businesses reported under the advance disposal fee program or the container recycling and refund law, and records, reports, or other information that contain trade secrets; repealing ss. 403.771, 403.772, F.S., relating to the assessment of risk potential due to the accidental release of toxic or other hazardous substances and the exemption from disclosure of information related thereto; providing an effective date.

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

Section 1. Notwithstanding the October 1, 1990, repeal specified in section 119.14(3)(a), Florida Statutes, section 403.111, Florida Statutes, is reenacted and amended to read:

403.111 Confidential records.—

(1) Any information, other than effluent data, relating to secret processes, or secret methods of manufacture or production which may be required, ascertained, or discovered by inspection or investigation shall be exempt from the provisions of s. 119.07(1), shall not be disclosed in public hearings, and shall be kept confidential by any member, officer, or employee of the department, upon a showing satisfactory to the department that the information should be kept confidential. The person from whom the information is obtained must request that the department keep such information confidential and must inform the department of the basis for the claim of confidentiality. The department shall, subject to notice and opportunity for hearing, determine whether the information requested to be kept confidential should or should not be kept confidential. When making a determination pursuant to this section, the department shall consider the public purpose specified in s. 119.14(4)(b)3. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(2) ~~Provided that~~ Nothing in this section herein shall be construed to prevent the use of such records in judicial or administrative proceedings in connection with the prosecution of violations of this act, when ordered to be produced by appropriate subpoena or by order of the court or a hearing officer. No such subpoena or order of the court or hearing officer shall abridge or alter the rights or remedies of persons affected in the protection of trade secrets or secret processes, in the manner provided by law, and such persons affected may take any and all steps available by law to protect such trade secrets or processes.

Section 2. Notwithstanding the October 1, 1990, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (5) of section 403.7197, Florida Statutes, is reenacted and amended to read:

403.7197 Advance disposal fee program.—

(4) The Department of Environmental Regulation shall adopt rules to accomplish the following:

(a) Establishing reporting requirements necessary to obtain necessary sales and recycling information to implement this section and s. 403.7198;

(5) The information obtained for purposes of paragraph (4)(a) relating to sales information of individual businesses is confidential and shall be exempt from the provisions of s. 119.07(1) ~~chapter 119~~. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. All other records and information shall be considered public records for purposes of chapter 119.

Section 3. Notwithstanding the October 1, 1990, repeal specified in section 119.14(3)(a), Florida Statutes, section 403.73, Florida Statutes, is reenacted and amended to read:

403.73 Trade secrets.—Records, reports, or information obtained from any person under this act shall be available to the public, except upon a showing satisfactory to the department by the any person from whom the records, reports, or information is obtained that such records, reports, or information, or a particular part thereof, contain trade secrets. Such trade secrets, or portions thereof, shall be confidential and are exempt from the provisions of s. 119.07(1) and not available to the public. The person must request that the department keep such trade secrets confidential and must inform the department of the basis for the claim of trade secret. The department shall, subject to notice and opportunity for hearing, determine whether the information, or portions thereof, claimed to be a trade secret is or is not a trade secret. When making a determination pursuant to this section, the department shall consider the public purpose specified in s. 119.14(4)(b)3. However, such trade secrets may be disclosed to officers, employees, or authorized representatives of the department or of the United States Environmental Protection Agency, or when relevant in any proceeding under this act. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 4. Sections 403.771 and 403.772, Florida Statutes, are hereby repealed.

Section 5. This act shall take effect October 1, 1990.

House Amendment 2—On page 1, strike the title and insert: An act relating to confidentiality of information held by the Department of Environmental Regulation; amending s. 403.111, F.S., which provides an exemption from public records requirements for information relating to secret processes or methods of manufacture obtained by the department; providing for use of such information in administrative proceedings; amending s. 403.73, F.S., which provides such an exemption for trade secrets relating to hazardous waste management obtained by the department, upon any person's request; requiring that the persons from whom the information is obtained must request such exemptions and providing for a determination by the department; amending s. 403.7197, F.S., which provides an exemption from public records requirements for sales information used by the department to determine recycling rates; saving such exemptions from repeal; providing for future review and repeal; repealing ss. 403.771 and 403.772, F.S., which require a report by the department relating to the risk potential from the release of toxic or hazardous substances and provide for the confidentiality of trade secrets obtained in connection therewith; providing an effective date.

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

SB 28 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Jennings, Kirkpatrick

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed SB 752 with amendments and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 752—A bill to be entitled An act relating to county officers and employees; authorizing county constitutional officers and county commissioners to reimburse employees for educational expenses under specified conditions; providing an effective date.

House Amendment 1—On pages 1 and 2 strike everything after the enacting clause and insert:

Section 1. County constitutional officers and county commissioners are authorized to reimburse employees for educational expenses, subject to the following conditions:

- (1) The coursework must be designed to enhance the knowledge, skills, and abilities relating to official duties which the employees perform.
- (2) The reimbursement of educational expenses in no way obligates the officer or commissioner to grant time off or leave for the taking or completion of such course or program of instruction.
- (3) An employee shall not be permitted to utilize any space, personnel, equipment, or supplies of the office by which he is employed in the process of fulfilling any of the requirements imposed by the coursework for which he is being reimbursed.
- (4) The limitations contained in subsections (1)-(3) shall not be construed to apply to any courses offered by or as a part of an educational program sponsored by any state agency for which the constitutional officer or commissioner is obligated to perform duties prescribed by law, or any educational program conducted in furtherance of s. 195.002, Florida Statutes, if such limitations did not exist prior to the effective date of this act.

Nothing in this section shall be construed as prohibiting employees from receiving otherwise authorized per diem expenses provided for by s. 112.061, Florida Statutes, nor shall it be construed as prohibiting the payment of wages otherwise due under the provisions of state or federal law.

Section 2. This act shall take effect July 1, 1990, or upon becoming a law, whichever occurs later.

Section 2. This act shall take effect July 1, 1990, or upon becoming a law, whichever occurs later.

House Amendment 2—On page 1, strike the entire title and insert:

A bill to be entitled An act relating to county officers and employees; authorizing county constitutional officers and county commissioners to reimburse employees for educational expenses under specified conditions; providing that nothing in the act prohibits authorized per diem expenses or payment of wages due under state or federal law; providing an effective date.

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

SB 752 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed SB 934 with amendment and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 934—A bill to be entitled An act relating to the State of Florida Correctional Medical Authority; amending s. 945.602, F.S.; providing additional membership requirements for persons appointed to the authority; deleting provisions requiring certain records of the authority to be made available to the public; amending s. 945.603, F.S.; providing additional duties of the authority; creating s. 945.6031, F.S.; requiring the authority to make certain reports and conduct surveys; creating s. 945.6032, F.S.; requiring the authority to appoint a medical review committee; requiring a member of the authority to serve on the medical review committee of the Department of Corrections; providing that the confidentiality of certain records under ch. 119, F.S., is maintained; providing an effective date.

House Amendment 1—On page 2, line 23, strike all of said line and insert: *other members of the authority must have had at least 5 years'*

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

SB 934 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Beard, Grant, Kirkpatrick

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 248, CS for SB 662 and SB 970.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

Motion

On motions by Senator Scott, by two-thirds vote CS for SB 612 was removed from the special order calendar and HB 3317 was removed from the local bill calendar.

Reconsideration

On motion by Senator Myers, the rules were waived and the Senate reconsidered the vote by which—

CS for CS for SB 2196—A bill to be entitled An act relating to access for children to preventive health services; creating the Florida Healthy Kids Corporation Act; providing legislative intent; limiting pilot sites to three; providing for duties and powers of the corporation; providing for a board of directors; providing that certain licensure is not required; providing for fiscal operations; providing that coverage under this act is secondary to other coverage; establishing the Florida Healthy Kids Trust Fund; providing access to records under certain conditions; exempting from public inspection certain information obtained by the corporation; providing for future legislative review of such exemption pursuant to the Open Government Sunset Review Act; providing an effective date.

—passed May 25.

On motion by Senator Myers, by two-thirds vote the Senate reconsidered the vote by which CS for CS for SB 2196 was read the third time.

On motion by Senator Myers, the Senate reconsidered the vote by which Amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 were adopted.

Amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 failed.

Senator Brown moved the following amendments which were adopted:

Amendment 12—On page 2, line 11, strike “three” and insert: four

Amendment 13—On page 2, lines 16-18, strike existing subsection 1. and insert new subsection 1. to read:

1. Organize school children groups to facilitate the provision of preventive health care services to children at no more than four sites and to provide comprehensive health insurance coverage to children and their family members. The number of sites may be increased only by the Legislature;

Amendment 14—On page 7, line 20, strike “three” and insert: four

Senator Myers moved the following amendment which was adopted:

Amendment 15—On page 7, between lines 23 and 24, insert new Section 3:

Section 3. There is hereby appropriated \$83,500 for fiscal year 1990-1991.

(Renumber subsequent section.)

Senator Brown moved the following amendment which was adopted:

Amendment 16—In title, on page 1, line 6, strike “three” and insert: four

Senator Myers moved the following amendment which was adopted:

Amendment 17—In title, on page 1, line 12, after the semicolon (;) insert: providing an appropriation;

On motion by Senator Myers, by two-thirds vote CS for CS for SB 2196 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

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick, Malchon

LOCAL BILLS

On motion by Senator Gardner, by two-thirds vote HB 3595 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Gardner—

HB 3595—A bill to be entitled An act relating to Brevard County; amending chapter 28924, Laws of Florida, 1953, as amended, relating to the North Brevard County Hospital District; providing for a change in the terms of officers of the board; changing the name of the hospital and other medical facilities in the district; ratifying action of the board; providing an effective date.

—a companion measure, was substituted for SB 3188 and read the second time by title. On motion by Senator Gardner, by two-thirds vote HB 3595 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

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

HB 3255—A bill to be entitled An act relating to the City of Sanford, Seminole County; amending chapter 61-2791, Laws of Florida, as amended, the Civil Service System and the Civil Service Board of the City of Sanford, Seminole County, to abolish the Civil Service System and the Civil Service Board of Sanford, and to create the Civil Service System and the Civil Service Board of Sanford, Seminole County, as its successor; providing for organization of the Civil Service Board; establishing meetings; providing for employment of a secretary; deleting all references to “Chief Examiner,” “Examinations,” “Assistant Examiners,” “Notice of Examinations,” “Eligible Registers,” “Nature of Examinations,” “Examination Grades,” and the examination process; providing for delivery of copy of changes to code of rules and certificates of receipt of acknowledgment; providing effective date of amendments or changes to rules and regulations; providing for succession of interests and conflicts; providing an effective date.

—a companion measure, was substituted for SB 3190 and by two-thirds vote read the second time by title. On motion by Senator Gardner, by two-thirds vote HB 3255 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

SB 3198—A bill to be entitled An act relating to Citrus County, Homosassa Special Water District; amending ch. 59-1177, Laws of Florida, as amended, clarifying the duties and authority of the district in maintaining, improving, enhancing, repairing, and extending its water supply and distribution system; clarifying that ad valorem tax revenues may be expended for the maintenance, improvement, enhancement, repair, and extension of the district’s water supply and distribution system; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 3198 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Casas	Diaz-Balart	Gordon
Bankhead	Childers, D.	Dudley	Grant
Beard	Childers, W. D.	Forman	Grizzle
Brown	Crenshaw	Gardner	Jennings
Bruner	Davis	Girardeau	Johnson

Kiser	Meek	Souto	Weinstein
Langley	Myers	Stuart	Weinstock
Malchon	Peterson	Thomas	Woodson-Howard
Margolis	Plummer	Thurman	
McPherson	Scott	Walker	

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

SB 3200—A bill to be entitled An act relating to the Homosassa Special Water District, Citrus County; amending ch. 59-1177, Laws of Florida, as amended, increasing the territorial limits of the district; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 3200 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

SB 3180—A bill to be entitled An act relating to Sarasota County and Charlotte County; amending chapter 82-381, Laws of Florida, relating to the Englewood Area Fire Control District; providing for compensation for district commissioners; deleting a restriction on the number of terms which commissioner may serve; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 3180 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

SB 3078—A bill to be entitled An act relating to the Sarasota-Manatee Airport Authority; supplementing the authority of the airport authority granted under chapter 77-651, Laws of Florida, as amended; providing definitions; providing for the regulation of traffic, parking, and security on the airport grounds; making certain county and municipal ordinances applicable thereto and making provisions of chapters 316 and 318, F.S., applicable thereto; authorizing the airport authority to employ police and parking enforcement specialists; providing for their qualifications; defining the authority of airport authority police and parking enforcement specialists and authorizing the authority to adopt rules regarding the appointment, employment, and removal of airport police and parking enforcement specialists; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 3078 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

SB 3136—A bill to be entitled An act relating to Sarasota and Manatee Counties; amending s. 3(b), (f), ch. 77-651, Laws of Florida, as amended; increasing the number of members of the Sarasota-Manatee Airport Authority; providing for the election of such members; prescribing qualifications for, and the terms of office of, the members; revising the number of votes required for action taken by the board; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Johnson and adopted:

Amendment 1—On page 2, line 14, strike “and each 4 years thereafter,” and insert: *and then for terms of 4 years each on separate nonpartisan ballots at the first and second primary elections to be held in 1992, and each 4 years after 1992,*

On motion by Senator Johnson, by two-thirds vote SB 3136 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Diaz-Balart	Jennings	Plummer
Bankhead	Dudley	Johnson	Souto
Beard	Forman	Kiser	Stuart
Brown	Gardner	Langley	Thomas
Bruner	Girardeau	Malchon	Thurman
Casas	Gordon	McPherson	Walker
Childers, W. D.	Grant	Myers	
Crenshaw	Grizzle	Peterson	

Nays—3

Davis	Weinstock	Woodson-Howard
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Vote after roll call:

Yea—Weinstein

CS for SB 3178—A bill to be entitled An act relating to Lake Weir and Little Lake Weir, Marion County; establishing construction criteria for private single-family dock and boathouse facilities on Lake Weir and Little Lake Weir; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote CS for SB 3178 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—3

Johnson McPherson Weinstock

HB 3229—A bill to be entitled An act relating to Spring Lake Improvement District, Highlands County; amending chapter 71-669, Laws of Florida, as amended, to provide for the staggered election of supervisors to a three member board to serve for a term of 3 years each; providing for underground utilities; providing for mowing and maintenance of privately owned lots; providing an effective date.

—was read the second time by title. On motion by Senator Crawford, by two-thirds vote HB 3229 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

HB 3243—A bill to be entitled An act relating to Bradford County; amending chapter 73-408, Laws of Florida, as amended, relating to the Bradford County Board of Historical Trustees; providing that bonds for individual members shall be an expense to the Board; providing for alienation of property held by the Board and the terms and conditions for such alienation; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote HB 3243 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

HB 3269—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 80-513, Laws of Florida, as amended, to permit pensioners of the 1937 Employees' Pension Fund of the City of Jacksonville who are employed by the Jacksonville Electric Authority to work exclusively for the St. Johns River Power Park joint project to make payments into the fund; requiring contribution by the St. Johns River Power Park joint project into the fund; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 3269 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Bruner	Crenshaw	Forman
Bankhead	Casas	Davis	Gardner
Beard	Childers, D.	Diaz-Balart	Girardeau
Brown	Childers, W. D.	Dudley	Gordon

Grant	Malchon	Plummer	Walker
Grizzle	Margolis	Scott	Weinstein
Jennings	McPherson	Souto	Weinstock
Johnson	Meek	Stuart	Woodson-Howard
Kiser	Myers	Thomas	
Langley	Peterson	Thurman	

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

HB 3285—A bill to be entitled An act relating to Palm Beach County; amending chapter 74-565, Laws of Florida, as amended, and repealing section 12 thereof; providing for adoption of countywide model construction codes and their revisions; providing and amending definitions; providing for enforcement; providing for code enforcement personnel qualifications; providing for violations; providing for repeal of laws in conflict; prohibiting lowering of standards; providing that model codes shall be available to the public; providing for interpretation of model codes and revisions; providing for additional membership and terms of office for the Building Code Advisory Board; providing for authority for building codes and revisions, to provide for product and system evaluation, including standards and application fees and revocation and renewal of product and system compliance; repealing a provision relating to applicability of the construction codes; providing severability; providing an effective date.

—was read the second time by title.

Senator Weinstock moved the following amendments which were adopted:

Amendment 1—On page 3, line 22, before the period (.) insert: , except that state buildings are exempt from compliance with such model codes

Amendment 2—In title, on page 1, line 9, after the second semicolon (;) insert: providing exemptions;

On motion by Senator Weinstock, by two-thirds vote HB 3285 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

HB 3319—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 67-1320, Laws of Florida, as amended, being the Charter of the City of Jacksonville so as to remove the provision that prohibits members of the city council from holding any other public employment; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 3319 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Casas	Diaz-Balart	Gordon
Bankhead	Childers, D.	Dudley	Grant
Beard	Childers, W. D.	Forman	Grizzle
Brown	Crenshaw	Gardner	Jennings
Bruner	Davis	Girardeau	Johnson

Kiser	Meek	Souto	Weinstein
Langley	Myers	Stuart	Weinstock
Malchon	Peterson	Thomas	Woodson-Howard
Margolis	Plummer	Thurman	
McPherson	Scott	Walker	

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

HB 3359—A bill to be entitled An act relating to the West Palm Beach water catchment area, Palm Beach County; amending chapter 89-479, Laws of Florida, to change the description of the West Palm Beach water catchment area to include therein a certain portion of Section 2, in Range 42 East, Township 43 South, which lands were inadvertently excluded in the description of the water catchment area in chapter 89-479, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Weinstock, by two-thirds vote HB 3359 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

HB 2409—A bill to be entitled An act relating to the City of Sanibel, Lee County; prohibiting the practice of chumming within the distance of 1/2 mile of the beaches of Sanibel; providing a definition; providing an exception; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 2409 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

HB 3467—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; providing that the position of Santa Rosa County Engineer shall be an unclassified position; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 3467 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

HB 3611—A bill to be entitled An act relating to the Gulf Coast Criminal Justice Assessment Center, Bay County; amending chapter 89-521, Laws of Florida; increasing the membership of the board of directors; providing an effective date.

—was read the second time by title. On motion by Senator Bruner, by two-thirds vote HB 3611 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

HB 3699—A bill to be entitled An act relating to the Town of Glen St. Mary, Baker County; amending chapter 57-1338, Laws of Florida; providing that the mayor shall be elected by the qualified electors of the Town of Glen St. Mary; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote HB 3699 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

HB 3445—A bill to be entitled An act relating to Broward County; amending the Broward County Human Rights Act; amending Article I, Section 3 of chapter 83-380, Laws of Florida; expanding the definition of "Discriminatory Classification" by adding "sexual orientation" to the list of discriminatory classifications; providing a definition of sexual orientation; amending Article II of chapter 83-380, Laws of Florida, by adding

sexual orientation to the list of discriminatory classifications wherever the list appears in Article II; providing for a referendum.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote HB 3445 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

SPECIAL ORDER

SB 1956—A bill to be entitled An act relating to educational finance; amending s. 236.081, F.S.; revising provisions relating to students eligible for a special program for the hospitalized or homebound; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Johnson and adopted:

Amendment 1—On page 1, line 28, after “*mental*” insert: *health*

On motion by Senator Johnson, by two-thirds vote SB 1956 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for SB 1918 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 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.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote CS for SB 1898 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Forman, by two-thirds vote CS for HB 3137 was withdrawn from the Committee on Community Affairs.

On motion by Senator Forman—

CS for HB 3137—A bill to be entitled An act relating to disposal of solid, special, or biohazardous waste; amending ss. 125.01 and 166.021, F.S.; authorizing counties and municipalities to require persons to demonstrate the existence of a plan or contract for disposal of such waste; providing an effective date.

—a companion measure, was substituted for CS for SB 3062 and read the second time by title.

Senator Forman moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 18 and 19, insert:

Section 3. Subsection (2) of section 403.709, Florida Statutes, is amended, and subsections (3), (4), and (5) are added to said section to read:

403.709 Solid Waste Management Trust Fund.—

(2) Moneys allocated to the fund from waste tire fees shall be accounted for separately within the fund and shall be used in the following manner, in order of priority:

(a) Up to 2 percent of the account may be used to pay department administration costs for administering these funds and programs.

(b) Up to 13 percent of the account may be used to provide funding for research and demonstration projects relating to solving solid waste problems resulting from waste tires.

(c) Up to 40 percent of the account may be used to provide funds for removal of tires from an illegal waste tire site according to priorities established by law or department rule when the site owner is financially incapable of complying with the law.

(d) To provide grants to counties to accomplish the purposes set forth in s. 403.719 local governments as provided in this act. If, in any one fiscal year, less than 45 percent of the account is used for such grants, any unused funds may be used by the department for purposes set forth in paragraph (c).

(3) The department shall recover to the use of the fund from the site owner or the person responsible for the accumulation of tires at the site, jointly and severally, all sums expended from the fund pursuant to this section to manage tires at an illegal waste tire site, except that the department may decline to pursue such recovery if it finds the amount involved too small or the likelihood of recovery too uncertain. If a court determines that the owner is unable or unwilling to comply with the rules adopted pursuant to this subsection, the court may authorize the department to take possession and control of the waste tire site in order to protect the health, safety, and welfare of the community and the environment.

(4) The department may impose a lien on the real property on which the waste tire site is located and the waste tires equal to the estimated cost to bring the tire site into compliance, including attorney's fees and court costs. Any property owner which has such a lien imposed may release his property from any lien claimed under this subsection by filing with the clerk of the circuit court a cash or surety bond, payable to the department in the amount of the estimated cost of bringing the tire site into compliance with department rules, including attorney's fees and court costs, or the value of the property after the abatement action is complete, whichever is less.

(5) This section does not limit the use of other remedies available to the department.

Section 4. Paragraphs (f) and (g) of subsection (1) and subsections (3), (4), and (5) are amended and subsections (7), (8) and (9) are added to section 403.717, Florida Statutes, to read:

403.717 Waste tire and lead-acid battery requirements.—

(1) For purposes of this section and ss. 403.718, 403.7185, and 403.719:

(f) "Waste tire processing facility" means a site where equipment is used to recapture reusable by-products from waste tires or to cut, burn, or otherwise alter whole waste tires so that they are no longer whole. The term includes mobile waste tire processing equipment.

(g) "Waste tire site" means a site at which 1,000 or more whole tires are accumulated outdoors.

(3) ~~On or after July 1, 1989:~~

(a) A person may not maintain a waste tire site unless such site is:

1. An integral part of the person's permitted waste tire processing facility; or

2. Used for the storage of waste tires prior to processing and is located at a permitted solid waste management facility.

(b) It is unlawful for any person to dispose of waste tires or processed tires in the state except at a permitted solid waste management facility. Collection or storage of waste tires at a permitted waste tire processing facility or waste tire collection center prior to processing or use does not constitute disposal, provided that the collection and storage complies with rules established by the department. ~~unless the waste tires are dis-~~

~~posed of for processing, or collected for processing, at a permitted solid waste disposal facility, a waste tire site which is an integral part of a permitted waste tire processing facility, a permitted waste tire processing facility, or a waste tire collection center.~~

(c) Waste tires may not be deposited in a landfill as a method of ultimate disposal.

(d) A person may not contract with a waste tire collector for the transportation, disposal, or processing of waste tires unless the collector is registered with the department or exempt from requirements provided under this section.

(4) ~~By January 1, 1989,~~ The department shall adopt rules to carry out the provisions of this section and ss. 403.718 and 403.719. Such rules shall:

(a) Provide for the administration of a waste tire processing facility permit, the fee for which may not exceed \$250 annually;

(b) Provide for the administration or revocation of waste tire collector registrations and collection center permits, the fees for which may not exceed \$250 annually;

(c) Set standards for waste tire processing facilities and associated waste tire sites, waste tire collection centers, and waste tire collectors, and set standards for the storage of waste tires and processed tires, including storage indoors;

(d) Establish procedures for administering the waste tire grants program and issuing grants;

(e) Authorize the final disposal of waste tires at a permitted solid waste disposal facility provided the tires have been cut into sufficiently small parts to assure their proper disposal; and

(f) Allow waste tire material which has been cut into sufficiently small parts to be used as daily cover material for a landfill.

(5) A permit is not required for indoor tire storage or for:

(a) A tire retreading business where fewer than 1,000 waste tires are kept on the business premises;

(b) A business that, in the ordinary course of business, removes tires from motor vehicles if fewer than 1,000 of these tires are kept on the business premises; or

(c) A retail tire-selling business which is serving as a waste tire collection center if fewer than 1,000 waste tires are kept on the business premises.

(7) By October 1, 1990, the department shall take appropriate safety measures or ensure that appropriate safety measures are underway at each waste tire site containing 150,000 or more tires to protect the health, safety, and welfare of the community and the environment. Such measures shall include, but are not limited to, breaking the tire piles into a series of smaller piles with sufficiently wide fire breaks; assuring adequate nearby water supply to provide a water source in the event of fire; requiring an emergency preparedness manual on-site; and, requiring mosquito control. The purchase of services by the department to provide the safety measures at waste tire sites by October 1, 1990, shall not be subject to chapter 287.

(8) By October 1, 1990, the department, or the department in cooperation with local government, shall seek proposals to demonstrate three or more innovative technologies for the disposal of waste tires at one or more sites containing 150,000 or more tires, funded from moneys allocated from waste tire fees pursuant to s. 403.709(2). The department shall award contracts for these projects by January 1, 1991, and shall give priority to the processing of any required permits needed for the implementation of project activities. Following a determination by the department that the projects adequately demonstrate the ability of the innovative technology to dispose of waste tires in an environmentally safe, cost-effective, and efficient manner, such technologies shall be approved for additional funds from funds allocated from waste tire fees pursuant to s. 409.709(2) in accordance with the request for proposals and the agreement negotiated between the vendor and the department and may be approved for additional project sites funded from moneys allocated from waste tire fees pursuant to s. 403.709(2)(c) or (d).

(9) Mobile waste tire processing equipment shall be deemed to be used at fixed locations for purposes of the exemption provided by s. 212.08(5)(e), regardless of any length of time which that paragraph would otherwise require it to be used at such locations.

Section 5. There is hereby appropriated for fiscal year 1990-1991 from the Waste Tire Account within the Solid Waste Management Trust Fund to the Department of Environmental Regulation:

(1) The sum of \$70,000, and 2 additional positions are authorized for the department, for implementing its responsibilities under this act; and

(2) The sum of \$2 million for projects to demonstrate innovative technologies for the disposal of waste tires as authorized by this act.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 7, after the semicolon (;) insert: amending s. 403.709, F.S.; providing for distribution of proceeds of waste tire fees; authorizing the Department of Environmental Regulation to take certain actions to recover moneys expended from the Solid Waste Management Trust Fund; amending s. 403.717, F.S.; revising definitions; providing requirements for waste tire sites; prohibiting contracts for the disposal or processing of waste tires under certain circumstances; requiring the department to adopt rules for the registration of waste tire collection centers and site closure permits; exempting indoor tire storage from permit requirements; requiring the department to undertake safety measures at certain waste tire sites; providing for demonstration projects and funding of such projects; providing for an exemption from the sales tax for mobile waste tire processing equipment; providing appropriations;

On motion by Senator Forman, by two-thirds vote CS for HB 3137 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Johnson	Souto
Bankhead	Diaz-Balart	Kirkpatrick	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	

Nays—None

On motions by Senator McPherson, by two-thirds vote HB 2519 was withdrawn from the Committees on Economic, Professional and Utility Regulation; and Finance, Taxation and Claims.

