



Journal of the Senate

Number 22

Monday, April 29, 1991

CALL TO ORDER

The Senate was called to order by the President at 2:00 p.m. A quorum present—37:

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

Excused: Senator Grant until 2:30 p.m.

PRAYER

The following prayer was offered by the Rev. Donnie Holley, Pastor, Morningside Baptist Church, Tallahassee:

"For this reason, I bow my knees before the Father, from whom every family in heaven and on earth derives its name, that he would grant you, according to the riches of his glory, to be strengthened with power through his spirit in the inner person." (Ephesians 3:14-16)

I want to thank you, Father, for the dedicated service of these men and women to our wonderful state. I know that there are family members at home who have had to sacrifice so that these could give their attention to the matters of state. Father, would you please bless and encourage them. And, Father, I pray that these legislators would be thankful for their families. Help them to be loving, kind and understanding. May they first give themselves to the building of their families. May they live lives before their families that would speak louder than any debate and last longer than any vote cast in these halls.

And now, Father, be glorified in all that we do. May we, "With good will render service, as to the Lord, and not to men, knowing that whatever good thing each one does, this he will receive back from the Lord. . ." (Ephesians 6:7-8) For we pray these things, with faith believing. Amen.

PLEDGE

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

CONSIDERATION OF RESOLUTIONS

On motion by Senator Bankhead, by two-thirds vote **SR 1596** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Bankhead—

SR 1596— A resolution commemorating Lieutenant Duane E. Stenbak, Lieutenant Craig E. Lerner, Lieutenant Paul E. Perl, and Aviation Electronics Technician First Class Matthew H. Baker of the United States Coast Guard.

WHEREAS, Lieutenant Duane E. Stenbak, Lieutenant Craig E. Lerner, Lieutenant Paul E. Perl, and Aviation Electronics Technician First Class Matthew H. Baker of the United States Coast Guard gave their lives in an aircraft crash on August 24, 1990, in the war on drugs, and

WHEREAS, these four men were members of a special drug surveillance unit of the United States Coast Guard stationed in St. Augustine whose E-2C Hawkeye aircraft crashed as it landed in Roosevelt Roads, Puerto Rico, and

WHEREAS, the drug trafficking surveillance unit patrolled Florida and the Caribbean region in search of drug smugglers, and

WHEREAS, these men will be greatly missed by their compatriots in the Coast Guard, by their families, and by the community of St. Augustine, NOW, THEREFORE,

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

That the Senate hereby expresses its heartfelt sorrow for the passage of Lieutenant Duane E. Stenbak, Lieutenant Craig E. Lerner, Lieutenant Paul E. Perl, and Aviation Electronics Technician First Class Matthew H. Baker in the performance of their duties with the United States Coast Guard.

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

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

By Senator Thomas—

SR 2500—A resolution recognizing Jason Warren, a third-year student at the University of Florida College of Medicine and a recipient of the National Medical Association Merit Award for Outstanding Academic Achievement.

WHEREAS, Jason Warren is one of four people selected nationwide to receive the National Medical Association Merit Award for Outstanding Academic Achievement in recognition of his contributions to his school and community, and

WHEREAS, Jason Warren is one of 13 children, a native of Mount Pleasant, a graduate of a Quincy high school, a former biology student at Florida State University, and a graduate of the Junior Honors Program at the University of Florida, and

WHEREAS, Jason Warren became a counselor with the University Experience Program, a Black Peer Facilitator, and established the Mentorship Program, which matches undergraduates with medical, dental, and veterinary medicine students, and

WHEREAS, Jason Warren is a member of the Golden Key National Honor Society, and a recipient of the Dean's Scholarship and the Baxter Foundation scholarship, NOW, THEREFORE,

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

That the Florida Senate recognizes the many scholastic and personal accomplishments of Jason Warren, recipient of the National Medical Association Merit Award for Outstanding Achievement.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Jason Warren as a tangible token of the respect and esteem of the members of the Florida Senate.

On motion by Senator Thomas, **SR 2500** was read by title and was read the second time in full and adopted.

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

By Senator Langley—

SR 2502—A resolution recognizing the week of May 12-May 18, as Teachers' Appreciation Week.

WHEREAS, the Florida District of Kiwanis, consisting of 342 Clubs and 15,917 members including 30 Divisions and including organizations in its family such as Circle K (college youth), Key Club and Keyettes (high school youth), and Builders Club (middle school), has long been a champion of education, and

WHEREAS, the international service club founded in 1915 has continually lived up to its motto of "We build," and its current theme directs its members to take "time to care," and

WHEREAS, the Florida District of Kiwanis Community Service Committee has spearheaded a campaign to honor Florida's elementary and secondary school teachers by presenting on Friday, May 17th, "an apple to teacher" stamped with the Kiwanis emblem and proclaiming that "Kiwanis loves and appreciates our teachers," NOW, THEREFORE,

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

That the Florida Senate does hereby join the Florida District of Kiwanis in recognizing the week of May 12-May 18, 1991, as "Teachers Appreciation Week."

BE IT FURTHER RESOLVED that the Senate extends its invitation to Governor Lawton Chiles and Commissioner of Education Betty Castor to join the Senate in saluting members of Florida's Kiwanis family for their recognition of teachers whose task it is to sharpen and polish the potential of tomorrow's citizens.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Kiwanis Governor Stan L. Storey of Jacksonville as a tangible token of the sentiments of the Florida Senate.

On motion by Senator Langley, **SR 2502** was read by title and was read the second time in full and adopted.

SPECIAL ORDER

CS for SB 612—A bill to be entitled An act relating to community colleges; amending s. 240.359, F.S.; revising the formula for determining the annual apportionment of state funds to community colleges; providing an effective date.

—was read the second time by title.

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

On motion by Senator Meek, by two-thirds vote **CS for SB 612** 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

SB 800—A bill to be entitled An act relating to disability leave; creating s. 321.061, F.S.; providing that certain law enforcement officers who sustain a work-related disability shall be carried on full-pay status under certain circumstances; providing a definition; providing an effective date.

—was read the second time by title.

Senator Crotty moved **Amendment 1**.

Senators Dudley and Crotty offered **Amendment 1A** which was moved by Senator Dudley and adopted.

Senator Girardeau offered **Amendment 1B** which was moved by Senator Crotty and failed.

Amendment 1 as amended was adopted.

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

On motion by Senator Souto, by two-thirds vote **SB 800** 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 motions by Senator Dantzler, by two-thirds vote **CS for CS for CS for HB 389** was withdrawn from the Committees on Agriculture; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Dantzler—

CS for CS for CS for HB 389—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.

—a companion measure, was substituted for **CS for CS for SB 1594** and read the second time by title. On motion by Senator Dantzler, by two-thirds vote **CS for CS for CS for HB 389** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—1

Consideration of **CS for SB 1698** was deferred.

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

INTRODUCTION OF BILL

By Senator Jenne—

SB 2504—A bill to be entitled An act relating to administrative procedures; amending ss. 10, 11, 12, HB 1879, enacted in the 1991 regular session, relating to administrative procedures; changing the effective date of HB 1879; providing an effective date.

—which was read by title.

On motions by Senator Jenne, by unanimous consent **SB 2504** was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

SPECIAL ORDER, continued

CS for SB 1768—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.142, F.S.; establishing a spiny lobster trap certificate program; providing intent; requiring trap certificates and providing for transferability thereof; requiring tagging of traps; providing for fees and surcharges, including disposition thereof; providing prohibitions and penalties; providing for periodic trap reduction; providing for monitoring, evaluation, and enforcement; providing duties of the Department of Natural Resources and the Marine Fisheries Commission; establishing the Trap Certificate Technical Advisory and Appeals Board; providing for membership, terms, officers, meetings, procedures, duties, and reimbursement of specified expenses thereof; amending s. 370.14, F.S.; deferring for another year the reopening of the existing trap numbering program; increasing and providing for disposition of certain fees thereof; providing for rulemaking authority; providing for review and repeal; repealing provisions of the Florida Administrative Code which have been displaced by or are in conflict with the spiny lobster trap certificate program created by this act; providing appropriations; amending s. 370.0605, F.S.; authorizing the Department of Natural Resources to designate two "Disabled Angler Fishing Days"; providing effective dates.

—was read the second time by title.

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

Senator Plummer moved **Amendment 9**.

Senator Plummer moved **Amendment 9A**.

POINT OF ORDER

Senator Brown raised a point of order that pursuant to Rule 7.1 **Amendments 9 and 9A** were not germane to the bill.

RULING ON POINT OF ORDER

On recommendation of Senator Thomas, Chairman of the Committee on Rules and Calendar, the President ruled the point well taken. By permission **Amendments 9 and 9A** were withdrawn.

Senator Kiser moved **Amendment 10** which failed.

On motion by Senator Plummer, by two-thirds vote **CS for SB 1768** 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—1

SM 2042—A memorial to the Congress of the United States, urging Congress to pass House Resolution 3603 to allow the release of certain information concerning United States personnel listed as prisoners of war or missing in action.

WHEREAS, the United States government has records and information pertaining to United States personnel listed as prisoners of war or missing in action from World War II, the Korean Conflict, and the Vietnam Conflict, and

WHEREAS, disclosure of information related to such persons would allow the government of a nation proud of its democratic heritage to no longer keep secret from the public facts necessary to achieve long overdue introspection and final catharsis regarding World War II, the Korean Conflict, and the Vietnam Conflict, and

WHEREAS, disclosure would permit this nation to better examine its past and provide more complete and accurate facts upon which future policy can be developed, and

WHEREAS, disclosure would allow generations recalling World War II, the Korean Conflict, and the Vietnam Conflict to honor those brave Americans who suffered and may continue to suffer for the freedom that all Americans now enjoy, and

WHEREAS, disclosure would make all generations appreciate the ultimate sacrifices that Americans have made in the name of democracy and would teach these generations that Americans place a higher value on the freedom for all than they place on their own lives, and

WHEREAS, disclosure might also benefit surviving prisoners of war by compelling their captors to set them free, and

WHEREAS, House Resolution 3603 accomplishes disclosure and the goals stated herein while protecting national security by safeguarding information concerning sources and protecting the privacy of affected families, NOW, THEREFORE,

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

That the Congress of the United States is requested to pass House Resolution 3603.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Thurman, **SM 2042** was adopted and certified to the House. The vote on adoption was:

Yeas—37 Nays—None

HM 2517—A memorial to the Congress of the United States, urging Congress to pass House Resolution 1147 to allow the release of certain information concerning United States personnel listed as prisoners of war or missing in action.

—was read the second time in full. On motion by Senator Thurman, **HM 2517** was adopted and certified to the House. The vote on adoption was:

Yeas—36 Nays—None

Consideration of **CS for SB 2170** was deferred.

SB 1346—A bill to be entitled An act relating to state employee fitness-wellness; providing legislative findings and intent; creating a pilot project for establishment of state employee fitness-wellness programs; providing for appointment of a fitness-wellness coordinator and providing duties thereof; providing duties of the Department of Administration;

requiring a report to the Governor and the Legislature; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator McKay moved **Amendment 1**.

Senator Thomas moved **Substitute Amendment 2** which was adopted.

Senator McKay moved **Amendment 3** which failed. The vote was:

Yeas—16 Nays—17

Senator Langley moved **Amendment 4** which was adopted.

Senator Thomas moved **Amendment 5** which was adopted.

On motion by Senator Thomas, the Senate reconsidered the vote by which **Amendment 4** was adopted.

The question recurred on **Amendment 4** which failed.

Pending further consideration of **SB 1346** as amended, on motions by Senator Thomas, by two-thirds vote **CS for CS for HB 1057** was withdrawn from the Committees on Governmental Operations; Personnel, Retirement and Collective Bargaining; Rules and Calendar; and Appropriations.

On motion by Senator Thomas—

CS for CS for HB 1057—A bill to be entitled An act relating to state employee fitness-wellness; providing legislative findings and intent; creating a pilot project for establishment of state employee fitness-wellness programs; providing for appointment of a fitness-wellness coordinator and providing duties thereof; providing duties of the Department of Administration; requiring a report to the Governor and the Legislature; providing an effective date.

—a companion measure, was substituted for **SB 1346** and read the second time by title. On motion by Senator Thomas, by two-thirds vote **CS for CS for HB 1057** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—19 Nays—18

On motions by Senator Kirkpatrick, by two-thirds vote **CS for CS for HB 1385** was withdrawn from the Committees on Natural Resources and Conservation; and Appropriations.

