



Journal of the Senate

Number 13

Tuesday, April 16, 1991

CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

Madam President	Davis	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Kurth	Thurman
Bruner	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Childers	Gordon	McKay	Weinstock
Crenshaw	Grant	Meek	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	

PRAYER

The following prayer was offered by the Rev. John Rickenbacker, Pastor, Northside Baptist Church, Tallahassee:

Father, we would give you praise and glory for the day that you have made. We would ask, God, for your grace to rejoice in it; for your grace today to work heartily in this chamber, to work to your glory, Father, and for the good of people.

Father, I would pray as the prophet prayed for these men and for these women that they would do justice; that they would love mercy and that they, God, would walk humbly with you. Father, we pray that they would know the extent of the law for we know that where there is no law, where there is no revelation of truth, people go unrestrained and they wander. Father, I pray that, with that revelation of law and interpretation of it, God, they would know grace and mercy for where there is no grace with the law, people are injured and hurt.

Then, Father, I pray for these men and women that they would know the extent of humility. That God, we would never take our responsibility to govern and to administrate and to legislate law as an opportunity for freedom and as an opportunity of lording over people. That God, we would use it as an opportunity for responsibility. That God, we would cherish our freedom and independence in this state and in this country, but Lord, that we would use that independence as an opportunity to gain dependence upon you.

Grant, O God, your great grace, I pray, today for these men and women. We pray in your great and mighty name. Amen.

PLEDGE

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

CONSIDERATION OF RESOLUTIONS AND MEMORIALS

On motion by Senator Bruner, by two-thirds vote **SR 922** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Bruner—

SR 922—A resolution commending the Choctawhatchee High School football team and Coach Lionel Fayard for winning the 1990 class AAAAA state championship.

WHEREAS, the Choctawhatchee High School "Indians" football team defeated Sarasota Riverview High School by a score of 13-10 to win the state championship and finish the season with a record of 12 wins and 2 losses, and

WHEREAS, the 1990 Indians won the first state football championship for Choctawhatchee High School in its 38-year history, and

WHEREAS, the Indians have displayed great character and determination in winning after suffering defeat and coming from behind to win the state championship, NOW, THEREFORE,

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

That the Choctawhatchee High School football team and Head Coach Lionel Fayard are commended for winning the 1990 class AAAAA state high school football championship.

BE IT FURTHER RESOLVED that a copy of this resolution, affixed with the Seal of the Senate, be presented to the team and Coach Fayard as a token of the sentiments of the Senate.

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

Senator Bruner introduced Lionel Fayard, Head Coach of the Choctawhatchee High School football team; and Don Arthurs, Defensive Coordinator, who were seated in the chamber.

On motions by Senator Bruner, by two-thirds vote **SR 2382** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Bruner—

SR 2382—A resolution honoring the Gulf County School District for achieving the lowest drop-out rate in grades nine through twelve of all the counties in Florida.

WHEREAS, the Gulf County School District has achieved the lowest drop-out rate for students in grades nine through twelve for 1988-1989, and

WHEREAS, the drop-out rate for Gulf County students in grades nine through twelve in 1987-1989 has been less than 2 percent, NOW, THEREFORE,

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

That this legislative body pauses in its deliberations to honor the students, teachers and other staff, the Gulf County Superintendent of Schools, and the Gulf County School Board, for having achieved the lowest drop-out rate for students in grades nine through twelve of all 67 counties in this state.

BE IT FURTHER RESOLVED that a copy of this resolution, affixed with the seal of the Senate, be presented to Walter Wilder, Superintendent of Schools for Gulf County, on behalf of the dedicated staff, school board, and students of Gulf County, as a tangible token of the recognition and respect of the members of the Florida Senate.

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

Senator Bruner introduced Carolyn Rish, Coordinator of the Drop-Out Program of the Gulf County School District, who was seated in the chamber.

On motion by Senator Childers, by two-thirds vote **HM 955** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Childers—

HM 955—A memorial to the Congress of the United States urging Congress to initiate a comprehensive program to develop alcohol fuels as the primary fuel for the nation's motor vehicles.

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

On motion by Senator Kurth, by two-thirds vote **SR 2436** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Kurth—

SR 2436—A resolution honoring Fire Marshal and Building Official Mr. N. B. "Barney" Fox, Jr., for his 27 years of dedicated service to the City of Melbourne.

WHEREAS, the Fire Marshal and Building Official for the City of Melbourne, Mr. N. B. "Barney" Fox, Jr., is retiring on April 5, 1991, after 27 years of service, and

WHEREAS, Fire Marshal Fox started as a firefighter and inspector in 1964 with the former Eau Gallie Fire Department, and

WHEREAS, in 1970 after the merger of Eau Gallie and Melbourne, Fire Marshal Fox was appointed as City Fire Marshal, and

WHEREAS, in 1988, Fire Marshal Fox was also appointed to serve as City Building Official, and

WHEREAS, Fire Marshal Fox has also served as a Reserve Police Officer with the Melbourne Police Department for the past 15 years, and

WHEREAS, for 27 years Fire Marshal Fox has served the residents of Melbourne and has gained the respect of the public by his caring and true professionalism, NOW, THEREFORE,

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

That the Florida Senate recognize the accomplishments and dedication of Fire Marshal Fox upon his retirement.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Fire Marshal Fox as a tangible token of the respect of the members of the Florida Senate.

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

SPECIAL ORDER

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

CS for CS for SB 640—A bill to be entitled An act relating to health care; creating the "Florida Health Care Purchasing Cooperative Act"; authorizing the Florida Health Care Purchasing Cooperative; providing for powers, membership, and duties of the cooperative; providing for the confidentiality of information gathered and maintained by the cooperative; providing for a board of directors; providing for board membership and reimbursement for expenses; providing immunity from liability; providing for initial staff support to the cooperative by the Health Care Cost Containment Board; providing appropriations; providing an effective date.

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

Yeas—37 Nays—None

CS for SB 970—A bill to be entitled An act relating to transportation corridors; amending s. 332.115, F.S.; revising the purposes for which a transportation corridor between an airport and a port facility may be used; requiring local governments affected by a proposed transportation corridor to provide certain comments to the regional planning council; providing for review of transportation corridor projects under s. 380.06, F.S., relating to developments of regional impact; providing limitations on the location of passenger rail terminals; exempting transportation corridors from requirements pertaining to high-speed rail lines; providing an effective date.

—was read the second time by title.

Senator Gardner moved **Amendment 1** which was adopted.

On motion by Senator Gardner, by two-thirds vote **CS for SB 970** 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 Nays—None

On motions by Senator Thomas, by two-thirds vote **HB 909** was withdrawn from the Committees on Rules and Calendar and Appropriations.

On motion by Senator Thomas—

HB 909—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 1992; providing an effective date.

—a companion measure, was substituted for **SB 636** and read the second time by title. On motion by Senator Thomas, by two-thirds vote **HB 909** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for SB 1926—A bill to be entitled An act relating to manatees; amending s. 327.25, F.S.; increasing vessel registration fees; providing for an increase in the voluntary contribution to the Save the Manatee Trust Fund by vessel registrants; providing that a vessel registrant who makes a specified voluntary contribution be given a sticker or emblem signifying support of the fund; providing for the use of such voluntary funds; amending s. 327.28, F.S.; providing for the transfer of a portion of vessel registration fees to the Save the Manatee Trust Fund for use by approved facilities to rescue, rehabilitate, and release manatees; amending s. 370.12, F.S.; providing for the reimbursement of the cost of activities related to manatee rehabilitation by facilities approved to rescue, rehabilitate, and release manatees; specifying what type of costs may be reimbursed; providing for a limit on reimbursement moneys; providing for the submission of annual marketing plans to the Department of Natural Resources to assist in the marketing of the manatee specialty license plates; providing for an annual visit by the Department of Natural Resources to ensure the quality of promotional activities; providing for the issuance of an annual report documenting the effectiveness of such promotional activities; requiring the Department of Natural Resources to submit an annual written report to the Legislature on the expenditures from the Save the Manatee Trust Fund; authorizing the Department of Natural Resources to provide stickers or emblems signifying support of the trust fund; providing an effective date.

—was read the second time by title.

Senator Jenne moved **Amendments 1, 2, 3, 4 and 5** which were adopted.

On motion by Senator Jenne, by two-thirds vote **CS for SB 1926** 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 Nays—None

On motion by Senator Jenne, the rules were waived and **CS for SB 1926** was ordered immediately certified to the House.

CS for SB 464—A bill to be entitled An act relating to water resources; amending s. 373.069, F.S.; modifying the boundaries of the Suwannee River Water Management District and the St. Johns River Water Management District; providing for the transfer of water management district rules, permits, and applications for permits affected by the boundary modifications; amending s. 373.079, F.S.; authorizing the governing board of a water management district to delegate to its executive director authority relating to permits; amending s. 373.083, F.S.; authorizing a governing board to require surety to provide reasonable assurances of compliance; amending s. 373.117, F.S.; authorizing the Department of Environmental Regulation or the governing boards of water management districts to adopt rules to require certification by a professional of certain projects that involve the services of that professional; prohibiting the use or operation of a completed project without such certification; providing a limitation; creating s. 373.1395, F.S.; limiting the liability of water management districts for damages that occur on real property or water areas of the district that are made available to the public for recreational purposes, or for access to recreational activities, if no fee is charged for admission to the real property or water areas and no commercial activity is conducted upon the real property or water areas; amending s. 373.139, F.S.; providing that the title information of real property to be acquired by a water management district is exempt from public records requirements under certain circumstances; creating s. 373.1401, F.S.; authorizing the governing board of each water management district to contract with governmental entities and environmental nonprofit organizations to provide for the improvement, management, and maintenance of the district's real property; amending s. 373.59, F.S.; repealing a provision providing for such a contract with state agencies; amending s. 373.089, F.S.; authorizing the governing board of a water

management district to exchange real property of the district for other real property located in the state; authorizing the governing board to enter into a contract for such an exchange; creating s. 373.42, F.S.; authorizing water management districts to provide wetland determinations; providing procedures; amending s. 373.536, F.S.; providing for review of water management district budgets by the Department of Environmental Regulation; providing for a report; amending s. 373.503, F.S., relating to manner of taxation; deleting obsolete provisions; revising the apportionment of millage levied by the Southwest Florida Water Management District; amending s. 373.553, F.S.; authorizing the governing board of a water management district to provide for the disbursement of funds of the board and of the district by wire or electronic transfer; amending s. 119.07, F.S.; exempting from public records requirements information relating to the medical condition or medical status of employees of a water management district; providing an effective date.

—was read the second time by title.

Senator Brown moved **Amendment 1**.

Senator Myers moved **Amendments 1A and 1B** which were adopted.

Amendment 1 as amended was adopted.

Senator Brown moved **Amendments 2, 3 and 4** which were adopted.

Senator Kirkpatrick moved **Amendments 5 and 6** which were adopted.

Senator Dantzler moved **Amendments 7, 8, 9 and 10** which were adopted.

On motion by Senator Myers, by two-thirds vote **CS for SB 464** 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 Nays—1

On motion by Senator Myers, the rules were waived and **CS for SB 464** was ordered immediately certified to the House.

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

CS for CS for SB 2242—A bill to be entitled An act relating to taxation; providing for the issuance of Florida United States Olympic Committee motor vehicle license plates upon payment of the license tax and additional fees; providing for deposit of a portion of the fees; providing for the use of fees; amending s. 201.08, F.S.; providing for an increase in the documentary stamp tax on notes; amending s. 201.15, F.S.; providing for redistribution of taxes collected; providing for a specific appropriation; providing an effective date.

—was read the second time by title.

Senator Gardner moved **Amendments 1, 2, 3 and 4** which were adopted.

Senator Dantzler moved **Amendments 5 and 6** which failed.

On motion by Senator Kirkpatrick, by two-thirds vote **CS for CS for SB 2242** 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 Nays—2

SB 358—A bill to be entitled An act relating to legislative employees; amending s. 11.147, F.S.; requiring revision of the pay plan for legislative employees when appropriate to make salaries competitive with salaries in the relevant labor market; requiring the Joint Legislative Management Committee to conduct a pay study biennially to determine if legislative employees' salaries are competitive with salaries in the relevant labor market; providing that whenever the salary range of pay grades in the executive branch Career Service Pay Plan is adjusted, the salary range of pay grades assigned to legislative classes must be adjusted by a like percentage; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended **Amendments 1 and 2** which were moved by Senator Grant and adopted.

On motion by Senator Grant, by two-thirds vote **SB 358** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40 Nays—None

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

CS for CS for CS for SB 2306—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19, F.S.; redefining the purposes of the department; providing for the appointment of ad hoc advisory committees; redefining the authority of the secretary; transferring responsibilities for operations to the secretary; delineating responsibilities of Deputy Secretary for Health; deleting the reference to the Office of Restaurant Programs; deleting Advisory Council on Health; renaming the Deputy Secretary for Programs as the Deputy Secretary for Human Services; delineating responsibilities; providing conforming name changes throughout the section; deleting specific reference to children's mental health outcome report; deleting program office advisory councils; deleting the Medicaid Advisory Council; providing for regional administration centers; prescribing counties that comprise the subdistricts in District 4; providing changes in the responsibilities of the district administrators; changing the budget entities; providing for departmental budget requests to be based on costs of units of service; deleting provisions requiring program evaluation; providing requirements for the department's information systems; deleting management fellows program; requiring a report on departmental monitoring requirements; providing for outcome evaluation in the department; providing intent; providing definitions; requiring the department to establish a system of outcome evaluation of services provided by all programs; providing additional requirements of the Children, Youth, and Families Program Office under the system; providing for reports; requiring periodic evaluations and reports by the Auditor General; providing for a budget assessment to fund evaluation activities; amending s. 20.04, F.S.; conforming language; amending ss. 39.021, 39.025, F.S.; correcting cross-references; creating s. 110.1097, F.S.; providing intent; prescribing duties of the Department of Administration with respect to assisting in, and examining, a review of the personnel system of the Department of Health and Rehabilitative Services; requiring examination of specified items; requiring reports; creating s. 381.297, F.S.; establishing the Office of Restaurant Programs with the department; providing for appointment of district supervisors; providing duties of the office; amending ss. 402.167, 402.47, F.S.; conforming language; creating s. 402.50, F.S.; providing for review of administrative infrastructure needs; providing intent; requiring the development of administrative infrastructure standards; requiring a report; requiring analysis based upon standards; creating s. 402.55, F.S.; providing for the Management Fellows Program; amending s. 409.146, F.S.; correcting a cross-reference; providing for reporting; providing for staff training; requiring an analysis of documentation and reporting requirements for all programs of the Department of Health and Rehabilitative Services; requiring specific distribution of analysis; providing for the establishment of local health and human services planning groups; providing for appointment of members to planning groups; providing duties; requiring the department to develop a formula for equally funding service districts; providing for the appointment of an advisory committee to assist the department in developing the formula; requiring a report; requiring the Department of Health and Rehabilitative Services to establish a mediation process to resolve disputes between contract agencies and the department; providing for the appointment of mediation panels; providing that final decisions of mediation panels may not be administratively appealed; repealing s. 381.0615, F.S., relating to the Children, Youth, and Families Program Office; amending s. 393.063, F.S.; defining the term "supported living"; amending s. 393.066, F.S.; including supported living among the range of community services and treatments for persons who are developmentally disabled; amending s. 393.068, F.S.; clarifying that certain payment methods and rate schedules do not apply to the provision of in-home subsidies through the family care program; creating s. 393.069, F.S.; requiring the Department of Health and Rehabilitative Services to develop a plan for paying in-home subsidies; providing guidelines for the uses of in-home subsidies; providing requirements for the subsidies; providing an effective date.

—was read the second time by title.

Senator Gordon moved **Amendments 1, 2 and 3** which were adopted.

Senator Kiser moved **Amendments 4 and 5** which were adopted.

Senator Davis moved **Amendment 6** which was adopted.

On motion by Senator Gordon, by two-thirds vote **CS for CS for CS for SB 2306** 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 Nays—None

On motion by Senator Gordon, the rules were waived and **CS for CS for SB 2306** was ordered immediately certified to the House.

On motions by Senator Walker, by two-thirds vote **HB 2075** was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Walker—

HB 2075—A bill to be entitled An act relating to the state group insurance program; amending s. 110.123, F.S.; directing the Department of Administration to establish a comprehensive package of insurance benefits; providing criteria for such benefits; providing for enrollment in the pretax benefit program of certain employees; directing the department to study the feasibility of establishing a State Employee Cafeteria Benefit Program for state employees; providing for a report; providing an effective date.

—a companion measure, was substituted for **SB 1170** and read the second time by title.

Senator Langley moved **Amendment 1** which was adopted. The vote was:

Yeas—23 Nays—14

Senator Langley moved **Amendment 2** which was adopted.

On motion by Senator Walker, by two-thirds vote **HB 2075** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

Consideration of **CS for SB 162** was deferred.

CS for SB 1084—A bill to be entitled An act relating to ad valorem taxation; amending s. 193.114, F.S.; requiring property appraisers to complete certain changes made to assessment rolls; exempting changes made by the property appraisal adjustment board; providing for custodian of the tax roll; amending ss. 193.1142, 200.065, F.S.; specifying the date for mailing notices of proposed property taxes in conjunction with tax roll approval; providing for the extension of deadlines under s. 200.065 under certain conditions; requiring the property appraiser to notify affected taxing authorities of adjustments made to millage rates in response to a review notice issued by the Department of Revenue; amending s. 196.012, F.S.; amending the definition of the term “educational institution,” to include certain schools that provide continuing dental education instruction; amending s. 193.461, F.S.; revising the definition of “agricultural purposes” for purposes of classification and assessment of agricultural land; amending s. 195.027, F.S., relating to access to information by property appraiser; amending s. 195.095, F.S.; revising provisions which regulate the process of contracting with property appraisers, tax collectors, and county commissions for assessment or collection services or systems; specifying duties of the executive director of the department or his designee; revising application of such provisions; providing for waiver of such provisions under certain circumstances; amending s. 195.096, F.S.; providing for the confidentiality of data and samples developed or obtained by the Division of Ad Valorem Tax in conjunction with review of assessment rolls; providing for review and repeal; repealing s. 200.069(13), F.S.; relating to statement included on notice of proposed property taxes; amending s. 201.022, F.S.; requiring that the return which is required to be filed as a condition precedent to recording of a deed transferring an interest in real property state the parcel identification number; providing penalties; allowing penalties to be compromised; amending s. 196.011, F.S.; relating to original application for homestead exemption; amending ss. 193.1145, 193.116, 193.122, 193.461, 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 194.036, 194.037, 194.171, 194.181, 195.022, 195.027, 195.096, 196.011, 196.151, 196.193, 196.194, 196.195, 196.199, 197.253, 197.301, 197.323, 200.011, 200.065, 200.068, 200.069, F.S.; redesignating

property appraisal adjustment boards as value adjustment boards; providing effective dates.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote **CS for SB 1084** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

On motions by Senator Diaz-Balart, by two-thirds vote **CS for HB 2399** was withdrawn from the Committees on International Trade, Economic Development and Tourism; Rules and Calendar; and Appropriations.

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

CS for HB 2399—A bill to be entitled An act relating to tourism; providing legislative findings and definitions; creating the Florida Tourism Commission; providing for membership, terms, and meetings; providing for an executive director; providing duties of the commission, including development of a study, development of policies relating to contracts for research projects to include confidentiality and penalty provisions, and submission of marketing and funding plans for tourism promotion; providing for expiration of the commission; providing for use of certain moneys; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1984** and by two-thirds vote read the second time by title.

Senator Diaz-Balart moved **Amendments 1 and 2** which were adopted.

On motion by Senator Diaz-Balart, by two-thirds vote **CS for HB 2399** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

SB 1644—A bill to be entitled An act relating to landlord tenant cases; amending s. 34.011, F.S.; providing for jurisdiction of landlord tenant cases to be in the circuit court in certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended **Amendment 1** which was moved by Senator Diaz-Balart and adopted.

On motion by Senator Diaz-Balart, by two-thirds vote **SB 1644** 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 Nays—None

CS for SB 162—A bill to be entitled An act relating to historic preservation; creating preservation boards of trustees within the Department of State; placing the boards under the administrative supervision of the department; providing for the sale of property by the preservation boards; directing the department to adopt certain rules; creating the Historic St. Augustine Preservation Board of Trustees; providing definitions; providing for membership; providing certain powers and procedures for operation; authorizing annual appropriations; permitting the board of trustees to authorize a direct-support organization to operate for certain purposes; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; providing public records exemptions; creating the Historic Pensacola Preservation Board of Trustees; providing definitions; providing for membership; providing certain powers and procedures for operation; amending s. 266.107, F.S.; revising cross-references; permitting the board of trustees to authorize a direct-support organization to operate for certain purposes; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; providing public records exemptions; creating the Historic Tallahassee Preservation Board of Trustees; providing definitions; providing for membership; providing certain powers and procedures of operation; amending s. 226.117, F.S., permitting the board of trustees to authorize a direct-support organization to operate for certain purposes; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; providing public records exemptions; creating the Historic Florida Keys Preservation Board of Trustees; providing definitions; providing for membership; providing certain powers and procedures of operation; amending s. 266.207, F.S.; revising cross-references; permitting the board

of trustees to authorize a direct-support organization to operate for certain purposes; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; providing public records exemptions; creating the Historic Palm Beach Preservation Board of Trustees; providing definitions; providing for membership; providing certain powers and procedures for operation; amending s. 266.308, F.S.; revising cross-references; permitting the board of trustees to authorize a direct-support organization to operate for certain purposes; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; providing public records exemptions; creating the Historic Tampa-Hillsborough County Board of Trustees; providing definitions; providing for membership; providing certain powers and procedures for operation; amending s. 266.407, F.S.; revising cross-references; creating the Ybor City Historic District and Barrio Latino Commission; providing for membership, powers, and duties; authorizing annual appropriations; permitting the board of trustees to authorize a direct-support organization to operate for certain purposes; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; providing public records exemptions; providing for determining local governments' share of cost of historic preservation services provided by boards; providing for expiration of portions of the act and for review under s. 11.611, F.S., the Sundown Act; providing for future review and repeal of public records exemptions pursuant to s. 119.14, F.S., the Open Government Sunset Review Act; repealing ss. 266.01, 266.02, 266.03, 266.04, 266.05, 266.06, 266.07, 266.08, 266.101, 266.102, 266.103, 266.104, 266.105, 266.106, 266.109, 266.110, 266.111, 266.112, 266.113, 266.114, 266.115, 266.118, 266.201, 266.202, 266.203, 266.204, 266.205, 266.206, 266.2095, 266.301, 266.302, 266.303, 266.304, 266.305, 266.306, 266.309, 266.401, 266.402, 266.403, 266.404, 266.405, 266.406, 266.408, 266.409, 266.410, 266.411, 266.501, 266.502, 266.503, 266.504, 266.505, 266.506, 266.507, and 266.508, F.S., as amended, relating to historic preservation boards; providing an effective date.

—was read the second time by title.

Senator Kiser moved **Amendments 1, 2, 3, 4, 5, 6, 7 and 8** which were adopted.

On motion by Senator Kiser, by two-thirds vote **CS for SB 162** 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 Nays—None

On motion by Senator Kiser, the rules were waived and **CS for SB 162** was ordered immediately certified to the House.

RECONSIDERATION

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

SB 358—A bill to be entitled An act relating to legislative employees; amending s. 11.147, F.S.; requiring revision of the pay plan for legislative employees when appropriate to make salaries competitive with salaries in the relevant labor market; requiring the Joint Legislative Management Committee to conduct a pay study biennially to determine if legislative employees' salaries are competitive with salaries in the relevant labor market; providing that whenever the salary range of pay grades in the executive branch Career Service Pay Plan is adjusted, the salary range of pay grades assigned to legislative classes must be adjusted by a like percentage; providing an effective date.

—passed as amended this day.

On motion by Senator Grant, by two-thirds vote the Senate reconsidered the vote by which **SB 358** was read the third time.

On motions by Senator Grant, the Senate reconsidered the vote by which **Amendments 1 and 2** were adopted. By permission, **Amendments 1 and 2** were withdrawn.

Senator Grant moved **Amendment 3**.

The Committee on Appropriations recommended **Amendment 3A** which was moved by Senator Grant and adopted.

Amendment 3 as amended was adopted.

Senator Grant moved **Amendment 4**.

The Committee on Appropriations recommended **Amendment 4A** which was moved by Senator Grant and adopted.

Amendment 4 as amended was adopted.

On motion by Senator Grant, by two-thirds vote **SB 358** 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 Nays—None

On motion by Senator Grant, the rules were waived and **SB 358** was ordered immediately certified to the House.

SB 1780—A bill to be entitled An act relating to dogracing; amending s. 550.0121, F.S.; increasing the number of performances authorized to be conducted by certain permit holders; providing for seasons for certain additional greyhound permittees; eliminating reference to certain jai alai permittees; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 1780** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for CS for SB 740—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.0121, F.S.; specifying the number of performances for certain permit holders; amending ss. 550.04, 550.083, 550.0831, 550.291, 550.34, F.S.; revising language with respect to racing meetings; eliminating a prohibition against certain permit holders operating on Sunday; amending s. 550.09, F.S.; providing that certain provisions relating to the tax on handle for dogracing do not apply to intertrack wagering handle; amending s. 550.10, F.S.; providing for a temporary occupational license with respect to the Greyhound Race of Champions Meet; amending s. 550.1635, F.S.; providing for intertrack wagering with respect to the Greyhound Race of Champions Meet; amending s. 550.51, F.S.; eliminating a prohibition against certain permit holders operating more than 6 days in any week; providing that no jai alai player can be required to perform on more than six consecutive days per week; amending s. 550.63, F.S.; providing exceptions to the requirement that intertrack wagers be combined with the pari-mutuel pools at the host track; providing an effective date.

—was read the second time by title.

Senator Forman moved **Amendments 1 and 2** which were adopted.

Senator Forman moved **Amendment 3**.

Senator Childers moved **Amendment 3A** which was adopted.

Amendment 3 as amended was adopted.

On motion by Senator Childers, by two-thirds vote **CS for CS for SB 740** 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 Nays—None

On motion by Senator Childers, by unanimous consent—

SB 1770—A bill to be entitled An act relating to workers' compensation; amending s. 440.39(7), F.S.; extending the exemption from the Open Government Sunset Review Act provided for documents pertaining to workers' compensation claims; providing an effective date.

—was taken up out of order and read the second time by title.

Two amendments were adopted to **SB 1770** to conform the bill to **HB 2507**.

Pending further consideration of **SB 1770** as amended, on motions by Senator Childers, by two-thirds vote—

HB 2507—A bill to be entitled An act relating to public records and meetings pertaining to labor and employment; reenacting and amending s. 413.22, F.S., which provides for regulations that protect vocational

rehabilitation records; amending s. 413.341, F.S., which provides an exemption from public records requirements for vocational rehabilitation records; amending ss. 440.13, 440.39, and 440.515, F.S., which provide exemptions from public records requirements for workers' compensation records; clarifying such exemptions; amending s. 455.241, F.S.; correcting a reference; amending ss. 442.109, 442.111, 442.112, and 442.118, F.S., which provide exemptions from public records requirements for material safety data sheets, specific chemical identities, and locations of toxic substances; reenacting and amending s. 443.041(3), F.S., which provides for privileged communications relating to unemployment compensation; amending s. 443.171, F.S., which provides an exemption from public records requirements for unemployment compensation records and reports; amending s. 447.045, F.S., which provides an exemption from public records requirements for certain business agent applicant information; reenacting s. 447.203(17)(d), which provides for a definition of good faith bargaining and specifying violations thereof; amending s. 447.205, F.S., which provides exemptions from public records and meeting requirements for meetings and draft orders of the Public Employees Relations Commission; amending ss. 447.307 and 447.409, F.S., which provide exemptions from public records requirements for certain records relating to collective bargaining of public employees; amending s. 447.605, F.S., which provides an exemption from public records and meeting requirements for certain meetings involving, and work products of, public employers; saving said exemptions from repeal; providing for future review and repeal; repealing s. 447.503(2)(c), F.S., which provides for availability of certain evidence filed with the Public Employees Relations Commission, and s. 448.06, F.S., which provides for a voluntary mediation and conciliation service under the jurisdiction of the Governor; providing an effective date.

—a companion measure, was substituted for **SB 1770** and by two-thirds vote read the second time by title.

On motion by Senator Childers, by two-thirds vote **HB 2507** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

SENATOR CHILDERS PRESIDING

SB 1902—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.07, F.S.; revising the delinquency fee schedule for persons who have let their registration expire; providing a limitation on such delinquency fees; creating s. 320.0701, F.S.; providing penalties for failure to register a motor vehicle; providing for the immobilization of unregistered vehicles; providing for delinquency fees; providing a penalty for tampering with or unlocking an immobilization device; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended **Amendment 1** which was moved by Senator Forman and adopted.

On motion by Senator Beard, by two-thirds vote **SB 1902** 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 Nays—None

THE PRESIDENT PRESIDING

CS for SB 764—A bill to be entitled An act relating to the regulation of vacation plans; amending s. 721.01, F.S.; changing the short title of chapter 721, F.S., to the Florida Vacation Plan and Time-Sharing Act; amending s. 721.02, F.S.; providing legislative purpose; amending s. 721.03, F.S.; providing for the scope of the chapter; including the regulation of personal property time sharing; amending s. 721.05, F.S.; providing definitions; amending s. 721.07, F.S.; revising provisions with respect to public offering statements; providing fees; authorizing the Division of Florida Land Sales, Condominiums, and Mobile Homes to provide by rule for summary statements of public offerings under certain circumstances; amending s. 721.11, F.S.; revising provisions with respect to advertising materials; amending s. 721.111, F.S.; revising provisions regarding game promotions to permit certain drawings; amending s. 721.13, F.S.; revising language with respect to the duties of a managing entity; amending s. 721.27, F.S.; providing for the assessment of a penalty against managing entities who fail to file a required annual fee; repealing s. 721.30, F.S.; eliminating obsolete language with respect to the operation of certain laws of Florida; amending s. 192.037, F.S.; revising lan-

guage with respect to escrow accounts for taxes and assessments for fee time-share real property; creating s. 509.512, F.S.; providing for a time-share plan developer and exchange company exemption to the Florida Membership Campground Act; amending s. 559.927, F.S.; providing for a time-share plan developer and exchange company exemption to regulation as sellers of travel; providing an effective date.

—was read the second time by title.

Senator Jenne moved **Amendments 1, 2, 3, 4, 5, 6, 7 and 8** which were adopted.

Senator Gardner moved **Amendments 9, 10, 11 and 12** which were adopted.

On motion by Senator Jenne, by two-thirds vote **CS for SB 764** 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 Nays—None

On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 689** was withdrawn from the Committee on Commerce.

On motion by Senator Kirkpatrick—

CS for HB 689—A bill to be entitled An act relating to disposition of dead bodies; amending s. 245.06, F.S.; providing for cremation of bodies to be disposed of at public expense; amending s. 245.07, F.S.; authorizing counties to arrange for cremation of bodies to be disposed of at public expense; providing an effective date.

—a companion measure, was substituted for **CS for SB 1580** and read the second time by title.

Senator Kirkpatrick moved **Amendments 1 and 2** which were adopted.

On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 689** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—19 Nays—16

On motion by Senator Kirkpatrick, the rules were waived and **CS for HB 689** was ordered immediately certified to the House.

On motion by Senator Yancey, by two-thirds vote **HB 1043** was withdrawn from the Committee on Community Affairs.

On motion by Senator Yancey—

HB 1043—A bill to be entitled An act relating to sheriffs; amending s. 30.15, F.S.; providing that attendance of sheriffs or their deputies at county commission meetings shall be at the option of the board of county commissioners rather than mandatory; amending s. 14.022, F.S., to correct a cross reference; providing an effective date.

—a companion measure, was substituted for **SB 2098** and read the second time by title. On motion by Senator Yancey, by two-thirds vote **HB 1043** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

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

HB 1575—A bill to be entitled An act relating to motorsports; creating s. 549.09, F.S.; providing definitions; authorizing persons who operate a closed-course motorsport facility to require the signing of a liability release form as a condition of entrance to any nonspectator part of the facility; providing requirements with respect to such form; permitting the signing of such release by more than one person; providing an effective date.

—a companion measure, was substituted for **SB 2152** and by two-thirds vote read the second time by title. On motion by Senator Yancey, by two-thirds vote **HB 1575** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—1

HB 565—A bill to be entitled An act relating to the Union Bank Advisory Council; repealing s. 267.073, F.S., relating to creation of the council, pursuant to scheduled Sundown repeal; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote **HB 565** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

HB 573—A bill to be entitled An act relating to confidentiality of records relating to health care; amending ss. 400.145, 407.02, 407.31, and 409.7015, F.S., which provide exemptions from public records requirements for certain records of nursing homes, hospitals, and the Florida Health Access Corporation; saving such exemptions from repeal; providing for future review and repeal; amending s. 409.266, F.S., which provides an exemption from public records requirements for the Department of Health and Rehabilitative Services with respect to certain information relating to Medicaid providers; saving such exemption from repeal; providing for future review and repeal; removing the exemption for certain information relating to prepaid health care plan premium determination; reenacting s. 409.2664(1)(g) and (2)(a), F.S., which provide exemptions from public records requirements for certain patient records examined by the Auditor General; saving such exemptions from repeal; providing an effective date.

—was read the second time by title.

Senator Weinstock moved **Amendments 1 and 2** which were adopted.

On motion by Senator Weinstock, by two-thirds vote **HB 573** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

CS for HB 637—A bill to be entitled An act relating to archives; amending s. 257.35, F.S.; providing access of records in the Florida State Archives; providing authority for the Florida State Archives to require the transfer of historical records; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote **CS for HB 637** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

HB 755—A bill to be entitled An act relating to the Department of General Services; amending s. 20.22, F.S.; renaming the Division of Safety and Crime Prevention of the department as the Division of Capitol Police; amending ss. 281.02, 281.03, 281.04, 281.05, 281.06, 281.07, 281.08, and 281.09, F.S., to conform; amending s. 281.03, to allow the division to conduct investigations relating to felonies; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **HB 755** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

SB 1038—A bill to be entitled An act relating to mobile home park lot tenancies; amending s. 723.003, F.S.; defining the term "resale agreement" for the purposes of the Florida Mobile Home Act; amending s. 723.058, F.S., relating to restrictions on the sale of mobile homes; prohibiting the requirement of certain resale agreements as a condition of tenancy; prohibiting resale agreements of perpetual or indefinite duration; prohibiting discriminatory increases in lot rental amounts based upon refusal to enter or extend a resale agreement; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended **Amendment 1** which was moved by Senator Yancey and adopted.

Senator Kiser moved **Amendments 2 and 3** which were adopted.

On motion by Senator Yancey, by two-thirds vote **SB 1038** 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 Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special and Continuing Order Calendar for April 16, 17 and 18, 1991:

Note: CS for HB 417 will be first on Special Order for Wednesday, April 17, if it is reported favorably by the Committee on Rules and Calendar.

CS for HB 417, CS for CS for SB 640, CS for SB 970, SB 636, CS for SB 1926, CS for SB 464, CS for CS for SB 2242, SB 358, CS for CS for CS for SB 2306, SB 1170, CS for SB 162, CS for SB 1084, CS for CS for SB 1984, SB 1644, SB 1780, SB 1902, CS for SB 764, CS for SB 1580, SB 2098, SB 2152, HB 565, HB 573, CS for HB 637, HB 755, SB 1038, CS for SB 2272, SB 2234, CS for SB 310, SB 64, SB 318, CS for SB 284, SB 264, CS for SB 200, CS for SB 204, SB 236, SB 70, CS for SB 104, CS for SB 130, CS for SB 140, CS for SB 406, CS for SB's 508 and 514, CS for SB 518, CS for SB 180, SB 182, SB 570, SB 960, CS for SB 584, CS for SB 608, CS for SB 626, SB 1770, CS for SB 1776, CS for SB 2144, CS for SB 1694, SB 1196, SB 1376, CS for SB 1384, CS for SB 1286, SB 1396, CS for SB 1416, CS for SB 1618, CS for SB 1554, SB 1304, CS for SB 1312, SB 800, SB 860, CS for SB 962, SB 918, CS for SB 920, CS for SB 978, CS for CS for SB 704, SB 646, SB 644, CS for SB 642, CS for SB 908, SB 1062, SB 2194, SB 2070

Respectfully submitted,
Pat Thomas, Chairman

The Committee on Community Affairs recommends the following pass: SB 488 with 1 amendment, CS for SB 624, CS for SB 1148 with 2 amendments

The Committee on Education recommends the following pass: HB 2453 with 4 amendments, SB 206, SB 620 with 1 amendment, SB 1676

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1654

The Committee on Judiciary recommends the following pass: SB 1716

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

The Committee on Natural Resources and Conservation recommends the following pass: SB 124

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

The Committee on Community Affairs recommends the following pass: SB 804, SB 1720, SB 1832, CS for SB 2040 with 1 amendment

The Committee on Education recommends the following pass: CS for HB 2497 with 16 amendments, CS for SB 1140

The Committee on Executive Business, Ethics and Elections recommends the following pass: HB 2251 with 15 amendments

The Committee on Judiciary recommends the following pass: SB 1464

The Committee on Natural Resources and Conservation recommends the following pass: SB 504 with 4 amendments

The Special Master on Claims recommends the following pass: SB 302 with 3 amendments, SB 482 with 2 amendments, SB 604, SB 770, SB 1126 with 1 amendment, SB 1168, SB 1270, SB 1518, SB 1824 with 2 amendments, SB 1938 with 1 amendment, SB 2368 with 2 amendments, SB 2380 with 2 amendments, SB 2388, SB 2454 with 3 amendments

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

The Committee on Education recommends the following pass: SB 986

The bill was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 1978

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

The Committee on Governmental Operations recommends the following pass: HB 571 with 2 amendments, SB 2146

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

The Committee on Education recommends the following pass: SB 2422

The Committee on Governmental Operations recommends the following pass: HB 989 with 1 amendment, HB 1841 with 2 amendments, SJR 1340, SB 1722, SB 1788

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

The Committee on Judiciary recommends the following pass: CS for SB 104, CS for SB 200, CS for SB 1152

The Committee on Natural Resources and Conservation recommends the following pass: SB 1028, SB 1910

The Committee on Rules and Calendar recommends the following pass: CS for HB 417 with 1 amendment

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

The Committee on Judiciary recommends the following not pass: SJR 662, SB 1772

The bills were laid on the table.

The Committee on Education recommends committee substitutes for the following: SB 912, SB 1158, SB 1498, SB 1570, SB 1624, SB 1632, SB 1886

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: SB 156, CS for SB's 616, 1182 and 1258, SB 796, SB 1342, CS for SB 1402, CS for SB 1448, CS for SB 1594, SB 1620, SB 1898, CS for SB 2118, CS for SB 2130, CS for SB 2352

The Committee on Governmental Operations recommends committee substitutes for the following: SB 1322, SB 1324, SB 2116

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 2136

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

The Committee on Commerce recommends committee substitutes for the following: SB 370, SB 1808

The Committee on Judiciary recommends a committee substitute for the following: SB 1368

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

The Committee on Commerce recommends a committee substitute for the following: SB 262

The Committee on Judiciary recommends a committee substitute for the following: Senate Bills 1530 and 1524

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

The Committee on Commerce recommends a committee substitute for the following: SB 424

The Committee on Community Affairs recommends a committee substitute for the following: SB 1698

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 1330

The Committee on Governmental Operations recommends a committee substitute for the following: CS for SB 806

The Committee on Judiciary recommends a committee substitute for the following: SB 1760

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 Commerce recommends a committee substitute for the following: SB 2114

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

The Committee on Governmental Operations recommends a committee substitute for the following: SB 2016

The bill with committee substitute attached was referred to the Committee on International Trade, Economic Development and Tourism under the original reference.

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1800

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

The Committee on Education recommends a committee substitute for the following: SB 452

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 858

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1404

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

The Committee on Governmental Operations recommends a committee substitute for the following: SB 2170

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1212

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

The Committee on Community Affairs recommends committee substitutes for the following: SB 992, CS for SB 2084

The Committee on Education recommends a committee substitute for the following: CS for SB 1680

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 872

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: CS for SB 2242

The Committee on Governmental Operations recommends committee substitutes for the following: CS for SB 308, SB 692, SB 1312, SB 1496, SB 1548, CS for SB 2186

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 1316, SB 1692, CS for SB 1786, SB 1932

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

REQUESTS FOR EXTENSION OF TIME

April 12, 1991

The Committee on Agriculture requests an extension of 15 days for consideration of the following: Senate Bills 340, 1194, 2106, 2132; House Bills 259, 389, 655, 1119, 1243

The Committee on Commerce requests an extension of 15 days for consideration of the following: Senate Bills 4, 22, 50, 88, 176, 222, 288, 314, 326, 334, 338, 346, 362, 364, 374, 428, 466, 534, 546, 574, 628, 664, 666, 690, 716, 750, 762, 766, 780, 792, 814, 916, 924, 930, 936, 990, 1006, 1016, 1020, 1102, 1110, 1134, 1136, 1154, 1214, 1220, 1222, 1228, 1254, 1284, 1334, 1358, 1360, 1372, 1442, 1456, 1458, 1512, 1532, 1538, 1546, 1558, 1598, 1600, 1628, 1650, 1696, 1706, 1718, 1734, 1742, 1752, 1756, 1816, 1826, 1840, 1848, 1856, 1866, 1870, 1872, 1882, 1884, 1916, 1918, 1920, 1934, 1942, 1946, 1970, 1980, 2006, 2020, 2050, 2080, 2092, 2148, 2150, 2208, 2240, 2262, 2284, 2290, 2296, 2354, 2366; House Bills 21, 255, 689, 841, 929, 967, 1167, 1233, 1401, 1493, 1863, 1891, 2423

The Committee on Community Affairs requests an extension of 15 days for consideration of the following: Senate Bills 6, 40, 208, 470, 484, 488, 496, 526, 624, 804, 858, 862, 992, 1008, 1018, 1032, 1130, 1148, 1210, 1218, 1408, 1446, 1474, 1480, 1486, 1510, 1520, 1528, 1550, 1556, 1638, 1666, 1698, 1720, 1728, 1738, 1748, 1796, 1832, 1874, 1952, 1954, 1988, 2034, 2040, 2046, 2084, 2122, 2160, 2164, 2178, 2204, 2238; House Bills 983, 1043, 2233

The Committee on Corrections, Probation and Parole requests an extension of 15 days for consideration of the following: Senate Bills 784, 896, 2140

The Committee on Criminal Justice requests an extension of 15 days for consideration of the following: Senate Bills 86, 110, 126, 128, 136, 242, 368, 378, 520, 542, 600, 742, 756, 984, 1082, 1230, 1240, 1242, 1244, 1250, 1338, 1412, 1422, 1534, 1540, 1630, 1798, 2052, 2088, 2124, 2142, 2206, 2226, 2278, 2348; House Bills 119, 457, 485, 613, 1945

The Committee on Education requests an extension of 15 days for consideration of the following: Senate Bills 24, 166, 172, 206, 278, 360, 452, 474, 492, 620, 650, 744, 776, 850, 874, 912, 986, 1054, 1060, 1140, 1156, 1158, 1388, 1452, 1498, 1544, 1570, 1624, 1632, 1676, 1680, 1730, 1790, 1886, 1912, 1992, 2038, 2064, 2180, 2190, 2232, 2268, 2422; House Bills 279, 539, 603, 605, 765, 1587, 2283, 2287, 2343, 2453, 2455, 2477, 2483, 2485, 2497

The Committee on Executive Business, Ethics and Elections requests an extension of 15 days for consideration of the following: Senate Bills 16, 44, 48, 188, 190, 294, 392, 552, 736, 794, 816, 830, 1078, 1172, 1184, 1204, 1294, 1406, 1508, 1684, 1764, 1842, 2222, 2270; House Bills 673, 1031

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: Senate Bills 92, 108, 342, 434, 444, 450, 524, 532, 614, 746, 768, 772, 820, 826, 932, 950, 996, 998, 1014, 1086, 1124, 1426, 1522, 1552, 1562, 1578, 1582, 1608, 1652, 1678, 1820, 1823, 1890, 1940, 2024, 2076, 2096, 2166, 2168, 2196, 2292; House Bill 2523

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: Senate Bills 312, 372, 400, 592, 682, 696, 728, 846, 876, 1052, 1112, 1374, 1476, 1500, 1626, 1844, 1974, 2066, 2282; House Bills 243, 881, 1065, 2431

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following: Senate Bills 396, 478, 486, 1176, 1208, 1326, 1350, 1366, 1382, 1392, 1606, 1616, 1648, 1810, 1868, 1922, 1958, 1982, 2258, 2350; House Bills 737, 2259

The Committee on Health and Rehabilitative Services Reorganization requests an extension of 15 days for consideration of the following: Senate Bills 82, 112, 2202, 2356

The Committee on Health and Rehabilitative Services Subcommittee on Health Care requests an extension of 15 days for consideration of the following: Senate Bills 66, 580, 1434, 1560, 1794, 1878, 2008, 2012, 2044, 2062, 2110, 2298

The Committee on International Trade, Economic Development and Tourism requests an extension of 15 days for consideration of the following: Senate Bills 300, 540, 1246, 1318, 1450, 1972, 2032, 2060, 2120, 2198, 2256; House Bills 427, 2399

The Committee on Judiciary requests an extension of 15 days for consideration of the following: Senate Bills 14, 320, 348, 432, 658, 714, 752, 758, 786, 838, 856, 870, 886, 910, 946, 948, 952, 958, 982, 1012, 1076, 1104, 1150, 1190, 1216, 1256, 1262, 1278, 1280, 1296, 1320, 1332, 1390, 1438, 1440, 1470, 1494, 1526, 1662, 1732, 1740, 1746, 1762, 1814, 1818, 1846, 1854, 1858, 1880, 1908, 1928, 1994, 2048, 2078, 2100, 2174, 2184, 2200, 2266, 2274, 2288, 2308, 2358, 2362; House Bills 163, 749

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: Senate Bills 8, 26, 56, 146, 248, 282, 490, 618, 680, 700, 788, 824, 832, 834, 852, 928, 934, 1064, 1108, 1162, 1174, 1178, 1232, 1248, 1260, 1268, 1310, 1364, 1420, 1484, 1502, 1566, 1574, 1584, 1656, 1674, 1754, 1792, 1812, 1830, 1900, 1960, 1968, 2056, 2068, 2134, 2188, 2192, 2248, 2338, 2364, 2412; House Bills 541, 2229, 2265

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for consideration of the following: Senate Bills 74, 80, 336, 420, 648, 798, 1276, 1370, 1466, 1588, 1744, 1750, 1778, 1864, 2104, 2156, 2176, 2214; House Bills 2075, 2457

The Committee on Professional Regulation requests an extension of 15 days for consideration of the following: Senate Bills 244, 500, 844, 884, 888, 1066, 1272, 1418, 1590, 1948, 1990, 2162, 2216, 2310; House Bills 635, 907, 1411, 2565

The Committee on Reapportionment requests an extension of 15 days for consideration of the following: Senate Bills 566, 568, 2244

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: Senate Bills 2, 42, 148, 164, 196, 220, 290, 328, 652, 684, 732, 774, 802, 808, 848, 890, 898, 914, 922, 940, 1042, 1306, 1354, 1410, 1472, 1506, 1596, 1736, 1936, 1944, 1950, 2042, 2230, 2252, 2264, 2304, 2312, 2314, 2316, 2318, 2320, 2322, 2324, 2326, 2328, 2330, 2332, 2334, 2336, 2382, 2398, 2400, 2402, 2416, 2426, 2428, 2436, 2442, 2444, 2446, 2456; House Bills 335, 417, 909, 955, 1503, 1629, 2295, 2517

The Special Master on Claims requests an extension of 15 days for consideration of the following: Senate Bills 218, 302, 482, 548, 604, 730, 770, 944, 1126, 1168, 1202, 1270, 1288, 1518, 1824, 1938, 2368, 2380, 2388, 2454

The Committee on Transportation requests an extension of 15 days for consideration of the following: Senate Bills 34, 170, 330, 402, 502, 506, 712, 868, 1068, 1072, 1394, 1564, 1690, 1700, 1998, 2138, 2260; House Bill 1023

FIRST READING OF COMMITTEE SUBSTITUTES

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

CS for SB 156—A bill to be entitled An act relating to the tax on sales, use, rentals, admissions, and other transactions; reenacting s. 212.054, F.S.; amending s. 212.055, F.S.; authorizing certain counties to impose, pursuant to ordinance approved by an extraordinary majority of the governing body or conditioned on a referendum, a surtax on that tax in order to finance health care services for certain residents who are certified as indigent or medically poor; specifying a maximum rate of surtax; providing for computation of the surtax; providing for collection and distribution of the surtax; providing for establishment of indigent care trust funds; providing for investment of moneys in the trust funds; providing for use of the proceeds; providing an effective date.