On motion by Senator McPherson—

HB 2519—A bill to be entitled An act relating to the Water and Wastewater System Regulatory Law; amending s. 367.022, F.S.; revising language with respect to exemptions to the law; amending s. 367.071, F.S.; providing clarifying language with respect to persons that obtain ownership or control over any system governed by the law; amending s. 367.081, F.S.; requiring an automatic change in rates for increases or decreases in regulatory assessment fees; permitting utilities to place requested rates into effect prior to approval by the Florida Public Service Commission under certain circumstances; amending s. 367.0822, F.S.; requiring a fee for limited proceedings; amending s. 367.145, F.S.; providing an exclusion to the percentage amount of the regulatory assessment fee for sales for resale made to a regulated company; providing reference to limited proceedings under the provision setting fees; amending s. 367.171, F.S.; revising language with respect to the effectiveness of the chapter; revising language with respect to service which transverses county boundaries; providing for regulation by counties; providing an effective date.

—a companion measure, was substituted for SB 2796 and read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 2519 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Casas	Deratany	Girardeau
Bankhead	Childers, D.	Diaz-Balart	Gordon
Beard	Childers, W. D.	Dudley	Grant
Brown	Crenshaw	Forman	Grizzle
Bruner	Davis	Gardner	Jennings

Johnson	Margolis	Plummer	Walker
Kirkpatrick	McPherson	Souto	Weinstein
Kiser	Meek	Stuart	Woodson-Howard
Langley	Myers	Thomas	
Malchon	Peterson	Thurman	

Nays—None

Vote after roll call:

Yea—Weinstock

CS for SB 2236—A bill to be entitled An act relating to solid waste management; amending s. 403.7049, F.S.; exempting certain nonprofit corporations from solid waste disposal fees imposed by counties and municipalities; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote CS for SB 2236 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Johnson	Plummer
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	

Nays—None

Consideration of CS for CS for SB 538 was deferred.

HB 3615—A bill to be entitled An act relating to the University of South Florida; renaming Bayboro Hall on the USF St. Petersburg Campus as the "Lowell E. Davis Memorial Hall"; directing the Board of Regents of the Division of Universities of the Department of Education to erect suitable markers designating the building; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote HB 3615 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Johnson	Plummer
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	

Nays—None

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. 115.09, 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.

—was read the second time by title.

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

Senator Kirkpatrick moved the following amendment:

Amendment 1—On page 10, between lines 28 and 29, insert:

Section 7. Subsection (7) of section 265.286, Florida Statutes, is amended to read:

265.286 Art grants award by Division of Cultural Affairs.—

(7) There is hereby created a Vital Local Cultural *Organization Program* to be administered by the Division of Cultural Affairs and the Florida Arts Council for the purposes set forth in this subsection. The Legislature shall annually transfer \$1.1 million from the State Major Cultural Institution Trust Fund to the Vital Local Cultural *Organization Program*.

(a) ~~The division Florida Arts Council~~ shall establish, by rule, *application and review procedures for the Vital Local Cultural Organization Program and establish, by rule, criteria for the award of grants to Vital Local Cultural Organizations Programs*. These criteria shall recognize emerging cultural programs which provide to their local communities a sustained commitment to high artistic excellence. Administrative criteria must include the requirements that Vital Local Cultural *Organizations Programs* receiving grants have an established corporate charter and an established governing board. Program criteria must include the requirements that Vital Local Cultural *Organizations Programs* demonstrate fiscal stability, *ability to properly administer grant funds, and major local impact. The program for which designation has been requested must demonstrate audience and community support and involvement in program planning, a commitment to education, and that these programs* recognize the efforts, works, and performances of Florida's artists or arts organizations.

(b) The following *organizations programs* shall be recognized initially as Vital Local Cultural *Organizations Programs* and shall be awarded grants by the division at the level of funding awarded in FY 1989-90 provided that these organizations meet the criteria established pursuant to paragraphs (a) and (g), for a minimum of 3 years beginning with the 1990-91 year pursuant to this section:

1. Atlantic Center for the Arts, Inc.
2. Graphic Studio, University of South Florida.
3. Florida Arts Celebration, Inc.
4. Lee County Alliance of the Arts, Inc. William R. Frizzell Cultural Center.
5. Film Society of Miami, Inc. for the purpose of coordinating the Miami Film Festival.
6. Asolo Center for the Performing Arts, Inc. for the purpose of coordinating the French Film Festival Funding under this section shall not preclude the Asolo from funding under the Major Cultural Institution Program.
7. Broward County Film Society, Inc. for the purpose of coordinating the Ft. Lauderdale Film Festival.

(c) A review of Vital Local Cultural *Organizations Programs* shall be conducted by the division annually to assess criteria maintenance and to monitor grant award agreement provisions. ~~periodically by the Florida Arts Council.~~ Review panels may be appointed by the Secretary of State to assist the division and council in reviewing Vital Local Cultural *Organizations and new applicants to the program*.

(d) The council may recommend the addition of *organizations programs* to the Vital Local Cultural *Organization Program* for a minimum of 3 years if the *organizations programs* meet the criteria established pursuant to this subsection. *The council shall submit annually to the Secretary of State for approval lists of all applications that are recommended by the council for the award of grants, arranged in order of priority. The council may also recommend the deletion of any of these Vital*

Local Cultural Organizations Programs if they fail to meet the criteria established by the council pursuant to this subsection. These recommendations are subject to approval by the Secretary of State. *The Secretary of State shall submit a list of organizations recommended for designation and funding to the Legislature. The division may allocate grants only for those organizations that are approved or for which funds are appropriated by the Legislature. Any program recommended for deletion by the Secretary of State shall be placed on a 1-year probation period during which it may correct its deficiencies. If it does not correct its deficiencies within the probation period the Secretary of State may delete it from the program. Any organization which has been deleted from the program may reapply after being deleted for at least 1 year.*

(e) Upon appropriation by the Legislature of funds for the Vital Local Cultural *Organization Program*, the department shall execute a grant award agreement with each institution, which shall contain information relative to the program, matching requirements, administrative and minimal accounting requirements, and such other provisions as are deemed necessary by the department for the administration of the program.

(f) ~~(e)~~ *Organizations Programs* designated as Vital Local Cultural *Organizations Programs* shall be precluded from receiving funds from other art grants programs administered pursuant to this section 265.286 by the Division of Cultural Affairs unless such grant application is determined by the department to be of statewide cultural significance.

(g) ~~(f)~~ *Grants awarded to Vital Local Cultural Programs are not subject to the provisions of subsection (2).* The state grant to a Vital Local Cultural *Organization Program* must be matched by a contribution from the recipient of the grant, in an amount to be determined by the Department of State, but shall not be less than a ratio of 60-percent local to 40-percent state.

(h) ~~(g)~~ The Department of State, *Division of Cultural Affairs* shall adopt rules necessary to implement the provisions of this subsection.

Section 8. Section 265.283, Florida Statutes, is amended to read:

265.283 Definitions.—The following definitions shall apply to ss. 265.281-265.286:

- (1) "Council" means the Florida Arts Council.
- (2)~~(1)~~ "Department" means the Department of State.
- (3)~~(2)~~ "Director" means the Director of the Division of Cultural Affairs of the Department of State.
- (4)~~(3)~~ "Division" means the Division of Cultural Affairs of the Department of State.
- (5) "Panel" means a grant review panel.
- (6)~~(4)~~ "Secretary" means the Secretary of State.
- (7)~~(5)~~ "The arts" means any and all artistic disciplines, which include, but are not limited to, music, dance, drama, theater programs, creative writing, literature, architecture, painting, sculpture, folk arts, photography, crafts, and public media, and the execution and exhibition of other such allied, major art forms.

Section 9. Paragraph (b) of subsection (1) of section 265.285, Florida Statutes, is amended, paragraphs (d), (e), and (f) are redesignated as paragraphs (e), (f), and (g), respectively, and a new paragraph (d) is added to said subsection, to read:

265.285 Florida Arts Council; membership, duties.—

- (1)
 - (b) The members shall elect a chairman from their number annually. The council shall meet at the call of its chairman, at the request of a majority of its membership, at the request of the department, or at such times as may be prescribed by its rules. *A majority of the members of the council constitutes a quorum, and no meeting may be held with less than a quorum present. The affirmative vote of a majority of the members of the council shall be necessary for any official action by the council.*
 - (d) *The council and panels shall provide a forum for public comment prior to voting on any art grant application.*

Section 10. Paragraph (d) of subsection (2) of section 265.608, Florida Statutes, is redesignated as paragraph (e), and a new paragraph (d) is added to said subsection to read:

265.608 Science Museum Trust Fund; grants.—

(2)

(d) *The Secretary of State may appoint review panels representing various disciplines to assist the Florida Arts Council in the grant review process contemplated by this section. The term of office of each review panel member shall be 1 year. The membership of each panel shall include persons actively involved in the specific discipline for which the respective panel is to review grants. Members of the panels shall not receive any compensation for their services, but shall be reimbursed for travel and expenses incurred in the performance of their duties, as provided in s. 112.061. The panels shall review grant applications and make recommendations to the council concerning the relative merits of the applicants. The division shall by rule establish criteria for reviewing grant applications to ensure compliance with applicable state laws relating to nondiscrimination and prohibited conflicts of interest.*

Section 11. Subsection (3) of section 265.701, Florida Statutes, is amended to read:

265.701 Cultural facilities; grants for acquisition, renovation, or construction; funding; approval; allocation.—

(3) *The Florida Arts Council shall review each application for a grant to acquire, renovate, or construct a cultural facility which is submitted pursuant to subsection (2) and shall submit annually to the Secretary of State for approval lists of all applications that are recommended by the council for the award of grants, arranged in order of priority. The division may allocate grants only for projects that are approved or for which funds are appropriated by the Legislature. Projects approved and recommended by the Secretary of State which are not funded by the Legislature shall be retained on the project list for the following grant cycle only. All projects that are retained shall be required to submit such information as may be required by the department as of the established deadline date of the latest grant cycle in order to adequately reflect the most current status of the project.*

Section 12. Notwithstanding the provisions of the Sundown Act or any other provision of law which provides for review and repeal in accordance with s. 11.611, Florida Statutes, section 265.285, Florida Statutes, shall not stand repealed on October 1, 1990, and shall continue in full force and effect as amended herein.

Section 13. Sections 255.043(2) and (3), 265.285, 265.286(5), (7)(a), (c), and (d), 265.2861(2)(b) and (c)2., 265.2865(3), 265.606(1)(c), 265.608(2)(d), and 265.701(3) and (4), Florida Statutes, are repealed on October 1, 2000, and shall be reviewed by the Legislature prior to that date pursuant to s. 11.611, Florida Statutes.

Section 14. Section 266.001, Florida Statutes, is created to read:

266.001 Historic preservation boards of trustees; Department of State.—

(1) *Parts I through VII of this chapter establish historic preservation boards of trustees within the Department of State for the purpose of assisting the state to promote and protect its historic and archaeological sites and properties. The historic preservation boards are to provide leadership in the preservation of those resources within their respective jurisdictions, in accordance with the provisions of this chapter. The protection of those historic resources is considered to be of statewide significance and to be in the public interest of the state.*

(2) *The boards shall be placed under the administrative supervision of the Division of Historical Resources of the Department of State, which shall monitor the effectiveness of all programs of the boards pursuant to its responsibilities as set forth in ss. 253.025(8)(e)3. and 267.061(3)(i) and any other provisions of law.*

(3) *The Department of State shall adopt rules on or before January 1, 1991, prescribing criteria and guidelines for the acquisition and sale of real properties, with which the boards must comply. Such rules must provide that proceeds from the sale of any property which is owned or controlled by the state on July 1, 1990, must be deposited into the agency's operating trust fund in the state treasury and appropriated by the Legislature. After the effective date of such rules, the proceeds from the sale*

of any property that has been purchased with public funds must also be so deposited and appropriated. The sale of property by a board, or its direct-support organization, must be approved by the department, and the use of the proceeds restricted to those uses authorized by rules adopted by the department.

Section 15. Section 266.101, Florida Statutes, is amended to read:

266.101 Historic Pensacola Preservation Board of Trustees; purpose.—~~There is created within the Department of State the Historic Pensacola Preservation Board of Trustees. The purpose and function of the board shall be, a body corporate, the purpose and function of which is:~~

(1) *To acquire, restore, preserve, maintain, reconstruct, reproduce, and operate for the use, benefit, education, recreation, enjoyment, and general welfare of the people of this state and nation certain ancient or historic landmarks, sites, cemeteries, graves, military works, monuments, locations, remains, buildings, and other objects of historical or antiquarian interest of the City of Pensacola and Escambia County surrounding areas. The selection for acquisition, restoration, preservation, maintenance, reconstruction, reproduction, and operation shall be made by the board based on criteria of historical evaluation as established by the National Trust for Historic Preservation.*

(2) *To research, prepare, publish, and procure for the use and benefit of the general public books, reports, articles, pamphlets, brochures, documents, maps, photographs, films, sound recordings, and other products of similar nature in furtherance of the protection and preservation of and the dissemination of information about historic sites and properties, as well as persons, places, events, conditions, objects, patterns, behaviors, records, and times pertaining to Florida history, which products may be used by the board or may be made available for use by or distributed by the board to any person or entity, public or private, with or without charge or profit. The preparation, publication, sale, or distribution of any book or other product covered by this subsection by the board prior to May 28, 1984, is hereby ratified, and the board may use or dispose of any such book or product pursuant to this subsection.*

(3) *To submit to the department for review and approval the board's legislative budget request.*

Section 16. Subsection (2) of section 266.102, Florida Statutes, is renumbered as subsection (4), and new subsections (2) and (3) are added to said section, to read:

266.102 Definitions.—Unless otherwise clearly indicated, the following words when used in this part shall have the following meanings:

(2) *"Department" shall mean the Department of State.*

(3) *"Division" shall mean the Division of Historical Resources of the Department of State.*

Section 17. Section 226.103, Florida Statutes, is amended to read:

266.103 Board; membership; terms of office; compensation; expenses; bond.—

(1) *The board of trustees shall consist of seven members to be appointed by the Governor and confirmed by the Senate. The Governor shall appoint members to 4-year terms. Commencing October 1, 1991, the terms of the members serving on that date shall be extended through the nearest January 31 following the expiration date of the term. Thereafter, the Governor shall appoint members to 4-year terms which shall run from February 1 through January 31. The Governor's appointments shall be made by January 1 preceding the commencement of the terms and shall be subject to Senate confirmation in the following legislative session. not later than 30 days after the effective date of this part and confirmed by the State Senate. Members of the original board shall be appointed for terms as follows: Two for 2 years; two for 3 years; and three for 4 years; thereafter, members shall be appointed for 4-year terms except for*

(2) *Appointments to fill vacancies in for unexpired terms, in which event the appointment shall be for the unexpired term only. Such appointments shall be made within 90 days after the creation of the vacancy.*

(3)(2) *Board members shall possess an active interest in the historical aspects of Pensacola and Escambia County the surrounding area. The members of the board, including the chairman, shall receive no compensation for their services but shall be entitled to be reimbursed for per*

diem and travel expenses incurred in the performance of their official duties as members of the board, subject to the provisions and limitations of s. 112.061. Each member shall give a surety bond in the sum of \$5,000, executed by a surety company authorized to do business in this state, payable to the Governor and his successors in office, and conditioned upon the faithful performance of his duties; the cost of each such bond shall be borne by the board.

(4) *The Governor may remove from office any member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or pleading guilty or nolo contendere to or being found guilty of a felony.*

Section 18. Section 266.105, Florida Statutes, is amended to read:

266.105 Treasurer; finances.—

(1) The Treasurer shall be the ex officio treasurer of the board and shall have the custody of all its funds, to be kept in a special account. All receipts and disbursements of the board shall be handled subject to the same laws, rules, and regulations as other state funds are handled.

(2) *Beginning July 1, 1991, all moneys received from admissions to and rentals of facilities and properties owned or managed by the board shall be deposited by the board into the Historic Pensacola Preservation Board Operating Trust Fund and made subject to annual appropriation by the Legislature for the benefit of the board. All interest earned by the trust fund shall be deposited into the trust fund.*

Section 19. Section 266.1056, Florida Statutes, is created to read:

266.1056 Audit.—The board shall be audited by the Auditor General.

Section 20. Section 266.106, Florida Statutes, is amended to read:

266.106 Powers of the board.—*The department shall monitor the effectiveness of all programs of the board and shall exercise such oversight of the board as the department deems necessary to help ensure that the board operates in compliance with state laws and rules. The board shall be the governing body and have the power:*

(1) *To hire a manager who shall report to the board and who shall be a member of the Selected Exempt Service.*

(2) *To set the salary of the manager within the range permissible under Department of Administration guidelines.*

(3)(4) *To adopt a seal and alter it at pleasure.*

(4)(2) *To contract and be contracted with, to sue and be sued, and to plead and be pleaded in all courts of law and equity.*

(3) ~~*To exercise any power not in conflict with the Constitution of the state or of the United States which is usually possessed by private corporations or public agencies performing comparable functions.*~~

(5)(4) *To establish an office at or near the City of Pensacola for the conduct of its affairs.*

(6)(5) *To acquire, hold, lease, and dispose of real and personal property or any interest therein for its authorized purpose.*

(7)(6) *To plan buildings and improvements; to demolish existing structures; and to construct, reconstruct, alter, repair, and improve the facilities wherever located.*

(8)(7) *To acquire in its own name for the benefit of the state by purchase, grant, devise, gift, or lease, on such terms and conditions and in such manner as it deems necessary or expedient, or by condemnation, except as otherwise herein provided, in accordance with and subject to the state law applicable to condemnation of property for public use, real property or rights or easements therein or franchises necessary or convenient for its purposes and to use the same so long as its existence continues and to lease or make contracts with respect to the use or disposal of the same, or any part thereof, in any manner deemed by it to be in the best interest of the board, but only for the purposes for which it is created. No property shall be acquired under the provisions of this part upon which any lien or other encumbrance exists unless, at the time the property is so acquired, a sufficient sum of money is to be deposited in trust to pay and redeem such lien or encumbrance; nor shall any property*

be acquired hereunder by condemnation which is owned by a church or a cemetery association or is presently used as a historical attraction.

(9) *To employ, subject to the provisions of the Career Service System, such employees as may be necessary.*

(10)(8) ~~*To contract with employ and dismiss at pleasure consulting engineers, architects, superintendents or managers, accountants, inspectors, attorneys, and such other consultants employees as are deemed necessary and to prescribe their powers and duties and to fix their compensation.*~~

(11)(9) *To draft a historical plan of development for the City of Pensacola and Escambia County the surrounding area; and the board shall have the authority to recommend to the governing body of the City of Pensacola the creation of a historical district or districts which shall include any section or sections of the city containing buildings, landmarks, sites, or facilities of historical value and having an overall atmosphere of architectural or historical distinction, or both. Such facilities having historical value shall be designated by the board based on criteria of historical evaluation established by the National Trust for Historic Preservation or any other recognized professional historical group.*

(12)(10) *To acquire from the City of Pensacola, Escambia County, the state, the United States or any state thereof, or any foreign country or colony any existing property, real or personal, now owned by it or hereafter acquired, suitable for the uses of the board and to improve, operate, and maintain the same for the purposes herein stated or to act as trustee for any such property under such terms and conditions as the owner may prescribe.*

(13)(11) *To enter into contracts with the City of Pensacola or Escambia County for the purposes of providing police and fire protection, water, sanitation, and other public services deemed necessary or expedient; and such municipality and county are authorized to enter into such contracts.*

(14)(12) *To contract with any agency of the state, the Federal Government, the City of Pensacola, the County of Escambia, or any firm or corporation, upon such terms and conditions as the board finds in its best interest, with respect to the establishment, construction, operation, and financing of the facilities of the board in or near the City of Pensacola, Escambia County.*

(15)(13) *To make and enter into all contracts or agreements with private individuals, corporations, organizations, historical societies, and others with reference to facilities and to enter into contracts and agreements, with or without competitive bidding as the board determines, which are necessary, expedient, or incidental to the performance of its duties or the execution of its powers under this part. However, consultants shall be retained in the manner provided in ss. 287.055, 287.057, and 287.058.*

(16)(14) *To engage in any lawful business or activity deemed by it necessary or useful in the full exercise of its powers to establish, finance, maintain, and operate the facilities contemplated by this part, including:*

(a) *The renting or leasing for revenue of any land, improved or restored real estate, or personal property directly related to carrying out the purposes for which the board is created.*

(b) *The selling of craft products created through the operation and demonstration of historical museums, craftshops, and other facilities.*

(c) *The limited selling of merchandise relating to the historical and antiquarian period of Pensacola, Florida, and surrounding territory.*

(17)(15) *To fix and collect charges for admission to any of the facilities operated and maintained by the board under the provisions of this part and to adopt and enforce reasonable rules and regulations to govern the conduct of the visiting public.*

(18)(16) *To borrow money for any of its authorized purposes and for expenses incidental thereto, including expenses incurred during the period of organization, restoration, and construction prior to the operation of the facilities of the board, and to issue negotiable revenue certificates payable solely from revenue for the operation of such facilities and from authorized activities incidental thereto.*

(19)(17) *To cooperate and coordinate all of its activities on a permissive basis through any statewide commission, including the Division of*

Historical Resources of the Department of State, and to participate in any overall statewide plan of historical development.

(20)(19) To cooperate and coordinate its activities with any national project of historical development, such as a national seashore, and to coordinate and cooperate with any other agency, state, local, or national, undertaking historical objectives if the same are not in conflict with the objectives of the board.

(21)(19) To research, prepare, publish, and procure books, reports, articles, pamphlets, brochures, documents, maps, photographs, films, sound recordings, and other products of a similar nature in fulfillment of its purpose and function for use by the board or for use by or distribution to any person or entity, public or private, with or without charge or profit.

(22)(20) To perform all lawful acts necessary and convenient and incident to the effectuating of its function and purpose.

Section 21. Paragraphs (d) and (e) of subsection (1) and paragraph (c) of subsection (2) of section 266.107, Florida Statutes, are amended to read:

266.107 Powers of governing body of City of Pensacola; architectural review board.—

(1) GOVERNING BODY.—The governing body of the City of Pensacola is authorized:

(d) To adopt such other regulations as are necessary to effect the purposes of s. 266.106(11)(9).

(e) To utilize its employees in the enforcement and regulation of the provisions of s. 266.106(11)(9).

(2) ARCHITECTURAL REVIEW BOARD; MEMBERSHIP; TERMS; POWERS; EXPENDITURES.—

(c) Powers.—The architectural review board shall have authority:

1. To approve or disapprove plans for buildings to be erected, renovated or razed which are located, or are to be located, within the historical district or districts and to regulate reasonably land use to the extent necessary to preserve the historical integrity and ancient appearance within any and all historical districts established by the governing body of the City of Pensacola, including but not limited to authority to deny or grant variances from the zoning ordinances of the City of Pensacola applicable to historical districts. The designation and preservation of buildings and structures within any historical district or districts established under s. 266.106(11)(9) and the control of the erection, alteration, addition, repair, removal or demolition of new or existing buildings or structures, signs and any such facilities or appurtenances thereto to insure perpetuation of its or their historical character is hereby designated to be a public purpose but no regulation shall be adopted which is in conflict with any zoning ordinance of the City of Pensacola, applicable to such area.

2. To adopt rules for the transaction of its business, the holding of meetings and such other activities as are incident to its function.

Section 22. Section 266.109, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 266.109, F.S., for present text.)

266.109 Direct-support organization.—

(1) The Historic Pensacola Preservation Board of Trustees may authorize a direct-support organization to assist the board in carrying out its purposes by raising money; submitting requests for and receiving grants from the Federal Government, the state or its political subdivisions, private foundations, and individuals; receiving, holding, investing, and administering property; and making expenditures to or for the benefit of the board. Such a direct-support organization is an organization which is:

(a) Incorporated under the provisions of chapter 617 and approved by the Department of State as a Florida corporation not for profit;

(b) Organized and operated to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the board; and

(c) Approved by the board to be operating for the benefit of the board and in the best interest of the state.

(2) The direct-support organization shall operate under written contract with the board. The contract shall provide for:

(a) Approval of the articles of incorporation and bylaws of the direct-support organization by the board and the governance of the direct-support organization by members appointed by the board.

(b) Submission of an annual budget for the approval of the board. The budget shall be in accordance with rules adopted by the board.

(c) Certification by the board that the direct-support organization is operating in compliance with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification shall be made annually and reported in the official minutes of a meeting of the board.

(d) The reversion to the board of moneys and property held in trust by the direct-support organization for the benefit of the board if the direct-support organization is no longer approved to operate on behalf of the board and if such moneys and property were acquired after October 1, 1986.

(e) The fiscal year of the direct-support organization, to begin on July 1 of each year and end on June 30 of the following year.

(f) The disclosure of material provisions of the contract and the distinction between the board of trustees and the direct-support organization to donors of gifts, contributions, or bequests, as well as on all promotional and fundraising publications.

(3) The members of the direct-support organization's board of directors shall include, but are not limited to, the members of the Historic Pensacola Preservation Board of Trustees.

(4) The board is authorized to permit the direct-support organization's use of property, except money, and of facilities and personal services of the board, subject to the provisions of this section. Any direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin shall not be permitted to use the property, facilities, or personal services of the board. For the purposes of this subsection, personal services includes full-time or part-time personnel as well as payroll processing.

(5) The board shall adopt rules prescribing the procedures by which the direct-support organization is to be governed and any conditions with which a direct-support organization must comply in order to use property, facilities, or personal services of the board.

(6) Any moneys, except as enumerated in s. 266.105, may be held in a separate depository account in the name of the direct-support organization and shall be subject to provisions of the contract with the board of trustees. Such moneys may include membership fees, private donations, income derived from fundraising activities, and grants applied for and received by the direct-support organization.

(7) The direct-support organization shall make provisions for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with rules established by the board. The annual audit report shall be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review.

(8) Notwithstanding the provisions of s. 119.14, the identity of donors or prospective donors who desire to remain anonymous, and all information identifying such donors or such prospective donors, is confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. Such exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. All other records of the direct-support organization shall be considered public records for the purposes of chapter 119.

Section 23. The provisions of ss. 266.101-266.109, Florida Statutes, shall be liberally construed.

Section 24. Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with section 11.611, Florida Statutes, sections 266.101, 266.102, 266.103, 266.104, 266.105, and 266.106, Florida Statutes, shall not stand repealed on October 1, 1990, and shall continue in full force and effect as amended herein.

Section 25. Sections 266.101, 266.102, 266.103, 266.104, 266.105, 266.1056, 266.106, 266.108, and 266.109, Florida Statutes, are repealed on October 1, 2000, and shall be reviewed by the Legislature pursuant to section 11.611, Florida Statutes.

Section 26. Section 266.110, Florida Statutes, is amended to read:

266.110 Historic Tallahassee Preservation Board of Trustees; purpose.—There is created within the Department of State the Historic Tallahassee Preservation Board of Trustees. *The purpose and function of the board shall be, a body corporate, the purpose and function of which is:*

(1) To acquire, restore, preserve, maintain, reconstruct, reproduce, and operate for the use, benefit, education, recreation, enjoyment, and general welfare of the people of this state and nation certain ancient or historic landmarks, sites, cemeteries, graves, military works, monuments, locations, remains, buildings, and other objects of historical or antiquarian interest of the City of Tallahassee, Florida, and surrounding areas. The selection for acquisition, restoration, preservation, maintenance, reconstruction, reproduction, and operation shall be made by the board based on criteria of historical evaluation as established by the Division of Historical Resources of the Department of State.

(2) To research, prepare, publish, and procure for the use and benefit of the general public books, reports, articles, pamphlets, brochures, documents, maps, photographs, films, sound recordings, and other products of similar nature in furtherance of the protection and preservation of and the dissemination of information about historic sites and properties, as well as persons, places, events, conditions, objects, patterns, behaviors, records, and times pertaining to Florida history, which products may be used by the board or may be made available for use by or distributed by the board to any person or entity, public or private, with or without charge or profit. The preparation, publication, sale, or distribution of any book or other product covered by this subsection by the board prior to May 28, 1984, is hereby ratified, and the board may use or dispose of any such book or product pursuant to this subsection.