On motion by Senator Kirkpatrick—

CS for CS for HB 1385—A bill to be entitled An act relating to marine turtles; amending s. 327.25, F.S.; providing for the sale of marine turtle stickers with vessel registrations, including a fee therefor and the deposit and use thereof; amending s. 370.12, F.S.; revising provisions relating to the protection of marine turtles; providing a short title; providing legislative intent; defining the term "take" for purposes of prohibition thereof, for which there are penalties; deleting an exemption for accidentally caught marine turtles; requiring a special permit or loan agreement for possession of a marine turtle or parts thereof; providing that applications for various permits and other types of approval, including coastal construction and excavation permits, shall be subject to conditions and requirements for marine turtle protection as part of the permitting or approval process; providing for permit denial under specified circumstances; providing for special consideration to beach preservation and beach nourishment projects that restore habitat for endangered marine turtle species; creating the Marine Turtle Protection Trust Fund and providing uses thereof; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1576** and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **CS for CS for HB 1385** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

CS for SB 1424—A bill to be entitled An act relating to evaluation of judicial performance; providing findings; creating a statewide commission on judicial performance; providing membership, terms, powers, and duties; providing immunities from liability; requiring the commission to conduct evaluations of justices and judges subject to retention or election; providing for narrative profiles and recommendations; providing an

opportunity to respond; providing for release to the public; providing an appropriation; providing for review and repeal; providing an effective date.

—was read the second time by title.

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

On motion by Senator Johnson, by two-thirds vote **CS for SB 1424** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31 Nays—3

On motions by Senator Jenne, by two-thirds vote **CS for HB 1719** was withdrawn from the Committees on Governmental Operations; and Rules and Calendar.

On motion by Senator Jenne—

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.

—a companion measure, was substituted for **CS for SB 2170** and read the second time by title. On motion by Senator Jenne, by two-thirds vote **CS for HB 1719** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

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

INTRODUCTION OF BILL

By Senators Grant, Langley, Gordon, Plummer, Gardner, Davis and Brown—

SB 2506—A bill to be entitled An act relating to grand juries; creating the Commission on Legal Representation of Grand Jury Witnesses; providing membership and duties of such commission; providing an effective date.

—which was read by title.

On motions by Senator Grant, by unanimous consent **SB 2506** was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SPECIAL ORDER, continued

CS for SB 856—A bill to be entitled An act relating to notaries public; providing that a notary public qualified in a profession may give advice relating to that profession; providing that a notary public may not represent that he has powers that his office does not authorize; providing that a notary public who is not an attorney may not select notarial certificates, assist in drafting or understanding a document requiring a notarial act, or represent that he has the authority to counsel on immigration matters or qualifications; providing an exception; requiring notaries public who are not attorneys and who advertise their services to provide specified notice that they are not attorneys; providing that notaries public may supervise the making of photocopies; providing an exception; providing a form for notarizing an attested copy; prescribing conditions under which notaries public may take an acknowledgment of an instrument; prescribing conditions under which notaries public may not nota-

alize a signature; amending s. 117.01, F.S.; providing that convicted felons and persons adjudicated mentally incompetent may not be appointed as notaries public; providing exceptions; increasing the application fee for appointment; prescribing information to be included in an application; requiring the Department of State to maintain an application for the term of a commission; requiring a notary public to notify the department of changes in the information included in the application; requiring applicants to submit a fingerprint card; providing that applicants are subject to background checks by the Florida Department of Law Enforcement; requiring applicants to swear the information on the application is true and that they know the responsibilities of a notary public; requiring a test; increasing the amount of the notary's bond; requiring the entity paying on a bond to notify the Governor of the payment; providing that applicants may be required to attend and complete training and educational seminars as a condition to holding a commission as a notary public; authorizing the Department of State to adopt guidelines for such seminars; authorizing the assessment of a fee to cover the costs of such seminars; creating s. 117.011, F.S.; providing grounds for denial of application for commission; creating s. 117.012, F.S.; providing grounds for suspension of a commission; requiring a performance bond; increasing the amount of the bond; amending s. 117.03, F.S.; requiring acknowledgment of identification; requiring a notary to certify specified information; amending s. 117.05, F.S.; prescribing a fee; amending s. 117.07, F.S.; prescribing method for affixing a notary seal to a document; amending s. 117.08, F.S.; prohibiting representing oneself as a notary public without being commissioned; providing a penalty; providing that a notary who falsely or fraudulently takes an acknowledgment or falsely or fraudulently makes a certificate is guilty of a third-degree felony; amending s. 117.09, F.S.; prohibiting coercing a notary public; prohibiting obtaining a commission in other than legal name; prohibiting notarizing one's own signature; providing a penalty; creating the Notary Public Trust Fund; providing that moneys in the fund are to be used to pay the costs of administering ch. 117, F.S.; providing an effective date.

—was read the second time by title.

Senator Dudley moved **Amendment 1**.

Senator Diaz-Balart moved **Amendment 1A** which was adopted.

Amendment 1 as amended was adopted.

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

On motion by Senator Dudley, by two-thirds vote **CS for SB 856** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33 Nays—4

CS for SB 1776—A bill to be entitled An act relating to workers' compensation; reenacting and amending s. 440.13(1)(e),(2), F.S., notwithstanding the scheduled repeal of exemptions from the public records law pursuant to the Open Government Sunset Review Act; providing definitions; providing authorization for using formulary drugs; providing for application; exempting medical bills and records that are filed with the Division of Workers' Compensation of the Department of Labor and Employment Security from public inspection requirements; providing for future legislative review of the exemption under the Open Government Sunset Review Act; amending s. 455.241, F.S.; conforming a cross-reference to changes made by the act; prohibiting discrimination; providing an effective date.

—was read the second time by title.

Senator Gordon moved **Amendment 1**.

POINT OF ORDER

Senator Langley raised a point of order that pursuant to Rule 7.1, the amendment was not germane to the bill.

Further consideration of **CS for SB 1776** with pending **Amendment 1** was deferred.

Consideration of **CS for SB 1124**, **CS for CS for SB 1820** and **CS for SB 1022** was deferred.

RECONSIDERATION

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

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.

—passed this day.

Senator Jenne moved **Amendments 1 and 2** which were adopted by two-thirds vote.

On motion by Senator Jenne, by two-thirds vote **CS for HB 1719** as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motions by Senator Jenne, by two-thirds vote **CS for CS for HB 2029** was withdrawn from the Committees on Community Affairs; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Jenne—

CS for CS for HB 2029—A bill to be entitled An act relating to special districts; amending s. 75.05, F.S.; specifying that validation of bonds of community development districts under chapter 75, F.S., is mandatory, except in refunding issues; amending s. 190.003, F.S.; revising definitions under the Uniform Community Development District Act of 1980; amending s. 190.006, F.S.; revising provisions relating to election of members of the district board of supervisors; providing for supervisors' oath of office; revising compensation of supervisors; amending s. 190.011, F.S.; revising the powers of the board; amending s. 190.013, F.S., relating to assessments levied for water management and control plans, to conform; amending s. 190.016, F.S.; revising bond resolution requirements; providing for construction regarding use of bond proceeds; amending s. 190.021, F.S.; authorizing such boards to levy benefit special assessments and maintenance special assessments for district facilities and projects; providing requirements with respect thereto; providing for collection and enforcement; providing for effect on existing taxes and assessments; amending s. 190.022, F.S.; revising provisions relating to the levy of special assessments and the use thereof; amending s. 190.033, F.S.; revising provisions relating to bid requirements for district contracts; providing for application of the Consultants' Competitive Negotiation Act; providing requirements for contracts for maintenance and other services; amending s. 190.035, F.S.; revising provisions relating to adoption of rates and fees for district facilities and services; amending s. 190.046, F.S.; providing procedures for contraction or expansion of a district; providing petition requirements; providing duties of counties, municipalities, district boards, and the Florida Land and Water Adjudicatory Commission; providing for filing fees; providing limitations on use of such procedures; amending s. 388.021, F.S.; specifying requirements for creation of mosquito control districts; amending s. 388.141, F.S.; providing criteria for board member compensation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1698** and read the second time by title. On motion by Senator Jenne, by two-thirds vote **CS for CS for HB 2029** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—1

RECONSIDERATION

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

SB 800—A bill to be entitled An act relating to disability leave; creating s. 321.061, F.S.; providing that certain law enforcement officers who

sustain a work-related disability shall be carried on full-pay status under certain circumstances; providing a definition; providing an effective date.

—passed as amended this day.

On motion by Senator Crotty, by two-thirds vote the Senate reconsidered the vote by which **SB 800** was read the third time.

On motion by Senator Crotty, the Senate reconsidered the vote by which **Amendment 1** was adopted.

Senator Crotty moved **Amendment 1C** which was adopted.

Amendment 1 as amended was adopted.

On motion by Senator Crotty, by two-thirds vote **SB 800** 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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, April 29, 1991: **CS for SB 612, SB 800, CS for CS for SB 1594, CS for SB 1698, CS for SB 1768, SB 2042, HB 2517, CS for SB 2170, SB 1346, CS for CS for SB 1576, CS for SB 1424, CS for SB 856, CS for SB 1776, CS for SB 1124, CS for CS for SB 1820, CS for SB 1022**

Respectfully submitted,
Pat Thomas, Chairman

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: **CS for SB 2114**

The bill with committee substitute attached was placed on the calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

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

CS for CS for SB 2114—A bill to be entitled An act relating to health insurance; amending s. 627.6482, F.S.; revising definitions; 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; requiring the State Comprehensive Health Association to establish a policyholder assistance program; amending s. 627.6486, F.S.; revising certain eligibility criteria for coverage under the comprehensive health insurance plan; amending s. 627.6488, F.S.; providing additional cost containment requirements; requiring the association to provide for the placement of high-risk individuals in managed care programs; revising date for submission of annual report; providing an additional reporting requirement; amending s. 627.6492, F.S.; revising the annual assessments of insurers; 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; creating s. 627.6499, F.S.; prohibiting hospitals and health care providers from taking certain actions to recoup premium costs; providing penalties; providing for future review and repeal; providing retrospective application for certain sections; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gardner, by two-thirds vote **HB 747, CS for SB 26, CS for SB 848, CS for SB 1368, SB 1612, CS for SB 1792, SB 1924, CS for SB 2016 and CS for CS for SB 2352** were withdrawn from the Committee on Appropriations.

On motion by Senator Jenne, by two-thirds vote **SB 1696** was withdrawn from the committee of reference and further consideration.

MOTIONS

On motions by Senator Thomas, by two-thirds vote **CS for SB 1140, SB 386, CS for SB's 866 and 1098, SB 1002, SB 1314, SB 1910, CS for SB 1898, CS for SB 1246, CS for SB 1426, CS for SB 2120, CS for SB 2074, HB 2473, HB 2607, CS for SB 1158 and**

CS for HB 175 were established as the Special Order Calendar for Tuesday, April 30.

Senator Gordon moved that the rules be waived and that CS for SB 370 be withdrawn from the Committees on Community Affairs and Appropriations and placed on the special order calendar. The motion failed to receive the required two-thirds vote. The vote was:

Yeas—20 Nays—18

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 578 and 1092, which he approved on April 27, 1991.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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 SB 18 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 18—A bill to be entitled An act relating to animal control; providing that a police or service dog that bites an animal or human is exempt from quarantine under certain circumstances; amending s. 828.27, F.S.; authorizing animal control officers to carry tranquilizer devices; authorizing counties and municipalities to adopt ordinances relating to animal control or cruelty that require a mandatory court appearance; providing for citations; providing a means for issuing an order to show cause for failure to pay a fine or appear in court; providing that failure to pay a fine or appear is contempt of court; providing circumstances for mandatory court appearances; providing an effective date.

House Amendment 1—On page 1, line 20, strike everything after the enacting clause and insert:

Section 1. Any dog that is owned, or the service of which is employed, by a law enforcement agency, or any dog that is used as a service dog for blind, hearing impaired, or disabled persons, and that bites another animal or human is exempt from any quarantine requirement following such bite if the dog has a current rabies vaccination that was administered by a licensed veterinarian.

Section 2. Section 828.27, Florida Statutes, is amended to read:

828.27 Local animal control or cruelty ordinances; penalty.—

(1) As used in this section, the term:

(a) "Animal" means any living dumb creature.

(b) "Animal control officer" means any person employed or appointed by a county or municipality who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in this section. An animal control officer is not authorized to bear arms or make arrests; however, such officer may carry a device to chemically subdue and tranquilize an animal, provided that such officer has successfully completed a minimum of sixteen hours of training in marksmanship, equipment handling, safety and animal care, and can demonstrate proficiency in chemical immobilization of animals in accordance with guidelines prescribed in the *Chemical Immobilization Operational Guide of the American Humane Association*.