By the Committee on Commerce and Senators Weinstein and Wexler—

CS for SB 262—A bill to be entitled An act relating to condominiums; amending s. 718.114, F.S.; revising language with respect to the authority to conduct bingo games by condominium associations; amending s. 849.093, F.S.; providing criteria for an authorized condominium association's right to conduct bingo games; providing an effective date.

By the Committees on Governmental Operations and Commerce and Senators Malchon, Weinstock, Brown, Grant, Kurth, Langley, Johnson and Weinstein—

CS for CS for SB 308—A bill to be entitled An act relating to clean indoor air; amending s. 386.202, F.S.; providing additional legislative intent; amending s. 386.203, F.S.; modifying definitions; amending s. 386.204, F.S., clarifying an exception to prohibition against smoking in a public place; amending s. 386.205, F.S.; providing additional places that

may not be designated as smoking areas; modifying requirements for designating a patient's room as a smoking area; eliminating some exceptions to the square footage limitation for smoking areas in certain public places; prohibiting smoking areas from containing common areas used by the public; amending s. 386.206, F.S.; modifying authorization for certain discretionary signs; amending s. 386.208, F.S.; providing jurisdiction of county courts for purposes of the act; creating s. 386.211, F.S.; making it unlawful to interfere with a person who reports certain violations; providing for enforcement; creating s. 386.212, F.S.; requiring public announcements in certain public transportation terminals that smoking is allowed only in designated areas; creating s. 386.213, F.S.; specifying that the act does not apply to certain facilities; providing an effective date.

By the Committee on Commerce and Senator Gordon—

CS for SB 370—A bill to be entitled An act relating to minimum wages; requiring employers to pay employees specified hourly minimum wages; providing an exception for employees who receive tips in excess of specified amount; providing an exception to the minimum wage requirement for certain employees; providing for enforcement, including penalties; requiring the Department of Labor and Employment Security to propose legislation under certain circumstances; providing for administration; requiring a study; providing an effective date.

By the Committee on Commerce and Senator Forman—

CS for SB 424—A bill to be entitled An act relating to cigarettes and other tobacco products; providing for a temporary initial permit; providing for a fee; providing for renewal of an expired permit; providing a fee for such renewal; providing for the disposition of fees; providing an effective date.

By the Committee on Education and Senator Grizzle—

CS for SB 452—A bill to be entitled An act relating to personnel of the school system; creating s. 231.66, F.S.; providing fee-exempt courses for instructional personnel and teacher aides at area vocational-technical centers, community colleges, and state universities; providing an effective date.

By the Committee on Appropriations and Senator Meek—

CS for SB 536—A bill to be entitled An act relating to high-blood-pressure screening; providing legislative intent; authorizing screening of high-risk populations residing in public housing projects in three metropolitan counties; directing the Department of Health and Rehabilitative Services to incorporate pilot-project, screening-related activities into ongoing activities of comprehensive health improvement projects conducted by county public health units in those counties; providing for periodic reports; directing the department to seek federal funding or matching funding; providing an effective date.

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

CS for CS for SB's 616, 1182 and 1258—A bill to be entitled An act relating to community redevelopment agencies; amending s. 163.340, F.S.; excluding councils on children's services from requirements that they pay tax increments to redevelopment trust funds for use by community redevelopment agencies; providing an effective date.

By the Committees on Appropriations; Health and Rehabilitative Services; and Senators Malchon, Weinstein, Gordon, Weinstock, Forman, Grizzle, Kurth, Grant, Kiser, Walker, Johnson, Wexler, Davis, Thurman, Dudley, Meek, Jenne, Souto, Brown, Girardeau, Casas, McKay, Yancey and Gardner—

CS for CS for SB 640—A bill to be entitled An act relating to health care; creating the "Florida Health Care Purchasing Cooperative Act"; authorizing the Florida Health Care Purchasing Cooperative; providing for powers, membership, and duties of the cooperative; providing for the confidentiality of information gathered and maintained by the cooperative; providing for a board of directors; providing for board membership and reimbursement for expenses; providing immunity from liability; providing for initial staff support to the cooperative by the Health Care Cost Containment Board; providing appropriations; providing an effective date.

By the Committee on Governmental Operations and Senator Thurman—

CS for SB 692—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for certain information required by agencies from prospective bidders in connection with roads or other public works projects; providing for review and repeal; providing an effective date.

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

CS for CS for SB 704—A bill to be entitled An act relating to pollution prevention; amending s. 403.031, F.S.; defining the term "pollution prevention" for purposes of ch. 403, F.S.; amending s. 403.061, F.S.; providing additional duties of the Department of Environmental Regulation in establishing pollution prevention and reduction programs; creating s. 403.072, F.S.; providing a short title; creating s. 403.073, F.S.; providing goals and policies of the state in preventing pollution; creating s. 403.074, F.S.; requiring the department to implement a program for providing technical assistance in pollution prevention; creating the Pollution Prevention Council within the department; providing for appointment of council members; requiring the council to make recommendations for a statewide pollution prevention program; providing for abolishment of the council; providing an effective date.

By the Committee on Appropriations and Senator Brown—

CS for SB 734—A bill to be entitled An act relating to school finance; amending s. 236.25, F.S.; authorizing school boards to use certain discretionary ad valorem tax revenues for the purchase of new and replacement motor vehicles, library books, audiovisual materials, and computer software; providing an effective date.

By the Committees on Finance, Taxation and Claims; Commerce; and Senator Childers—

CS for CS for SB 740—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.0121, F.S.; specifying the number of performances for certain permit holders; amending ss. 550.04, 550.083, 550.0831, 550.291, 550.34, F.S.; revising language with respect to racing meetings; eliminating a prohibition against certain permitholders operating on Sunday; amending s. 550.09, F.S.; providing that certain provisions relating to the tax on handle for dogracing do not apply to intertrack wagering handle; amending s. 550.10, F.S.; providing for a temporary occupational license with respect to the Greyhound Race of Champions Meet; amending s. 550.1635, F.S.; providing for intertrack wagering with respect to the Greyhound Race of Champions Meet; amending s. 550.51, F.S.; eliminating a prohibition against certain permitholders operating more than 6 days in any week; providing that no jai alai player can be required to perform on more than six consecutive days per week; amending s. 550.63, F.S.; providing exceptions to the requirement that intertrack wagers be combined with the pari-mutuel pools at the host track; providing an effective date.

By the Committee on Commerce and Senator Jenne—

CS for SB 772—A bill to be entitled An act relating to consumer protection; creating part IV of chapter 501, F.S., relating to telemarketing; providing purpose and definitions; providing exemptions; providing requirements for licensure of commercial telephone solicitors and salespersons by the Department of Agriculture and Consumer Services; requiring fees; requiring certain disclosures; requiring display of licenses; providing for license renewal; providing security requirements; specifying grounds for denial of licensure; providing for general disclosures and disclosures of gifts and premiums to purchasers; requiring written contracts for purchase of consumer goods or services; providing for refund, credit, or replacement; specifying unlawful acts; providing investigative powers of enforcing authority; providing general civil remedies and civil penalties; providing for attorney's fees and costs; providing for referral to a criminal prosecuting authority; providing criminal penalties; requiring burden of proof of exempt businesses; providing additional individual remedies; providing for rules; providing for review and repeal; amending s. 501.059, F.S.; exempting the sale of cable television services to certain subscribers from contract requirements relating to telephone solicitation; providing an effective date.

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

CS for SB 796—A bill to be entitled An act relating to the Florida Responsible Vendor Act; amending s. 561.703, F.S.; redefining the term “vendor”; amending s. 561.705, F.S.; providing for qualification as a responsible vendor; deleting language with respect to certification, renewal, suspension, and revocation; amending s. 561.706, F.S.; revising language with respect to exemption from license suspension or revocation and mitigation for certain beverage law violations; repealing s. 561.704, F.S., relating to the responsible vendors program and the beverage license surcharge; providing an effective date.

By the Committees on Governmental Operations; International Trade, Economic Development and Tourism; and Senator Brown—

CS for CS for SB 806—A bill to be entitled An act relating to the Florida Seed Capital Fund; amending s. 159.445, F.S.; authorizing the Florida Seed Capital Fund to invest in limited partnerships meeting certain criteria; increasing the limitation on certain investments; deleting a restriction on making investments; deleting the definition of “small business”; specifying that certain members of the board may not be elected public officials; providing for the election of a secretary-treasurer of the board; revising powers and duties of the board; authorizing the board to establish a direct-support organization known as the Florida Enterprise Development Corporation; providing purpose of the organization; requiring a contract between the board and the direct-support organization and specifying contract requirements; requiring the organization to provide an annual financial and compliance audit; providing an exemption from public records requirements; providing for future review and repeal; providing criteria for investments by the board in limited partnerships; providing an effective date.

By the Committee on Commerce and Senator Jennings—

CS for SB 840—A bill to be entitled An act relating to the Beverage Law; amending s. 561.01, F.S.; defining the term “exporter” for purposes of the Beverage Law; amending ss. 561.14, 561.17, F.S.; requiring persons exporting alcoholic beverages to register with the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation; amending s. 561.20, F.S.; authorizing the division to issue special 3-day licenses for conducting specified types of special sales; prescribing an application fee; amending s. 561.22, F.S.; prohibiting an exporter of alcoholic beverages from obtaining an alcoholic beverage vendor’s license; amending s. 561.24, F.S.; prohibiting certain manufacturers of alcoholic beverages from registering as exporters of alcoholic beverages; amending s. 561.32, F.S.; prohibiting the transfer of a license as a matter of right if certain administrative proceedings have been or will be brought against the license; amending s. 561.331, F.S.; providing for a temporary beverage license to be issued upon request for a change in the type or series of a license; providing a fee for application for such temporary license; amending ss. 561.37, 561.38, F.S.; deleting provisions requiring exporters of alcoholic beverages to secure payment of taxes by surety bonds filed with the division; amending s. 561.41, F.S.; requiring an exporter of alcoholic beverages to provide the division with certain records and allow the division access to its premises; providing rulemaking authority; amending s. 561.43, F.S.; prohibiting an exporter of alcoholic beverages from registering to operate in a dry county; amending s. 561.55, F.S.; providing recordkeeping requirements for exporters and vendors of alcoholic beverages; requiring exporters to supply to the division copies of certain reports prepared pursuant to federal regulations; amending s. 562.11, F.S.; providing an additional form of identification for use in proving legal age under the Beverage Law; amending s. 562.12, F.S.; prohibiting a person from operating as an exporter of alcoholic beverages without being registered as an exporter; providing a penalty; amending s. 562.45, F.S.; authorizing counties to enact ordinances regulating certain matters respecting the sale of alcoholic beverages; requiring a licensee to provide documentation of proper zoning prior to approval of a change in the series of a license or in the licensee’s location; prescribing authority of counties and municipalities with respect to regulation of certain bottle clubs; amending s. 562.47, F.S.; revising the elements which constitute prima facie evidence that a beverage is an alcoholic beverage; providing an effective date.

By the Committee on Community Affairs and Senator Dudley—

CS for SB 858—A bill to be entitled An act relating to electrical contracting; creating s. 489.539, F.S.; defining “journeyman electrician”; providing for certification of journeyman electricians by the Department of

Professional Regulation; providing certification requirements; providing for examination; providing for fees; providing qualifications for practice; requiring the Electrical Contractors’ Licensing Board to establish rules relating to discipline; providing for application of provisions; amending s. 489.507, F.S.; adding additional members to the Electrical Contractors’ Licensing Board; dividing the board into two divisions and establishing jurisdiction thereof; providing quorum requirements; providing for review and repeal; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Kiser—

CS for SB 872—A bill to be entitled An act relating to elections; amending s. 100.371, F.S.; requiring the sponsor of an initiative petition to certify that no per-signature fee was paid; providing an effective date.

By the Committee on Education and Senator Kirkpatrick—

CS for SB 912—A bill to be entitled An act relating to postsecondary education; amending s. 250.10, F.S.; providing that the Adjutant General and representatives of the Board of Regents, State Board of Community Colleges, and State Board of Education shall develop a program for waiver of one-half of the cost of tuition and fees for certain members of the Florida National Guard; providing requirements; amending s. 240.235, F.S.; requiring the Board of Regents to provide tuition and fee waivers; amending s. 240.35, F.S.; requiring the State Board of Community Colleges to provide tuition and fee waivers; amending s. 240.355, F.S.; requiring the State Board of Education to adopt rules; providing an effective date.

By the Committee on Community Affairs and Senator Malchon—

CS for SB 992—A bill to be entitled An act relating to public nuisances; amending s. 893.138, F.S.; including prostitution-related activities in a provision of law permitting local administrative action to abate a public nuisance; providing that orders issued by local administrative boards may be enforced pursuant to certain procedures in the Administrative Procedure Act; providing that such boards may seek temporary and permanent injunctive relief; providing an effective date.

By the Committees on Appropriations and Criminal Justice and Senators Yancey, Gardner, Kurth, Childers, Langley, Malchon, Diaz-Balart, Wexler, Crotty, Myers, Souto, Crenshaw, Jennings, Thurman, Casas, Plummer, Scott and Grant—

CS for CS for SB 1024—A bill to be entitled An act relating to firearms; creating s. 790.054, F.S.; authorizing correctional probation officers to carry concealed firearms upon meeting certain requirements; exempting such officers from licensing and penal provisions; imposing a surcharge on the cost-of-supervision moneys collected under s. 945.30, F.S.; providing for the deposit of such surcharge and for the reversion of unexpended funds; providing an effective date.

By the Committee on Commerce and Senator Langley—

CS for SB 1124—A bill to be entitled An act relating to limited liability companies; revising ch. 608, F.S.; amending s. 608.401, F.S.; providing a short title; amending s. 608.402, F.S.; providing definitions; amending s. 608.404, F.S.; specifying the powers of limited liability companies; amending s. 608.405, F.S.; providing for formation of limited liability companies; amending s. 608.406, F.S.; providing requirements for names of limited liability companies; creating s. 608.4061, F.S.; providing for reservation of the name of a foreign limited liability company; creating s. 608.4062, F.S.; providing for registration of the name of a foreign limited liability company; amending s. 608.407, F.S.; specifying content of articles of organization; amending s. 608.408, F.S.; providing for execution of certificates or statements; creating s. 608.4081, F.S.; providing filing requirements; creating s. 608.4082, F.S.; providing duties of the Department of State; amending s. 608.409, F.S.; specifying effect of issuance of certificate of organization; creating s. 608.4101, F.S.; requiring maintenance of certain records; amending s. 608.411, F.S.; providing for amendment to articles of organization; creating s. 608.412, F.S.; requiring filing of supplemental affidavit of capital contributions in specified circumstances; amending s. 608.415, F.S.; requiring limited liability companies to maintain registered office and registered agent; amending s. 608.416, F.S.; providing for change of registered office and change or resignation of registered agent; amending s. 608.4211, F.S.; specifying allowable contributions to capital and liability therefor; amending s. 608.422, F.S.; providing for management; creating s. 608.4225, F.S.; providing general standards for managers or managing members; amending s. 608.423, F.S.;

providing for adoption of regulations; creating s. 608.4231, F.S.; providing for voting by members and managers; creating s. 608.4232, F.S.; providing for additional members; amending s. 608.424, F.S.; limiting ability to contract debt; amending s. 608.425, F.S.; providing for ownership of company property; amending s. 608.426, F.S.; providing circumstances for distribution of property; creating s. 608.4261, F.S.; providing for sharing of profits and losses; amending s. 608.427, F.S.; providing for withdrawal or reduction of members' contributions to capital; creating s. 608.428, F.S.; specifying liability upon return of contribution; amending s. 608.432, F.S.; providing for transfer of members' interests; creating s. 608.433, F.S.; providing circumstances under which an assignee may become a member; creating s. 608.434, F.S.; specifying powers of the estate of a deceased or incompetent member; amending s. 608.436, F.S.; specifying liability of members and managers to creditors; creating s. 608.4362, F.S.; specifying liability of managers and managing members; creating s. 608.4363, F.S.; providing for indemnification; amending s. 608.441, F.S.; providing for dissolution; creating s. 608.4411, F.S.; providing for revocation of dissolution; creating s. 608.4421, F.S.; providing for disposition of claims against dissolved company; creating s. 608.4431, F.S.; specifying effect of dissolution; amending s. 608.444, F.S.; providing for distribution of assets upon dissolution; amending s. 608.445, F.S.; specifying content of articles of dissolution; amending s. 608.446, F.S.; providing for filing of articles of dissolution; amending s. 608.448, F.S.; specifying grounds for administrative dissolution; creating s. 608.4481, F.S.; providing procedures for and effects of administrative dissolution; creating s. 608.4482, F.S.; providing for reinstatement; creating s. 608.4483, F.S.; providing for appeal from denial of reinstatement; amending s. 608.449, F.S.; providing grounds for judicial dissolution; creating s. 608.4491, F.S.; providing procedure for judicial dissolution; creating s. 608.4492, F.S.; providing for receivership or custodianship; creating s. 608.4493, F.S.; providing for decree of dissolution; creating s. 608.4494, F.S.; requiring deposit of assets of dissolved company with the Department of Banking and Finance; creating s. 608.4511, F.S.; requiring filing of annual reports with the Department of State; amending s. 608.452, F.S.; specifying fees of the Department of State; amending s. 608.455, F.S.; providing for waiver of certain required notices; amending s. 608.471, F.S.; providing for determination of tax under ch. 220, F.S.; creating s. 608.501, F.S.; requiring a foreign limited liability company to obtain a certificate of authority prior to transacting business; creating s. 608.502, F.S.; specifying consequences of transacting business without authority; creating s. 608.503, F.S.; providing for application for certificate of authority; creating s. 608.504, F.S.; providing for amendment of certificate of authority; creating s. 608.505, F.S.; specifying effect of certificate of authority; creating s. 608.506, F.S.; providing requirements for name of foreign limited liability company; creating s. 608.507, F.S.; requiring registered office and registered agent; creating s. 608.508, F.S.; providing for change of registered office and registered agent; creating s. 608.509, F.S.; providing for resignation of registered agent; creating s. 608.5101, F.S.; providing for service of process; creating s. 608.511, F.S.; providing for withdrawal of foreign limited liability company; creating s. 608.512, F.S.; specifying grounds for revocation of authority to transact business; creating s. 608.513, F.S.; specifying procedure for and effect of revocation of authority; creating s. 608.5135, F.S.; providing for revocation and reinstatement of certificates of authority; creating s. 608.514, F.S.; providing for appeal from revocation; repealing ss. 608.435, 608.442, 608.443, 608.453, F.S., relating to liabilities of members, filing of statement of intent to dissolve, effect of statement of intent to dissolve, and miscellaneous charges; providing an effective date.

By the Committee on Education and Senator Meek—

CS for SB 1158—A bill to be entitled An act relating to education; amending s. 228.061, F.S.; deleting provisions relating to nursery schools and providing for preschool programs; amending s. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; deleting obsolete language; revising requirements for plan approval; revising requirements relating to the use of funds; amending s. 230.2312, F.S.; revising provisions relating to promotion from the Florida Primary Education Program; revising a reporting requirement; amending ss. 231.1713, 402.3057, F.S.; providing that noninstructional personnel need not be refingerprinted under certain circumstances; amending s. 232.01, F.S.; revising school attendance provisions for pregnant students, parents, and certain handicapped children; amending s. 232.045, F.S.; providing eligibility for admission to preschool programs; repealing s. 232.05, F.S., relating to eligibility for nursery schools; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senators Weinstock, Kirkpatrick and Wexler—

CS for SB 1212—A bill to be entitled An act relating to universal access to health care; providing legislative intent; providing definitions; creating the Florida Universal Health Access Plan; establishing the Florida Universal Access and Cost Containment Commission; providing the commission with access to otherwise confidential health data; providing an exemption from public records requirements for confidential health data obtained by the commission; providing commission responsibilities; providing for the appointment of an executive director; creating the Florida Universal Health Access Trust Fund; establishing Florida Universal Health Access Trust Fund accounts; establishing eligibility; providing for covered and noncovered health services; providing access to participating providers; providing reimbursement; providing revenues; instructing the Department of Health and Rehabilitative Services to seek waivers; providing reporting requirements; providing an effective date.

By the Committee on Governmental Operations and Senator Johnson—

CS for SB 1312—A bill to be entitled An act relating to public records; amending s. 265.26, F.S.; providing that the identity of prospective donors to the John and Mable Ringling Museum of Art is exempt from the inspection requirements of the public records law; amending s. 265.289, F.S.; providing that the identity of prospective donors to contract organizations is exempt from the inspection requirements of the public records law; amending s. 265.605, F.S.; providing that information identifying prospective donors to local sponsoring organizations is exempt from the inspection requirements of the public records law; providing an effective date.

By the Committees on Judiciary and Professional Regulation and Senators Dantzler, Johnson, McKay and Crotty—

CS for CS for SB 1316—A bill to be entitled An act relating to accountant client privilege; amending s. 473.316, F.S.; providing that proceedings, records, and workpapers of a review committee reviewing the professional work of a licensed accountant are privileged; providing exceptions; prohibiting members of a review committee from testifying; providing definitions; providing an effective date.

By the Committee on Governmental Operations and Senator Meek—

CS for SB 1322—A bill to be entitled An act relating to bias in Florida's court and justice systems; amending s. 43.29, F.S.; requiring minority representation on the Judicial Nominating Commissions; amending s. 39.023, F.S.; requiring minority representation on the Commission on Juvenile Justice; amending s. 39.024, F.S.; requiring minority representation on the Juvenile Justice Standards and Training Council; creating s. 760.51, F.S.; providing for civil actions with respect to violation of certain constitutional rights; creating s. 16.57, F.S.; creating an Office of Civil Rights in the Department of Legal Affairs; creating s. 28.34, F.S.; providing relief for salary discrimination based on gender or race for county and circuit court personnel; creating s. 27.182, F.S.; providing relief for salary discrimination based on gender or race in the office of state attorney; creating s. 27.5301, F.S.; providing relief for salary discrimination based on gender or race in the office of public defender; providing a definition; creating s. 943.1715, F.S.; providing for basic skills training relating to racial and ethnic minorities; creating s. 943.1716, F.S.; requiring such training for continued employment; creating s. 943.1757, F.S.; providing executive level training relating to racial and ethnic minorities; requiring the Criminal Justice Executive Institute to submit a report; amending s. 943.1755, F.S.; providing for research studies relating to racial and ethnic minorities; creating s. 943.1758, F.S.; providing for revision of Criminal Justice Standards and Training relating to racial and ethnic minorities; providing a curriculum of standardized proficiency law enforcement instructions on racial and ethnic minorities; providing for use of culturally sensitive demonstrative aides; providing for trainer programs; requiring a report from the commission; requiring a revised curriculum; providing an effective date.

By the Committee on Governmental Operations and Senator Meek—

CS for SB 1324—A bill to be entitled An act relating to the status of women; creating s. 14.24, F.S.; establishing the Florida Commission on the Status of Women; providing for membership; providing duties; authorizing the commission to receive funds; requiring a report; providing for review and repeal; providing an appropriation; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Jenne—

CS for SB 1330—A bill to be entitled An act relating to neighborhood improvement districts; amending s. 163.514, F.S.; authorizing such districts to make and collect special assessments; requiring referendum approval and providing requirements with respect thereto; providing an effective date.

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

CS for SB 1342—A bill to be entitled An act relating to pari-mutuels; amending s. 550.012, F.S.; authorizing the Pari-mutuel Commission to grant additional days to certain permitholders; changing dates for issuance of requests for additional days; amending s. 550.03, F.S.; requiring permitholders to distribute as proceeds on charity days an amount equal to the state tax that would have been paid; amending s. 550.09, F.S.; imposing an additional tax on handle on the surcharge on certain winning tickets authorized pursuant to s. 550.633; amending s. 550.262, F.S.; requiring the permitholders conducting a thoroughbred race to pay a specific sum, as breeders' and stallion awards, on all pari-mutuel pools conducted during the race, including all intertrack races and Breeder's Cup races conducted outside the state; amending s. 550.263, F.S.; providing that uncashed tickets and breakage tax on live racing conducted by thoroughbred permitholders shall be retained by such permitholder; amending s. 550.2635, F.S.; exempting certain permitholders from the purse requirements of s. 550.62, F.S.; amending s. 550.356, F.S.; authorizing certain horse tracks that have made an election authorized for capital improvements to retain additional commission; amending s. 550.52, F.S.; providing for notification that a permitholder does not intend to operate any racing days; providing for a payment to cover part of the loss to the state; amending s. 550.61, F.S.; prohibiting a permitholder that elects to broadcast its signal from entering into an exclusive agreement with a permitholder eligible to conduct intertrack wagering; authorizing additional racing days to certain quarter horse permitholders; providing that provisions relating to the suspension or revocation of a quarter horse permit are inapplicable under certain conditions; placing restrictions on intertrack wagering; amending s. 550.62, F.S.; changing percentages that horseracing host tracts must pay as purses to certain permitholders; amending s. 550.63, F.S.; changing the percentage that guest tracks are paid on intertrack wagering; creating s. 550.633, F.S.; providing for a surcharge on certain winning tickets; creating s. 550.635, F.S.; providing for an additional percentage that may be paid by a harness track race permitholder to any guest track that receives broadcasts and accepts wagers on races from the host track; amending s. 550.64, F.S.; providing applicability of related laws; creating s. 551.1535, F.S., establishing the Jai Alai Tournament of Champions Meet; providing for the repeal of ss. 550.2635(2), (3), (4), (9), 550.2636(2), (3), (4), (9), 550.1635(2), (3), (4), (6), 551.1535(3), (4), (5), (7), F.S.; providing an effective date.

By the Committee on Judiciary and Senator Yancey—

CS for SB 1368—A bill to be entitled An act relating to judicial proceedings; creating s. 27.005, F.S.; providing definitions; amending s. 27.54, F.S.; providing an additional circumstance under which counties and municipalities may appropriate funds to the public defender's office; requiring counties to provide certain additional services to the public defender's office; amending 744.331, F.S.; revising the time period within which counties must file certain claims against guardianship property; reenacting ss. 27.3455(4)(c), (5)(a), (6)(a), 939.15, F.S., relating to additional court costs and collection, use, and distribution of funds and to court costs in cases of insolvency of criminal defendants to incorporate changes made to s. 27.54, F.S., in references thereto; repealing s. 27.57, F.S., relating to a provision requiring the public defender to file reports with the Justice Administrative Commission; providing an effective date.

By the Committee on Commerce and Senator Dudley—

CS for SB 1378—A bill to be entitled An act relating to child labor; amending s. 450.012, F.S.; revising definitions; amending s. 450.021, F.S.; revising provisions relating to the minimum age for employment; amending s. 450.045, F.S.; providing for posting of notices; amending s. 450.061, F.S.; revising provisions relating to prohibited hazardous occupations; amending s. 450.081, F.S.; revising provisions relating to hours of work which are permitted; amending s. 450.121, F.S.; revising provisions relating to the enforcement of the Child Labor Law by the Division of Labor, Employment, and Training; amending s. 450.132, F.S.; providing requirements for employment of children by the entertainment industry; requir-

ing employers or agents to obtain permits and providing for fees; providing restrictions on hours of work; providing requirements for teachers; amending s. 450.141, F.S.; providing penalties; requiring notice; creating s. 450.155, F.S.; creating the Child Labor Law Trust Fund and providing for uses of funds; providing an effective date.

By the Committees on Finance, Taxation and Claims; Education; and Senators Johnson and Walker—

CS for CS for SB 1402—A bill to be entitled An act relating to the State University System; amending s. 240.207, F.S.; changing the terms of office for members of the Board of Regents; increasing the number of regents for a specified period; creating s. 240.2094, F.S.; providing procedures for requesting and appropriating funds for the State University System; requiring the Board of Regents to establish the authorized positions and approved salary rate; amending s. 240.272, F.S.; providing for carryforward of unexpended funds; creating s. 240.214, F.S.; providing a State University System accountability process; amending s. 240.299, F.S.; authorizing State University direct-support organizations to establish accounts with the State Board of Administration for investment purposes; requiring the Office of the Auditor General to conduct an assessment of the State University System accountability plan; requiring annual performance evaluations of the Chancellor and university presidents; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senators Myers and Grant—

CS for SB 1404—A bill to be entitled An act relating to irrigation contracting; creating part IV of chapter 489, F.S., the Florida Irrigation Regulation Act; providing findings and definitions; providing for application; providing requirements of the Construction Industry Licensing Board with respect to administration and rulemaking; requiring certification of irrigation contractors and providing requirements relating to application, eligibility, examination, and identification; providing for certificate renewal and inactive status; providing for certification fees; providing exemptions from certain requirements; providing for disciplinary actions; creating an advisory council and providing for membership, terms, and duties thereof; providing for review and repeal; providing an appropriation; providing an effective date.

By the Committee on Commerce and Senators Dudley and Forman—

CS for SB 1408—A bill to be entitled An act relating to community associations; amending s. 718.103, F.S.; providing definitions; amending s. 718.104, F.S.; providing additional requirements in the declaration creating a condominium; providing additional requirements in the common elements for certain condominiums; amending s. 718.110, F.S.; revising provisions with respect to the amendment of the declaration; amending s. 718.111, F.S.; revising provisions with respect to the association; amending s. 718.112, F.S.; revising provisions with respect to the bylaws; providing a fine; amending s. 718.113, F.S.; requiring each board of administration to adopt hurricane shutter specifications along certain lines; amending s. 718.114, F.S.; revising provisions with respect to the association powers; amending s. 718.115, F.S.; revising provisions with respect to common expenses and common surplus; amending s. 718.116, F.S.; revising provisions with respect to assessments; amending s. 718.120, F.S.; revising provisions with respect to taxation; amending s. 718.1255, F.S.; providing for alternative dispute resolution; encouraging voluntary mediation; providing for mandatory nonbinding arbitration; providing legislative findings; amending s. 718.203, F.S.; including design professionals, architects, and engineers in a list of contractors granting warranties; amending s. 718.301, F.S.; revising provisions with respect to transfer of association control; creating s. 718.3026, F.S.; providing for written contracts for products and services; providing for bids; providing exceptions; amending s. 718.303, F.S.; providing for additional amounts to be recovered by a unit owner who prevails over the association under certain circumstances; increasing fines; amending s. 718.401, F.S.; providing a shorter term of lease with respect to certain condominiums; amending s. 718.501, F.S.; revising provisions with respect to the powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes; increasing fees; creating s. 718.5015, F.S.; creating an Office of Condominium Ombudsman within the division for administrative purposes; creating s. 718.5016, F.S.; providing for powers and duties of the ombudsman; creating s. 718.5017, F.S.; providing for compensation and expenses; creating s. 718.5018, F.S.; providing for the location of the ombudsman's office; creating s. 718.5019, F.S.; creating the Advisory Council on Condominiums; amending s. 718.502, F.S.; revising provisions with respect to filing prior to sale or lease; providing a fee; amending s. 718.503, F.S.;

revising provisions with respect to disclosure prior to sale; amending s. 718.504, F.S.; revising provisions with respect to the prospectus or offering circular; amending s. 718.608, F.S.; requiring developers to file certain information with the division prior to delivering a notice of intended conversion; providing a fee; amending s. 718.618, F.S.; providing for additional reserve accounts; amending s. 719.106, F.S.; revising provisions with respect to bylaws of cooperatives; amending s. 721.13, F.S.; providing quorum requirements with respect to time-share condominiums or owners' associations; amending s. 721.05, F.S.; redefining the term "time-share estate"; providing for review and repeal; providing an effective date.

By the Committee on Commerce and Senator Kiser—

CS for SB 1446—A bill to be entitled An act relating to insurance; amending s. 651.011, F.S.; providing definitions; creating s. 651.018, F.S.; specifying authority of the Department of Insurance to place a continuing care retirement facility in administrative supervision; creating s. 651.019, F.S.; requiring continuing care providers to provide certain notice of new financing, additional financing, or refinancing to the department; requiring providers to furnish information requested by the department; amending s. 651.023, F.S.; requiring certain proof prior to release of moneys from escrow; creating s. 651.0261, F.S.; authorizing the department to require providers to submit quarterly financial statements; creating s. 651.028, F.S.; authorizing the department to waive regulatory requirements with respect to an accredited provider; amending s. 651.035, F.S.; providing that a provider may employ a debt service reserve to fulfill certain escrow requirements; amending s. 651.055, F.S.; providing that continuing care contracts are exempt from s. 517.301, F.S.; creating s. 651.083, F.S.; creating a continuing care residents' bill of rights; requiring providers to furnish copies of the bill of rights to residents; providing that violations of such rights constitutes grounds for disciplinary action by the department; providing immunity from civil or criminal liability for persons who file reports or complaints of suspected violations of residents' rights or services or conditions in a facility; providing exceptions; amending s. 651.091, F.S.; requiring providers to furnish additional information to residents; amending s. 651.106, F.S.; specifying grounds for disciplinary action by the department; providing that failure to meet disclosure requirements constitutes grounds for disciplinary action; amending s. 651.114, F.S.; authorizing the department to seek the assistance of the Continuing Care Advisory Council in formulating plans to bring certain providers into compliance; authorizing the department to require a facility or provider to prepare a corrective action plan in certain circumstances; authorizing the department to impose a corrective action plan; creating s. 651.1151, F.S.; specifying powers of the department with respect to administrative, vendor, and management contracts of providers; creating s. 651.119, F.S.; providing that the department is for specified purposes a creditor of a facility that closes due to liquidation or pending liquidation; providing for assistance to residents; providing for voluntary contributions from the reserves of providers; providing for reimbursement; providing for reduction of minimum liquid reserve requirements; providing circumstances for assessments against the reserves of providers; specifying duties of the advisory council; providing for future repeal; amending s. 651.121, F.S.; expanding membership of the advisory council; authorizing the advisory council to require providers to submit certain information; providing for future review and repeal; providing an effective date.

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

CS for CS for SB 1448—A bill to be entitled An act relating to the Department of State; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose certain information to the Division of Corporations and providing for use thereof; providing for confidentiality; providing for review and repeal; amending ss. 265.286, 265.2861, F.S.; providing for transfer of funds from certain penalty fees to the Vital Local Cultural Organization Program; amending s. 607.0130, F.S.; specifying documents which the department is not required to file; authorizing the department to bring court action to collect penalties, fees, or taxes and to compel filing, qualification, or registration, file a lis pendens against corporate property, and certify findings to the Department of Legal Affairs for further action; amending s. 607.1502, F.S.; authorizing the department to collect penalties from foreign corporations which transact business in this state without authority and to bring court action to recover penalties and fees; providing an appropriation and authorizing positions; providing for the future review and repeal of ss. 265.286(7), 265.2861(1)(d), F.S.; providing an effective date.

By the Committee on Governmental Operations and Senator Casas—

CS for SB 1496—A bill to be entitled An act relating to purchases of construction services; amending s. 235.31, F.S.; providing for the purchase of, maintenance, repair, and site improvement services by district school boards from other governmental contracts; providing an effective date.

By the Committee on Education and Senator Gordon—

CS for SB 1498—A bill to be entitled An act relating to college preparatory instruction; amending s. 240.117, F.S.; requiring school districts to reimburse community colleges and state universities for the cost of providing college preparatory instruction to certain students; providing a method for calculating the amount of such reimbursements; amending s. 236.081, F.S.; providing for the deduction of college preparatory instructional costs from district allocations from the Florida Education Finance Program; amending s. 240.359, F.S.; prohibiting community colleges from counting certain college preparatory students for full-time equivalent enrollment for funding through the State Community College Program Fund; amending s. 240.271, F.S.; prohibiting state universities from reporting certain college preparatory students as full-time equivalent enrollments for state funding purposes; providing an effective date.

By the Committee on Judiciary and Senators Weinstock, Davis and Grant—

CS for SB's 1530 and 1524—A bill to be entitled An act relating to domestic violence; amending s. 25.385, F.S.; directing the Florida Court Educational Council to establish standards for the instruction of county court judges with respect to domestic violence cases; redefining the term "domestic violence"; defining the term "family or household member"; amending s. 26.20, F.S., requiring each circuit to provide a judge for after hours, weekend, and holiday filings for temporary injunctions in domestic violence cases; amending s. 741.29, F.S.; directing law enforcement officers to assist certain domestic violence victims to obtain medical treatment; revising language with respect to investigations by law enforcement officers of domestic violence; providing for revised notices to victims; providing for the forwarding of certain written reports to certain spouse abuse centers; providing criteria with respect to arrest and charging for domestic violence; providing for freedom from liability; creating s. 741.2901, F.S.; providing for the duties of the state attorneys with respect to the prosecution of domestic violence cases; creating s. 741.2902, F.S.; providing for legislative intent with respect to domestic violence cases; amending s. 741.30, F.S.; redefining the term "domestic violence"; eliminating the term "spouse" and substituting the term "family or household member"; providing for additional duties of the clerk of the court with respect to domestic violence cases; providing for additional information on the petition for injunction for protection against domestic violence; providing for additional duties of law enforcement officers; amending s. 901.15, F.S.; providing for arrest without warrant for domestic violence; amending s. 943.171, F.S.; redefining the term "domestic violence"; defining the term "household member"; amending s. 944.705, F.S.; conforming to the act; providing for the responsibilities of the Department of Law Enforcement with respect to uniform statewide policies and procedures with respect to domestic violence cases; providing for collection of certain statistics on domestic violence; providing an appropriation; providing an effective date.

By the Committee on Governmental Operations and Senator Dantzer—

CS for SB 1548—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; exempting records pertaining to state-certified firefighters and their families from disclosure as public records; exempting records pertaining to judges and justices of the state courts system and their families from disclosure as public records; providing an effective date.

By the Committee on Education and Senator Forman—

CS for SB 1570—A bill to be entitled An act relating to education; amending s. 230.645, F.S.; authorizing school districts to accept in-kind contributions as payment of fees; deleting a restriction relating to the use of classroom space as a contribution; requiring a report; amending s. 236.081, F.S.; conforming provisions; amending s. 240.35, F.S.; authorizing community colleges to accept in-kind contributions as payment of fees; deleting a restriction relating to the use of classroom space as a contribution; requiring a report; providing an effective date.

By the Committees on Finance, Taxation and Claims; Agriculture; and Senator Dantzler—

CS for CS for SB 1594—A bill to be entitled An act relating to citrus canker; amending s. 581.192, F.S.; revising excise taxes for the sale of citrus stock; providing collection procedures; providing penalties; providing for future repeal; amending s. 581.193, F.S.; revising excise taxes for commercial sale of citrus stock; providing collection procedures; providing additional penalties; revising the percentage proceeds from excise taxes transferred to the Citrus Canker Compensation Trust Fund and the Citrus Canker Eradication Trust Fund; providing for future repeal; amending s. 601.282, F.S.; revising excise taxes on citrus fruit; revising collection procedures; providing additional penalties; revising the percentage proceeds from excise taxes transferred to the Citrus Canker Compensation Trust Fund; providing for future repeal; amending s. 602.055, F.S.; revising citrus canker claims procedures; amending s. 602.065, F.S.; revising language with respect to interest rates on claims; authorizing the state to proceed to administrative hearing; providing appropriations; amending s. 602.025, F.S.; providing legislative intent; providing effective dates.

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

CS for SB 1620—A bill to be entitled An act relating to the tourist development tax; amending s. 125.0104, F.S.; requiring interest to be paid from the General Revenue Fund on taxes collected by the Department of Revenue under this section; providing procedures for calculating the amount of that interest; providing procedures to be followed if taxes are overpaid; providing an effective date.

By the Committee on Education and Senator Bankhead—

CS for SB 1624—A bill to be entitled An act relating to the district school system; creating s. 232.276, F.S.; permitting parenting workshops to assist parents or guardians of students with disciplinary problems; providing an effective date.

By the Committee on Education and Senator Jenne—

CS for SB 1632—A bill to be entitled An act relating to postsecondary education; creating s. 240.4987, F.S.; creating the Florida Minority Medical Education Trust Fund; providing eligibility requirements and funding; providing for rules; providing an effective date.

By the Committee on Education—

CS for CS for SB 1680—A bill to be entitled An act relating to education; amending s. 229.551, F.S.; requiring the Department of Education to collect, analyze, and disseminate certain vocational education reports as a public service; providing definitions; requiring the department, rather than school districts, to determine rates for certain outcomes of job-preparatory vocational education programs; removing a funding penalty; directing the department, each school district, and the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools to disseminate certain outcome information on certain vocational education programs; amending s. 246.207, F.S.; authorizing independent postsecondary vocational, technical, trade, and business schools to participate in the department's reporting of outcomes of vocational education programs; requiring information reported to be comparable; requiring a joint cooperative strategic plan to meet the current and future economic development and workforce needs of the state; providing effective dates.

By the Committee on Judiciary and Senators Dudley and Thurman—

CS for SB 1692—A bill to be entitled An act relating to liens; amending s. 713.01, F.S.; including in the term "owner" condominium associations, in certain circumstances; amending s. 713.13, F.S.; providing an alternative to posting a certified copy of a notice of commencement; amending s. 713.135, F.S.; requiring an authority issuing a building permit to verify that a certified copy of the recorded notice of commencement or the alternative prescribed in s. 713.13, F.S., has been posted; providing an effective date.

By the Committee on Judiciary and Senator Weinstein—

CS for SB 1760—A bill to be entitled An act relating to judicial processes; amending s. 30.231, F.S.; increasing fees charged by the sheriff for certain services; clarifying the charges for levy; amending s. 48.021, F.S.; prescribing procedures for appointment by a sheriff of special process

servers; prescribing qualifications for appointment; providing for reapportionment; providing for establishment of a program for investigating such process servers, to be funded by a fee for each return by such a process server; amending s. 48.031, F.S.; providing that witness subpoenas in criminal cases may be served by certified mail; providing that the sheriff is not responsible for service by mail of a criminal witness subpoena; providing that the person or agency that makes such service is responsible for the mailing and for making proper return to the court; amending s. 48.183, F.S.; providing for service of process in an action by a mobile home park lot owner for possession of a mobile home park lot; amending s. 56.21, F.S.; reducing the number of times that notice of an execution of sale must be advertised; clarifying requirements for an affidavit requesting a shortening of the period of notice required for holding an execution sale for certain property; specifying when an execution sale for personal property and when an execution sale for real property may occur; amending s. 701.04, F.S.; providing that it is the responsibility of a party receiving full payment of a judgment to make a written request to the sheriff to show the return of writ of execution on the judgment as fully satisfied; amending s. 723.062, F.S.; providing that a mobile home park owner or his agent may remove a tenant's personal property upon execution of a writ of possession; requiring the sheriff to stand by to keep the peace upon request of the mobile home park owner; limiting the liability of the sheriff and the mobile home park owner for loss of, destruction of, or damage to the property removed; amending s. 741.30, F.S.; providing for service of domestic violence petitions for injunction on any day of the week and at any time of the day or night; amending s. 903.16, F.S.; providing that an official who is authorized to take bail money or bonds may remit such money or bonds to the clerk of the court; providing an effective date.

By the Committees on Judiciary and Criminal Justice and Senator Johnson—

CS for CS for SB 1786—A bill to be entitled An act relating to displaying the American flag; prohibiting restrictions against the display of the American flag in certain circumstances; providing penalties; declaring certain contracts and other agreements void and unenforceable; providing for damages, punitive damages, attorney's fees, and costs; providing an effective date.

By the Committee on Governmental Operations and Senator Thurman—

CS for SB 1800—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.54, F.S.; providing circumstances in which economic impact statements concerning proposed state agency rules shall be issued; providing requirements for economic impact statements; providing requirements for adopting new rules or amending existing rules; amending s. 120.545, F.S.; providing for committee review of agency rules; providing requirements for burden of proof; providing penalties for failing to meet that burden of proof; providing an effective date.

By the Committee on Commerce and Senators Bruner, Dudley, Thomas, Thurman, Forman, Meek, Weinstein, Walker, McKay and Jenne—

CS for SB 1808—A bill to be entitled An act relating to electric utilities; creating s. 366.0401, F.S.; providing legislative findings and purpose; establishing and authorizing the Public Service Commission to certify approved retail service areas for retail distribution of electric energy and power; providing procedures and criteria for aggrieved electric utilities; providing criteria to resolve certain disputes prior to January 1, 1993; authorizing the Public Service Commission to adopt an implementing schedule; providing that incorporation, consolidation, or annexation of certified approved retail service areas shall not impair or affect service rights; precluding the exercise of the power of eminent domain to acquire property of electric utilities under certain circumstances; providing criteria for the modification of certified approved retail service areas; repealing s. 366.04(2)(d) and (e), F.S., relating to territorial agreements and territorial disputes; providing for the application of the act; providing an effective date.

By the Committee on Education and Senator Johnson—

CS for SB 1886—A bill to be entitled An act relating to education; creating s. 231.263, F.S.; creating a recovery network program for educators who are impaired as a result of alcohol abuse, drug abuse, or a mental condition; providing eligibility for participation; providing for staff; providing for treatment contracts; providing procedures; providing an exemption from public records requirements for certain disclosed infor-

mation and providing for review and repeal of the exemption; providing for determination of ineligibility for further assistance; providing for rules; providing for review and repeal; providing an effective date.