(3) *To submit to the department for review and approval the board's legislative budget request.*

Section 27. Subsection (2) of section 266.111, Florida Statutes, is renumbered as subsection (4) and new subsections (2) and (3) are added to said section to read:

266.111 Definitions.—Unless otherwise clearly indicated, the following words when used in this part shall mean:

(2) "Department" shall mean the Department of State.

(3) "Division" shall mean the Division of Historical Resources of the Department of State.

Section 28. Section 266.112, Florida Statutes, is amended to read:

266.112 Board; membership; terms of office; compensation; expenses; bond.—

(1) The board shall consist of ~~nine~~ seven members to be appointed by the Governor and confirmed by the Senate. *The two additional members shall be appointed for terms commencing on February 1 as follows: One member shall be appointed for a term of 2 years, and one member shall be appointed for a term of 3 years. not later than October 1, 1972. Members of the original board shall be appointed for terms as follows: Two for 2 years; two for 3 years; and three for 4 years; and thereafter Members shall be appointed for 4-year terms, except, commencing October 1, 1991, the terms of the members serving on that date shall be extended through the nearest January 31 following the expiration date of the term. Thereafter, the Governor shall appoint members to 4-year terms which shall run from February 1 through January 31. The Governor's appointments shall be made by January 1 preceding the commencement of the terms and shall be subject to Senate confirmation in the following legislative session.*

(2) ~~for~~ Appointments to fill vacancies in ~~for~~ unexpired terms, ~~in which event the appointment shall be for the unexpired term only. Such appointments shall be made within 90 days after the creation of the vacancy.~~

(3)(2) Board members shall possess an active interest in the historical aspects of Tallahassee and the surrounding area, and at least four members of the board shall be residents of the ~~County of Leon County~~. The members of the board, including the chairman, shall receive no compensation for their services, but shall be entitled to be reimbursed for per diem and travel expenses incurred in the performance of their official duties as members of the board, subject to the provisions and limitations

of s. 112.061. Each member shall give a surety bond in the sum of \$5,000, executed by a surety company authorized to do business in this state, payable to the Department of State and conditioned upon the faithful performance of his duties; the cost of each such bond shall be borne by the board.

(4) *The Governor may remove from office any member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or pleading guilty or nolo contendere to or being found guilty of a felony.*

Section 29. Section 266.114, Florida Statutes, is amended to read:

266.114 Treasurer; finances.—

(1) The Treasurer shall be ex officio treasurer of the board and shall have the custody of all its funds, to be kept in a special account. All receipts and disbursements of the board shall be handled subject to the same laws, rules, and regulations as other state funds are handled.

(2) *All moneys received from admissions to and rentals of facilities and properties owned or managed by the board shall be deposited by the board into the Historic Tallahassee Preservation Board Operating Trust Fund and made subject to annual appropriation by the Legislature for the benefit of the board. All interest earned by the trust fund shall be deposited into the trust fund.*

Section 30. Section 266.1145, Florida Statutes, is created to read:

266.1145 Audit.—*The board shall be audited by the Auditor General.*

Section 31. Section 266.115, Florida Statutes, is amended to read:

266.115 Powers of the board.—*The department shall monitor the effectiveness of all programs of the board and shall exercise such oversight of the board as the department deems necessary to help ensure that the board operates in compliance with state laws and rules. The board shall be the governing body and have the power:*

(1) *To hire a manager who shall report to the board and who shall be a member of the Selected Exempt Service.*

(2) *To set the salary of the manager within the range permissible under Department of Administration guidelines.*

(3)(1) To adopt a seal and alter it at pleasure.

(4)(2) To contract and be contracted with, to sue and be sued, and to plead and be impleaded in all courts of law and equity.

(3) ~~To exercise any power not in conflict with the Constitution of the state or of the United States which is usually possessed by private corporations or public agencies performing comparable functions.~~

(5)(4) To establish an office at or near the City of Tallahassee for the conduct of its affairs.

(6)(5) To acquire, hold, lease, and dispose of real and personal property or any interest therein for its authorized purpose.

(7)(6) To plan buildings and improvements; to demolish existing structures; and to construct, reconstruct, alter, repair, and improve its facilities wherever located.

(8)(7) To acquire in its own name *for the benefit of the state* by purchase, grant, devise, gift, or lease, on such terms and conditions and in such manner as it deems necessary or expedient, or by condemnation, except as otherwise herein provided, in accordance with and subject to the state law applicable to condemnation of property for public use, real property or rights or easements therein or franchises necessary or convenient for its purposes and to use the same so long as its existence continues and to lease or make contracts with respect to the use or disposal of the same, or any part thereof, in any manner deemed by it to be in the best interest of the board, but only for the purposes for which it is created. No property shall be acquired under the provisions of this part upon which any lien or other encumbrance exists unless, at the time the property is so acquired, a sufficient sum of money is to be deposited in trust to pay and redeem such lien or encumbrance; nor shall any property be acquired hereunder by condemnation which is owned by a church or a cemetery association or is presently used as a historical attraction.

(9) To employ, subject to the provisions of the Career Service System, such employees as may be necessary.

(10)(9) To contract with ~~employ and dismiss at pleasure~~ consulting engineers, architects, ~~superintendents or managers~~, accountants, inspectors, attorneys, and such other ~~consultants~~ employees as are deemed necessary ~~and to prescribe their powers and duties and to fix their compensation.~~

(11)(9) To draft a historical plan of development for the City of Tallahassee and the surrounding area; and the board shall have the authority to recommend to the governing bodies of the ~~County of Leon County~~ and the City of Tallahassee the creation of a historical district or districts which shall include any section or sections of the county containing buildings, landmarks, sites, and facilities of historical or architectural value and having an overall atmosphere of architectural or historical distinction. Such facilities having historical or architectural value shall be designated by the board on the basis of criteria of historical evaluation established by the Division of Historical Resources of the Department of State.

(12)(10) To acquire from the City of Tallahassee, Leon County, the state, the United States or any state thereof, or any foreign country or colony any existing property, real or personal, now owned by it or hereafter acquired, suitable for the uses of the board and to improve, operate, and maintain the same for the purposes herein stated or to act as trustee for any such property under such terms and conditions as the owner may prescribe.

(13)(11) To enter into contracts with the City of Tallahassee or Leon County for the purposes of providing police and fire protection, water, sanitation, and other public services deemed necessary or expedient; and such municipality and county are authorized to enter into such contracts.

(14)(12) To contract with any agency of the state, the Federal Government, the City of Tallahassee, the County of Leon, or any firm or corporation, upon such terms and conditions as the board finds in its best interest, with respect to the establishment, construction, operation, and financing of the facilities of the board in or near the City of Tallahassee.

(15)(13) To make and enter into contracts or agreements with private individuals, corporations, organizations, historical societies, and others with reference to facilities and to enter into contracts and agreements, with or without competitive bidding as the board determines, which are necessary, expedient, or incidental to the performance of its duties or the execution of its powers under this part. *However, consultants shall be retained in the manner provided in ss. 287.055, 287.057, and 287.058.*

(16)(14) To engage in any lawful business or activity deemed by it necessary or useful in the full exercise of its powers to establish, finance, maintain, and operate the facilities contemplated by this part, including the renting or leasing for revenue of any land, improved or restored real estate, or personal property directly related to carrying out the purposes for which the board is created.

(17)(15) To fix and collect charges for admission to any of the facilities operated and maintained by the board under the provisions of this part and to adopt and enforce reasonable rules and regulations to govern the conduct of the visiting public.

(18)(16) To borrow money for any of its authorized purposes and for expenses incidental thereto, including expenses incurred during the period of organization, restoration, and construction prior to the operation of the facilities of the board, and to issue negotiable revenue certificates payable solely from revenue for the operation of such facilities and from authorized activities incidental thereto.

(19)(17) To cooperate and coordinate all of its activities on a permissive basis through any statewide commission, ~~including the Division of Historical Resources~~, and to participate in any overall statewide plan of historical development.

(20)(18) To cooperate and coordinate its activities with any national project of historical development, such as a national seashore, and to coordinate and cooperate with any other agency, state, local, or national, undertaking historical objectives if the same are not in conflict with the objectives of the board.

(21)(19) To research, prepare, publish, and procure books, reports, articles, pamphlets, brochures, documents, maps, photographs, films, sound recordings, and other products of a similar nature in fulfillment of

its purpose and function for use by the board or for use by or distribution to any person or entity, public or private, with or without charge or profit.

(22)(20) To perform all lawful acts necessary and convenient and incident to the effectuating of its function and purpose.

Section 32. Subsections (3), (5), and (7) of section 266.117, Florida Statutes, are amended to read:

266.117 Powers and duties of architectural review board.—

(3) The governing bodies of Leon County and the City of Tallahassee may adopt such other regulations as are necessary to effect the purposes of s. 266.115(11)(9).

(5) The governing bodies of Leon County and the City of Tallahassee shall have the authority to utilize their employees in the enforcement and regulation of the provisions of s. 266.115(11)(9).

(7) The designation and preservation of buildings and structures within any historical district or districts established under s. 266.115(11)(9), and the control of the erection, alteration, addition, repair, removal, or demolition of new or existing buildings or structures, signs, and any such facilities, or appurtenances thereto, to insure perpetuation of its or their historical character is designated to be a public purpose.

Section 33. Section 266.118, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 266.118, F.S., for present text.)

266.118 Direct-support organization.—

(1) The Historic Tallahassee Preservation Board of Trustees may authorize a direct-support organization to assist the board in carrying out its purposes by raising money; submitting requests for and receiving grants from the Federal Government, the state or its political subdivisions, private foundations, and individuals; receiving, holding, investing, and administering property; and making expenditures to or for the benefit of the board. Such a direct-support organization is an organization which is:

(a) Incorporated under the provisions of chapter 617 and approved by the Department of State as a Florida corporation not for profit;

(b) Organized and operated to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the board; and

(c) Approved by the board to be operating for the benefit of the board and in the best interest of the state.

(2) The direct-support organization shall operate under written contract with the board. The contract shall provide for:

(a) Approval of the articles of incorporation and bylaws of the direct-support organization by the board and the governance of the direct-support organization by members appointed by the board.

(b) Submission of an annual budget for the approval of the board. The budget shall be in accordance with rules adopted by the board.

(c) Certification by the board that the direct-support organization is operating in compliance with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification shall be made annually and reported in the official minutes of a meeting of the board.

(d) The reversion to the board of moneys and property held in trust by the direct-support organization for the benefit of the board if the direct-support organization is no longer approved to operate on behalf of the board.

(e) The fiscal year of the direct-support organization, to begin on July 1 of each year and end on June 30 of the following year.

(f) The disclosure of material provisions of the contract and the distinction between the board of trustees and the direct-support organiza-

tion to donors of gifts, contributions, or bequests, as well as on all promotional and fundraising publications.

(3) The members of the direct support organization's board of directors shall include, but are not limited to, the members of the Historic Tallahassee Preservation Board of Trustees.

(4) The board is authorized to permit the direct-support organization's use of property, except money, and of facilities and personal services of the board, subject to the provisions of this section. Any direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin shall not be permitted to use the property, facilities, or personal services of the board. For the purposes of this subsection, personal services includes full-time or part-time personnel as well as payroll processing.

(5) The board shall adopt rules prescribing the procedures by which the direct-support organization is to be governed and any conditions with which a direct-support organization must comply in order to use property, facilities, or personal services of the board.

(6) Any moneys, except as enumerated in s. 266.114, may be held in a separate depository account in the name of the direct-support organization and shall be subject to provisions of the contract with the board of trustees. Such moneys may include membership fees, private donations, income derived from fundraising activities, and grants applied for and received by the direct-support organization.

(7) The direct-support organization shall make provisions for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with rules established by the board. The annual audit report shall be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review.

(8) Notwithstanding the provisions of s. 119.14, the identity of donors or prospective donors who desire to remain anonymous, and all information identifying such donors or such prospective donors, is confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. Such exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. All other records of the direct-support organization shall be considered public records for the purposes of chapter 119.

Section 34. The provisions of ss. 266.110-266.118, Florida Statutes, shall be liberally construed.

Section 35. Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with section 11.611, Florida Statutes, sections 266.110, 266.111, 266.112, 266.113, 266.114, 266.115, and 266.118, Florida Statutes, shall not stand repealed on October 1, 1990, and shall continue in full force and effect as amended herein.

Section 36. Sections 266.110, 266.111, 266.112, 266.113, 266.114, 266.1145, 266.115, and 266.118, Florida Statutes, are repealed on October 1, 2000, and shall be reviewed by the Legislature pursuant to section 11.611, Florida Statutes.

Section 37. Section 266.201, Florida Statutes, is amended to read:

266.201 Historic Florida Keys Preservation Board of Trustees; purpose.—There is created within the Department of State the Historic Florida Keys Preservation Board of Trustees. *The purpose and function of the board shall be, a body corporate, the purpose and function of which is:*

(1) To acquire, restore, preserve, maintain, reconstruct, reproduce, and operate for the use, benefit, education, recreation, enjoyment, and general welfare of the people of this state and nation certain ancient or historic landmarks, sites, cemeteries, graves, military works, monuments, locations, remains, buildings, and other objects of historical or antiquarian interest of the City of Key West and Monroe County surrounding areas. The selection for acquisition, restoration, preservation, maintenance, reconstruction, reproduction, and operation shall be made by the board based on criteria of historical evaluation as established by the Department of State.

(2) To research, prepare, publish, and procure for the use and benefit of the general public books, reports, articles, pamphlets, brochures, docu-

ments, maps, photographs, films, sound recordings, and other products of similar nature in furtherance of the protection and preservation of and the dissemination of information about historic sites and properties, as well as persons, places, events, conditions, objects, patterns, behaviors, records, and times pertaining to Florida history, which products may be used by the board or may be made available for use by or distributed by the board to any person or entity, public or private, with or without charge or profit. The preparation, publication, sale, or distribution of any book or other product covered by this subsection by the board prior to May 28, 1984, is hereby ratified, and the board may use or dispose of any such book or product pursuant to this subsection.

(3) *To submit to the department for review and approval the board's legislative budget request.*

Section 38. Subsection (2) of section 266.202, Florida Statutes, is renumbered as subsection (4), and new subsections (2) and (3) are added to said section to read:

266.202 Definitions.—Unless otherwise clearly indicated, as used in this part:

(2) "Department" means the Department of State.

(3) "Division" means the Division of Historical Resources of the Department of State.

Section 39. Section 266.203, Florida Statutes, is amended to read:

266.203 Board; membership; terms of office; compensation; expenses; bond.—

(1) The board shall consist of seven members to be appointed by the Governor and confirmed by the State Senate. *Commencing on October 1, 1991, the terms of members of the board serving on that date shall be extended through the nearest January 31 following the expiration of the term. Thereafter, members of the board shall be appointed for 4-year terms which shall run from February 1 through January 31. The Governor's appointments shall be made by January 1 preceding the commencement of the terms and shall be subject to Senate confirmation in the following legislative session. except for*

(2) Appointments to fill vacancies ~~in for unexpired terms, in which event the appointment shall be for the unexpired term only. Such appointments shall be made within 90 days after the creation of the vacancy.~~

(3) ~~Current members of the board may serve out their terms. Thereafter, Two members of the board shall reside in areas of Monroe County located north of the Seven Mile Bridge. If the portion of Monroe County north of the Seven Mile Bridge consists of more than one county commission district, said members shall reside in separate county commission districts.~~

(4)(2) Board members shall possess an active interest in the historical aspects of Key West and Monroe County ~~the surrounding area.~~ The members of the board, including the chairman, shall receive no compensation for their services, but shall be entitled to be reimbursed for per diem and travel expenses incurred in the performance of their official duties as members of the board, subject to the provisions and limitations of s. 112.061. Each member shall give a surety bond in the sum of \$5,000, executed by a surety company authorized to do business in this state, payable to the Governor and his successors in office and conditioned upon the faithful performance of his duties. The cost of each such bond shall be borne by the board.

(5) *The Governor may remove from office any member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or pleading guilty or nolo contendere to or being found guilty of a felony.*

Section 40. Section 266.205, Florida Statutes, is amended to read:

266.205 Treasurer; finances.—

(1) The Treasurer shall be the ex officio treasurer of the board and shall have the custody of all its funds, to be kept in a special account. All receipts and disbursements of the board shall be handled subject to the same laws, rules, and regulations as other state funds are handled.

(2) All moneys received from admissions to and rentals of facilities and properties owned or managed by the board shall be deposited by the board into the Historic Florida Keys Preservation Board Operating Trust Fund and made subject to annual appropriation by the Legislature for the benefit of the board. All interest earned by the trust fund shall be deposited into the trust fund.

Section 41. Section 266.2056, Florida Statutes, is created to read:

266.2056 *Audit.*—The board shall be audited by the Auditor General.

Section 42. Section 266.206, Florida Statutes, is amended to read:

266.206 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and shall exercise such oversight of the board as the department deems necessary to help ensure that the board operates in compliance with state laws and rules. The board shall be the governing body and have the power:

(1) To hire a manager who shall report to the board and who shall be a member of the Selected Exempt Service.

(2) To set the salary of the manager within the range permissible under Department of Administration guidelines.

(3)(1) To adopt a seal and alter it at pleasure.

(4)(2) To contract and be contracted with, to sue and be sued, and to plead and be impleaded in all courts of law and equity.

(3) ~~To exercise any power not in conflict with the Constitution of the state or of the United States which is usually possessed by private corporations or public agencies performing comparable functions.~~

(5)(4) To establish an office at or near the City of Key West for the conduct of its affairs.

(6)(5) To acquire, hold, lease, and dispose of real and personal property or any interest therein for its authorized purpose.

(7)(6) To plan buildings and improvements; to demolish existing structures; and to construct, reconstruct, alter, repair, and improve the facilities wherever located.

(8)(7) To acquire in its own name for the benefit of the state by purchase, grant, devise, gift, or lease, on such terms and conditions and in such manner as it deems necessary or expedient, or by condemnation, except as otherwise herein provided, in accordance with and subject to the state law applicable to condemnation of property for public use, real property or rights or easements therein or franchises necessary or convenient for its purposes and to use the same so long as its existence continues and to lease or make contracts with respect to the use or disposal of the same, or any part thereof, in any manner deemed by it to be in the best interest of the board, but only for the purposes for which it is created. No property shall be acquired under the provisions of this part upon which any lien or other encumbrance exists unless, at the time the property is so acquired, a sufficient sum of money is to be deposited in trust to pay and redeem such lien or encumbrance; nor shall any property be acquired hereunder by condemnation which is owned by a church or a cemetery association or is presently used as a historical attraction.

(9) To employ, subject to the provisions of the Career Service System, such employees as may be necessary.

(10)(8) To contract with ~~employ and dismiss at pleasure~~ consulting engineers, architects, ~~superintendents or managers~~, accountants, inspectors, attorneys, and such other ~~consultants employees~~ as are deemed necessary ~~and to prescribe their powers and duties and fix their compensation.~~

(11)(9) To draft a historical plan of development for the City of Key West and Monroe County ~~the surrounding area~~; and the board shall have the authority to recommend to the governing body of the City of Key West the creation of a historical district or districts which shall include any section or sections of Monroe County containing buildings, landmarks, sites, or facilities of historical or architectural value and having an overall atmosphere of architectural or historical distinction, or both. Such facilities having historical or architectural value shall be designated by

the board based on the criteria of historical evaluation established by the Division of Historical Resources of the Department of State.

(12)(10) To acquire from the City of Key West or Monroe County, the state, the United States or any state thereof, or any foreign country or colony any existing property, real or personal, now owned by it or hereafter acquired, suitable for the uses of the board and to improve, operate, and maintain the same for the purposes herein stated or to act as trustee for any such property under such terms and conditions as the owner may prescribe.

(13)(11) To enter into contracts with the City of Key West or Monroe County for the purposes of providing police and fire protection, water, sanitation, and other public services deemed necessary or expedient; and such municipality and county are authorized to enter into such contracts.

(14)(12) To contract with any agency of the state, the Federal Government, the City of Key West, the County of Monroe, or any firm or corporation, upon such terms and conditions as the board finds in its best interest, with respect to the establishment, construction, operation, and financing of the facilities of the board in or near the City of Key West, Monroe County.

(15)(13) To make and enter into all contracts or agreements with private individuals, corporations, organizations, historical societies, and others with reference to facilities and to enter into contracts and agreements, with or without competitive bidding as the board determines, which are necessary, expedient, or incidental to the performance of its duties or the execution of its powers under this part. *However, consultants shall be retained in the manner provided in ss. 287.055, 287.057, and 287.058.*

(16)(14) To engage in any lawful business or activity deemed by it necessary or useful in the full exercise of its powers to establish, finance, maintain, and operate the facilities contemplated by this part, including the renting or leasing for revenue of any land, improved or restored real estate, or personal property directly related to carrying out the purposes for which the board is created.

(17)(15) To fix and collect charges for admission to any of the facilities operated and maintained by the board under the provisions of this part and to adopt and enforce reasonable rules and regulations to govern the conduct of the visiting public.

(18)(16) To borrow money for any of its authorized purposes and for expenses incidental thereto, including expenses incurred during the period of organization, restoration, and construction prior to the operation of the facilities of the board, and to issue negotiable revenue certificates payable solely from revenue from the operation of such facilities and from authorized activities incidental thereto.

(19)(17) To cooperate and coordinate all of its activities on a permissive basis through any statewide board, ~~including the Division of Historical Resources of the Department of State~~, and to participate in any overall statewide plan of historical development.

(20)(18) To cooperate and coordinate its activities with any national project of historical development, such as a national seashore, and to coordinate and cooperate with any other agency, state, local, or national, undertaking historical objectives if the same are not in conflict with the objectives of the board.

(21)(19) To research, prepare, publish, and procure books, reports, articles, pamphlets, brochures, documents, maps, photographs, films, sound recordings, and other products of a similar nature in fulfillment of its purpose and function for use by the board or for use by or distribution to any person or entity, public or private, with or without charge or profit.

(22)(20) To perform all lawful acts necessary, convenient, and incident to the effectuating of its function and purpose.

Section 43. Section 266.2095, Florida Statutes, is amended to read:

266.2095 Direct-support organizations.—

(1) The Historic Florida Keys Preservation Board of Trustees may authorize a direct-support organization to assist the board in carrying out its purposes by raising ~~moneys funds~~; submitting requests for and receiving grants from the Federal Government, the state or its political subdivisions, private foundations, and individuals; receiving, holding, investing, and administering property; and making expenditures to or for the benefit of the board. Such a direct-support organization is an organization which is:

(a) Incorporated under the provisions of chapter 617 and approved by the Department of State as a Florida corporation not for profit;

(b) Organized and operated to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the board; and

(c) Approved by the board to be operating for the benefit of the board and in the best interest of the state.

(2) The direct-support organization shall operate under written contract with the board. The contract shall provide for:

(a) Approval of the articles of incorporation *and bylaws* of the direct-support organization by the board and the governance of the direct-support organization by members appointed by the board.

(b) Submission of an annual budget for the approval of the board. The budget shall be in accordance with rules adopted by the board.

(c) Certification by the board, ~~after conducting an annual financial and performance review~~, that the direct-support organization is operating in compliance with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification shall be made annually and reported in the official minutes of a meeting of the board.

(d) The reversion to the board of ~~moneys funds~~ and property held in trust by the direct-support organization if the direct-support organization is no longer approved to operate on behalf of the board.

(e) The fiscal year of the direct-support organization, *to begin on July 1 of each year and end on June 30 of the following year as beginning on July 1 and ending on June 30 in each and every year.*

(f) *The disclosure of material provisions of the contract and the distinction between the board of trustees and the direct-support organization to donors of gifts, contributions, or bequests, as well as on all promotional and fundraising publications.*

(3) *The members of the direct-support organization's board of directors shall include, but are not limited to, the members of the Historic Florida Keys Preservation Board of Trustees.*

(4)(3) The board is authorized to permit the direct-support organization's use of property, *except money, and of facilities*, and personal services of the board, subject to the provisions of this section. Any direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin shall not be permitted to use the property, facilities, or personal services of the board. For the purposes of this subsection, personal services includes full-time or part-time personnel as well as payroll processing.

(5)(4) The board shall adopt rules prescribing the procedures by which the direct-support organization is to be governed and any conditions with which a direct-support organization must comply in order to use property, facilities, or personal services of the board.

(6) *Any moneys, except as enumerated in s. 266.205, may be held in a separate depository account in the name of the direct-support organization and shall be subject to provisions of the contract with the board of trustees. Such moneys may include membership fees, private donations, income derived from fundraising activities, and grants applied for and received by the direct-support organization.*

(7)(5) ~~The Historic Florida Keys Preservation Board of Trustees~~ direct-support organization shall make provisions for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with rules established by the board. The annual audit report shall be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review.

(8) Notwithstanding the provisions of s. 119.14, the identity of donors or prospective donors who desire to remain anonymous, and all information identifying such donors ~~and~~ such prospective donors, *is confidential and are* exempt from the provisions of s. 119.07(1) ~~chapter 119~~, and that anonymity shall be maintained in the auditor's report. Such exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. All other records of the direct-support organization shall be considered public records for the purposes of chapter 119.

Section 44. The provisions of ss. 266.201-266.2095, Florida Statutes, shall be liberally construed.

Section 45. Section 266.207, Florida Statutes, is hereby repealed.

Section 46. Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with s. 11.611, Florida Statutes, sections 266.201, 266.202, 266.203, 266.204, 266.205, 266.206, and 266.2095, Florida Statutes, shall not stand repealed on October 1, 1990, and shall continue in full force and effect as amended herein.

Section 47. Sections 266.201, 266.202, 266.203, 266.204, 266.205, 266.2056, 266.206, 266.208, and 266.2095, Florida Statutes, are repealed on October 1, 2000, and shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.

Section 48. Section 266.301, Florida Statutes, is amended to read:

266.301 Historic Palm Beach County Preservation Board of Trustees; creation; transfer of assets, liabilities, and obligations.—There is created within the Department of State the Historic Palm Beach County Preservation Board of Trustees. *The purpose and function of the board shall be, a body corporate, the purpose and function of which is:*

(1) To acquire, restore, preserve, maintain, reconstruct, reproduce, and operate for the use, benefit, education, recreation, enjoyment, and general welfare of the people of this state and nation certain ancient or historic landmarks, sites, cemeteries, graves, military works, monuments, locations, remains, buildings, and other objects of historical or antiquarian interest in Palm Beach County. The selection for acquisition, restoration, preservation, maintenance, reconstruction, reproduction, and operation shall be made by the board based on criteria of historical evaluation as established by the Department of State.

(2) To research, prepare, publish, and procure for the use and benefit of the general public books, reports, articles, pamphlets, brochures, documents, maps, photographs, films, sound recordings, and other products of similar nature in furtherance of the protection and preservation of and the dissemination of information about historic sites and properties, as well as persons, places, events, conditions, objects, patterns, behaviors, records, and times pertaining to Florida history, which products may be used by the board or may be made available for use by or distributed by the board to any person or entity, public or private, with or without charge or profit. The preparation, publication, sale, or distribution of any book or other product covered by this subsection by the board prior to May 28, 1984, is hereby ratified, and the board may use or dispose of any such book or product pursuant to this subsection.

(3) *To submit to the department for review and approval the board's legislative budget request.*

Section 49. Subsection (2) of section 266.302, Florida Statutes, is renumbered as subsection (4), and new subsections (2) and (3) are added to said section to read:

266.302 Definitions.—Unless otherwise clearly indicated, when used in this part the word:

(2) "Department" means the Department of State.

(3) "Division" means the Division of Historical Resources of the Department of State.