(c) "Control" means the regulation of the possession, ownership, care, and custody of animals.

(d) "Cruelty" means any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal.

(e) "Officer" means any law enforcement officer defined in s. 943.10 or any animal control officer.

(f) "Citation" means a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance and that the county court will hear the charge. The citation *must shall* contain:

1. The date and time of issuance.
2. The name and address of the person.
3. The date and time the civil infraction was committed.
4. The facts constituting probable cause.
5. The ordinance violated.
6. The name and authority of the officer.
7. The procedure for the person to follow in order to pay the civil penalty, or to contest the citation, or to appear in court as required under subsection (5).
8. The applicable civil penalty if the person elects to contest the citation.
9. The applicable civil penalty if the person elects not to contest the citation.
10. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

11. A conspicuous statement that if the person is required to appear in court as mandated by subsection (5), he does not have the option of paying a fine in lieu of appearing in court.

(g) "Ordinance" means any ordinance relating to the control of or cruelty to animals enacted by the governing body of a county or municipality the violation of which is a civil infraction.

(2) The governing body of a county or municipality is authorized to enact ordinances relating to animal control or cruelty, which ordinances *must shall* provide:

(a) That a violation of such an ordinance is a civil infraction.

(b) A maximum civil penalty not to exceed \$500.

(c) A civil penalty of less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation.

(d) For the issuance of a citation by an officer who has probable cause to believe that a person has committed an act in violation of an ordinance.

(e) For the contesting of a citation in the county court.

(f) That, if a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required by subsection (5), the court may issue an order to show cause upon the request of the governing body of the county or municipality. This order shall require such persons to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person may be held in contempt of court.

(g)(f) Such procedures and provisions as are necessary to implement any ordinances enacted under the authority of this section.

(3)(a)1. County-employed animal control officers shall, and municipally employed animal control officers may, successfully complete a 40-hour minimum standards training course. Such course shall include, but is not limited to, training for: animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations. The course curriculum must be approved by the Florida Animal Control Association. An animal control officer who successfully completes such course shall be issued a certificate indicating that he has received a passing grade.

2. Any animal control officer who is authorized prior to January 1, 1990, by a county or municipality to issue citations is not required to complete the minimum standards training course.

(b) The governing body of a county or municipality may impose and collect a surcharge of up to \$2 upon each civil penalty imposed for violation of an ordinance relating to animal control or cruelty. The proceeds from such surcharges shall be used to pay the costs of the 40-hour minimum standards training course for animal control officers.

(4) Any person who willfully refuses to sign and accept a citation issued by an officer is ~~shall be~~ guilty of a misdemeanor of the second degree, punishable as provided in ~~by s. 775.082, or s. 775.083, or s. 775.084.~~

(5) *The governing body of a county or municipality may require mandatory court appearances for certain aggravated violations of a local ordinance resulting in the unprovoked biting, attacking, or wounding of a domestic animal; violations resulting in the destruction or loss of personal property; second or subsequent violations of local animal cruelty laws; or violations resulting in the issuance of a third or subsequent citation to a person. The citation must clearly inform the person of the mandatory court appearance. The governing body of the county or municipality shall maintain records to prove the number of citations issued to the person. Persons required to appear in court do not have the option of paying the fine instead of appearing in court.*

(6)(~~5~~) Nothing contained in this section shall prevent any county or municipality from enacting an ordinance relating to animal control or cruelty which is identical to the provisions of this chapter or any other state law, except as to penalty. However, no county or municipal ordinance relating to animal control or cruelty shall conflict with the provisions of this chapter or any other state law.

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

House Amendment 2—In title, on page 1, line 7, after the word “devices” insert: after meeting training and proficiency requirements

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

CS for CS for SB 18 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—35 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 78 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 78—A bill to be entitled An act relating to condominiums; amending s. 718.115, F.S.; revising the definition of the term “common expenses” of condominiums to exclude the cost of certain television antenna systems and cable television service; providing an effective date.

House Amendment 1—On page 1, line 11, through page 2, line 4, strike all of said lines and insert:

Section 1. Subsections (1) and (2) of section 718.115, Florida Statutes, 1990 Supplement, are amended to read:

(1)(a) Common expenses include the expenses of the operation, maintenance, repair, replacement, or protection of the common elements and association property, costs of carrying out the powers and duties of the association, and any other expense, whether or not included in the foregoing, designated as common expense by this chapter, the declaration, the documents creating the association, or the bylaws. ~~If approved by the board of administration, the cost of mangrove trimming and the cost of a master television antenna system or duly franchised cable television service obtained pursuant to a bulk contract are common expenses.~~ Common expenses also include reasonable transportation services, insurance for directors and officers, road maintenance and operation expenses, in-house communications, and security services, which are reasonably related to the general benefit of the unit owners even if such expenses do not attach to the common elements or property of the condominium. However, such common expenses must either have been services or items provided from the date the control of the board of administration of the association was transferred from the developer to the unit owners or must be services or items provided for in the condominium documents or bylaws.

(b) *If so provided in the declaration, the cost of a master antenna television system or duly franchised cable television service obtained pursuant to a bulk contract shall be deemed a common expense, and if not, such cost shall be considered common expense if it is designated as such in a written contract between the board of administration and the company providing the master television antenna system or the cable television service. The contract shall be for a term of not less than 2 years.*

1. *Any contract made by the board after the effective date hereof for a community antenna system or duly franchised cable television service may be canceled by a majority of the voting interests present at the next regular or special meeting of the association. Any member may make a motion to cancel said contract, but if no motion is made or if such motion fails to obtain the required majority at the next regular or special meeting, whichever is sooner, following the making of the contract, then such contract shall be deemed ratified for the term therein expressed.*

2. *Any such contract shall provide, and shall be deemed to provide if not expressly set forth, that any hearing impaired or legally blind unit owner who does not occupy the unit with a nonhearing impaired or sighted person may discontinue the service without incurring disconnect fees, penalties, or subsequent service charges, and as to such units, the owners shall not be required to pay any common expenses charge related to such service. If less than all members of an association share the expenses of cable television, the expense shall be shared equally by all participating unit owners. The association may use the provisions of s. 718.116 to enforce payment of the shares of such costs by the unit owners receiving cable television.*

(2) *Except as otherwise provided by this chapter, funds for the payment of common expenses shall be collected by assessments against unit owners in the proportions or percentages provided in the declaration. In a residential condominium, unit owners' shares of common expenses shall be in the same proportions as their ownership interest in the common elements.*

House Amendment 2—In title, on page 1, line 4, strike “to” and on page 1, lines 5 and 6, strike all of said lines and insert: ; providing

Senator Childers moved the following amendment which was adopted:

Senate Amendment 1 to House Amendment 1—On page 1, between lines 12 and 13, insert:

Section 1. Foreclosure Study Commission; appointment of members; duties; recommendations.—

(1) There is hereby created a Foreclosure Study Commission. The commission shall be composed of 13 members as follows:

- (a) One senator, to be appointed by the President of the Senate.
- (b) One member of the House of Representatives, to be appointed by the Speaker of the House of Representatives.
- (c) One licensed mortgage broker to be appointed by the President of the Senate.
- (d) One representative from the banking industry to be appointed by the Speaker of the House of Representative.
- (e) One representative from the savings and loan industry to be appointed by the President of the Senate.
- (f) One representative from credit unions to be appointed by the Speaker of the House of Representatives.
- (g) One lay person representing the interests of the consumer to be appointed by the Governor.
- (h) One representative from the real estate development industry to be appointed by the Governor.
- (i) One representative from the title industry to be appointed by the Governor.
- (j) One representative of the state courts system to be appointed by the Chief Justice.
- (k) One representative from The Florida Bar Business Law Section to be appointed by the President of the Florida Bar.
- (l) One representative from The Florida Bar Real Property Section to be appointed by the President of The Florida Bar.
- (m) One representative from Florida Legal Services to be appointed by the President of the Florida Bar.

The chairman shall be elected by the members at the first meeting which shall be held no later than August 15, 1991.

(2) The Commission shall:

(a) Review the existing mortgage foreclosure process to identify problems in the existing system, including problems that are particular to condominiums.

(b) Identify ways the system could operate more efficiently.

(c) Review other states' foreclosure systems to identify any ideas that may improve Florida's system.

(d) Review alternatives to the existing process, including nonjudicial foreclosures.

(3) The Executive Office of the Governor shall provide staff for the study commission.

(4) Members of the commission shall receive per diem and travel expenses pursuant to s. 112.061, Florida Statutes, while on official business of the commission.

(5) The commission shall report its findings and recommendations to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the minority leaders of the House of Representatives and the Senate on or before November 30, 1991, for the 1992 Regular Session of the Legislature.

Section 2. There is hereby appropriated from the Regulatory Trust Fund to the Foreclosure Study Commission the sum of \$25,000 for the purpose of carrying out the provisions of this act.

(Renumber subsequent sections.)

Senator Forman moved the following amendment which was adopted:

Senate Amendment 2 to House Amendment 1—On page 3, line 14, insert:

Section 2. Subsection (1) of section 718.120, Florida Statutes, is amended to read:

718.120 Separate taxation of condominium parcels; survival of declaration after tax sale; assessment of time-share estates.—

(1) Ad valorem taxes, *benefit taxes*, and special assessments by taxing authorities shall be assessed against the condominium parcels and not upon the condominium property as a whole. No ad valorem tax, *benefit tax*, or special assessment, including those made by special districts, drainage districts, or water management districts, may be separately assessed against recreational facilities or other common elements if such facilities or common elements are owned by the condominium association or are owned jointly by the owners of the condominium parcels. Each condominium parcel shall be separately assessed for ad valorem taxes and special assessments as a single parcel. The taxes and special assessments levied against each condominium parcel shall constitute a lien only upon the condominium parcel assessed and upon no other portion of the condominium property.

Senator Childers moved the following amendment which was adopted:

Senate Amendment 1 to House Amendment 2—In title, on page 1, line 2, after the semicolon (;) insert: creating the Foreclosure Study Commission; providing for membership and appointments; providing for the duties of the commission; providing for staff; providing for per diem and travel expenses; providing for a report; providing an appropriation;

Senator Forman moved the following amendment which was adopted:

Senate Amendment 2 to House Amendment 2—In title, on page 1, strike line 15 and insert: ; amending s. 718.120, F.S.; providing that certain taxes may not be assessed against certain common elements; providing

On motions by Senator Scott, the Senate concurred in the House amendments as amended and the House was requested to concur in the Senate amendments to the House amendments.

SB 78 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—3

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 892 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 892—A bill to be entitled An act relating to trade and commerce; amending s. 313.22, F.S.; providing that a vessel complying with an order to vacate or change position does so at its own expense and risk; providing that such orders may be made whether the facilities are public or private; prescribing additional reasons for which such orders may be given; providing penalties for failure to comply with such an order; amending s. 319.35, F.S.; prohibiting the possession or sale of vehicles with tampered odometers; providing notice requirements; prohibiting the operation of vehicles with tampered odometers; providing that certain vehicles are contraband subject to seizure and forfeiture proceedings; providing penalties; repealing s. 319.36, F.S., relating to transportation of vehicles to destinations outside the United States; providing an effective date.

House Amendment 1—On page 4, lines 5-31, strike all of said lines and renumber subsequent sections.

House Amendment 2—In title, on page 1, lines 2-10, strike all of said lines and insert: An act relating to vehicles; amending

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

SB 892 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

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1336 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1336—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; revising provisions which authorize the levy of an additional tax to pay debt service on bonds for the construction or renovation of a professional sports franchise facility, to provide for use of the tax for such debt service for a motorsport racing or testing facility or for construction of tourist-oriented capital facilities; amending s. 288.1162, F.S., to conform; amending s. 212.0305, F.S.; allowing an authority to invest and reinvest tax proceeds in the same manner that the municipality in which the authority is located may invest surplus funds; providing an effective date.