By the Committee on Commerce—

CS for SB 1890—A bill to be entitled An act relating to mortgage brokerage and lending; providing general provisions; providing definitions; providing for powers and duties of the Department of Banking and Finance; providing for investigations, complaints, and examinations; providing for injunctions to restrain violations; providing for cease and desist orders and refund orders; providing for evidence, examiner's worksheets, investigative reports, and other related documents; providing for books, accounts, and records; providing for examinations by the department; providing for the Mortgage Brokerage Guaranty Fund; providing penalties; providing for liability in the case of unlawful transactions; providing for statutory or common-law remedies; providing for public records; providing for the applicability of the act; providing for conflicting interest; prohibiting waivers; prohibiting a mortgage broker from practicing without a current, active license; providing provisions with respect to mortgage brokers; providing exemptions; providing for licensure as a mortgage brokerage business; providing for renewal of a business license and for renewal of a permit; providing for licensure and renewal as a mortgage broker; providing principal and branch broker requirements; providing for branch offices; providing for books, accounts, and records; providing for disclosures; providing principal place of business requirements; providing licensee requirements; providing for administrative penalties and fines and for license violations; providing for brokerage fees; providing requirements for brokering loans to noninstitutional investors; providing exemptions; providing requirements with respect to mortgage lenders; providing for lender's license requirements; providing for correspondent mortgage lender's license requirements; providing for audited financial statements; providing for mortgage lender's licenses and branch office licenses and renewals; providing a saving clause; providing a loan application process; providing for lock-in agreements; providing a commitment process; providing for the expiration of lock-in agreements and commitments; providing for administrative penalties and fines and license violations; providing for mortgage lender or correspondent mortgage lender acting as a broker; prescribing prohibited practices; providing for fees and charges that are not considered interest or finance charges; providing requirements for selling loans to noninstitutional investors; providing for servicing audits; providing for offering of other products and services; providing for expiration of the foregoing provisions and for review in advance thereof; repealing chapter 494, F.S., the Mortgage Brokerage Act; repealing chapter 90-353, Laws of Florida, appearing as chapter 521, F.S., 1990 Supplement, the Mortgage Lending Act; amending s. 201.23, F.S., relating to the exemption of foreign notes and other written obligations from excise taxes, s. 215.321, F.S., relating to the Regulatory Trust Fund, s. 420.507, F.S., relating to the powers of the Florida Housing Finance Agency, s. 520.52, F.S., relating to installment sales finance licensees, s. 520.63, F.S., relating to home improvement finance sellers, s. 607.0505, F.S., relating to registered agents, s. 626.988, F.S., relating to employment insurance solicitors and agents, and s. 687.12, F.S., relating to parity of interest rates among lenders or creditors; revising cross-references in said sections to conform to this act; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senators Meek, Plummer and Souto—

CS for SB 1898—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; authorizing certain counties to impose a health care surtax, subject to referendum; providing for use of the proceeds; providing limitations and conditions; providing that a county that imposes the health care surtax may also impose either the charter county transit system surtax or the local government infrastructure surtax, but not both; providing an effective date.

By the Committee on Judiciary and Senators Wexler, Grant, Weinstock and Davis—

CS for SB 1932—A bill to be entitled An act relating to dissolution of marriage; amending s. 61.052, F.S.; providing that evidence establishing residency at a marriage dissolution hearing may be corroborated by an affidavit; amending s. 61.075, F.S.; revising language with respect to the equitable distribution of marital assets to include a reference to retaining the marital home; providing for vesting of awards made for equitable distribution; amending s. 61.08, F.S.; providing, with respect to dissolution actions, that the court shall include certain findings of fact;

amending s. 61.13, F.S.; providing for equal consideration in determining the primary residence of a child; amending s. 61.30, F.S.; increasing the coverage of the child support guidelines; amending s. 742.031, F.S.; providing that child support payments ordered by a court must comply with the guidelines in s. 61.30, F.S.; creating s. 742.045, F.S.; providing for the award of attorney's fees and costs and providing that such award may be made directly to the attorney; amending s. 743.07, F.S.; revising rights and privileges of dependents over 18 years of age; providing effective dates.

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

CS for CS for SB 1976—A bill to be entitled An act relating to local occupational license taxes; creating s. 205.0315, F.S.; providing requirements for new occupational license tax ordinances adopted after October 1, 1992; amending ss. 205.032, 205.042, F.S.; revising the time for the publication of notice by a county or municipality prior to adoption of such taxes; amending ss. 205.033, 205.043, F.S.; revising fees for transfer of licenses; providing that provisions relating to distribution of county tax revenues are not applicable in certain circumstances; prohibiting adoption of an ordinance by certain counties levying an additional tax for economic development after January 1, 1993; specifying that revenues generated by the county tax may be used for economic development purposes; creating s. 205.045, F.S.; providing that a municipality may transfer to the county, and a county may transfer to a municipality, administrative duties relating to such taxes; amending s. 205.053, F.S.; revising the date for sale of licenses and the due date thereof; providing civil penalties for failure to obtain a required license; providing for costs and attorneys' fees; creating s. 205.0535, F.S.; authorizing counties and municipalities to reclassify occupations and establish new rate structures; providing requirements and limitations; providing requirements for subsequent rate increases; creating s. 205.0536, F.S.; providing for the distribution of county tax revenues after October 1, 1992; creating s. 205.0537, F.S.; providing requirements with respect to licensing of vending and amusement machines; amending s. 1, ch. 90-184, Laws of Florida; providing additional duties of the Occupational License Tax Study Commission and extending the expiration date thereof; providing effective dates.

By the Committees on Appropriations; International Trade, Economic Development and Tourism; and Senator Diaz-Balart—

CS for CS for SB 1984—A bill to be entitled An act relating to economic development; providing legislative findings; creating the Florida Tourism Commission within the Department of Commerce; providing for the appointment of commission members, terms, and meetings; providing for staff; authorizing the commission to appoint advisory committees; authorizing reimbursement for per diem expenses; providing duties of the commission, including contracting for a study of tourism in the state; providing for confidentiality of certain identities; providing a penalty; providing for a report; providing for expiration of the commission; repealing s. 288.123, F.S., relating to the Tourism Advisory Council; amending s. 288.803, F.S.; revising the membership of the Florida International Affairs Commission; amending s. 288.812, F.S.; providing an additional duty of the Florida Tourism Commission; providing for the Department of Commerce to establish a foreign office in Taiwan; providing purposes; providing for the formation of public/private partnership to promote Florida products and services; authorizing fundraising; authorizing a fee schedule; providing rulemaking authority; requiring the formation of a sister state affiliation; providing an effective date.

By the Committee on Governmental Operations and Senator Meek—

CS for SB 2016—A bill to be entitled An act relating to purchasing; amending s. 11.42, F.S., relating to the Auditor General; providing for an audit statement regarding agency compliance with minority business enterprise procurement goals; amending s. 14.26, F.S.; providing an additional duty of the Citizen's Assistance Office in the Executive Office of the Governor; requiring reports; amending s. 24.113, F.S.; revising provisions governing minority business enterprise participation in the state lottery; providing clarifying language; amending s. 215.422, F.S.; specifying certain rights of vendors in state agency purchasing agreements; amending s. 255.05, F.S.; revising certain contractor bonding requirements; allowing state agencies to grant exemptions from payment and performance bonds, in specified circumstances; requiring specified annual reports; amending s. 287.042, F.S., relating to the powers, duties, and functions of the Division of Purchasing of the Department of General Services; revising the date of publication of notice for invitations to bid; revising percentage requirements for procurement contracts by minority

business enterprises; requiring periodic studies of the disparity between goals and practices and recommendations for revising goals; providing clarifying language with respect to determining the base amount for assessing compliance therewith; providing certain reporting requirements with respect to minority business enterprises in state contracting; providing for the breaking of contracts into smaller units or multiple smaller contracts; requiring annual reports; encouraging certain governmental entities to conduct studies; amending s. 287.055, F.S.; conforming language; amending s. 287.057, F.S., relating to procurement of commodities or contractual services; providing for direct payment of minority business enterprises; requiring annual reports; revising language relating to minority business enterprise procurement goals; amending s. 287.0585, F.S.; requiring contractor certification of progress payments to subcontractors and suppliers; amending s. 287.059, F.S.; expanding the definition of the term "agency" to require specified districts to adhere to the state purchasing requirements for private legal services; creating s. 287.085, F.S.; providing for price preference to minority business enterprises in evaluation of proposals and bids; amending s. 287.0943, F.S.; providing for recertification; requiring acceptance of state certification of minority business enterprises by local governments; conforming language; amending ss. 287.0945, 288.1167, F.S.; revising language relating to minority business enterprise procurement goals in provisions relating to the Minority Business Enterprise Assistance Office and sports franchise concession contracts; amending s. 288.703, F.S.; amending definitions of the terms "small business" and "minority person"; amending s. 325.207, F.S.; revising language relating to minority business enterprise procurement goals in provisions relating to contracts for the construction of motor vehicle emissions inspection stations; amending s. 337.17, F.S., relating to bid guaranty requirements in Department of Transportation construction contracts; providing an effective date.

By the Committees on Community Affairs; Natural Resources and Conservation; and Senator Crotty—

CS for CS for SB 2084—A bill to be entitled An act relating to developments of regional impact; amending s. 380.06, F.S.; exempting from provisions governing developments of regional impact increases in the seating or parking capacity of certain sports facilities; requiring a transportation management plan; providing an effective date.

By the Committee on Commerce and Senator Forman—

CS for SB 2114—A bill to be entitled An act relating to health insurance; amending s. 627.6482, F.S.; excluding certain policies from health insurance; amending s. 627.6484, F.S.; providing for termination of enrollment; revising provisions relating to availability of other coverage; amending s. 627.6486, F.S.; revising certain eligibility criteria; amending s. 627.6488, F.S.; revising date for submission of annual report; amending s. 627.6492, F.S.; providing for annual assessments of insurers; providing for assessments related to certain deficits; deleting certain provisions relating to specified assessments; amending s. 627.6494, F.S.; revising provisions related to abating or deferring assessments; amending s. 627.6496, F.S.; providing a cross-reference for purposes of issuing policies; amending s. 627.6498, F.S.; revising provisions relating to benefits, premiums, deductibles, and coinsurance; providing for effective dates of certain coverages; providing for future review and repeal; providing an effective date.

By the Committee on Governmental Operations and Senator Gordon—

CS for SB 2116—A bill to be entitled An act relating to state employees; providing legislative intent; creating the "Family Support Personnel Policies Act"; directing the Department of Administration to develop a model rule with respect to family support personnel policies; providing a timeframe for the adoption of the rule; directing agencies to appoint advisory committees by a certain date; providing for future repeal and review of the advisory committees pursuant to s. 11.611, F.S., the Sundown Act; amending s. 110.121, F.S.; authorizing part-time employees to participate in the state sick leave pool; providing an effective date.

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

CS for CS for SB 2118—A bill to be entitled An act relating to motor vehicle license plates; requiring the Department of Highway Safety and Motor Vehicles in cooperation with the Florida World Cup Task Force to design a license plate commemorating the 1994 World Cup soccer competition; providing for the issuance of the plate for a specified time period; requiring the payment of a license tax, a use fee, and a pro-

cessing fee upon issuance of such a plate; requiring the distribution of the proceeds of the use fee to each local World Cup Task Force of each location within the state which hosts world cup games; specifying uses; creating a trust fund within the Department of Commerce to provide moneys for the promotion and development of amateur soccer and related industries in the state; requiring a portion of the proceeds to be deposited in the trust fund; providing for the effective date and expiration of the section that provides for license plates commemorating World Cup soccer competition; amending s. 2, ch. 89-168, Laws of Florida; extending the time period for proceeds of the Super Bowl XXV license plate fees to be distributed to the Super Bowl Task Force; postponing the time period for those proceeds to be available for use by the Department of Commerce; providing effective dates.

By the Committees on Finance, Taxation and Claims; Health and Rehabilitative Services; and Senators Malchon, Davis and Jenne—

CS for CS for SB 2130—A bill to be entitled An act relating to trauma care; amending s. 395.0335, F.S.; allowing the department to grant additional time for hospitals to become provisional state-sponsored trauma centers under certain circumstances; clarifying which hospitals are eligible to operate as provisional state-sponsored trauma centers; amending s. 395.034, F.S.; clarifying the reimbursement process for state-sponsored trauma centers; revising the effective dates of specified reimbursement rates; amending s. 627.733, F.S.; imposing a trauma service fee on the application for damage security on motor vehicle insurance coverage and providing for the deposit of the proceeds into the Trauma Services Trust Fund; amending s. 395.0345, F.S.; clarifying purposes for which such funds may be expended; providing for deposit of funds into the fund; providing appropriations; providing an effective date.

By the Committees on Judiciary; Health and Rehabilitative Services; and Senator Malchon—

CS for CS for SB 2136—A bill to be entitled An act relating to health care; amending s. 401.35, F.S.; requiring the Department of Health and Rehabilitative Services to adopt rules to establish minimum standards for emergency medical services personnel to respond to requests for withholding or withdrawing life-prolonging procedures; creating s. 745.40, F.S.; designating ss. 745.40-745.53, F.S., the Health Care Surrogate Act of Florida; amending s. 745.41, F.S.; defining terms for purposes of ss. 745.40-745.53, F.S.; amending s. 745.42, F.S.; revising provisions relating to the designation of a health care surrogate; authorizing the designation of certain employees of the treating health care provider or health care facility as a health care surrogate, if the employee is related to the principal; amending s. 745.44, F.S.; revising provisions relating to persons who may serve as a health care surrogate of a patient who has not designated a surrogate and who does not have the capacity to make medical decisions for himself; amending s. 745.45, F.S.; clarifying responsibilities of a health care surrogate; amending s. 745.46, F.S.; clarifying the type of experimental treatments or therapies a health care surrogate may consent to; authorizing a health care surrogate to consent to withholding or withdrawing life-prolonging procedures from the principal, if expressly authorized to do so by the principal; amending s. 745.47, F.S.; clarifying a condition under which a surrogate's decision may be reviewed by a court; authorizing a court order to have a surrogate's decision honored; amending s. 745.48, F.S.; revising patient evaluation requirements; providing that the designation of a health care surrogate is not revoked if the principal regains the capacity to make health care decisions or provide informed consent; amending s. 745.50, F.S.; revising a provision that prohibits health care providers and facilities to require such a designation; amending s. 745.51, F.S.; revising a provision that restricts the liability of a health care surrogate; creating s. 745.53, F.S.; providing for the preservation of existing legal rights; amending s. 765.01, F.S.; clarifying a short title; amending s. 765.02, F.S.; specifying legislative intent to respect the decision of a person to forego life-prolonging medical procedures if he enters a persistent vegetative state; amending s. 765.03, F.S.; defining terms for purposes of ss. 765.01-765.17, F.S., relating to life-prolonging procedures; amending s. 765.04, F.S.; deleting a reference to oral declarations; providing a standard of proof for oral conditions or limitations placed on a declaration; amending s. 765.05, F.S.; specifying a suggested written form to make such a direction; amending s. 765.07, F.S., revising the procedure for designating a person to decide whether to withdraw or withhold life-prolonging procedures from a terminally ill adult; amending s. 765.09, F.S.; requiring certification that a person is terminally ill before a decision may be made to withdraw or withhold life-prolonging procedures; providing for voluntary policy statements by health care facilities and physicians describing their policies on life-prolonging procedures;

providing for the transfer of a patient by a health care designee in order to carry out the patient's instructions regarding life-prolonging procedures; amending ss. 765.10, 765.11, 765.12, 765.14, 765.15, F.S.; conforming cross-references; amending s. 765.13, F.S.; providing penalties; repealing s. 745.49, F.S., relating to the period of time a designation is valid; repealing s. 765.07(2), F.S., relating to witnesses to treatment consultations; repealing s. 765.075, F.S., relating to withdrawing or withholding of food and water; providing an effective date.

By the Committee on Governmental Operations and Senator Jenne—

CS for SB 2170—A bill to be entitled An act relating to public records and meetings; amending s. 119.07, F.S.; providing that exemptions from the public records law do not imply exemptions from or exceptions to the public meetings law; amending s. 119.14, F.S.; providing standards and requirements for exemptions from the public records law; exempting certain records, meetings, and activities of a governing board of a public hospital from ss. 119.07(1), 286.011, F.S., relating to public records and meetings, respectively; providing for termination of these exemptions if certain events occur; providing for future repeal and review of such exemptions pursuant to the Open Government Sunset Review Act, s. 119.14, F.S.; providing an effective date.

By the Committees on Governmental Operations; Health and Rehabilitative Services; and Senator Kiser—

CS for CS for SB 2186—A bill to be entitled An act relating to mental health; amending s. 394.715, F.S.; modifying procedure for appointment of members to the district alcohol, drug abuse, and mental health planning councils; providing a residency requirement; specifying a five-member nominating committee; providing an effective date.

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

CS for CS for SB 2242—A bill to be entitled An act relating to taxation; providing for the issuance of Florida United States Olympic Committee motor vehicle license plates upon payment of the license tax and additional fees; providing for deposit of a portion of the fees; providing for the use of fees; amending s. 201.08, F.S.; providing for an increase in the documentary stamp tax on notes; amending s. 201.15, F.S.; providing for redistribution of taxes collected; providing for a specific appropriation; providing an effective date.

By the Committees on Appropriations; Health and Rehabilitative Services; Health and Rehabilitative Services Reorganization; and Senator Gordon—

CS for CS for SB 2306—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19, F.S.; redefining the purposes of the department; providing for the appointment of ad hoc advisory committees; redefining the authority of the secretary; transferring responsibilities for operations to the secretary; delineating responsibilities of Deputy Secretary for Health; deleting the reference to the Office of Restaurant Programs; deleting Advisory Council on Health; renaming the Deputy Secretary for Programs as the Deputy Secretary for Human Services; delineating responsibilities; providing conforming name changes throughout the section; deleting specific reference to children's mental health outcome report; deleting program office advisory councils; deleting the Medicaid Advisory Council; providing for regional administration centers; prescribing counties that comprise the subdistricts in District 4; providing changes in the responsibilities of the district administrators; changing the budget entities; providing for departmental budget requests to be based on costs of units of service; deleting provisions requiring program evaluation; providing requirements for the department's information systems; deleting management fellows program; requiring a report on departmental monitoring requirements; providing for outcome evaluation in the department; providing intent; providing definitions; requiring the department to establish a system of outcome evaluation of services provided by all programs; providing additional requirements of the Children, Youth, and Families Program Office under the system; providing for reports; requiring periodic evaluations and reports by the Auditor General; providing for a budget assessment to fund evaluation activities; amending s. 20.04, F.S.; conforming language; amending ss. 39.021, 39.025, F.S.; correcting cross-references; creating s. 110.1097, F.S.; providing intent; prescribing duties of the Department of Administration with respect to assisting in, and examining, a review of the personnel system of the Department of Health and Rehabilitative Services; requiring examination of specified items; requiring reports; creating s. 381.297, F.S.; establishing the Office of Restaurant Programs with

the department; providing for appointment of district supervisors; providing duties of the office; amending ss. 402.167, 402.47, F.S.; conforming language; creating s. 402.50, F.S.; providing for review of administrative infrastructure needs; providing intent; requiring the development of administrative infrastructure standards; requiring a report; requiring analysis based upon standards; creating s. 402.55, F.S.; providing for the Management Fellows Program; amending s. 409.146, F.S.; correcting a cross-reference; providing for reporting; providing for staff training; requiring an analysis of documentation and reporting requirements for all programs of the Department of Health and Rehabilitative Services; requiring specific distribution of analysis; providing for the establishment of local health and human services planning groups; providing for appointment of members to planning groups; providing duties; requiring the department to develop a formula for equally funding service districts; providing for the appointment of an advisory committee to assist the department in developing the formula; requiring a report; requiring the Department of Health and Rehabilitative Services to establish a mediation process to resolve disputes between contract agencies and the department; providing for the appointment of mediation panels; providing that final decisions of mediation panels may not be administratively appealed; repealing s. 381.0615, F.S., relating to the Children, Youth, and Families Program Office; amending s. 393.063, F.S.; defining the term "supported living"; amending s. 393.066, F.S.; including supported living among the range of community services and treatments for persons who are developmentally disabled; amending s. 393.068, F.S.; clarifying that certain payment methods and rate schedules do not apply to the provision of in-home subsidies through the family care program; creating s. 393.069, F.S.; requiring the Department of Health and Rehabilitative Services to develop a plan for paying in-home subsidies; providing guidelines for the uses of in-home subsidies; providing requirements for the subsidies; providing an effective date.

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

CS for CS for SB 2352—A bill to be entitled An act relating to pollutant storage and environmental cleanup; amending s. 206.9935, F.S.; extending the operation of the tax for inland protection; amending s. 376.301, F.S.; revising the definition of the term "person responsible for conducting site rehabilitation" for the purposes of the Pollutant Spill Prevention and Control Act; allowing mortgage holders and trust holders to participate in reimbursement; amending s. 376.305, F.S.; revising the definition of the term "abandoned petroleum storage system"; increasing the time period for the submission of applications under the Abandoned Tank Restoration Program; providing for the usage of certain funds; amending s. 376.3071, F.S.; authorizing the use of the Inland Protection Trust Fund for the Abandoned Tank Restoration Program; limiting the uses of funds from that trust fund; authorizing the Department of Environmental Regulation to enter into certain agreements regarding reimbursement of cleanup costs; allowing the responsible party to be eligible for the reimbursement program, under certain conditions; revising terms to conform to current usage; allowing certain facilities to be eligible for redetermination; eliminating the expiration of an incentive program; extending the time interest would be paid by the department on reimbursements under certain conditions; repealing obsolete s. 376.3071(12)(i), F.S., relating to obligated funds; amending s. 376.3072, F.S.; requiring the responsible party to conduct the total restoration after a specified date; providing exceptions; providing that certain petroleum storage systems owners and operators are eligible for the restoration program under certain conditions; expanding waiver provisions; authorizing certain lending institutions under the Florida Petroleum Liability Insurance and Restoration Program to conduct certain cleanup operations; providing for the retroactivity of s. 376.3072(2)(b), F.S.; amending s. 376.3073, F.S.; allowing the department to contract with state agencies for control of contamination; providing guidelines for state agency programs for control of contamination; amending s. 376.3077, F.S.; clarifying who is prohibited from depositing motor fuel into certain tanks; amending ch. 88-331, Laws of Florida; providing an additional time period for the compilation of a report to legislative leaders on pollution liability and restoration insurance; deleting the automatic expiration of the Florida Petroleum Liability Insurance Program; amending s. 489.133, F.S.; providing the area of operations for certain registered precision tank testers; requiring the registration of internal pollutant storage tank lining applicators by the Construction Industry Licensing Board of the Department of Professional Regulation; requiring the Department of Environmental Regulation to review rules requiring such registration; correcting cross-references; providing criminal penalties for conducting business as a precision tank tester or an internal pollutant tank lining applicator without

registration; amending s. 253.033, F.S., relating to "the Graves Tract," former Inter-American Center property; providing for protection of a State Mangrove Preserve; providing for a cost-sharing arrangement with the City of North Miami for protective measures; providing severability; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gardner, by two-thirds vote **HB 2277, CS for SB 156, CS for CS for SB 280, CS for SB's 404 and 638, CS for SB 590, CS for SB 596, CS for SB 668, CS for SB 718, CS for SB 782, CS for SB 840, CS for SB 968, CS for CS for SB 1044, CS for CS for SB 1074, SB 1314, CS for SB 1342, CS for SB 1424, CS for SB 1460, CS for SB 1536, Senate Bills 1686 and 1838, CS for SB 1876, CS for SB 1892, CS for SB 1894, CS for CS for SB 2118 and SB 2236** were withdrawn from the Committee on Appropriations.

On motions by Senator Thomas, by two-thirds vote **SB 1422** was withdrawn from the Committee on Criminal Justice; **SB 1648** was withdrawn from the Committee on Health and Rehabilitative Services; **CS for SB 262** was withdrawn from the Committee on Criminal Justice; **CS for SB 1212** was withdrawn from the Committee on Rules and Calendar; **CS for SB 1662** was withdrawn from the Committee on Judiciary; and **CS for SB 2064** was withdrawn from the Committee on Education.

On motions by Senator Beard, by two-thirds vote **Senate Bills 420, 484 and 2260** were withdrawn from the committees of reference and further consideration.

On motion by Senator Grizzle, by two-thirds vote **CS for SB 1796** was withdrawn from the Committee on Community Affairs.

On motion by Senator Thomas, by two-thirds vote **CS for HB's 539 and 757** was withdrawn from the Committee on Education.

On motion by Senator Gardner, by two-thirds vote **CS for HB's 539 and 757** was withdrawn from the Committee on Appropriations.

On motions by Senator Jenne, by two-thirds vote **Senate Bills 504, 950, CS for SB 424, CS for SB 1124 and CS for SB 2024** were withdrawn from the Committee on Finance, Taxation and Claims.

MOTIONS

On motion by Senator Gardner, the House was requested to return **CS for SB 2126**.

On motions by Senator Thomas, the rules were waived and **Senate Bills 738, 894, 1048, 1050, 1092, 1094, 1274, 1344, 1380, 1710, 1712, 2370, 2372, 2374, 2384, 2386, 2390, 2392, 2394, 2396, 2404, 2414, 2420, 2440, 2448, 2450 and 2452** which passed April 11 were ordered immediately certified to the House.

On motions by Senator Thomas, the rules were waived and by two-thirds vote **CS for SB 740** was placed on the special order calendar to be considered after **SB 1780**.

On motion by Senator Thomas, by two-thirds vote Rule 2.39 was waived to allow amendments to be filed with the Committee on Rules and Calendar one hour prior to the meeting scheduled for 2:00 p.m. this day.

On motions by Senator Jenne, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to remove **SB 548** from the agenda and to consider **SB 2454** and **CS for SB 1140** on Wednesday, April 17.

On motion by Senator Girardeau, the rules were waived and the Committee on Executive Business, Ethics and Elections was granted permission to meet this day at 5:00 p.m. to consider **SB 552** and Executive appointments.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **SB 380**, which he approved on April 12, 1991; **SB 1266**, which he approved on April 16, 1991.

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Florida Citrus Commission Sorrells, Howard E., Arcadia	05/31/93
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling Francis, Kay, Dania	09/30/94
Florida Communities Trust Henderson, Clay, New Smyrna Beach	05/31/95
State Board of Community Colleges Rinard, Amy E., Belleair Beach	09/30/91
Board of Trustees of Indian River Community College McNamee, Alfred A., Okeechobee	05/31/94
Board of Trustees of Manatee Community College Branic, Gladys, Bradenton Matthews, A. Lamar, Jr., Sarasota Moore, Robert L., Venice Perkins, Robert E., Sarasota Ridings, Dorothy S., Bradenton	05/31/92 05/31/94 05/31/93 05/31/92 05/31/94
Board of Trustees of St. Johns River Community College Miller, Thomas A., Crescent City	05/31/94
Board of Trustees of Valencia Community College Tompkins, Marcia K., Kissimmee	05/31/94
Electrical Contractors' Licensing Board Smith, Richard L., Cape Coral	12/17/94
Governing Board of the Northwest Florida Water Management District Eubanks, Bennett T. III, Blountstown Fletcher, E. Hentz, Jr., Quincy Griswold, M. Copeland, Milton Howell, Robert L., Apalachicola Willson, George W., Tallahassee	03/01/95 03/01/95 03/01/95 03/01/95 03/01/95
Governing Board of the St. Johns River Water Management District Parrish, J. J. III, Titusville	03/01/95
Governing Board of the Southwest Florida Water Management District Campo, R. F., Brandon Cox, James L., Lakeland Davis, Joe L., Jr., Wauchula Hamner, John T., Bradenton Harrell, Roy G., Jr., St. Petersburg Law, Curtis L., Land O'Lakes Martin, James E., St. Petersburg Roehr, Rita J., Sarasota Thompson, Sarah Ann, Tampa	03/01/92 03/01/93 03/01/92 03/01/92 03/01/94 03/01/95 03/01/94 03/01/93 03/01/93
Governing Board of the Suwannee River Water Management District Close, Boyd W., Perry Demott, Herbert G., Monticello Griner, Lynetta Usher, Fanning Springs Sedmera, J. Frank, Jr., Lake City Starnes, Earl M., Alachua	03/01/95 03/01/95 03/01/95 03/01/95 03/01/95

Referred to the Committee on Executive Business, Ethics and Elections.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed **CS for HB 93, CS for HB 777, HB 1575**; has passed as

amended CS for HB 529, CS for HB 595, CS for HB 1147, CS for CS for HB 1161, CS for HB 1207, HB 1381, CS for HB 1719, CS for HB 1765, CS for HB 2309, HB 2435, HB 2507 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Agriculture and Representative Sindler and others—

CS for HB 93—A bill to be entitled An act relating to water resources; creating s. 240.5329, F.S.; creating the Florida LAKEWATCH Program within the Institute of Food and Agricultural Sciences at the University of Florida; providing purpose; providing for the use of data collected; providing an effective date.

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

By the Committee on Insurance and Representative Kelly—

CS for HB 777—A bill to be entitled An act relating to insurance; amending s. 627.410, F.S.; providing that benefits of an individual accident and health insurance policy form are reasonable in relation to premium rates if the rates are filed pursuant to a loss ratio guarantee; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Graham—

HB 1575—A bill to be entitled An act relating to motorsports; creating s. 549.09, F.S.; providing definitions; authorizing persons who operate a closed-course motorsport facility to require the signing of a liability release form as a condition of entrance to any nonspectator part of the facility; providing requirements with respect to such form; permitting the signing of such release by more than one person; providing an effective date.

(Substituted for **SB 2152** on the special order calendar this day.)

By the Committee on Judiciary and Representative Albright and others—

CS for HB 529—A bill to be entitled An act relating to health care services; creating the "Access to Health Care Act of 1991"; creating s. 766.1115, F.S.; authorizing agreements by governmental contractors with health care providers selected and contracted with for the provision of health care services as agent of the governmental contractor; providing an exception; providing definitions; requiring contracts of agency and specifying terms thereof; providing for access to patient records by governmental contractors and exempting from the public records law patient records, adverse incident reports, and patient treatment outcome information obtained by governmental contractors; providing for future legislative review of this exemption pursuant to the Open Government Sunset Review Act; requiring governmental contractors to establish quality assurance programs; providing for right of control by the governmental contractor; requiring compensated providers to elect under such contracts either a percentage reduction in compensation or a percentage of care to be uncompensated; requiring the establishment of governmental contractor claims funds and excess claims funds; requiring adverse incident and treatment outcome reporting; requiring certain notice; providing for rulemaking; amending s. 768.28, F.S.; expanding agency to include providers of health care services pursuant to agency agreements with governmental contractors, and reenacting ss. 766.203(1) and 766.207(1), F.S., relating to presuit investigation and voluntary binding arbitration of medical negligence claims, to incorporate said amendment in references thereto; amending s. 766.102, F.S.; providing a definition of health care provider for purposes of medical negligence actions; requiring a patient health care treatment and access evaluation methodology and reporting; providing for review and repeal; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Judiciary; Finance, Taxation and Claims; and Appropriations.

By the Committee on Regulated Services and Technology; and Representative Cosgrove and others—

CS for HB 595—A bill to be entitled An act relating to buying services; creating ss. 559.3901-559.3906, F.S.; creating the Buying Services Act of 1991; providing definitions; providing for right of cancellation, refunds, nonwaivable rights, requirements, notice and effect of noncom-

pliance with respect to contracts of membership; providing for required disclosures and prohibited acts; providing penalties with respect to violations of the act; providing an effective date.

—was referred to the Committees on Professional Regulation and Appropriations.

By the Committee on Regulatory Reform and Representatives Graber and Lippman—

CS for HB 1147—A bill to be entitled An act relating to practitioner prescriptions; amending s. 893.04, F.S.; providing procedures for calling in oral prescriptions for controlled substances; conforming provisions to comply with written prescription procedures; prohibiting practitioners from calling in schedule III, IV, or V drugs in excess of a 30-day supply; providing exceptions; providing an effective date.

—was referred to the Committee on Professional Regulation.

By the Committees on Appropriations and Health Care and Representative Abrams and others—

CS for CS for HB 1161—A bill to be entitled An act relating to the Florida Health Care Commission; revising and transferring various sections of statutes to place health care planning, regulation, and policy development under the commission; amending s. 20.19, F.S.; eliminating the Assistant Secretary for Regulation and Health Facilities of the Department of Health and Rehabilitative Services; transferring functions and duties to the commission; amending s. 381.0612, F.S.; providing duties of the commission regarding the State Center for Health Statistics; transferring the center from the department to the commission; amending s. 381.609, F.S.; providing commission duties regarding a prohibition against HIV testing; transferring ss. 381.701-381.7155, F.S., to pt. II of ch. 408, F.S.; transferring provisions relating to certificates of need and state health planning from the Department of Health and Rehabilitative Services to the commission; amending s. 381.709, F.S.; revising the certificate-of-need review process; amending s. 381.7155, F.S.; providing for enforcement of rules; providing a saving clause for certificates of need currently in effect; amending ss. 394.455, 396.032, and 397.021, F.S.; including persons licensed by the commission within the definition of "mental health personnel"; amending s. 395.017, F.S.; providing for disclosure of patient records to the commission; amending s. 395.034, F.S.; providing commission responsibilities relating to reimbursement of state trauma centers; amending s. 395.041, F.S.; providing commission duties relating to internal risk management programs; amending ss. 400.304 and 400.307, F.S., relating to operation of the state and district long-term care facility ombudsman councils; amending ss. 400.401 and 400.408, F.S.; providing commission responsibilities relating to adult congregate living facilities; amending s. 400.623, F.S., relating to recruitment of adult foster homes; creating pt. I of ch. 408, F.S.; creating the Health Care Commission; providing for a comprehensive health plan; providing goals for health care cost containment, access, quality, and planning; providing for location within, but independence from, the Department of Health and Rehabilitative Services; providing for appointment of commissioners; requiring an administrative plan; providing for commission proceedings; providing for a chairman, an executive director, a general counsel, and staff; establishing organizational structure; providing for administrative divisions and bureaus and for professional regulatory boards; specifying qualifications, standards for conduct and ex parte communications, and an oath of office for commissioners; providing for commission expenditures, personnel, recordkeeping, and fees for copies of records; restricting certain representation by former commissioners; providing duties of the Public Counsel; creating a trust fund and providing for the use of moneys therein; providing for inquiries and providing an exemption from public records law; providing for review and repeal; providing penalties; providing for rules; authorizing contracts; providing for judicial review; creating the Medical Advisory Panel; providing membership; providing duties; creating the Health Care Work Group; providing membership; requiring a report; repealing ss. 407.01 and 407.04(4), F.S., relating to creation and budget requests of the Health Care Cost Containment Board; transferring the remainder of ch. 407, F.S., to pt. III of ch. 408, F.S.; transferring powers, duties, and operations of the board to the commission; amending s. 407.12, F.S.; conforming provisions relating to quality assurance monitoring; amending s. 624.215, F.S.; requiring reports to the commission of legislative proposals mandating health insurance coverage; directing that changes in terminology in the Florida Statutes be made, relating to the commission's jurisdiction over nursing homes, adult congregate living facilities, home health agencies, adult day care centers, hospitals, and adult foster homes, in ch. 400, F.S.; midwifery and health testing services

in chs. 467 and 483, F.S., respectively; and in specified sections of the Florida Statutes, to conform to the act; directing that a reviser's bill be prepared to correct cross references and other inconsistencies; providing for Sunset review and repeal of pt. I of ch. 408, F.S., relating to creation of the Health Care Commission; providing for Sundown review and repeal of the Medical Advisory Panel; providing for Sunset review and repeal of pt. II of ch. 408, F.S., relating to certificates of need; rescheduling review and repeal of provisions affected by the act; providing an appropriation; providing effective dates.

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

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

CS for HB 1207—A bill to be entitled An act relating to the Whistleblower's Act of 1986, amending s. 112.3187, F.S.; revising conditions under which the act does not apply; providing additional information that may be disclosed under the act without adverse action; revising conditions under which disclosure of information is protected; revising provisions relating to defense to actions brought pursuant to the act; reenacting s. 20.055(4)(b), F.S., relating to confidentiality of information received by a chief internal auditor, to incorporate the amendment to s. 112.3187, F.S., in reference thereto; amending s. 112.3188, F.S.; providing for confidentiality of certain information given to internal auditors and inspectors general; providing an effective date.

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

By Representative Ritchie—

HB 1381—A bill to be entitled An act relating to notice of commencement; amending ss. 713.13 and 713.135, F.S.; authorizing an owner or his authorized agent before actually commencing to improve real property to file a notarized statement that the notice of commencement has been filed for recording; requiring the authority issuing the building permit to verify that the notarized statement has been posted; providing an exception for certain improvements; amending s. 713.01, F.S.; redefining the term "owner"; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Governmental Operations and Representative Peoples—

CS for HB 1719—A bill to be entitled An act relating to public records and meetings; amending s. 119.07, F.S., which provides public records requirements; providing that no exemption from said section shall be interpreted as providing an exemption from public meetings requirements unless expressly provided; amending s. 119.14, F.S., the Open Government Sunset Review Act; providing that criteria applicable to maintaining an exemption from public records or public meeting requirements also apply to the creation of exemptions; revising provisions that require that an exemption must serve an identifiable public purpose in order to be maintained; exempting certain records, meetings, and activities of a governing board of a public hospital from s. 286.011, F.S., relating to public meetings and records, and from s. 119.07(1), F.S., relating to inspection of public records; providing for termination of these exemptions if certain events occur; providing for future review and repeal; providing an effective date.

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

By the Committee on Regulated Services and Technology; and Representative Stafford and others—

CS for HB 1765—A bill to be entitled An act relating to water use; providing definitions; prohibiting false or misleading advertising of water treatment devices; requiring advertisements to contain certain information; providing penalties; creating ss. 255.259 and 335.167, F.S.; requiring xeriscaping of certain property under the Department of General Services and the Department of Transportation, by a specified date; providing a 5-year phase-in for xeriscaping of certain other property under the departments; providing for rules and guidelines; creating s. 373.185, F.S.; providing definitions; requiring local xeriscaping incentive programs under the water management districts; providing for local government ordinances; specifying requirements; providing for rules and a model

xeriscaping code; providing for promotion of residential and commercial use of xeriscaping; amending s. 380.061, F.S.; adding a xeriscaping requirement under the Florida Quality Developments program; creating ss. 125.568 and 166.048, F.S.; providing legislative findings and intent relating to the conservation of water through xeriscaping; directing counties and municipalities to consider enacting ordinances requiring the use of xeriscaping; requiring counties and municipalities to consider promoting xeriscaping through public education and local incentives; requiring purchasers of automatic sprinkler systems to install rain sensor devices; providing an effective date.

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

By the Committees on Appropriations and Insurance and Representative Ascherl—

CS for HB 2309—A bill to be entitled An act relating to insurance; amending s. 407.07, F.S.; deleting a reference to a repealed section; amending s. 624.01, F.S.; including ch. 635, F.S., within the Florida Insurance Code; amending s. 624.031, F.S.; defining "self-insurance"; amending s. 624.125, F.S., exempting certain motor vehicle service agreements from the Insurance Code; amending s. 624.155, F.S.; providing a civil remedy for certain persons injured by insurers; amending s. 624.310, F.S.; specifying enforcement powers of the Department of Insurance; providing definitions; providing for cease and desist orders; providing for removal or restriction of affiliated parties; providing for administrative fines and suspension or revocation of authority; specifying applicable procedures; amending s. 624.313, F.S.; requiring the department to publish certain reports; amending s. 624.315, F.S.; providing for the annual report of the department; amending s. 624.316, F.S.; providing for examination of insurers; redesignating s. 627.321, F.S., as s. 624.3161, F.S., and amending said section; providing for market conduct examinations; amending s. 624.317, F.S.; providing for investigation of customer representatives; amending s. 624.320, F.S., relating to examination expenses, to conform; amending s. 624.33, F.S., relating to jurisdiction of the department, to conform; amending s. 624.401, F.S.; providing criminal penalties for acting as an insurer without a certificate of authority; amending s. 624.404, F.S.; providing eligibility criteria for issuance of a certificate of authority; amending ss. 624.407 and 624.408, F.S., specifying surplus requirements for insurers; amending s. 624.412, F.S.; specifying required deposits of alien insurers; amending s. 624.413, F.S.; specifying form for financial statements; amending s. 624.416, F.S.; providing for continuation of certificates of authority; amending s. 624.424, F.S.; requiring filing of annual statements and other information; amending s. 624.430, F.S.; providing for removal of a line of insurance from a certificate of authority; amending s. 624.436, F.S.; specifying sections included within the Florida Nonprofit Multiple-Employer Welfare Arrangement Act; creating s. 624.4361, F.S.; providing definitions; amending s. 624.437, F.S.; requiring a certificate of authority for operation of a multiple-employer welfare arrangement; amending s. 624.438, F.S.; specifying eligibility criteria for issuance of a certificate of authority to an arrangement; creating s. 624.4385, F.S.; prohibiting an arrangement from using certain words in its name; amending s. 624.439, F.S.; providing for application for certificate of authority; amending s. 624.4392, F.S.; specifying fund balance required of an arrangement; amending s. 624.44, F.S.; providing for examination by the department; amending s. 624.441, F.S.; providing for insolvency protection, creating s. 624.4411, F.S.; providing for approval of certain contracts of an arrangement by the department; amending s. 624.4415, F.S.; providing for assessments of employers; creating s. 624.4416, F.S.; providing for assessments by the receiver of an arrangement; creating s. 624.4417, F.S.; prohibiting an arrangement from selling coverage to the general public or certain employers; specifying liability for assessments of persons who sell coverage in violation of the prohibition and of persons to whom coverage was so sold; providing penalties; amending s. 624.442, F.S.; requiring annual and quarterly reports; providing administrative penalties; requiring retention of an independent certified public accountant by each authorized arrangement; providing for terms of contract; creating s. 624.4431, F.S.; specifying administrative and rulemaking authority of the department; creating s. 624.4432, F.S.; requiring arrangements to comply with specified provisions relating to assets, liabilities, and investments; amending s. 624.444, F.S.; providing for denial, suspension, or revocation of an arrangement's certificate of authority; creating s. 624.4441, F.S.; providing for fine in lieu of suspension or revocation; providing for personal imposition of fines on certain individuals affiliated with an arrangement; amending s. 624.445, F.S.; specifying provisions applicable to denial, suspension, or revocation of a certificate of authority; providing administrative penalties; amending s.

624.462, F.S.; providing criteria for establishment of commercial self-insurance funds; amending s. 624.474, F.S.; providing that the trustees or directors of a self-insurance fund may assess members; amending s. 624.482, F.S., relating to making and use of rates, to conform; amending s. 624.489, F.S.; specifying liability of directors of self-insurance funds operating as corporations; amending s. 624.523, F.S.; providing for deposit of certain moneys in the Insurance Commissioner's Regulatory Trust Fund; amending s. 624.610, F.S.; specifying entities that are approved reinsurers; limiting reinsurance agreements in certain circumstances; providing circumstances under which no credit is allowed for reinsurance; amending s. 624.80, F.S., relating to a definition of "insurer", to conform; amending s. 625.091, F.S.; specifying reserves required for losses and loss adjustment expenses; amending s. 625.121, F.S.; revising the standard valuation law for life insurance; amending s. 625.151, F.S.; providing for valuation of securities; amending s. 625.305, F.S.; providing for diversification; amending s. 625.316, F.S.; authorizing insurers to invest in certain international development banks; amending s. 625.327, F.S.; providing that said section supersedes a specified provision of federal law; amending s. 625.51, F.S.; providing for deposits of domestic insurers; amending s. 625.52, F.S.; specifying securities eligible for deposit; amending s. 625.58, F.S.; specifying actions the department may take with respect to an insurer that fails to cure a deficiency in its deposit; amending s. 625.62, F.S.; providing for holding and release of deposit; amending s. 625.63, F.S.; providing for release of deposit; amending s. 626.2815, F.S.; changing certain continuing education requirements for insurance agents and other licensees; amending s. 627.091, F.S., relating to workers' compensation and employer's liability rate filings, to conform; amending s. 627.311, F.S., relating to joint underwriters and joint reinsurers, to conform; amending s. 627.4585, F.S., relating to interest on policy loans, to conform; amending s. 627.482, F.S., relating to interest payable on cash surrender of policy, to conform; amending s. 628.051, F.S.; specifying content of application for permit to form insurer; amending s. 628.081, F.S.; specifying content of articles of incorporation of domestic insurer; amending s. 628.161, F.S.; specifying qualifications for mutual insurers; amending s. 628.171, F.S.; providing bond requirements for mutual insurers; redesignating s. 628.331, F.S., relating to enforcement of contingent liability, as s. 628.615, F.S.; amending s. 628.451, F.S.; providing for merger or share exchange of stock insurers; amending s. 628.4615, F.S.; redesignating allied lines insurers as specialty insurers; providing for acquisition of controlling stock, ownership interest, assets, or control; amending s. 628.471, F.S.; providing for mergers of mutual insurers; amending s. 628.520, F.S.; providing for change of domicile of a foreign insurer; creating ss. 628.6011, 628.6012, 628.6013, 628.6014, 628.6015, 628.6016, and 628.6017, F.S.; providing for creation, regulation, and conversion of assessable mutual insurers; amending s. 628.901, F.S.; defining "captive insurer"; amending ss. 627.944, 627.949, 627.952, 632.634, 634.171, 634.181, 634.191, 634.201, 634.211, 634.317, 634.318, 634.319, 634.320, 634.321, 634.322, 634.3225, 634.323, 634.419, 634.420, 634.421, 634.422, 634.423, 634.424, 634.425, 634.426, 635.051, 637.141, 637.143, 637.144, 637.145, 637.146, 637.301, 637.302, 637.303, 637.304, 637.305, 637.415, 638.181, 638.191, 638.201, 638.211, 638.221, 639.185, 641.386, 642.034, 642.036, 642.038, 642.041, 642.043, 642.045, and 642.047, F.S.; applying provisions relating to licensure, appointment, and discipline of insurance agents, unlawful rebating, and fees, to persons engaged in sales for risk retention and purchasing groups, fraternal benefit societies, motor vehicle service agreement companies, home warranty associations, service warranty associations, mortgage guaranty insurance, optometric service plan corporations, pharmaceutical service plan corporations, dental service plan corporations, ambulance service associations, preneed funeral merchandise or service contracts, health maintenance organizations, and legal expense insurers; amending s. 628.903, F.S.; increasing the minimum premium for certain industrial insured captive insurers; amending s. 629.261, F.S.; conforming a reference to surplus to current usage; amending s. 629.513, F.S., relating to making and use of rates of limited reciprocal insurers, to conform; creating s. 629.520, F.S.; abolishing the power of the department to issue certificates of authority as limited reciprocal insurers; amending s. 631.011, F.S.; providing definitions; amending s. 631.041, F.S.; providing for automatic stays in delinquency proceedings; creating s. 631.112, F.S.; providing for subordination of claims for noncooperation; amending s. 631.141, F.S.; providing for disposition of records of delinquency proceedings for domestic and alien insurers; amending s. 631.152, F.S.; providing for conduct of delinquency proceedings of foreign insurers; amending s. 631.154, F.S.; providing procedures for delivery to the receiver of funds or property in the possession of third parties; amending s. 631.155, F.S.; providing for an accounting of premiums and unearned commissions collected by an agent; amending s. 631.171, F.S.; specifying rights of Florida residents with respect to liqui-

datation proceedings in other states; amending s. 631.181, F.S.; providing for filing and proof of claims; amending s. 631.182, F.S.; providing for resolution of objections to the receiver's report; amending s. 631.221, F.S.; specifying accounting practices to be used by receivers; amending s. 631.252, F.S.; providing for continuation of coverage; amending s. 631.271, F.S.; specifying priority of distribution of claims from the insurer's estate; amending s. 631.391, F.S.; requiring officers and employees of an insurer's affiliate to cooperate with the department; amending s. 631.66, F.S.; providing immunity for members of the Florida Insurance Guaranty Association; amending s. 631.713, F.S.; revising application; amending s. 631.714, F.S.; defining "covered policy"; amending s. 631.717, F.S.; limiting liability of the Florida Life and Health Insurance Guaranty Association; amending s. 631.722, F.S.; requiring members of the Florida Life and Health Insurance Guaranty Association to pay assessments that are under appeal; providing for subsequent refund; amending s. 631.727, F.S.; providing immunity for members of the association; amending s. 631.737, F.S.; providing for review and tolling of noncontestable period; amending s. 631.814, F.S.; providing definitions; amending s. 631.816, F.S.; specifying membership of the board of the Florida Health Maintenance Organization Consumer Assistance Plan; amending s. 631.817, F.S.; specifying eligibility for coverage under the plan; amending s. 631.818, F.S.; specifying powers and duties of the plan; amending s. 631.819, F.S.; providing for assessment by board of directors; amending s. 631.820, F.S.; providing for the plan of operation of the plan; amending s. 631.821, F.S.; providing circumstances for suspension or revocation of the certificate of authority of a member health maintenance organization; amending s. 631.822, F.S.; providing for records of the plan; amending s. 641.19, F.S.; providing definitions; amending s. 641.21, F.S.; providing for application for certificate of authority to operate a health maintenance organization; creating s. 641.215, F.S.; providing conditions for issuance or maintenance of a health maintenance organization's certificate of authority; specifying effect of bankruptcy proceedings; amending s. 641.228, F.S., relating to the Florida Health Maintenance Organization Consumer Assistance Plan, to conform; amending s. 641.23, F.S.; specifying effect of denial, revocation, or nonrenewal of a Health Care Provider Certificate; amending s. 641.26, F.S.; specifying form and content of a health maintenance organization's annual report; amending s. 641.27, F.S.; providing for examination by the department; amending s. 641.28, F.S.; providing for attorney's fees and costs in certain actions against health maintenance organizations; creating s. 641.284, F.S.; specifying exclusive methods of liquidation, rehabilitation, reorganization, and conservation; amending s. 641.29, F.S.; providing fees; creating s. 641.309, F.S.; providing standards for marketing to persons eligible for Medicare; amending s. 641.31, F.S.; requiring notice of rate changes in health maintenance contracts; providing for discontinuation of disapproved rating methodologies; specifying content of contracts; requiring open enrollment periods; limiting certain defenses; requiring health maintenance organizations to make available at the option of the subscriber certain osteopathic hospital services; amending s. 641.3108, F.S.; requiring advance notice of termination, cancellation, or nonrenewal of contract; amending s. 641.311, F.S.; providing for a statewide subscriber assistance program; authorizing the Department of Health and Rehabilitative Services to impose fines on health maintenance organizations that fail to meet certain standards; amending s. 641.3111, F.S.; providing for extension of benefits; amending s. 641.315, F.S.; providing for contracts with health care providers; amending s. 641.35, F.S.; providing for assets, liabilities, and investments of health maintenance organizations; amending s. 641.36, F.S.; providing for rules; specifying sanctions for violation of rules; amending s. 641.3905, F.S.; specifying powers and duties of the department; amending s. 641.3921, F.S.; specifying limits on convertibility of contract; amending s. 641.3922, F.S.; providing for cancellation or nonrenewability clause of contracts; amending s. 642.032, F.S., relating to legal expense insurance, to conform; specifying enforcement authority of the Department of Labor and Employment Security; reenacting ss. 395.0172(2)(c), 402.48(8)(c), 404.111(2)(a), 458.320(1)(b) and (2)(a), 459.0085(1)(a) and (2)(a), 624.11(2), 624.402(4), 624.4414(1) and (2), 624.466(9)(a), 624.488(1) and (2), 624.606(2)(c), 624.609(3), 625.012(8), 626.8417(3)(g), 626.88(1)(i), 627.9403, 628.071(2), 628.261, 629.131, 631.061, 631.071(1), 631.081(1), 631.371(1), 631.828, 632.638(3), 634.052(1) and (2), 634.252, 634.253(1), 634.305(1) and (2)(a), 634.3073, 634.405(1), 634.4085, 637.153, 637.316, 637.422, 638.052, 638.081(1), 639.106, 641.255, 641.285(1), 641.35(1)(d), 641.416, 641.47(1) and (5), 642.023(1), 651.024, 651.035(7)(e), 651.071(1), 651.105(1), and 651.114(5), relating to health care utilization review, health care services pools, surety requirements, physicians' and osteopaths' financial responsibility, risk retention groups, reinsurance, employers' liability in multiple-employer welfare arrangements, commercial self-insurance funds, reinsurance, title insurance agents, administra-

tors, long-term care insurance policies, permits to form insurers, notice of change of director or officer, attorney's deposit in lieu of bond, grounds for liquidation or conservation, seizure, assessments against health maintenance organizations, fraternal benefit societies, motor vehicle service agreement companies, home warranty associations, service warranty associations, optometric service plans, pharmaceutical service plans, dental service plans, ambulance service associations, preneed funeral contracts, health maintenance organizations, prepaid health clinics, legal expense insurance corporations, and continuing care facilities and contracts, to incorporate amendments to various provisions in references thereto; repealing ss. 624.308(3), 624.3151, 627.9301, 627.9302, 627.9303, 627.9304, 627.9305, 628.181, 628.191, 628.201, 628.311, 628.321, 628.4314, 631.243, 641.01, 641.02, 641.025, 641.03, 641.04, 641.05, 641.06, 641.08, 641.12, 641.125, 641.13, 641.14, 641.151, and 641.155, F.S., relating to administrative rules, complaint ratios, life maintenance contracts, mutual insurers, captive insurers, and health care services plan corporations; repealing ss. 629.50, 629.501, 629.502, 629.504, 629.506, 629.507, 629.508, 629.509, 629.511, 629.512, 629.513, 629.514, 629.516, 629.517, 629.518, and 629.519, F.S., relating to limited reciprocal insurers, effective October 1, 1992; saving parts I, II, III, and V of chapter 624 and chapters 625, 628, 629, 630, 631, and 641, F.S., from Sunset repeal; providing for future review and repeal; providing applicability; providing an effective date.