Section 50. Section 266.303, Florida Statutes, is amended to read:

266.303 Board; membership; terms of office; compensation; expenses; bond.—

(1)(a) ~~Effective October 1, 1984,~~ The board shall consist of eleven members appointed by the Governor *and confirmed by the Senate. Members shall be appointed for 4-year terms, except, commencing October 1, 1991, the terms of the members serving on that date shall be extended through the nearest January 31 following the expiration date of the term. Thereafter, the Governor shall appoint members to 4-year terms which shall run from February 1 through January 31. The Governor's appointments shall be made by January 1 preceding the commencement of the terms and shall be subject to Senate confirmation in the following legislative session.*

(2) Any appointment to fill a vacancy ~~in for~~ an unexpired term shall be for the unexpired term only. *Such appointment shall be made within 90 days after the creation of the vacancy.*

(3) In making appointments or reappointments, the Governor shall consider such persons as may be submitted by the Junior League of the Palm Beaches, the Historical Society of Palm Beach County, the Junior Service League of Boca Raton, and the Boca Raton Historical Society or their successors. Each board member must possess an active interest in the historical aspects of Palm Beach County.

~~(b) The terms of the nine members of the Historic Boca Raton Preservation Board of Commissioners serving on October 1, 1984, shall not expire on that date, but such members shall be continued as successor members of the Historic Palm Beach County Preservation Board of Trustees without further necessity of appointment by the Governor. Such members shall serve for the balance of their present terms, at which time they will be eligible for reappointment as provided in paragraph (a). The two additional members shall be appointed pursuant to the provisions of this act for terms initially commencing on October 1, 1984.~~

(4)(2) Each member shall give a surety bond in the sum of \$5,000, executed by a surety company authorized to do business in this state, payable to the Governor and his successors in office, and conditioned upon the faithful performance of his duties. The cost of each such surety bond shall be borne by the board.

(5)(3) The members of the board, including the chairman, shall receive no compensation for their services, but shall be entitled to be reimbursed for per diem and travel expenses incurred in the performance of their official duties as members of the board, subject to the provisions and limitations of s. 112.061.

(6) *The Governor may remove from office any member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or pleading guilty or nolo contendere to or being found guilty of a felony.*

Section 51. Section 266.305, Florida Statutes, is amended to read:

266.305 Treasurer; finances.—

(1) The Treasurer shall be ex officio treasurer of the board and shall have the custody of all its funds, to be kept in a special account. All receipts and disbursements of the board shall be handled subject to the same laws, rules, and regulations as other state funds are handled.

(2) *All moneys received from admissions to and rentals of facilities and properties owned or managed by the board shall be deposited by the board into the Historic Palm Beach County Preservation Board Operating Trust Fund and made subject to annual appropriation by the Legislature for the benefit of the board. All interest earned by the trust fund shall be deposited into the trust fund.*

Section 52. Section 266.3056, Florida Statutes, is created to read:

266.3056 Audit.—The board shall be audited by the Auditor General.

Section 53. Section 266.306, Florida Statutes, is amended to read:

266.306 Powers of the board.—*The department shall monitor the effectiveness of all programs of the board and shall exercise such oversight of the board as the department deems necessary to help ensure that the board operates in compliance with state laws and rules. The board shall be the governing body and have the power:*

(1) *To hire a manager who shall report to the board and who shall be a member of the Career Service System.*

(2) *To set the salary of the manager within the range permissible under Department of Administration guidelines.*

(3)(1) To adopt a seal and alter it at pleasure.

(4)(2) To contract and be contracted with, to sue and be sued, and to plead and be impleaded in all courts of law and equity.

~~(3) To exercise any power not in conflict with the Constitution of the state or of the United States which is usually possessed by private corporations or public agencies performing comparable functions.~~

(5)(4) To establish an office at or near the City of Boca Raton for the conduct of its affairs.

~~(6)(5) To acquire, hold, lease, and dispose of real and personal property or any interest therein for its authorized purpose.~~

~~(7)(6) To plan buildings and improvements; to demolish existing structures; and to construct, reconstruct, alter, repair, and improve its facilities wherever located.~~

~~(8)(7) To acquire in its own name for the benefit of the state by purchase, grant, devise, gift, or lease, on such terms and conditions and in such manner as it deems necessary or expedient, or by condemnation, except as otherwise herein provided, in accordance with and subject to the state law applicable to condemnation of property for public use, real property or rights or easements therein or franchises necessary or convenient for its purposes and to use the same so long as its existence continues and to lease or make contracts with respect to the use or disposal of the same, or any part thereof, in any manner deemed by it to be in the best interest of the board, but only for the purposes for which it is created. No property shall be acquired under the provisions of this part upon which any lien or other encumbrance exists unless, at the time the property is so acquired, a sufficient sum of money is to be deposited in trust to pay and redeem such lien or encumbrance; nor shall any property be acquired hereunder by condemnation which is owned by a church or cemetery association, is presently used as a historical attraction, or is owned and used by a public utility.~~

~~(9) To employ, subject to the provisions of the Career Service System, such employees as may be necessary.~~

~~(10)(8) To contract with employ, and dismiss at pleasure, consulting engineers, architects, superintendents or managers, accountants, inspectors, attorneys, and such other consultants employees as are deemed necessary and to prescribe their powers and duties and to fix their compensation.~~

~~(11)(9) To draft historical plans of development for Palm Beach County and the municipalities therein; and the board shall have the authority to recommend to the governing bodies of the County of Palm Beach and the municipalities therein the creation of a historical district or districts which shall include any section or sections of the county containing buildings, landmarks, sites, and facilities of historical or architectural value and having an overall atmosphere of architectural or historical distinction. Such facilities having historical or architectural value shall be designated by the board on the basis of criteria of historical evaluation as established by the Department of State.~~

~~(12)(10) To acquire from Palm Beach County and the municipalities therein, the state, the United States or any state thereof, or any foreign country or colony any existing property, real or personal, now owned by it or hereafter acquired, suitable for the uses of the board and to improve, operate, and maintain the same for the purposes herein stated or to act as trustee for any such property under such terms and conditions as the owner may prescribe.~~

~~(13)(11) To enter into contracts with the City of Boca Raton or Palm Beach County for the purposes of providing police and fire protection, water, sanitation, and other public services deemed necessary or expedient; and such municipality and county are authorized to enter into such contracts.~~

~~(14)(12) To contract with any agency of the state or the Federal Government, any other agency, the County of Palm Beach, or any firm or corporation, upon such terms and conditions as the board finds in its best interest, with respect to the establishment, construction, operation, and financing of the facilities of the board in Palm Beach County.~~

~~(15)(13) To make and enter into contracts or agreements with private individuals, corporations, organizations, historical societies, and others with reference to facilities and to enter into contracts and agreements, with or without competitive bidding as the board determines, which are necessary, expedient, or incidental to the performance of its duties or the execution of its powers under this part. However, consultants shall be retained in the manner provided in ss. 287.055, 287.057, and 287.058.~~

~~(16)(14) To engage in any lawful business or activity deemed by it to be necessary or useful in the full exercise of its powers to establish, finance, maintain, and operate the facilities contemplated by this part, including the renting or leasing for revenue of any land, improved or~~

restored real estate, or personal property directly related to carrying out the purposes for which the board is created.

(17)(15) To receive and accept any financial gift or grant from any source, including but not limited to money, securities, and real and personal property. The board shall properly account for the same.

(18)(16) To fix and collect charges for admission to any of the facilities operated and maintained by the board under the provisions of this part and to adopt and enforce reasonable rules and regulations to govern the conduct of the visiting public.

(19)(17) To borrow money for any of its authorized purposes and for expenses incidental thereto, including expenses incurred during the period of organization, restoration, and construction prior to the operation of the facilities of the board, and to issue negotiable revenue certificates payable solely from revenue for the operation of such facilities and from authorized activities incidental thereto.

(20)(18) To cooperate and coordinate all of its activities on a permissive basis through any statewide commission, ~~including the Division of Historical Resources~~, and to participate in any overall statewide plan of historical development.

(21)(19) To cooperate and coordinate its activities with any national project of historical development, such as a national seashore, and to coordinate and cooperate with any other agency, state, local, or national, undertaking historical objectives if the same are not in conflict with the objectives of the board.

(22)(20) To research, prepare, publish, and procure books, reports, articles, pamphlets, brochures, documents, maps, photographs, films, sound recordings, and other products of a similar nature in fulfillment of its purpose and function for use by the board or for use by or distribution to any person or entity, public or private, with or without charge or profit.

(23)(21) To perform all lawful acts necessary, convenient, and incidental to the effectuating of its function and purpose.

Section 54. Subsections (3), (5), and (7) of section 266.308, Florida Statutes, are amended to read:

266.308 Powers and duties of architectural review board.—

(3) The governing bodies of Palm Beach County and the municipalities therein may adopt such other regulations as are necessary to effect the purposes of s. 266.306(11)(9).

(5) The governing bodies of Palm Beach County and the municipalities therein have the authority to utilize their employees in the enforcement and regulation of the provisions of s. 266.306(11)(9).

(7) The designation and preservation of buildings and structures within any historical district or districts established under s. 266.306(11)(9), and the control of the erection, alteration, addition, repair, removal, or demolition of new or existing buildings or structures, signs, and any such facilities or appurtenances thereto, to ensure perpetuation of its or their historical character is designated to be a public purpose.

Section 55. Section 266.309, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 266.309, F.S., for present text.)

266.309 Direct-support organization.—

(1) The Historic Palm Beach County Preservation Board of Trustees may authorize a direct-support organization to assist the board in carrying out its purposes by raising money; submitting requests for and receiving grants from the Federal Government, the state or its political subdivisions, private foundations, and individuals; receiving, holding, investing, and administering property; and making expenditures to or for the benefit of the board. Such a direct-support organization is an organization which is:

(a) Incorporated under the provisions of chapter 617 and approved by the Department of State as a Florida corporation not for profit;

(b) Organized and operated to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the board; and

(c) Approved by the board to be operating for the benefit of the board and in the best interest of the state.

(2) The direct-support organization shall operate under written contract with the board. The contract shall provide for:

(a) Approval of the articles of incorporation and bylaws of the direct-support organization by the board and the governance of the direct-support organization by members appointed by the board.

(b) Submission of an annual budget for the approval of the board. The budget shall be in accordance with rules adopted by the board.

(c) Certification by the board that the direct-support organization is operating in compliance with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification shall be made annually and reported in the official minutes of a meeting of the board.

(d) The reversion to the board of moneys and property held in trust by the direct-support organization for the benefit of the board if the direct-support organization is no longer approved to operate on behalf of the board.

(e) The fiscal year of the direct-support organization, to begin on July 1 of each year and end on June 30 of the following year.

(f) The disclosure of material provisions of the contract and the distinction between the board of trustees and the direct-support organization to donors of gifts, contributions, or bequests, as well as on all promotional and fundraising publications.

(3) The members of the direct-support organization's board of directors shall include, but are not limited to, the members of the Historic Palm Beach County Preservation Board of Trustees.

(4) The board is authorized to permit the direct-support organization's use of property, except money, and of facilities and personal services of the board, subject to the provisions of this section. Any direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin shall not be permitted to use the property, facilities, or personal services of the board. For the purposes of this subsection, personal services includes full-time or part-time personnel as well as payroll processing.

(5) The board shall adopt rules prescribing the procedures by which the direct-support organization is to be governed and any conditions with which a direct-support organization must comply in order to use property, facilities, or personal services of the board.

(6) Any moneys, except as enumerated in s. 266.305, may be held in a separate depository account in the name of the direct-support organization and shall be subject to provisions of the contract with the board of trustees. Such moneys may include membership fees, private donations, income derived from fundraising activities, and grants applied for and received by the direct-support organization.

(7) The direct-support organization shall make provisions for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with rules established by the board. The annual audit report shall be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review.

(8) Notwithstanding the provisions of s. 119.14, the identity of donors or prospective donors who desire to remain anonymous, and all information identifying such donors or such prospective donors, is confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. Such exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. All

other records of the direct-support organization shall be considered public records for the purposes of chapter 119.

Section 56. The provisions of ss. 266.301-266.309, Florida Statutes, shall be liberally construed.

Section 57. Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with section 11.611, Florida Statutes, sections 266.301, 266.302, 266.303, 266.304, 266.305, 266.306, and 266.309, Florida Statutes, shall not stand repealed on October 1, 1990, and shall continue in full force and effect as amended herein.

Section 58. Sections 266.301, 266.302, 266.303, 266.304, 266.305, 266.3056, 266.306, and 266.309, Florida Statutes, are repealed on October 1, 2000, and shall be reviewed by the Legislature pursuant to section 11.611, Florida Statutes.

Section 59. Section 266.401, Florida Statutes, is amended to read:

266.401 Historic Tampa-Hillsborough County Preservation Board of Trustees; purpose.—There is created within the Department of State the Historic Tampa-Hillsborough County Preservation Board of Trustees, a body corporate. The purpose and function of the board shall be of which is:

(1) To acquire, restore, preserve, maintain, reconstruct, reproduce, and operate for the use, benefit, education, recreation, enjoyment, and general welfare of the people of this state and nation certain ancient or historic landmarks, sites, cemeteries, graves, military works, monuments, locations, remains, buildings, and other objects of historical or antiquarian interest of Hillsborough County. The selection for acquisition, restoration, preservation, maintenance, reconstruction, reproduction, and operation shall be made by the board, based on criteria of historical evaluation as established by the Department of State.

(2) To research, prepare, publish, and procure for the use and benefit of the general public books, reports, articles, pamphlets, brochures, documents, maps, photographs, films, sound recordings, and other products of similar nature, in furtherance of the protection and preservation of and the dissemination of information about landmarks, landmark sites, and historic sites and properties as well as about persons, places, events, conditions, objects, patterns, behaviors, records, and times pertaining to Florida history, which products may be used by the board or may be made available for use by or distributed by the board to any person or entity, public or private, with or without charge or profit. The preparation, publication, sale, or distribution of any book or other product covered by this subsection by the board prior to May 28, 1984, is hereby ratified, and the board may use or dispose of any such book or product pursuant to this subsection.

(3) To submit to the department for review and approval the board's legislative budget request.

Section 60. Subsections (2), (3), and (4) of section 266.402, Florida Statutes, are renumbered as subsections (4), (5), and (6), respectively, and new subsections (2) and (3) are added to said section to read:

266.402 Definitions.—Unless otherwise clearly indicated, as used in this part:

(2) "Department" means the Department of State.

(3) "Division" means the Division of Historical Resources of the Department of State.

Section 61. Section 266.403, Florida Statutes, is amended to read:

266.403 Board; membership; terms of office; compensation; expenses; bond.—

(1) The board shall consist of nine members to be appointed by the Governor not later than November 1, 1975, and confirmed by the Senate. Members of the original board shall be appointed for terms as follows: Three for 2 years; three for 3 years; and three for 4 years. Thereafter, Members shall be appointed for 4-year terms, except commencing October 1, 1991, the terms of the members serving on that date shall be extended through the nearest January 31 following the expiration date of the term. Thereafter, the Governor shall appoint members to 4-year terms which shall run from February 1 through January 31. The Governor's appointments shall be made by January 1 preceding the com-

mencement of the terms and shall be subject to Senate confirmation in the following legislative session.

(2) ~~for~~ Appointments to fill vacancies in ~~for~~ unexpired terms, in which event the appointment shall be for the unexpired term only. Such appointments shall be made within 90 days after the creation of the vacancy.

(3) The appointment of members to the board shall be made as follows: Four members shall be residents of the City of Tampa, selected from a list of not less than six nominees submitted to the Governor by the Tampa City Council; one member shall be a resident of the City of Temple Terrace, selected from a list of not less than three nominees submitted to the Governor by the Temple Terrace City Council; one member shall be a resident of the City of Plant City, selected from a list of not less than three nominees submitted to the Governor by the Plant City City Commission; and three members shall be residents of the unincorporated areas of Hillsborough County, selected from a list of not less than five nominees submitted to the Governor by the Board of County Commissioners of Hillsborough County.

(4)(2) Board members shall be qualified through the demonstration of special interest, experience, or education in history, architecture, or other related fields and shall possess an active interest in the historical aspects of Tampa and the surrounding area of Hillsborough County, either through an organization or body the purposes of which are consistent with the purposes of this part or through personal interest and contribution. The members of the board, including the chairman, shall receive no compensation for their services, but shall be entitled to be reimbursed for per diem and travel expenses incurred in the performance of their official duties as members of the board, subject to the provisions and limitations of s. 112.061. Each member shall give a surety bond in the sum of \$5,000, executed by a surety company authorized to do business in this state, payable to the Governor and his successors in office and conditioned upon the faithful performance of the member's duties. The cost of each such bond shall be borne by the board.

(5) The Governor may remove from office any member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or pleading guilty or nolo contendere to or being found guilty of a felony.

Section 62. Section 266.405, Florida Statutes, is amended to read:

266.405 Treasurer; finances.—

(1) The Treasurer shall be the ex officio treasurer of the board and shall have the custody of all its funds, to be kept in a special account. All receipts and disbursements of the board shall be handled subject to the same laws, rules, and regulations as other state funds are handled.

(2) All moneys received from admissions to and rentals of facilities and properties owned or managed by the board shall be deposited by the board into the Historic Tampa-Hillsborough County Preservation Board Operating Trust Fund and made subject to annual appropriation by the Legislature for the benefit of the board. All interest earned by the trust fund shall be deposited into the trust fund.

Section 63. Section 266.4056, Florida Statutes, is created to read:

266.4056 Audit.—The board shall be audited by the Auditor General.

Section 64. Section 266.406, Florida Statutes, is amended to read:

266.406 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and shall exercise such oversight of the board as the department deems necessary to help ensure that the board operates in compliance with state laws and rules. The board shall be the governing body and have the power:

(1) To hire a manager who shall report to the board and who shall be a member of the Selected Exempt Service.

(2) To set the salary of the manager within the range permissible under Department of Administration guidelines.

(3)(1) To adopt a seal and alter it at pleasure.

(4)(2) To contract and be contracted with, to sue and be sued, and to plead and be impleaded in all courts of law and equity.

(3) ~~To exercise any power not in conflict with the Constitution of the state or of the United States which is usually possessed by private corporations or public agencies performing comparable functions.~~

(5)(4) To establish an office at Tampa for the conduct of its affairs.

(6)(5) To acquire, hold, lease, and dispose of real and personal property or any interest therein for its authorized purpose.

(7)(6) To plan facilities; to demolish existing structures; and to construct, reconstruct, alter, repair, and improve the facilities wherever located.

(8)(7) To acquire in its own name *for the benefit of the state* by purchase, grant, devise, gift, or lease, on such terms and conditions and in such manner as it deems necessary or expedient, or by condemnation, except as otherwise herein provided, in accordance with and subject to the state law applicable to condemnation of property for public use, real property or rights or easements therein or franchises necessary or convenient for its purposes and to use the same so long as its existence continues and to lease or make contracts with respect to the use or disposal of the same, or any part thereof, in any manner deemed by it to be in the best interest of the board, but only for the purposes for which it is created. No property shall be acquired under the provisions of this part upon which any lien or other encumbrance exists unless, at the time the property is so acquired, a sufficient sum of money is to be deposited in trust to pay and redeem such lien or encumbrance; nor shall any property be acquired hereunder by condemnation which is owned by a church or a cemetery association or is presently used as a historical attraction.

(9) *To employ, subject to the provisions of the Career Service System, such employees as may be necessary.*

(10)(8) ~~To contract with employ and dismiss at pleasure consulting engineers, architects, superintendents or managers, accountants, inspectors, attorneys, and such other consultants employees as are deemed necessary and to prescribe their powers and duties and fix their compensation.~~

(11)(9) To draft a historical plan of development for Hillsborough County; and the board shall have the authority to recommend to the governing bodies of Hillsborough County and the Cities of Tampa, Temple Terrace, and Plant City the creation of landmarks and landmark sites, or of a historical district or districts, which shall include any section or sections of Hillsborough County containing buildings, landmarks, sites, or facilities of historical or architectural value and having an overall atmosphere of architectural or historical distinction, or both. Such facilities having historical or architectural value shall be designated by the board, based on the criteria of historical evaluation established by the Division of Historical Resources of the Department of State.

(12)(10) To acquire from the City of Tampa, the City of Temple Terrace, the City of Plant City, Hillsborough County, the state, the United States or any state thereof, or any foreign country or colony any existing landmarks, landmark sites, or property, real or personal, now owned by it or hereafter acquired, suitable for the uses of the board; and to improve, operate, and maintain the same for the purposes herein stated or to act as trustee for any such property under such terms and conditions as the owner may prescribe.

(13)(11) To enter into contracts with the City of Tampa, the City of Temple Terrace, the City of Plant City, or Hillsborough County for the purposes of providing police and fire protection, water, sanitation, and other public services deemed necessary or expedient; and such municipalities and county are authorized to enter into such contracts.

(14)(12) To contract with any agency of the state, the Federal Government, the City of Tampa, the City of Temple Terrace, the City of Plant City, Hillsborough County, or any firm or corporation, upon such terms and conditions as the board finds in its best interest, with respect to the establishment, construction, operation, and financing of the facilities of the board in Hillsborough County.

(15)(13) To make and enter into all contracts or agreements with private individuals, corporations, organizations, historical societies, and others with reference to facilities and to enter into contracts and agreements, with or without competitive bidding as the board determines, which are necessary, expedient, or incidental to the performance of its

duties or the execution of its powers under this part. *However, consultants shall be retained in the manner provided in ss. 287.055, 287.057, and 287.058.*

(16)(14) To engage in any lawful business or activity deemed by it necessary or useful in the full exercise of its powers to establish, finance, maintain, and operate the facilities contemplated by this part, including the renting or leasing for revenue of any land, improved or restored real estate, or personal property directly related to carrying out the purposes for which the board is created.

(17)(15) To fix and collect charges for admission to any of the facilities operated and maintained by the board under the provisions of this part and to adopt and enforce reasonable rules and regulations to govern the conduct of the visiting public.

(18)(16) To borrow money for any of its authorized purposes and for expenses incidental thereto, including expenses incurred during the period of organization, restoration, and construction prior to the operation of the facilities of the board, and to issue negotiable revenue certificates payable solely from revenue from the operation of such facilities and from authorized activities incidental thereto.

(19)(17) To cooperate and coordinate all of its activities on a permissive basis through any statewide board, ~~including the Division of Historical Resources of the Department of State,~~ and to participate in any overall statewide plan of historical development.

(20)(18) To cooperate and coordinate its activities with any national project of historical development, such as a national seashore, and to coordinate and cooperate with any other agency, state, local, or national, undertaking historical objectives if the same are not in conflict with the objectives of the board.

(21)(19) To research, prepare, publish, and procure books, reports, articles, pamphlets, brochures, documents, maps, photographs, films, sound recordings, and other products of a similar nature in fulfillment of its purpose and function for use by the board or for use by or distribution to any person or entity, public or private, with or without charge or profit.

(22)(20) To perform all lawful acts necessary, convenient, and incidental to the effectuating of its function and purpose.

Section 65. Paragraphs (d) and (e) of subsection (1) and paragraph (c) of subsection (2) of section 266.407, Florida Statutes, are amended to read:

266.407 Powers of governing bodies in and of Hillsborough County; architectural review board.—

(1) GOVERNING BODIES.—The governing bodies of Hillsborough County and the Cities of Tampa, Temple Terrace, and Plant City, within their boundaries to the extent that they do not conflict with one another, are authorized:

(d) To adopt such other regulations as are necessary to effect the purposes of s. 266.406(11)(9).

(e) To utilize their employees in the enforcement and regulation of the provisions of s. 266.406(11)(9).

(2) ARCHITECTURAL REVIEW BOARD; MEMBERSHIP; TERMS; POWERS; EXPENDITURES.—

(c) Powers.—The architectural review board shall have the authority:

1. To approve or disapprove plans for buildings to be erected, renovated, or razed which are located or are to be located within the historical district or districts, except said district established in s. 266.408, and including landmarks and landmark sites wherever located, and to regulate reasonable land use to the extent necessary to preserve the historical integrity and ancient appearance of landmarks and landmark sites wherever located and within any and all historical districts established by the governing bodies, including, but not limited to, the authority to make recommendations to the appropriate zoning authorities to deny or grant variances from the zoning ordinances of the governing bodies applicable to historical districts, landmarks, and landmark sites. The designation and preservation of landmarks and landmark sites wherever located and of buildings and structures within any historical district or districts established under s. 266.406(11)(9), and the control of the erection, alteration, addition, repair, removal, or demolition of new or existing buildings or structures, signs and any such facilities or appurtenances thereto

to ensure perpetuation of its or their historical character is hereby designated to be a public purpose, but no regulation shall be adopted which is in conflict with any zoning ordinance of any of the governing bodies applicable to such area.

2. To adopt rules for the transaction of its business, the holding of meetings, and such other activities as are incident to its function.

Section 66. Section 266.411, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 266.411, F.S., for present text.)

266.411 Direct-support organization.—

(1) The Historic Tampa-Hillsborough County Preservation Board of Trustees may authorize a direct-support organization to assist the board in carrying out its purposes by raising money; submitting requests for and receiving grants from the Federal Government, the state or its political subdivisions, private foundations, and individuals; receiving, holding, investing, and administering property; and making expenditures to or for the benefit of the board. Such a direct-support organization is an organization which is:

(a) Incorporated under the provisions of chapter 617 and approved by the Department of State as a Florida corporation not for profit.

(b) Organized and operated to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the board.

(c) Approved by the board to be operating for the benefit of the board and in the best interest of the state.

(2) The direct-support organization shall operate under written contract with the board. The contract shall provide for:

(a) Approval of the articles of incorporation and bylaws of the direct-support organization by the board and the governance of the direct-support organization by members appointed by the board.

(b) Submission of an annual budget for the approval of the board. The budget shall be in accordance with rules adopted by the board.

(c) Certification by the board that the direct-support organization is operating in compliance with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification shall be made annually and reported in the official minutes of a meeting of the board.

(d) The reversion to the board of moneys and property held in trust by the direct-support organization if the direct-support organization is no longer approved to operate on behalf of the board.

(e) The fiscal year of the direct-support organization, to begin on July 1 of each year and end on June 30 of the following year.

(f) The disclosure of material provisions of the contract and the distinction between the board of trustees and the direct-support organization to donors of gifts, contributions, or bequests, as well as on all promotional and fundraising publications.

(3) The members of the direct-support organization's board of directors shall include, but are not limited to, the members of the Historic Tampa-Hillsborough County Preservation Board of Trustees.

(4) The board is authorized to permit the direct-support organization's use of property, except money, and of facilities and personal services of the board, subject to the provisions of this section. Any direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin shall not be permitted to use the property, facilities, or personal services of the board. For the purposes of this subsection, personal services includes full-time or part-time personnel as well as payroll processing.

(5) The board shall adopt rules prescribing the procedures by which the direct-support organization is to be governed and any conditions with which a direct-support organization must comply in order to use property, facilities, or personal services of the board.

(6) Any moneys, except as enumerated in s. 266.405, may be held in a separate depository account in the name of the direct-support organization and shall be subject to provisions of the contract with the board of

trustees. Such moneys may include membership fees, private donations, income derived from fundraising activities, and grants applied for and received by the direct-support organization.

(7) The direct-support organization shall make provisions for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with rules established by the board. The annual audit report shall be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review.

(8) Notwithstanding the provisions of s. 119.14, the identity of donors or prospective donors who desire to remain anonymous, and all information identifying such donors or such prospective donors, is confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. Such exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. All other records of the direct-support organization shall be considered public records for the purposes of chapter 119.

Section 67. The provisions of ss. 266.401-266.411, Florida Statutes, shall be liberally construed.

Section 68. Section 266.410, Florida Statutes, is hereby repealed.

Section 69. Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with section 11.611, Florida Statutes, sections 266.401, 266.402, 266.403, 266.404, 266.405, 266.406, 266.409, and 266.411, Florida Statutes, shall not stand repealed on October 1, 1990, and shall continue in full force and effect as amended herein.