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

Section 1. Section 1 of chapter 67-930, Laws of Florida, is amended to read:

Section 1. All cities and towns, in counties of the state having a population of not less than three hundred thirty thousand (330,000) and not more than three hundred forty thousand (340,000) and in counties having a population of more than nine hundred thousand (900,000), according to the latest official decennial census, whose charter specifically provides now or whose charter is so amended prior to January 1, 1968, for the levy of the exact tax as herein set forth, are hereby given the right, power and authority by ordinance to impose, levy and collect a tax within their corporate limits, to be known as a municipal resort tax, upon the rent of every occupancy of a room or rooms in any hotel, motel, apartment house, rooming house, tourist or trailer camp, as the same are defined in part I, chapter 212, Florida Statutes, and upon the retail sale price of all items of food, beverages and alcoholic beverages, ~~other than beer or malt beverages~~, sold at retail for consumption on the premises of any place of business required by law to be licensed by the state hotel and restaurant commission or by the state beverage department; provided, however, this tax shall not apply to those sales the amount of which is less than fifty cents (50¢).

Section 2. Section 2 of chapter 67-930, Laws of Florida, as amended by chapter 83-363, Laws of Florida, is amended to read:

Section 2. The tax authorized by section 1 shall not exceed two percent (2%) of the rent received by the person renting such room or rooms from the person paying said rent, and of the retail sales price paid by any guest, consumer or any person on the purchase of each sale of food, beverages and alcoholic beverages, ~~other than beer or malt beverages~~, for consumption on the premises of any place of business required by law to be licensed by the state hotel and restaurant commission or by the state beverage department. However, upon approval by referendum of a charter amendment so authorizing, the tax may be levied at a rate not to exceed 4 percent on the rent of such room or rooms.

Section 3. Section 3 of chapter 67-930, Laws of Florida, is amended to read:

Section 3. The tax imposed by this act shall be collected from the person paying said rent or of said retail sales price and shall be paid by such person for the use of the city or town to the person collecting and receiving the rent or the retail sales price at the time of the payment thereof. It shall be the duty of every person renting a room or rooms, as herein provided, and of every person selling at retail for consumption on the premises, food, beverages and alcoholic beverages, ~~other than beer or malt beverages~~, as herein provided, in acting as the tax collection medium or agency of the city or town, to collect from the person paying the rent or the retail sales price, for the use of the city or town, the tax imposed and levied pursuant to this act, and to report and pay over to the city or town all such taxes imposed, levied and collected, in accordance with the accounting and other provisions of the enacted ordinance.

(Renumber subsequent sections.)

House Amendment 2—In title, on page 1, strike lines 2-5 and insert: An act relating to local option taxes; amending ss. 1, 2, and 3, ch. 67-930, Laws of Florida; revising provisions which authorize certain cities to levy a municipal resort tax, to remove an exemption for beer and malt beverages; amending s. 125.0104, F.S.; revising provisions which authorize the levy of an additional local option tourist development tax to pay debt service on bonds

House Amendment 3—On page 1, line 21, through page 2, line 18, strike all of said lines and insert:

Section 1. Paragraph (l) of subsection (3) of section 125.0104, Florida Statutes, 1990 Supplement, is amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(l) In addition to any other tax which is imposed pursuant to this section, a county may impose up to an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by majority vote of the governing board of the county for the following purposes: ~~in order~~

1. To pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility or a motorsport racing or testing facility, or construction of tourist-oriented capital facilities for sports, recreation, or cultural activities in the unincorporated areas of the county; or

2. To pay for, or to pay the debt service on bonds issued to finance, the acquisition, clearance, or disposition of property within a designated community redevelopment area as defined in s. 163.340 in a subcounty special district where the tax is levied, provided that such community redevelopment area contains tourist-related land uses. The proceeds shall not be used for the acquisition, clearance, or disposition of property in order to establish residential uses that will not be subject to the tax imposed pursuant to paragraph (a) or for any other land use which is not tourist-related. For purposes of this subparagraph, tourist-related land uses are those uses which the governing body determines will promote and support tourism, including, without limitation, hotels, motels, food and beverage establishments, retail and service uses, and public entertainment and attraction uses. If the tax authorized by this subparagraph is levied, the boundaries of the subcounty special district shall be coterminous with the boundaries of the municipality in which the community redevelopment area is located, and the tax shall only be levied upon submission of a resolution of the governing body of the municipality to the governing body of the county requesting the adoption of an ordinance imposing a tax within the municipality. Prior to the levy of the tax, the municipality shall enter into an interlocal agreement with the county pursuant to s. 163.01 providing for the imposition of the tax and the allocation of tax proceeds. The county shall assist the Department of Revenue in identifying the rental units subject to the tax, if the tax is levied in the subcounty special district. The authority to levy the tax authorized in this subparagraph shall continue in effect for no more than 30 years after the fiscal year in which the community redevelopment plan for the community redevelopment area was approved.

The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section, and the provi-

sions of paragraphs (4)(a) through (d), shall not apply to the additional taxes ~~tax~~ authorized in this paragraph. The effective date of the levy and imposition of a the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

House Amendment 4—In title, on page 1, line 11, after the semicolon (;) insert: authorizing the levy of such additional tax for the acquisition, clearance, or disposition of property in a community redevelopment area; providing requirements and limitations;

House Amendment 5—On page 2, between lines 18 and 19, insert:

Section 3. Paragraph (b) of subsection (4) of section 212.0305, Florida Statutes, 1990 Supplement, is amended to read:

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

(4) AUTHORIZATION TO LEVY; USE OF PROCEEDS; OTHER REQUIREMENTS.—

(b) Charter county levy for convention development.—

1. Each county, as defined in s. 125.011(1), may impose, pursuant to an ordinance enacted by the governing body of the county, a levy on the exercise within its boundaries of the taxable privilege of leasing or letting transient rental accommodations described in subsection (3) at the rate of 3 percent of the total consideration charged therefor. The proceeds of this levy shall be known as the charter county convention development tax.

2. All charter county convention development moneys, including any interest accrued thereon, received by a county imposing the levy shall be used as follows:

a. Two-thirds of the proceeds shall be used to extend, enlarge, and improve the largest existing publicly owned convention center in the county.

b. One-third of the proceeds shall be used to construct a new multipurpose convention/coliseum/exhibition center/stadium or the maximum components thereof as funds permit in the most populous municipality in the county.

c. After the completion of any project under sub-subparagraph a., the tax revenues and interest accrued under sub-subparagraph a. may be used to acquire, construct, extend, enlarge, remodel, repair, improve, plan for, operate, manage, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums, and may be used to acquire and construct an intercity light rail transportation system as described in the Light Rail Transit System Status Report to the Legislature dated April 1988, which shall provide a means to transport persons to and from the largest existing publicly owned convention center in the county and the hotels north of the convention center and to and from the downtown area of the most populous municipality in the county as determined by the county.

d. After completion of any project under sub-subparagraph b., the tax revenues and interest accrued under sub-subparagraph b. may be used to operate an authority created pursuant to subparagraph 4. and/or to acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums in the most populous municipality in the county as determined by the county.

e. For the purposes of completion of any project pursuant to this paragraph, tax revenues and interest accrued may be used:

(I) As collateral, pledged, or hypothecated for projects authorized by this paragraph, including bonds issued in connection therewith; or

(II) As a pledge or capital contribution in conjunction with a partnership, joint venture, or other business arrangement between a municipality and one or more business entities for projects authorized by this paragraph.

3. The governing body of each municipality in which a municipal tourist tax is levied may adopt a resolution prohibiting imposition of the

charter county convention development levy within such municipality. If the governing body adopts such a resolution, the convention development levy shall be imposed by the county in all other areas of the county except such municipality. No funds collected pursuant to this paragraph may be expended in a municipality which has adopted such a resolution.

4. Before the county enacts an ordinance imposing the levy, the county shall notify the governing body of each municipality in which projects are to be developed pursuant to sub-subparagraph 2.a. or sub-subparagraph 2.b. The governing bodies of such municipalities shall designate or appoint an authority that shall have the sole power to approve the concept, location, program, and design of the facilities or improvements to be built in accordance with this paragraph and to administer and disburse such proceeds and any other related source of revenue. The members of each such authority shall be selected from the tourism and hospitality industry that does business within such municipality and shall serve at the pleasure of the governing body of such municipality. The annual budget of such authority shall be subject to approval of the governing body of the municipality.

5. The charter county convention development levy shall be in addition to any other levy imposed pursuant to this section.

6. A certified copy of the ordinance imposing the levy shall be furnished by the county to the department within 10 days after approval of such ordinance. The effective date of imposition of the levy shall be the first day of any month at least 60 days after enactment of the ordinance.

7. Revenues collected pursuant to this paragraph shall be deposited in a convention development trust fund, which shall be established by the county as a condition precedent to receipt of such funds.

(Renumber subsequent section.)

House Amendment 6—In title, on page 1, lines 10 and 11, strike all of said lines and insert: facility; amending s.

Senator Grant moved the following amendments which were adopted:

Senate Amendment 1 to House Amendment 1—On page 3, between lines 6 and 7, insert:

Section 4. Subsection (3) of section 2 of chapter 89-168, Laws of Florida, is amended to read:

Section 2. Super Bowl XXV license plates.—

(3)(a) Proceeds of the Super Bowl XXV license plate fee collected from October 1, 1989, through December 31, 1991 ~~1990~~, shall be distributed to the Super Bowl Task Force to be used to support the Super Bowl Silver Anniversary Game.

(b) Proceeds of the Super Bowl XXV license plate fee collected on or after January 1, 1992 ~~1991~~, shall be deposited in a trust fund established within the State Treasury for use by the Department of Commerce to promote and develop professional sports and related industries.

Senate Amendment 1 to House Amendment 2—In title, on page 1, strike all of lines 12-18 and insert: An act relating to taxes; amending ss. 1, 2, and 3, ch. 67-930, Laws of Florida; revising provisions which authorize certain cities to levy a municipal resort tax, to remove an exemption for beer and malt beverages; amending s. 125.0104, F.S.; revising provisions which authorize the levy of an additional local option tourist development tax to pay debt service on bonds; amending s. 2, ch. 89-168, Laws of Florida; expanding the time period during which proceeds of Super Bowl XXV license plate fees shall be distributed to the Super Bowl Task Force for a specified purpose;

Senator Jenne moved the following amendments which were adopted:

Senate Amendment 1 to House Amendment 3—On page 3, line 17, insert:

(p)1. In addition to any other tax which is imposed pursuant to this section, any county as defined in s. 125.011(1), may impose an additional tax of 0.35 percent on the exercise of the privilege described in paragraph (a) by ordinance adopted by a majority vote of the governing body, to promote tourism by supporting culture and cultural events. Notwithstanding the provisions of paragraph (b), any tax imposed by a county pursuant to this paragraph shall be imposed on all living quarters or accommodations within its boundaries, including those municipalities presently imposing a municipal resort tax as authorized under

chapter 67-930, Laws of Florida. The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2 percent tax authorized by this section, and the provisions of paragraphs (4)(a) through (d) do not apply to the additional tax authorized in this paragraph.

2. The proceeds of any tax imposed under this paragraph shall be allocated by the county to promote tourism by the following:

a. Seventy percent shall be allocated to support culture and cultural events, including, but not limited to, visual and performing arts including theater, concerts, recitals, opera, dance, art, science and historical museums and exhibitions, historical preservation, literacy and media arts, festivals and special events, other similar cultural activities, zoos, and parks which are registered on the national register for historical places.

b. Thirty percent shall be allocated to a countywide convention and visitor bureau which, by interlocal agreement and contract with the county, has been given the primary responsibility for promoting the county and its constituent municipalities as a destination site for conventions, trade shows, and pleasure travel, to be used for purposes provided in subparagraph (5)(a)2. If the county is not or is no longer a party to such an interlocal agreement and contract with a countywide convention and visitor bureau, the county shall allocate the proceeds of such tax for the purposes described in subparagraph (5)(a)2.

c. No more than a total of 5 percent of the proceeds under this paragraph shall be allocated to zoos and historical parks described in this section.

Senate Amendment 2 to House Amendment 3—On page 1, line 15, after “amended” insert: and paragraph (p) is added to said subsection,

Senator Jennings moved the following amendments which were adopted:

Senate Amendment 3 to House Amendment 3—On page 3, line 17, insert:

(10) LOCAL ADMINISTRATION OF TAX.—

(a) A county levying a tax under the provisions of this section may be exempt from the requirements of this section that the tax collected be remitted to the Department of Revenue before being returned to the county, and that such tax be administered according to the provisions of part I of chapter 212, if the county adopts an ordinance providing for the collection and administration of the tax on a local basis.

(b) The ordinance shall include provision for, but need not be limited to:

1. Initial collection of the tax to be made in the same manner as the tax imposed under part I of chapter 212.

2. Designation of the local official to whom the tax shall be remitted, and that official's powers and duties with respect thereto. Tax revenues may be used only in accordance with the provisions of this section.