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

By the Committee on Insurance and Representative Ascherl—

HB 2435—A bill to be entitled An act relating to health insurance; creating s. 627.4106, F.S.; providing requirements, restrictions, and renewal and rating provisions that apply to health insurance coverage of certain groups; providing that the Department of Insurance may by rule limit certain rate increases; providing definitions; amending ss. 627.6693, F.S.; revising benefits for small group basic health insurance policies; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Governmental Operations and Representatives Figg and Holzendorf—

HB 2507—A bill to be entitled An act relating to public records and meetings pertaining to labor and employment; reenacting and amending s. 413.22, F.S., which provides for regulations that protect vocational rehabilitation records; amending s. 413.341, F.S., which provides an exemption from public records requirements for vocational rehabilitation records; amending ss. 440.13, 440.39, and 440.515, F.S., which provide exemptions from public records requirements for workers' compensation records; clarifying such exemptions; amending s. 455.241, F.S.; correcting a reference; amending ss. 442.109, 442.111, 442.112, and 442.118, F.S., which provide exemptions from public records requirements for material safety data sheets, specific chemical identities, and locations of toxic substances; reenacting and amending s. 443.041(3), F.S., which provides for privileged communications relating to unemployment compensation; amending s. 443.171, F.S., which provides an exemption from public records requirements for unemployment compensation records and reports; amending s. 447.045, F.S., which provides an exemption from public records requirements for certain business agent applicant information; reenacting s. 447.203(17)(d), which provides for a definition of good faith bargaining and specifying violations thereof; amending s. 447.205, F.S., which provides exemptions from public records and meeting requirements for meetings and draft orders of the Public Employees Relations Commission; amending ss. 447.307 and 447.409, F.S., which provide exemptions from public records requirements for certain records relating to collective bargaining of public employees; amending s. 447.605, F.S., which provides an exemption from public records and meeting requirements for certain meetings involving, and work products of, public employers; saving said exemptions from repeal; providing for future review and repeal; repealing s. 447.503(2)(c), F.S., which provides for availability of certain evidence filed with the Public Employees Relations Commission, and s. 448.06, F.S., which provides for a voluntary mediation and conciliation service under the jurisdiction of the Governor; providing an effective date.

(Substituted for **SB 1770** on the special order calendar this day.)

RETURNING MESSAGES ON SENATE BILLS

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments, CS for CS for CS for SB 480 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 480—A bill to be entitled An act relating to the Medicaid program; creating s. 395.1015, F.S.; providing for an annual assessment of annual net operating revenues of health care entities; specifying those facilities that are subject to the assessment; providing for deposit of proceeds of the assessment into the Public Medical Assistance Trust Fund; allowing the Health Care Cost Containment Board to impose certain penalties; creating s. 409.901, F.S.; providing definitions; creating s. 409.902, F.S.; designating the Department of Health and Rehabilitative Services as the single state agency for administering the Florida Medicaid Program; creating s. 409.903, F.S.; specifying those persons who are eligible for payments for services under the Florida Medicaid Program, subject to certain limitations; creating s. 409.904, F.S.; specifying those persons who are eligible for optional payments for services; creating ss. 409.905, 409.906, F.S.; enumerating federally mandated and optional services to be provided by Medicaid; creating s. 409.907, F.S.; providing requirements for Medicaid provider agreements; providing circumstances under which a provider agreement may be revoked or terminated; creating s. 409.908, F.S.; establishing reimbursement standards for payment for Medicaid services; creating s. 409.909, F.S.; establishing additional reimbursement requirements for nursing home care and prescription drug services under Medicaid; transferring, renumbering, and amending s. 409.2665, F.S., relating to the recovery of Medicaid payments from third-party resources; deleting definitions made obsolete by this act; conforming cross-references to changes made by this act; making technical, clarifying revisions; deleting certain requirements pertaining to the recovery of third-party resources for Medicaid benefits made payable by check; creating s. 409.911, F.S.; authorizing the department to use certain cost-effective methods in purchasing health care; providing standards and requirements for contracts for certain prepaid services; authorizing the department to apply for waivers and establish certain programs in order to reduce costs; prescribing financial requirements for entities contracting on a prepaid per capita or prepaid aggregate fixed sum basis; creating s. 409.912, F.S.; establishing criteria for oversight of goods and services provided under the Florida Medicaid Program; providing for investigations by the Auditor General; exempting certain information pertaining to such investigations from public record laws; providing for future legislative review of this exemption pursuant to the Open Government Sunset Review Act; providing circumstances under which the department may impose administrative sanctions; authorizing the department to recover investigation costs; providing for the department to withhold Medicaid payments during a pending investigation; creating s. 409.913, F.S.; providing penalties for specified actions of Medicaid provider fraud; requiring the Auditor General to conduct a Medicaid Fraud Control program; providing powers and duties; creating s. 409.914, F.S.; requiring county contributions on behalf of certain persons covered by the Florida Medicaid Program, including the establishment of limits thereon and methods for collection; creating s. 409.915, F.S.; requiring the department to use the systems it has developed to manage the Florida Medicaid Program to assist other agencies; creating s. 409.916, F.S.; creating the Public Medical Assistance Trust Fund; creating s. 409.917, F.S.; providing for funds from the Public Medical Assistance Trust Fund to be distributed to hospitals providing a disproportionate share of Medicaid or charity care services; providing formulas to compute the disproportionate share rate; providing for Medicaid payments to hospitals that participate in the Regional Perinatal Intensive Care Center Program; providing payment criteria; creating s. 409.918, F.S.; providing for payments to certain hospitals that make extraordinary contributions to indigent care; providing eligibility criteria for such hospitals; providing methodology for calculating such payments; providing for hospital participation in program funding; creating s. 409.9185, F.S.; providing for a disproportionate share program for teaching hospitals; providing for distribution of funds; providing a formula for maximum payments; transferring, renumbering, and amending s. 409.2666, F.S., relating to the Medicaid Research and Development Trust Fund; deleting obsolete provisions; transferring, renumbering, and amending s. 409.2667, F.S., relating to the receipt and deposit of funds into the Medicaid Research and Development Trust Fund; conforming a cross-reference to changes made by this act; creating s. 409.920, F.S.; requiring the depart-

ment to adopt rules; amending s. 110.123, F.S., relating to the state group insurance program; s. 154.011, F.S., relating to primary care services; s. 394.4787, F.S., relating to definitions applicable to provision of acute care mental health services; s. 395.01465, F.S., relating to emergency care hospitals; s. 400.126, F.S., relating to receivership of nursing home facilities; s. 400.18, F.S., relating to closing of nursing facilities; s. 400.332, F.S., relating to certain funds received by a nursing home for participation in the geriatric outpatient nurse clinic program; s. 407.51, F.S., relating to hospital budgets; s. 409.2673, F.S., relating to the shared county and state health care program for low-income persons; s. 409.345, F.S., relating to public assistance payments as debt of the recipient; s. 409.701, F.S., the Florida Small Business Health Access Corporation Act; s. 410.036, F.S., relating to eligibility for home care for disabled adults and the elderly; s. 624.424, F.S., relating to statements and records of insurers; s. 627.736, F.S., relating to personal injury protection benefits; s. 631.813, F.S., relating to application of the Florida Health Maintenance Organization Consumer Assistance Plan; s. 641.261, F.S., relating to reporting requirements of health maintenance organizations; s. 641.31, F.S., relating to health maintenance contracts; s. 641.411, F.S., relating to reporting requirements of prepaid health clinics; s. 768.73, F.S., relating to punitive damages; conforming cross-references in said sections to changes by this act or deleting from said sections cross-references made obsolete by this act; amending s. 895.02, F.S.; redefining the term "racketeering activity" for purposes of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, to include offenses relating to Medicaid fraud; reenacting ss. 655.50(3)(g), 896.101(1)(g), F.S., relating to unlawful financial transactions, to incorporate the amendment to s. 895.02, F.S., in references thereto; saving existing rules until superseded; creating the Task Force on County Contributions to Medicaid; specifying members of the task force; requiring a study of county contributions to the Medicaid Program; requiring a report to be submitted; providing an appropriation; providing that certain nursing home residents may receive Medicare or Medicaid hospice benefits; repealing s. 21, ch. 89-275, Laws of Florida, ss. 400.23(3), 409.266, 409.2662, 409.2663, 409.2664, 409.267, 409.2671, 409.268, F.S., relating to the Medicaid program and payments thereunder; providing an appropriation; providing an effective date.

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

Section 1. (1) *The Legislature recognizes the importance of providing early prenatal care as a primary means to ensure healthy births. The Legislature also recognizes that one of the most effective weapons in the fight against infant mortality is early, high quality, and comprehensive prenatal care. Despite this convincing evidence that prenatal care is effective in improving pregnancy outcomes, access to prenatal care for all pregnant women has not been achieved in this state. Therefore, it is the intent of the Legislature to assure that the existing economic, social, and geographic barriers to health care are minimized, and that an adequate number of health care providers remain available to assist pregnant women and their infants.*

(2) *Therefore, it is the overall intent of the Legislature to promote and protect the health and well being of all pregnant women and their children through the provision and accessibility of health care programs to fully meet the health requirements of this population.*

(3) *The Legislature recognizes the importance of community-based coalitions that combine the resources and talents of its citizenry with involvement of its local business communities. The Legislature also believes that information derived through community involvement is a vital contribution to the success of any state initiative, and is desirous to use this information where available and accessible. Therefore, it is the intent of the Legislature to provide assistance in the establishment of such coalitions in order to ensure that the voice of Florida's communities be heard through the creation of prenatal and infant health care coalitions.*

Section 2. Subsection (1) of section 383.011, Florida Statutes, is amended to read:

383.011 Administration of maternal and child health programs.—

(1) The Department of Health and Rehabilitative Services is designated as the state agency for:

(a) Administering or providing for maternal and child health services to provide periodic prenatal care for patients who are at low or medium risk of complications during pregnancy and to provide referrals to higher level medical facilities for those patients who develop medical conditions for which treatment is beyond the scope and capabilities of the county public health units.

(b) Administering or providing for periodic medical examinations, nursing appraisals, and nutrition counseling on infant and child patients to assess developmental progress and general health conditions; administering or providing for treatment for health complications when such treatment is within the scope and capabilities of the county public health units or Children's Medical Services.

(c) *Administering and providing for the expansion of the maternal and child health services to include pediatric primary care programs subject to the availability of moneys and the limitations established by the General Appropriations Act or chapter 216.*

(d) *Administering and providing for prenatal and infant health care delivery services through county public health units or subcontractors for the provision of the following enhanced services for medically and socially high-risk clients subject to the availability of moneys and the limitations established by the General Appropriations Act or chapter 216:*

1. *Case finding or outreach.*
2. *Assessment of health, social, environmental, and behavioral risk factors.*
3. *Case management utilizing a service delivery plan.*
4. *Home visiting to support the delivery of and participation in prenatal and infant primary health care services.*
5. *Childbirth and parenting education.*

(e) ~~(e)~~ Receiving the federal maternal and child health and preventive health services block grant funds.

(f) ~~(d)~~ Receiving the federal funds for the "Special Supplemental Food Program for Women, Infants, and Children," or WIC, authorized by the Child Nutrition Act of 1966, as amended, and for administering the statewide WIC program. (The WIC program provides nutrition education and supplemental foods, by means of food instruments called checks that are redeemed by authorized food vendors, to participants certified by the department as pregnant, breast-feeding, or postpartum women; infants; or children.)

Section 3. Subsection (7) is added to section 383.013, Florida Statutes, to read:

383.013 Prenatal care.—The Department of Health and Rehabilitative Services shall:

(7) *Provide regional perinatal intensive care satellite clinics to deliver level III obstetric outpatient services to women diagnosed as being high risk, which includes an interdisciplinary team to deliver specialized high-risk obstetric care. The provision of satellite clinics is subject to the availability of moneys and the limitations established by the General Appropriations Act or chapter 216.*

Section 4. Subsections (2) and (4) of section 383.215, Florida Statutes, are amended to read:

383.215 Developmental intervention and parent support and training programs.—

(2) It is the intent of the Legislature to establish developmental intervention and parent support and training programs at all Level III regional perinatal intensive care centers and at hospitals with level II neonatal ~~stepdown-perinatal~~ intensive care units centers, in order that families with high-risk or handicapped infants may gain the services and skills they need to support their infant. It is also the intent of the Legislature to establish Developmental Evaluation and Intervention (DEI) programs at hospitals with level II neonatal intensive care units. The provision of developmental evaluation and intervention care units is subject to the availability of moneys and the limitations established by the General Appropriations Act or chapter 216.

(4) The developmental intervention and family support and training programs shall be established in conjunction with the Level III regional perinatal intensive care centers. *Developmental Evaluation and Intervention (DEI) Additional programs shall also may be established at hospitals with level II neonatal ~~stepdown-perinatal~~ intensive care units centers based on geographic location and population. The provision of developmental evaluation and intervention care units is subject to the availability of moneys and the limitations established by the General*

Appropriations Act or chapter 216. Each program shall have a program director and the necessary staff. The program director shall establish and coordinate the developmental intervention and family support and training program. The program shall include:

- (a) In-hospital intervention services, parent support and training, and individual and family service planning.
- (b) Interdisciplinary team meetings on a regular basis to develop and update the individual and family service plan.
- (c) Discharge planning by the interdisciplinary team.
- (d) Education and training for neonatal intensive care unit staff, volunteers, and others, as needed, in order to expand the services provided to high-risk or handicapped infants and their families.
- (e) Followup intervention services after hospital discharge, to aid the family and high-risk or handicapped infant's transition into the community. These services shall include home intervention services and non-home-based intervention services, both contractual and voluntary.
- (f) Coordination of services with community providers.
- (g) Educational materials about infant care, infant growth and development, community resources, medical conditions and treatments, and family advocacy.

Section 5. Section 383.216, Florida Statutes, is created to read:

383.216 Community-based prenatal and infant health care.—

(1) *The Department of Health and Rehabilitative Services shall cooperate with localities which wish to establish prenatal and infant health care coalitions, and shall acknowledge and incorporate, if appropriate, existing community children's services organizations, pursuant to this section within the resources allocated. The purpose of this program is to establish a partnership among the private sector, the public sector, state government, local government, community alliances, and maternal and child health care providers, for the provision of coordinated community-based prenatal and infant health care. The prenatal and infant health care coalitions must work in a coordinated, nonduplicative manner with local health planning councils established pursuant to s 381 703.*

(2) *Each prenatal and infant health care coalition shall develop, in coordination with the Department of Health and Rehabilitative Services, a plan which shall include at a minimum provision to:*

(a) *Perform community assessments, using the Planned Approach to Community Health (PATCH) process, to identify the local need for comprehensive preventive and primary prenatal and infant health care. These assessments shall be used to:*

1. *Determine the priority target groups for receipt of care.*
2. *Determine outcome performance objectives jointly with the department.*
3. *Identify potential local providers of services.*

(b) *Design a prenatal and infant health care services delivery plan which is consistent with local community objectives and this section.*

(c) *Solicit and select local service providers based on reliability and availability, and define the role of each in the services delivery plan.*

(d) *Determine the allocation of available federal, state, and local resources to prenatal and infant health care providers.*

(e) *Review, monitor, and advise the department concerning the performance of the services delivery system, and make any necessary annual adjustments in the design of the delivery system, the provider composition, the targeting of services, and other factors necessary for achieving projected outcomes.*

(f) *Build broad-based community support.*

(3) *Supervision of the prenatal and infant health care coalitions is the responsibility of the department. The department shall:*

- (a) *Assist in the formation and development of the coalitions.*
- (b) *Define the core services package so that it is consistent with the prenatal and infant health care services delivery plan.*

(c) *Provide data and technical assistance.*

(d) *Assure implementation of a quality management system within the provider coalition.*

(e) *Define statewide, uniform eligibility and fee schedules.*

(f) *Evaluate provider performance based on outcome measures established by the prenatal and infant health care coalition and the department.*

(4) *In those communities which do not elect to establish a prenatal and infant health care coalition, the Department of Health and Rehabilitative Services is responsible for all of the functions delegated to the coalitions in this section.*

(5) *The membership of each prenatal and infant health care coalition shall represent health care providers, the recipient community, and the community at large; shall represent the racial, ethnic, and gender composition of the community; and shall include at least the following:*

(a) *Consumers of family planning, primary care, or prenatal care services, at least two of whom are low-income or Medicaid eligible.*

(b) *Health care providers, including:*

1. *County public health units.*
2. *Migrant and community health centers.*
3. *Hospitals.*
4. *Local medical societies.*
5. *Local health planning organizations.*

(c) *Local health advocacy interest groups and community organizations.*

(d) *County and municipal governments.*

(e) *Social service organizations.*

(f) *Local education communities.*

(6) *Prenatal and infant health care coalitions may be established for single counties or for services delivery catchment areas. A prenatal and infant health care coalition shall be initiated at the local level on a voluntary basis. Once a coalition has been organized locally and includes the membership specified in subsection (5), the coalition must submit a list of its members to the Secretary of Health and Rehabilitative Services to carry out the responsibilities outlined in this section.*

(7) *Effective January 1, 1992, the Department of Health and Rehabilitative Services shall provide up to \$150,000 to each prenatal and infant health care coalition that petitions for recognition, meets the membership criteria, demonstrates the commitment of all the designated members to participate in the coalition, and provides a local cash or in-kind contribution match of 25 percent of the costs of the coalition. An in-kind contribution match may be in the form of staff time, office facilities, or supplies or other materials necessary for the functioning of the coalition.*

(8) *Local prenatal and infant health care coalitions may hire staff or contract for independent staffing and support to enable them to carry out the objectives of this section. Staff shall have knowledge and expertise in community health and related resources and planning, grant writing, public information and communication techniques, organizational development, and data compilation and analysis.*

(9) *Local prenatal and infant health care coalitions shall incorporate as not-for-profit corporations for the purpose of seeking and receiving grants from federal, state, and local government and other contributors.*

(10) *The Department of Health and Rehabilitative Services shall adopt rules as necessary to implement this section, including rules defining acceptable "in-kind" contributions.*

Section 6. Section 395.101, Florida Statutes, is amended to read:

395.101 Annual assessments on net operating revenues to fund public medical assistance; administrative fines for failure to pay assessments when due.—

- (1) *For the purposes of this section, the term:*

(a) "Department" means the Department of Health and Rehabilitative Services.

(b) "Gross operating revenue" or "gross revenue" means the sum of daily hospital service charges, ambulatory service charges, ancillary service charges, and other operating revenue.

(c) "Hospital" means a health care institution licensed as a hospital pursuant to chapter 395 as defined in s. 395.003(6), but does not include ambulatory surgical centers any hospital operated by the Department of Health and Rehabilitative Services or the Department of Corrections.

(d) "Health Care Cost Containment Board" or "board" means the Health Care Cost Containment Board created by s. 407.01.

(e) "Net operating revenue" or "net revenue" means gross revenue less deductions from revenue.

(f) "Total deductions from gross revenue" or "deductions from revenue" means reductions from gross revenue resulting from inability to collect payment of charges. Such reductions include bad debts; contractual adjustments; uncompensated care; administrative, courtesy, and policy discounts and adjustments; and other such revenue deductions, but also includes the offset of restricted donations and grants for indigent care.

(2) There is hereby imposed upon each hospital an assessment on the annual net operating revenues of the hospital in an amount that is inversely related to the hospital's most recently calculated disproportionate share rate calculated pursuant to s. 409.266(19). Each hospital's assessment percentage shall not exceed 2.00 percent nor be less than 1.25 percent.

(3)(a) If a hospital's disproportionate share rate is equal to 2 percent or less, the hospital's assessment percentage shall be equal to 2.00 percent of its current net operating revenues.

(b) If a hospital's disproportionate share rate is equal to 40 percent or more, the hospital's assessment percentage shall be equal to 1.25 percent of its current net operating revenues.

(c) If a hospital's disproportionate share rate is greater than or equal to 18 percent but less than 40 percent, the hospital's assessment percentage shall be equal to 1.5 percent of its current net operating revenues.

(d) If a hospital is a rural hospital as defined in s. 395.102(2)(a) and the hospital's disproportionate share rate is less than 40 percent, the hospital's assessment percentage shall be equal to 1.5 percent of its current net operating revenues.

(e) All hospitals, other than rural hospitals, which have disproportionate share rates that are between 2 percent and 18 percent shall be assessed based on the following formula:

$$HAP = 2.00 - ((DSR - 2.0) \times (.50/16))$$

Where:

HAP = hospital assessment percentage.

DSR = disproportionate share rate.

(4)(a) Effective July 1, 1991, the board shall certify to the department the amount of the assessment due from each hospital on July 1, 1991. Any assessment previously calculated for calendar quarters beginning July 1, 1991, shall be recalculated based on the formula described in this section.

(b) For state fiscal year 1991-1992, the board shall use actual disproportionate share rates calculated by the department using audited data for hospital fiscal years ending in 1988.

(c) Each hospital's assessment percentage shall be applied to the most current net operating revenue reported to the board.

(d) By January 1, 1992, the department shall send to each hospital a form indicating the information required to calculate the disproportionate share rates to be returned by January 31, 1992. By March 1, 1993, the department shall complete the audits of all data required to calculate the disproportionate share rates using hospital fiscal years ending in 1991 for the assessments and disproportionate share program in 1992-93.

(e) Beginning on July 1, 1992, the department shall base the actual disproportionate share rates and assessments on the data submitted by hospitals for their fiscal years ending in the previous calendar year.

(f) By June 1, 1992, and quarterly thereafter, the board shall certify to the department the most current net operating revenue for each hospital.

~~(2) There is hereby imposed upon each hospital an assessment in an amount equal to 1 percent of the annual net operating revenue of the hospital for its first fiscal year ending subsequent to May 18, 1984, and in an amount equal to 1.5 percent of such revenue for each hospital fiscal year thereafter, such revenue to be determined by the board, based on the actual experience of the hospital as reported to the board.~~

~~(5) Within 6 months after the end of each hospital fiscal year, the board shall certify to the department the amount of the assessment for each hospital. The assessment shall be payable to and collected by the department in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the board certifies to the department determines the amount of the assessment for each hospital. All moneys collected pursuant to this section subsection shall be deposited into the Public Medical Assistance Trust Fund.~~

~~(6)(3) The department shall impose an administrative fine, not to exceed \$500 per day, for failure of any hospital to timely submit the information report required in paragraph (4)(b), or pay its assessment by the first day of the calendar quarter on which it is due. The failure of a hospital to timely submit the information report required in paragraph (4)(b), or to pay its assessment within 30 days after the assessment is due is ground for the department to impose an administrative fine not to exceed \$5,000 per day.~~

Section 7. Section 395.1015, Florida Statutes, is created to read:

395.1015 Annual assessment on health care entities.—

(1) For purposes of this section, the term:

(a) "Board" means the Health Care Cost Containment Board.

(b)1. "Net operating revenue" means gross revenue less deductions from revenue.

2. "Gross revenue" means the sum of daily service charges, ambulatory service charges, ancillary service charges, and other operating revenue.

3. "Deductions from revenue" means reductions from gross revenue resulting from inability to collect payment of charges. Such reductions include bad debts; contractual adjustments; uncompensated care; administrative, courtesy, and policy discounts and adjustments; and other such revenue deductions; and also include the offset of restricted donations and grants for indigent care.

(2) There is hereby imposed an annual assessment against certain health care entities as described in this section:

(a) The assessment shall be equal to 2.00 percent of the annual net operating revenues of health care entities.

1. The first assessment shall be due on April 30, 1992, and the second on April 30, 1993, and each shall be based on the appropriate reports filed with the board no later than March 31 of the year the assessment is due. By January 1, 1992, the health care entity shall make a one-time election to base the assessments on net operating revenue received in the health care entity's latest fiscal year ending on or before December 31, 1991, or December 31, 1992, respectively, or the 12-month period ending March 31 of the year the assessment is due. The assessment shall be payable to and collected by the board.

2. Beginning July 1, 1993, assessments shall be based on annual net operating revenues for the entity's most recently completed fiscal year as provided in subsection (3).

(b) For the purpose of this section, "health care entities" includes the following:

1. Ambulatory surgical centers licensed under s. 395.003.

2. Clinical laboratories licensed under s. 483.091, excluding any hospital laboratory defined under s. 483.041(7), any clinical laboratory

operated by the state or a political subdivision of the state, and any blood or tissue bank where the majority of revenues are received from the sale of blood or tissue and where blood, plasma, or tissue is procured from volunteer donors and donated, processed, stored, or distributed on a nonprofit basis.

3. Freestanding radiation therapy centers providing treatment through the use of radiation therapy machines that are registered under s. 404.22, and sections 10D-99.902, .903, and .904 of the Florida Administrative Code.

4. Diagnostic imaging centers which are freestanding outpatient facilities that provide specialized services for the identification or determination of a disease through examination and also provide sophisticated radiological services such as computed tomography scans and magnetic resonance imaging, and in which services are rendered by a physician licensed by the Board of Medicine under s. 458.311, s. 458.313, or s. 458.317, or by an osteopathic physician licensed by the Board of Osteopathic Medical Examiners under s. 459.006, s. 459.007, or s. 459.0075.

(3)(a) Beginning July 1, 1993, the assessment shall be on the actual experience of the entity as reported to the board within 120 days after the end of its fiscal year in the preceding calendar year based upon reports developed by the board in a rule after consultation with appropriate professional and governmental advisory bodies.

(b) Within 6 months after the end of each entity's fiscal year, the board shall certify the amount of the assessment to each entity. The assessment shall be payable to and collected by the board in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter.

(4) All moneys collected pursuant to this section shall be deposited into the Public Medical Assistance Trust Fund.

(5) The board may utilize its authority under ss. 407.02, 407.06, and 407.07 in administering this section.

Section 8. Subsection (2) of section 407.51, Florida Statutes, is amended to read:

407.51 Exceeding approved budget or previous year's actual experience by more than maximum rate of increase; allowing or authorizing operating revenue or expenditures to exceed amount in approved budget; penalties.—

(2) Penalties shall be assessed as follows:

(a) For the first occurrence within a 5-year period, the board shall prospectively reduce the current budget of the hospital by the amount of the excess up to 5 percent; and, if such excess is greater than 5 percent over the maximum allowable rate of increase, any amount in excess of 5 percent shall be levied by the board as a fine against such hospital to be deposited in the Public Medical Assistance Trust Fund, as created in s. 409.2662.

(b) For the second occurrence within the 5-year period following the first occurrence as set forth in paragraph (a), the board shall prospectively reduce the current budget of the hospital by the amount of the excess up to 2 percent; and, if such excess is greater than 2 percent over the maximum allowable rate of increase, any amount in excess of 2 percent shall be levied by the board as a fine against such hospital to be deposited in the Public Medical Assistance Trust Fund.

(c) For the third occurrence within the 5-year period following the first occurrence as set forth in paragraph (a), the board shall:

1. Levy a fine against the hospital in the total amount of the excess to be deposited in the Public Medical Assistance Trust Fund.

2. Notify the Department of Health and Rehabilitative Services of the violation, whereupon the department shall not accept any application for a certificate of need pursuant to ss. 381.701-381.7155 from or on behalf of such hospital until such time as the hospital has demonstrated to the satisfaction of the board that, following the date the penalty was imposed under subparagraph 1., the hospital has stayed within its projected or amended budget or its applicable maximum allowable rate of increase for a period of at least 1 year. However, this provision does not apply with respect to a certificate-of-need application filed to satisfy a life or safety code violation.

3. Upon a determination that the hospital knowingly and willfully generated such excess, notify the Department of Health and Rehabilitative Services, whereupon the department shall initiate disciplinary proceedings to deny, modify, suspend, or revoke the license of such hospital or impose an administrative fine on such hospital not to exceed \$20,000.

The determination of the amount of any such excess shall be based upon net revenues per adjusted admission excluding funds distributed to the hospital pursuant to s. 409.266(7) ~~or s. 409.2663~~. However, in making such determination, the board shall appropriately reduce the amount of the excess by the total amount of the assessment paid by such hospital pursuant to s. 395.101 minus the amount of revenues received by the hospital through the operation of s. 409.266(7) ~~or s. 409.2663~~. It is the responsibility of the hospital to demonstrate to the satisfaction of the board its entitlement to such reduction. It is the intent of the Legislature that the Health Care Cost Containment Board, in levying any penalty imposed against a hospital for exceeding its maximum allowable rate of increase or its approved budget pursuant to this subsection, consider the effect of changes in the case mix of the hospital. It is the responsibility of the hospital to demonstrate to the satisfaction of the board any change in its case mix. For psychiatric hospitals, the board shall also reduce the amount of excess by utilizing as a proxy for case mix the change in a hospital's audited actual average length of stay as compared to the previous year's audited actual average length of stay without any thresholds or limitations.

Section 9. Subsection (6) and paragraph (a) of subsection (7) of section 409.266, Florida Statutes, 1990 Supplement, are amended, and new subsections (19), (20), (21), and (22) are added to said section, to read:

409.266 Medical assistance.—

(6) The Department of Health and Rehabilitative Services shall, within the intent of this section, expand payment for medical services to additional eligible persons as provided in this section:

(a) The Medicaid outpatient hospital services cap is \$1,000.

(b) The department is authorized to use up to \$30 million from the Public Medical Assistance Trust Fund, as created in s. 409.2662, to establish a primary care system for Medicaid clients and other low-income persons by developing primary care programs contracted through the county public health units pursuant to s. 154.011.

(c) The department shall provide by rule for the delivery of Medicaid services to:

1. Financially eligible individuals under age 21 who are children in intact families;

2. Financially eligible unemployed parents and their children who are under age 18; and

3. Financially eligible married pregnant women.

Financial eligibility shall be based on the income and resource standards for Aid to Families with Dependent Children. The definition of the term "unemployed" shall be based on federal regulations.

(d) The department shall provide by rule for the delivery of federally approved Medicaid services to qualified elderly persons and disabled persons whose family incomes are at or below 100 percent of the federal poverty level.

(e) The department shall provide by rule for the delivery of Medicaid services as specified in paragraph (h) ~~(j)~~ to qualified pregnant women and children under 1 year of age whose family incomes are at or below 185 ~~150~~ percent of the federal poverty level, effective October 1, 1991. Such pregnant women shall not be subject to an assets test. Further, a pregnant woman who applies for eligibility for the Medicaid program through a qualified Medicaid provider must be offered the opportunity, subject to federal rules, to be made presumptively eligible for the Medicaid program. Notwithstanding the provisions of s. 409.267, counties are exempt from contributing toward the expansion of Medicaid eligibility from 100 to 185 ~~150~~ percent of the federal poverty level.

(f) The department shall provide by rule for the delivery of federally approved Medicaid services to qualified infants and children who shall be identified as follows:

1. A child born after September 30, 1983, living in a family which has an income at or below 100 percent of the current federal poverty level

who has attained the age of 6 years but who has not attained the age of 19 years. In determining the eligibility of such a child, an assets test shall not be required.

2. A child living in a family which has an income at or below 133 percent of the current federal poverty level who has attained the age of 1 year but who has not attained the age of 6 years. In determining the eligibility of such a child, an assets test shall not be required. ~~under 5 years of age, whose family incomes are below 100 percent of the federal poverty level, and shall phase in additional age limits as follows:~~

1. ~~Beginning October 1, 1990, Medicaid benefits shall cover eligible children who are under the age of 7.~~

2. ~~Beginning October 1, 1991, Medicaid benefits shall be extended to cover eligible children who are under the age of 8.~~

(g) ~~Beginning July 1, 1990, the department shall provide by rule for the delivery of federally approved Medicaid services to qualified children who are over 1 year of age and under 6 years of age, whose family incomes are below 133 1/3 percent of the federal poverty level.~~

Notwithstanding the provisions of s. 409.267, counties are exempt from contributing toward the expansion of Medicaid eligibility to such children.

~~(h) The department is prohibited from applying a resource test to those pregnant women or children who are made eligible for Medicaid services under paragraph (e) or paragraph (f), unless such persons also receive Aid to Families with Dependent Children (AFDC) or Supplemental Security Income (SSI) benefits.~~

~~(i) The department is directed to implement the federal option of presumptive eligibility in accordance with 42 U.S.C., ss. 1396(a)(47) and 1396r, for all Medicaid eligible pregnant women who affirm their family income to be within the Medicaid eligibility standards.~~

(g)(j) The specific Medicaid services referred to in paragraphs (c) (e) through (f) (i) shall be those which are authorized by the federal Sixth Omnibus Budget Reconciliation Act, the federal Seventh Omnibus Budget Reconciliation Act, or the federal Omnibus Budget Reconciliation Act of 1989, or the federal Omnibus Budget Reconciliation Act of 1990 and which are provided for in the General Appropriations Act.

(h)(k) The department shall establish by rule a Medicaid medically needy program that will provide services for which categorically eligible persons are entitled, except for long-term institutional services. These services shall be provided to persons who meet categorical eligibility requirements other than requirements relating to income limitations. The maximum income eligibility for services through the medically needy program shall be set at up to 133 1/3 percent of the payment standard for eligibility for Aid to Families with Dependent Children, the percentage to be set by the department in consultation with the appropriations committees of the Senate and the House of Representatives and based upon recurring funds available.

(7) The department shall, within the intent of this section, expand payment for Medicaid services as follows:

(a) The department is directed to increase all Medicaid physician reimbursement up to a minimum of the Medicare 50th percentile as published in the 1986 Medicare Part B Procedure Codes and Prevailing Allowances, to be phased in over a 5-year period, except effective October 1, 1987:

1. The department shall increase the Medicaid physician reimbursement rate for office visits to the Medicare 50th percentile.

2. Reimbursement fees to physicians for providing total obstetrical services to Medicaid recipients, which include prenatal, delivery, and postpartum care, shall be at least \$1,500 \$1,900 per delivery for a pregnant woman with low medical risk and at least \$2,000 \$1,600 per delivery for a pregnant woman with high medical risk, effective October 1, 1991 October 1, 1990. However, reimbursement to physicians working in Regional Perinatal Intensive Care Centers designated pursuant to chapter 383, for services to certain pregnant Medicaid recipients with a high medical risk, may shall be made as specified in paragraph (g). Nurse midwives licensed under chapter 464 and chapter 467 shall be paid at no less than 80 percent of the low medical risk fee. The department shall by rule determine, for the purpose of this paragraph, what constitutes a high or low medical risk pregnant woman and shall not pay more based solely on

the fact that a caesarean section was performed rather than a vaginal delivery. The department shall by rule determine a prorated payment for obstetrical services in cases where only part of the total prenatal, delivery, or postpartum care was performed.

3. Reimbursement per day per patient to a physician licensed under chapter 458 or chapter 459, who is certified or is eligible for certification by an appropriate board to practice neonatal-perinatal medicine or pediatric critical care medicine, shall be limited to no more than 10 percent of the total obstetrical service delivery rate for a high medical risk pregnant woman. The department may by rule establish a graduated fee schedule which is based on the complexity and severity of the infant's medical problems. However, in no instance shall the physician's daily reimbursement per patient be set at less than \$50.

(19) *Disproportionate share program.*—The department shall distribute, pursuant to this subsection, moneys appropriated from the Public Medical Assistance Trust Fund to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.267, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(a) *Definitions.*—As used in this subsection and subsection (20):

1. "Adjusted patient days" means the sum of acute care patient days and intensive care patient days as reported to the Department of Health and Rehabilitative Services, divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory, and ancillary patient services to gross revenues.

2. "Actual audited data" or "actual audited experience" means data reported to the Department of Health and Rehabilitative Services which has been audited in accordance with generally accepted auditing standards by the department or representatives under contract with the department.

3. "Base Medicaid per diem" means the hospital's Medicaid per diem rate initially established by the Department of Health and Rehabilitative Services on July 1 of each state fiscal year. The base Medicaid per diem rate shall not include any additional per diem increases received as a result of the disproportionate share distribution.

4. "Charity care" or "uncompensated charity care" means that portion of hospital charges reported to the Department of Health and Rehabilitative Services for which there is no compensation for care provided to a patient whose family income for the 12 months preceding the determination is less than or equal to 150 percent of the federal poverty level, unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity.

5. "Charity care days," means the sum of the deductions from revenues for charity care minus 50 percent of restricted and unrestricted revenues provided to a hospital by local governments or tax districts, divided by gross revenues per adjusted patient day.

6. "Disproportionate share percentage" means a rate of increase in the Medicaid per diem rate as calculated under this section.

7. "Hospital" means a health care institution licensed as a hospital pursuant to chapter 395, but does not include ambulatory surgical centers.

8. "Medicaid days" means the number of actual days attributable to Medicaid patients as determined by the Department of Health and Rehabilitative Services.

(b) The Department of Health and Rehabilitative Services shall utilize the following criteria to determine if a hospital qualifies for a disproportionate share payment:

1. A hospital's total Medicaid days when combined with its total charity care days must equal or exceed 7 percent of its total adjusted patient days.

2. A hospital's total charity care days weighted by a factor of 4.5 plus its total Medicaid days weighted by a factor of 1 shall be equal to or greater than 10 percent of its total adjusted patient days.

3. Additionally, in accordance with the Seventh Federal Omnibus Budget Reconciliation Act, a hospital with a Medicaid inpatient utilization rate greater than one standard deviation above the statewide mean or a hospital with a low-income utilization rate of 25 percent or greater shall qualify for reimbursement.

(c) In computing the disproportionate share rate:

1. Per diem increases earned from disproportionate share shall be applied to each hospital's base Medicaid per diem rate and shall be capped at 100 percent.

2. The department shall use the most recent calendar year audited data for the calculation of disproportionate share payments under this subsection.

3. If the total amount earned by all hospitals under this subsection exceeds the amount appropriated, each hospital's share shall be reduced on a pro rata basis so that the total dollars distributed from the trust fund do not exceed the total amount appropriated.

4. The total amount calculated to be distributed under this subsection shall be made in quarterly payments subsequent to each quarter during the fiscal year.

(d) Hospitals that qualify for a disproportionate share payment solely under subparagraph (b)3. shall have their payment calculated in accordance with the following formula:

$$TAA = TA \times (1/5.5)$$

$$DSHP = (HMD/TSMD) \times TAA$$

Where:

- TAA = total amount available.
- TA = total appropriation.
- DSHP = disproportionate share hospital payment.
- HMD = hospital Medicaid days.
- TSMD = total state Medicaid days.

(e) The following formula shall be utilized by the department to determine the maximum disproportionate share rate to be used to increase the Medicaid per diem rate for hospitals that qualify pursuant to subparagraphs (b)1. and 2.:

$$DSR = \left(\frac{CCD}{APD} \times 4.5 \right) + \left(\frac{MD}{APD} \right)$$

Where:

- APD = adjusted patient days.
- CCD = charity care days.
- DSR = disproportionate share rate.
- MD = Medicaid days.

(f) The following criteria shall be used in determining the disproportionate share percentage:

1. If the disproportionate share rate is less than 10 percent, the disproportionate share percentage is zero and there is no additional payment.

2. If the disproportionate share rate is greater than or equal to 10.00 percent, but less than 20.00 percent, then the disproportionate share percentage is 2.1544347.

3. If the disproportionate share rate is greater than or equal to 20.00 percent, but less than 30.00 percent, then the disproportionate share percentage is 4.6415888766.

4. If the disproportionate share rate is greater than or equal to 30.00 percent, but less than 40.00 percent, then the disproportionate share percentage is 10.0000001388.

5. If the disproportionate share rate is greater than or equal to 40.00 percent, but less than 50.00 percent, then the disproportionate share percentage is 21.544347299.

6. If the disproportionate share rate is greater than or equal to 50.00 percent, but less than 60.00 percent, then the disproportionate share percentage is 46.41588941.

7. If the disproportionate share rate is greater than or equal to 60 percent, then the disproportionate share percentage is 100.

(g) The following formula shall be used by the department to calculate the total amount earned by all hospitals under this subsection:

$$TAE = BMPD \times MD \times DSP$$

Where:

- TAE = total amount earned.
- BMPD = base Medicaid per diem.
- MD = Medicaid days.
- DSP = disproportionate share percentage.

(20) Disproportionate share program for regional perinatal intensive care centers.—In addition to the payments made under subsection (19), the Department of Health and Rehabilitative Services shall design and implement a system of making disproportionate share payments to those hospitals that participate in the Regional Perinatal Intensive Care Center program established pursuant to chapter 383. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding the provisions of s. 409.267, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(a) The following formula shall be utilized by the department to calculate the maximum additional disproportionate share rate for hospitals that participate in the Regional Perinatal Intensive Care Center program:

$$TAE$$

$$ADSR = (-----)$$

$$STAE$$

Where:

ADSR = additional disproportionate share rate.

STAE = sum of total amount earned by each hospital that participates in the Regional Perinatal Intensive Care Center program.

TAE = total amount earned by a Regional Perinatal Intensive Care Center under the disproportionate share program specified in subsection (19) for each hospital.

(b) The total additional payment for hospitals that participate in the Regional Perinatal Intensive Care Center program shall be calculated by the department as follows:

$$TAP = ADSR \times A$$

Where:

A = amount appropriated for a Regional Perinatal Intensive Care Center Disproportionate Share Program hospital.

ADSR = additional disproportionate share rate for a Regional Perinatal Intensive Care Program hospital.

TAP = total additional payment.

(c) In order to receive payments under this subsection, a hospital must be participating in the Regional Perinatal Intensive Care Center program, pursuant to chapter 383, and must meet the following additional requirements:

1. Agree to conform to all departmental requirements to assure high quality in the provision of services, including criteria adopted by departmental rule concerning staffing ratios, medical records, standards of care, equipment, space, and such other standards and criteria as the department deems appropriate as specified by rule.

2. Agree to provide information to the department, in a form and manner to be prescribed by rule of the department, concerning the care provided to all patients in neonatal intensive care centers and high-risk maternity care.

3. Agree to accept all patients for neonatal intensive care and high-risk maternity care, regardless of ability to pay, on a functional space-available basis.

4. Agree to develop arrangements with other maternity and neonatal care providers in the hospital's region for the appropriate receipt and transfer of patients in need of specialized maternity and neonatal intensive care services.

5. Agree to establish and provide a developmental evaluation and services program for certain high-risk neonates, as prescribed and defined by rule of the department.

6. Agree to sponsor a program of continuing education in perinatal care for health care professionals within the region of the hospital, as specified by rule.