Section 70. Sections 266.401, 266.402, 266.403, 266.404, 266.405, 266.4056, 266.406, 266.409, and 266.411, Florida Statutes, are repealed on October 1, 2000, and shall be reviewed by the Legislature pursuant to section 11.611, Florida Statutes.

Section 71. Section 266.501, Florida Statutes, is amended to read:

266.501 ~~Historic Broward County Preservation Board and Historic Volusia County and Flagler County Preservation Boards of Trustees; purposes.—There is created within the Department of State the Historic Broward County Preservation Board of Trustees, and the Historic Volusia County and Flagler County Preservation Board of Trustees, bodies corporate. The purpose and function of the board shall be which are:~~

(1) To acquire, restore, preserve, maintain, reconstruct, reproduce, and operate for the use, benefit, education, recreation, enjoyment, and general welfare of the people of this state and nation certain ancient or historic landmarks, sites, cemeteries, graves, military works, monuments, locations, remains, buildings, and other objects of historical or antiquarian interest in ~~Broward County their respective counties~~. The selection for acquisition, restoration, preservation, maintenance, reconstruction, reproduction, and operation shall be made by ~~the~~ each board, based on criteria of historical evaluation as established by the Department of State.

(2) To research, prepare, publish, and procure for the use and benefit of the general public books, reports, articles, pamphlets, brochures, documents, maps, photographs, films, sound recordings, and other products of similar nature in furtherance of the protection and preservation of and the dissemination of information about historic sites and properties, as well as persons, places, events, conditions, objects, patterns, behaviors, records, and times pertaining to Florida history, which products may be used by the ~~respective~~ board or may be made available for use by or distributed by the board to any person or entity, public or private, with or without charge or profit. The preparation, publication, sale, or distribution of any book or other product covered by this subsection by ~~the~~ a board prior to May 28, 1984, is hereby ratified, and the board may use or dispose of any such book or product pursuant to this subsection.

(3) *To submit to the department for review and approval the board's legislative budget request.*

Section 72. Section 266.502, Florida Statutes, is amended to read:

266.502 Definitions.—Unless otherwise clearly indicated, as used in this part:

(1) "Board" means the Historic Broward County Preservation Board of Trustees of the Department of State ~~or the Historic Volusia County~~

and Flagler County Preservation Board of Trustees of the Department of State.

(2) "Department" means the Department of State.

(3) "Division" means the Division of Historical Resources of the Department of State.

(4)(2) "Facilities" means historic sites, districts, objects, and landmarks for exhibition, owned, leased, managed, or operated by the board boards.

Section 73. Section 266.503, Florida Statutes, is amended to read:

266.503 Board Boards; membership; terms of office; compensation; expenses; bond.—

(1) ~~The Each~~ board shall consist of nine members to be appointed by the Governor ~~not later than November 1, 1977,~~ and confirmed by the Senate. ~~Members of the original boards shall be appointed for terms as follows: Three for 2 years; three for 3 years; and three for 4 years. Thereafter, Members shall be appointed for 4-year terms, except, commencing October 1, 1991, the terms of the members serving on that date shall be extended through the nearest January 31 following the expiration date of the term. Thereafter, the Governor shall appoint members to 4-year terms which shall run from February 1 through January 31. The Governor's appointments shall be made by January 1 preceding the commencement of the terms and shall be subject to Senate confirmation in the following legislative session.~~

(2) ~~for~~ Appointments to fill vacancies in ~~for~~ unexpired terms, ~~in which event the appointment shall be for the unexpired term only. Such appointments shall be made within 90 days after the creation of the vacancy.~~

(3) No more than two members shall be appointed from any one city in Broward ~~each~~ respective County.

(4)(2) Board members shall be qualified through the demonstration of special interest, experience, or education in history, architecture, or other related fields and shall possess an active interest in local historical aspects, either through an organization or body the purposes of which are consistent with the purposes of this part or through personal interest and contribution. The members of ~~the each~~ board, including the chairman, shall receive no compensation for their services, but shall be entitled to be reimbursed for per diem and travel expenses incurred in the performance of their official duties as members of the board, subject to the provisions and limitations of s. 112.061. Each member shall give a surety bond in the sum of \$5,000, executed by a surety company authorized to do business in this state, payable to the Governor and his successors in office and conditioned upon the faithful performance of the member's duties. The cost of each such bond shall be borne by the board.

(5) *The Governor may remove from office any member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or pleading guilty or nolo contendere to or being found guilty of a felony.*

Section 74. Section 266.504, Florida Statutes, is amended to read:

266.504 Board Boards; organization, meetings, records.—Within 15 days after the appointment of its membership, and annually thereafter, ~~the each~~ board shall hold an organizational meeting at which it shall elect from its membership a chairman, vice chairman, and secretary-treasurer. No business shall be transacted by the board except at a regular or specially called meeting at which a quorum is present and the minutes thereof recorded. Permanent records shall be maintained which shall reflect all official transactions of the board.

Section 75. Section 266.505, Florida Statutes, is amended to read:

266.505 Treasurer; finances.—

(1) The Treasurer shall be the ex officio treasurer of ~~the each~~ board and shall have the custody of all its funds, to be kept in a special account. All receipts and disbursements of the board shall be handled subject to the same laws and rules as other state funds are handled.

(2) *All moneys received from admissions to and rentals of facilities and properties owned or managed by the board shall be deposited by the board into the Historic Broward County Preservation Board Operating Trust Fund and made subject to annual appropriation by the Legislature for the benefit of the board. All interest earned by the trust fund shall be deposited into the trust fund.*

Section 76. Section 266.5056, Florida Statutes, is created to read:

266.5056 Audit.—The board shall be audited by the Auditor General.

Section 77. Section 266.506, Florida Statutes, is amended to read:

266.506 Powers of the board boards.—*The department shall monitor the effectiveness of all programs of the board and shall exercise such oversight of the board as the department deems necessary to help ensure that the board operates in compliance with state laws and rules. The Each* board shall be the governing body and have the power:

(1) *To hire a manager who shall report to the board.*

(2) *To set the salary of the manager within the range permissible under Department of Administration guidelines.*

(3)(1) *To adopt a seal and alter it at pleasure.*

(4)(2) *To contract and be contracted with, to sue and be sued, and to plead and be impleaded in all courts of law and equity.*

~~(3) To exercise any power not in conflict with the Constitution of the state or of the United States which is usually possessed by private corporations or public agencies performing comparable functions.~~

(5)(4) *To establish an office for the conduct of its affairs.*

(6)(5) *To acquire, hold, lease, and dispose of real and personal property or any interest therein for its authorized purpose.*

(7)(6) *To plan facilities; to demolish existing structures; and to construct, reconstruct, alter, repair, and improve the facilities wherever located.*

(8)(7) *To acquire in its own name for the benefit of the state by purchase, grant, devise, gift, or lease, on such terms and conditions and in such manner as it deems necessary or expedient, or by condemnation, except as otherwise herein provided, in accordance with and subject to the state law applicable to condemnation of property for public use, real property or rights or easements therein or franchises necessary or convenient for its purposes and to use the same so long as its existence continues and to lease or make contracts with respect to the use or disposal of the same, or any part thereof, in any manner deemed by it to be in the best interest of the board, but only for the purposes for which it is created. No property shall be acquired under the provisions of this part upon which any lien or other encumbrance exists unless, at the time the property is so acquired, a sufficient sum of money is to be deposited in trust to pay and redeem such lien or encumbrance; nor shall any property be acquired hereunder by condemnation which is owned by a church or a cemetery association or is presently used as a historical attraction.*

(9) *To employ, subject to the provisions of the Career Service System, such employees as may be necessary.*

~~(10)(8) To contract with employ and dismiss at pleasure consulting engineers, architects, superintendents or managers, accountants, inspectors, attorneys, and such other consultants employees as are deemed necessary and to prescribe their powers and duties and fix their compensation.~~

(11)(9) *To acquire from any city within the its-respective county or counties, the state, the United States or any state thereof, or any foreign country or colony any existing property, real or personal, now owned by it or hereafter acquired, suitable for the uses of the board and to improve, operate, and maintain the same for the purposes herein stated or to act as trustee for any such property under such terms and conditions as the owner may prescribe.*

(12)(10) *To enter into contracts with any city within the its-respective county or counties for the purposes of providing police and fire protection, water, sanitation, and other public services deemed necessary or expedient; and such municipalities and counties are authorized to enter into such contracts.*

(13)(11) *To contract with any agency of the state, the Federal Government, any city within the its-respective county or counties, or any firm or corporation, upon such terms and conditions as the board finds in its best interest, with respect to the establishment, construction, operation, and financing of the facilities of the board in the its-respective county or counties.*

(14)(12) *To make and enter into all contracts or agreements with pri-*

vate individuals, corporations, organizations, historical societies, and others with reference to facilities and to enter into contracts and agreements, with or without competitive bidding as the board determines, which are necessary, expedient, or incidental to the performance of its duties or the execution of its powers under this part. *However, consultants shall be retained in the manner provided in ss 287.055, 287.057, and 287.058.*

(15)(13) To engage in any lawful business or activity deemed by it necessary or useful in the full exercise of its powers to establish, finance, maintain, and operate the facilities contemplated by this part, including the renting or leasing for revenue of any land, improved or restored real estate, or personal property directly related to carrying out the purposes for which the board is created.

(16)(14) To fix and collect charges for admission to any of the facilities operated and maintained by the board under the provisions of this part and to adopt and enforce reasonable rules to govern the conduct of the visiting public.

(17)(15) To borrow money for any of its authorized purposes and for expenses incidental thereto, including expenses incurred during the period of organization, restoration, and construction prior to the operation of the facilities of the board, and to issue negotiable revenue certificates payable solely from revenue from the operation of such facilities and from authorized activities incidental thereto.

(18)(16) To cooperate and coordinate all of its activities on a permissive basis through any statewide board, ~~including the Division of Historical Resources of the Department of State,~~ and to participate in any overall statewide plan of historical development.

(19)(17) To cooperate and coordinate its activities with any national project of historical development and to coordinate and cooperate with any other agency, state, local, or national, undertaking historical objectives, if the same are not in conflict with the objectives of the board. ~~The boards shall not be placed within a division of the Department of State, but, administratively, shall be directly under the supervision of the Secretary of State.~~

(20)(18) To research, prepare, publish, and procure books, reports, articles, pamphlets, brochures, documents, maps, photographs, films, sound recordings, and other products of a similar nature in fulfillment of its purpose and function for use by the board or for use by or distribution to any person or entity, public or private, with or without charge or profit.

(21)(19) To perform all lawful acts necessary, convenient, and incident to the effectuating of its function and purpose.

Section 78. Section 266.508, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 266.508, F.S., for present text.)

266.508 Direct-support organization.—

(1) The Historic Broward County Preservation Board of Trustees may authorize a direct-support organization to assist the board in carrying out its purposes by raising money; submitting requests for and receiving grants from the Federal Government, the state or its political subdivisions, private foundations, and individuals; receiving, holding, investing, and administering property; and making expenditures to or for the benefit of the board. Such a direct-support organization is an organization which is:

(a) Incorporated under the provisions of chapter 617 and approved by the Department of State as a Florida corporation not for profit.

(b) Organized and operated to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the board.

(c) Approved by the board to be operating for the benefit of the board and in the best interest of the state.

(2) The direct-support organization shall operate under written contract with the board. The contract shall provide for:

(a) Approval of the articles of incorporation and bylaws of the direct-support organization by the board and the governance of the direct-support organization by members appointed by the board.

(b) Submission of an annual budget for the approval of the board. The budget shall be in accordance with rules adopted by the board.

(c) Certification by the board that the direct-support organization is operating in compliance with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification shall be made annually and reported in the official minutes of a meeting of the board.

(d) The reversion to the board of moneys and property held in trust by the direct-support organization if the direct-support organization is no longer approved to operate on behalf of the board.

(e) The fiscal year of the direct-support organization, to begin on July 1 of each year and end on June 30 of the following year.

(f) The disclosure of material provisions of the contract and the distinction between the board of trustees and the direct-support organization to donors of gifts, contributions, or bequests, as well as on all promotional and fundraising publications.

(3) The members of the direct-support organization's board of directors shall include, but are not limited to, the members of the Historic Broward County Preservation Board of Trustees.

(4) The board is authorized to permit the direct-support organization's use of property, except money, and of facilities and personal services of the board, subject to the provisions of this section. Any direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin shall not be permitted to use the property, facilities, or personal services of the board. For the purposes of this subsection, personal services includes full-time or part-time personnel as well as payroll processing.

(5) The board shall adopt rules prescribing the procedures by which the direct-support organization is to be governed and any conditions with which a direct-support organization must comply in order to use property, facilities, or personal services of the board.

(6) Any moneys, except as enumerated in s. 266.505, may be held in a separate depository account in the name of the direct-support organization and shall be subject to provisions of the contract with the board of trustees. Such moneys may include membership fees, private donations, income derived from fundraising activities, and grants applied for and received by the direct-support organization.

(7) The direct-support organization shall make provisions for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with rules established by the board. The annual audit report shall be submitted to the board for review and approval. Upon approval, the board shall certify the audit report to the Auditor General for review.

(8) Notwithstanding the provisions of s. 119.14, the identity of donors or prospective donors who desire to remain anonymous, and all information identifying such donors or such prospective donors, is confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. Such exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. All other records of the direct-support organization shall be considered public records for the purposes of chapter 119.

Section 79. The provisions of ss. 266.501-266.508, Florida Statutes, shall be liberally construed.

Section 80. Section 266.507, Florida Statutes, is hereby repealed.

Section 81. Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with section 11.611, Florida Statutes, sections 266.501, 266.502, 266.503, 266.504, 266.505, 266.506, and 266.508, Florida Statutes, shall not stand repealed on October 1, 1990, and shall continue in full force and effect as amended herein.

Section 82. Sections 266.501, 266.502, 266.503, 266.504, 266.505, 266.5056, 266.506, and 266.508, Florida Statutes, are repealed on October 1, 2000, and shall be reviewed by the Legislature pursuant to section 11.611, Florida Statutes.

Section 83. Subsections (1), (3), and (4) and paragraphs (b) and (d) of subsection (2) of section 265.32, Florida Statutes, are amended to read:

265.32 County fine arts council.—

(1) COUNTY AUTHORITY TO CREATE; PURPOSE.—Each county of the state is hereby vested with the authority to create a county fine arts council, hereinafter referred to as “council” or “arts council,” a public agency corporate and politic, for the purposes of:

(a) Stimulating greater governmental and public awareness and appreciation of the importance of the arts to the people of Florida.

(b) Encouraging and facilitating greater and more efficient use of governmental and private resources for the development and support of the arts.

(c) Encouraging and facilitating opportunities for Florida residents to participate in artistic activities.

(d) Promoting the development of Florida artists, arts institutions, community organizations sponsoring arts activities, and audiences.

(e) Surveying and assessing the needs of the arts, artists, arts institutions, community organizations sponsoring arts activities, and people of this state relating to the arts.

(f) Supporting and facilitating the preservation and growth of the state’s artistic resources.

(g) Contracting for artistic services, performances, and exhibits.

(h) Developing a center or complex of physical facilities for the use of the arts.

(i) Providing financial and technical assistance to artists, arts institutions, and audiences.

(j)(g) Otherwise serving the citizens of the county and state in the realm of the arts.

The purposes provided by this section are hereby deemed to be public purposes.

(2) MEMBERSHIP AND ORGANIZATION.—

(b)1. If a county is creating a council under the provisions of this act, the arts council shall consist of 15 members. Vacancies which exist on the council shall be filled by the board of county commissioners. However, in filling any vacancy which occurs, the board of county commissioners shall select the replacement council member from a list of three candidates to be submitted by the remaining members of the council. In the event that none of the three candidates suggested meets commission approval, the council shall submit another and entirely different list for commission consideration. This process shall continue until a suitable replacement has been found to fill the existing or anticipated vacancy.

2. The council shall make the general public aware of any vacancy which occurs, or which is expected, by complying with the notice and publication requirements established in paragraph (f). The council shall then consider suggestions or recommendations made by members of the public; representative civic, labor, and cultural associations; and groups concerned with encouraging the development and appreciation of the arts before submitting any list of candidates to the board of county commissioners.

3. There shall be an ex officio member who shall be a member of the board of county commissioners to be designated by it. The council may authorize additional ex officio members from any municipality within the county which it determines deserves representation, and any such member shall be designated by the city commission from its membership. *The council may also authorize other ex officio members from the general public when such membership will serve the best interests of the arts and help carry out the objectives and duties of the council.*

(d) No council member who serves two a full terms term shall be reappointed to the council during the 2-year period following expiration of his term.

(3) COUNCIL OFFICERS.—The council shall elect annually one of the members of the council to be its chairman. No member of the council may serve as its chairman for more than two terms one term. The council may annually elect such other officers as it deems appropriate.

(4) EXECUTIVE DIRECTOR.—The council may appoint an executive director who shall be a full-time employee and shall serve at the pleasure of, and at a salary fixed by, the council. The executive director shall carry out the policies and programs established by the council, shall

employ, subject to council approval, such full-time and part-time staff and consultants as appropriate to carry out those policies and programs, and shall be in charge of the day-to-day operations of those policies and programs. *The executive director may be empowered by the council to sign contracts, leases, and other agreements on its behalf.*

Section 84. Section 265.606, Florida Statutes, is amended to read:

265.606 Fine Arts Endowment Program; administration; qualifying criteria; matching fund program levels; distribution.—

(1) As long as sufficient unencumbered moneys exist in the Fine Arts Endowment Trust Fund, any sponsoring organization shall be eligible to apply for the award of one matching fund endowments endowment from available funds allocated to the region in which such organization is located. To be eligible for receipt of state matching funds, the local sponsoring organization shall meet all of the following criteria:

(a) Establish a fine arts endowment program fund or funds, which it shall administer and invest.

(b) Deposit into the appropriate such program fund account the required matching funds which have been collected from new public and private donations and gifts having a total annual value or income-generating capability of at least \$360,000 for each individual endowment. Income from gifts of real property or tangible personal property which will not be converted to cash shall be earmarked for the program fund by appropriate legal instruments.

(c) Be designated a fine arts sponsoring organization by the department, if recommended by the Florida Arts Council to the Secretary of State pursuant to the procedures contained in s. 265.285.

(2) Contributions to the sponsoring organization for which state matching funds may be received shall include cash, negotiable securities, or gifts of similar liquidity; any irrevocable instrument in the estate of a donor or any irrevocable trust agreement; or any real property or tangible personal property. Real or tangible personal property shall be valued at its current assessed value or replacement cost. However, gifts of real or tangible personal property shall be converted to cash or negotiable securities prior to release of state matching funds if such property does not generate sufficient annual income for endowment purposes.

(3) Each individual endowment in this program shall have a total value of \$600,000 of which \$360,000 shall be raised by the sponsoring organization with the remaining \$240,000 in matching funds being contributed by the state from the Fine Arts Endowment Trust Fund. *A sponsoring organization that receives a matching fund endowment is eligible to apply for additional matching fund endowments; however, additional endowments shall not be awarded to a sponsoring organization more frequently than once every 36 months. Application for and award of each matching fund endowment must comply with the requirements of this section, including the matching fund requirements. A sponsoring organization may establish an endowment program fund for each endowment, or may combine two or more endowments in one program fund.*

(4) Once the secretary has determined that the sponsoring organization has complied with the criteria imposed by this section, he may authorize the transfer of the appropriate state matching funds from the Fine Arts Endowment Trust Fund to the organization’s fine arts endowment program fund designated by the organization. However, the secretary shall ensure that the local group has made prudent arrangements for the trusteeship of the entire \$600,000 endowment, and such trusteeship is hereby created. The sponsoring organization may then expend moneys in the its endowment program fund, subject to the following requirements:

(a) The organization may only expend funds for operating costs incurred while engaged in programs directly related to fine arts activities.

(b) The organization shall annually submit a report to the division, in such form as the division specifies, explaining how endowment program funds were utilized.

(c) The organization shall not allow the balance for each individual endowment in an its endowment program fund to fall below \$600,000 as of January 1 of any calendar year.

(5) The \$240,000 state matching fund endowment for each individual endowment shall revert to the Fine Arts Endowment Trust Fund if any of the following events occurs:

- (a) The recipient sponsoring organization ceases operations.
- (b) The recipient sponsoring organization files for protection under federal bankruptcy provisions.
- (c) The recipient sponsoring organization willfully expends a portion of the \$600,000 endowment principal of any individual endowment.
- (6)(a) Preservation of the \$600,000 capital value of each the endowment shall be the primary investment constraint upon the trustee.

(b) The investment objectives of the trustee are to preserve the principal amount of each the endowment while maximizing current income through the use of investment-quality fixed income instruments. The endowment funds shall be invested in United States Government obligations or obligations with a United States Government guarantee. The cost-weighted average maturity of the portfolio shall not exceed 6 years. No specific obligation shall have a maturity in excess of 10 years. The minimum net cost value of the \$600,000 for each individual endowment in a local fine arts endowment program fund shall be maintained at all times.

Section 85. Youth and Children's Museum Trust Fund; grants.—

(1) There is hereby created a Youth and Children's Museum Trust Fund to be administered by the Department of State.

(2)(a) The Division of Cultural Affairs of the Department of State is authorized to grant moneys from the trust fund, including matching grants, to youth and children's museums recommended by the Florida Arts Council and approved by the Secretary of State. The division shall, by rule, establish criteria for awarding grants, including criteria based upon the quality of the proposed grant recipient, the potential public exposure and public benefit of the exhibits of the proposed grant recipient, and the ability of the proposed grant recipient to properly administer grant funds, and any other criteria the division determines are necessary and appropriate to further the purposes of this section. The division shall grant moneys from the trust fund in accordance with state law.

(b) For purposes of this section, the term "youth and children's museum" means a public or private nonprofit institution located in this state operating on a permanent basis for the primary purpose of sponsoring, producing, and exhibiting multidisciplinary, participatory programs oriented toward visitors ages 6 months through 15 years, and their families, teachers, and caregivers.

(c) A youth and children's museum shall be open to the public, have a full-time staff, be an organization not for profit pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, and be incorporated pursuant to chapter 617, Florida Statutes, or administered as a part of local or state government in order to receive a grant from the fund.

(d) The secretary may appoint review panels representing various disciplines to assist the Florida Arts Council in the grant review process. Review panel members shall serve for 1-year terms. Each panel shall include persons actively involved in the specific discipline for which the panel is to review grants. The panels shall review grant applications and make recommendations to the council concerning the relative merits of the applicants. The division shall, by rule, establish criteria for reviewing grant applications to ensure compliance with applicable state laws relating to discrimination and conflicts of interest.

(e) The division may grant moneys quarterly from the trust fund to youth and children's museums in advance of an exhibit or program for which the moneys are granted, pursuant to a grant agreement or a contract. Before the end of the contract period, the grant recipient shall file with the division a complete accounting of all moneys received from the trust fund. The division may adopt rules requiring a postaudit of such accounting to be conducted by an independent certified public accountant.

Section 86. The Division of Corporations of the Department of State shall annually transfer no less than \$250,000 from the Corporations Trust Fund to the Youth and Children's Museum Trust Fund.

Section 87. The Division of Corporations of the Department of State shall transfer \$261,900 from the Corporations Trust Fund to the Youth and Children's Museum Trust Fund for Fiscal Year 1990-1991.

Section 88. There is hereby appropriated \$261,900 from the Youth and Children's Museum Trust Fund to the Department of State for Fiscal Year 1990-1991 to carry out the provisions of this act.

(Renumber subsequent sections.)

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

Amendment 1A—On page 7, line 27, strike "VII" and insert: VI

Amendment 1B—On page 8, between lines 25 and 26, insert:

Section 15. Section 266.03, Florida Statutes, is amended to read:

266.03 Board; membership; terms of office; compensation; expenses; bond.—

(1) The membership of the board of trustees shall consist of nine five members. The members of the board shall be appointed by the Governor for 4-year terms. The board shall include representatives of regional and statewide interests, as well as persons who have a demonstrated knowledge or expertise in the historic preservation of the area not later than 30 days after July 1, 1959.

(2)(a) The two new members initially added by this act shall be appointed to serve for terms of 2 years.

(b) Upon the expiration of the terms of the members who are serving on June 30, 1990, their successors in office shall be selected by the Governor and shall include representatives of regional and statewide interests, as well as persons who have demonstrated knowledge or expertise in the historic preservation of the area. These members shall be appointed to serve for terms of 4 years. Commencing October 1, 1991, the terms of the members serving on that date shall be extended through the nearest January 31 following the expiration date of the term. Thereafter, the Governor shall appoint members to 4-year terms which shall run from February 1 through January 31. The Governor's appointments shall be made by January 1 preceding the commencement of the terms and shall be subject to Senate confirmation in the following legislative session. Members of the original board shall be appointed for terms as follows: One for 2 years, two for 3 years and two for 4 years, and thereafter members shall be appointed for 4-year terms except appointments to fill vacancies for unexpired terms in which event the appointment shall be for the unexpired term only. In addition to the above members, the board of trustees shall consist of two additional members who need not be residents of the state and who shall be appointed by the Governor not later than 30 days after July 1, 1965. All appointments of the board shall be confirmed by the Senate.

(3) The Governor must appoint a successor in office for each member within 90 days following the expiration of the term of membership, and must fill any vacancy for the remainder of the unexpired term within 90 days after the vacancy occurs. The Governor may remove from office any member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or pleading guilty or nolo contendere to or being found guilty of a felony.

(4) The members of the board of trustees who are serving on July 1, 1990, may continue to serve the balance of their terms.

(5) The members of the board, including the chairman, shall receive no compensation for their services but shall be entitled to be reimbursed for per diem and travel expenses incurred in the performance of their official duties as members of the board, subject to the provisions and limitations of s. 112.061. Each member shall give a surety bond in the sum of \$10,000 executed by a surety company authorized to do business in this state, payable to the Governor and his successors in office, and conditioned upon the faithful performance of his duties.

Section 16. Section 266.04, Florida Statutes, is amended to read:

266.04 Board; organization, meetings, records.—Not later than 15 days after the appointment of its membership and annually thereafter, The board shall hold an annual organizational meeting at which it shall elect from its membership a chairman, a vice chairman, and a secretary-treasurer. No business shall be transacted by the board except at a regularly called meeting at which a quorum is present and the minutes thereof recorded. Permanent records shall be maintained which shall reflect all official transactions of the board.

Section 17. Section 266.05, Florida Statutes, is amended to read:

266.05 Treasurer; finances.—

(1) The Treasurer shall be the ex officio treasurer of the board and shall have the custody of all of its funds, to be kept in a special account. All receipts and disbursements of the board shall be handled subject to the same laws, rules, and regulations as other state funds are handled.

(2) Funds received from all admissions to and rentals of facilities and properties owned or managed by the board, or other income derived from the properties or programs of the board, shall be held in trust by the board of trustees and shall be appropriated annually by the Legislature for the benefit of the programs of the board.

(3) Any other funds, except those enumerated in subsection (2), may be held by the direct-support organization of the board, and shall be subject to the provisions of the contract with the board. Such funds may include membership fees, private donations, income derived from fundraising activities, and grants applied for and received by the direct-support organization.

Section 18. Section 266.08, Florida Statutes, is amended to read:

266.08 Direct-support organizations; use of property; audit; status.—

(1) **DIRECT-SUPPORT ORGANIZATION DEFINITIONS.**—*The Historic St. Augustine Preservation Board of Trustees may authorize a direct-support organization to assist the board in carrying out its purposes by raising funds; submitting requests for and receiving grants from the Federal Government, the state or its political subdivisions, private foundations, and individuals; receiving, holding, investing, and administering property; and making expenditures to or for the benefit of the board. Such an organization must* ~~For the purposes of this section, the term:~~

(a) ~~“Direct support organization” means an organization which:~~

(a)1. ~~Be~~ *Is* a Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State;

(b)2. ~~Be~~ *Is* organized and operated exclusively to raise funds; to submit requests and receive grants from the Federal Government, the state, private foundations, and individuals; to receive, hold, invest, and administer property; and to make expenditures to or for the benefit of the Historic St. Augustine Preservation Board of Trustees;

(c)3. ~~Have~~ *Has* been determined by the board to be operating in a manner consistent with the goals of the board and in the best interests of the state. Such determination ~~must~~ *shall* be made once a year and reported in the official minutes of a meeting of the board; and

(d)4. ~~Have~~ *Has* been approved by the board to operate for the benefit of the board. Such approval shall be reported in the official minutes of a meeting of the board.