3. Requirements respecting the keeping of appropriate books, records, and accounts by those responsible for collecting and administering the tax.

4. Provision for payment of a dealer's credit as required under part I of chapter 212.

5. A portion of the tax collected may be retained by the county for costs of administration, but such portion shall not exceed 3 percent of collections.

(c) A county adopting an ordinance providing for the collection and administration of the tax on a local basis shall also adopt an ordinance electing either to assume all responsibility for auditing the records and accounts of dealers, and assessing, collecting, and enforcing payments of delinquent taxes, or to delegate such authority to the Department of Revenue. If the county elects to assume such responsibility, it may use any power granted in this section to the department to determine the amount of tax, penalties, and interest to be paid by each dealer and to enforce payment of such tax, penalties, and interest. If the county delegates such authority to the department, the department shall distribute any collec-

tions so received, less costs of administration, to the county. The amount deducted for costs of administration by the department shall be used only for those costs which are solely and directly attributable to auditing, assessing, collecting, processing, and enforcing payments of delinquent taxes authorized in this section. If a county elects to delegate such authority to the department, the department shall audit only those businesses in the county that it audits pursuant to part I of chapter 212.

(d) *The effective date of any ordinance or its repeal authorized under this subsection must be the first day of the second month following the approval or repeal of the ordinance by the governing body or the first day of any subsequent month as is specified in the ordinance. The county shall furnish a certified copy of the ordinance to the department within 10 days after its approval or repeal.*

(11) **INTEREST PAID ON DISTRIBUTIONS.—**

(a) *Interest shall be paid by the state to the county on undistributed taxes collected under this section, which shall be included along with the tax proceeds distributed to the counties and shall be paid from moneys in the General Revenue Fund. The Department of Revenue shall calculate the interest for net tax distributions using the average daily rate that is earned by the State Treasury for the preceding calendar quarter and paid to the General Revenue Fund. This rate shall be certified by the Treasurer to the department by the 20th day following the close of each quarter.*

(b) *The interest applicable to taxes collected under this section shall be calculated by multiplying the tax amounts to be distributed times the daily rate times the number of days after the 3rd working day following the date the tax is due and payable pursuant to s. 212.11 until the date the department issues a voucher to request the Comptroller to issue the payment warrant. The warrant shall be issued within 7 days after the request.*

(c) *If an over-distribution of taxes is made to the county, interest shall be paid by the county to the state on the overpaid amount beginning on the date the warrant, including the overpayment, was issued until the 3rd working day following the due date of the payment period from which the overpayment is being deducted. The interest on an overpayment shall be calculated using the average daily rate from the applicable calendar quarter and shall be deducted from moneys distributed to the county under this section.*

Section 2. Section 213.0535, Florida Statutes, is created to read:

213.0535 Registration information sharing and exchange program.—

(1) The Registration Information Sharing and Exchange Program, or "RISE" is established to be coordinated by the Department of Revenue. Each participant in the program shall share the tax administration information specified in this section on a periodic basis in the format prescribed by the department. To the fullest extent practicable the information shall be shared on a computer-processable medium.

(2) Information that is subject to sharing includes the registrant's, licensee's, or taxpayer's name, mailing address, business location, federal employer identification number or social security number, any applicable business type code, any applicable county code, and such other tax registration information as the department prescribes.

(3) Each local government that participates in the program is responsible for transmitting its shared data to participating state agencies. Each state agency participating in the program is responsible for transmitting its shared data to the other participating state agencies and to the appropriate participating local governments. Data shall be transmitted within 20 days after the close of the reporting period.

(4) There are two levels of participation:

(a) Level one participants shall exchange, monthly, the data enumerated in subsection (2) for each new registrant, new filer, or initial reporter, permittee, or licensee, with respect to the following taxes, licenses, or permits:

1. The sales and use tax imposed under chapter 212.
2. The tourist development tax imposed under s. 125.0104.
3. The local occupational license tax imposed under chapter 205.
4. The convention development tax imposed under s. 212.0305.

5. Public lodging and food service establishment licenses issued pursuant to chapter 509.

6. Beverage Law licenses issued pursuant to chapter 561.

Each unit of state and local government responsible for administering one or more of the provisions specified in subparagraphs 1.-6. is a level one participant.

(b) Level two participants shall, in addition, exchange data relating to tax payment history, audit assessments, and registration cancellations. The department shall prescribe, by rule, the data elements to be shared and the frequency of sharing; however, audit assessments shall be shared no less often than quarterly. Level two participants include the Department of Revenue and local officials responsible for collecting the tourist development tax pursuant to s. 125.0104 and the convention development tax pursuant to s. 212.0305. Information subject to sharing under this paragraph must relate only to sales and use tax, tourist development tax, and convention development tax for those dealers engaging in transient rentals.

(5) Any provisions of law imposing confidentiality upon data shared under this section, including, but not limited to, provisions imposing penalties for disclosure, applies to recipients of this data and their employees. Data exchanged under this section may not be provided to any person or entity other than those administering the tax or licensing provisions of those sections of law enumerated in subsection (4), and such data may not be used for any purpose other than for enforcing the tax or licensure provisions.

(6) In addition to data on new registrants, the information shared by level one participants in the first month of the program shall include data for all active registrants, taxpayers, licensees, or permittees under the provisions of law enumerated in paragraph (4)(a).

(Renumber subsequent sections.)

Senate Amendment 4 to House Amendment 3—On page 1, strike all of lines 14-16 and insert:

Section 1. Paragraph (1) of subsection (3) and subsection (10) of section 125.0104, Florida Statutes, 1990 Supplement, are amended, and subsection (11) is added to that section, to read:

Senator Wexler moved the following amendment which was adopted:

Senate Amendment 5 to House Amendment 3—On page 1, line 14, through page 3, line 16, strike all of said lines and insert:

Section 1. Paragraph (1) of subsection (3) and paragraphs (a) and (b) of subsection (5) of section 125.0104, Florida Statutes, 1990 Supplement, are amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) **TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—**

(1) In addition to any other tax which is imposed pursuant to this section, a county may impose up to an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by majority vote of the governing board of the county for the following purposes: ~~in order~~

1. To pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility or a motorsport racing or testing facility, or construction of tourist-oriented capital facilities for sports, recreation, or cultural activities in the unincorporated areas of the county; or-

2. To pay for, or to pay the debt service on bonds issued to finance, the acquisition, clearance, or disposition of property within a designated community redevelopment area as defined in s. 163.340 in a sub-county special district where the tax is levied, provided that such community redevelopment area contains tourist-related land uses. The proceeds shall not be used for the acquisition, clearance, or disposition of property in order to establish residential uses that will not be subject to the tax imposed pursuant to paragraph (a) or for any other land use which is not tourist-related. For purposes of this subparagraph, tourist-related land uses are those uses which the governing body determines will promote and support tourism, including, without limitation, hotels, motels, food and beverage establishments, retail and service uses, and public entertainment and attraction uses. If the tax authorized by this

subparagraph is levied, the boundaries of the subcounty special district shall be coterminous with the boundaries of the municipality in which the community redevelopment area is located, and the tax shall only be levied upon submission of a resolution of the governing body of the municipality to the governing body of the county requesting the adoption of an ordinance imposing a tax within the municipality. Prior to the levy of the tax, the municipality shall enter into an interlocal agreement with the county pursuant to s. 163.01 providing for the imposition of the tax and the allocation of tax proceeds. The county shall assist the Department of Revenue in identifying the rental units subject to the tax, if the tax is levied in the subcounty special district. The authority to levy the tax authorized in this subparagraph shall continue in effect for no more than 30 years after the fiscal year in which the community redevelopment plan for the community redevelopment area was approved.

The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section, and the provisions of paragraphs (4)(a) through (d), shall not apply to the additional taxes ~~tax~~ authorized in this paragraph. The effective date of the levy and imposition of a the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

(5) AUTHORIZED USES OF REVENUE.—

(a) All tax revenues received pursuant to this section by a county imposing the tourist development tax shall be used by that county for the following purposes only:

1. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums, or museums that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public, within the boundaries of the county or subcounty special taxing district in which the tax is levied. However, these purposes may be implemented through service contracts and leases with persons who maintain and operate adequate existing facilities;

2. To promote and advertise tourism in the State of Florida and nationally and internationally;

3. To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus as county agencies or by contract with the chambers of commerce or similar associations in the county; or

4. To finance beach improvement, maintenance, renourishment, restoration, and erosion control, including shoreline protection, enhancement, cleanup, or restoration of inland lakes and rivers to which there is public access.

(b) Tax revenues received pursuant to this section by a county of less than 500,000 population imposing a tourist development tax may only be used by that county for the following purposes in addition to those purposes allowed pursuant to paragraph (a): to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more ~~museums~~, zoological parks, fishing piers or nature centers which are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public. All population figures relating to this subsection shall be based on the most recent population estimates prepared pursuant to the provisions of s. 186.901. These population estimates shall be those in effect on July 1 of each year.

Senator Jenne moved the following amendment which was adopted:

Senate Amendment 1 to House Amendment 4—In title, on page 1, line 16, after the semicolon (;) insert: providing for the levy of an additional tax to promote tourism by supporting culture and cultural events in certain counties;

Senator Jennings moved the following amendment which was adopted:

Senate Amendment 2 to House Amendment 4—In title, on page 1, line 16, after the semicolon (;) insert: amending s. 125.0104, F.S.; specifying the date on which an ordinance that provides for collecting and administering a tourist development tax at the local level takes effect

or is repealed; requiring interest to be paid on tourist development tax proceeds that are distributed to the counties; providing for calculation of interest payments; creating s. 213.0535, F.S.; establishing the Registration Information Sharing and Exchange Program; requiring local governments and state agencies that participate in the program to share certain information pertaining to taxpayers;

Senator Wexler moved the following amendment which was adopted:

Senate Amendment 3 to House Amendment 4—In title, on page 1, line 16, after the semicolon (;) insert: allowing revenues from the tourist development tax to be used for certain museums by any county that imposes the tax, rather than by only counties with less than a specified population;

Senator Diaz-Balart moved the following amendment which was adopted:

Senate Amendment 1 to House Amendment 5—On page 2, strike all of lines 24-30 and insert: sub-subparagraph b. may be used, as determined by the county, to operate an authority created pursuant to subparagraph 4. or to acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums in the most populous municipality in the county ~~as determined by the county~~.

Senator Jenne moved the following amendments which were adopted:

Senate Amendment 2 to House Amendment 5—On page 4, between lines 15 and 16, insert:

Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Renumber subsequent sections.)

Senate Amendment 3 to House Amendment 5—On page 4, line 17, insert:

Section 4. Notwithstanding the provisions of section 212.04(2)(a)6., an organization seeking a tax exemption for the 1991-1992 tax year under that section, has until May 15, 1991, to file an application for the exemption. If this section becomes a law after May 15, 1991, it shall apply retroactively to that date.

Senate Amendment 1 to House Amendment 6—On page 1, line 16, after the semicolon (;) insert: providing for severability;

Senate Amendment 2 to House Amendment 6—In title, on page 1, line 13, after the semicolon (;) insert: extending the date for filing for a specified tax exemption;

Senate Amendment 3 to House Amendment 6—In title, on page 1, strike line 13 and insert: facility or for construction of tourist-oriented capital facilities; amending s. 212.0305, F.S.; allowing convention development tax revenues to pay operating expenses of the authority appointed to acquire and operate the facilities; amending s.

On motions by Senator Jenne, the Senate concurred in the House amendments as amended and the House was requested to concur in the Senate amendments to the House amendments.

CS for SB 1336 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1902 and requests the concurrence of the Senate.

John B. Phelps, Clerk

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.

House Amendment 1—On page 1, line 17, strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 320.04, Florida Statutes, 1990 Supplement, is amended to read:

320.04 Registration service charge.—

(1)(a) There shall be a service charge of \$2.50 for each application which is handled in connection with original issuance, duplicate issuance, or transfer of any license plate, mobile home sticker, or validation sticker or with transfer or duplicate issuance of any registration certificate.

(b) There may also be a service charge of up to \$1 for the issuance of each license plate validation sticker and mobile home sticker issued from an automated vending facility which shall be payable to and retained by the department to provide for automated vending facilities or machines used to dispense such stickers in each tax collector's or license tag agent's office.