7. Agree to provide backup and referral services to the department's county public health units and other low-income perinatal providers within the hospital's region, including the development of written agreements between these organizations and the hospital.

8. Agree to arrange for transportation for high-risk obstetrical patients and neonates in need of transfer from the community to the hospital or from the hospital to another more appropriate facility.

(d) Hospitals which fail to comply with any of the conditions in paragraph (c) or the applicable rules of the department shall not receive any payments under this subsection until full compliance is achieved. A hospital which is not in compliance in two or more consecutive quarters shall not receive its share of the funds.

(21) Disproportionate share program for teaching hospitals.—In addition to the payments made under subsections (19) and (20), the Department of Health and Rehabilitative Services shall make disproportionate share payments to statutorily defined teaching hospitals for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding the provisions of s. 409.267, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(a) On or before September 15 of each year, the Health Care Cost Containment Board shall calculate an allocation fraction to be used for distributing funds to state statutory teaching hospitals. Subsequent to the end of each quarter of the state fiscal year, the department shall distribute to each statutory teaching hospital, as defined in s. 407.002(27), an amount determined by multiplying one-fourth of the funds appropriated for this purpose by the Legislature times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of three primary factors, divided by three. The primary factors are:

1. The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all state statutory teaching hospitals.

2. The number of full-time equivalent trainees in the hospital, which comprises two components:

a. The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in subparagraph 1. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all state statutory teaching hospitals.

b. The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all state statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

3. A service index which comprises three components:

a. The Health Care Cost Containment Board Service Index, computed by applying the standard Service Inventory Scores established by the Health Care Cost Containment Board to services offered by the given hospital, as reported on the Health Care Cost Containment Board Worksheet A-2 for the last fiscal year reported to the board before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total Health Care Cost Containment Board Service Index values, where the total is computed for all state statutory teaching hospitals.

b. A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the Health Care Cost Containment Board to the volume of each service, expressed in terms of the standard units of measure reported on the Health Care Cost Containment Board Worksheet A-2 for the last fiscal year reported to the board before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-weighted service index values, where the total is computed for all state statutory teaching hospitals.

c. Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of this factor is the fraction that each hospital represents of the total of such Medicaid payments, where the total is computed for all state statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

(b) The following formula shall be utilized by the department to calculate the maximum additional disproportionate share payment for statutorily defined teaching hospitals:

$$TAP = THAF \times A$$

Where:

TAP = total additional payment.

THAF = teaching hospital allocation factor.

A = amount appropriated for a teaching hospital disproportionate share program.

(c) The Health Care Cost Containment Board shall report to the department the statutory teaching hospital allocation fraction prior to October 1 of each year.

(22) Subject to any limitations established within the General Appropriations Act, the department is authorized to receive on a monthly basis funds from local governments for the purpose of making payments, including federal matching funds, through the Medicaid expanded disproportionate share program.

(a) Payments made by the department to hospitals eligible to participate in this program shall be made in accordance with federal rules and regulations.

(b) If the federal government prohibits, restricts, or changes in any manner the methods by which funds are distributed for this program, the department shall not distribute any additional funds and shall return all funds to the local governments from which the funds were received.

Section 10. Section 409.2662, Florida Statutes, is amended to read:

409.2662 Public Medical Assistance Trust Fund.—

(1) It is declared that access to adequate health care is a right which should be available to all Floridians. However, rapidly increasing health care costs threaten to make such care unaffordable to many citizens. The Legislature finds that unreimbursed health care services provided to persons who are unable to pay for such services cause the cost of services to paying patients to increase in a manner unrelated to the actual cost of services delivered. Further, the Legislature finds that inequities between hospitals in the provision of unreimbursed services prevent hospitals which provide the bulk of such services from competing on an equitable economic basis with hospitals which provide relatively little care to indigent persons. Therefore, it is the intent of the Legislature to provide a mechanism for the funding of health care services to indigent persons, the cost of which shall be borne by the state and by hospitals which are granted the privilege of operating in this state.

(2) All moneys collected pursuant to s. 395.101 shall be deposited into the Public Medical Assistance Trust Fund, which is hereby created.

(3) There is hereby annually appropriated to the Public Medical Assistance Trust Fund \$30 million from the General Revenue Fund.

(4) Moneys deposited into the Public Medical Assistance Trust Fund shall be used solely for the purposes set out in s. 25, chapter 88-294, Laws of Florida, in s. 14, chapter 87-92, Laws of Florida, and in ss. 409.266(7), 409.2661, 409.2663, and 409.701 and as set forth in s. 3, chapter 89-355, Laws of Florida, and in accordance with the provisions of this act.

Section 11. For the purpose of incorporating the amendment to section 409.2662, Florida Statutes, in a reference thereto, s. 409.701(5)(d), Florida Statutes, is reenacted to read:

409.701 The Florida Health Access Corporation Act.—

(5) LICENSING, FISCAL OPERATION.—

(d) The corporation may expend funds through direct reinsurance, by purchasing reinsurance, or by other means approved by the board for the program of health care services and benefits arranged through the corporation. The amount of such expenditure shall not exceed funds allocated from the Public Medical Assistance Trust Fund as provided in s. 409.2662(4) or other sources of funding arranged by the corporation. Notwithstanding the provisions of s. 216.301, any amount so provided, which is not annually required for such purposes, shall remain available to the corporation, to be supplemented by an annual amount equal to the amount expended in the prior year, for the purpose of meeting funding requirements in succeeding years. Any amount remaining upon the liquidation or dissolution of the corporation shall be returned to the Public Medical Assistance Trust Fund.

Section 12. Paragraph (k) is added to subsection (1) of section 427.012, Florida Statutes, to read:

427.012 Transportation Disadvantaged Commission.—There is created a Transportation Disadvantaged Commission in the Department of Transportation.

(1) The commission shall consist of the following members:

(k) *One member of the Early Childhood Council. Such person shall be appointed by the Governor to represent maternal and child health care providers and shall be appointed to serve a term of 4 years.*

Section 13. Section 395.62, Florida Statutes, is amended to read:

395.62 Medical Education and Tertiary Care Trust Fund.—There is hereby created the Medical Education and Tertiary Care Trust Fund within the Board of Regents, State University System. All moneys deposited into the Medical Education and Tertiary Care Trust Fund shall be allocated as described in s. 395.63 and expended by the respective hospitals after consultation with the affiliated college of medicine.

Section 14. Subsection (2) of section 320.08, Florida Statutes, 1990 Supplement, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(2) AUTOMOBILES FOR PRIVATE USE.—

(a) An antique automobile or street rod as defined in s. 320.0863: \$7.50 flat. An "antique automobile" is any passenger automobile manufactured more than 20 years prior to the current date and equipped with an engine manufactured more than 20 years prior to the current date or an engine manufactured to the specifications of the original engine.

(b) ~~All other automobiles for private use: \$32.50 flat Net weight of less than 2,500 pounds: \$14.50 flat.~~

(c) ~~Net weight of 2,500 pounds or more, but less than 3,500 pounds: \$22.50 flat.~~

(d) ~~Net weight of 3,500 pounds or more: \$32.50 flat.~~

Section 15. Subsection (2) of section 335.035, Florida Statutes, is amended to read:

335.035 Completion of interstate highway system.—

(2) The department shall repay to the General Revenue Fund any funds which are appropriated from that fund for interstate highway purposes less the amount subsequently reappropriated by the Legislature for the 1979 Special Appropriation Program, *except that \$73.9 million of the required repayment to the General Revenue Fund shall instead be paid to the Public Medical Assistance Trust Fund during the 1991-92 fiscal year.* No general revenue funds appropriated for interstate highway purposes may be expended until an agreement has been signed with the Federal Government, providing for reimbursement of such funds on a 90-10 matching basis. Full repayment of the general revenue funds shall be made upon completion of the interstate highway system in this state.

Section 16. Paragraph (b) of subsection (2) of section 320.0609, Florida Statutes, 1990 Supplement, is amended to read:

320.0609 Transfer and exchange of registration license plates; transfer fee.—

(2)

(b) The requirement to pay a transfer fee does not apply when the replacement vehicle is classified under s. 320.08(2)(b), ~~(e), or (d)~~ or (3)(a), (b), or (c) and the original vehicle to be replaced is also classified under s. 320.08(2)(b), ~~(e), or (d)~~ or (3)(a), (b), or (c).

Section 17. Subsection (2) of section 320.14, Florida Statutes, 1990 Supplement, is amended to read:

320.14 Fractional license tax.—

(2) Except for vehicles covered by subsection (3) and except for vehicles taxed under s. 320.08(2)(b), ~~(e), or (d)~~, (3)(a), (b), or (c), (5)(a), (7)(a), or (9), the license tax charged to a person for the registration of a vehicle which was not previously subject to registration in this state by that person and which is being registered:

(a) During the seventh, eighth, or ninth month of the registration period shall be one-half of the annual license tax amount prescribed in s. 320.08.

(b) During the 10th or subsequent month of the registration period shall be one-fourth of the annual license tax amount prescribed in s. 320.08.

Section 18. Paragraph (c) of subsection (1) of section 320.27, Florida Statutes, 1990 Supplement, is amended to read:

320.27 Motor vehicle dealers.—

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

(c) "Motor vehicle dealer" means any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail. Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be prima facie presumed to be engaged in such business. The terms "selling" and "sale" include lease-purchase transactions. A motor vehicle dealer may apply for a certificate of title to a motor vehicle required to be registered under s. 320.08(2)(b), ~~(e), and (d)~~, using a manu-

facturer's statement of origin as permitted by s. 319.23(1), only if such dealer is authorized by a franchised agreement as defined in s. 320.60(1), to buy, sell, or deal in such vehicle and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on the motor vehicle; provided this limitation shall not apply to recreational vehicles, van conversions, or any other motor vehicle manufactured on a truck chassis. The transfer of a motor vehicle by a dealer not meeting these qualifications shall be titled as a used vehicle. The classifications of motor vehicle dealers are defined as follows:

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

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

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

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

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

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

Section 19. *Section 395.63, Florida Statutes, section 409.2663, Florida Statutes, subsection (19) of section 409.2665, Florida Statutes, as created by chapters 90-232 and 90-295, Laws of Florida, and section 409.2671, Florida Statutes, are hereby repealed.*

Section 20. *There is hereby appropriated from the Health Care Cost Containment Trust Fund to the Health Care Cost Containment Board 6 positions and \$167,079 to fund the implementation of the assessments on health care facilities created in this act.*

Section 21. Effective upon this act becoming a law, section 409.918, Florida Statutes, is created to read:

409.918 Extraordinary Disproportionate Share Payments.—

(1) Subject to any limitations established within the General Appropriations Act or established pursuant to chapter 216, the department shall make a special extraordinary contribution to the care of indigent persons in this state. In order to be eligible to receive these funds, a hospital shall:

(a) Be qualified to participate in the disproportionate share program specified in section 409.917, popularly known as the "regular" disproportionate share program;

(b) Be qualified to participate in the disproportionate share program specified in section 409.917(8), popularly known as the "RPICC" disproportionate share program;

(c) Be classified as a state teaching hospital under the provisions of section 407.002(27); and

(d) Have a ratio of net charity care expenditures to net operating expenditures that exceeds ten percent.

(2) Payments made to an individual hospital from the total amount of funds to be disbursed under this program shall amount to the same percentage that each eligible hospital's regular disproportionate share payment comprises of the sum total of regular disproportionate share payments made to all hospitals eligible to participate in the extraordinary disproportionate share program.

(3) Each of the definitions and formulas specified in s. 409.917, shall be utilized, as applicable, for the purpose of computing the funds owed each hospital qualified under subsection (1) of this section, and paid in the appropriate percentage as specified in subsection (2).

(4) The department is authorized to receive funds from hospitals participating in the extraordinary disproportionate share program, and from local governments in whose jurisdiction a participating hospital resides, for the purpose of making payments, including federal matching funds, through the Medicaid extraordinary disproportionate share program. Funds received from hospitals or local governments for this purpose shall be separately accounted for, and shall not be co-mingled with other state or local funds in any manner.

(5) Payments made by the department to hospitals eligible to participate in this program shall be made in accordance with federal rules and regulations.

(a) Should the federal government prohibit, restrict, or change in any manner the methods by which funds are distributed for this program, the department shall not distribute any additional funds, and shall return all funds to the entity from which the funds were received, except as provided in subsection (b).

(b) Should the federal government impose a restriction which still permits a partial or different distribution, the department may continue to disburse funds to hospitals participating in the extraordinary disproportionate share program in a federally approved manner, provided:

1. Each entity which contributes to the extraordinary disproportionate share program agrees to the new manner of distribution as shown by a written document signed by the governing authority of each entity; and

2. The Executive Office of the Governor, Office of Planning and Budget, the House of Representatives and the Senate are provided at least seven days prior notice of the proposed change in the distribution, and do not disapprove such change.

(c) No distribution shall be made under the alternative method specified in subsection (b) unless all parties agree, or unless those parties who disagree have returned to them all funds not yet disbursed.

Section 22. Subsection (17) of section 407.002, Florida Statutes, 1990 Supplement, is amended to read:

407.002 Definitions.—As used in this act, the term:

(17) "Maximum allowable rate of increase" or "MARI" means the maximum rate at which a hospital is normally expected to increase its average gross revenues per adjusted admission for a given period. The board, using the most recent audited actual experience for each hospital, shall calculate the MARI for each hospital as follows: the projected rate of increase in the market basket index shall be divided by a number which is determined by subtracting the sum of one-half of the proportion of Medicare days plus one-half of the proportion of CHAMPUS days plus the proportion of Medicaid days plus the proportion of charity care days from the number one. Two percentage points shall be added to this quotient, and also added to this quotient shall be the percentage amount, not to exceed .5 percent, by which the assessment imposed pursuant to s. 395.101 exceeds 1.5 percent. The formula to be employed by the board to calculate the MARI shall take the following form:

NHIPI

$$\text{MARI} = \frac{1 - [(Me \times 0.5) + (Cp \times 0.5) + Md + Cc]}{2 + A}$$

Where:

MARI = maximum allowable rate of increase applied to gross revenue.

NHIPI = national hospital input price index, which shall be the projected rate of change in the market basket index.

Me = proportion of Medicare days, including when available and reported to the board Medicare HMO days, to total days.

Cp = proportion of Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) days to total days.

Md = proportion of Medicaid days, including when available and reported to the board Medicaid HMO days, to total days.

Cc = proportion of charity care days to total days with a 50-percent offset for restricted grants for charity care and unrestricted grants from local governments.

A = a percent, not to exceed .5 percent, by which the assessment imposed pursuant to s. 395.101 exceeds 1.5 percent.

Section 23. Any diagnosis-specific supplemental funding to nursing homes shall not operate to prevent or create a disincentive for an otherwise terminally ill individual residing in a nursing home from electing the Medicare or Medicaid Hospice benefits.

Section 24. This act shall take effect July 1, 1991, or upon becoming a law, whichever occurs later.

House Amendment 2—Strike the entire title and insert: A bill to be entitled An act relating to indigent health care; providing legislative intent; amending s. 383.011, F.S.; adding duties of the Department of Health and Rehabilitative Services relating to maternal and child health; amending s. 383.013, F.S.; adding duties of the Department of Health and Rehabilitative Services relating to prenatal care; amending s. 383.215, F.S.; providing for developmental intervention at hospitals with level II neonatal intensive care units; creating s. 383.216, F.S.; providing for the establishment of prenatal and infant health care coalitions, including establishment and incorporation of local prenatal and infant health care coalitions, and providing for membership, duties, and services; providing for cooperation and assistance from the Department of Health and Rehabilitative Services, and for contribution match percentages; amending s. 395.101, F.S.; imposing an assessment on hospital annual net operating revenues inversely proportionate to the hospital's disproportionate share rate; providing for reports; providing for administrative fines; creating s. 395.1015, F.S.; providing definitions; imposing an assessment on annual net operating revenues on certain health care entities; providing for an administrative fine; amending s. 407.51, F.S.; deleting a cross reference; amending s. 409.266, F.S.; revising Medicaid eligibility provisions and Medicaid reimbursement rates; imposing a hospital occupancy adjustment on Medicaid reimbursement; providing disproportionate share programs for hospitals, regional perinatal intensive care centers, and teaching hospitals for purposes of indigent and obstetrical care; amending s. 409.2662, F.S.; expanding the purposes for moneys in the Public Medical Assistance Trust Fund, and reenacting s. 409.701(5)(d), F.S., relating to the Florida Health Access Corporation, to incorporate said amendment in a reference thereto; amending s. 427.012, F.S.; providing for maternal and child health care representation on the Transportation Disadvantaged Commission; amending s. 395.62, F.S., to conform; amending s. 320.08, F.S.; revising the rate of license tax imposed on automobiles for private use to generate funding for the purposes of the act; amending s. 335.035, F.S.; requiring the Department of Transportation to repay General Revenue funds advanced for interstate highway purposes to the Public Medical Assistance Trust Fund; amending ss. 320.0609, 320.14, and 320.27, F.S.; conforming cross references; creating s. 409.918, F.S.; providing for payments to certain hospitals that make extraordinary contributions to indigent care; providing eligibility criteria for such hospitals; providing methodology for calculating such payments; providing for hospital participation in program funding; repealing ss. 395.63, 409.2663, 409.2665(19), and 409.2671, F.S., relating to Public Medical Assistance Trust Fund redistribution, health insurance third-party benefit checks, and local agency contributions to medical assistance; amending s. 407.002, F.S.; providing an increase in the calculation of the maximum

allowable rate of increase for hospitals under review by the Health Care Cost Containment Board; providing that diagnosis-specific supplemental funding to nursing homes shall not operate in a certain manner; providing an effective date.

On motions by Senator Malchon, the Senate refused to concur in the House amendments and the House was requested to recede and in the event the House refused to recede a conference committee was requested.

CONFEREES ON CS FOR CS FOR CS FOR SB 480 APPOINTED

The President appointed Senators Malchon, Jenne, Bankhead and Weinstock.

The action of the Senate was certified to the House.

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for the appointment of a conference committee for CS for CS for CS for SB 480.

The Speaker has appointed the following Representatives for the Conference Committee: Abrams, Saunders, Bo Johnson, Logan, Hill, King, Rush (Monitor).

John B. Phelps, Clerk

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 578, and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 578—A bill to be entitled An act relating to housing advisory bodies; amending s. 420.609, F.S.; revising the membership requirements and duties of the Affordable Housing Study Commission; deleting requirement of Senate confirmation of members of the commission; repealing s. 30, ch. 88-376, Laws of Florida; abrogating the repeal of s. 420.609, F.S., notwithstanding repeal scheduled pursuant to the Sundown Act and providing for future review and repeal; repealing s. 410.501, F.S.; which provides for a multidisciplinary advisory group on housing for the elderly; repealing s. 410.503, F.S., which requires reports on housing for the elderly; providing an effective date.

House Amendment 1—On page 4, between lines 27 and 28, insert:

(7) *By December 31 of each year beginning in 1992, the commission shall prepare and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report detailing its findings and making specific program, legislative, and funding recommendations and any other recommendations it deems appropriate.*

House Amendment 2—On page 5, strike lines 5 and 6 and insert:

Section 5. Effective July 1, 1991, or upon this act becoming a law, whichever occurs later, subsections (2), (3), and (6) of section 420.5087, Florida Statutes, 1990 Supplement, are amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very low-income persons.

(2) The agency shall have the power to underwrite and make state apartment incentive loans to sponsors, provided:

(a) The sponsor uses tax-exempt financing for the first mortgage and at least 20 percent of the units in the project are set aside for persons or families who have incomes which meet the income eligibility requirements of s. 8 of the United States Housing Act of 1937, as amended;

(b) The sponsor uses taxable financing for the first mortgage and at least 20 percent of the units in the project are set aside for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, which shall be adjusted by the agency for family size; or

(c) The sponsor uses the federal low-income housing tax credit and the project meets the tenant income eligibility requirements of section 42 of the Internal Revenue Code of 1986, as amended.

Compliance with the provisions of this subsection must be contractually provided for the term of the loan or 12 years, whichever is longer; however, the provisions of this subsection shall not apply to loans made to housing communities for the elderly to provide for life-safety, *building preservation, health, sanitation*, or security-related repairs or improvements. Such loans shall be subject to tenant income criteria established by agency rule.

(3) During the first 6 months of loan availability:

(a) Ten percent of the program funds shall be reserved for use by sponsors who provide the housing set-aside required in subsection (2) for farmworkers;

(b) Forty-five percent of the program funds shall be reserved for use by sponsors who provide the housing set-aside required in subsection (2) for families; and

(c)1. Forty-five percent of the program funds shall be reserved for use by sponsors who provide the housing set-aside required in subsection (2) for elderly persons.

2. Ten percent of the amount reserved pursuant to subparagraph 1. shall be reserved to provide loans to sponsors of housing for the elderly, as defined in s. 420.904, for the purpose of making life-safety, *building preservation, health, sanitation*, or security-related repairs or improvements to such housing which are required by federal, ~~or~~ state, or local regulation. A loan for a life-safety, *building preservation, health, sanitation*, or security-related repair or improvement may not exceed \$100,000 per housing community for the elderly. In order to receive the loan, the sponsor of the housing community for the elderly must make a commitment to match at least 25 percent of the loan amount to pay the cost of such repair or improvement. The agency shall establish the rate of interest on the loan, which may not exceed 3 percent, and the term of the loan, which may not exceed 10 5 years. *The term of the loan shall be established on the basis of a credit analysis of the applicant.* The agency shall establish by rule the procedure and criteria for receiving, evaluating, and competitively ranking all applications for loans under this subparagraph. A loan application must include evidence of the mortgagee's having reviewed and approved the sponsor's intent to apply for a loan. A non-profit organization or sponsor may not use the proceeds of a loan received pursuant to this subparagraph to pay for administrative costs, routine maintenance, or new construction.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for life-safety, *building preservation, health, sanitation*, or security-related repairs or improvements, the following provisions shall apply:

(a) The agency shall establish two interest rates in accordance with s. 420.507(22)(a) 1. and 2.

(b) The department shall publish a Notice of Fund Availability in a publication of general circulation throughout the state. Such notice shall be published at least 60 days prior to the application deadline date and shall provide notice of the temporary reservations of funds established in subsection (3).

(c) In consultation with the agency, the department shall provide by rule for the exercise of the powers authorized herein and for the establishment of a review committee composed of representatives of the department and agency staff and shall establish by rule a scoring system for evaluation and competitive ranking of applications submitted in this program, including, but not limited to, the following criteria:

1. Tenant income and demographic targeting objectives of the agency.

2. Targeting objectives of the agency which will ensure an equitable distribution of loans between rural and urban areas.

3. Sponsor's agreement to reserve the units for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, for a time period to exceed the minimum required by federal law or the provisions of this part.

4. Sponsor's agreement to reserve more than 20 percent of the units in the project for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, without requiring a greater amount of the loans as provided in this section.

5. Provision for tenant counseling.

6. Sponsor's agreement to accept rental assistance certificates or vouchers as payment for rent; however, when certificates or vouchers are accepted as payment for rent on units set-aside pursuant to subsection (2), the benefit must be divided between the agency and the sponsor, as provided by agency rule.

7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost.

8. Local government contributions and local government comprehensive planning and activities that promote affordable housing.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor's prior experience.

13. Sponsor's ability to proceed with construction.

(d) The department and agency shall have the authority to reject any and all applications.

(e) The department shall have the authority to approve and reject applications for the purpose of achieving geographic targeting.

(f) The review committee established by department rule pursuant to this subsection shall make recommendations to the Housing Finance Agency Board regarding program participation under the State Apartment Incentive Loan Program. The agency board shall make the final ranking and the decisions regarding which applicants shall become program participants based on the scores received in the competitive ranking, further review of applications, and the recommendations of the review committee. The agency board shall approve or reject applications for loans and shall determine the tentative loan amount available to each applicant selected for participation in the program. The actual loan amount shall be determined pursuant to rule adopted pursuant to s. 420.507(22)(f).

(g) The loan term shall be for a period of not more than 15 years; however, the agency may renegotiate and extend the loan in order to extend the availability of housing for the targeted population.

(h) The loan shall be subject to sale, transfer, or refinancing. However, all requirements and conditions of the loan shall remain following sale, transfer, or refinancing.

(i) The discrimination provisions of s. 420.516 shall apply to all loans.

(j) The agency may require units dedicated for the elderly.

(k) Rent controls shall not be allowed on any project except as required in conjunction with the issuance of tax-exempt bonds or federal low-income housing tax credits.

(l) The proceeds of all loans shall be used for new construction or substantial rehabilitation which creates affordable, safe, and sanitary housing units.

(m) Sponsors shall annually certify the adjusted gross income of all persons or families qualified under the provisions of subsection (2) at the time of initial occupancy, who are residing in a project funded by this program. All persons or families qualified under the provisions of subsection (2) may continue to qualify under the provisions of subsection (2) in a project funded by this program if the adjusted gross income of said persons or families at the time of annual recertification meets the requirements established in s. 142(d)(3)(B) of the Internal Revenue Code of 1986, as amended. Should the annual recertification of persons or families qualifying under the provisions of subsection (2) result in noncompliance with income occupancy requirements, the next available unit must be rented to a person or family qualifying under the provisions of subsection (2) in order to ensure continuing compliance of the project.

(n) Upon submission and approval of a marketing plan which demonstrates a good faith effort of a sponsor to rent a unit or units to persons or families reserved under the provisions of subsection (3) and qualified under the provisions of subsection (2), the sponsor may rent such unit or units to any person or family qualified under the provisions of subsection (2) notwithstanding the reservation.

(o) Sponsors shall have the authority to participate in federal mortgage insurance programs and shall abide by the requirements of such programs. When a conflict occurs between the requirements of federal mortgage insurance programs and the requirements of this section, the requirements of federal mortgage insurance programs shall take precedence.

Section 6. Except as otherwise provided herein, this act shall take effect upon becoming a law.

House Amendment 3—Strike the entire title and insert: A bill to be entitled An act relating to housing; amending s. 420.609, F.S.; revising the membership requirements and duties of the Affordable Housing Study Commission; deleting requirement of Senate confirmation of members of the commission; repealing s. 30, ch. 88-376, Laws of Florida; abrogating the repeal of s. 420.609, F.S., notwithstanding repeal scheduled pursuant to the Sundown Act and providing for future review and repeal; repealing s. 410.501, F.S.; which provides for a multidisciplinary advisory group on housing for the elderly; repealing s. 410.503, F.S., which requires reports on housing for the elderly; amending s. 420.5087, F.S.; expanding provisions relating to temporary reservations of funds for loans under the State Apartment Incentive Loan Program to sponsors of housing for the elderly, to authorize such loans for additional purposes and to extend the term of such loans; providing effective dates.

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

SB 578 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—None

RETURNING MESSAGES—FINAL ACTION

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed SB 390.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed House Bills 1879 and 2087, as amended.

John B. Phelps, Clerk

AMENDMENTS TO SENATE BILLS

CS for SB 162

Senator Kiser moved the following amendments which were adopted:

Amendment 1—On page 10, lines 13-31; on page 11, lines 1-31; and on page 12, lines 1-28, strike all of said lines and insert: and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(1) Select and hire a manager, subject to final approval of the department, who shall report to the board and who shall be a member of the Selected Exempt Service.

(2) Recommend to the department the salary of the manager within the range permissible under Department of Administration guidelines.

(3) Adopt a seal and alter it at its pleasure.

(4) Contract and be contracted with, sue and be sued, and plea and be impleaded in all courts, with the approval of the department and the Department of Legal Affairs.

(5) Establish an office in the City of St. Augustine for the conduct of its affairs. All official business of the board must be conducted at the board's office.

(6) Acquire, hold, rent, lease, and dispose of personal property or any interest therein for its authorized purpose.

(7) Operate, maintain, repair, and improve its facilities wherever located.

(8) Demolish, clear, or remove buildings from any slum area, which work or undertaking may embrace the adaptation of such area to public purposes, including parks or other recreational or community purposes; provide decent, safe, and sanitary urban or rural dwellings, apartments, or other living accommodations for persons of low income, which work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water services, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes; or accomplish a combination of the foregoing.

(9) Plan buildings and improvements; demolish existing structures; construct, reconstruct, alter, and repair improvements; and do all other work in connection therewith.

(10) Employ, subject to the provisions of the Career Service System, employees as may be necessary.

(11) Contract with consulting engineers, architects, accountants, inspectors, attorneys, and such other consultants as may be necessary. However, consultants must be retained in the manner provided by sections 287.055, 287.057, and 287.058, Florida Statutes.

(12) Contract with any agency of the state or the Federal Government, the City of St. Augustine, the County of St. Johns, or any firm or corporation with respect to the establishment, construction, and operation of the facilities of the board in or near the City of St. Augustine.

(13) Make and enter into all contracts or agreements which are necessary to the performance of its duties or the execution of its powers under sections 2 through 10 of this act.

(14) Engage in any lawful business or activity to establish, maintain, and operate the facilities contemplated by sections 2 through 10 of this act, 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, under terms and conditions deemed by the board to be in the best interest of the state.

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

(c) The limited sale of merchandise relating to the historical and antiquarian period of St. Augustine and its surrounding territory.

(15) Fix and collect charges for admission to any of the facilities operated and maintained by the board under the provisions of sections 2 through 10 of this act and adopt and enforce reasonable rules to govern the conduct of the visiting public.

(16) 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.

(17) Perform all lawful acts necessary and convenient and incident to effectuating its function and purpose.

Any power delegated by the department pursuant to this section may be revoked by the department at any time if, in the department's determination, the board is not exercising a delegated power in accordance with department rules and policies or in the best interest of the state.

Amendment 2—On page 19, lines 13-31; on page 20, lines 1-31; on page 21, lines 1-31; and on page 22, lines 1-5, strike all of said lines and insert: and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(1) Select and hire a manager, subject to final approval of the department, who shall report to the board and who shall be a member of Selected Exempt Service.

(2) Recommend to the department the salary of the manager within the range permissible under Department of Administration guidelines.

(3) Adopt a seal and alter it at its pleasure.

(4) Contract and be contracted with, sue and be sued, and plea and be impleaded in all courts, with the approval of the department and the Department of Legal Affairs.

(5) Establish an office in or near the City of Pensacola for the conduct of its affairs.

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

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

(8) Employ, subject to the provisions of the Career Service System, employees as may be necessary.

(9) Contract with consulting engineers, architects, accountants, inspectors, attorneys, and such other consultants as may be necessary. However, consultants must be retained in the manner provided by sections 287.055, 287.057, and 287.058, Florida Statutes.

(10) Draft a historical plan of development for the City of Pensacola and Escambia County; and the board may recommend to the governing body of the City of Pensacola the creation of a historical district or districts that includes 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 must be designated by the board based on criteria of historical evaluation established by the National Trust for Historic Preservation or another recognized professional historical group.

(11) Contract with any agency of the state, the Federal Government, the City of Pensacola, the County of Escambia, or any firm or corporation with respect to the establishment, construction, and operation of the facilities of the board in or near the City of Pensacola.

(12) Make and enter into all contracts or agreements with private individuals, corporations, organizations, historical societies, and others with reference to facilities and enter into contracts and agreements which are necessary to the performance of its duties or the execution of its powers under sections 11 through 19 of this act.

(13) Engage in any lawful business or activity to establish, maintain, and operate the facilities contemplated by sections 11 through 19 of this act, 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, under terms and conditions deemed by the board to be in the best interest of the state.

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

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

(14) Fix and collect charges for admission to any of the facilities operated and maintained by the board under the provisions of sections 11 through 19 of this act and adopt and enforce reasonable rules to govern the conduct of the visiting public.

(15) Cooperate and coordinate all its activities with any statewide commission and participate in any overall statewide plan of historical development.

(16) Cooperate and coordinate its activities with any national project of historical development and with any other agency, state, local, or national, undertaking historical objectives if they are not in conflict with the objectives of the board.

(17) 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.

(18) Perform all lawful acts necessary and convenient and incident to the effectuating of its function and purpose.

Any power delegated by the department pursuant to this section may be revoked by the department at any time if, in the department's determination, the board is not exercising a delegated power in accordance with department rules and policies or in the best interest of the state.

Amendment 3—On page 30, lines 1-31; on page 31, lines 1-30; and on page 32, lines 1-17, strike all of said lines and insert: and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(1) Select and hire a manager, subject to final approval of the department, who shall report to the board and who shall be a member of the Selected Exempt Service.

(2) Recommend to the department the salary of the manager within the range permissible under Department of Administration guidelines.

(3) Adopt a seal and alter it at its pleasure.

(4) Contract and be contracted with, sue and be sued, and plea and be impleaded in all courts, with the approval of the department and the Department of Legal Affairs.

(5) Establish an office in the City of Tallahassee for the conduct of its affairs. All official business of the board must be conducted at a public building located in Leon County.

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

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

(8) Employ, subject to the provisions of the Career Service System, employees as may be necessary.

(9) Contract with consulting engineers, architects, accountants, inspectors, attorneys, and such other consultants as may be necessary. However, consultants must be retained in the manner provided by sections 287.055, 287.057, and 287.058, Florida Statutes.

(10) Draft a historical plan of development for the City of Tallahassee and Leon County; and the board may recommend to the governing bodies of Leon County and the City of Tallahassee the creation of a historical district or districts that includes 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 must be designated by the board on the basis of criteria of historical evaluation established by the division.

(11) Contract with any agency of the state, the Federal Government, the City of Tallahassee, the County of Leon, or any firm or corporation with respect to the establishment, construction, and operation of the facilities of the board in or near the City of Tallahassee.

(12) Make and enter into contracts or agreements with private individuals, corporations, organizations, historical societies, and others with reference to facilities and enter into contracts and agreements which are necessary to the performance of its duties or the execution of its powers under sections 20 through 28 of this act.

(13) Engage in any lawful business or activity to establish, maintain, and operate the facilities contemplated by sections 20 through 28 of this act, 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, under terms and conditions deemed by the board to be in the best interest of the state.

(14) Fix and collect charges for admission to any of the facilities operated and maintained by the board under the provisions of sections 20 through 28 of this act and adopt and enforce reasonable rules to govern the conduct of the visiting public.

(15) Cooperate and coordinate with any statewide commission and participate in any overall statewide plan of historical development.

(16) Cooperate and coordinate its activities with any national project of historical development and with any other agency, state, local, or national, undertaking historical objectives if they are not in conflict with the objectives of the board.

(17) 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.

(18) Perform all lawful acts necessary and convenient and incident to the effectuating of its function and purpose.

Any power delegated by the department pursuant to this section may be revoked by the department at any time if, in the department's determination, the board is not exercising a delegated power in accordance with department rules and policies or in the best interest of the state.

Amendment 4—On page 39, lines 23-31; on page 40, lines 1-30; on page 41, lines 1-31; and on page 42, lines 1-7, strike all of said lines and insert: and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(1) Select and hire a manager, subject to final approval of the department, who shall report to the board and who shall be a member of the Selected Exempt Service.

(2) Recommend to department the salary of the manager within the range permissible under Department of Administration guidelines.

(3) Adopt a seal and alter it at its pleasure.

(4) Contract and be contracted with, sue and be sued, and plea and be impleaded in all courts, with the approval of the department and the Department of Legal Affairs.

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

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

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

(8) Employ, subject to the provisions of the Career Service System, employees as may be necessary.

(9) Contract with consulting engineers, architects, accountants, inspectors, attorneys, and such other consultants as may be necessary. However, consultants must be retained in the manner provided by sections 287.055, 287.057, and 287.058, Florida Statutes.

(10) Draft a historical plan of development for the City of Key West and Monroe County; and the board may recommend to the governing body of the City of Key West the creation of a historical district or districts that includes 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 must be designated by the board based on the criteria of historical evaluation established by the division.

(11) Contract with any agency of the state, the Federal Government, the City of Key West, the County of Monroe, or any firm or corporation with respect to the establishment, construction, and operation of the facilities of the board in or near the City of Key West.

(12) Make and enter into all contracts or agreements with private individuals, corporations, organizations, historical societies, and others with reference to facilities and enter into contracts and agreements which are necessary to the performance of its duties or the execution of its powers under sections 29 through 37 of this act.

(13) Engage in any lawful business or activity to establish, maintain, and operate the facilities contemplated by sections 29 through 37 of this act, 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, under terms and conditions deemed by the board to be in the best interest of the state.

(14) Fix and collect charges for admission to any of the facilities operated and maintained by the board under the provisions of sections 29 through 37 of this act and adopt and enforce reasonable rules to govern the conduct of the visiting public.

(15) Cooperate and coordinate all its activities with any statewide board and participate in any overall statewide plan of historical development.

(16) Cooperate and coordinate its activities with any national project of historical development and with any other agency, state, local, or national, undertaking historical objectives if they are not in conflict with the objectives of the board.

(17) 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.

(18) Perform all lawful acts necessary, convenient, and incident to the effectuating of its function and purpose.

Any power delegated by the department pursuant to this section may be revoked by the department at any time if, in the department's determination, the board is not exercising a delegated power in accordance with department rules and policies or in the best interest of the state.

Amendment 5—On page 50, lines 4-31; on page 51, lines 1-31; and on page 52, lines 1-22, strike all of said lines and insert: and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(1) Select and hire a manager, subject to final approval of the department, who shall report to the board and who shall be a member of the Selected Exempt Service.

(2) Recommend to the department the salary of the manager within the range permissible under Department of Administration guidelines.

(3) Adopt a seal and alter it at its pleasure.

(4) Contract and be contracted with, sue and be sued, and plea and be impleaded in all courts, with the approval of the department and the Department of Legal Affairs.

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

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

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

(8) Employ, subject to the provisions of the Career Service System, employees as may be necessary.

(9) Contract with consulting engineers, architects, accountants, inspectors, attorneys, and such other consultants as may be necessary. However, consultants must be retained in the manner provided by sections 287.055, 287.057, and 287.058, Florida Statutes.

(10) Draft historical plans of development for Palm Beach County and the municipalities therein; and the board may recommend to the governing bodies of the County of Palm Beach and the municipalities therein the creation of a historical district or districts that includes 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 must be designated by the board on the basis of criteria of historical evaluation established by the department.

(11) Contract with any agency of the state or the Federal Government, any other agency, the County of Palm Beach, or any firm or corporation with respect to the establishment, construction, and operation of the facilities of the board in Palm Beach County.

(12) Make and enter into contracts or agreements with private individuals, corporations, organizations, historical societies, and others with reference to facilities and enter into contracts and agreements which are necessary to the performance of its duties or the execution of its powers under sections 38 through 46 of this act.

(13) Engage in any lawful business or activity to establish, maintain, and operate the facilities contemplated by sections 38 through 46 of this act, 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, under terms and conditions deemed by the board to be in the best interest of the state.

(14) 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.

(15) Fix and collect charges for admission to any of the facilities operated and maintained by the board under the provisions of sections 38 through 46 of this act and adopt and enforce reasonable rules to govern the conduct of the visiting public.

(16) Cooperate and coordinate all its activities with any statewide commission and participate in any overall statewide plan of historical development.

(17) Cooperate and coordinate its activities with any national project of historical development and with any other agency, state, local, or national, undertaking historical objectives if they are not in conflict with the objectives of the board.

(18) 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.

(19) Perform all lawful acts necessary, convenient, and incident to the effectuating of its function and purpose.

Any power delegated by the department pursuant to this section may be revoked by the department at any time if, in the department's determination, the board is not exercising a delegated power in accordance with department rules and policies or in the best interest of the state.

Amendment 6—On page 60, lines 19-31; on page 61, lines 1-30; on page 62, lines 1-31; and on page 63, lines 1-5, strike all of said lines and insert: and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(1) Select and hire a manager, subject to final approval of the department, who shall report to the board and who shall be a member of the Selected Exempt Service.

(2) Recommend to the department the salary of the manager within the range permissible under Department of Administration guidelines.

(3) Adopt a seal and alter it at its pleasure.

(4) Contract and be contracted with, sue and be sued, and plea and be impleaded in all courts, with the approval of the department and the Department of Legal Affairs.

(5) Establish an office at Tampa for the conduct of its affairs.

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

(7) Plan facilities; demolish existing structures; and construct, reconstruct, alter, repair, and improve its facilities wherever located.

(8) Employ, subject to the provisions of the Career Service System, employees as may be necessary.

(9) Contract with consulting engineers, architects, accountants, inspectors, attorneys, and such other consultants as may be necessary. However, consultants must be retained in the manner provided by sections 287.055, 287.057, and 287.058, Florida Statutes.

(10) Draft a historical plan of development for Hillsborough County; and the board may 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 includes 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 must be designated by the board, based on the criteria of historical evaluation established by the division.

(11) 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 with respect to the establishment, construction, and operation of the facilities of the board in Hillsborough County.

(12) Make and enter into all contracts or agreements with private individuals, corporations, organizations, historical societies, and others with reference to facilities and enter into contracts and agreements which are necessary to the performance of its duties or the execution of its powers under sections 47 through 57 of this act.

(13) Engage in any lawful business or activity to establish, maintain, and operate the facilities contemplated by sections 47 through 57 of this act, 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, under terms and conditions deemed by the board to be in the best interest of the state.

(14) Fix and collect charges for admission to any of the facilities operated and maintained by the board under the provisions of sections 47 through 57 of this act and adopt and enforce reasonable rules to govern the conduct of the visiting public.

(15) Cooperate and coordinate all its activities with any statewide board and participate in any overall statewide plan of historical development.

(16) Cooperate and coordinate its activities with any national project of historical development and with any other agency, state, local, or national, undertaking historical objectives if they are not in conflict with the objectives of the board.

(17) 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.

(18) Perform all lawful acts necessary, convenient, and incident to the effectuating of its function and purpose.

Any power delegated by the department pursuant to this section may be revoked by the department at any time if, in the department's determination, the board is not exercising a delegated power in accordance with department rules and policies or in the best interest of the state.

Amendment 7—On page 73, lines 11-30; on page 74, lines 1-31; and on page 75, lines 1-14, strike all of said lines and insert: laws and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(1) Select and hire a manager, subject to final approval by the department, who shall report to the board and who shall be a member of the Selected Exempt Service.

(2) Recommend to the department the salary of the manager within the range permissible under Department of Administration guidelines.

(3) Adopt a seal and alter it at its pleasure.

(4) Contract and be contracted with, sue and be sued, and plea and be impleaded in all courts, with the approval of the department and the Department of Legal Affairs.

(5) Establish an office for the conduct of its affairs.

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

(7) Plan facilities; demolish existing structures; and construct, reconstruct, alter, repair, and improve its facilities wherever located.

(8) Employ, subject to the provisions of the Career Service System, employees as may be necessary.

(9) Contract with consulting engineers, architects, accountants, inspectors, attorneys, and such other consultants as may be necessary. However, consultants must be retained in the manner provided by sections 287.055, 287.057, and 287.058, Florida Statutes.

(10) Contract with any agency of the state, the Federal Government, any city within the county or any firm or corporation with respect to the establishment, construction, and operation of the facilities of the board in the county.

(11) Make and enter into all contracts or agreements with private individuals, corporations, organizations, historical societies, and others

with reference to facilities and enter into contracts and agreements which are necessary to the performance of its duties or the execution of its powers under sections 58 through 65 of this act.

(12) Engage in any lawful business or activity to establish, maintain, and operate the facilities contemplated by sections 58 through 65 of this act, 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, under terms and conditions deemed by the board to be in the best interest of the state.

(13) Fix and collect charges for admission to any of the facilities operated and maintained by the board under the provisions of sections 58 through 65 of this act and adopt and enforce reasonable rules to govern the conduct of the visiting public.

(14) Cooperate and coordinate all its activities with any statewide board and participate in any overall statewide plan of historical development.

(15) Cooperate and coordinate its activities with any national project of historical development and with any other agency, state, local, or national, undertaking historical objectives, if they are not in conflict with the objectives of the board.

(16) 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.

(17) Perform all lawful acts necessary, convenient, and incident to the effectuating of its function and purpose.

Any power delegated by the department pursuant to this section may be revoked by the department at any time if, in the department's determination, the board is not exercising a delegated power in accordance with department rules and policies or in the best interest of the state.

Amendment 8—On page 14, lines 22-27; on page 25, lines 3-8; on page 34, lines 26-31; on page 45, lines 4-9; on page 55, lines 1-6; on page 68, lines 11-16; and on page 77, lines 1-6, strike all of said lines and insert:

(3) The members of the direct-support organization's board of directors must include members of the board of trustees.

SB 358

The Committee on Appropriations recommended the following amendments which were moved by Senator Grant and adopted:

Amendment 1—On page 2, line 19, insert:

Section 3. Section 11.12, Florida Statutes, 1990 Supplement, is amended to read:

11.12 Salary, subsistence, and mileage of members and employees; expenses authorized by resolution; appropriation; preaudit by Comptroller.—

(1) The Treasurer is authorized to pay the salary, subsistence, and mileage of the members of the Legislature, as the same shall be authorized from time to time by law, upon receipt of a warrant therefor of the Comptroller for the stated amount. He is authorized to pay the compensation of employees of the Legislature, together with reimbursement for their authorized travel as provided in s. 112.061, and such expense of the Legislature as shall be authorized by law, a concurrent resolution, a resolution of either house, or rules adopted by the respective houses, provided the total amount appropriated to the legislative branch shall not be altered, upon receipt of such warrant therefor. The number, duties, and compensation of the employees of the respective houses and of their committees shall be determined as provided by the rules of the respective house or in this chapter. Each Legislator may designate no more than two of his employees to attend sessions of the Legislature, and those employees who change their places of residence in order to attend the session shall be paid subsistence at a rate to be established by the Joint Legislative Management Committee ~~in accordance with policies and procedures adopted by the appropriate administrative authorities in the respective houses, but in no case shall the subsistence paid exceed the maximum allowable rate as provided in s. 112.061(6).~~ Such employees, in addition to subsistence, shall be paid ~~transportation travel~~ expenses in accordance with s. 112.061(7) and (8) for actual ~~transportation travel~~ between their

homes and the seat of government in order to attend the legislative session and return home, as well as for two round trips during the course of any regular session of the Legislature.

(2) All vouchers covering legislative expenses shall be preaudited by the Comptroller, and, if found to be correct, state warrants shall be issued therefor.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 21, following the semicolon (;) insert: amending s. 11.12, F.S.; providing for the establishment of rates of subsistence payments to certain employees; providing for payment of certain transportation expenses of employees of legislators;

Amendments 1 and 2 were reconsidered and withdrawn.

Senator Grant moved the following amendment:

Amendment 3—Strike everything after the enacting clause and insert:

Section 1. Section 11.12, Florida Statutes, 1990 Supplement, is amended to read:

11.12 Salary, subsistence, and mileage of members and employees; expenses authorized by resolution; appropriation; preaudit by Comptroller.—

(1) The Treasurer is authorized to pay the salary, subsistence, and mileage of the members of the Legislature, as the same shall be authorized from time to time by law, upon receipt of a warrant therefor of the Comptroller for the stated amount. He is authorized to pay the compensation of employees of the Legislature, together with reimbursement for their authorized travel as provided in s. 112.061, and such expense of the Legislature as shall be authorized by law, a concurrent resolution, a resolution of either house, or rules adopted by the respective houses, provided the total amount appropriated to the legislative branch shall not be altered, upon receipt of such warrant therefor. The number, duties, and compensation of the employees of the respective houses and of their committees shall be determined as provided by the rules of the respective house or in this chapter. Each Legislator may designate no more than two of his employees to attend sessions of the Legislature, and those employees who change their places of residence in order to attend the session shall be paid subsistence at a rate to be established by the Joint Legislative Management Committee ~~in accordance with policies and procedures adopted by the appropriate administrative authorities in the respective houses, but in no case shall the subsistence paid exceed the maximum allowable rate as provided in s. 112.061(6).~~ Such employees, in addition to subsistence, shall be paid ~~transportation travel~~ expenses in accordance with s. 112.061(7) and (8) for actual ~~transportation travel~~ between their homes and the seat of government in order to attend the legislative session and return home, as well as for two round trips during the course of any regular session of the Legislature.