(b) ~~“Personal services” includes full time or part time personnel as well as payroll processing.~~

(2) **WRITTEN CONTRACT.**—*The direct-support organization shall operate under written contract with the board. The contract must provide for:*

(a) Approval of the articles of incorporation of the direct-support organization by the board and the governance of the direct-support organization by members appointed by the board.

(b) Submission of an annual budget for the approval of the board. The budget must be in accordance with rules adopted by the board.

(c) Certification by the board, after conducting an annual financial and performance review, whether the direct-support organization is operating in compliance with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the board.

(d) The reversion to the board of funds and property held in trust by the direct-support organization if the direct-support organization is no longer approved to operate on behalf of the board.

(e) The fiscal year of the direct-support organization to begin on July 1 of each year and end on June 30 of the succeeding year.

(f) The disclosure of material provisions of the contract and the distinction between the board of trustees and the direct-support organiza-

tion to donors of gifts, contributions, or bequests, as well as on all promotional and fundraising publications.

(3)(2) **USE OF PROPERTY.**—The Historic St. Augustine Preservation Board of Trustees:

(a) May permit the use of property, facilities, and personal services of the board by a direct-support organization subject to the provisions of this section.

(b) ~~Shall~~ *May* prescribe, by rule, *procedures by which the direct-support organization is to be governed* and any condition with which a direct-support organization must comply in order to use property, facilities, or personal services of the board.

(c) Shall not permit the use of property, facilities, or personal services of the board by any direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, national origin, sex, age, or religion.

(4)(3) **ANNUAL AUDIT.**—The direct-support organization shall cause an annual *financial and compliance audit postaudit* of its financial accounts to be conducted by an independent certified public accountant in accordance with rules adopted by the board. The annual audit report shall be submitted to the Auditor General and to the board for review. The Auditor General and the board are each authorized to require and receive from the direct-support organization, or from its independent auditor, any detail or supplemental data relative to the operation of the organization. The identities of donors who desire to remain anonymous shall be protected and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor’s report. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(5)(4) **ACCESSIBILITY OF CERTAIN MATERIALS.**—Any materials placed in the keeping of or collected by the direct-support organization under special terms or conditions restricting their use shall be made accessible in accordance with such terms and conditions and shall be protected and exempt from the provisions of s. 119.07(1) to the extent necessary to meet the terms and conditions. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 19. Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with section 11.611, Florida Statutes, sections 266.01, 266.02, 266.03, 266.04, 266.05, 266.06, 266.07, and 266.08, Florida Statutes, shall not stand repealed on October 1, 1990, and shall continue in full force and effect as amended herein.

Section 20. Sections 266.01, 266.02, 266.03, 266.04, 266.05, 266.06, 266.07, and 266.08, Florida Statutes, are repealed on October 1, 2000, and shall be reviewed by the Legislature pursuant to section 11.611, Florida Statutes.

(Renumber subsequent sections.)

Amendment 1C—On page 71, line 27, through page 83, line 22, strike all of said lines and renumber subsequent sections.

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

Amendment 1D—On page 89, lines 25-31; on page 90, lines 1-31; and on page 91, lines 1-14, strike all of said lines

Amendment 1 as amended was adopted.

Senator Kirkpatrick moved the following amendment:

Amendment 2—In title, on page 2, line 2, after “notices,” insert: amending s. 265.286, F.S., redesignating the Vital Local Cultural Program as the Vital Local Cultural Organization Program; redesignating rulemaking authority from the Florida Arts Council to the Division of Cultural Affairs; providing for annual review of organizations; authorizing the appointment of review panels; providing for the designation of additional organizations; providing for submission of funding for organizations to the Legislature; providing for grant award agreements; amending s. 265.283, F.S.; providing definitions; amending s. 265.285, F.S.; requiring a quorum for meetings and official action; providing for public comment on art grant applications; amending s. 265.608, F.S.; authorizing appointment of review panels to assist in awarding grants to science museums; providing membership terms and requirements; providing for

per diem and travel expenses; providing for the establishment by rule of criteria for reviewing grant applications; amending s. 265.701, F.S.; providing for resubmission of certain cultural facilities projects in the following grant cycle; saving s. 265.285, F.S., from Sundown repeal; providing for future review and repeal; 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; revising provisions relating to the Historic Pensacola, Tallahassee, Florida Keys, Palm Beach County, Tampa-Hillsborough County, and Broward County Preservation Boards of Trustees; amending ss. 266.101, 266.110, 266.201, 266.301, 266.401, and 266.501, F.S.; providing certain administrative supervision by the Division of Historical Resources of the Department of State; modifying purposes; amending ss. 266.102, 266.111, 266.202, 266.302, 266.402, and 266.502, F.S.; providing definitions; amending ss. 266.103, 266.112, 266.203, 266.303, 266.403, and 266.503, F.S.; revising provisions relating to appointment of members of the boards and terms of office; providing for removal of members; amending s. 266.504, F.S.; conforming language; amending ss. 266.105, 266.114, 266.205, 266.305, 266.405, and 266.505, F.S.; providing for deposit of certain moneys into operating trust funds; creating ss. 266.1056, 266.1145, 266.2056, 266.3056, 266.4056, and 266.5056, F.S.; providing for audit by the Auditor General; amending ss. 266.106, 266.115, 266.206, 266.306, 266.406, and 266.506, F.S.; requiring the department to monitor program effectiveness and exercise certain oversight; authorizing employment of managers and other necessary employees; modifying powers of the boards; amending ss. 266.107, 266.117, 266.308, and 266.407, F.S.; correcting cross references; amending ss. 266.109, 266.118, 266.2095, 266.309, 266.411, and 266.508, F.S.; revising provisions relating to direct-support organizations; providing public records exemptions; providing for review and repeal; providing for liberal construction; deleting provisions relating to the Historic Volusia County and Flagler County Preservation Boards of Trustees; repealing s. 266.207, F.S., relating to powers of the governing body of the City of Key West and establishment of an architectural review board; repealing ss. 266.410 and 266.507, F.S., relating to direct control of certain boards by the Secretary of State; saving ss. 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, 266.409, 266.411, 266.501, 266.502, 266.503, 266.504, 266.505, 266.506, and 266.508, F.S., from Sundown repeal; providing for future review and repeal; amending s. 265.32, F.S., relating to county fine arts councils; providing additional purposes of councils; revising provisions relating to membership of the council, terms of council members, and duties of the executive director; amending s. 265.606, F.S.; authorizing sponsoring organizations that receive a matching fund endowment under the program to apply for additional endowments; providing requirements and restrictions; revising requirements for investment of endowment funds; creating the Youth Museum Trust Fund; authorizing the Division of Cultural Affairs of the Department of State to provide grants from the trust fund to youth museums; specifying criteria for receipt of grants; requiring an accounting of moneys granted from the trust fund; providing for an independent audit of such moneys; directing the Division of Corporations to annually transfer a specified amount of money from the Corporations Trust Fund to the Youth Museum Trust Fund; providing an appropriation;

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

Amendment 2A—In title, on page 2, line 16, through page 4, line 5, strike all of said lines and insert: and Tampa-Hillsborough County Preservation Boards of Trustees; amending ss. 266.101, 266.110, 266.201, 266.301, and 266.401, F.S.; providing certain administrative supervision by the Division of Historical Resources of the Department of State; modifying purposes; amending ss. 266.102, 266.111, 266.202, 266.302, and 266.402, F.S.; providing definitions; amending ss. 266.103, 266.112, 266.203, 266.303, and 266.403, F.S.; revising provisions relating to appointment of members of the boards and terms of office; providing for removal of members; amending ss. 266.105, 266.114, 266.205, 266.305, and 266.405, F.S.; providing for deposit of certain moneys into operating trust funds; creating ss. 266.1056, 266.1145, 266.2056, 266.3056, 266.4056, and 266.5056, F.S.; providing for audit by the Auditor General; amending ss. 266.106, 266.115, 266.206, 266.306, and 266.406, F.S.; requiring the department to monitor program effectiveness and exercise certain oversight; authorizing employment of managers and other necessary employees; modifying powers of the boards; amending ss. 266.107, 266.117,

266.308, and 266.407, F.S.; correcting cross references; amending ss. 266.109, 266.118, 266.2095, 266.309, and 266.411, F.S.; revising provisions relating to direct-support organizations; providing public records exemptions; providing for review and repeal; providing for liberal construction; deleting provisions relating to the Historic Broward County and Historic Volusia County and Flagler County Preservation Boards of Trustees; repealing s. 266.207, F.S., relating to powers of the governing body of the City of Key West and establishment of an architectural review board; repealing ss. 266.410 and 266.507, F.S., relating to direct control of certain boards by the Secretary of State; saving ss. 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, 266.409, and 266.411, F.S.,

Amendment 2B—In title, on page 2, between lines 17 and 18, insert: 266.03, 266.04, 266.05, and 266.08, F.S.; revising provisions relating to the Historic St. Augustine Preservation Board of Trustees; saving those sections and ss. 266.01, 266.02, 266.06, and 266.07, F.S. from Sundown repeal; providing for future review and repeal; amending ss.

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

Amendment 2C—On page 4, strike all of lines 18-25 and insert: investment of endowment funds;

Amendment 2 as amended was adopted.

On motion by Senator Kirkpatrick, by two-thirds vote CS for CS for SB 538 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

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

Nays—1

Woodson-Howard

Vote after roll call:

Yea—Deratany

On motion by Senator Kirkpatrick, by unanimous consent—

SB 582—A bill to be entitled An act relating to funds for public education; amending s. 24.121, F.S.; providing for a transfer of funds from the Administrative Trust Fund to the Library Services Trust Fund; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote SB 582 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—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	Myers	Weinstock
Crenshaw	Grizzle	Peterson	Woodson-Howard
Davis	Jennings	Plummer	

Nays—None

Consideration of CS for SB 1322 was deferred.

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

CS for HB 1259—A bill to be entitled An act relating to civil actions; amending s. 28.24, F.S.; clarifying the authority of the clerk of the court to modernize the public records system; amending s. 28.241, F.S.; requiring a filing fee for modification of final orders in a civil action; amending s. 57.105, F.S.; providing circumstances for award of prejudgment interest to the plaintiff in civil actions; providing an effective date.

—a companion measure, was substituted for CS for SB 2480 and by two-thirds vote read the second time by title.

Senator Langley moved the following amendment which was adopted:

Amendment 1—On page 1, lines 11-26, strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 57.105, Florida Statutes, is amended to read:

57.105 Attorney's fee.—

(1) The court shall award a reasonable attorney's fee to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney in any civil action in which the court finds that there was a complete absence of a justiciable issue of either law or fact raised by the complaint or defense of the losing party; provided, however, that the losing party's attorney is not personally responsible if he has acted in good faith, based on the representations of his client. *If the court finds that there was a complete absence of a justiciable issue of either law or fact raised by the defense, the court shall also award prejudgment interest.*

Section 2. Paragraph (d) of subsection (4) of section 57.111, Florida Statutes, is amended to read:

57.111 Civil actions and administrative proceedings initiated by state agencies; attorneys' fees and costs.—

(4)

(d) The court, or the hearing officer in the case of a proceeding under chapter 120, shall promptly conduct an evidentiary hearing on the application for an award of attorney's fees and shall issue a judgment, or a final order in the case of a hearing officer. The final order of a hearing officer is reviewable in accordance with the provisions of s. 120.68. If the court affirms the award of attorney's fees and costs in whole or in part, it may, in its discretion, award additional attorney's fees and costs for the appeal.

1. No award of attorney's fees and costs shall be made in any case in which the state agency was a nominal party.

2. No award of attorney's fees and costs to any single small business party for an action initiated by a state agency shall exceed \$15,000, exclusive of such fees and costs for appeals in a proceeding. *The court may award attorney's fees and costs in excess of \$15,000 in the event the small business party prevails in an appeal from the action by the state agency.*

Section 3. This act shall take effect October 1, 1990, and shall apply to actions instituted on or after that date.

On motion by Senator Langley, by two-thirds vote CS for HB 1259 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McPherson

CS for SB 1014—A bill to be entitled An act relating to state government; creating the State Employee Telecommuting Act; providing definitions; requiring the Department of Administration to establish a state employee telecommuting program; providing powers and duties of the department; providing for rules; authorizing state agencies to conduct telecommuting pilot programs; providing requirements for such pilot programs; establishing a telecommuting program advisory council; requiring a report; specifying how act should be construed; providing an appropriation; providing for future legislative review and repeal; providing an effective date.

—was read the second time by title.

One amendment was adopted to CS for SB 1014 to conform the bill to CS for HB 967.

Pending further consideration of CS for SB 1014 as amended, on motions by Senator Stuart, by two-thirds vote CS for HB 967 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Stuart—

CS for HB 967—A bill to be entitled An act relating to state government; creating the State Employee Telecommuting Act; providing definitions; requiring the Department of Administration to establish a state employee telecommuting program; providing powers and duties of the department; providing for rules; authorizing state agencies to conduct telecommuting pilot programs; providing requirements for such pilot programs; establishing a telecommuting program advisory council; requiring a report; providing for the applicability of the act; providing an appropriation; providing for future legislative review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 1014 and read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for HB 967 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 1166—A bill to be entitled An act relating to motor vehicle license taxes; amending s. 320.08, F.S.; revising the definition of the term "antique truck"; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Gardner and adopted:

Amendment 1—On page 1, line 20, strike "5,000" and insert: 3,500

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

Senator Bankhead moved the following amendments which were adopted:

Amendment 2—On page 1, strike all of lines 25 and 26 and insert:

Section 2. Subsection (12) is added to section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(12) *The department is authorized to withhold registration or reregistration of any motor vehicle if the owner, or one of the coowners of the vehicle, has a driver's license which is under suspension for the failure to remit payment of any fines levied in this state pursuant to chapter*

318 or chapter 322. The department shall design and implement a program to accomplish this action by June 1, 1992. However, nothing in this subsection shall be construed to prohibit the department from withholding registration or renewal for a similar situation during the interim.

Section 3. This act shall take effect July 1, 1990, or upon becoming a law, whichever occurs later, except that section 2 shall take effect October 1, 1990.

Amendment 3—In title, on page 1, strike all of lines 1-5 and insert:

A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.08, F.S.; revising the definition of the term "antique truck"; amending s. 320.02, F.S.; providing for a hold on the registration or renewal of motor vehicle registration if the owner of the vehicle has a driver's license under suspension for failure to comply with the penalty requirements of certain civil traffic infractions or criminal traffic offenses; directing the Department of Highway Safety and Motor Vehicles to take certain action; providing effective dates.

On motion by Senator Gardner, by two-thirds vote SB 1166 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Johnson	Souto
Bankhead	Diaz-Balart	Kirkpatrick	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	

Nays—None

On motions by Senator Weinstein, by two-thirds vote CS for HB 2309 was withdrawn from the Committees on Governmental Operations and Judiciary-Criminal.

On motion by Senator Weinstein—

CS for HB 2309—A bill to be entitled An act relating to state military personnel and property; amending s. 901.15, F.S.; granting arrest and law enforcement powers to military law enforcement officers of the Florida National Guard; directing the Adjutant General to prescribe training; amending s. 250.10, F.S.; requiring the Adjutant General of the state to provide military police and security guards at certain state military reservations and armories; providing an effective date.

—a companion measure, was substituted for CS for SB 1654 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 2309 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Johnson	Souto
Bankhead	Diaz-Balart	Kirkpatrick	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	

Nays—None

Vote after roll call:

Yea—Kiser

On motion by Senator Dudley, by two-thirds vote HB 735 was withdrawn from the Committee on Ethics and Elections.

On motion by Senator Dudley—

HB 735—A bill to be entitled An act relating to elections; amending s. 101.72, F.S.; exempting certain counties from the requirement of providing a minimum number of voting booths or compartments; providing an effective date.

—a companion measure, was substituted for SB 1546 and read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 735 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Johnson	Plummer
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	

Nays—None

Consideration of **CS for SB 1786** was deferred.

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.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote CS for CS for SB 2074 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

On motion by Senator Dudley, by two-thirds vote HB 3005 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Dudley—

HB 3005—A bill to be entitled An act relating to probate administration; amending s. 733.617, F.S.; providing that where a decedent's will provides for a corporate personal representative's compensation to be based upon specific criteria then said corporate personal representative shall be entitled to compensation in accordance with such provision; providing an effective date.

—a companion measure, was substituted for SB 2118 and read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 3005 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Johnson	Souto
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	

Nays—None

Vote after roll call:

Yea—Langley

Reconsideration

On motion by Senator Langley, the Senate reconsidered the vote by which—

CS for HB 1259—A bill to be entitled An act relating to civil actions; amending s. 28.24, F.S.; clarifying the authority of the clerk of the court to modernize the public records system; amending s. 28.241, F.S.; requiring a filing fee for modification of final orders in a civil action; amending s. 57.105, F.S.; providing circumstances for award of prejudgment interest to the plaintiff in civil actions; providing an effective date.

—as amended passed this day.

Senator Langley moved the following amendment which was adopted:

Amendment 2—In title, on page 1, line 10, after the semicolon (;) insert: providing for increased attorney fees on appeal from action taken by state agent;

On motion by Senator Langley, CS for HB 1259 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Johnson	Souto
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	

Nays—None

CS for SB 182—A bill to be entitled An act relating to private toll roadways; providing definitions; authorizing private persons to construct, operate, extend, or enlarge toll roadways pursuant to a certificate of authority issued by the Florida Transportation Commission of the Department of Transportation; specifying application requirements for a certificate; specifying criteria for the issuance of a certificate; authorizing the Department of Transportation and affected local governmental entities to charge an application review fee; requiring the department to monitor the operation of private toll roadways; requiring each operator of a toll roadway to report certain information to the department; authorizing the department to exclude certain expenses of an operator from costs and to approve or revise the toll rates charged on such roadways; authorizing the department under specified circumstances to exercise the power of eminent domain to acquire real property for such toll roadways and to dispose of such property; requiring the operator of a private toll roadway to keep the roadway open to the public except when the roadway is under repair or construction; requiring certain expenditures of toll proceeds; prohibiting the charging of tolls in a discriminatory manner; authorizing operators to extend or enlarge their toll roadways under certain circumstances; authorizing toll roadway operators to charge tolls on toll roadways based upon traffic classifications, to develop and enforce certain regulations on the toll roadways, and to establish commuter lanes on toll roadways; requiring an applicant to enter into a contract with the department by which the department is authorized to review and inspect plans, specifications, and construction of the toll roadway; prohibiting construction on a private toll roadway without inspections and approval by the department of each stage of construction; requiring a toll roadway operator to maintain accounts to pay for repairs and maintenance of the toll roadway; requiring a toll roadway operator to maintain liability insurance on the toll roadway; exempting the department from tort liability; providing for connections of the toll roadway with public highways, roads, and streets; authorizing toll roadway operators to cross navigable watercourses; providing for the crossing of highways, roads, and railroads by such toll roadways; specifying conditions under which a certificate of authority is in default; authorizing the department to take certain action if a toll roadway operator has defaulted; providing for the expiration of certificates of authority; providing for the reversion to the state of toll

roadways upon the expiration of such certificates; providing for the continuation of tolls on projects operated by the department; specifying uses of such tolls; authorizing negotiations between applicants or certificate-holders and local governmental entities regarding exemptions from taxation; authorizing joint ventures between a person and a local governmental entity; authorizing state and local law enforcement authorities to patrol traffic and enforce laws on toll roadways; providing that state laws apply to persons on such toll roadways; amending s. 20.23, F.S.; authorizing the Florida Transportation Commission of the Department of Transportation to issue certificates of authority to construct, extend, or enlarge private toll roadways; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendment which was adopted:

Amendment 1—On page 18, between lines 16 and 17, insert:

(5)(a) Public utilities may utilize the private toll roadway for the placement of their facilities in the same manner such utilities may use public roads and highways.

(b) An operator shall reimburse any public utility for the cost of relocations due to construction, extension, enlargement, or operation of the private toll roadway which shall be the entire amount paid or incurred by the utility properly attributable thereto after deducting the cost of any increase in the service capacity of the new installations, structures, equipment, apparatus, appliances, or facilities and any salvage value derived from the old installations, structures, equipment, apparatus, or appliances.

Senator Crenshaw moved the following amendment which was adopted:

Amendment 2—On page 28, strike all of lines 11 and 12 and insert:

Section 21. Short title.—Sections 22-33 of this act may be cited as the “Florida Expressway Authority Act.”

Section 22. Definitions.—As used in the Florida Expressway Authority Act, the term:

(1) “Agency of the state” means and includes the state and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by, the state.

(2) “Authority” means an expressway authority established pursuant to the Florida Expressway Authority Act.

(3) “Bonds” means and includes the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, which an authority issues pursuant to the Florida Expressway Authority Act.

(4) “County gasoline tax funds” means all the 80-percent surplus gasoline tax funds accruing in each year to the department for use within the geographic boundaries of an expressway authority established pursuant to the Florida Expressway Authority Act under the provisions of s. 9, Art. XII of the State Constitution, after deduction only of any amounts of such gasoline tax funds heretofore pledged by the department or a county for outstanding obligations.

(5) “Department” means the Department of Transportation.

(6) “Division” means the Division of Bond Finance of the Department of General Services.

(7) “Express written consent” means prior express written consent given in the form of a resolution adopted by a board of county commissioners.

(8) “Expressway” means a street or highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be facilities from which trucks, buses, and other commercial vehicles are excluded; or they may be facilities open to use by all customary forms of street and highway traffic.

(9) “Expressway system” means any and all expressways within the geographic boundaries of an expressway authority established pursuant to the Florida Expressway Authority Act and appurtenant facilities thereto, including, but not limited to, all approaches, roads, bridges, and avenues of access for such expressway.

(10) "Federal agency" means and includes the United States, the President of the United States, and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by, the United States.

(11) "Lease-purchase agreement" means a lease-purchase agreement which an authority may enter with the department pursuant to the Florida Expressway Authority Act.

Section 23. Expressway authority; formation; membership.—

(1) Any county, or two or more contiguous counties located within a single district of the department, may, by resolution adopted by the board of county commissioners, form an expressway authority, which shall be an agency of the state, pursuant to the Florida Expressway Authority Act.

(2) The governing body of an authority shall consist of not fewer than five nor more than nine voting members. The district secretary of the affected department district shall serve as a nonvoting member of the governing body of each authority located within the district. Each member of the governing body must at all times during his term of office be a permanent resident of the county which he is appointed to represent.

(a) Two members of the authority shall be appointed for terms of 4 years by the Governor, subject to confirmation by the Senate. Such persons may not hold elective office during their terms of office.

(b) For a single-county authority, the remaining members shall be appointed by the board of county commissioners for terms of 3 years.

(c) For a multicounty authority, the remaining members shall be apportioned, based on the population of such counties, among the counties within the authority. Each such member shall be appointed by the applicable board of county commissioners for a term of 3 years.

(3)(a) The governing body of each authority shall elect one of its members as its chairman and shall elect a secretary and a treasurer who need not be members of the authority. The chairman, secretary, and treasurer shall hold their offices at the will of the authority. A simple majority of the governing body of the authority constitutes a quorum and the vote of a majority of those members present is necessary for the governing body to take any action. A vacancy on an authority shall not impair the right of a quorum of the authority to exercise all of the rights and perform all of the duties of the authority.

(b) Upon the effective date of his appointment, or as soon thereafter as practicable, each appointed member of an authority shall enter upon his duties.

(4)(a) An authority may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, and such engineers and employees, permanent or temporary, as it may require and shall determine the qualifications and fix the compensation of such persons, firms, or corporations. An authority may employ a fiscal agent or agents; however, the authority must solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. An authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of the Florida Expressway Authority Act, subject always to the supervision and control of the authority. Members of an authority may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.

(b) Members of an authority are entitled to receive from the authority their travel and other necessary expenses incurred in connection with the business of the authority as provided in section 112.061, Florida Statutes, but they may not draw salaries or other compensation.

Section 24. Purposes and powers.—

(1)(a) An authority created and established pursuant to the Florida Expressway Authority Act may acquire, hold, construct, improve, maintain, operate, own, and lease an expressway system.

(b) Each authority, in the construction of an expressway system, shall construct expressways. Construction of an expressway system may be completed in segments, phases, or stages, in a manner which will permit the expansion of these segments, phases, or stages to the desired expressway configuration. Each authority, in the construction of an expressway system, may construct any extensions of, additions to, or improvements to, the expressway system or appurtenant facilities, including all neces-

sary approaches, roads, bridges, and avenues of access, with such changes, modifications, or revisions of the project that are deemed desirable and proper. An authority may only add additional expressways to an expressway system, under the terms and conditions set forth in the Florida Expressway Authority Act, with the prior express written consent of the board of county commissioners of each county located within the geographic boundaries of the authority, and only if such additional expressways lack adequate committed funding for implementation, are financially feasible, and are compatible with the existing plans, projects, and programs of the authority.

(2) Each authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including, but not limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, and complain and defend in all courts.

(b) To adopt, use, and alter at will a corporate seal.

(c) To acquire, purchase, hold, lease as lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the authority and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it.

(d) To enter into and make leases, either as lessee or as lessor, in order to carry out the right to lease as set forth in the Florida Expressway Authority Act.

(e) To enter into and make lease-purchase agreements with the department until any bonds secured by a pledge of rentals thereunder, and any refundings thereof, are fully paid as to both principal and interest.

(f) To fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities system, which tolls, rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to the Florida Expressway Authority Act. However, such right and power may be assigned or delegated by the authority to the department.

(g) To borrow money as provided by the State Bond Act. An authority shall reimburse a county for any sums expended, together with interest at the highest rate applicable to the bonds of the authority for which the sums were required, from the county gasoline tax funds for payment of the bonds.

(h) To enter contracts and to execute all instruments necessary or convenient for the carrying on of its business.

(i) Without limitation of the foregoing, to borrow money and accept grants from, and to enter into contracts, leases, or other transactions with, any federal agency, the state, any agency of the state, county, or any other public body of the state.

(j) To have the power of eminent domain, including the procedural powers granted under chapters 73 and 74, Florida Statutes.

(k) To pledge, hypothecate, or otherwise encumber all or any part of the revenues, tolls, rates, fees, rentals, or other charges or receipts of the authority, including all or any portion of county gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department, as security for all or any of the obligations of the authority.

(l) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority in order to carry out the powers granted to it by law.

(3) Any provision of law to the contrary notwithstanding, the consent of any municipality is not necessary for any project of an existing or new authority, whether or not the project lies in whole or in part within the boundaries of the municipality, if the project is consistent with the locally adopted comprehensive plan. However, if a project is inconsistent with the affected municipal comprehensive plan, the project may not proceed without a hearing pursuant to section 120.57, Florida Statutes, at which it is determined that the project is consistent with the adopted metropolitan planning organization transportation improvement plan, if any, and

the applicable regional comprehensive plan, and at which regional interests are determined to clearly override the interests of the municipality.

(4) The use or pledge of all or any portion of county gasoline tax funds may not be made without the prior express written consent of the board of county commissioners of each county located within the geographic boundaries of the authority.

Section 25. Bonds.—Bonds may be issued on behalf of an authority as provided by the State Bond Act.

Section 26. Lease-purchase agreement.—

(1) In order to effectuate the purposes of the Florida Expressway Authority Act, an authority may enter into a lease-purchase agreement with the department relating to and covering an expressway system.