(c) In addition, there may also be a service charge, not to exceed \$5, on any registration renewal application made over the telephone through an automated touch-tone vehicle registration service. The service charge shall be set by rule of the department and shall not be more than the actual cost of each telephone transaction incurred by the department or charged to the department by the automated touch-tone vehicle registration service contractor. The service charge shall be paid by the registrant and is in addition to all other applicable fees, including any credit card service charge imposed pursuant to s. 215.322. The service charge imposed by this subsection shall be deposited in the Motor Vehicle License Replacement Trust Fund.

(d)(b) In addition to the fees provided in paragraphs (a) and (c) ~~paragraph (a)~~, any tax collector may impose an additional service charge of not more than 50 cents on any transaction specified in paragraph (a) or (b) or on any transaction specified in s. 319.32(2)(a) or s. 327.11 (1982 Supp.) when such transaction occurs at any tax collector's branch office.

(e)(e) The service charges prescribed by paragraphs (a) through (d) ~~and (b)~~ shall be collected from the applicant as compensation for all services rendered in connection with the handling of the application. Such fees shall be retained by the department or by the tax collector, as the case may be, as other fees accruing to those offices.

Section 2. Paragraph (a) of subsection (4) of section 320.07, Florida Statutes, is amended to read:

320.07 Expiration of registration; annual renewal required; penalties.—

(4)(a) In addition to a penalty provided in subsection (3), a delinquent fee based on the following schedule of license taxes shall be imposed on any applicant who fails to renew a registration prior to the end of the month in which renewal registration is due. The delinquent fee shall be applied beginning on the 11th calendar day of the month succeeding the renewal period. The delinquent fee shall not apply to those vehicles which have not been required to be registered during the preceding registration period or as provided in s. 320.18(2). The delinquent fee shall be imposed as follows:

1. License tax of \$5 but not more than \$25: \$10 \$5 flat.
2. License tax over \$25 but not more than \$50: \$20 \$10 flat.
3. License tax over \$50 but not more than \$100: \$30 \$15 flat.
4. License tax over \$100 but not more than \$400: \$75 \$50 flat.
5. License tax over \$400 but not more than \$600: \$150 \$100 flat.
6. License tax over \$600 and up: \$300 \$250 flat.

Section 3. Section 320.0701, Florida Statutes, is created to read:

320.0701 Failure to register vehicle; delinquent fees; immobilization of unregistered vehicles; notice of violation.—

(1) The compliance examiners appointed by the department pursuant to s. 320.58 are empowered to issue a notice of violation on a form prescribed by the department to unattended motor vehicles which reasonably appear to such examiners to be required to be registered under this chapter and which are not so registered. The notice of violation shall include a summary of the provisions of this section and shall contain such other information as the department in its discretion shall determine.

(2) The owner or person in charge of any vehicle which is issued a notice of violation pursuant to this section shall, within 10 days of the date of issuance shown on the notice either duly register the vehicle as required by this chapter or provide proof satisfactory to the department that the vehicle is exempt from such registration. If the vehicle is not registered or the proof referred to herein is not provided, on or after the 11th day following the date of issuance shown on the notice, the department is authorized to immobilize the vehicle by use of an immobilization device. Upon proof of registration of the vehicle or proof satisfactory to the department that the vehicle is exempt from such registration, and upon payment of a service charge in the amount of \$50, the department shall remove the immobilization device.

(3)(a) Upon application for registration, a delinquent fee based on the following schedule of license taxes shall be imposed on any applicant whose vehicle has not been previously registered in this state and whose vehicle has been issued a notice of violation as provided for herein. The delinquent fee shall be applied beginning on the 11th calendar day following the date of issuance shown on the notice. The delinquent fee shall be waived in the event that the department is in error. The delinquent fee shall be imposed on a daily basis up to 60 days for each day beginning with the 11th calendar day following the date of issuance shown on the notice until the day on which the registration is renewed, inclusive, but not exceeding 60 days, as follows:

1. License tax of \$5 but not more than \$25: \$1 per day.
2. License tax over \$25 but not more than \$50: \$2 per day.
3. License tax over \$50 but not more than \$100: \$3 per day.
4. License tax over \$100 but not more than \$400: \$5 per day.
5. License tax over \$400 but not more than \$600: \$10 per day.
6. License tax over \$600 and up: \$25 per day.

(b) A person who has been assessed a penalty pursuant to s. 316.545(2)(b) for failure to have a valid vehicle registration certificate is not subject to the delinquent fee authorized by this subsection if such person obtains a valid registration certificate within 10 working days after such penalty was assessed. The official receipt authorized by s. 316.545(6) constitutes proof of payment of the penalty authorized in s. 316.545(2)(b).

(4) The compliance examiners appointed by the department pursuant to s. 320.58 are empowered to enter on both publicly-owned property and privately-owned property in order to carry out the provisions of this law.

(5) Any person who, without the authorization of the department, disables, removes, tampers with, damages, or unlocks an immobilization device placed on a vehicle pursuant to this section, or who attempts to do so, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 4. There is hereby appropriated for fiscal year 1991-92 \$182,700 in data processing services from the Motor Vehicle License Replacement Trust Fund to the Department of Highway Safety and Motor Vehicles to implement the provisions of this act.

Section 5. Section 207.029, Florida Statutes, is hereby repealed.

Section 6. Subsection (1) of section 320.27, Florida Statutes 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:

(a) "Department" means the Department of Highway Safety and Motor Vehicles.

(b) "Motor vehicle" means any motor vehicle of the type and kind required to be registered and titled under chapters 319 and 320, except a recreational vehicle, moped, motorcycle powered by a motor with a displacement of 50 cubic centimeters or less, or mobile home.

(c) "Motor vehicle dealer" means any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying

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

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

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

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

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

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

The term "motor vehicle dealer" does not include persons not engaged in the purchase or sale of motor vehicles as a business who are disposing of vehicles acquired for their own use or for use in their business or acquired by foreclosure or by operation of law, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding the provisions of this law; any governmental leasing corporation; 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.

(d) "Motor vehicle broker" means any person engaged in the business of offering to procure or procuring motor vehicles for the general public, or who holds himself out through solicitation, advertisement, or otherwise as one who offers to procure or procures motor vehicles for the general public, and who does not store, display, or take ownership of any vehicles for the purpose of selling such vehicles.

(e) "Person" means any natural person, firm, partnership, association, or corporation.

(f) "Governmental leasing corporation" means any not-for-profit corporation created and wholly owned by the state, the county, municipality, or political subdivision of the state, the sole purpose of which is to purchase property for lease to such governmental entity which established the corporation.

Section 7. This act shall take effect October 1, 1991.

House Amendment 2—On page 1, lines 3-13, strike all of said lines and insert: amending s. 320.04, F.S.; providing a service charge on certain registration renewals; providing for disposition of funds; amending s. 320.07, F.S.; revising the delinquency fee schedule for persons who have let their registration expire; 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 for an appropriation; repealing s. 207.029, F.S., relating to proof of liability insurance with respect to certain commercial motor vehicles; amending s. 320.27, F.S., 1990 Supp.; providing for governmental leasing corporations; providing an effective date.

Senator Beard moved the following amendments which were adopted:

Senate Amendment 1 to House Amendment 1—On page 1, line 13, through page 9, line 19, strike all of said lines and insert:

Section 1. Subsection (1) of section 320.04, Florida Statutes, 1990 Supplement, is amended to read:

320.04 Registration service charge.—

(1)(a) There shall be a service charge of \$2.50 for each application which is handled in connection with original issuance, duplicate issuance, or transfer of any license plate, mobile home sticker, or validation sticker or with transfer or duplicate issuance of any registration certificate.

(b) There may also be a service charge of up to \$1 for the issuance of each license plate validation sticker and mobile home sticker issued from an automated vending facility which shall be payable to and retained by the department to provide for automated vending facilities or machines used to dispense such stickers in each tax collector's or license tag agent's office.

(c) In addition, there may also be a service charge, not to exceed \$5, on any registration renewal application made over the telephone through an automated touch-tone vehicle registration service. The service charge shall be set by rule of the department and shall not be more than the actual cost of each telephone transaction incurred by the department or charged to the department by the automated touch-tone vehicle registration service contractor. The service charge shall be paid by the registrant and is in addition to all other applicable fees, including any credit card service charge imposed pursuant to s. 215.322. The service charge imposed by this subsection shall be deposited in the Motor Vehicle License Replacement Trust Fund.

(d)(b) In addition to the fees provided in paragraphs (a) and (c) paragraph (a), any tax collector may impose an additional service charge of not more than 50 cents on any transaction specified in paragraph (a) or (b) or on any transaction specified in s. 319.32(2)(a) or s. 327.11 (1982 Supp.) when such transaction occurs at any tax collector's branch office.

(e)(e) The service charges prescribed by paragraphs (a) through (d) and (b) shall be collected from the applicant as compensation for all services rendered in connection with the handling of the application. Such fees shall be retained by the department or by the tax collector, as the case may be, as other fees accruing to those offices.

Section 2. Paragraph (a) of subsection (4) of section 320.07, Florida Statutes, is amended to read:

320.07 Expiration of registration; annual renewal required; penalties.—

(4)(a) In addition to a penalty provided in subsection (3), a delinquent fee based on the following schedule of license taxes shall be imposed on any applicant who fails to renew a registration prior to the end of the month in which renewal registration is due. The delinquent fee shall be applied beginning on the 11th calendar day of the month succeeding the renewal period. The delinquent fee shall not apply to those vehicles which have not been required to be registered during the preceding registration period or as provided in s. 320.18(2). The delinquent fee shall be imposed as follows:

1. License tax of \$5 but not more than \$25: \$10 \$5 flat.
2. License tax over \$25 but not more than \$50: \$20 \$10 flat.
3. License tax over \$50 but not more than \$100: \$30 \$15 flat.
4. License tax over \$100 but not more than \$400: \$75 \$50 flat.

5. License tax over \$400 but not more than \$600: \$150 \$199 flat.
6. License tax over \$600 and up: \$300 \$250 flat.

Section 3. Section 320.0701, Florida Statutes, is created to read:

320.0701 Failure to register vehicle; delinquent fees; immobilization of unregistered vehicles; notice of violation.—

(1) The compliance examiners appointed by the department pursuant to s. 320.58 are empowered to issue a notice of violation on a form prescribed by the department to unattended motor vehicles which reasonably appear to such examiners to be required to be registered under this chapter and which are not so registered. The notice of violation shall include a summary of the provisions of this section and shall contain such other information as the department in its discretion shall determine.

(2) The owner or person in charge of any vehicle which is issued a notice of violation pursuant to this section shall, within 10 days of the date of issuance shown on the notice either duly register the vehicle as required by this chapter or provide proof satisfactory to the department that the vehicle is exempt from such registration. If the vehicle is not registered or the proof referred to herein is not provided, on or after the 11th day following the date of issuance shown on the notice, the department is authorized to immobilize the vehicle by use of an immobilization device. Upon proof of registration of the vehicle or proof satisfactory to the department that the vehicle is exempt from such registration, and upon payment of a service charge in the amount of \$50, the department shall remove the immobilization device.

(3)(a) Upon application for registration, a delinquent fee based on the following schedule of license taxes shall be imposed on any applicant whose vehicle has not been previously registered in this state and whose vehicle has been issued a notice of violation as provided for herein. The delinquent fee shall be applied beginning on the 11th calendar day following the date of issuance shown on the notice. The delinquent fee shall be waived in the event that the department is in error. The delinquent fee shall be imposed on a daily basis up to 60 days for each day beginning with the 11th calendar day following the date of issuance shown on the notice until the day on which the registration is renewed, inclusive, but not exceeding 60 days, as follows:

1. License tax of \$5 but not more than \$25: \$1 per day.
2. License tax over \$25 but not more than \$50: \$2 per day.
3. License tax over \$50 but not more than \$100: \$3 per day.
4. License tax over \$100 but not more than \$400: \$5 per day.
5. License tax over \$400 but not more than \$600: \$10 per day.
6. License tax over \$600 and up: \$25 per day.

(b) A person who has been assessed a penalty pursuant to s. 316.545(2)(b) for failure to have a valid vehicle registration certificate is not subject to the delinquent fee authorized by this subsection if such person obtains a valid registration certificate within 10 working days after such penalty was assessed. The official receipt authorized by s. 316.545(6) constitutes proof of payment of the penalty authorized in s. 316.545(2)(b).

(4) The compliance examiners appointed by the department pursuant to s. 320.58 are empowered to enter on both publicly-owned property and privately-owned property in order to carry out the provisions of this law.

(5) Any person who, without the authorization of the department, disables, removes, tampers with, damages, or unlocks an immobilization device placed on a vehicle pursuant to this section, or who attempts to do so, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 755.083.