(2) All vouchers covering legislative expenses shall be preaudited by the Comptroller, and, if found to be correct, state warrants shall be issued therefor.

Section 2. Paragraph (c) of subsection (4) of section 11.147, Florida Statutes, 1990 Supplement, is amended to read:

11.147 Joint Legislative Management Committee.—

(4) The joint committee shall prepare and adopt rules and procedures governing the following matters:

(c) The adoption, with the approval of the President of the Senate and the Speaker of the House of Representatives, and administration of a uniform personnel, job classification, and pay plan for all legislative employees. *The joint committee shall maintain salary information that provides a basis for reviewing whether the legislative pay plan is competitive. By August 1 of each year the joint committee shall present this information to the President of the Senate and the Speaker of the House of Representatives. This presentment shall include a study of salaries of employees who perform comparable work in other labor markets.*

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

The Committee on Appropriations recommended the following amendment to **Amendment 3** which was moved by Senator Grant and adopted:

Amendment 3A—On page 2, between lines 17 and 18, insert:

Section 3. Section 11.12, Florida Statutes, 1990 Supplement, is amended to read:

11.12 Salary, subsistence, and mileage of members and employees; expenses authorized by resolution; appropriation; preaudit by Comptroller.—

(1) The Treasurer is authorized to pay the salary, subsistence, and mileage of the members of the Legislature, as the same shall be authorized from time to time by law, upon receipt of a warrant therefor of the Comptroller for the stated amount. He is authorized to pay the compensation of employees of the Legislature, together with reimbursement for their authorized travel as provided in s. 112.061, and such expense of the Legislature as shall be authorized by law, a concurrent resolution, a resolution of either house, or rules adopted by the respective houses, provided the total amount appropriated to the legislative branch shall not be altered, upon receipt of such warrant therefor. The number, duties, and compensation of the employees of the respective houses and of their committees shall be determined as provided by the rules of the respective house or in this chapter. Each Legislator may designate no more than two of his employees to attend sessions of the Legislature, and those employees who change their places of residence in order to attend the session shall be paid subsistence at a rate to be established by the Joint Legislative Management Committee ~~in accordance with policies and procedures adopted by the appropriate administrative authorities in the respective houses, but in no case shall the subsistence paid exceed the maximum allowable rate as provided in s. 112.061(6).~~ Such employees, in addition to subsistence, shall be paid ~~transportation travel~~ expenses in accordance with s. 112.061(7) and (8) for actual ~~transportation travel~~ between their homes and the seat of government in order to attend the legislative session and return home, as well as for two round trips during the course of any regular session of the Legislature.

(2) All vouchers covering legislative expenses shall be preaudited by the Comptroller, and, if found to be correct, state warrants shall be issued therefor.

(Renumber subsequent section.)

Amendment 3 as amended was adopted.

Senator Grant moved the following amendment:

Amendment 4—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to legislative employees; amending s. 11.12, F.S.; providing for the establishment of rates of subsistence payments to certain employees; amending s. 11.147, F.S.; requiring the Joint Legislative Management Committee to maintain certain salary information relating to the legislative pay plan; providing an effective date.

The Committee on Appropriations recommended the following amendment to **Amendment 4** which was moved by Senator Grant and adopted:

Amendment 4A—In title, on page 1, line 17, following the semicolon (;) insert: providing for payment of certain transportation expenses of employees of legislators;

Amendment 4 as amended was adopted.

CS for SB 464

Senator Brown moved the following amendment:

Amendment 1—On page 27, lines 28-31, and on page 28, lines 1-4, strike all of said lines and insert:

(4) *Require the posting of cash, a performance bond, or other surety acceptable to the district, in an amount deemed adequate by the governing board, to provide reasonable assurance of compliance with any provision of this chapter or rule adopted thereunder. Federal, state, county and municipal governmental agencies, electric utilities as defined by s. 366.02(2), and reclamation activities exempted by interagency agreements pursuant to ss. 373.046(3) and 373.406(5) shall be exempt from this requirement. In implementing this requirement, the governing board shall avoid duplication of such assurance for performance of the same activities required by federal, state, county, or municipal governmental agencies which does not diminish the assurance.*

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

Amendment 1A—On page 1, line 18, after “s. 366.02(2),” insert: *agricultural activities as defined by s. 373.406(2) and (3),*

Amendment 1B—On page 1, line 18, after “electric utilities as defined by s. 366.02(2),” insert: *qualifying facilities, cogenerators,*

Amendment 1 as amended was adopted.

Senator Brown moved the following amendments which were adopted:

Amendment 2—In title, on page 1, line 23, after “limitation;” insert: *providing exceptions;*

Amendment 3—On page 28, between lines 17 and 18, insert: *Applications submitted to the district or department by persons exempt from licensure pursuant to chapter 471, 472, 481, or 492, shall not require certification.*

Amendment 4—In title, on page 1, line 14, after the semicolon (;) insert: *providing exemptions;*

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 5—On page 37, line 21, after “department” insert: *which is consistent with the legislative budget instructions for state agencies and requirements of s. 216.031*

Amendment 6—On page 38, line 5, strike “August 15” and insert: *September 5*

Senator Dantzer moved the following amendments which were adopted:

Amendment 7—On page 41, between lines 10 and 11, insert:

Section 16. The Legislature shall review and comment on the regulatory programs under parts II, III, and IV of chapter 373, Florida Statutes, according to the following schedule:

(1) Part IV of chapter 373, Florida Statutes, consisting of sections 373.403, 373.406, 373.409, 373.413, 373.414, 373.415, 373.416, 373.417, 373.418, 373.419, 373.423, 373.426, 373.429, 373.433, 373.436, 373.439, 373.443, 373.451, 373.453, 373.455, 373.456, 373.457, 373.459, 373.4595, and 373.4596, Florida Statutes, is scheduled for review and comment prior to October 1, 1992.

(2) Part II of chapter 373, Florida Statutes, consisting of sections 373.203, 373.206, 373.207, 373.209, 373.213, 373.216, 373.217, 373.219, 373.223, 373.2235, 373.224, 373.226, 373.229, 373.2295, 373.232, 373.233, 373.236, 373.239, 373.243, 373.244, 373.245, 373.246, and 373.249, Florida Statutes, is scheduled for review and comment prior to October 1, 1993.

(3) Part III of chapter 373, Florida Statutes, consisting of sections 373.302, 373.303, 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323, 373.324, 373.325, 373.326, 373.329, 373.333, 373.335, 373.336, 373.337, and 373.342, Florida Statutes, is scheduled for review and comment prior to October 1, 1994.

(Renumber subsequent section.)

Amendment 8—In title, on page 3, line 8, after the semicolon (;) insert: *requiring legislative review of water management district regulatory programs under parts II, III, and IV of ch. 373, F.S.;*

Amendment 9—On page 34, between lines 24 and 25, insert:

Section 11. Section 373.199, Florida Statutes, is created to read:

373.199 Water management district agricultural advisory committees.—

(1) The governing board of each water management district shall form an agricultural advisory committee consisting of representatives from the major commodity groups within the boundaries of the water management district.

(2) The duties of the committee include, but are not limited to:

(a) Making recommendations to the governing board of the water management district regarding policies that impact upon agricultural operations and businesses.

(b) Advising the governing board regarding the exercise of the powers granted to the district under chapter 373, regarding water policy as it affects agricultural operations, farms, businesses, and employees.

(c) Advising and informing the governing board of new developments in agricultural technology, practices, and methods that impact upon the use of water.

(d) Advising and informing the governing board of agricultural technology, practices, and methods that impact on the use of water.

(e) Considering all matters submitted to it by the governing board, the Department of Environmental Regulation, and the Department of Agriculture and Consumer Services.

(Renumber subsequent section.)

Amendment 10—In title, on page 2, line 20, after the first semicolon (;) insert: creating s. 373.199, F.S.; requiring water management districts to establish agricultural advisory committees; providing duties of the committees;

CS for CS for SB 740

Senator Forman moved the following amendments which were adopted:

Amendment 1—On page 1, line 31, insert:

Section 1. Section 550.012, Florida Statutes, 1990 Supplement, is amended to read:

550.012 Additional operating days.—

(1) The Legislature finds that a degree of flexibility in the process of authorizing days of operation for pari-mutuel permitholders will further the public interest by allowing for rational determinations of the number of authorized days that take into account competitive, economic, and fiscal factors. The purpose of this section is to authorize the Florida Pari-mutuel Commission, subject to the guidelines contained in this section, to provide recommendations to the Legislature for additional days of operation in such a flexible and rational manner.

(2) In addition to its other powers and duties, the commission may hear the request of any permitholder licensed pursuant to this chapter or chapter 551 for up to 105 days of operation in addition to those authorized by law, provided that such requests must be submitted to the commission by ~~September~~ ~~October~~ 15 of each year. In considering such requests, the commission shall conduct public hearings. The commission shall submit a report of its findings with recommendations to the Legislature ~~no later than 60 days prior to the convening of the regular legislative session by February 1~~ of the following year. In determining whether to recommend the granting of such additional operating days, the commission shall consider:

(a) The impact of the requested additional days on the handle, attendance, and income of permitholders within a 50-mile radius of the requesting permitholder;

(b) The similarities and dissimilarities of competing permitholders within a 50-mile radius of the requesting permitholder;

(c) The impact of the requested additional days on state revenues generated by the pari-mutuel industry; and

(d) The impact on the division as it relates to the division's operating budget and manpower resources.

(3) Any permitholder seeking additional operating days shall submit a request for such days to the commission by ~~September~~ ~~October~~ 15 of each year. The request shall contain the following information:

(a) The number of additional days and performances requested;

(b) Projected increase in handle and attendance as a result of such extra days and performances;

(c) Projected increase in state taxes and revenues as a result of such extra days and performances; and

(d) Any other pertinent information as required by division rule.

(4) The division shall review all requests for additional operating days and shall make recommendations to the commission regarding such

days. The division may contract with accountants, economists, attorneys, and other persons as may be required to determine the required economic and fiscal impacts of the requested additional days. To ensure that the requests for additional operating days are reviewed in a timely manner by the division, it is exempt from the provisions of s. 287.057 with regard to contracts awarded to review or determine the economic and fiscal impacts of the requested additional days. However, in awarding such contracts, the division shall consider the cost and the ability and resources of the individual or firm to perform the review or study in a competent and timely manner.

(5)(a) Each request for additional operating days shall be accompanied by an application fee to be deposited into the Pari-mutuel Wagering Trust Fund.

(b) The division is authorized to charge the permitholder any anticipated costs incurred by the division in determining whether to grant or deny applications by a permitholder for additional operating days.

(c) The division may, by rule, determine the manner of payment of its anticipated costs and the procedure for filing applications in conjunction with payments of said costs.

(d) The division shall furnish to the applicant an itemized statement of actual costs incurred during the investigation.

(e) In the event there are unused funds at the conclusion of such investigation, such funds shall be returned to the applicant within 60 days thereafter.

(f) In the event actual costs of investigation exceed anticipated costs, the division shall assess the applicant those moneys necessary to recover all actual costs.

(6) The commission shall consider and make final recommendations to the Legislature on each request for additional operating days no later than 60 days prior to the convening of the regular legislative session of the following year ~~February 1~~ of each year.

(7) The division shall adopt rules to implement the provisions of this section.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 550.012, F.S.; changing dates for issuance of requests for additional days;

Senator Forman moved the following amendment:

Amendment 3—On page 11, lines 14-31, and on page 12, lines 1-5, strike all of said lines and insert:

550.51 (1) Sunday horseracing, harness racing, greyhound racing, and jai alai operation.—Notwithstanding any other provision of law, a horseracing, harness racing, greyhound racing, or jai alai permitholder may operate on Sundays during its season subject to the limitations of this section. ~~This subsection does not require a jai alai player to perform on more than 6 consecutive days of any given week. A permitholder that operates on Sunday shall select another day of the week on which it will not operate, so that no permitholder operates for more than 6 days in any week.~~ No thoroughbred horse racetrack, greyhound racetrack, or jai alai fronton may commence operation on a Sunday earlier than 12:00 noon, and no harness racetrack may commence racing on a Sunday earlier than 7:00 p.m. This section shall not be construed to affect the number of authorized racing days of any horseracing, harness racing, greyhound racing, or jai alai permitholder. No dog track or jai alai fronton shall be permitted to conduct consecutive afternoon matinee performances on Saturday and Sunday, if such dog track or jai alai fronton is located within 25 miles of a ~~thoroughbred or harness horse racetrack that which~~ is licensed to conduct racing and pays taxes under the provisions of s. 550.09(3)(a) or (b).

(2) Notwithstanding the number of performances enumerated in section 550.0121, each dog racing, jai alai, or harness horse racing permitholder operating 6 evening performances in a single week is hereby authorized to conduct one additional evening performance per week during the 1991-92 operational season upon approval by the Pari-Mutuel Commission. Any permitholder seeking additional operating evening performances shall submit a request to the commission for such additional evening performances no later than July 31, 1991, and the commission shall hear and render a decision within 60 days of such

request. For a permitholder to continue operation of these performances, after the 1991-92 operational season, the permitholder shall request approval by the commission pursuant to s. 550.012 and be authorized pursuant to s. 550.0121.

Senator Childers moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A—On page 1, line 17, strike “does” and insert: shall

Amendment 3 as amended was adopted.

CS for SB 764

Senator Jenne moved the following amendments which were adopted:

Amendment 1—On page 23, line 30, after the period (.) insert: Any purchaser is entitled to receive the entire public offering statement upon request.

Amendment 2—On page 24, line 30, after “(3)” insert: and (4)

Amendment 3—On page 25, line 9, after the period (.) insert: Notwithstanding any provision of chapter 718 or chapter 719 to the contrary, the managing entity may not furnish the name or address of any purchaser to any other purchaser or authorized agent thereof unless the purchaser whose name and address is requested first approves such disclosure in writing.

Amendment 4—On page 25, between lines 23 and 24, insert:

(4) The managing entity shall maintain among its records and provide to the division upon request a complete list of the names and addresses of all purchasers and owners of time-share units in the time-share plan. The managing entity shall update the list no less frequently than quarterly. Pursuant to paragraph (3)(d), the managing entity may not publish this owner's list or provide a copy of it to any purchaser or to any third party other than the division; however, if the managing entity is a condominium association subject to the provisions of chapter 718 or a cooperative association subject to the provisions of chapter 719, the managing entity shall initiate a mailing to the persons listed on the owner's list upon the request of any purchaser if the purpose of the mailing is the advancement of legitimate association business such as a proxy solicitation. The board of administration of the association shall be responsible for determining the appropriateness of any mailing requested pursuant to this subsection. The purchaser requesting the mailing must reimburse the association in advance for the association's actual costs in performing the mailing.

Amendment 5—On page 27, line 12, strike “or exempt from”

Amendment 6—On page 28, line 11, strike “or exempt from”

Amendment 7—On page 24, lines 30 and 31, and on page 25, lines 1-23, strike all of said lines and insert: (3) and subsection (4) of section 721.13, Florida Statutes, are amended to read:

721.13 Management.—

(3) The duties of the managing entity include, but are not limited to:

(d) Maintenance of all books and records concerning the time-share plan on the premises of the accommodations or facilities of such plan and making all such books and records reasonably available for inspection by any purchaser or the authorized agent of such purchaser. All books and financial records of the time-share plan must be maintained in accordance with generally accepted accounting principles. Notwithstanding any provision of chapter 718 or chapter 719 to the contrary, the managing entity may not furnish the name or address of any purchaser to any other purchaser or authorized agent thereof unless the purchaser whose name and address are requested first approves the disclosure in writing.

(e) Arranging for an annual independent audit of all the books and financial records of the time-share plan by a certified public accountant in accordance with generally accepted auditing standards as defined by the rules of the Board of Accountancy of the Department of Professional Regulation. A copy of the audit shall be filed with the division and forwarded to the officers of the owners' association, or, if no association exists, the owner of each time-share period shall be notified that such audit is available upon request.

(f) Making available for inspection by the division any books and records of the time-share plan upon the request of the division. The division may enforce this paragraph by making direct application to the circuit court.

(4) The managing entity shall maintain among its records and provide to the division upon request a complete list of the names and addresses of all purchasers and owners of time-share units in the time-share plan. The managing entity shall update this list no less frequently than quarterly. Pursuant to paragraph (3)(d), the managing entity may not publish this owner's list or provide a copy of it to any purchaser or to any third party other than the division. However, if the managing entity is a condominium association subject to the provisions of chapter 718 or a cooperative association subject to the provisions of chapter 719, the managing entity shall initiate a mailing to those persons listed on the owner's list upon the request of any purchaser if the purpose of the mailing is to advance a legitimate association business, such as a proxy solicitation. The board of administration of the association is responsible for determining the appropriateness of any mailing requested pursuant to this subsection. The purchaser who requests the mailing must reimburse the association in advance for the association's actual costs in performing the mailing.

Amendment 8—In title, on page 1, line 22, strike “language with respect to”

Senator Gardner moved the following amendments which were adopted:

Amendment 9—On page 2, line 10, insert:

Section 1. Subsection (1) of section 718.401, Florida Statutes, 1990 Supplement, is amended to read:

718.401 Leaseholds.—

(1) A condominium may be created on lands held under lease or may include recreational facilities or other common elements or commonly used facilities on a leasehold if, on the date the first unit is conveyed by the developer to a bona fide purchaser, the lease has an unexpired term of at least 50 years. However, if the condominium constitutes a commercial condominium, or a time-share condominium created under chapter 721, the lease must have an unexpired term of at least 30 years. If rent under the lease is payable by the association or by the unit owners, the lease shall include the following requirements:

(a) The leased land must be identified by a description that is sufficient to pass title, and the leased personal property must be identified by a general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility. In the alternative, the personal property may be identified by a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility. Unless the lease is of a unit, the identification of the land shall be supplemented by a survey showing the relation of the leased land to the land included in the common elements. This provision shall not prohibit adding additional land or personal property in accordance with the terms of the lease, provided there is no increase in rent or material increase in maintenance costs to the individual unit owner.

(b) The lease shall not contain a reservation of the right of possession or control of the leased property by the lessor or any person other than unit owners or the association and shall not create rights to possession or use of the leased property in any parties other than the association or unit owners of the condominium to be served by the leased property, unless the reservations and rights created are conspicuously disclosed. Any provision for use of the leased property by anyone other than unit owners of the condominium to be served by the leased property shall require the other users to pay a fair and reasonable share of the maintenance and repair obligations and other exactions due from users of the leased property.

(c) The lease shall state the minimum number of unit owners that will be required, directly or indirectly, to pay the rent under the lease and the maximum number of units that will be served by the leased property. The limitation of the number of units to be served shall not preclude enlargement of the facilities leased and an increase in their capacity, if approved by the association operating the leased property after unit owners other than the developer have assumed control of the association. The provisions of this paragraph do not apply if the lessor is the Government of the United States or this state or any political subdivision thereof or any agency of any political subdivision thereof.

(d)1. In any action by the lessor to enforce a lien for rent payable or in any action by the association or a unit owner with respect to the obliga-

tions of the lessee or the lessor under the lease, the unit owner or the association may raise any issue or interpose any defense, legal or equitable, that he or it may have with respect to the lessor's obligations under the lease. If the unit owner or the association initiates any action or interposes any defense other than payment of rent under the lease, the unit owner or the association shall, upon service of process upon the lessor, pay into the registry of the court any allegedly accrued rent and the rent which accrues during the pendency of the proceeding, when due. If the unit owner or the association fails to pay the rent into the registry of the court, the failure constitutes an absolute waiver of the unit owner's or association's defenses other than payment, and the lessor is entitled to default. The unit owner or the association shall notify the lessor of any deposits. When the unit owner or the association has deposited the required funds into the registry of the court, the lessor may apply to the court for disbursement of all or part of the funds shown to be necessary for the payment of taxes, mortgage payments, maintenance and operating expenses, and other necessary expenses incident to maintaining and equipping the leased facilities or necessary for the payment of other expenses arising out of personal hardship resulting from the loss of rental income from the leased facilities. The court, after an evidentiary hearing, may award all or part of the funds on deposit to the lessor for such purpose. The court shall require the lessor to post bond or other security, as a condition to the release of funds from the registry, when the value of the leased land and improvements, apart from the lease itself, is inadequate to fully secure the sum of existing encumbrances on the leased property and the amounts released from the court registry.

2. When the association or unit owners have deposited funds into the registry of the court pursuant to this subsection and the unit owners and association have otherwise complied with their obligations under the lease or agreement, other than paying rent into the registry of the court rather than to the lessor, the lessor cannot hold the association or unit owners in default on their rental payments nor may the lessor file liens or initiate foreclosure proceedings against unit owners. If the lessor, in violation of this subsection, attempts such liens or foreclosures, then the lessor may be liable for damages plus attorney's fees and costs that the association or unit owners incurred in satisfying those liens or foreclosures.

3. Nothing in this paragraph affects litigation commenced prior to October 1, 1979.

(e) If the lease is of recreational facilities or other commonly used facilities that are not completed, rent shall not commence until some of the facilities are completed. Until all of the facilities leased are completed, rent shall be prorated and paid only for the completed facilities in the proportion that the value of the completed facilities bears to the estimated value, when completed, of all of the facilities that are leased. The facilities shall be complete when they have been constructed, finished, and equipped and are available for use.

(f)1. A lease of recreational or other commonly used facilities entered into by the association or unit owners prior to the time when the control of the association is turned over to unit owners other than the developer shall grant to the lessee an option to purchase the leased property, payable in cash, on any anniversary date of the beginning of the lease term after the 10th anniversary, at a price then determined by agreement. If there is no agreement as to the price, then the price shall be determined by arbitration conducted pursuant to chapter 44 or chapter 682. This paragraph shall be applied to contracts entered into on, before, or after January 1, 1977, regardless of the duration of the lease.

2. If the lessor wishes to sell his interest and has received a bona fide offer to purchase it, the lessor shall send the association and each unit owner a copy of the executed offer. For 90 days following receipt of the offer by the association or unit owners, the association or unit owners have the option to purchase the interest on the terms and conditions in the offer. The option shall be exercised, if at all, by notice in writing given to the lessor within the 90-day period. If the association or unit owners do not exercise the option, the lessor shall have the right, for a period of 60 days after the 90-day period has expired, to complete the transaction described in the offer to purchase. If for any reason such transaction is not concluded within the 60 days, the offer shall have been abandoned, and the provisions of this subsection shall be reimposed.

3. The option shall be exercised upon approval by owners of two-thirds of the units served by the leased property.

4. The provisions of this paragraph do not apply to a nonresidential condominium and do not apply if the lessor is the Government of the United States or this state or any political subdivision thereof or, in the case of an underlying land lease, a person or entity which is not the developer or directly or indirectly owned or controlled by the developer and did not obtain, directly or indirectly, ownership of the leased property from the developer.

(g) The lease or a subordination agreement executed by the lessor must provide either:

1. That any lien which encumbers a unit for rent or other moneys or exactions payable is subordinate to any mortgage held by an institutional lender, or

2. That, upon the foreclosure of any mortgage held by an institutional lender or upon delivery of a deed in lieu of foreclosure, the lien for the unit owner's share of the rent or other exactions shall not be extinguished but shall be foreclosed and unenforceable against the mortgagee with respect to that unit's share of the rent and other exactions which mature or become due and payable on or before the date of the final judgment of foreclosure, in the event of foreclosure, or on or before the date of delivery of the deed in lieu of foreclosure. The lien may, however, automatically and by operation of the lease or other instrument, reattach to the unit and secure the payment of the unit's proportionate share of the rent or other exactions coming due subsequent to the date of final decree of foreclosure or the date of delivery of the deed in lieu of foreclosure.

The provisions of this paragraph do not apply if the lessor is the Government of the United States or this state or any political subdivision thereof or any agency of any political subdivision thereof.

Amendment 10—On page 4, line 1, after "(16)," insert: (24),

Amendment 11—On page 5, between lines 7 and 8, insert:

(24) "Time-share estate" means a right to occupy a time-share unit, coupled with a freehold estate or an estate for years with a future interest in a time-share property or a specified portion thereof. *The term includes a time-share estate as defined in s. 718.103(21).*

Amendment 12—In title, on page 1, strike line 3 and insert: plans; amending s. 718.401, F.S.; allowing a shorter lease term on lands leased for a commercial condominium or a time-share condominium;

CS for SB 970

Senator Gardner moved the following amendment which was adopted:

Amendment 1—On page 1, line 20, strike everything after the enacting clause and insert:

Section 1. Subsection (4) is added to section 332.115, Florida Statutes, 1990 Supplement, to read:

332.115 Joint project agreement with port district for transportation corridor between airport and port facility.—

(4)(a) *An eligible agency, which proposes to develop a corridor which would connect an airport located in a county containing all or portions of a special taxing district consisting of at least 29,000 acres, operated by such eligible agency with a port facility which is located in a county which contains an estuary of national significance and a spaceport, may acquire, construct, and operate all equipment, appurtenances, and land necessary to establish, maintain, and operate, or to license others to establish, maintain, operate, or use, a transportation corridor connecting the airport operated by such eligible agency with the port facility, which corridor must be acquired, constructed, and used for the transportation of persons between the airport and the port facility, for the transportation of cargo, and for the location and operation of lines for the transmission of water, electricity, communications, information, petroleum products, products of a public utility (including new technologies of a public utility nature), and materials, except that the corridor may not be used for the transmission of coal slurry. However, any such corridor may be established and operated only pursuant to a joint project agreement between an eligible agency as defined in s. 332.004 and a port district as defined in s. 315.02, and such agreement must be approved by the Department of Transportation and the Department of Community Affairs. The joint project agreement shall specify the agency responsible for operation of the corridor. Before the Department of Transportation approves the joint project agreement, that department must review the public purpose and necessity for the*

corridor pursuant to s. 337.273(5) and must also determine that the proposed corridor is consistent with the Florida Transportation Plan and compatible with existing or proposed high-speed rail technology. Before the Department of Community Affairs approves the joint project agreement, that department must determine that the proposed corridor is consistent with the applicable approved local government comprehensive plans and the state comprehensive plan. Each affected local government shall provide its comments regarding the consistency of the proposed corridor with its comprehensive plan to the Department of Community Affairs and the appropriate regional planning council.

(b) Prior to developing a new corridor, the eligible agency, in determining the most feasible corridor, shall give first consideration to existing and available corridors in the public domain.

(c) The corridor alignment selected by an eligible agency for final design and implementation, including rail lines, passenger and cargo rail terminals, pipelines, and other components included in the corridor, must comply with the joint project agreement approved by the Department of Transportation and the Department of Community Affairs under paragraph (a). After approval of the joint project agreement, the corridor project shall be a development of regional impact and shall be subject to development-of-regional-impact review under s. 380.06. Any change to the corridor project plan of development, including alignments of the corridor, rail terminal locations, pipelines, roadways, or any other development outside the corridor that is proposed by an eligible agency subsequent to issuance of the original development order under s. 380.06 is a substantial deviation for purposes of s. 380.06(19).

(d) A transportation corridor established pursuant to this section shall not be considered an aviation project for purposes of state funding, but shall be considered an aviation project for all other purposes.

(e) Passenger rail terminals within the corridor may be located only at the port facility and the airport.

(f) Sections 341.321-341.386 do not apply to any rail line used to transport persons or cargo through a corridor established under this section.

(g) The provisions of this subsection shall be the only provisions by which an eligible agency and a port facility, as provided in paragraph (a), may develop a corridor.

Section 2. This act shall take effect upon becoming a law.

SB 1038

The Committee on Commerce recommended the following amendment which was moved by Senator Yancey and adopted:

Amendment 1—On page 2, strike all of lines 4-8 and insert: *located within a park or mobile home subdivision as a condition of tenancy; or to qualify for tenancy, or to obtain approval for tenancy in a mobile home park or mobile home subdivision shall be required to enter into, extend, or renew a resale agreement.*

Senator Kiser moved the following amendments which were adopted:

Amendment 2—On page 2, strike all of lines 28 and 29 and insert:

Section 3. Subsection (3) is added to section 713.10, Florida Statutes, to read:

713.10 Extent of liens.—Except as provided in s. 713.12, a lien under this part shall extend to, and only to, the right, title, and interest of the person who contracts for the improvement as such right, title, and interest exists at the commencement of the improvement or is thereafter acquired in the real property. When an improvement is made by a lessee in accordance with an agreement between such lessee and his lessor, the lien shall extend also to the interest of such lessor. When the lease expressly provides that the interest of the lessor shall not be subject to liens for improvements made by the lessee, the lessee shall notify the contractor making any such improvements of such provision or provisions in the lease, and the knowing or willful failure of the lessee to provide such notice to the contractor shall render the contract between the lessee and the contractor voidable at the option of the contractor. The interest of the lessor shall not be subject to liens for improvements made by the lessee when:

(3) *The lessee is a mobile home owner who is leasing a mobile home lot in a mobile home park from the lessor.*

Section 4. Subsection (2), paragraph (b) of subsection (4), and subsection (5) of section 713.78, Florida Statutes, 1990 Supplement, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles.—

(2) Whenever a person regularly engaged in the business of transporting vehicles by wrecker, tow truck, or car carrier recovers, removes, or stores a vehicle or mobile home upon instructions from:

(a) The owner thereof; or

(b) The owner or lessor, or a person authorized by the owner or lessor, of property on which such vehicle is wrongfully parked, and such removal is done in compliance with s. 715.07; or

(c) Any law enforcement agency; or,

(d) *A mobile home park owner as defined in s. 723.003 who has a current writ of possession for a mobile home lot pursuant to s. 723.061,*

he shall have a lien on such vehicle for a reasonable towing fee and for a reasonable storage fee; except that no storage fee shall be charged if such vehicle is stored for less than 6 hours.

(4)

(b) Upon filing of a complaint, an owner or lienholder may have his vehicle released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing or storage and lot rental amount to ensure the payment of such charges in the event he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the lienor of the posting of the bond and directing the lienor to release the vehicle. At the time of such release, after reasonable inspection, he shall give a receipt to the towing-storage company reciting any claims he has for loss or damage to the vehicle or the contents thereof.

(5) Any vehicle which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent, and any contents not released pursuant to subsection (9), may be sold by the owner or operator of the storage space for such towing or storage charge or unpaid lot rental amount after 35 days from the time the vehicle is stored therein. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (3), notice of the sale shall be given to the person in whose name the vehicle or mobile home is registered, to the mobile home park owner, and to all persons claiming a lien on the vehicle as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle and the person having the recorded lien on the vehicle at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, and costs of the sale, and the unpaid lot rental amount, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

Section 5. Subsections (3), (4), and (5) of section 723.038, Florida Statutes, 1990 Supplement, are amended to read:

723.038 Dispute settlement; mediation.—

(3) A mediator appointed by the division or selected by the parties shall comply with the rules adopted by the division. The mediator shall also notify the division in writing within 10 days after the conclusion of the mediation, that the mediation has been concluded.

(4) Upon receiving a petition to mediate a dispute, the division shall, within 20 days, notify the parties that a mediator has been appointed by the division. The parties may accept the mediator appointed by the division or, within 30 days, select a mediator to mediate the dispute. The parties shall each pay a \$250 filing fee to the mediator appointed by the division or selected by the parties, within 30 days after the division notifies the parties of the appointment of the mediator. The \$250 filing fee shall be used by the mediator to defray the hourly rate charged for mediation of the dispute. Any portion of the filing fee not used shall be refunded to the parties. ~~a filing fee in the amount of \$250 shall be paid by each party to the division and that the division will appoint a mediator within 20 days from the receipt of the filing fees from both parties.~~

(5) ~~The parties may agree to select their own mediator and such mediation shall be governed by the rules of procedure established by the division. The parties, by agreement, may waive mediation or the petitioning party may withdraw the petition prior to mediation. Upon the conclusion of the mediation, the mediator shall notify the division that the mediation has been concluded. The parties shall pay their respective share of the filing fee to the division within 10 days from the date stated on the notice unless, within such time, they indicate in writing to the division that they have agreed to select their own mediator. The division shall refund to each party the filing fee, exclusive of any interest earned during the period it was held by the division, upon withdrawal of the petition by either party prior to mediation or upon receipt of notification by the mediator that the mediation has been concluded.~~

Section 6. Section 723.077, Florida Statutes, is amended to read:

723.077 Articles of incorporation.—The articles of incorporation of a homeowners' association shall provide:

(1) That the association has the power to negotiate for, acquire, and operate the mobile home park on behalf of the mobile home owners.

(2) For the conversion of the mobile home park once acquired to a condominium, a cooperative, a subdivision form of ownership, or another type of ownership.

Upon acquisition of the property, the association, by action of its board of directors, shall be the entity that creates a condominium, cooperative, or subdivision or offers condominium, cooperative, or subdivision units parcels for sale or lease in the ordinary course of business or, if the homeowners choose a different form of ownership, the entity that owns the record interest in the property and that is responsible for the operation of property.

Section 7. Subsections (2), (3), and (4) of section 723.078, Florida Statutes, are amended, and subsections (5) and (6) are added to that section, to read:

723.078 Bylaws of homeowners' associations.—In order for a homeowners' association to exercise the rights provided in s. 723.071, the bylaws of the association shall provide for the following:

(2) The bylaws shall provide and, if they do not, shall be deemed to include, the following provisions:

(a) The form of administration of the association shall be described, providing for the titles of the officers and for a board of directors and specifying the powers, duties, manner of selection and removal, and compensation, if any, of officers and board members. Unless otherwise provided in the bylaws, the board of directors shall be composed of five members. The board of directors shall have a president, secretary, and treasurer who shall perform the duties of those offices customarily performed by officers of corporations, and these officers shall serve without compensation and at the pleasure of the board of directors. The board of directors may appoint and designate other officers and grant them those duties it deems appropriate.

(b) A majority of the members shall constitute a quorum. Decisions shall be made by a majority of members represented at a meeting at which a quorum is present. In addition, provision shall be made in the bylaws for definition and use of proxy. Any proxy given shall be effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. In no event shall any proxy be valid for a period longer than 180 days after the date of the first meeting for which it was given. Every proxy shall be revocable at any time at the pleasure of the member executing it.

(c) Meetings of the board of directors shall be open to all members, and notice of meetings shall be posted in a conspicuous place upon the park property at least 48 hours in advance, except in an emergency. Notice of any meeting in which assessments against members are to be considered for any reason shall specifically contain a statement that assessments will be considered and the nature of such assessments.

(d) Members shall meet at least once each calendar year, and the meeting shall be the annual meeting. All members of the board of directors shall be elected at the annual meeting unless the bylaws provide for staggered election terms or for their election at another meeting. The bylaws shall not restrict any member desiring to be a candidate for board membership from being nominated from the floor. The bylaws shall provide the method for calling the meetings of the members, including annual meetings. The method shall provide at least 14 days' written notice to each member in advance of the meeting and require the posting in a conspicuous place on the park property of a notice of the meeting at least 14 days prior to the meeting. ~~The right to receive written notice of membership meetings may be waived in writing by a member. Unless waived~~ Unless a member waives in writing the right to receive notice of the annual meeting by mail, the notice of the annual meeting shall be sent by mail to each member, and the mailing constitutes notice. An officer of the association shall provide an affidavit affirming that the notices were mailed or hand delivered in accordance with the provisions of this section to each member at the address last furnished to the corporation. These meeting requirements do not prevent members from waiving notice of meetings or from acting by written agreement without meetings, if allowed by the bylaws.

(e) Minutes of all meetings of members and of the board of directors shall be kept in a businesslike manner and shall be available for inspection by members, or their authorized representatives, and board members at reasonable times. The association shall retain these minutes for a period of not less than 7 years.

(f) The share or percentage of, and manner of sharing, assessments and expenses for each member shall be stated.

(g) ~~If the bylaws provide for adoption of an annual budget by the members, the board of directors shall mail a meeting notice and copies of the proposed annual budget of expenses to the members not less than 30 days prior to the meeting at which the budget will be considered. If the bylaws provide that the budget may be adopted by the board of directors, the members shall be given written notice of the time and place at which the meeting of the board of directors to consider the budget will be held. The meeting shall be open to the members. If the bylaws do not provide for adoption of an annual budget, this subsection shall not apply.~~

~~(g) The board of directors shall mail a meeting notice and copies of the proposed annual budget of expenses to the members not less than 30 days prior to the meeting at which the budget will be considered. If the bylaws provide that the budget may be adopted by the board of directors, the members shall be given written notice of the time and place at which the meeting of the board of directors to consider the budget will be held. The meeting shall be open to the members.~~

~~(h) The board of directors may, in any event, propose a budget to the members at a meeting of members or in writing, and, if the budget or proposed budget is approved by the members at the meeting or by a majority of their whole number in writing, that budget shall be adopted.~~

~~(i) The manner of collecting from the members their shares of the expenses for maintenance of the park property shall be stated. Assessments shall be made against members not less frequently than quarterly, in amounts no less than are required to provide funds in advance for payments of all of the anticipated current operating expenses and for all of the unpaid operating expense previously incurred.~~

~~(h)(j) The method by which the bylaws may be amended consistent with the provisions of this chapter shall be stated. If the bylaws fail to provide a method of amendment, the bylaws may be amended by the board of directors and approved by a majority of the membership if the amendment is approved by no less than two-thirds of the members. No bylaw shall be revised or amended by reference to its title or number only.~~

~~(i)(k) The officers and directors of the association have a fiduciary relationship to the members.~~

(j)(4) Any member of the board of directors may be recalled and removed from office with or without cause by the vote of or agreement in writing by a majority of all members. A special meeting of the members to recall a member or members of the board of directors may be called by 10 percent of the members giving notice of the meeting as required for a meeting of members, and the notice shall state the purpose of the meeting.

(3) The bylaws may provide the following:

(a) A method of adopting and of amending administrative rules and regulations governing the details of the operation and use of the park property.

(b) Restrictions on, and requirements respecting, the use and maintenance of mobile homes located within the park, and the use of the park property, which restrictions and requirements are not inconsistent with the articles of incorporation.

(c) Other provisions not inconsistent with this chapter or with other documents governing the park property or mobile homes located therein.

(d) *The board of directors may, in any event, propose a budget to the members at a meeting of members or in writing, and, if the budget or proposed budget is approved by the members at the meeting or by a majority of their whole number in writing, that budget shall be adopted.*

(e) *The manner of collecting from the members their shares of the expenses for maintenance of the park property shall be stated. Assessments shall be made against members not less frequently than quarterly, in amounts no less than are required to provide funds in advance for payments of all of the anticipated current operating expenses and for all of the unpaid operating expense previously incurred.*

(4) No amendment may change the proportion or percentage by which members share in the assessments and expenses as initially established unless all the members affected by such change approve the amendment.

(5) *Upon purchase of the mobile home park, the association organized under this chapter may convert to a condominium, cooperative, or subdivision. The directors shall have the authority to amend and restate the articles of incorporation and bylaws in order to comply with the requirements of chapter 718, chapter 719, or other applicable sections of the Florida Statutes.*

(6) *Notwithstanding the provisions of s. 723.075(1), upon purchase of the park by the association, and conversion of the association to a condominium, cooperative, or subdivision, the mobile home owners who were members of the association prior to the conversion and who no longer meet the requirements for membership, as established by the amended or restated articles of incorporation and bylaws, shall no longer be members of the converted association. Mobile home owners, as defined in this chapter, who no longer are eligible for membership in the converted association may form an association pursuant to s. 723.075.*

Section 8. Subsection (3) of section 723.079, Florida Statutes, is amended, and subsections (8), (9), and (10) are added to that section, to read:

723.079 Powers and duties of homeowners' association.—

(3) An association has the power to make, levy, and collect assessments and to lease, maintain, repair, and replace the common areas upon purchase of the mobile home park.

(8) *An association organized under this chapter may offer subscriptions, for the purpose of raising the necessary funds to purchase, acquire, and operate the mobile home park, to its members or other owners of mobile homes within the park. Subscription funds collected for the purpose of purchasing the park shall be placed in an association or other escrow account prior to purchase, which funds shall be held according to the terms of the subscription agreement. The directors shall maintain accounting records according to good accounting practices and shall, upon written request by a subscriber, furnish an accounting of the subscription fund escrow account within 60 days of the purchase of the park or the ending date as provided in the subscription agreement, whichever occurs first.*

(9) *For a period of 180 days after the date of a purchase of a mobile home park by the association, the association shall not be required to comply with the provisions of part V of chapter 718 or part V of chapter 719, as to mobile home owners or persons who have executed contracts to purchase mobile homes in the park.*

(10) *The provisions of subsection (4) shall not apply to records relating to subscription funds collected pursuant to subsection (8).*

Section 9. Paragraphs (d) and (e) of subsection (10) of section 849.093, Florida Statutes, 1990 Supplement, are amended, and paragraph (f) is added to that subsection, to read:

849.093 Charitable, nonprofit, or veterans' organizations; certain endeavors permitted.—

(10) Bingo games may be held only on the following premises:

(d) Property owned by and leased from another charitable, nonprofit, or veterans' organization as defined in this section; or

(e) Property owned by a municipality or a county when the governing authority has, by appropriate ordinance or resolution, specifically authorized the use of such property for the conduct of such games; or

(f) *Property owned by a mobile home park owner, used as a recreation center or clubhouse and located in a mobile home park, as that term is defined in chapter 723.*

Section 10. Storage charges on mobile homes.—

(1) As provided by this section, any lien or charge against a mobile home for storage upon the real property on which the mobile home is or has been located is subordinate to the rights of a lienholder for unpaid purchase price or first lien, which is recorded on the title of the mobile home. However, storage charges, as provided in this section, may be collected by the real property owner from the lienholder by an action at law.

(2) The owner of the real property upon which the mobile home is located shall be entitled to collect storage charges from and after 5 days after the lienholder receives written notice either of an eviction proceeding filed by the real property owner against the homeowner, or that the mobile home is abandoned or voluntarily surrendered by the homeowner.

(3) In the event that the lienholder files either an action for replevin of the home or forecloses on the lien for unpaid purchase price, the lienholder is responsible for storage charges accrued from 30 days after the date of filing of the action for replevin or foreclosure.

(4) In the event that the homeowner declares bankruptcy, the lienholder is responsible for storage charges accrued from 5 days after the final court action discharging the bankruptcy or releasing the collateral, whichever occurs first.

(5) The maximum storage charge available to the real property owner is a daily rate equal to one-thirtieth of the amount of the full monthly payment last owed by the homeowner, the then current lot rental amount paid by the homeowner, or if no payment has been made, the payment required pursuant to contract between the owner of the real property and the purchaser at the time of notice to the real property owner. The maximum daily storage charges may be increased over time in accordance with the notice requirements under applicable provisions of Florida law, including, but not limited to, chapter 723, Florida Statutes.

(6) Notice required as set forth in subsection (2) shall be mailed by certified mail, return receipt requested. Notice by certified mail shall be effective on the date of receipt or, if refused, on the date of refusal. All other notices may be by regular mail and, for purposes of calculation of time, will be considered delivered 5 days after the date postmarked.

(7) For any lien recorded after the effective date of this act, the lienholder for unpaid purchase price or first lienholder shall notify the property owner of the lien against the mobile home and the address of the lienholder.

(8) It shall be unlawful for the owner of the real property to refuse to allow the creditor to repossess and move the mobile home for failure to pay any charges which were not noticed in accordance with the requirements of this section. In the event that the owner of the real property refuses to allow the creditor to repossess and move the home, then the owner of the real property shall be liable to the creditor for each day that the owner of the real property unlawfully maintains possession of the home, at a daily rate equal to one-thirtieth of the monthly payment last paid by the purchaser to the real property owner, or if no payment has been made, the payment required pursuant to contract between the owner of the real property and the purchaser.

Section 11. Rights of lienholder on mobile homes in rental mobile home parks.—

(1) It shall be unlawful for a mobile home park owner to execute on a writ of possession of a mobile home that is either undergoing foreclosure of a lien for unpaid purchase price or first lien, properly noticed pursuant to this section, or that has been foreclosed on by the lienholder, and the lienholder is the titleholder of the mobile home, so long as the lot rental amount is paid in accordance with subsection (5) of section 9 of this act.

(2) Upon the foreclosure of the lien for unpaid purchase price and sale of the mobile home, the purchaser must qualify for tenancy in the mobile home park in accordance with the rules and regulations of the mobile home park. The park owner shall comply with the provisions of section 723.061, Florida Statutes, in determining whether the purchaser may qualify as a tenant.

(3) The property owner and lienholder for unpaid purchase price or first lien may enter into any contract providing rights, duties, and obligations different than those set forth in this section and section 9 of this act, and the terms and conditions of such contract shall control the rights, duties, and obligations of the parties with respect to any action at law brought to enforce the provisions of this act. Any such contract shall control the rights, duties, and obligations of the parties to the extent of any inconsistency with the provisions of this act.

(4) The prevailing party in any action brought to enforce the provisions of this section shall be entitled to reasonable attorney's fees and costs.

Section 12. Section 723.010, Florida Statutes, as created by chapter 90-198, Laws of Florida, is repealed.

Section 13. Subsection (4) of section 723.013, Florida Statutes, as created by chapter 90-198, Laws of Florida, is repealed.

Section 14. Section 723.014, Florida Statutes, 1990 Supplement, is amended to read:

723.014 Failure to provide prospectus or offering circular ~~or disclosure~~ prior to occupancy.—

(1) If a prospectus or offering circular ~~or disclosure under s. 723.010~~ was not provided to the prospective lessee prior to execution of the lot rental agreement or prior to initial occupancy of a new mobile home, the rental agreement is voidable by the lessee until 15 days after the receipt by the lessee of the prospectus or offering circular and all exhibits thereto ~~or the disclosure under s. 723.010~~.

(2) To cancel the rental agreement, the mobile home owner shall deliver written notice to the park owner within 15 days after receipt of the prospectus or offering circular ~~or disclosure under s. 723.010~~ and shall thereupon be entitled to a refund of any deposit together with relocation costs for the mobile home, or the market value thereof including any appurtenances thereto paid for by the mobile home owner, from the park owner.

Section 15. This act shall take effect upon becoming a law and, with respect to sections 12, 13, and 14, shall apply retroactively to those transactions that occurred pursuant to the requirements of sections 4, 6, and 7 of chapter 90-198, Laws of Florida, after October 1, 1990, and prior to the effective date of this act.