(2) The lease-purchase agreement must provide for the leasing of the expressway system by the authority, as lessor, to the department, as lessee, and must prescribe the terms of such lease and the fees to be paid thereunder.

(3) The lease-purchase agreement may include such other provisions, agreements, and covenants as the authority and the department deem advisable or required, including, but not limited to, provisions as to the bonds to be issued under and for the purposes of the Florida Expressway Authority Act; the completion, extension, improvement, operation, and maintenance of the expressway system and the expenses and cost of operation of the authority; the charging and collection of tolls, rates, fees, rentals, or other charges for the use of the services and facilities thereof; the application of federal or state grants or aid which may be made or given to assist the authority in the completion, extension, improvement, operation, and maintenance of the expressway system, which the authority is authorized to accept and apply to such purposes; the enforcement of payment and collection of tolls, rates, fees, and rentals; and any other terms, provisions, or covenants necessary, incidental, or appurtenant to the making of, and full performance under, such lease-purchase agreement.

(4) Upon the faithful performance thereunder and the termination of such lease-purchase agreement, title in fee simple absolute shall be transferred in accordance with law by the authority to the state. At this point, the department, at its discretion, may provide that any toll, rate, fee, or rental collected may be continued.

(5) The department, as lessee under such lease-purchase agreement, may pay, as rentals thereunder, any tolls, rates, fees, charges, funds, moneys, receipts, or income accruing to the department from the operation of the expressway system and from county gasoline tax funds and may also pay, as rentals, any appropriations received by the department pursuant to any act of the Legislature heretofore or hereafter enacted wherein the appropriations are expressly authorized to be used as rentals for the expressway system.

(6) County gasoline tax funds may not be pledged as rentals under such lease-purchase agreement without the consent of each county located within the geographic boundaries of the authority, evidenced by a resolution duly adopted by the board of county commissioners of each such county at a public hearing held pursuant to due notice thereof published in a newspaper of general circulation in the county at least once a week for 3 consecutive weeks before the hearing. The resolution, among other things, must provide that any excess of the pledged gasoline tax funds which is not required for debt service, or reserves for such debt service, for any bonds issued by the authority be returned annually to the department for distribution to the county as provided by law.

(7) The department may covenant in any lease-purchase agreement that it will pay all or any part of the cost of the operation or maintenance of an expressway system.

(8) Each expressway system shall be a part of the State Highway System as defined in section 334.03, Florida Statutes, and the department may, upon the request of an authority, expend, out of any funds available for the purpose, such moneys, and use such of its engineering and other forces as may be necessary and desirable in the judgment of the department, for the operation of the authority and for traffic surveys, borings, surveys, preparation of plans and specifications, estimates of cost, and other preliminary engineering and other studies.

Section 27. Department may be appointed agent of division for construction.—The department may be appointed by the division as its

agent for the purpose of constructing improvements and extensions to an expressway system and for the completion thereof. In such event, the division shall provide the department with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto; shall request the department to do such construction work, including the planning, surveying, and actual construction of the completion, extensions, and improvements to the expressway system; and shall transfer to the credit of an account of the department in the State Treasury the necessary funds therefor. The department shall thereupon proceed with such construction and use the funds for such purpose in the same manner as it is now authorized to use the funds otherwise provided by law for its use in the construction of roads and bridges.

Section 28. Acquisition of lands and property.—

(1) For the purposes of the Florida Expressway Authority Act, an expressway authority may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for any of the purposes of the Florida Expressway Authority Act, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of an expressway system, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities on the expressway system or in a transportation corridor designated by the authority; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The authority may also condemn any material and property necessary for such purposes.

(2) In the acquisition of land and property, an authority may acquire an entire lot, block, or tract of land if, by so doing, the acquisition costs to the authority will be equal to or less than the cost of acquiring a portion of the property. This subsection is a specific recognition by the Legislature that this means of limiting the rising costs of such property acquisition is a public purpose and that, without this limitation, the viability of many public projects will be threatened.

(3) The right of eminent domain conferred by the Florida Expressway Authority Act must be exercised by each authority in the manner provided by law.

(4) When an authority acquires property for an expressway system or in a transportation corridor as defined in section 334.03, Florida Statutes, it is not subject to any liability imposed by chapter 376 or chapter 403, Florida Statutes, for preexisting soil or groundwater contamination due solely to its ownership. This subsection does not affect the rights or liabilities of any past or future owners of the acquired property nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. An authority and the Department of Environmental Regulation may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

Section 29. Cooperation with other units, boards, agencies, and individuals.—Express authority and power is given and granted to any county, municipality, drainage district, road and bridge district, school district, or other political subdivision, board, commission, or individual in or of this state to enter into contracts, leases, conveyances, or other agreements within the provisions and purposes of the Florida Expressway Authority Act with an authority. An authority may enter into contracts, leases, conveyances, and other agreements, to the extent consistent with chapters 334, 335, 338, 339, and 340, Florida Statutes, and other provisions of the laws of the state and with 23 U.S.C. ss. 101 et seq., with any political subdivision, agency, or instrumentality of the state and any and all federal agencies, corporations, and individuals, for the purpose of carrying out the provisions of the Florida Expressway Authority Act.

Section 30. Covenant of the state.—The state does hereby pledge to, and agrees with, any person, firm, corporation, or federal or state agency subscribing to or acquiring the bonds to be issued by an authority for the purposes of the Florida Expressway Authority Act that the state will not limit or alter the rights hereby vested in an authority and the department until all bonds at any time issued, together with the interest thereon, are fully paid and discharged, insofar as the same affects the rights of the holders of bonds issued hereunder. The state does further pledge to, and

agrees with, the United States that, in the event any federal agency constructs, or contributes any funds for the completion, extension, or improvement of, an expressway system or any part or portion thereof, the state will not alter or limit the rights and powers of an authority and the department in any manner which would be inconsistent with the continued maintenance and operation of the expressway system or the completion, extension, or improvement thereof or which would be inconsistent with the due performance of any agreement between the authority and any such federal agency, and the authority and the department shall continue to have and may exercise all powers granted so long as the same shall be necessary or desirable for carrying out the purposes of the Florida Expressway Authority Act and the purposes of the United States in the completion, extension, or improvement of the expressway system or any part or portion thereof.

Section 31. Exemption from taxation.—The effectuation of the authorized purposes of an expressway authority is in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions. For this reason, each authority is not required to pay any taxes or assessments of any kind or nature whatsoever upon any property acquired by it or used by it for such purposes or upon any revenues at any time received by it. The bonds issued on behalf of an authority, their transfer, and the income therefrom, including any profits made on the sale thereof, are exempt from taxation of any kind by the state or by any political subdivision or other taxing agency or instrumentality thereof. The exemption granted by this section does not apply to any tax imposed under chapter 220, Florida Statutes, on interest, income, or profits on debt obligations owned by corporations.

Section 32. The Florida Expressway Authority Act does not apply in a county in which an expressway authority has been created pursuant to parts I through IX of chapter 348, Florida Statutes, or to a transportation authority which has been created pursuant to chapter 349, Florida Statutes.

Section 33. This act shall take effect January 1, 1991, except that this section and sections 22-33 of this act shall take effect upon becoming a law.

Senator Beard moved the following amendments which were adopted:

Amendment 3—On page 20, between lines 25 and 26, insert:

Section 13. Utility crossings or relocations.—

(1) If the facilities of a public utility are to be crossed or affected by the construction, extension, or enlargement of a private toll roadway, the operator and the public utility shall negotiate a plan for the crossing or relocation of the facilities. A public utility possessing the powers of eminent domain may exercise such powers in connection with the relocation of facilities to the extent that such relocation is made necessary by construction of the private toll roadway, which powers include construction of temporary facilities for the purpose of providing service during the period of construction. An operator shall reimburse any public utility for the cost of relocations due to construction, extension, enlargement, or operation of the private toll roadway which shall be the entire amount paid or incurred by the utility properly attributable thereto after deducting the cost of any increase in the service capacity of the new installations, structures, equipment, apparatus, appliances, or facilities and any salvage value derived from the old installations, structures, equipment, apparatus, or appliances.

(2) Public utilities may use a private toll roadway for the placement of their facilities in the same manner as such utilities use public roads and highways.

(Renumber subsequent sections.)

Amendment 4—On page 8, lines 14, 15, 17, 24, 25 and 27; and on page 9, lines 3, 5, 6, 11, 13 and 14, strike “, to the maximum extent feasible,”

Senator Dudley moved the following amendment which was adopted:

Amendment 5—On page 28, strike all of lines 11 and 12 and insert:

Section 21. Subsection (5) of section 339.402, Florida Statutes, is amended to read:

339.402 Definitions.—As used in this act, the term:

(5) “Project” means any improvement to an existing highway that is included in the adopted 5-year transportation plan or a highway included in the Florida transportation plan developed pursuant to s. 339.155, F.S., or a proposed highway or a portion thereof included in a metropolitan planning organization’s transportation improvement program developed pursuant to s. 339.175, F.S. The Department of Community Affairs shall identify any projects which are not consistent, to the maximum extent feasible, with the approved local government comprehensive plan where the highway is located, and projects found to be inconsistent shall not be eligible projects for the purposes of this act.

Section 22. Subsection (2) of section 339.404, Florida Statutes, is amended to read:

339.404 Authorization of corporations.—

(2) The department may not charge a filing fee for the application. If the department determines that it is advisable that the corporation be so authorized, the department shall also approve the articles of incorporation of, or proposed for, the corporation, and any amendments thereto. The transportation corporation must operate under contract with the department. The department may designate by contract the area or areas of the state in which the corporation may act, and such area or areas may include territory within two or more political subdivisions of the state. The department may authorize, by contract, reimbursement of the corporation for planning, design and permitting costs for projects where the corporation has secured in fee or in escrow 75 percent of the property or cash donations for the right-of-way necessary to construct the project. When reimbursement is sought, the contract shall include, but not be limited to, procedures for department review and pre-approval of all costs incurred and all consultants providing professional services. The department’s agreement to reimburse these costs shall be subject to the appropriation of funds by the Legislature.

Section 23. Subsection (3) of section 339.407, Florida Statutes, is amended to read:

339.407 Articles of incorporation.—A corporation’s articles of incorporation must include:

(3) That the board of directors is appointed by the secretary of the department and that the directors serve at the pleasure of the secretary.

Section 24. Subsection (1) of section 339.408, Florida Statutes, is amended to read:

339.408 Board of directors; advisory directors.—

(1) Each corporation shall have a board of directors in which all powers of the corporation shall be vested and which shall consist of not fewer than three directors, each of whom shall be appointed by the secretary of the department for a term of no more than 4 years and shall be removable from office by the secretary at his discretion for cause. The directors shall serve as such without compensation except that they shall be entitled to be reimbursed for their actual expenses incurred in the performance of their duties, pursuant to s. 112.061.

Section 25. This act shall take effect January 1, 1991.

Senator Crenshaw moved the following amendments which were adopted:

Amendment 6—In title, on page 1, line 2, strike “private toll”

Amendment 7—In title, on page 3, line 16, after the semicolon (;) insert: creating the Florida Expressway Authority Act; providing definitions; providing for creation and membership of expressway authorities; providing purposes and powers; providing for bonds; providing for lease-purchase agreement; providing that the Department of Transportation may be appointed by the Division of Bond Finance of the Department of General Services as an agent of the division for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing for the covenant of the state; providing for exemption from taxation; providing for applicability;

Senator Beard moved the following amendment which was adopted:

Amendment 8—In title, on page 2, line 24, after the semicolon (;) insert: providing for the crossing or relocation of the facilities of public utilities affected by the construction of a private toll roadway;

Senator Dudley moved the following amendments which were adopted:

Amendment 9—In title, on page 3, line 16, after “private toll roadways” insert: amending s. 339.402, F.S.; redefining projects; amending s. 339.404, F.S.; authorizing reimbursement of certain costs; amending ss. 339.407 and 339.408, F.S.; providing for the removal of board of directors for cause; providing an effective date.

Amendment 10—In title, on page 1, line 2, strike “private toll roadways” and insert: transportation

On motion by Senator Beard, by two-thirds vote CS for SB 182 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

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

Nays—2

Plummer Weinstein

On motions by Senator Diaz-Balart, by two-thirds vote CS for HB 229 was withdrawn from the Committees on Health Care; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Diaz-Balart—

CS for HB 229—A bill to be entitled An act relating to epilepsy; amending s. 385.207, F.S.; providing that revenues for implementation of epilepsy prevention and education programs shall be derived pursuant to the provisions of s. 318.18(11), F.S.; creating the Epilepsy Services Trust Fund and providing for investment of funds; providing for rules; amending s. 318.18, F.S.; imposing an additional surcharge on certain civil penalties; providing an effective date.

—a companion measure, was substituted for CS for SB 240 and read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote CS for HB 229 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Deratany

CS for SB 1322—A bill to be entitled An act relating to civil actions; amending s. 895.05, F.S.; providing that a final judgment or decree in favor of the state in any criminal proceeding estops the criminal defendant in subsequent civil actions as to specified matters; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for SB 1322 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Bruner	Crenshaw	Forman
Bankhead	Casas	Davis	Gardner
Beard	Childers, D.	Diaz-Balart	Girardeau
Brown	Childers, W. D.	Dudley	Gordon

Grant	Langley	Plummer	Walker
Grizzle	Malchon	Scott	Weinstein
Jennings	Margolis	Souto	Weinstock
Johnson	McPherson	Stuart	Woodson-Howard
Kirkpatrick	Myers	Thomas	
Kiser	Peterson	Thurman	

Nays—None

Vote after roll call:

Yea—Deratany

CS for SB 1786—A bill to be entitled An act relating to procurement of legal services; amending s. 287.059, F.S.; requiring agencies requesting approval for use of private legal services to report certain information to the Attorney General; requiring agencies to contract with the Attorney General when staffing and expertise are available; requiring initial approval of the Attorney General for legal services procured by the Executive Office of the Governor or a department under the jurisdiction of a Cabinet member; requiring the Attorney General to adopt, by rule, a standard fee schedule for private legal services; requiring agencies to use the fee schedule; providing exceptions; reenacting s. 287.012(4), F.S., relating to contractual services, to incorporate the amendment to s. 287.059, F.S., in a reference thereto; providing an appropriation; providing an effective date.

—was read the second time by title.

Four amendments were adopted to CS for SB 1786 to conform the bill to CS for HB 1443.

Pending further consideration of CS for SB 1786 as amended, on motions by Senator Johnson, by two-thirds vote CS for HB 1443 was withdrawn from the Committees on Judiciary-Civil, Governmental Operations and Appropriations.

On motion by Senator Johnson—

CS for HB 1443—A bill to be entitled An act relating to procurement of legal services; amending s. 287.059, F.S.; requiring agencies requesting approval for use of private legal services to report certain information to the Attorney General; requiring agencies to contract with the Attorney General when staffing and expertise are available; requiring the Attorney General to adopt, by rule, a standard fee schedule for private legal services; requiring agencies to use the fee schedule; providing exceptions; reenacting s. 287.012(4), F.S., relating to contractual services, to incorporate the amendment to s. 287.059, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for CS for SB 1786 and read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for HB 1443 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Johnson	Plummer
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	

Nays—None

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

CS for HB 3123—A bill to be entitled An act relating to state employment; creating s. 110.1091, F.S.; enabling state agencies to provide a program to assist certain employees; amending s. 119.07, F.S.; exempting public records referred to in s. 110.1091, F.S., from the provisions of s. 119.07, F.S., relating to inspection and examination of public records; amending s. 110.123, F.S.; providing a limitation on actions to pay and collect premiums under the state group insurance program; providing that final decisions concerning the existence of coverage or benefits under the state group health insurance plan shall not be delegated by the Department of Administration; amending s. 110.151, F.S.; revising lan-

guage with respect to state officers' and employees' child care services; amending s. 110.161, F.S.; revising language with respect to the pretax benefits program relating to excess funds; amending s. 110.207, F.S.; deleting language requiring the department to make classification changes in the career service within a certain time period after action by an agency; amending s. 110.227, F.S.; revising language with respect to demotions and similar actions; amending s. 110.602, F.S.; revising language with respect to the number of positions in the Selected Exempt Service; providing an effective date.

—a companion measure, was substituted for CS for SB 1814 and by two-thirds vote read the second time by title. On motion by Senator Thomas, by two-thirds vote CS for HB 3123 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Johnson	Souto
Bankhead	Diaz-Balart	Kirkpatrick	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	

Nays—None

Senator W. D. Childers presiding

On motions by Senator Jennings, by two-thirds vote CS for HB's 1143, 1581 and 1583 was withdrawn from the Committees on Finance, Taxation and Claims; and Regulated Industries.

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

CS for HB's 1143, 1581 and 1583—A bill to be entitled An act relating to the Beverage Law; creating s. 561.026, F.S.; creating the Alcoholic Beverage and Tobacco Forfeiture and Investigative Trust Fund; amending s. 561.12, F.S.; providing for a cross reference to provide an exception to the deposit of funds under the Beverage Law; amending s. 561.17, F.S., including the Division of Hotels and Restaurants of the Department of Business Regulation as an organization which provides a certificate which shall accompany application for a license for consumption on the premises; amending s. 561.331, F.S.; revising language with respect to temporary licenses to provide for the extension of a temporary license by the Division of Alcoholic Beverages and Tobacco; repealing s. 561.506, F.S., relating to payment of taxes by the wholesaler; repealing s. 565.15, F.S., relating to price affirmation; amending s. 932.704, F.S.; revising language with respect to forfeiture proceedings to make reference to the Alcoholic Beverage and Tobacco Forfeiture and Investigative Trust Fund; establishing the Wildlife Law Enforcement Trust Fund within the Game and Fresh Water Fish Commission to provide moneys for the law enforcement activities of the commission and to provide moneys to conduct public educational programs relating to the enforcement of such regulations; amending s. 932.704, F.S.; providing that moneys derived from the sale of contraband property forfeited to the commission pursuant to ch. 932, F.S., must be deposited into the trust fund; amending s. 562.452, F.S.; revising language with respect to curb service of intoxicating liquor; amending s. 561.20, F.S.; authorizing issuance of special licenses to certain American Legion Posts and restricting use of revenue from sale of alcoholic beverages by the posts so licensed; providing an annual license fee; repealing s. 561.506, F.S., to delete obsolete provisions relating to tax payments by wholesalers; repealing s. 562.37, F.S., relating to prima facie evidence that the federal tax is not paid; repealing s. 562.39, F.S., relating to the disposition and appraisal of property seized under the Beverage Law; repealing s. 562.40, F.S., relating to forfeiture proceedings; repealing s. 562.401, F.S., relating to the delivery of property to the claimant; repealing s. 562.402, F.S., relating to the proceeding when no claim is filed; repealing s. 562.403, F.S., relating to proceedings when a claim is filed; repealing s. 562.404, F.S., relating to the provision allowing the attorney for the board of county commissioners to represent the state in certain proceedings; repealing s. 562.405, F.S., relating to the judgment of forfeiture; repealing s. 562.406, F.S., relating to fees for services; repealing s. 562.407, F.S., relating to the disposition of proceeds of forfeiture;

repealing s. 565.15, F.S., relating to affirmation of price of distilled spirits; providing effective dates.

—a companion measure, was substituted for CS for SB 954 and CS for SB 956 and by two-thirds vote read the second time by title. On motion by Senator Jennings, by two-thirds vote CS for HB's 1143, 1581 and 1583 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Abstention from Voting

I abstain from voting on CS for HB's 1143, 1581 and 1583 because of a possible conflict of interest.

Helen Gordon Davis, 23rd District

Reconsideration

On motion by Senator Stuart, the Senate reconsidered the vote by which—

CS for HB 967—A bill to be entitled An act relating to state government; creating the State Employee Telecommuting Act; providing definitions; requiring the Department of Administration to establish a state employee telecommuting program; providing powers and duties of the department; providing for rules; authorizing state agencies to conduct telecommuting pilot programs; providing requirements for such pilot programs; establishing a telecommuting program advisory council; requiring a report; providing for the applicability of the act; providing an appropriation; providing for future legislative review and repeal; providing an effective date.

—passed this day.

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Stuart and adopted by two-thirds vote:

Amendment 1—On page 4, strike all of lines 21-30 and insert:

(1) *There is created a 13-member telecommuting advisory council to advise the department on any matter relating to the state employee telecommuting program.*

(2) *The Governor and each member of the Cabinet shall appoint a representative to serve on the advisory council. Additional members to be appointed by the Governor shall be:*

(a) *One member from the State Energy Office;*

(b) *Two members who represent the remaining executive agencies; and*

(c) *One member who shall*

On motion by Senator Stuart, CS for HB 967 as amended was read 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	McPherson	Weinstein
Childers, D.	Gordon	Meek	Weinstock
Childers, W. D.	Grant	Myers	Woodson-Howard
Crenshaw	Grizzle	Plummer	
Davis	Jennings	Scott	
Deratany	Johnson	Souto	

Nays—None

CS for SB 1564—A bill to be entitled An act relating to unemployment compensation; amending s. 443.091, F.S., modifying benefit eligibility conditions for certain claims, and reenacting s. 443.151(3)(a), F.S., relating to determination of claims, to incorporate said amendment in a reference; amending s. 443.111, F.S.; modifying the formula for determining the total amount of benefits to which a claimant may be entitled; providing an effective date.

—was read the second time by title. On motion by Senator Souto, by two-thirds vote CS for SB 1564 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Stuart, Weinstein

On motions by Senator Thomas, by two-thirds vote CS for HB 3167 was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Thomas—

CS for HB 3167—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, and 665.082, F.S.; providing a timeframe for the payment of certain fees and assessments of certain financial institutions; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 1602 and read the second time by title. On motion by Senator Thomas, by two-thirds vote CS for HB 3167 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	Stuart
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

CS for HB 1319—A bill to be entitled An act relating to bridge designations; designating a bridge on State Road 826 in Dade County as the Daniel D. Diefenbach 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 Margolis, by two-thirds vote CS for HB 1319 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 2547—A bill to be entitled An act relating to agricultural commodity insect control; amending s. 593.113, F.S.; requiring the Department of Agriculture and Consumer Services to conduct certain referenda relating to boll weevil control programs; providing conditions for referenda; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 2547 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deratany

HB 1645—A bill to be entitled An act relating to weapons and firearms; amending s. 790.001, F.S.; amending the definition of “destructive device,” and reenacting ss. 775.087(2)(a) and 790.145(1), F.S., relating to mandatory minimum sentencing and possession of weapons in pharmacies, to incorporate said amendment in references thereto; amending s. 790.161, F.S.; revising penalty provisions relating to destructive devices and adding as an element of the offense that it be willful and unlawful; amending ss. 790.1615 and 790.162, F.S., to conform; amending s. 790.165, F.S.; revising the definition of “hoax bomb” and excepting security personnel from certain penalty provisions; creating s. 790.1612, F.S.; providing authorization for certain governmental manufacture, possession, and use of destructive devices; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendment:

Amendment 1—On page 8, between lines 13 and 14, insert:

Section 8. Subsection (18) is added to section 790.001, Florida Statutes, 1988 Supplement, to read:

790.001 Definitions.—The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this chapter, except where the context otherwise requires:

(18) “Assault weapon” means any semiautomatic action, center fire rifle, carbine, or pistol which accepts a detachable magazine or clip with a capacity of 10 rounds of ammunition or more, including, but not limited to, the following weapons or any substantially similar copies thereof, regardless of the manufacturer or county of origin:

(a) AR-15 semiautomatic assault rifles.

(b) Uzi semiautomatic assault rifles, carbines, and pistols.

(c) Ingram Mac-10 and Mac-11 semiautomatic assault carbines and pistols.

(d) Heckler and Koch series 91, 93, and 94 semiautomatic assault rifles and carbines.

(e) Armalite AR-180 semiautomatic assault rifles.

(f) AK-47 semiautomatic assault rifles.

(g) AKM-47 semiautomatic assault rifles.

(h) All Automat Kalashnikov weapons.

(i) M1-A semiautomatic assault rifles.

(j) M-14 semiautomatic assault rifles.

(k) Thompson semiautomatic carbines.

(l) All semiautomatic carbines manufactured by Auto Ordnance.

(m) Shotguns of the type known as "Street Sweeper."

Section 9. Section 790.223, Florida Statutes, is created to read:

790.223 Sale of assault weapons, clips, or magazines prohibited; exception for use by law enforcement officers; penalty.—

(1) It is unlawful for any person to sell, offer or display for sale, give, lend, or transfer ownership of:

(a) Any assault weapon;

(b) Any weapon which may readily be restored to an operable assault weapon; or

(c) Any magazine or clip which may be attached to an assault weapon with a capacity of more than 10 rounds of ammunition.

(2) This section does not prohibit the acquisition of any assault weapon, or magazine or clip therefor, by any agency for use by a law enforcement officer.

(3) Any person who violates this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Renumber subsequent section.)

Points of Order

Senator Dudley raised a point of order that the amendment was not germane to the bill and that pursuant to Rule 7.1 was therefore out of order.

Senator Langley further raised a point of order that the amendment was the substance of a bill which had not been reported by a Senate committee and pursuant to Rule 7.1 was therefore out of order.

The President requested that Senator Scott appoint a committee to review the points of order.

Further consideration of **HB 1645** with pending **Amendment 1** was deferred.

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.

—was read the second time by title.

Senator Thurman moved the following amendment which was adopted:

Amendment 1—On page 4, line 27, strike "Section" and insert: *Subsection*

Senator Peterson moved the following amendments which were adopted:

Amendment 2—On page 1, between lines 27 and 28, insert:

Section 1. Applicability.—The provisions of this act apply only to specified mineral acids when stored in aboveground tanks. The purpose of this act is to prevent the release of specified mineral acids from aboveground tanks and to register the aboveground tanks in which specified mineral acids are stored.

Section 2. Definitions.—As used in this act, the term:

(1) "Aboveground" means that more than 90 percent of a tank volume is not buried below the ground surface. An aboveground tank may either be in contact with the ground or elevated above it.

(2) "Containment and integrity plan" or "CIP" means a document designed, created, and maintained at a facility, which shall be considered a public record and made available pursuant to the provisions of chapter 119, Florida Statutes, and which sets forth the procedures for the inspection and maintenance program for aboveground tanks at that facility which store specified mineral acids. That program shall be designed for the chemical and physical characteristics of the specific mineral acid stored and for the specific materials of construction of the aboveground tank. The CIP shall be designed to ensure control of the specific mineral acid stored in an aboveground tank for the expected lifetime, as determined by standard engineering practices, of the materials of construction of the specific aboveground tank in which that mineral acid is stored.

(3) "Department" means the Department of Environmental Regulation.

(4) "Facility" means any nonresidential location or part thereof containing an aboveground tank or aboveground tanks which contain specified mineral acids, which have an individual storage capacity greater than 110 gallons.

(5) "Flow-through process tank" means a tank in industrial commercial operations in which, during use, there is a mechanical, physical, or chemical change of the substance in the tank taking place. The processing operation creating the change in the substance may include mixing, separating, chemical altering, dehydrating, extracting, refining, polishing, cooling, or heating of the substance in the tank.

(6) "Liner" means an artificially constructed material of sufficient thickness, density, and composition that will contain the discharge of any specified mineral acid from an aboveground tank until such time as the mineral acid can be neutralized and/or removed. The liner shall prevent any escape of specified mineral acids or accumulated liquid to the soil or to the surface water or groundwater except through secondary containment.

(7) "Mineral acids" means hydrobromic acid (HBr), hydrochloric acid (HCl), hydrofluoric acid (HF), phosphoric acid (H₃PO₄), and sulfuric acid (H₂SO₄), including those five acids in solution, if at least 20 percent by weight of the solution is one of the five listed acids.

(8) "Nonresidential" means that the tank is not used at a private dwelling.

(9) "Operator" means any person operating a facility whether by lease, contract, or other form of agreement.