Section 4. There is hereby appropriated for fiscal year 1991-92 \$182,700 in data processing services from the Motor Vehicle License Replacement Trust Fund to the Department of Highway Safety and Motor Vehicles to implement the provisions of this act.

Section 5. Section 207.029, Florida Statutes, is hereby repealed.

Section 6. Subsection (1) of section 320.27, Florida Statutes 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:

(a) "Department" means the Department of Highway Safety and Motor Vehicles.

(b) "Motor vehicle" means any motor vehicle of the type and kind required to be registered and titled under chapters 319 and 320, except a recreational vehicle, moped, motorcycle powered by a motor with a displacement of 50 cubic centimeters or less, or mobile home.

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

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

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

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

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

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

The term "motor vehicle dealer" does not include persons not engaged in the purchase or sale of motor vehicles as a business who are disposing of vehicles acquired for their own use or for use in their business or acquired by foreclosure or by operation of law, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding the provisions of this law; any governmental leasing corporation; 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.

(d) "Motor vehicle broker" means any person engaged in the business of offering to procure or procuring motor vehicles for the general public, or who holds himself out through solicitation, advertisement, or otherwise as one who offers to procure or procures motor vehicles for the general public, and who does not store, display, or take ownership of any vehicles for the purpose of selling such vehicles.

(e) "Person" means any natural person, firm, partnership, association, or corporation.

(f) "Governmental leasing corporation" means any not-for-profit corporation created and wholly owned by the state, the county, municipality, or political subdivision of the state, the sole purpose of which is to purchase property for lease to such governmental entity which established the corporation.

Section 7. Section 341.102, Florida Statutes, as amended by section 1 of chapter 90-230, Laws of Florida, is amended to read:

341.102 Regulation of nonpublic-sector buses.—No local governmental entity shall unduly restrict or impose any economic regulation upon the use of nonpublic-sector buses engaged solely in intercounty transportation, or engaged in ~~intercity~~ ~~intracity~~ transportation routes if the owner of such bus can establish that such ~~intercity~~ ~~intracity~~ transportation route operated before January 1, 1990, and has been operated continuously from January 1, 1990, through April 1, 1991, and such ~~intercity~~ ~~intracity~~ transportation has been conducted in compliance with applicable safety and insurance rules and regulations promulgated under s. 316.70. The partial exemption from local governmental regulation afforded the ~~intercity~~ ~~intracity~~ transportation routes specified in the preceding sentence shall be limited to the routes maintained continuously from January 1, 1990, through April 1, 1991, and such authority shall expire April 1, 2011, or 10 years after any change in ownership of such bus, whichever occurs first. Any existing restrictions inconsistent with this section are invalid. However, local governmental entities may enact necessary safety, insurance, and traffic ordinances. This section shall not apply to any private sector contract transportation agreements, or any nonrouted work involving nonpublic-sector buses.

Section 8. This act shall take effect October 1, 1991.

Senate Amendment 1 to House Amendment 2—In title, on page 1, line 29, after the semicolon (;) insert: amending s. 341.102, F.S.; deleting the prohibition against local governments enacting economic regulations upon the use of certain nonpublic-sector buses engaged in intracity transportation; providing such prohibition for nonpublic-sector buses engaged in intercity transportation; providing applicability; requiring compliance with applicable state insurance regulations;

On motions by Senator Beard, the Senate concurred in the House amendments as amended and the House was requested to concur in the Senate amendments to the House amendments.

SB 1902 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35 Nays—None

RETURNING MESSAGES—FINAL ACTION

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments to CS for SB 106 and passed as amended.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 to House Amendment 1; has receded from House Amendments 3, 4, 5 and has passed, as further amended, CS for SB 162.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 234, 804, CS for SB 880, CS for SB 1578, SB 1682, CS for SB 1758 and SB 1716.

John B. Phelps, Clerk

The bills contained in the foregoing message were 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 as amended CS for HB 257, CS for CS for HB 365, CS for HB 671, CS for HB 1023, CS for HB 1493, House Bills 2365, 2367, 2373, and CS for HB 2497.

John B. Phelps, Clerk

AMENDMENTS TO SENATE BILLS

CS for SB 612

Senator Meek moved the following amendments which were adopted:

Amendment 1—On page 5, between lines 30 and 31, insert:

Section 2. Paragraph (b) of subsection (8) of section 240.529, Florida Statutes, 1990 Supplement, is amended to read:

240.529 Public accountability and state approval for teacher preparation programs.—

(8) PRETEACHER AND TEACHER EDUCATION PILOT PROGRAMS.—Universities and community colleges may establish preteacher education and teacher education pilot programs to encourage promising minority students to prepare for a career in education. These pilot programs shall be designed to recruit and provide additional academic, clinical, and counseling support for students whom the institution judges to be potentially successful teacher education candidates, but who may not meet teacher education program admission standards. Priority consideration shall be given to those pilot programs which are jointly submitted by community colleges and universities.

(b) Universities and community colleges may admit into the pilot program those incoming students who demonstrate an interest in teaching as a career, but who may not meet the requirements of paragraph (2)(b) for entrance into an approved teacher education program.

1. Flexibility may be given to colleges of education to develop and market innovative teacher training programs directed at specific target groups such as graduates from the colleges of arts and sciences, employed education paraprofessionals, substitute teachers, early federal retirees, and nontraditional college students. Programs must be submitted to the State Board of Education for approval.

2. Academically successful graduates in the fields of liberal arts and science may be encouraged, under s. 231.1720, to embark upon a career in education.

3. Models may be developed to provide a positive initial experience in teaching in order to encourage retention. Priority should be given to models that encourage minority graduates.

(Renumber subsequent section.)

Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to postsecondary education; amending s. 240.359, F.S.; revising the formula for determining the annual apportionment of state funds to community colleges; amending s. 240.529, F.S., relating to teacher training programs; providing an effective date.

SB 800

Senator Crotty moved the following amendment:

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

Section 1. Subsection (11) of section 440.15, Florida Statutes, 1990 Supplement, as reenacted by section 18 of chapter 91-1, Laws of Florida, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(11) **FULL-PAY STATUS FOR CERTAIN LAW ENFORCEMENT OFFICERS.**—Any law enforcement officer as defined in s. 943.10(1), (2), or (3) who, while acting within the course of employment as provided by s. 440.091, is maliciously or intentionally injured, or who receives an injury inflicted by another, or is injured in a motor vehicle accident or from exposure to toxic agents and who thereby sustains a job-connected disability compensable under this chapter shall be carried in full-pay status rather than being required to use sick, annual, or other leave. Full-pay status shall not be granted if the officer's injury results from conduct of the officer which constitutes a violation of the law or any written policy or regulation of the employing agency. Full-pay status shall be granted only after submission to the employing agency's head of a medical report which gives a current diagnosis of the employee's recovery and ability to return to work; however, the officer may not be carried on full-pay status for more than 12 months or until the officer reaches maximum medical improvement, whichever occurs first. In no case shall the employee's salary and workers' compensation benefits exceed the amount of the employee's regular salary requirements. Nothing contained in this subsection shall abridge the right or ability of the employing agency to place a certified law enforcement officer entitled to disability leave under this subsection in a light duty capacity while on full-pay status.

Senators Dudley and Crotty offered the following amendment to **Amendment 1** which was moved by Senator Dudley and adopted:

Amendment 1A—On page 1, line 23, after "accident" insert: *that is not caused by the negligence of the officer*

Senator Girardeau offered the following amendment to **Amendment 1** which was moved by Senator Crotty and failed:

Amendment 1B—On page 1, line 29, after "another," insert: or

Amendment 1 as amended was adopted.

Senator Crotty moved the following amendment which was adopted:

Amendment 2—In title, on page 1, lines 2 and 3, strike "creating s. 321.061, F.S.;" and insert: amending s. 440.15, F.S.;

After reconsideration of **Amendment 1** as amended, Senator Crotty moved the following amendment which was adopted:

Amendment 1C—On page 2, line 13, insert:

Section 2. This act shall take effect October 1, 1991.

Amendment 1 as amended was adopted.

CS for SB 856

Senator Dudley moved the following amendment:

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

Section 1. Section 117.01, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 117.01, F.S., for present text.)

117.01 Appointment, application, suspension, revocation, application fee, bond, and oath.—

(1) The Governor may appoint for a term of 4 years as many notaries public as he deems necessary, each of whom shall be at least 18 years of age and a legal resident of the state. A permanent resident alien may apply and be appointed and shall file with his application a recorded Declaration of Domicile. The residence required for appointment must be maintained throughout the term of appointment.

(2) The application for appointment shall be signed and sworn to by the applicant, shall be accompanied by a fee of \$25 and the oath of office and notary bond required by this section, and shall be in a form prescribed by the Department of State which shall require, but not be limited to, the following information: full name, residence address and telephone number, business address and telephone number, date of birth, race, sex, social security number, citizenship status, driver's license number or the number of other official state-issued identification, affidavit of good character from someone unrelated to the applicant who has known the applicant for 1 year or more, a list of all professional licenses

and commissions issued by the state during the previous 10 years and a statement as to whether or not the applicant has had such license or commission revoked or suspended, and a statement as to whether or not the applicant has been convicted of a felony, and, if there has been a conviction, a statement of the nature of the felony and restoration of civil rights. The applicant may not use a fictitious or assumed name other than a nickname on an application for commission. The application shall be maintained by the Department of State for the full term of a notary commission. A notary public shall notify, in writing, the Department of State of any change in his business address, home telephone number, business telephone number, home address, or criminal record within 60 days after such change. The Governor may require any other information he deems necessary for determining whether an applicant is eligible for a notary public commission. Each applicant must swear on the application that the information on the application is true and correct to the best of his knowledge.

(3) As part of the oath, the applicant must swear that he has read this chapter and knows the duties, responsibilities, limitations, and powers of a notary public. An applicant must successfully complete a test on the duties of a notary public. The test shall be developed by the Department of State. The applicant must take the test before a commissioned notary public and the notary public must certify this fact on the test. The completed, notarized test must be submitted with the application.

(4) The Governor may suspend a notary public for any of the grounds provided in s. 7, Art. IV of the State Constitution. Grounds constituting malfeasance, misfeasance, or neglect of duty include, but are not limited to, the following:

- (a) A material false statement on the application.
 - (b) A complaint found to have merit by the Governor.
 - (c) Failure to cooperate or respond to an investigation by the Governor's office or the Department of State regarding a complaint.
 - (d) Official misconduct as defined in s. 839.25.
 - (e) False or misleading advertising relating to notary public services.
 - (f) Unauthorized practice of law.
 - (g) Failure to report a change in business or home address or telephone number within the specified period of time.
 - (h) Commission of fraud, misrepresentation, or any intentional violation of this chapter.
 - (i) Charging fees in excess of fees authorized by this chapter.
 - (j) Failure to maintain the bond required by this section.
- (5) If a notary public receives notice from the Department of State that his office has been declared vacant, he shall forthwith mail or deliver to the Secretary of State his notary commission.
- (6) No person may be automatically reappointed as a notary public. The application process must be completed regardless of whether an applicant is requesting his first notary commission, a renewal of a commission, or any subsequent commission.

(7)(a) A notary public shall, prior to executing the duties of the office and throughout the term of office, give bond, payable to any individual harmed as a result of a breach of duty by the notary public acting in his official capacity, in the amount of \$5,000, conditioned for the due discharge of his office and shall take an oath that he will honestly, diligently, and faithfully discharge the duties of a notary public. The bond shall be approved and filed with the Department of State and executed by a surety company for hire duly authorized to transact business in this state. The bond must be approved by the Department of Banking and Finance before issuance of the commission.

(b) Any notary public whose term of appointment extends beyond January 1, 1992, is required to increase the amount of his bond to \$5,000 only upon reappointment on or after January 1, 1992.

(8) Upon payment to any individual harmed as a result of a breach of duty by the notary public, the entity who has issued the bond for the notary public shall notify the Governor of the payment and the circumstances which led to the claim.

Section 2. Section 117.03, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 117.03, F.S., for present text.)

117.03 Administration of oaths.—A notary public may administer an oath and make a certificate thereof when it is necessary for the execution of any writing or document to be attested, protested, or published under the seal of a notary public. The notary public may not take an acknowledgment of execution in lieu of an oath if an oath is required. A notary public shall certify in his certificate of acknowledgment or jurat exactly what type of identification upon which the notary public is relying and whether or not an oath is taken.

Section 3. Section 117.04, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 117.04, F.S., for present text.)