Amendment 3—In title, on page 1, line 13, after "agreement" insert: amending s. 713.10, F.S.; revising a provision of law governing mechanics' liens to prohibit the interest of the lessor being subject to liens for improvements made by the lessee when the lessee is a mobile home park owner under certain circumstances; amending s. 713.78, F.S.; providing for a towing lien for a mobile home evicted from a mobile home park; providing for the collection of unpaid rent from the proceeds of the sale of the mobile home; amending s. 723.038, F.S.; revising language with respect to dispute settlement; providing a filing fee; amending s. 723.077, F.S.; revising language with respect to articles of incorporation; amending s. 723.078, F.S.; revising language with respect to the bylaws of homeowners' associations; providing for conversion; amending s. 723.079, F.S.; providing additional powers and duties of homeowners' associations; amending s. 849.093, F.S.; authorizing the conduct of bingo games on certain property; providing for storage charges on mobile homes under certain circumstances; providing for the rights of lienholders on mobile homes in rental mobile home parks; providing for reasonable attorney's fees and

costs; repealing s. 723.010, F.S., relating to disclosure of lot rental amount increases; repealing s. 723.013(4), F.S., and amending s. 723.014, F.S., to conform; providing for retroactive application;

SB 1644

The Committee on Judiciary recommended the following amendment which was moved by Senator Diaz-Balart and adopted:

Amendment 1—On page 1, line 16, after "circuit court" insert: *also*

SB 1902

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

Amendment 1—On page 4, line 8, strike "registration is renewed" and insert: vehicle is registered

CS for SB 1926

Senator Jenne moved the following amendments which were adopted:

Amendment 1—On page 2, line 14, after "Fee.—" insert: *Beginning with the registration and reregistration of vessels for fiscal year 1992-1993,*

Amendment 2—In title, on page 1, line 3, after "F.S.;" insert: beginning in fiscal year 1992-1993,

Amendment 3—On page 5, between lines 26 and 27, insert: *shall be available to fund an impartial scientific benchmark census of the manatee population in the state. Weather permitting, the study shall be conducted annually by the Department of Natural Resources and the results shall be made available to the President of the Senate, the Speaker of the House of Representatives, and the Governor and Cabinet for use in the evaluation and development of manatee protection measures. In addition, the Save the Manatee Trust Fund*

Amendment 4—In title, on page 1, between lines 15 and 16, insert: requiring the Department of Natural Resources to conduct a manatee census annually, weather permitting; providing for the use of census results;

Amendment 5—On page 8, line 6, strike "1992" and insert: 1991

CS for CS for SB 2242

Senator Gardner moved the following amendments which were adopted:

Amendment 1—On page 6, line 2, strike "71.4" and insert: 70.4

Amendment 2—On page 3, between lines 19 and 20, insert:

Section 2. Subsection (1) of section 201.105, Florida Statutes, 1990 Supplement, is amended to read:

201.05 Tax on stock certificates.—

(1) On each original issue, whether organization or reorganization, of certificates of stock or shares however designated issued in the state or of certificates of profits or of interest in property or accumulations, by any corporation or by any joint stock company or other association as set forth in subsection (2), on each \$100 of face value or fraction thereof the tax shall be 36 ~~32~~ cents *until June 1, 2021; and on and after June 1, 2021, the tax shall be 32 cents on each \$100 of face value or fraction thereof;* provided that when a certificate is issued without face value, the tax shall be 36 ~~32~~ cents on each \$100 of actual value or fraction thereof *until June 1, 2021; and on and after June 1, 2021, the tax shall be 32 cents on each \$100 of actual value or fraction thereof.* The stamps representing the tax imposed by this section shall be attached to the stock books and not to the certificates issued. The provisions of this section do not apply to any stock or share issued in this state of an open-end or closed-end management company or a unit investment trust registered under the Investment Company Act of 1940, as amended.

Section 3. Section 201.07, Florida Statutes, 1990 Supplement, is amended to read:

201.07 Tax on bonds, debentures, and certificates of indebtedness.— On all bonds, debentures, or certificates of indebtedness issued in the state by any person, and all instruments and documents, however termed, issued by any corporation with interest coupons or in registered form, on

each \$100 of the face value or fraction thereof, the tax shall be 36 3/32 cents until June 1, 2021; and on and after June 1, 2021, the tax shall be 32 cents on each \$100 of face value or fraction thereof; provided, however, that only that part of the value of the bonds, debentures, or certificates of indebtedness issued by any such person, the property of which is located within the state shall bear to the whole value of the property described in said instrument or obligation shall be taxed hereunder.

(Renumber subsequent sections.)

Amendment 3—In title, on page 1, line 7, following the semicolon (;) insert: amending s. 201.05, F.S.; increasing the excise tax on stock certificates for a specified period; amending s. 201.07, F.S.; increasing the excise tax on bonds, debentures, and certificates of indebtedness for a specified period;

Amendment 4—On page 8, strike all of lines 14-24 and insert:

Section 4. Notwithstanding the requirement in sections 201.15(1)(a) and 375.051, Florida Statutes, that a specific appropriation be contained in the General Appropriations Act, there is hereby specifically appropriated \$30 million from the Land Acquisition Trust Fund in fiscal year 1991-1992 to fund the first year's debt service on the second series of Preservation 2000, bonds issued pursuant to sections 259.101 and 375.051, Florida Statutes, in fiscal year 1991-1992. It is the intent that such appropriation implement the provisions of section 201.15(1)(a), Florida Statutes, regarding distributions of documentary stamp tax collections to the Land Acquisition Trust Fund and fully satisfy the requirements of sections 201.15(1)(a) and 375.051, Florida Statutes, concerning the appropriation of the first year's debt service.

Senator Dantzler moved the following amendments which failed:

Amendment 5—On page 6, line 1, strike "71.91" and insert: 66.76

Amendment 6—On page 8, between lines 24 and 25, insert:

Section 5. Subsection (4) of section 259.101, Florida Statutes, 1990 Supplement, is amended to read:

259.101 Florida Preservation 2000 Act.—

(4) PROJECT CRITERIA.—

(a) Proceeds of bonds issued pursuant to this act and distributed pursuant to paragraphs (3)(a) and (b) shall be spent only on projects which can demonstrate that the value of a significant portion of the land in the project is likely to appreciate at a rate that makes purchasing the land immediately with bond proceeds more cost-effective than delaying its purchase until acquisition funds which are not bonded are available for the project and can meet at least one of the following criteria, as determined pursuant to paragraphs (b) and (c):

1. A significant portion of the land in the project is in imminent danger of development;

2. A significant portion of the land in the project is in imminent danger of subdivision which will result in multiple ownership and may make acquisition of the project more costly or less likely to be accomplished;

3. ~~The value of a significant portion of the land in the project is likely to appreciate at a rate that makes purchasing the land immediately with bond proceeds more cost-effective than delaying its purchase until acquisition funds which are not bonded are available for the project.~~

3. 4. A significant portion of the land in the project serves to protect or recharge groundwater and to protect other valuable natural resources or provide space for natural resource-based recreation;

4. 5. The project can be purchased at 80 percent of appraised value or less; or

5. 6. A significant portion of the land in the project serves as habitat for endangered or threatened species or serves to protect endangered natural communities.

(b) Each year that bonds are to be issued pursuant to this act, the Land Acquisition Advisory Council shall review that year's approved Conservation and Recreation Lands priority list and shall, by the first board meeting in February, present to the Board of Trustees of the Internal Improvement Trust Fund for approval a listing of projects on the list which meet one or more of the criteria listed in paragraph (a). The board may remove projects from the list developed pursuant to this paragraph, but may not add projects.

(c) Each year that bonds are to be issued pursuant to this act, each water management district governing board shall review the lands on its current year's Save Our Rivers 5-year plan and shall, by January 15, adopt a listing of projects from the plan which meet one or more of the criteria listed in paragraph (a).

When a nonprofit environmental organization which is tax exempt pursuant to s. 501(c)(3) of the United States Internal Revenue Code sells land to the state, such land at the time of such sale shall be deemed to meet one or more of the criteria listed in paragraph (a) if such land meets one or more of the criteria at the time the organization purchases it. Listings of projects compiled pursuant to paragraphs (b) and (c) may be revised to include projects on the Conservation and Recreation Lands priority list or in a water management district's 5-year plan which come under the criteria in paragraph (a) after the dates specified in paragraph (b) or paragraph (c). The requirement of paragraph (3)(a) regarding coastal lands is met as long as an average of one-fifth of the cumulative proceeds allocated through fiscal year 1999-2000 pursuant to that paragraph is used to purchase coastal lands.

(Renumber subsequent section.)

CS for CS for CS for SB 2306

Senator Gordon moved the following amendments which were adopted:

Amendment 1—On page 57, strike all of lines 16-27 and insert:

(b) The department shall submit, by October 1, 1991, a task analysis, implementation plan, and schedule for the development of administrative infrastructure standards to the Economic and Demographic Research Division of the Joint Legislative Management Committee and to the appropriations committees. The Economic and Demographic Research Division shall review the plan and submit its comments to the appropriations committees by December 1, 1991. The appropriations committees shall determine whether the proposed plan should be modified or implemented as presented and may direct the department to submit regular reports on the status of the implementation of the plan as approved.

Amendment 2—In title, on page 3, line 8, following the semicolon (;) insert: directing the department to develop a plan for implementing a continuity of care management system;

Amendment 3—On page 61, between lines 26 and 27, insert:

Section 13. Continuity of care management system.—

(1) For the purpose of this section, the term:

(a) "Care management" includes, but is not limited to, activities aimed at assessing client needs, planning services, linking a client to needed services, and coordinating various system components.

(b) "Care manager" means an individual who plans and works with clients, families, and significant others to provide care management to link clients to all services needed.

(c) "Community care coordinator" means an employee of the department who is assigned to one or more specific providers and a specific geographic area to ensure, to the extent possible, that the full range of needed services is available to clients, who monitors service delivery to clients, who evaluates the outcomes of service delivery, and who assists in district needs assessment.

(d) "Continuity of care management system" means a system designed to provide clients and their families with assistance with their problems and access to available services.

(2) The Department of Health and Rehabilitative Services is directed to develop a plan for the implementation of a continuity of care management system through the provision of community care coordination and care management for clients of the department, including clients referred to state facilities and clients referred from state facilities to community facilities. The plan shall provide for a system, which system shall include, throughout the state, networks of community care coordinators and care managers, respectively, in order to:

(a) Reduce the possibility of client admissions or readmissions to a state facility.

(b) Provide a department site or provide for the creation or designation of another agency in each county to provide intake services for each person seeking services. Information and referral services should be available to ensure that clients receive the most appropriate and least restrictive forms of care, based on the individual needs of the client seeking services.

(c) Provide a single advertised phone number operated 24 hours per day, 7 days per week, in each geographic area.

(d) Advocate on behalf of clients to ensure that all appropriate services are afforded to the client in a timely and dignified manner.

(3) The plan shall include, but not be limited to, the following:

(a) An analysis of existing statutes and rules to assess the impact of a continuity of care management system on existing programs.

(b) Methods of implementation of a continuity of care management system that will minimize costs to the state and, where possible, be accomplished within existing resources.

(c) Methods and a timetable for establishing a common person registration.

(d) A timetable for phasing in a system consistent with the intent of this section, including the cost and resource restrictions described in paragraph (b). Implementation shall begin in fiscal year 1991-1992 to the extent feasible and practicable within existing resources. A system shall be available in each area of the state no later than July 1, 1993.

(4) The plan shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 15, 1992. The department is further directed to incorporate the development and implementation of a continuity of care management system in planning for integrated service delivery, including the development of the department's legislative budget request.

(Renumber subsequent sections.)

Senator Kiser moved the following amendments which were adopted:

Amendment 4—On page 60, line 20, through page 61, line 3, strike all of said lines and insert:

Section 11. Subsections (2), (3), and (9) of section 409.146, Florida Statutes, 1990 Supplement, are amended to read:

409.146 Children, youth, and families client and management information system.—

(2) The children, youth, and families client and management information system shall provide, at a minimum, *an intergrated service delivery information system to implement comprehensive screening, uniform assessment, case planning, monitoring, resource matching, and outcome evaluations for all each of the following program services categories and related program components as defined in s. 20.19 s. 381.0615:*

- (a) Prevention and diversion services.
- (b) Families in need of services and children in need of services.
- (c) Child welfare services.
- (d) Delinquency services.
- (e) Child care services.

(3) The system shall be designed to promote ~~the~~ efficient and effective ~~management of use of resources and accountability designed to provide the most appropriate, least restrictive services for all clients in the department's children, youth, and families programs. It shall contain, at a minimum, that information deemed to be essential for ongoing administration of service delivery and outcome evaluation systems, as well as for the purpose of management decisions.~~

(9) The department shall expedite the completion of all phases of planning, development, and operation of the children, youth, and families client and management information system. The planning phase shall be completed no later than July 1, 1991. The development phase shall be completed no later than July 1, 1993. The operational phase shall be completed no later than July 1, 1994. The children, youth, and families client and management information system shall be in place and operational no later than July 1, 1994. The department shall provide an annual report to the *Joint Information Technology Resources Committee. The committee shall review the report and shall forward the report, along with its comments, to the appropriate substantive and appropriations committees of the House of Representatives and the Senate delineating the development status of the system and other information necessary for funding and policy formulation. In developing the system, the department shall consider and report on the availability of, and the costs associated with using, existing software and systems, including, but not limited to, those that are operational in other states, to meet the*

requirements of this section. The department shall also consider and report on the compatibility of such existing software and systems with the department's integrated management information system. The report shall be submitted no later than December February 1, 1991, and no later than February 1 of each year thereafter.

Amendment 5—In title, on page 3, line 3, following the first semicolon (;) insert: prescribing additional functions to be served by the children, youth, and families client and management information system;

Senator Davis moved the following amendment which was adopted:

Amendment 6—On page 66, lines 9 and 27, strike "arbitration" and insert: mediation

AMENDMENTS TO HOUSE BILLS

HB 573

Senator Weinstock moved the following amendments which were adopted:

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

Section 1. Paragraph (a) of subsection (7) of section 119.07, Florida Statutes, 1990 Supplement, is amended, and paragraph (d) is added to that subsection, to read:

119.07 Inspection and examination of records; exemptions.—

(7)(a) Notwithstanding the provisions of paragraph (3)(a), any person or organization, including the Department of Health and Rehabilitative Services, may petition the court for an order making public the records of the Department of Health and Rehabilitative Services that pertain to investigations of alleged adult or child abuse, neglect, abandonment, or exploitation. The court shall determine if good cause exists for public access to the records sought or a portion thereof. In making this determination, the court shall balance the best interest of the adult or child who is the focus of the investigation, and in the case of the child, the interest of that child's siblings, together with the privacy right of other persons identified in the reports against the public interest. The public interest in access to such records is reflected in s. 119.01(1), and includes the need for citizens to know of and adequately evaluate the actions of the Department of Health and Rehabilitative Services and the court system in providing aged persons, disabled adults, and children of this state with the protections enumerated in ss. 415.101 and 415.502. However, nothing in this subsection shall contravene the provisions of s. 415.51(8) ~~s. 415.51(7)~~, which protect the name of any person reporting adult or child abuse, neglect, or exploitation.

(d) *Any report of abuse, neglect, or exploitation of an aged person or disabled adult or any report of child abuse or neglect that is the subject of an active criminal investigation is exempt from the provisions of subsection (1) and may not be released unless specifically authorized by the State Attorney of the judicial circuit in which the aged person, disabled adult, or child resides or in which the alleged abuse, neglect, or exploitation occurred. A quality assurance report generated pursuant to s. 415.103(3)(a) or s. 415.504(4)(a) may not be released to any person outside the department under any circumstances. These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 2. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (11) of section 409.175, Florida Statutes, 1990 Supplement, is reenacted and amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

(11)(a) It is unlawful for any person or agency to:

1. Provide continuing full-time care for or to receive or place a child apart from his parents in a residential group care facility, family foster home, or adoptive home without a valid license issued by the department if such license is required by subsection (4); or

2. Make a willful or intentional misstatement on any license application or other document required to be filed in connection with an application for a license.

(b) It is unlawful for any person, agency, summer day camp, or summer 24-hour camp providing care for children to:

1. Willfully or intentionally fail to comply with the requirements for the screening of personnel or the dismissal of personnel found not to be in compliance with the requirements for good moral character as specified in paragraph (4)(a).

2.(e) ~~It is unlawful for any person, agency, summer day camp, or summer 24-hour camp providing care for children to use records information from the criminal records or central abuse registry obtained under this section for any purpose purposes other than screening a person for employment as specified in this section or to release such information to any other person persons for any purpose purposes other than screening for employment as specified in this section. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(c) *It is unlawful for any person, agency, summer day camp, or summer 24-hour camp providing care for children to use information from the juvenile records of any person obtained under this section for any purpose other than screening for employment as specified in this section or to release information from such records to any other person for any purpose other than screening for employment as specified in this section. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(d)1. A first violation of paragraph (a), or paragraph (b), ~~or paragraph (e)~~ is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. A second or subsequent violation of paragraph (a), or paragraph (b), ~~or paragraph (e)~~ is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

3.(e) ~~A violation of paragraph (c) is a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084, for any person, agency, summer day camp, or summer 24-hour camp providing care for children willfully, knowingly, or intentionally to use juvenile records information for any purposes other than those specified in this section or to release such information to other persons for purposes other than those specified in this section.~~

These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 3. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (12) of section 409.176, Florida Statutes, is reenacted and amended to read:

409.176 Registration of residential child-caring agencies.—

(12) It is unlawful for any person or agency to:

(a) Provide continuing full-time care for or to receive or place a child apart from his parents in a residential group care facility without a valid certificate of registration issued by the department if such certificate is required by subsection (1), ~~or~~

(b) Make a willful or intentional misstatement on any registration application or other document required to be filed in connection with an application for registration.

(c) *Willfully or intentionally fail to comply with the requirements for the screening of personnel or the dismissal of personnel found not to be in compliance with the requirements for good moral character as specified in paragraph (2)(b).*

(d)(e) ~~Use records information from the criminal records or central abuse registry obtained under s. 409.175 or this section for any purpose purposes other than screening a person for employment as specified in s. 409.175 or this section or to release such information to any other person persons for any purpose purposes other than screening for employment as specified in s. 409.175 or this section.~~

(e)(d) ~~Use juvenile records information from the juvenile records of any person obtained under s. 409.175 or this section for any purpose purposes other than screening for employment as those specified in s. 409.175 or this section or to release such information from such records to any other person persons for any purpose purposes other than screening for employment as those specified in s. 409.175 or this section.~~

A first violation of paragraph (a), paragraph (b), paragraph (c), or paragraph (d) this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A second or subsequent violation of

paragraph (a), paragraph (b), paragraph (c), or paragraph (d) is, except that a violation of paragraph (d) shall be a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. A violation of paragraph (e) is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The exemptions provided by this subsection are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 4. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, paragraph (e) of subsection (5) of section 409.2561, Florida Statutes, is reenacted and amended to read:

409.2561 Public assistance payments; reimbursement of obligation to department; assignment of rights; subrogation; medical and health insurance information.—

(5) With respect to cases for which there is an assignment in effect pursuant to this section:

(e) The secretary of the department and the commissioner of the Department of Insurance shall enter into a cooperative agreement for requesting and obtaining information necessary to effect the purpose and objectives of this subsection:

1. The department shall only request that information necessary to determine whether health insurance as defined pursuant to s. 624.603 or those health services provided pursuant to chapter 641 is discontinued.

2. All information obtained pursuant to subparagraph 1. *is confidential and shall be exempt from the provisions of s. 119.07(1). the public records law of chapter 119, provided that This exemption is shall be subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

3. The cooperative agreement or rules promulgated hereunder may include financial arrangements to reimburse the reporting entities for reasonable costs or a portion thereof incurred in furnishing the requested information. Neither the cooperative agreement nor the rules shall require the automation of manual processes to provide the requested information.

4. The department and the Department of Insurance jointly shall promulgate rules for the development and administration of the cooperative agreement. The rules shall include the following:

a. A method for identifying those entities subject to furnishing information under the cooperative agreement;

b. A method for furnishing requested information; and

c. Procedures for requesting exemption from the cooperative agreement based on an unreasonable burden to the reporting entity.

Section 5. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, section 409.2577, Florida Statutes, is reenacted and amended to read:

409.2577 Parent locator service.—The department shall establish a parent locator service to assist in locating parents who have deserted their children and other persons liable for support of dependent children. The department shall use all sources of information available, including the Federal Parent Locator Service, and may request and shall receive information from the records of any person or the state or any of its political subdivisions or any officer thereof. The person or the state or any of its political subdivisions or any officer thereof shall make available to the department any information relating to location, salary, insurance, social security, income tax, and employment history. Additionally, the department is authorized to collect any additional information directly bearing on the identity and whereabouts of a person owing or asserted to be owing an obligation of support for a dependent child. *Information gathered or used by the parent locator service is confidential and exempt from the provisions of s. 119.07(1).* The department may make such information available only to public officials and agencies of this state; political subdivisions of this state; the custodial parent, legal guardian, attorney, or agent of the child; and other states seeking to locate parents who have deserted their children and other persons liable for support of dependents, for the purpose of enforcing their liability for support. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 6. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, section 409.2579, Florida Statutes, is reenacted and amended to read:

409.2579 Safeguarding Title IV-D case file information.—

(1) *Information concerning applicants for or recipients of Title IV-D child support services is confidential and exempt from the provisions of s. 119.07(1). Notwithstanding s. 119.14, The use or disclosure of such information by the IV-D program concerning applicants or recipients of child support services is limited to purposes directly connected with:*

(a) The administration of the plan or program approved under part A, part B, part C, or part D of Title IV; under Title II, Title X, Title XIV, Title XVI, Title XIX, or Title XX; or under the supplemental security income program established under Title XVI of the Social Security Act;

(b) Any investigation, prosecution, or criminal or civil proceeding connected with the administration of any such plan or program; and

(c) The administration of any other federal or federally assisted program which provides service or assistance, in cash or in kind, directly to individuals on the basis of need.

(2) The IV-D program may not disclose to any legislative body, whether federal, state, or local, or any committee thereof, any information that identifies by name or address an applicant or recipient of child support services.

(3) Any person who willfully and knowingly violates any of the provisions of this section is guilty of a misdemeanor of the first degree punishable as provided in s. 775.082 or s. 775.083.

(4) *The exemptions provided by this section are exemption from chapter 119 provided by this section is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 7. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (1) and paragraph (a) of subsection (2) of section 409.355, Florida Statutes, are reenacted and amended to read:

409.355 Public assistance rolls open.—

(1) The lists of names of all persons who have received public assistance payments and the amounts of such payments are a matter of public record. They are available for inspection, subject to the limitations specified in subsection (2), at the local offices in the counties wherein the recipients of such payments reside. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(2)(a) It is unlawful for any person, for himself, or for any other person, body, association, firm, corporation, group, or agency, to solicit, disclose, receive, or make use of, or to authorize, knowingly permit, participate in or acquiesce in; the use of, any of the lists or parts of such lists of names of public assistance recipients herein required to be filed for commercial or political purposes of any nature. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 8. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, paragraph (b) of subsection (4) of section 409.441, Florida Statutes, is amended and subsection (5) is added to that section to read:

409.441 Runaway youth programs and centers.—

(4) **CRITERIA FOR LICENSING OF CENTERS; STANDARD SERVICES.—**

(b) The department shall establish standard services for runaway youth centers which can be monitored and evaluated, and the establishment of these services shall be a prerequisite to receiving state funds. Such services shall include, but are not limited to:

1. Programs for outreach and prevention for troubled youths and runaway youths and their families.;
2. Early intervention counseling services for troubled youths and runaway youths and their families, with 24-hour access geared toward crisis or time-of-need intervention.;
3. Temporary or short-term shelter, food, and clothing.;
4. Uniform and confidential intake and records systems.;

5. Provision for aftercare including individual and family counseling services.;

6. Programs for advocacy for client population and community support.;

7. Provisions for case management and referral from service to service.

(5) **RECORDS CONFIDENTIAL.—***All information about clients which is part of a center's intake and client records system is confidential and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 9. Section 410.0295, Florida Statutes, is created to read:

410.0295 Confidentiality of information.—Information about functionally impaired elderly adults who receive services under ss. 410.021-410.029 which is received through files, reports, inspections, or otherwise, by the department or by authorized departmental employees, by persons who volunteer services, or by persons who provide services to functionally impaired elderly adults under ss. 410.021-410.029 through contracts with the department is confidential and exempt from the provisions of s. 119.07(1). Such information may not be disclosed publicly in such a manner as to identify a functionally impaired elderly adult, unless such person or his legal guardian provides written consent. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 10. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, section 410.037, Florida Statutes, is reenacted and amended to read:

410.037 Confidentiality of information.—~~Notwithstanding s. 119.14, Information about elderly persons or disabled adults who receive services under ss. 410.031-410.036 which is received through files, reports, inspection, or otherwise, by the department or by authorized departmental employees, by persons who volunteer services, or by persons who provide services to disabled adults or elderly persons under ss. 410.031-410.036 this act through contracts with the department, is confidential and exempt from the provisions of s. 119.07(1). Such information and may not be disclosed publicly in such a manner as to identify a disabled adult or elderly person, unless such person or his legal guardian provides written consent. This information is exempt from disclosure under s. 119.07. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 11. Section 410.302, Florida Statutes, is created to read:

410.302 Confidentiality of information.—Information about displaced homemakers who receive services under ss. 410.30-410.301 which is received through files, reports, inspections, or otherwise, by the department or by authorized departmental employees, by persons who volunteer services, or by persons who provide services to displaced homemakers under ss. 410.30-410.301 through contracts with the department is confidential and exempt from the provisions of s. 119.07(1). Such information may not be disclosed publicly in such a manner as to identify a displaced homemaker, unless such person or her legal guardian provides written consent. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 12. Section 410.403, Florida Statutes, is created to read:

410.403 Confidentiality of information.—Information about clients of programs created or funded under ss. 410.401-410.402 which is received through files, reports, inspections, or otherwise, by the department or by authorized departmental employees, by persons who volunteer services, or by persons who provide services to clients of programs created or funded under ss. 410.401-410.402 through contracts with the department is confidential and exempt from the provisions of s. 119.07(1). Such information may not be disclosed publicly in such a manner as to identify a person who receives services under ss. 410.401-401.402, unless such person or his legal guardian provides written consent. This exemption is subject to the Open government Sunset Review Act in accordance with s. 119.14.

Section 13. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, section 410.605, Florida Statutes, is reenacted and amended to read:

410.605 Confidentiality of information.—~~Notwithstanding s. 119.14, Information about disabled adults who receive services under ss. 410.601-410.606 which is received through files, reports, inspections, or otherwise, by the department or by authorized departmental employees, by persons who volunteer services, or by persons who provide services to disabled adults under ss. 410.601-410.606 through contracts with the department is confidential and exempt from the provisions of s. 119.07(1). Such information and may not be disclosed publicly in such a manner as to identify a disabled adult, unless the disabled adult or his legal guardian provides written consent. This information is exempt from disclosure under s. 119.07. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 14. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, paragraphs (d) and (e) of subsection (3) of section 415.103, Florida Statutes, 1990 Supplement, are reenacted and amended to read:

415.103 Mandatory reporting of abuse, neglect, or exploitation of aged persons or disabled adults; mandatory reports of death; central abuse registry and tracking system; immunity from liability.—

(3) CENTRAL ABUSE REGISTRY AND TRACKING SYSTEM.—

(d)1. The contents of the notice of classification of reports shall be as follows:

a. In the case of unfounded reports, notice shall be provided to the persons specified in sub-subparagraph (c)2.a., may be sent by regular mail, and shall advise the recipient that the report will be expunged in 30 days.

b. In the case of an indicated-perpetrator undetermined report, notice shall be provided to the persons specified in sub-subparagraph (c)2.b. and shall be sent by regular mail. The notice shall advise the recipient of his right to submit a written statement of explanation or rebuttal with respect to the investigation and to request that such statement be made a part of the record. The department may modify the record based upon an internal review, and shall finalize the report within 15 days after the deadline for submitting written comments.

c. In case of a proposed confirmed report, notice shall be provided to the persons specified in sub-subparagraph (c)2.c. and, in the case of the alleged perpetrator, shall be sent by certified mail with return receipt requested. The notice shall state the facts that are alleged to support the proposed confirmed classification, the nature of the alleged abuse, neglect, or exploitation, and that an alleged perpetrator of a confirmed report may be disqualified from working with children, the developmentally disabled, disabled adults, or aged persons. The notice shall further advise the recipient of his right to request a copy of the report, to submit a written statement of explanation or rebuttal with respect to the report, and to request amendment or expunction of the report. The notice shall clearly advise the person that failure to make such a request within 60 days after receipt of the notice, as evidenced by the date on the return receipt, means that the person agrees not to contest the classification of the report, and shall prevent further proceedings in the matter. If the alleged perpetrator of a proposed confirmed report asks for amendment or expunction, the secretary may amend or expunge the record. If the secretary refuses or does not act within 30 days after receiving such a request, the alleged perpetrator of a proposed confirmed report shall have the right to an administrative hearing pursuant to chapter 120 to contest whether the record of the report should be amended or expunged. A request for an administrative hearing must be submitted in writing to the department within 30 days after notification of the secretary's decision to deny the requested amendment or expunction, or, if the secretary fails to act on the request, within 30 days after the expiration of the 30-day time period within which the secretary may act under the provisions of this sub-subparagraph. The alleged perpetrator may, within 1 year after the classification of the report as confirmed, request the department to set aside a confirmed report where it can be shown that the failure to ask for amendment or expunction was due to excusable neglect or fraud. The standard for excusable neglect or fraud shall be as provided in the Florida Rules of Civil Procedure.

2. The schedule for requesting reports, submitting written comments, and requesting amendment or expunction of reports shall be as follows:

a. A person entitled to request a copy of an investigative report shall do so within 15 days after receipt of the notice as provided in this paragraph. In the case of an unfounded or indicated-perpetrator undeter-

mined report, the 15 days shall be counted from the date of mailing of the notice. In the case of a proposed confirmed report, the 15 days shall be counted from the date of delivery of the original notice as evidenced by the return receipt.

b. A person entitled to submit a written statement of explanation or rebuttal and have an internal review of the record of the investigation pursuant to sub-subparagraph 1.b. shall make such a request within 45 days after the date of mailing of the original notice. The failure to submit such a statement means the person does not seek an internal review of the record and agrees not to contest the contents of the report. Any person who is named in an indicated-perpetrator undetermined report shall not have the right to challenge the department's final classification of the report through an administrative hearing pursuant to chapter 120.

c. A person entitled to submit a written statement of explanation or rebuttal and to request amendment or expunction of the report pursuant to sub-subparagraph 1.c. shall submit the statement or make such a request within 60 days after receipt of the original notice as evidenced by the return receipt. The failure to make a timely request for amendment or expunction of the report means the person agrees not to contest the classification of the report.

3. At a hearing conducted pursuant to the provisions of chapter 120, the department shall prove by a preponderance of the evidence that the alleged perpetrator committed the abuse, neglect, or exploitation. The department's investigative report shall be considered competent evidence at the hearing, and the technical rules of evidence shall not exclude such report. If the department's classification as proposed confirmed is upheld, the report shall become a confirmed report.

4. The confidentiality of the abuse or neglect report shall, to the extent possible, be maintained during the administrative hearing process. The administrative hearing shall be closed, the administrative files shall be confidential closed and exempt from the provisions of not disclosed to the public under s. 119.07(1), and any identifying information in the recommended or final order shall be deleted prior to publishing pursuant to chapter 120. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(e) All identifying information in the central abuse registry and tracking system or other computer systems or records that is related to an unfounded report shall be expunged 30 days after the case is classified as "unfounded." All identifying information in the central abuse registry and tracking system related to an indicated-perpetrator undetermined report shall be expunged from the central abuse registry and tracking system 7 years after the report is classified as an indicated-perpetrator undetermined report concerning any person named in the report. Computer records of a confirmed report shall be retained for 50 years from the date the report is classified. All information, other than identifying information, related to an indicated-perpetrator undetermined or unfounded report at the time of expunction shall be disposed of in a manner deemed appropriate by the department and pursuant to ss. 119.041 and 257.36(7). Unfounded reports shall only be indexed by the name of the aged person or disabled adult to detect patterns of abuse, neglect, or exploitation. Persons named in unfounded or indicated-perpetrator undetermined reports shall not be identified as perpetrators. All information in the records of the central abuse registry and tracking system or other computer systems or records shall be subject to the confidentiality provisions in s. 415.107. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 15. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, section 415.107, Florida Statutes, 1990 Supplement, is reenacted and amended to read:

415.107 Confidentiality of reports and records in cases of abuse, neglect, or exploitation of aged persons or disabled adults.—

(1)(a) In order to protect the rights of the individual or other persons responsible for the welfare of an aged person or disabled adult, all records concerning reports of abuse, neglect, or exploitation of the aged person or disabled adult, including reports made to the central abuse registry and tracking system, and all records generated as a result of such reports shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed except as specifically authorized by ss. 415.101-415.113.

(b) Except for information identifying individuals, all records involving the death of an aged person or disabled adult as a result of abuse or neglect, including reports to the central abuse registry and tracking

system, and all records generated as a result of such reports, shall be released to the public within 10 days after the completion of the investigation.

These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(2) Access to such records, excluding the name of the reporter, which shall be released only as provided in subsection (5) (4), shall depend on the classification of the report, and shall be granted only to the following persons, officials, and agencies. Access to unfounded reports shall be limited to the persons and for the purposes stated in paragraphs (a), (b), (c), (g), and (h). Access to indicated-perpetrator undetermined reports shall be limited to the persons and for the purposes stated in paragraphs (a), (b), (c), (e), (f), (g), (h), and (i). Access to proposed confirmed reports shall be limited to the persons and for the purposes stated in paragraphs (a) through (i). Access to confirmed reports shall be limited to the persons and for the purposes stated in paragraphs (a) through (l), as follows:

(a) Employees or agents of the department responsible for carrying out adult or child protective services investigations, ongoing adult or child protective services, or licensure or approval of nursing homes, adult congregate living facilities, adult day care centers, adult foster homes, home care for the elderly, hospices, or other facilities used for the placement of aged persons or disabled adults.

(b) A criminal justice agency investigating a report of known or suspected abuse, neglect, or exploitation of an aged person or disabled adult.

(c) The state attorney of the judicial circuit in which the aged person or disabled adult resides or in which the alleged abuse, neglect, or exploitation occurred.

(d) Any aged person or disabled adult or perpetrator who is the subject of a proposed confirmed or confirmed report or the subject's guardian, caregiver, or legal counsel.

(e) A court, by subpoena, upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access shall be limited to inspection in camera, unless the court determines that public disclosure of the information contained in such records is necessary for the resolution of an issue then pending before it.

(f) A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.

(g) Any appropriate official of the human rights advocacy committee or long-term care ombudsman council investigating a report of known or suspected abuse, neglect, or exploitation of an aged person or disabled adult.

(h) Any appropriate official of the department responsible for:

1. Administration or supervision of the department's program for the prevention, investigation, or treatment of adult abuse, neglect, or exploitation when carrying out his official function; or

2. Taking appropriate administrative action concerning an employee of the department alleged to have perpetrated institutional abuse, neglect, or exploitation of an aged person or disabled adult.

(i) Any person engaged in bona fide research or auditing. However, no information identifying the subjects of the report shall be made available to the researcher.

(j) The Division of Administrative Hearings for purposes of any administrative challenge relating to a proposed confirmed or confirmed report.

(k) The Department of Professional Regulation when taking disciplinary action against a licensee for actions which resulted in a confirmed report of abuse, neglect, or exploitation which has been upheld following a chapter 120 hearing or a waiver of such proceedings.

(l) Employees or agents of an agency of another state that has comparable jurisdiction to the jurisdiction described in paragraph (a).

These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(3) *Except as provided in subsection (4), any report of abuse, neglect, or exploitation of an aged person or disabled adult which is the subject of an active criminal investigation may not be released unless*

specifically authorized by the State Attorney of the judicial circuit in which the aged person or disabled adult resides or in which the alleged abuse, neglect, or exploitation occurred. A quality assurance report generated pursuant to s. 415.103(3)(a) may not be released to any person outside the department under any circumstances. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(4)(3) The department may release to any professional person such information as is necessary for the diagnosis and treatment of the aged person or disabled adult or the person perpetrating the abuse, neglect, or exploitation. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(5)(4) The name of any person reporting adult abuse, neglect, or exploitation shall in no case be released to any person other than employees of the department responsible for adult protective services, the central abuse registry and tracking system, or the appropriate state attorney without the written consent of the person reporting abuse, neglect, or exploitation when deemed necessary by the state attorney or the department to protect an aged person or disabled adult who is the subject of a report, provided the fact that such person made the report is not disclosed. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* This does not prohibit the subpoena of a person reporting adult abuse, neglect, or exploitation when deemed necessary by the state attorney or the department to protect an aged person or disabled adult who is the subject of a report, provided the fact that such person made the report is not disclosed. Any person who reports a case of adult abuse, neglect, or exploitation may, at the time he makes the report, request that the department notify him that an adult protective services investigation occurred as a result of the report. The department shall mail such a notice to the reporter within 10 working days of the completion of the adult protective services investigation.

(6)(5)(a) The department shall search its central abuse registry and tracking system records pursuant to the requirements of ss. 39.076, 110.1127, 393.0655, 394.457, 396.0425, 397.0715, 400.478, 400.497, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and 464.008 for the existence of a confirmed report made on the personnel as defined in the foregoing provisions. The search shall also include indicated reports prior to July 1, 1987. Reports prior to 1978 shall not be included. If the search reveals an indicated report prior to July 1, 1987, the department shall review the report to determine whether the indicated report shall be classified as "indicated-perpetrator undetermined" or shall be classified as "proposed confirmed" according to the definitions in s. 415.102. If the report remains classified as "indicated-perpetrator undetermined," the individual shall not be disqualified. If the report is classified as "confirmed," the department shall notify the individual according to the provisions in s. 415.103(3)(d)1.c. The department shall report the existence of any confirmed report and advise the authorized licensing agency, applicant for licensure, or other authorized agency or person of the results of the search and the date of the report. Prior to a search being conducted, the department or its designee shall notify such person that an inquiry will be made. The department shall notify each person for whom a search is conducted of the results of the search upon request.

(b) The department shall, upon receipt of an application of a person applying for an initial license or renewal of a license for a facility to provide day or residential care for aged persons or disabled adults, search its central abuse registry and tracking system for the existence of a confirmed report of child or adult abuse, neglect, or exploitation as defined in ss. 415.102(1), (5), (9), and (13) and 415.503(3) and (6) on an owner or administrator who is directly involved in the onsite day-to-day care of the residents of the facility and advise the licensing agent of any report found and the results of the investigation conducted pursuant thereto, including whether the time period has elapsed for requesting an amendment or expunction of the report, and the result of any subsequent administrative hearing held on the report. The department may search its central abuse registry and tracking system for confirmed reports of child or adult abuse, neglect, or exploitation as defined in ss. 415.102(1), (5), (9), and (13) and 415.503(3) and (6) on corporate owners and board of director members, partners, or other owners who are not directly involved in the onsite day-to-day care of the residents of the facility. Such a report shall disqualify an individual from licensure, but the department may grant an exemption from disqualification if the department has clear and convincing evidence to support a reasonable belief that the person is of good character so as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not

limited to, the circumstances surrounding the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident, or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of aged persons or disabled adults. The decision of the department regarding an exemption may be contested through a hearing pursuant to chapter 120. A disqualified person may also request amendment or expunction of the report pursuant to s. 415.103(3)(d). For purposes of a licensure application, these remedies must be requested within 30 days of notification, or be deemed waived. The department shall notify any individual disqualified from licensure of the right to appeal that disqualification, of remedies available, and of the time limit for requesting such remedies pursuant to the provisions of this subsection. The department may issue no license until screening procedures and, if necessary, administrative remedies are complete. However, a conditional or provisional license may be issued in the case of an existing licensed facility for only that time necessary to complete the above screening procedures and administrative remedies. No application for licensure shall be deemed complete until all requested screening information has been correctly submitted pursuant to department procedure.

(7)(6) Upon payment of a fee in the amount of \$5, which funds shall be deposited in an administrative trust fund of the department, and with the written consent of a person applying to work with aged persons or disabled adults, the department shall search its central abuse registry and tracking system for the existence of a confirmed report. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* The department shall advise the employer and the person of any such report found and the results of the investigation.

Section 16. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (2) of section 415.111, Florida Statutes, 1990 Supplement, is reenacted and amended to read:

415.111 Penalties relating to abuse, neglect, or exploitation of aged person or disabled adult.—

(2) Any person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse registry and tracking system, or in other computer systems, or in the records of any case of abuse, neglect, or exploitation of an aged person or disabled adult, except as provided in ss. 415.101-415.113, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 17. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, paragraphs (d) and (e) of subsection (4) of section 415.504, Florida Statutes, 1990 Supplement, are reenacted and amended to read:

415.504 Mandatory reports of child abuse or neglect; mandatory reports of death; central abuse registry and tracking system.—

(4)

(d)1. The contents of the notice of classification of reports shall be as follows:

a. In the case of unfounded reports, notice shall be provided to the persons specified in sub-subparagraph (c)2.a., may be sent by regular mail, and shall advise the recipient that the report will be expunged in 30 days.

b. In the case of an indicated-perpetrator undetermined report, notice shall be provided to the persons specified in sub-subparagraph (c)2.b. and shall be sent by regular mail. The notice shall advise the recipient of his right to submit a written statement of explanation or rebuttal with respect to the investigation and to request that such statement be made a part of the record. The department may modify the record based upon an internal review, and shall finalize the report within 15 days of the deadline for submitting written comments.

c. In the case of a proposed confirmed report, notice shall be provided to the persons specified in sub-subparagraph (c)2.c. and, in the case of the alleged perpetrator, shall be sent by certified mail with return receipt requested. The notice shall state the facts that are alleged to support the proposed confirmed classification, the nature of the alleged abuse, neglect, or exploitation, and that an alleged perpetrator of a confirmed report may be disqualified from working with children, the developmentally disabled, disabled adults, or aged persons. The notice shall further

advise the recipient of his right to request a copy of the report, to submit a written statement of explanation or rebuttal with respect to the report, and to request amendment or expunction of the report. The notice shall clearly advise the person that failure to make such a request within 60 days after receipt of the notice, as evidenced by the date on the return receipt, means that the person agrees not to contest the classification of the report, and shall prevent further proceedings in the matter. If the alleged perpetrator of a proposed confirmed report asks for amendment or expunction, the secretary may amend or expunge the record. If the secretary refuses or does not act within 30 days after receiving such a request, the alleged perpetrator of a proposed confirmed report shall have the right to an administrative hearing pursuant to chapter 120 to contest whether the record of the report should be amended or expunged. A request for an administrative hearing must be submitted in writing to the department within 30 days after notification of the secretary's decision to deny the requested amendment or expunction, or, if the secretary fails to act on the request, within 30 days after the expiration of the 30-day time period within which the secretary may act under the provisions of this sub-subparagraph. The alleged perpetrator may, within 1 year after the classification of the report as confirmed, request the department to set aside a confirmed report where it can be shown that the failure to ask for amendment or expunction was due to excusable neglect or fraud. The standard for excusable neglect or fraud shall be as provided in the Florida Rules of Civil Procedure.

2. The schedule for requesting reports, submitting written comments, and requesting amendment or expunction of reports shall be as follows:

a. A person entitled to request a copy of an investigative report shall do so within 15 days after receipt of the notice as provided in this paragraph. In the case of an unfounded or indicated-perpetrator undetermined report, the 15 days shall be counted from the date of mailing of the notice. In the case of a proposed confirmed report, the 15 days shall be counted from the date of delivery of the original notice as evidenced by the return receipt.

b. A person entitled to submit a written statement of explanation or rebuttal and have an internal review of the record of the investigation pursuant to sub-subparagraph 1.b. shall make such a request within 45 days after the date of mailing of the original notice. The failure to submit such a statement means the person does not seek an internal review of the record and agrees not to contest the contents of the report. Any person who is named in an indicated-perpetrator undetermined report shall not have the right to challenge the department's final classification of the report through an administrative hearing pursuant to chapter 120.

c. A person entitled to submit a written statement of explanation or rebuttal and to request amendment or expunction of the report pursuant to sub-subparagraph 1.c. shall submit the statement or make such a request within 60 days after receipt of the original notice as evidenced by the return receipt. The failure to make a timely request for amendment or expunction of the report means the person agrees not to contest the classification of the report.

3. At a hearing conducted pursuant to the provisions of chapter 120, the department shall prove by a preponderance of the evidence that the alleged perpetrator committed the abuse, neglect, or exploitation. The department's investigative report shall be considered competent evidence at the hearing, and the technical rules of evidence shall not exclude such report. If the department's classification as proposed confirmed is upheld, the report shall become a confirmed report.

4. The confidentiality of the abuse or neglect report shall, to the extent possible, be maintained during the administrative hearing process. The administrative hearing shall be closed, the administrative files shall be *confidential* and *exempt from the provisions of not disclosed to the public* under s. 119.07(1), and any identifying information in the recommended or final order shall be deleted prior to publishing pursuant to chapter 120. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(e) All identifying information in the central abuse registry and tracking system or other computer systems or records that is related to unfounded reports shall be expunged 30 days after the case is classified as "unfounded." All identifying information in the central abuse registry and tracking system or other computer systems or records that is related to an indicated-perpetrator undetermined report shall be expunged from the central abuse registry and tracking system 7 years after the report is classified as an indicated-perpetrator undetermined report concerning

any person named in the report. Computer records of a confirmed report shall be retained for 50 years from the date the report is classified. All information, other than identifying information, related to indicated-perpetrator undetermined or unfounded reports at the time of expunction shall be disposed of in a manner deemed appropriate by the department and pursuant to ss. 119.041 and 257.36(7). Unfounded reports shall only be indexed by the name of the child to detect patterns of abuse or neglect. Persons named in unfounded or indicated-perpetrator undetermined reports shall not be identified as perpetrators. All information in the central abuse registry and tracking system or other computer systems or records shall be subject to the confidentiality provisions in s. 415.51. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 18. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, paragraph (j) of subsection (1) of section 415.505, Florida Statutes, 1990 Supplement, is reenacted and amended to read:

415.505 Child protective investigations; institutional child abuse or neglect investigations.—

(1)

(j) In a child protective investigation or a criminal investigation, when the initial interview with the child is conducted at school, the department or the law enforcement agency may allow, notwithstanding the provisions of s. 39.411(4), a school instructional staff member who is known by the child to be present during the initial interview if:

1. The department or law enforcement agency believes that the school instructional staff member could enhance the success of the interview by his presence; and

2. The child requests or consents to the presence of the school instructional staff member at the interview.

School instructional staff may only be present when authorized by this subsection. Information received during the interview or from any other source regarding the alleged abuse or neglect of the child shall be confidential and exempt from the provisions of s. 119.07(1), except as otherwise provided by court order. A separate record of the investigation of the abuse or neglect shall not be maintained by the school or school instructional staff member. Violation of this subsection constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 19. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (4) of section 415.5086, Florida Statutes, is reenacted and amended to read:

415.5086 Hearing for appointment of a guardian advocate.—

(4) The hearing under this section shall remain confidential and closed to the public. The clerk shall keep all court records required by ss. 415.5082-415.5089 separate from other records of the circuit court. All court records required by ss. 415.5082-415.5089 shall not be confidential and exempt from the provisions of s. 119.07(1) open to inspection by the public. All records shall be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents or custodians of the child and their attorneys and the department and its designees shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and disposition the court may deem proper, and may punish by contempt proceedings any violation of those conditions. All information obtained pursuant to ss. 415.5082-415.5089 in the discharge of official duty by any judge, employee of the court, or authorized agent of the department, shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed to anyone other than the authorized personnel of the court or the department and its designees, except upon order of the court. *These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 20. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, section 415.51, Florida Statutes, 1990 Supplement, is reenacted and amended to read:

415.51 Confidentiality of reports and records in cases of child abuse or neglect.—

(1)(a) In order to protect the rights of the child and his parents or other persons responsible for the child's welfare, all records concerning reports of child abuse or neglect, including reports made to the central abuse registry and tracking system and all records generated as a result of such reports, shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed except as specifically authorized by ss. 415.502-415.514. Such exemption from s. 119.07(1) applies to information in the possession of those entities granted access as set forth in this section.

(b) Except for information identifying individuals, all records involving the death of a child as a result of abuse or neglect, and which are classified in an investigative report as confirmed, pursuant to s. 415.504, shall be released to the public within 10 days after completion of the investigation.