(10) "Owner" means any person owning an aboveground tank subject to this act.

(11) "Permitted wastewater treatment system" means a facility to which the department has issued a permit to treat wastewater and release the treated product into the environment.

(12) "Secondary containment" means a system that is used for release prevention, and may include one or more of the following devices:

(a) A double-walled tank;

(b) An external liner; or

(c) A system or structure constructed such that any accidental release from an aboveground tank would be collected by a drainage system within the system or structure and routed to a permitted wastewater treatment system, plant recirculating process system, or approved alternate containment system.

(13) "Stationary" means a tank or tanks not meant for multiple site use or a tank or tanks which remain in one location at the facility site for a period of 180 days or longer.

(14) "Tank" means a stationary device which is constructed primarily of nonearthen materials (e.g., concrete, metal, plastic, glass) that provides structural support and is designed primarily to contain mineral acids. Connected piping from the tank to and including the nearest cut-off valve shall be considered part of the tank for purposes of this definition. "Tank" does not include flow-through process tanks which are tanks used in industrial or commercial operations in which, during use, there is a mechanical, physical, or chemical change of the substance in the tank taking place, which change may result from mixing, separating, chemical altering, dehydrating, extracting, refining, polishing, cooling, or heating of the substance in the tank.

Section 3. Powers and duties of the department.—The department shall have the power and duty to:

(1) Contract with local governments as needed to perform any of its duties under this act.

(2) Establish a program to register tanks subject to the provisions of this act.

(3) Adopt rules to implement this act.

(4) Enforce the provisions of this act pursuant to the provisions of sections 403.121 and 403.161, Florida Statutes.

(5) Require that facilities covered by this act be subject to thorough and complete inspections at reasonable times. The provisions of section 403.091, Florida Statutes, shall apply to such inspections. Any facility which has discharged a pollutant in violation of sections 376.30-376.319, Florida Statutes, shall be fully and carefully monitored by the department to ensure that such discharge does not continue. The department shall issue to the tank owner or operator one registration certificate per facility, covering all tanks at that facility which have been properly registered, as evidence of the completion of the registration requirement.

Section 4. Registration.—All tanks shall be registered no later than July 1, 1991. Registrations shall be renewed annually. Registration fees shall not exceed \$1,000 per facility. The department shall develop by rule a fee schedule sufficient to cover the costs associated with registration, inspection, surveillance, and other activities associated with this act. Revenues from such fees collected shall be deposited into the Water Quality Assurance Trust Fund, and shall be used to implement the provisions of this act.

Section 5. Containment and integrity plan.—

(1) The owner or operator of each tank subject to the provisions of this act shall prepare and have in place a containment and integrity plan (CIP) for the facility, which plan shall detail the facility's inspection and maintenance program for each tank at the facility which is subject to the provisions of this act. The CIP shall incorporate procedures and requirements designed to minimize the risk of spills, releases, and discharges from tanks subject to this act. The CIP shall also address construction materials, secondary containment, preventive maintenance, treatment and disposal, and discharge response and cleanup procedures.

(2) A professional engineer registered in the state shall certify that the tanks covered by the CIP for that facility have been inspected and maintained in accordance with the CIP and that the integrity and containment of the tanks has not been compromised. The CIP shall be reviewed and updated every 2 years.

(3) The CIP shall be maintained and made available for audit by the department at the facility at any reasonable time and shall be made available to the public upon request.

(4) The inspection and maintenance program detailed in the CIP shall be in place at each facility not later than July 1, 1991.

Section 6. (1) As an alternative to the requirements of section 5, an owner or operator may choose to provide the department with certification by a professional engineer that no aboveground tank at the facility is in direct contact with the ground, and under and around each tank has been placed and sealed to its supports a secondary containment system which is either:

(a) Designed and built to contain in excess of 110 percent of the capacity of the largest tank within the containment; or

(b) Equipped with a drainage system routed to a permitted wastewater treatment system that is designed and built to contain any accidental release.

(2) Each facility subject to this section shall provide to the department by July 1, 1991, an inspection and maintenance program that shall be reviewed and approved every 2 years.

Section 7. Nothing in this act shall be construed to exclude aboveground storage tanks from the application of section 376.317, Florida Statutes.

Section 8. There is hereby appropriated 8 full time equivalent positions and \$322,327 from the Water Quality Assurance Trust Fund for the Department of Environmental Regulation in Fiscal Year 1990-1991 to implement the provisions of this act.

(Renumber subsequent sections.)

Amendment 3—In title, on page 1, strike line 2 and insert: An act relating to environmental protection and storage; providing applicability; providing definitions; providing powers and duties of the Department of Environmental Regulation; providing for annual registration of tanks; providing for fees; providing for deposit of such fees in the Water Quality Assurance Trust Fund; providing for rules; providing a containment and integrity plan for each facility; providing for an inspection and maintenance program; requiring procedures and requirements to minimize risk of spills, releases, and discharges; providing for biennial review of plans; providing further requirements; providing for department audit; providing timeframes; providing alternative requirements; providing that aboveground tanks are not excluded from s. 376.317, F.S., relating to local ordinances; providing an appropriation;

On motion by Senator Thurman, by two-thirds vote CS for CS for SB 2702 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	Diaz-Balart	Kirkpatrick	Plummer
Bear	Dudley	Kiser	Souto
Brown	Forman	Langley	Stuart
Bruner	Gardner	Malchon	Thomas
Casas	Girardeau	Margolis	Thurman
Childers, D.	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Johnson	Peterson	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Deratany

On motion by Senator Margolis, the following remarks were published in the Journal:

Senator Margolis: In the Commercial Coatings case, mineral spirits was declared eligible under the State Underground Petroleum Environmental Response Act (Super Act), and the Florida Department of Environmental Regulation entered into a stipulation which would make the commercial coatings case controlling on another mineral spirits spill site. Is it the intent of the Florida Legislature to abrogate that stipulation and to deny eligibility to the site covered by that stipulation?

Senator Thurman: No.

Senator Woodson-Howard: Does the bill cover the phosphate industry and require them to come under inspection and any other regulation that is required of others in this bill relating to acids?

Senator Peterson: Yes.

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

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 SB 322 with amendments and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 322—A bill to be entitled An act relating to motor vehicles; amending s. 320.8231, F.S.; requiring certain trailer hitches to conform to specified standards; providing an effective date.

House Amendment 1—On page 2, line 1, insert:

Section 2. A new section is added to chapter 320, Florida Statutes, to read:

All procedures and remedies specified in ss. 320.641 and 320.697 shall be available to a distributor whose distributor agreement is discontinued, cancelled, not renewed, modified, or replaced by an importer.

(Renumber subsequent sections.)

House Amendment 2—On page 1, line 4, after the semicolon (;) insert: adding a new section to chapter 320, F. S.; making certain procedures and remedies applicable to distributor agreements;

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

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

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SPECIAL ORDER, continued

On motions by Senator Girardeau, by two-thirds vote CS for CS for HB 833 and HB 3635 was withdrawn from the Committees on Corrections, Probation and Parole; Judiciary-Criminal; and Appropriations.

On motion by Senator Girardeau—

CS for CS for HB 833 and HB 3635—A bill to be entitled An act relating to the criminal justice and corrections system; creating s. 775.0847, F.S.; providing felony drug abuser and habitual felony drug offender definitions, criteria, procedures, and penalties, including placement of felony drug abusers in drug punishment programs, and providing for extended term sentences for habitual felony drug offenders; amending s. 893.13, F.S.; itemizing controlled substances violations; providing felony drug abuser and habitual felony drug offender penalties and, with the exception of selling controlled substances near a school, deleting references to habitual felony offender penalties; amending s. 893.15, F.S., relating to rehabilitation, to conform; amending chapter 953, F.S.; creating the "Florida Drug Punishment Act of 1990" and providing findings, purpose, and intent; providing definitions for the drug punishment program; providing drug offender eligibility criteria; providing standards and procedures; providing drug punishment program goals and comprehensive assessment services and rehabilitative punishment and treatment components; providing for initial screening of drug offenders for program eligibility and providing for a drug punishment treatment community comprehensive assessment program; requiring consent to treatment and release of records as a condition of drug punishment probation; providing for drug punishment program financial eligibility, funds, and community-based options; requiring accounting, auditing, and specified compli-

ance; providing for immunity from civil and criminal liability; providing for program records and recordkeeping; requiring implementation of a statewide tracking system; providing a drug punishment program for drug offenders, through designated treatment communities within the judicial circuits and specified treatment phases; requiring the Department of Corrections to contract with a statewide drug punishment program manager; providing for discipline in and termination from treatment programs and authorizing sentencing of an offender terminated from the drug punishment program; providing a core treatment program; creating the Drug Offender Advisory Board and providing membership and duties, including drug punishment program oversight; providing for a quality control program conducted by the statewide program manager; providing an evaluation program; providing for financial considerations; amending ss. 921.187, 944.026, 948.03, and 948.06, F.S., relating to disposition and sentencing, community-based facilities and programs, terms and conditions of probation, and probation violation and revocation, to conform; requiring the Department of Corrections to provide procedure for probation officer referrals of drug offenders to program comprehensive assessments; creating s. 775.0844, F.S.; providing penalties for habitual violent felony offenders; providing definitions and criteria; delineating violent felonies; providing procedure; providing for extended term sentences; amending s. 775.0842, F.S., relating to career criminal prosecutions, to conform, and reenacting s. 775.0843(5), F.S., relating to policy for career criminal cases, to incorporate said amendment in a reference thereto; amending ss. 775.0875, 782.04, 782.07, 784.021, 784.045, 787.01, 790.161, 790.1615, 790.19, 794.011, 794.041, 800.04, 806.01, 806.031, 806.111, 810.02, 812.13, 827.03, 827.071, and 843.01, F.S., relating to unlawful taking or use of a law enforcement officer's firearm, murder, manslaughter, aggravated assault, aggravated battery, kidnapping, unlawful use of a destructive device, unlawful discharge of a destructive device or bomb, unlawful shooting or throwing of a deadly missile, sexual battery, sexual activity with a child by a person in familial or custodial authority, lewdness in the presence of a child, arson, arson resulting in bodily harm, unlawful use of a fire bomb, burglary, robbery, aggravated child abuse, inducing or promoting sexual performance by a child, and resisting an officer with violence; delineating offenses as violent felonies for purposes of habitual violent felony offender penalties and deleting reference to nonviolent habitual felony offender penalties; amending s. 316.545, F.S., relating to motor fuel tax enforcement, to conform; amending s. 893.135, F.S.; providing for habitual violent felony offender sentencing for trafficking violations; amending ss. 921.001, 921.18, 944.277, 944.291, 944.598, 947.135, 947.1405, and 947.146, F.S., relating to the Sentencing Commission, indeterminate sentences for noncapital felonies, provisional credits, prisoners released by reason of gain-time or provisional credits, emergency release of prisoners, mutual participation programs, conditional release programs, and the Control Release Authority; revising provisions relating to the sentencing, incarceration, and release of habitual offenders, to provide for substantially enhanced terms of imprisonment for habitual violent felony offenders and to delete such provision with respect to nonviolent felony offenses committed after the effective date of the act; repealing s. 775.084, F.S., relating to habitual felony offenders and habitual violent felony offenders; directing that references to s. 775.084, F.S., appearing in sections of the Florida Statutes not amended in the act be deleted; repealing ss. 953.01, 953.02, 953.21, 953.22, 953.23, 953.24, 953.31, 953.32, 953.33, 953.34, 953.41, 953.61, and 953.62, F.S., relating to the STOP program; providing effective dates.

—a companion measure, was substituted for CS for SB's 1884 and 764 and read the second time by title.

Senator Girardeau moved the following amendments which were adopted:

Amendment 1—On page 8, line 21, through page 22, line 12, strike all of said lines and renumber subsequent sections.

Amendment 2—On page 69, line 6, through page 101, line 24, strike all of said lines and renumber subsequent sections.

Amendment 3—On page 25, line 10; on page 27, line 4; on page 35, line 10; and on page 37, line 8, strike "nonprofit"

Amendment 4—On page 27, line 16; on page 29, line 7; and on page 30, lines 1 and 2, strike "not-for-profit"

Amendment 5—On page 27, line 20, after "953.004." insert: *The statewide program manager shall not be a recipient of contractual services for the assessment, treatment, or evaluation of offenders under this act.*

Amendment 6—On page 29, line 6, strike “approval of” and insert: *recommendation by*

Amendment 7—On page 35, lines 21-23, strike “the Drug Offender Advisory Board, in a form to be determined by the department, which form includes” and insert: *the department, which includes*

Amendment 8—On page 38, line 17, strike “of the Drug Offender Advisory Board” and insert: *of a recipient shall be*

Amendment 9—On page 41, line 22, through page 42, line 2, strike all of said lines

Amendment 10—On page 50, strike all of lines 23-26 and insert:

(a) *The department shall develop and implement standards for providing supervision of the offender, which shall be comparable to those associated with the community control program.*

Amendment 11—On page 52, lines 1-31, through page 53, line 8, strike all of said lines and insert: *An offender placed in the drug punishment program as a result of a condition of probation is subject to revocation of probation as provided in s. 948.06. The department shall assign a probation officer to the facility providing services as provided in s. 953.25. The treatment provider shall report to the assigned probation officer such behavior which may constitute a violation of any of the conditions of probation. The provider shall recommend to the probation officer what action should be taken with respect to the alleged violations and the officer shall provide a report to the court with recommendations.*

Amendment 12—On page 56, line 21, strike “shall” and insert: *may*

Amendment 13—On page 59, line 4, strike “Participate in” and insert: *Recommend*

Amendment 14—On page 59, line 7, strike “Adopt” and insert: *Recommend*

Amendment 15—On page 59, line 8, strike “Adopt” and insert: *Recommend*

Amendment 16—On page 59, strike all of lines 19-21 and insert:

(4) *No member of the board shall be a recipient of contractual services for the assessment, treatment, or evaluation of offenders under this act.*

Amendment 17—On page 27, line 13, after “counseling” insert: *No drug punishment program shall be approved which has a residential capacity of 150 or more offenders in any one phase. No program provider shall be eligible for more than three contracts statewide*

Amendment 18—In title, on page 1, strike all of lines 3-17 and insert: *corrections system; amending chapter*

Amendment 19—In title, on page 3, line 3, through page 4, line 30, strike all of said lines and insert: *repealing ss. 953.01, 953.02, 953.21,*

On motion by Senator Girardeau, by two-thirds vote CS for CS for HB 833 and HB 3635 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	Plummer	

Nays—None

On motions by Senator Peterson, by two-thirds vote HB 2611 was withdrawn from the Committees on Judiciary-Criminal, Higher Education and Appropriations.

On motion by Senator Peterson—

HB 2611—A bill to be entitled An act relating to criminal justice training; creating s. 943.1755, F.S.; providing findings; creating the Florida Criminal Justice Executive Institute within the Department of Law Enforcement and affiliated with the State University System; specifying duties of the Board of Regents; creating a policy board to guide and direct the institute; providing membership and terms; providing for per diem and travel expenses; requiring a report to the presiding officers of the Legislature; providing an effective date.

—a companion measure, was substituted for SB 1542 and read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 2611 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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	
Diaz-Balart	Kirkpatrick	Souto	

Nays—None

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.

—was read the second time by title.

Senator Peterson moved the following amendments which were adopted:

Amendment 1—On page 5, lines 1-17, strike all of said lines and insert:

(9) ~~The Chancellor of the Board of Regents, the Executive Director of the State Board of Community Colleges, and the Commissioner of Education shall appoint An advisory committee composed of representatives from the State University System, the State Community College System, the public school districts, private or community-based associations with similar programs and objectives, the Postsecondary Education Planning Commission, and the Department of Education, including, but not limited to, the equal opportunity coordinator for each sector or body represented. The committee shall review the proposals and recommend to the Board of Regents or State Board of Education Community Colleges, as appropriate, an order of priority for funding the proposals. Proposals shall be funded competitively. The advisory committee shall consist of nine members and shall be established as follows:~~

(a) *The two equal opportunity coordinators for the Community College System and the State University System;*

(b) *Two representatives of private or community-based associations which have similar programs, appointed by the President of the Senate and the Speaker of the House of Representatives, respectively;*

(c) *One representative of the State University System, appointed by the Chairman of the Board of Regents;*

(d) *One representative of the Community College System, appointed by the Chairman of the State Board of Community Colleges;*

(e) *One representative of the Independent Colleges and Universities of Florida, appointed by the President of the Independent Colleges and Universities of Florida;*

(f) One representative of a public school district, appointed by the Commissioner of Education; and

(g) One representative of the Postsecondary Education Planning Commission, appointed by the chairman of the commission.

Amendment 2—In title, on page 1, line 9, after the semicolon (;) insert: revising the membership of the advisory committee appointed to review proposals;

On motion by Senator Peterson, by two-thirds vote CS for SB 2740 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	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

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.

—was read the second time by title.

Senator Dudley moved the following amendment which failed:

Amendment 1—On page 2, strike all of lines 15-18 and insert:

2. The tax authorized by this paragraph shall be levied in all portions of the county, and must be levied at a uniform rate of 1 percent or 2 percent within the county, as determined by the ordinance

The vote was:

Yeas—9

Brown	Dudley	Johnson
Bruner	Grant	Langley
Childers, D.	Grizzle	Plummer

Nays—22

Bankhead	Forman	Margolis	Walker
Beard	Gardner	McPherson	Weinstein
Childers, W. D.	Girardeau	Meek	Weinstock
Davis	Gordon	Stuart	Woodson-Howard
Deratany	Kiser	Thomas	
Diaz-Balart	Malchon	Thurman	

On motion by Senator Weinstock, by two-thirds vote CS for CS for SB 1578 was read the third time by title and failed to pass. The vote was:

Yeas—16

Casas	Forman	Margolis	Stuart
Crenshaw	Gordon	McPherson	Weinstein
Davis	Kiser	Meek	Weinstock
Deratany	Malchon	Peterson	Woodson-Howard

Nays—18

Bankhead	Childers, W. D.	Johnson	Thomas
Beard	Diaz-Balart	Kirkpatrick	Thurman
Brown	Dudley	Langley	Walker
Bruner	Grant	Plummer	
Childers, D.	Grizzle	Souto	

CS for SB's 1766 and 726—A bill to be entitled An act relating to the Inmate Welfare Trust Fund; amending s. 945.215, F.S.; revising certain purposes for the appropriation of money to the fund; prohibiting certain expenditures; providing for appropriation of the interest to the fund and to the Bureau of Crimes Compensation and Victim and Witness Services for purposes of victim compensation; providing contraband forfeiture proceeds to the Bureau of Crimes Compensation and Victim and Witness Services for purposes of victim compensation; providing an effective date.

—was read the second time by title.

Senator Bruner moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 16 and 17, insert:

Section 1. Paragraph (o) of subsection (1) of section 944.09, Florida Statutes, is amended to read:

944.09 Rules of the department; offenders, probationers, and parolees.—

(1) The department shall adopt rules governing the administration of the correctional system and the operation of the department, which rules shall relate to:

(o) Mail to and from inmates, including rules specifying the circumstances under which an inmate must pay for the cost of postage for mail that he sends. The department may not adopt a rule that requires an inmate to pay any postage costs that the state is constitutionally required to pay.

Section 2. Paragraph (g) is added to subsection (1) of section 944.516, Florida Statutes, to read:

944.516 Money or other property received for personal use or benefit of inmate; deposit; disposition of unclaimed trust funds.—The Department of Corrections shall protect the financial interest of the state with respect to claims which the state may have against inmates in state institutions under its supervision and control and shall administer money and other property received for the personal benefit of such inmates. In carrying out the provisions of this section, the department may delegate any of its enumerated powers and duties affecting inmates of an institution to the superintendent or regional director who shall personally, or through designated employees of his personal staff under his direct supervision, exercise such powers or perform such duties.

(1) The Department of Corrections may:

(g) Establish, by rule, a limit on each inmate's trust account, including the interest earned thereon, and deduct from any moneys in the inmate's trust account exceeding that limit moneys sufficient to pay for the cost of postage of any mail sent by the inmate which postage the state is not constitutionally required to pay.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, strike all of lines 2-5 and insert: An act relating to inmates of the state correctional system; amending s. 944.09, F.S.; requiring the Department of Corrections to adopt rules to require inmates to pay postage costs for certain types of mail they send, under certain circumstances; amending s. 944.516, F.S.; authorizing the department to use moneys from an inmate's trust account to pay such postage costs, under certain circumstances; amending s. 945.215, F.S.; revising certain purposes for the appropriation of money to the Inmate Welfare Trust Fund; prohibiting certain expenditures;

On motion by Senator Forman, by two-thirds vote CS for SB's 1766 and 726 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	Diaz-Balart	Kirkpatrick	Stuart
Brown	Dudley	Kiser	Thomas
Bruner	Forman	Langley	Thurman
Casas	Gardner	Malchon	Walker
Childers, D.	Girardeau	Margolis	Weinstein
Childers, W. D.	Gordon	Meek	Weinstock
Crenshaw	Grant	Peterson	Woodson-Howard
Davis	Grizzle	Plummer	
Deratany	Johnson	Souto	

Nays—None



Journal of the Senate

Number 18

Tuesday, May 29, 1990

CALL TO ORDER

The Senate was called to order by the President at 9:40 a.m. A quorum present—40:

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

Excused: Periodically, conferees on Finance and Taxation

PRAYER

The following prayer was offered by Dr. Keith Thomas, Pastor, First Baptist Church, West Palm Beach:

Father, we want to pause to praise you because you are Jehovah and as Jehovah you're the sovereign one who knows the end from the beginning. We praise you for another gracious and extravagant display of your grace in giving us this day. We are grateful that you still want to do something in a special way to bless us and display your love for us. We thank you that you're faithful, that you're merciful and, Lord, as an intercessor I want to pray for these leaders and thank you for our country and thank you for our great state.

Lord, I pray that you would infuse them with wisdom and strength to lead us into a society marked by tranquility, dignity and godliness; Lord, that you'd give them wisdom to know right and the courage to do it; Lord, that you'd engineer circumstances to help them see how much you love them and how much you care for them.

Lord, I pray that there would be a spirit of harmony and that righteousness would prevail. Lord, I pray that you would not only bless them, but that you would bless their families and their loved ones. Place a mighty wall of protection around each one of them.

Lord, I pray in a special way that today in the midst of pressure as Jehovah Shalom, you would minister peace; Lord, that in the midst of their weakness that as El Shaddai you'd give them your strength; and Lord, I pray that in the midst of all the adversity and the stress that they would sense your presence as Jehovah Shemaiah. Lord, I pray that you'd bless them above their highest expectations and I pray all of this in the sweet name of the Lord Jesus Christ. Amen.

Special Performance

Senator Don Childers introduced Bill Keith, Associate Pastor and Minister of Music, First Baptist Church, West Palm Beach; and his wife Anna Keith, Professor of Voice at Palm Beach Atlantic College, who sang "My People."

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 29, 1990: SB 2506, CS for SB 2272, SB 2496, CS for HB 55, SB 3028, SB 1118, CS for SB 1304, CS for SB 1318, CS for CS for SB 1620, SB 2732, CS for SB 2536, CS for SB 1696, CS for SB 336, CS for SB 664, SB 424, CS for SB 1042, SB 252, SB 348, SB 820, CS for SB 1676, CS for SB 788, CS for SB 998, CS for SB 20, CS for SB's 1674 and 1016, SB 1554, CS for SB's 1120 and 2610, CS for SB 1004, SB 912, CS for SB 600, CS for CS for CS for SB 114, SB 964, SB 928, CS for CS for SB's 1068 and 22, CS for SB 1048, CS for SB 862, CS for SB 1208, CS for SB's 1452, 2818 and 1254, CS for SB 2256, SB 1044, CS for SB 2902, SB 2144, CS for SB 2598, CS for SB 2744, CS for SB 344, CS for CS for SB 2194, CS for SB 2952

Respectfully submitted,
James A. Scott, Chairman

The Committee on Community Affairs recommends the following pass: SB 1690 with 4 amendments

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

The Committee on Community Affairs recommends the following pass: HB 2745

The bill was placed on the calendar.

The Committee on Community Affairs recommends a committee substitute for the following: SB 2072

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

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Community Affairs and Senator Meek—

CS for SB 2072—A bill to be entitled An act relating to the Community Development Corporation Support and Assistance Program; amending ss. 290.0311, 290.032, F.S.; revising legislative findings and purpose; amending s. 290.033, F.S.; providing definitions; amending s. 290.035, F.S.; revising the requirements which a community development corporation must meet to be eligible for assistance; providing requirements relating to election or appointment of board members; deleting provisions relating to submission of an audit to the Joint Committee on Community Development Corporations; amending s. 290.036, F.S.; revising requirements relating to proposals for administrative grants; providing requirements with respect to board membership; revising the funding cycle and providing requirements with respect thereto; providing for corporations that are ineligible for funding; providing for evaluation of funded corporations; providing that a corporation that provides certain false information is disqualified from funding; specifying the source of administrative funding; providing for monitoring, site visits, and assistance; providing requirements for annual audits; amending s. 290.037, F.S.; providing requirements for annual audits; providing for monitoring of loans; revising criteria for evaluating loan proposals; providing repayment requirements; providing for extension of loan payments or loan renegotiation under certain conditions; providing effect when payments are delinquent; amending s. 290.038, F.S.; providing authority of the Department of Community Affairs; requiring certain training; providing requirements relating to an annual report by the department; designating the subdivisions of ch. 290, F.S.; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Margolis, by two-thirds vote CS for SB 178, CS for SB 1670, CS for SB 2272, SB 2562 and CS for SB 2648 were withdrawn from the Committee on Appropriations.

On motions by Senator Margolis, by two-thirds vote SB 1428 was withdrawn from Subcommittee B of the Committee on Appropriations and the Committee on Appropriations.

On motions by Senator D. Childers, by two-thirds vote Senate Bills 152, 1840, 2198, 2216 and 2214 were withdrawn from the committees of reference and further consideration.

Motions

On motions by Senator Deratany, the rules were waived and the Select Subcommittee on Claims was granted permission to meet May 30 from 8:00 a.m. until 9:00 a.m. to consider SB 70, House Bills 177, 191 and 363.

On motions by Senator Deratany, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Deratany, by two-thirds vote CS for SB 1100, CS for SB's 1418 and 2022, SB 1890, CS for SB 2062, CS for SB 2316, CS for SB 608, CS for SB 1490 and CS for SB 2070 were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Davis, by two-thirds vote Senate Bills 594, 818, 874, 1012, 2352 and SJR 1596 were withdrawn from the committees of reference and further consideration.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 25 was corrected and approved.

CO-INTRODUCERS

Senator D. Childers—CS for CS for SB 230; Senator Bankhead—SB 1112; Senator Brown—SB 1316; Senator Johnson—SB 2496; Senator Souto—SB 1938, CS for SB 2340, CS for SB 3068

RECESS

On motion by Senator Scott, the Senate recessed at 5:02 p.m. to reconvene at 9:00 a.m., Tuesday, May 29.

SENATE PAGES

May 28 - June 1

Paige Appgar, Tallahassee; Alison Lynn Brown, Mt. Dora; Eric T. Brown, Quincy; Antonio Lavon Carter, Jacksonville; Karen R. Fahs, Tallahassee; Angela (Angie) Lynn Godfrey, Orlando; Michael Salvatore Grimaldi, Lantana; Will Grubbs, Tallahassee; Donald Matthew (Matt) Hill, Tallahassee; Deborah Lynn Hoover, Oviedo; Thomas (Tom) E. Lewis, Havana; Ida Malone, Tallahassee; Kristine Anne Marchbanks, Brandon; Mary Grace McCall, Tallahassee; Amanda Sabin, Gainesville; Jason Patrick Shelfer, Quincy; Eric Thomas, Quincy; Adam Daniel Thompson, Quincy; Ramsey E. Underwood, Tallahassee; Julee Denise Winterbottom, Tallahassee