These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(2) Access to such records, excluding the name of the reporter which shall be released only as provided in subsection (8) (7), shall depend on the classification of the report, and shall be granted only to the following persons, officials, and agencies. Access to unfounded reports shall be limited to the persons and for the purposes stated in paragraphs (a), (b), (c), (g), and (l). Access to indicated-perpetrator undetermined reports shall be limited to the persons and for the purposes stated in paragraphs (a), (b), (c), (e), (f), (g), (h), and (l). Access to proposed confirmed reports shall be limited to the persons and for the purposes stated in paragraphs (a) through (i) and (l). Access to confirmed reports shall be limited to the persons and for the purposes stated in paragraphs (a) through (m), as follows:

(a) Employees or agents of the department responsible for carrying out child or adult protective investigations, ongoing child or adult protective services, or licensure or approval of adoptive homes, foster homes, or other homes used to provide for the care and welfare of children.

(b) A law enforcement agency investigating a report of known or suspected child abuse or neglect.

(c) The state attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred.

(d) Any child, parent, or perpetrator who is the subject of a proposed confirmed or confirmed report or the subject's guardian, custodian, guardian ad litem, or counsel.

(e) A court, by subpoena, upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access shall be limited to inspection in camera, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.

(f) A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.

(g) Any appropriate official of the department responsible for:

1. Administration or supervision of the department's program for the prevention, investigation, or treatment of child abuse or neglect when carrying out his official function; or

2. Taking appropriate administrative action concerning an employee of the department alleged to have perpetrated institutional child abuse or neglect.

(h) Any person engaged in bona fide research or audit purposes. However, no information identifying the subjects of the report shall be made available to the researcher.

(i) The Division of Administrative Hearings for purposes of any administrative challenge relating to a proposed confirmed or confirmed report.

(j) The Department of Professional Regulation when taking disciplinary action against a licensee for actions which resulted in a confirmed report of abuse, neglect, or exploitation which has been upheld following a chapter 120 hearing or a waiver of such proceedings.

(k) The Office of Professional Practices Services of the Department of Education for the purpose of assisting the Department of Education in determining whether an individual who is named as the perpetrator in a confirmed report of abuse or neglect which has been upheld following a chapter 120 hearing or which became final without a hearing should obtain or hold a Florida teaching certificate.

(l) Any appropriate official of the human rights advocacy committee investigating a report of known or suspected child abuse or neglect, or the Auditor General for the purpose of conducting preliminary or compliance reviews pursuant to s. 11.51.

(m) Employees or agents of an agency of another state that has comparable jurisdiction to the jurisdiction described in paragraph (a).

These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(3) *Except as provided in subsection (4), any report of child abuse or neglect which is the subject of an active criminal investigation may not be released unless specifically authorized by the State Attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred. A quality assurance report generated pursuant to s. 415.504(4)(a) may not be released to any person outside the department under any circumstances. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(4)(3) The department may release to professional persons such information as is necessary for the diagnosis and treatment of the child or the person perpetrating the abuse. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(5)(4) The department shall search its central abuse registry and tracking system records pursuant to the requirements of ss. 39.076, 110.1127, 242.335, 393.0655, 394.457, 396.0425, 397.0715, 400.478, 400.497, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and 464.008 for the existence of a confirmed report made on the personnel as defined in the foregoing provisions. The search shall also include indicated reports prior to July 1, 1987. Reports prior to 1978 shall not be included. If the search reveals an indicated report prior to July 1, 1987, the department shall review the report to determine whether the indicated report shall be classified as indicated-perpetrator undetermined or shall be classified as proposed confirmed according to the definitions in s. 415.503. If the report is classified as indicated-perpetrator undetermined, the individual may not be disqualified. If the report is classified as confirmed, the department shall notify the individual according to the provisions of s. 415.504(4)(d)1.c. The department shall report the existence of any confirmed report of abuse and advise the authorized licensing agency, applicant for license, or other authorized agency or person of the results of the search and the date of the report. In the case of judicial determination of abuse, the department shall report the procedure for inspection of court records as set forth in s. 39.411(3). The department shall not release any information on unfounded or indicated-perpetrator undetermined reports. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* Prior to a search being conducted, the department or its designee shall notify such person that an inquiry will be made. The department shall notify each person for whom a search is conducted of the results of the search upon request.

(6)(5) The department shall, with the written consent of a person applying to a licensed child-placing agency for the adoption of a child, search its central abuse registry and tracking system for the existence of a confirmed report and advise the licensed child-placing agency of any such report found. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(7)(6) Except as provided in subsection (5) (4), the department shall, with the written consent of a person applying to work with children as a volunteer or as a paid employee for a public or private nonprofit agency, or for an individual family, search its central abuse registry and tracking system for the existence of a confirmed report and shall advise such agency or family of any such report found and the results of the investigation. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(8)(7) The name of any person reporting child abuse or neglect shall not be released to any person other than employees of the department responsible for child protective services, the central abuse registry and tracking system, or the appropriate state attorney without the written consent of the person reporting. This does not prohibit the subpoenaing

of a person reporting child abuse or neglect when deemed necessary by the state attorney or the department to protect a child who is the subject of a report, provided the fact that such person made the report is not disclosed. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* Any person who reports a case of child abuse or neglect may, at the time he makes the report, request that the department notify him that a child protective investigation occurred as a result of the report. The department shall mail such a notice to the reporter within 10 days of the completion of the child protective investigation.

(9)(8) All records and reports of the child protection team are confidential and exempt from the provisions of ss. 119.07(1) and 455.241, and shall not be disclosed, except, upon request, to the state attorney, law enforcement, the department, and necessary professionals, in furtherance of the treatment or additional evaluative needs of the child or by order of the court. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 21. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (2) of section 415.513, Florida Statutes, 1990 Supplement, is reenacted and amended to read:

415.513 Penalties for failing to report or preventing another person from reporting, or disclosing confidential information relating to, a case of child abuse or neglect; penalties for making a false report.—

(2) Any person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse registry and tracking system or in the records of any child abuse or neglect case, except as provided in ss. 415.502-415.514, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, or s. 775.083, ~~or s. 775.084.~~ *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 22. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, section 415.608, Florida Statutes, is reenacted and amended to read:

415.608 Confidentiality of information received by department or domestic violence center.—*Information about clients* received by the department or by authorized persons employed by or volunteering services to a domestic violence center, through files, reports, inspection, or otherwise, ~~is shall be deemed confidential information and shall not be disclosed publicly in such a manner as to identify individuals or facilities. This information is exempt from the provisions of s. 119.07(1) 119.07.~~ *Information about the location of domestic violence centers and facilities is confidential and exempt from the provisions of s. 119.07(1). However, information about a client or the location of a domestic violence center may be given at the discretion of center staff in an emergency to law enforcement, fire fighting, medical, or other emergency personnel. These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 23. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, section 400.145, Florida Statutes, is reenacted and amended to read:

400.145 Records of care and treatment of resident; copies to be furnished.—

(1) Unless expressly prohibited by a legally competent resident, any nursing home licensed pursuant to this part shall furnish to the spouse, guardian, or responsible party of a current or former resident, within 10 days after receipt of a written request, a copy of that resident's records which are in the possession of the facility. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* For the purposes of this section, "responsible party" means the person who agrees to provide certain specified support and information on behalf of a resident as designated in the resident contract. Such records shall include medical and psychiatric records and any records concerning the care and treatment of the resident performed by the facility, except progress notes and consultation report sections of a psychiatric nature. Copies of such records shall not be considered part of a deceased resident's estate and may be made available prior to the administration of an estate. A facility may charge a reasonable fee for the copying of resident records. The facility shall further allow any such spouse, guardian, or responsible party to examine the original records in its possession, or microfilms or other suitable reproductions of the records, upon such reasonable terms as shall be imposed, to help assure that the records are not damaged, destroyed, or altered.

(2) No person shall be allowed to obtain copies of residents' records pursuant to this section more often than once per month, except that physician's reports in the residents' records may be obtained as often as necessary to effectively monitor the residents' condition. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 24. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (5) of section 407.02, Florida Statutes, is reenacted and amended to read:

407.02 Powers and duties of board.—To properly carry out its authority, the board:

(5) May inspect and audit hospital books and records, and records of individual or corporate ownership, including books and records of related organizations with which a hospital had transactions, for compliance with this chapter. As used in this subsection, the term "related organizations" means organizations related to the hospital by common ownership or control. Upon presentation of a written request for inspection to a hospital by the board or its staff, the hospital shall make available to the board or its staff for inspection, copying, and review all books and records relevant to the determination of whether the hospital has complied with this chapter. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 25. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (7) of section 407.31, Florida Statutes, 1990 Supplement, is reenacted and amended to read:

407.31 Uniform system of financial reporting for nursing homes.—

(7) In the event the board has reason to believe that there is evidence of noncompliance with any of the provisions of ss. 407.30-407.34, the board may inspect and audit nursing home books and records, including records of individual or corporate ownership, for compliance with ss. 407.30-407.34. Upon presentation to a nursing home of a written request for inspection, the nursing home shall make available to the board or its staff for inspection, copying, and review all books and records relevant to the determination of whether the nursing home has complied with ss. 407.30-407.34. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 26. Subsection (3) of section 409.266, Florida Statutes, 1990 Supplement, is amended, and, notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (9) is reenacted and amended, to read:

409.266 Medical assistance.—

(3) ~~Financial and actuarial information provided by an entity to the department for the purpose of negotiating or determining the premium to be paid to a prepaid health care plan on behalf of its clients, and any records, documents, papers, computer tapes, or other business material obtained by the department incident to the negotiation or determination of a premium payment, are proprietary confidential business information and exempt from s. 119.07.~~ The department shall not contract on a prepaid or fixed-sum basis for Medicaid services with an entity which knows or reasonably should know that any officer, director, agent, managing employee, or owner of stock or beneficial interest in excess of 5 percent common or preferred stock, or the entity itself, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere, or guilty, to:

- (a) Fraud;
- (b) Violation of federal or state antitrust statutes, including those prescribing price fixing between competitors and the allocation of customers among competitors;
- (c) Commission of a felony involving embezzlement, theft, forgery, income tax evasion, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice; or
- (d) Any crime in any jurisdiction which directly relates to the provision of health services on a prepaid or fixed-sum basis.

(9) The complaint and all information obtained pursuant to an investigation of a Medicaid provider relating to an allegation of fraud or financial abuse shall be *confidential and exempt from s. 119.07(1)* ~~119.07~~ until such time as the department imposes administrative sanctions or the

Auditor General refers the case for criminal prosecution or until 10 days after the complaint is found to be without merit, ~~or unless the complaint or information is otherwise made confidential protected by law.~~ *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 27. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, paragraph (g) of subsection (1) and paragraph (a) of subsection (2) of section 409.2664, Florida Statutes, are reenacted to read:

409.2664 Medicaid fraud control; Auditor General's powers and duties.—

(1) The Auditor General shall conduct a statewide program of Medicaid fraud control. To accomplish this purpose, the Auditor General shall:

(g) Safeguard the privacy rights of all individuals and provide safeguards to prevent the use of patient medical records for any reason beyond the scope of a specific investigation for fraud or abuse or both, without the patient's written consent.

(2) In carrying out the duties and responsibilities of this section, the Auditor General may:

(a) Enter upon the premises of any health care provider, excluding a physician, participating in the state Medicaid program to examine all accounts and records which could in any manner be relevant in determining the existence of fraud in the state Medicaid program, to investigate alleged abuse or neglect of patients, or to investigate alleged misappropriation of patients' private funds. Participating physicians are required to make available any accounts or records which could in any manner be relevant in determining the existence of fraud in the state Medicaid program. At no time are the accounts or records of non-Medicaid patients to be reviewed or turned over to the Auditor General without the patient's written consent.

Section 28. Notwithstanding the October 1, 1991, repeal specified in s. 119.14(3)(a), Florida Statutes, subsection (1) of section 409.7015, Florida Statutes, 1990 Supplement, is amended to read:

409.7015 Unemployment compensation data availability.—

(1) In order to further the research and demonstration objectives of s. 409.701, the Division of Unemployment Compensation, Department of Labor and Employment Security, shall, notwithstanding the provisions of s. 443.171(7), make available to the Florida Health Access Corporation such information as the corporation requests so as to facilitate contact with employers who may be eligible for participation in the program of health insurance benefits arranged through the corporation. Such information as is obtained by the corporation through the provisions of this section ~~is shall be confidential and exempt from the provisions of s. 119.07(1).~~ Neither the corporation nor the staff or agents of the corporation shall release to any state or federal agency, to any private business or person, or to any other entity any information received through the operation of this section. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* Violation of this section shall be regarded as a violation of s. 443.171(7).

Section 29. Subsection (4) of section 110.1127, Florida Statutes, 1990 Supplement, is amended to read:

110.1127 Employee security checks.—

(4) Within the Department of Health and Rehabilitative Services, all permanent or temporary employees in the central abuse registry and tracking system and all persons working under contract who have access to abuse records shall be screened for recorded reports of abuse, neglect, or exploitation pursuant to ss. 415.101-415.113 and ss. 415.501-415.514. Such employees shall be rescreened annually. A confirmed report shall disqualify an applicant or an employee from employment. The presence of indicated reports prior to July 1, 1987, shall be processed as provided in *ss. 415.107(6)(a) and 415.51(5)* ~~ss. 415.107(5)(a) and 415.51(4).~~ The exemption procedures provided in subparagraph (3)(b)2. shall be available to persons covered under this subsection.

Section 30. Paragraph (e) of subsection (2) of section 400.414, Florida Statutes, is amended to read:

400.414 Denial, revocation, or suspension of license; imposition of administrative fine; grounds.—

(2) Any of the following actions by a facility or its employee shall be grounds for action by the department against a licensee:

(e) A confirmed report of abuse, neglect, or exploitation, as defined in s. 415.102, which has been upheld following a chapter 120 hearing or a waiver of such proceedings where the perpetrator is an employee, volunteer, administrator, or owner, or otherwise has access to the residents of a facility, and the administrator has not taken action to remove the perpetrator. A perpetrator may seek an exemption from disqualification through the procedures provided in s. 415.107(6)(b) ~~s. 415.107(5)(b)~~. No administrative action may be taken against the facility if the perpetrator is granted an exemption.

Section 31. This act shall take effect October 1, 1991.

Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to confidentiality of records relating to health and rehabilitative services; amending s. 119.07, F.S.; exempting reports concerning abuse, neglect, or exploitation that are the subject of an active criminal investigation from public records requirements under specified circumstances; exempting quality assurance reports pertaining to aged persons and children from public records requirements; correcting a cross-reference; amending ss. 409.175, 409.176, F.S., which provide exemptions from public records requirements for information obtained in connection with screening persons for employment with certain child-caring agencies; clarifying the exemptions and saving them from repeal; revising and conforming penalties; amending ss. 409.2561, 409.2577, 409.2579, F.S., which provide exemptions from public records requirements for information obtained in connection with child support and enforcement thereof; clarifying the exemptions and saving them from repeal; amending s. 409.355, F.S., which provides an exemption from public records requirements for information relating to persons who receive public assistance; saving the exemption from repeal; amending s. 409.441, F.S.; providing an exemption from public records requirements for records of runaway youth programs and centers; creating s. 410.0295, F.S.; exempting certain information relating to elderly persons from public disclosure requirements; amending ss. 410.037, 410.605, F.S., which provide exemptions from public records requirements for information relating to elderly persons and disabled adults who receive services through the Department of Health and Rehabilitative Services; clarifying the exemptions and saving them from repeal; creating ss. 410.302, 410.403, F.S.; exempting information relating to displaced homemakers and Alzheimer's victims who receive services through the Department of Health and Rehabilitative Services from public records requirements; amending ss. 415.103, 415.107, 415.111, 415.504, 415.505, 415.51, 415.513, F.S., which provide exemptions from public records requirements for information relating to abuse of aged persons, disabled adults, and children; saving the exemptions from repeal; prohibiting the release of records concerning active criminal investigations unless authorized by the State Attorney; prohibiting the release of quality assurance reports; amending s. 415.5086, F.S., which provides an exemption from public records requirements for information relating to the appointment of a guardian advocate for a child; saving the exemption from repeal; amending s. 415.608, F.S., which provides an exemption from public records requirements for information relating to domestic violence centers; allowing the release of information in an emergency; clarifying the exemption and saving it from repeal; amending ss. 400.145, 407.02, 407.31, 409.7015, F.S., which provide exemptions from public records requirements for certain records of nursing homes, hospitals, and the Florida Health Access Corporation; saving such exemptions from repeal; amending s. 409.266, F.S., which provides an exemption from public records requirements for the Department of Health and Rehabilitative Services with respect to certain information relating to Medicaid providers; clarifying the exemption and saving it from repeal; deleting an exemption from public records requirements provided for certain financial and actuarial information; reenacting s. 409.2664(1)(g) and (2)(a), F.S., which provide exemptions from public records requirements for certain patient records examined by the Auditor General; saving such exemptions from repeal; providing for future legislative review of exemptions from public disclosure requirements contained in this act pursuant to the Open Government Sunset Review Act; amending ss. 110.1127, 400.414, F.S.; correcting cross-references; providing an effective date.

CS for HB 689

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 1—On page 3, between lines 11 and 12, insert:

Section 3. Section 245.16, Florida Statutes, is amended to read:

245.16 Selling, buying, shipping bodies outside of state regulated; penalty.—Any person who shall sell or buy any body or parts of bodies as described in this chapter or *any person except a recognized Florida medical or dental school* who shall transmit or convey or cause to be transmitted or conveyed such body or parts of bodies to any place outside this state ~~except a recognized medical or dental school~~ shall be guilty of a misdemeanor of the first degree, punishable as provided in ss. 775.082 and 775.083. However, nothing in this chapter shall be construed as prohibiting the Division of Universities from transporting human specimens outside of the state for educational, scientific, or other therapeutic purposes.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 7, after the semicolon (;) insert: amending s. 245.16, F.S.; providing clarifying language;

HB 2075

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 6, line 3, after the period (.) insert: *Insurance providers offering or providing supplemental coverage as of the effective date of this act which qualify for pre-tax benefit treatment pursuant to Section 125 of the Internal Revenue Code of 1986, with 5,500 or more state employees currently enrolled may be included by the Department of Administration in the supplemental insurance benefit plan established by the department without participating in a request for proposal, submitting bids, negotiating contracts, or negotiating a specially designed benefit package.*

Amendment 2—In title, on page 1, line 8, after the semicolon (;) insert: *providing that certain insurance providers may be included in the supplemental insurance benefit plan without participating in a request for proposal, submitting bids, or negotiating contracts or a specially designed benefit package;*

CS for HB 2399

Senator Diaz-Balart moved the following amendments which were adopted:

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

Section 1. Legislative findings.—The Legislature finds that Florida's economy is highly dependent upon the influx of tourists from other states and nations and recognizes tourism as the state's number one industry. The Legislature also finds that tourism and related industries contribute greatly to the state's revenue base, providing a substantial portion of sales tax receipts. This industry contributes to the wealth of the state and to the strength and stability of the broader hospitality component of the economy, of which it is a part, without excessive depletion or deterioration of the state's natural resources and provides increased opportunity for economic development in Florida. The Legislature further finds that:

(1) The continued growth of the tourism industry would be advantageous to the economy of Florida and to the quality of life of Florida residents.

(2) The attention of resident, domestic, and international tourists needs to be focused on the natural, historical, cultural, and leisure attributes of the state.

(3) The private tourism industry sector in Florida has developed a sophisticated promotion and marketing plan for its own interests.

(4) The establishment of a mechanism for utilizing the expertise of private industry representatives, experienced in the area of tourism promotion, would improve Florida's overall tourism promotion efforts.

(5) There is a need to establish a public/private partnership to provide policy direction to and technical expertise in the promotion and marketing of the state's tourism attributes.

(6) Representation in such a partnership should reflect contributions made by the various sectors of the tourism industry to the economy of Florida.

(7) The public/private partnership should be accountable to the Legislature and to the people of the state through reports, open meetings, and public records laws, when appropriate.

(8) Tourism promotion and marketing policies developed for the state should encompass the goal of increased employment for state citizens.

Section 2. Florida Tourism Commission; creation; intent; membership.—

(1) There is created the Florida Tourism Commission, assigned to the Department of Commerce for administrative purposes, to develop a strategic state plan for an effective, cost-efficient program of overall state tourism promotion.

(2)(a) The commission shall consist of the Secretary of Commerce; five members, including a member of the Senate, appointed by the President of the Senate; five members, including a member of the House of Representatives, appointed by the Speaker of the House of Representatives; and seven members to be appointed by the Governor.

(b) When making appointments to the commission, the appointing officials shall appoint persons who are recognized tourism leaders, including, but not limited to, representatives of tourist development councils, convention and visitor bureaus, associations, and chairmen of the board, presidents, chief executive officers, chief operating officers, or persons of comparable executive level or influence, of leading or otherwise important tourism industries. In addition, members shall be appointed in such a manner as to equitably represent all geographic areas of the state. The importance of minority representation shall be considered when making appointments to the commission and to any advisory committee appointed by the commission.

(c) The members of the commission shall be appointed no later than 30 days after the effective date of this act and shall serve until April 1, 1992.

(d) Members of the commission may be removed for cause by the appointing authority. Any member who, without cause, fails to attend three consecutive meetings may be removed by the appointing authority. Any vacancy on the commission shall be filled by appointment for the remainder of the unexpired term in the manner of the original appointment.

(e) The commission shall hold its first meeting no later than June 1, 1991. The commission shall elect a chairman and a vice chairman from among its members. A quorum of the commission shall consist of a majority of the members. The commission shall meet at the request of the chairman or of a majority of the members. All actions of the commission shall be by majority vote of the members present.

(f) The commission may from time to time appoint ad hoc committees, which may include members from outside the commission, to study special problems or issues and advise the commission of those subjects.

(g) The Department of Commerce shall provide such staff assistance to the commission as it shall require.

(h) The members of the commission and any ad hoc committee members appointed by the commission shall be entitled to per diem and travel expenses pursuant to section 112.061, Florida Statutes, while in the performance of their duties.

Section 3. Powers and duties.—The commission shall:

(1) Frame the parameters for and commission an extensive study to be conducted by an objective and highly qualified consultant firm of national standing, whose scope and recommendations shall include, but not be limited to, an assessment of the role of the state in the promotion of tourism and the maintenance of a strong tourism economy. The assessment must:

(a) Measure the continuing need for generic state promotion and advertising efforts.

(b) Measure the effectiveness of generic promotions and advertising efforts, including, but not limited to, generic state promotions and advertising efforts.

(c) Measure the comparative effectiveness of regionally focused promotion of specific destinations and events to generic state promotion.

(d) Assess the impact of sports and sports promotion on the state economy.

(e) Assess the financial impact of coordinating involvement of film location promotion with overall state presence promotion.

(f) Identify the most equitable plan for funding of state tourism promotion and related activities.

(g) Assess the optimal form of organizational structure needed to implement the most effective tourism promotion efforts.

(h) Assess the feasibility of emphasizing cooperative promotional efforts by the state in conjunction with private enterprise.

(i) Determine the feasibility of encouraging local, private, and governmental tourism promotion efforts through technical assistance programs and matching funds programs.

(j) Assess the impact of minority visitors and minority hospitality industry entrepreneurs on Florida's economy and identify a strategy for increasing minority participation in Florida's tourism economy.

(k) Address any additional issues the commission may deem necessary to perform the duties prescribed by this act.

(2) Receive results of the study outlined in subsection (1) by October 1, 1991, and hold public hearings to expose study results to and seek input from the tourism interests of Florida in areas throughout the state.

(3) In the performance of its duties, seek input, research information, or statistical data from the Division of Tourism and other offices of the Department of Commerce, the Taxation and Budget Reform Commission, the Florida International Affairs Commission, the Governor's Commission for Government by the People, and other related public and private entities.

(4) To the extent possible, utilize the experience and expertise of the hospitality community in its deliberations and the formulation of recommendations.

(5) Make and enter into contracts and assume such other functions as are necessary to carry out the provisions of this act that are not inconsistent with this or other laws. The policies of the commission shall provide that:

(a) The identity of those who provide data or other information as responses to a research project undertaken or contracted by the commission in performance of its duties shall be confidential, shall not be published or open to public inspection, and shall be exempt from the provisions of section 119.07(1), Florida Statutes. This exemption shall be subject to the Open Government Sunset Review Act in accordance with section 119.14, Florida Statutes. This confidentiality shall not apply to any data or information gathered.

(b) The following information, when obtained pursuant to a research project, shall also be confidential, shall not be published or open to public inspection, and shall be exempt from the provisions of section 119.07(1), Florida Statutes:

1. A "trade secret" as defined in section 812.081, Florida Statutes.

2. "Trade secrets and commercial or financial information obtained as confidential" as defined and interpreted under 5 U.S.C. s. 552(b)(4), or any amendments thereto.

This exemption shall be subject to the Open Government Sunset Review Act in accordance with section 119.14, Florida Statutes.

(c) Any person who violates such provisions commits a misdemeanor of the first degree, punishable as provided in section 775.082, Florida Statutes, or section 775.083, Florida Statutes.

(6) Accept any grant, payment, or gift of funds, property, or research resources made by the United States of any department or agency thereof or by any individual, firm, corporation, municipality, county, or organization for any or all of the purposes specified in this act, and expend such funds or utilize information in accordance with the terms and conditions of any such grant, payment, or gift.

(7) Submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both the Senate and House of Representatives, by December 1, 1991, a report out-

lining the appropriate role of the state in promoting tourism. The report must also recommend a strategic policy for promoting tourism in Florida, a 3-year to 5-year marketing plan for accomplishing this policy, and the level of funding necessary and an organizational structure for implementation of the recommendations.

(8) Submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both the Senate and House of Representatives, a plan by December 1, 1991, to fund the promotional, marketing, and organizational operations the commission has proposed, which may be derived from:

(a) Fees assessed on specified transactions relating to the tourism industry, either as an additional surcharge on such transactions, at a level to be set by the commission; or

(b) Any other funding formula, which would provide a perpetual source of revenue dedicated to the promotion of tourism and the funding of a 3-year to 5-year marketing plan.

(9) Develop and submit to the Legislature, no later than December 1, 1991, any suggested statutory language required to implement the commission's recommendations.

(10) Unless reenacted by the Legislature, expire on April 1, 1992, at which time this act is repealed.

Section 4. Section 288.123, Florida Statutes, as amended by section 1 of chapter 90-64, Laws of Florida, and section 113 of chapter 90-201, Laws of Florida, and as reenacted by section 54 of chapter 91-5, Laws of Florida, is repealed.

Section 5. Paragraph (b) of subsection (1) of section 288.803, Florida Statutes, 1990 Supplement, as reenacted by section 3 of chapter 91-5, Laws of Florida, is amended to read:

288.803 Florida International Affairs Commission.—

(1)

(b) The commission shall consist of the Governor, who shall serve as chairman; the Secretary of State; the Commissioner of Education; the Comptroller; the Commissioner of Agriculture; the Secretary of Commerce; the Chancellor of the State University System; the executive director of the State Community College System; a member of the House of Representatives who shall serve ex officio nonvoting, and be appointed by the Speaker of the House of Representatives and serve at his pleasure; a member of the Senate who shall serve ex officio nonvoting, and be appointed by the President of the Senate and serve at his pleasure; and members to be appointed by the Governor, subject to confirmation by the Senate, consisting of the following:

1. Two representatives of a world trade council, world trade center, chamber of commerce, the Florida Council of International Development, or other organization which is actively and substantially engaged in the promotion of international trade and commerce in Florida.

2. A person experienced in the international trade and tourism aspects of Florida's deepwater ports, chosen from a list of three names submitted to the Governor by the Florida Ports Council.

3. A person experienced in the operation of Florida international airports.

4. A representative of the Florida International Trade and Investment Council.

5. A representative of the Florida ~~International Tourism Commission Advisory Council~~.

6. A representative of a statewide business promotion organization such as the Florida Chamber of Commerce or the Florida Economic Development Council, who has had significant experience in the promotion of international trade or investment.

7. A person with extensive experience in foreign language instruction or international education.

8. A person experienced in international law or international governmental relations.

9. A person experienced in international banking and financial services at a major banking institution in Florida which is actively engaged in the financing of international business transactions.

10. A representative of a company in Florida actively engaged in the manufacture of products in Florida for sale in foreign markets.

11. A representative of a major company in Florida actively engaged in the promotion of international tourism in Florida.

12. A member of the Florida Citrus Commission experienced in the exportation of citrus products who owns, operates, or is employed by a major company in Florida actively engaged in the exportation of citrus products from Florida to international markets.

13. A representative of a major multinational company with offices in Florida.

14. Two members possessing special competence in matters determined by the Governor to be of particular international concern, including, but not limited to, drug interdiction, law enforcement, immigration, and human rights.

To the greatest possible extent, the Governor shall appoint persons to the commission who are recognized leaders within their respective areas of expertise and who hold positions of high stature within their respective companies or business entities, such as chairman of the board, president, chief executive officer, or chief operating officer, or positions of comparable importance or prestige. The importance of minority representation shall be considered when making appointments to the commission and to any advisory council created thereunder. In order to ensure that the commission maintains a statewide perspective, membership of the commission shall include at least one person from each of the following regions: Region 1, composed of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties; Region 2, composed of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee, Taylor, and Union Counties; Region 3, composed of Brevard, Indian River, Lake, Okeechobee, Orange, Osceola, Polk, St. Lucie, Seminole, Sumter, and Volusia Counties; Region 4, composed of Citrus, Hernando, Hillsborough, Pasco, and Pinellas Counties; Region 5, composed of Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, and Sarasota Counties; and Region 6, composed of Broward, Dade, Martin, Monroe, and Palm Beach Counties.

Section 6. Section 288.812, Florida Statutes, 1990 Supplement, as reenacted by section 12 of chapter 91-5, Laws of Florida, is amended to read:

288.812 Florida ~~International Tourism Commission Advisory Council~~; duties.—The Florida ~~International Tourism Commission, Advisory Council~~, within the ~~Tourism Advisory Council~~ located within the Department of Commerce, shall advise the *Florida International Affairs Commission* on matters relating to international tourism promotion until such time as the commission shall have an advisory body with responsibility for examining international tourism.

Section 7. (1) The Department of Commerce, pursuant to its authority to establish and operate foreign offices under section 288.012, Florida Statutes, shall establish a pilot office in the World Trade Center in Taipei, Taiwan, for the purpose of promoting the development of tourism and the economic development of Florida.

(2) The department shall actively encourage and solicit the support and participation of private-sector businesses and public organizations interested in promoting their products and services in Taiwan to form a public/private partnership through the pilot office. The businesses may include, but are not limited to, manufacturers, exporters, service companies, economic development agencies, ports, airports, tourist development councils, and attractions. In order to provide office space, exhibition space, staff support, and other services, the department may raise revenues from voluntary private or public sources to carry out the provisions of this section. The department may also develop a fee schedule for its use in working in conjunction with the private and public sectors to provide such services.

(3) The department shall adopt rules to carry out the provisions of this section.

Section 8. The Department of State, until such time as it has transferred such function to the Florida International Affairs Commission, pursuant to section 31 of chapter 91-5, Laws of Florida, and thereafter the Florida International Affairs Commission, shall establish and maintain a sister state affiliation between this state and Taiwan pursuant to section 15.185, Florida Statutes, for the purposes of furthering the goals and purposes of this section and section 7 of this act.

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

Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to economic development; providing legislative findings; creating the Florida Tourism Commission within the Department of Commerce; providing for the appointment of commission members, terms, and meetings; providing for staff; authorizing the commission to appoint advisory committees; authorizing reimbursement for per diem expenses; providing duties of the commission, including contracting for a study of tourism in the state; providing for confidentiality of certain identities; providing a penalty; providing for a report; providing for expiration of the commission; repealing s. 288.123, F.S., relating to the Tourism Advisory Council; amending s. 288.803, F.S.; revising the membership of the Florida International Affairs Commission; amending s. 288.812, F.S.; providing an additional duty of the Florida Tourism Commission; providing for the Department of Commerce to establish a foreign office in Taiwan; providing purposes; providing for the formation of public/private partnership to promote Florida products and services; authorizing fundraising; authorizing a fee schedule; providing rulemaking authority; requiring the formation of a sister state affiliation; providing an effective date.

WHEREAS, in 1990, the Legislature enacted the Comprehensive Economic Development Act of 1990, which called for enhancement of the state's economic development through a comprehensive strategy that includes increased tourism promotion, and

WHEREAS, the Legislature requested the Tourism Advisory Council to make recommendations to the Governor and the Legislature on the feasibility and desirability of creating, in conjunction with the Department of Commerce, a Tourism Commission to be established in 1991, and

WHEREAS, the Tourism Advisory Council, in its final report, recommended that a Florida Tourism Commission be established in 1991, but did not provide empirical data upon which it based its recommendations nor a strategic plan to provide for effective, long-term tourism promotion for the state, and

WHEREAS, tourism is an industry in this state of supreme importance and represents a major component of the state's economy, and

WHEREAS, the continued growth and vitality of the tourism industry is an important economic goal for the state, and

WHEREAS, the Legislature desires a working partnership between state government and the state tourism industry, and

WHEREAS, the Legislature also believes that a Florida Tourism Commission is needed to compose and recommend a comprehensive strategic plan for the continued development and prosperity of the state's tourism industry, NOW, THEREFORE,

ROLL CALLS ON SENATE BILLS

CS for SB 162

Yeas—35

Madam President Davis Johnson Plummer
Bankhead Diaz-Balart Kirkpatrick Souto
Beard Dudley Kiser Thomas
Brown Forman Kurth Thurman
Bruner Gardner Langley Weinstein
Childers Grant Malchon Weinstock
Crenshaw Grizzle McKay Wexler
Crotty Jenne Meek Yancey
Dantzler Jennings Myers

Nays—None

Vote after roll call:

Yea—Girardeau, Gordon, Scott

SB 358

Yeas—40

Madam President Brown Childers Dantzler
Bankhead Bruner Crenshaw Davis
Beard Casas Crotty Diaz-Balart

Dudley Jenne Malchon Thomas
Forman Jennings McKay Thurman
Gardner Johnson Meek Walker
Girardeau Kirkpatrick Myers Weinstein
Gordon Kiser Plummer Weinstock
Grant Kurth Scott Wexler
Grizzle Langley Souto Yancey

Nays—None

SB 358—After Reconsideration

Yeas—39

Madam President Davis Jennings Scott
Bankhead Diaz-Balart Johnson Souto
Beard Dudley Kirkpatrick Thomas
Brown Forman Kiser Thurman
Bruner Gardner Kurth Walker
Casas Girardeau Langley Weinstein
Childers Gordon Malchon Weinstock
Crenshaw Grant Meek Wexler
Crotty Grizzle Myers Yancey
Dantzler Jenne Plummer

Nays—None

CS for SB 464

Yeas—34

Bankhead Diaz-Balart Johnson Souto
Beard Dudley Kirkpatrick Thurman
Brown Forman Kiser Walker
Bruner Gardner Kurth Weinstein
Casas Gordon Langley Weinstock
Childers Grant Malchon Wexler
Crenshaw Grizzle Meek Yancey
Crotty Jenne Myers
Dantzler Jennings Scott

Nays—1

Plummer

Vote after roll call:

Yea—Davis

SB 578

Yeas—36

Madam President Dantzler Jennings Scott
Bankhead Davis Johnson Souto
Beard Diaz-Balart Kiser Thomas
Brown Dudley Kurth Thurman
Bruner Gardner Langley Walker
Casas Girardeau Malchon Weinstein
Childers Gordon McKay Weinstock
Crenshaw Grant Meek Wexler
Crotty Grizzle Myers Yancey

Nays—None

CS for CS for SB 640

Yeas—37

Madam President Davis Johnson Souto
Bankhead Diaz-Balart Kiser Thurman
Beard Dudley Kurth Walker
Brown Forman Langley Weinstein
Bruner Gardner Malchon Weinstock
Casas Girardeau McKay Wexler
Childers Grant Meek Yancey
Crenshaw Grizzle Myers
Crotty Jenne Plummer
Dantzler Jennings Scott

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Thomas

CS for CS for SB 740

Yeas—36

Madam President	Dantzler	Jenne	Meek
Bankhead	Davis	Jennings	Myers
Beard	Diaz-Balart	Johnson	Plummer
Brown	Dudley	Kirkpatrick	Souto
Bruner	Forman	Kiser	Thomas
Casas	Gardner	Kurth	Thurman
Childers	Girardeau	Langley	Walker
Crenshaw	Gordon	Malchon	Weinstein
Crotty	Grizzle	McKay	Yancey

Nays—None

Vote after roll call:

Yea—Weinstock, Wexler

CS for SB 764

Yeas—38

Madam President	Diaz-Balart	Johnson	Souto
Bankhead	Dudley	Kirkpatrick	Thomas
Beard	Forman	Kiser	Thurman
Brown	Gardner	Kurth	Walker
Bruner	Girardeau	Langley	Weinstein
Casas	Gordon	Malchon	Weinstock
Childers	Grant	McKay	Wexler
Crenshaw	Grizzle	Meek	Yancey
Crotty	Jenne	Myers	
Davis	Jennings	Plummer	

Nays—None

CS for SB 970

Yeas—38

Madam President	Davis	Johnson	Souto
Bankhead	Diaz-Balart	Kirkpatrick	Thomas
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Walker
Bruner	Gardner	Langley	Weinstein
Casas	Gordon	Malchon	Weinstock
Childers	Grant	McKay	Wexler
Crenshaw	Grizzle	Meek	Yancey
Crotty	Jenne	Myers	
Dantzler	Jennings	Scott	

Nays—None

SB 1038

Yeas—37

Madam President	Davis	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Kurth	Thurman
Bruner	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Childers	Gordon	McKay	Yancey
Crenshaw	Grant	Meek	
Crotty	Grizzle	Myers	
Dantzler	Jenne	Plummer	

Nays—None

Vote after roll call:

Yea—Weinstock

CS for SB 1084

Yeas—35

Madam President	Bruner	Dantzler	Forman
Bankhead	Casas	Davis	Girardeau
Beard	Crenshaw	Diaz-Balart	Gordon
Brown	Crotty	Dudley	Grant

Grizzle	Kiser	Meek	Weinstein
Jenne	Kurth	Myers	Weinstock
Jennings	Langley	Plummer	Wexler
Johnson	Malchon	Scott	Yancey
Kirkpatrick	McKay	Souto	

Nays—None

Vote after roll call:

Yea—Childers, Thomas, Thurman

SB 1644

Yeas—37

Madam President	Davis	Johnson	Souto
Bankhead	Diaz-Balart	Kirkpatrick	Thurman
Beard	Dudley	Kiser	Walker
Brown	Forman	Kurth	Weinstein
Bruner	Gardner	Langley	Weinstock
Casas	Gordon	Malchon	Wexler
Childers	Grant	Meek	Yancey
Crenshaw	Grizzle	Myers	
Crotty	Jenne	Plummer	
Dantzler	Jennings	Scott	

Nays—None

Vote after roll call:

Yea—Thomas

SB 1780

Yeas—38

Madam President	Davis	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kirkpatrick	Thomas
Brown	Forman	Kiser	Thurman
Bruner	Gardner	Kurth	Walker
Casas	Girardeau	Langley	Weinstein
Childers	Gordon	Malchon	Weinstock
Crenshaw	Grant	Meek	Yancey
Crotty	Grizzle	Myers	
Dantzler	Jenne	Plummer	

Nays—None

SB 1902

Yeas—39

Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey
Davis	Jennings	Plummer	

Nays—None

SB 1926

Yeas—39

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kirkpatrick	Thomas
Brown	Forman	Kiser	Thurman
Bruner	Gardner	Kurth	Walker
Casas	Girardeau	Langley	Weinstein
Childers	Gordon	Malchon	Weinstock
Crenshaw	Grant	McKay	Wexler
Crotty	Grizzle	Meek	Yancey
Dantzler	Jenne	Myers	

Nays—None

CS for CS for SB 2242

Yeas—36

Madam President	Diaz-Balart	Johnson	Scott
Bankhead	Dudley	Kirkpatrick	Souto
Beard	Forman	Kiser	Thomas
Brown	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Crenshaw	Gordon	Malchon	Weinstein
Crotty	Grant	McKay	Weinstock
Dantzler	Grizzle	Meek	Wexler
Davis	Jennings	Myers	Yancey

Nays—2

Bruner Plummer

Vote after roll call:

Yea—Jenne

CS for CS for CS for SB 2306

Yeas—36

Madam President	Diaz-Balart	Jennings	Myers
Bankhead	Dudley	Johnson	Plummer
Beard	Forman	Kirkpatrick	Scott
Brown	Gardner	Kiser	Souto
Casas	Girardeau	Kurth	Thomas
Crenshaw	Gordon	Langley	Thurman
Crotty	Grant	Malchon	Walker
Dantzler	Grizzle	McKay	Weinstein
Davis	Jenne	Meek	Yancey

Nays—None

Vote after roll call:

Yea—Bruner, Childers

ROLL CALLS ON HOUSE BILLS

HB 565

Yeas—35

Madam President	Dantzler	Grizzle	Myers
Bankhead	Davis	Jennings	Plummer
Beard	Diaz-Balart	Johnson	Souto
Brown	Dudley	Kirkpatrick	Thomas
Bruner	Forman	Kiser	Thurman
Casas	Gardner	Kurth	Walker
Childers	Girardeau	Langley	Weinstein
Crenshaw	Gordon	Malchon	Yancey
Crotty	Grant	McKay	

Nays—None

Vote after roll call:

Yea—Weinstock

HB 573

Yeas—34

Madam President	Diaz-Balart	Kirkpatrick	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Kurth	Thurman
Bruner	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Childers	Gordon	McKay	Weinstock
Crenshaw	Grizzle	Meek	Yancey
Crotty	Jennings	Myers	
Dantzler	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Davis, Grant

CS for HB 637

Yeas—36

Bankhead	Davis	Jennings	Myers
Beard	Diaz-Balart	Johnson	Plummer
Brown	Dudley	Kirkpatrick	Souto
Bruner	Forman	Kiser	Thomas
Casas	Gardner	Kurth	Thurman
Childers	Girardeau	Langley	Walker
Crenshaw	Gordon	Malchon	Weinstein
Crotty	Grant	McKay	Weinstock
Dantzler	Grizzle	Meek	Yancey

Nays—None

CS for HB 689

Yeas—19

Madam President	Crenshaw	Grizzle	McKay
Bankhead	Davis	Kirkpatrick	Thomas
Beard	Girardeau	Kurth	Walker
Bruner	Gordon	Langley	Weinstock
Childers	Grant	Malchon	

Nays—16

Brown	Diaz-Balart	Johnson	Thurman
Casas	Forman	Meek	Weinstein
Crotty	Gardner	Plummer	Wexler
Dantzler	Jennings	Souto	Yancey

Vote after roll call:

Yea—Dudley

HB 755

Yeas—35

Madam President	Davis	Jennings	Myers
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kirkpatrick	Thomas
Brown	Forman	Kiser	Thurman
Casas	Gardner	Kurth	Walker
Childers	Girardeau	Langley	Weinstein
Crenshaw	Gordon	Malchon	Weinstock
Crotty	Grant	McKay	Yancey
Dantzler	Grizzle	Meek	

Nays—None

Vote after roll call:

Yea—Plummer

HB 909

Yeas—38

Madam President	Davis	Johnson	Souto
Bankhead	Diaz-Balart	Kirkpatrick	Thomas
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Walker
Bruner	Gardner	Langley	Weinstein
Casas	Girardeau	Malchon	Weinstock
Childers	Gordon	McKay	Wexler
Crenshaw	Grant	Meek	Yancey
Crotty	Grizzle	Myers	
Dantzler	Jennings	Plummer	

Nays—None

HB 1043

Yeas—36

Madam President	Casas	Dudley	Grant
Bankhead	Crenshaw	Forman	Grizzle
Beard	Crotty	Gardner	Jenne
Brown	Davis	Girardeau	Jennings
Bruner	Diaz-Balart	Gordon	Johnson

Kirkpatrick	Malchon	Souto
Kiser	McKay	Thomas
Kurth	Meek	Thurman
Langley	Myers	Walker

Nays—None

Vote after roll call:

Yea—Childers, Dantzler

HB 1575

Yeas—36

Madam President	Dantzler	Jennings	Myers
Bankhead	Davis	Johnson	Plummer
Beard	Diaz-Balart	Kirkpatrick	Souto
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Yancey

Nays—1

Dudley

HB 2075—Amendment 1

Yeas—23

Bankhead	Davis	Kiser	Scott
Beard	Dudley	Kurth	Souto
Casas	Grant	Langley	Thomas
Crenshaw	Grizzle	McKay	Weinstein
Crotty	Jennings	Myers	Yancey
Dantzler	Johnson	Plummer	

Nays—14

Madam President	Diaz-Balart	Kirkpatrick	Weinstock
Brown	Forman	Malchon	Wexler
Bruner	Girardeau	Thurman	
Childers	Jenne	Walker	

Vote after roll call:

Yea to Nay—Casas, Crotty, Souto

HB 2075

Yeas—36

Madam President	Dantzler	Jennings	Plummer
Bankhead	Davis	Johnson	Scott
Beard	Diaz-Balart	Kirkpatrick	Souto
Brown	Forman	Kiser	Thomas
Bruner	Girardeau	Kurth	Thurman
Casas	Gordon	Langley	Walker
Childers	Grant	Malchon	Weinstein
Crenshaw	Grizzle	McKay	Wexler
Crotty	Jenne	Myers	Yancey

Nays—None

Vote after roll call:

Yea—Dudley, Weinstock

CS for HB 2399

Yeas—36

Bankhead	Diaz-Balart	Jennings	Plummer
Beard	Dudley	Johnson	Scott
Brown	Forman	Kirkpatrick	Souto
Casas	Gardner	Kiser	Thurman
Childers	Girardeau	Langley	Walker
Crenshaw	Gordon	Malchon	Weinstein
Crotty	Grant	McKay	Weinstock
Dantzler	Grizzle	Meek	Wexler
Davis	Jenne	Myers	Yancey

Nays—None

Vote after roll call:

Yea—Bruner, Thomas

HB 2507

Yeas—40

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey

Nays—None

ENROLLING REPORTS

Senate Bills 68 and 390 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 15, 1991.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 11 was corrected and approved.

CO-SPONSORS

Senator Bankhead—CS for SB 962; Senator Dudley—CS for SB 2054; Senator Grant—CS for SB 1316; Senator Kirkpatrick—CS for SB 674; Senator Souto—SB 64, CS for SB's 508 and 514, CS for SB 1022

RECESS

On motion by Senator Thomas, the Senate recessed at 12:00 noon to reconvene at 9:30 a.m., Wednesday, April 17, or upon call of the President.

SENATE PAGES

April 15-19

Lauren Barber, Tarpon Springs; Matthew Todd Brower, Tallahassee; Jesse H. Burd, Altamonte Springs; Leah Cook, Tallahassee; Jerome Cummings, Jr., Tallahassee; Brent Paul Edson, Tallahassee; Kelvin T. Ferrell, Tallahassee; Jacqueline E. Howden, Palm Beach Gardens; Marc V. Lathan, Palm Coast; Alicia McElroy, Jacksonville; Kimberly Jane Pilla, Jupiter; Matt Rheingans, Venice; James Joseph Therrell, Jr., Apopka; Zelena Thomas, Tallahassee; Elizabeth Vanstone, Quincy; Amy Lucile Varnes, Cross City; Dwanna DiShon Wanton, Tallahassee; Jonathan Whittle, Lake Park