117.04 Marriages; acknowledgments.—A notary public is authorized to solemnize the rites of matrimony and to take renunciation and relinquishment of dower and the acknowledgments of deeds and other instruments of writing for record, as fully as other officers of this state. For solemnizing the rites of matrimony, the fee of a notary public may not exceed those provided by law to the clerks of the circuit court for like services.

Section 4. Section 117.05, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 117.05, F.S., for present text.)

117.05 Use of notary commission; unlawful use; notary fee; seal; duties; employer liability; name change; advertising; photocopies; penalties.

(1) No person shall obtain or use a notary public commission in other than his legal name, and it is unlawful for a notary public to notarize his own signature. Any person applying for a notary public commission must submit proof of his identity to the Department of State if so requested. Any person who violates the provisions of this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) The fee of a notary public may not exceed \$10 for any one notarial act, except as provided in s. 117.04.

(3)(a) A notary public seal shall be affixed to all notarized documents and shall be of the rubber stamp type and shall include the words "Notary Public-State of Florida." The seal shall also include the name of the notary public, the date of expiration of the commission of the notary public, and the commission number. The rubber stamp seal must be affixed to the notarized document in photographically reproducible black ink. Every notary public shall print, type, or stamp below his signature his name exactly as commissioned. An impression type seal may be used in addition to the rubber stamp seal, but the rubber stamp seal shall be the official seal for a notary public, and the impression type seal may not be substituted therefor.

(b) Any notary public whose term of appointment extends beyond January 1, 1992, is required to use a rubber stamp type notary public seal only upon reappointment on or after January 1, 1992.

(4) A notary public shall specify in his certificate or jurat which signature is being notarized and that the signer personally appeared before the notary public at the time of notarization. It is presumed, absent such specific notation by the notary public, that notarization is to all signatures.

(5) A notary public may not take the acknowledgment of an instrument unless he personally knows, or has satisfactory evidence, that the person making the acknowledgment is the individual who is described in and who is executing the instrument.

(a) For purposes of this subsection, "personally knows" means having an acquaintance, derived from association with the individual, which establishes the individual's identity with at least a reasonable certainty.

(b) For the purposes of this subsection, "satisfactory evidence" means the absence of any information, evidence, or other circumstances which would lead a reasonable person to believe that the person making the acknowledgment is not the person he claims to be and any one of the following:

1. The sworn written statement of a credible witness personally known to the notary public that the person making the acknowledgment is personally known to the witness; or

2. Reasonable reliance on the presentation to the notary public of one of the following forms of identification, if the document is current or has been issued within the past 5 years:

a. An identification card or driver's license issued by the Department of Highway Safety and Motor Vehicles;

b. A passport issued by the Department of State of the United States; or

c. Reasonable reliance on the presentation of any one of the following forms of identification, if the document is current or has been issued within the past 5 years and bears a serial or other identifying number, and, if the document is a passport, the document is stamped by the United States Immigration and Naturalization Service:

(I) A passport issued by a foreign government;

(II) A driver's license issued by a state other than Florida or by a Canadian or Mexican public agency authorized to issue drivers' licenses;

(III) An identification card issued by a state other than Florida;

(IV) An identification card issued by any branch of the armed forces of the United States; or

(V) An inmate identification card issued on or after January 1, 1991, by the Department of Corrections for an inmate who is in the custody of the department.

(6) A notary public may not notarize a signature on a document if:

(a) The person whose signature is being notarized is not in the presence of the notary public at the time the signature is notarized.

(b) The document is incomplete.

(c) The person signing the document does not speak English, unless a translation of the oath of the notary public is provided in the language spoken by the person signing the document.

(d) The person signing the document has been adjudicated mentally incapacitated, and the notary public knows or has reason to know that the person has been adjudicated mentally incapacitated.

(e) The person whose signature is to be notarized is related to the notary public by blood or marriage.

(f) The notary public has a financial interest in or is a party to the underlying transaction.

(7) The employer of a notary public shall be liable to the persons involved for all damages proximately caused by the notary's official misconduct, if the notary public was acting within the scope of his employment at the time he engaged in the official misconduct.

(8) Any person who acts as or otherwise willfully impersonates a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(9) Any person who unlawfully possesses a notary public official seal or any papers or copies relating to notarial acts is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(10) Any notary public who knowingly acts as a notary public after his commission has expired is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(11) Any notary public who lawfully changes his name shall forthwith request an amended commission from the Secretary of State and shall send \$25, his current commission, and a notice of change form, obtained from the Secretary of State, which shall include his new name and contain a specimen of his official signature. The Secretary of State shall issue an amended commission to the notary public in the new name. A rider to the notary public's bond must accompany the notice of change form. After requesting an amended commission, the notary public may continue to perform notarial acts in his former name until receipt of the amended commission.

(12) Any notary public who loses or misplaces his notary public seal of office shall forthwith mail or deliver notice of the fact to the Secretary of State.

(13) A notary public who is not an attorney who advertises the services of a notary public in a language other than English, whether by radio, television, signs, pamphlets, newspapers, or other written communication, with the exception of a single desk plaque, shall post or otherwise include with the advertisement a notice in English and in the language used for the advertisement. The notice shall be of a conspicuous size, if in writing, and shall state: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF FLORIDA, AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If the advertisement is by radio or television, the statement may be modified but must include substantially the same message.

(14) Literal translation of the phrase "Notary Public" into a language other than English is prohibited in an advertisement for notarial services.

(15)(a) A notary public may supervise the making of a photocopy of an original document and attest to the trueness of the copy. A notary public may not supervise the making of a photocopy and may not attest to the trueness of a photocopy of a public record if a copy can be made by another public official.

(b) A notary public must use a certificate in substantially the following form in notarizing an attested copy:

STATE OF FLORIDA
COUNTY OF
On this day of, 19. . . . , I attest that the preceding or attached document is a true, exact, complete, and unaltered photocopy made by me of . . . (description of document) . . . presented to me by the document's custodian,, and, to the best of my knowledge, that the photocopied document is neither a public record nor a publicly recordable document, certified copies of which are available from an official source other than a notary public.
. . . (Official Notary Signature and Notary Seal) . . .
. . . (Name of Notary Typed, Printed or Stamped) . . .

Section 5. Section 117.103, Florida Statutes, is created to read:

117.103 Certification of notary's authority by Secretary of State.—Upon the receipt of a written request, the notarized document, and a fee of \$10 payable to the Secretary of State, the Secretary of State shall provide a certificate of notarial authority. Documents destined for countries participating in an International Treaty called the Hague Convention require an Apostille, and that requirement shall be determined by the Secretary of State.

Section 6. Section 117.105, Florida Statutes, is created to read:

117.105 False or fraudulent acknowledgments; penalty.—A notary public who falsely or fraudulently takes an acknowledgment of an instrument as a notary public or who falsely or fraudulently makes a certificate as a notary public or who falsely takes or receives an acknowledgment of the signature on a written instrument is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 7. Section 117.107, Florida Statutes, is created to read:

117.107 Prohibited acts.—

(1) A notary public may not use a name or initial in signing certificates other than that by which the notary public is commissioned.

(2) A notary public may not acknowledge an instrument in which the notary public's name appears as a party to the transaction.

(3) A notary public may not affix his signature to a blank form of affidavit or certificate of acknowledgment and deliver that form to another person with the intent that it be used as an affidavit or acknowledgment.

(4) A notary public may not take the acknowledgment of or administer an oath to a person whom the notary public actually knows to have been adjudged mentally ill by a court of competent jurisdiction and who has not been restored to mental health as a matter of record.

(5) A notary public may not take the acknowledgment of a person who is blind until the notary public has read the instrument to such person.

(6) A notary public may not take the acknowledgment of a person who does not speak or understand the English language, unless the nature and effect of the instrument to be notarized is translated into a language which the person does understand.

(7) A notary public may not change anything in a written instrument after it has been signed by anyone.

(8) A notary public is not authorized to prepare a legal instrument or fill in the blanks of an instrument, other than a notary certificate except as allowed by rule of the Florida Supreme Court; however, this prohibition does not prohibit an attorney, or an employee of a licensed title insurance agent or title insurer, who is also a notary public, from performing notarial acts for a document prepared by that attorney or prepared, incident to the issuance of title insurance, by the employee of a licensed title insurance agent or title insurer.

Section 8. Sections 117.02, 117.07, 117.08, and 117.09, Florida Statutes, are repealed.

Section 9. Section 117.10, Florida Statutes, is amended to read:

117.10 Law enforcement officers and correctional officers.—Law enforcement officers and correctional officers, as defined in s. 943.10, are notaries public for the purpose of notarizing, certifying, or attesting to documents in connection with the performance of official duties. Sections 117.01, 117.04, 117.05, and 117.103 ~~117.07, and 117.08~~ do not apply to the provisions of this section. An officer may not notarize his own signature.

Section 10. Section 695.25, Florida Statutes, is amended to read:

695.25 Short form of acknowledgment.—The forms of acknowledgment set forth in this section may be used, and are sufficient for their respective purposes, under any law of this state. The forms shall be known as "Statutory Short Forms of Acknowledgment" and may be referred to by that name. The authorization of the forms in this section does not preclude the use of other forms.

(1) For an individual acting in his own right:

STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledged), who is personally known to me or who has produced (type of identification) as identification and who did (did not) take an oath.

. . . (Signature of Person Taking Acknowledgment) . . .
. . . (Name of Acknowledger Typed, Printed or Stamped) . . .

. . . (Title or Rank) . . .
. . . (Serial Number, if any) . . .

(2) For a corporation:

STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging), a (state or place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or has produced (type of identification) as identification and did (did not) take an oath.

. . . (Signature of Person Taking Acknowledgment) . . .
. . . (Name of Acknowledger Typed, Printed or Stamped) . . .

. . . (Title or Rank) . . .
. . . (Serial Number, if any) . . .

(3) For a partnership:

STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership. He/she is personally known to me or has produced (type of identification) as identification and did (did not) take an oath.

. . . (Signature of Person Taking Acknowledgment) . . .
. . . (Name of Acknowledger Typed, Printed or Stamped) . . .

. . . (Title or Rank) . . .
. . . (Serial Number, if any) . . .

(4) For an individual acting as principal by an attorney in fact:

STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this (date) by (name of attorney in fact) as attorney in fact, who is personally known to me or who has produced (type of identification) as identification and who did (did not) take an oath, on behalf of (name of principal).

. . . (Signature of Person Taking Acknowledgment) . . .
 . . . (Name of Acknowledger Typed, Printed or Stamped) . . .

. . . (Title or Rank) . . .
 . . . (Serial Number, if any) . . .

(5) By any public officer, trustee, or personal representative:

STATE OF
 COUNTY OF

The foregoing instrument was acknowledged before me this (date) by (name and title of position), who is personally known to me or who has produced (type of identification) as identification and who did (did not) take an oath.

. . . (Signature of Person Taking Acknowledgment) . . .
 . . . (Name of Acknowledger Typed, Printed or Stamped) . . .

. . . (Title or Rank) . . .
 . . . (Serial Number, if any) . . .

Section 11. This act shall take effect January 1, 1992.

Senator Diaz-Balart moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 8, strike all of lines 17-28 and insert:

(c) The person signing the document has been adjudicated mentally incapacitated, and the notary public knows or has reason to know that the person has been adjudicated mentally incapacitated.

(d) The person whose signature is to be notarized is related to the notary public by blood or marriage.

(e) The notary public has a financial interest in or is a party to the underlying transaction.

Amendment 1 as amended was adopted.

Senator Dudley moved the following amendment which was adopted:

Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; providing for appointment, application, suspension, revocation, application fee, bond, and oath; amending s. 117.03, F.S.; providing for administration of oaths; amending s. 117.04, F.S.; specifying authority of notaries with respect to marriages and acknowledgments; amending s. 117.05, F.S.; providing for use of notary commission, unlawful use, notary fee, seal, duties, employer liability, name change, advertising, and photocopies; providing penalties; creating s. 117.103, F.S.; providing for certification of notary's authority; creating s. 117.105, F.S.; prohibiting false or fraudulent acknowledgments; providing penalties; creating s. 117.107, F.S.; prohibiting certain acts by notaries; repealing ss. 117.02, 117.07, 117.08, 117.09, F.S., relating to eligibility of women to be notaries, notary's seal, acting after expiration of commission, and penalties for prohibited acts; amending s. 117.10, F.S.; adding and deleting references to repealed sections; amending s. 695.25, F.S., relating to short forms of acknowledgment; providing an effective date.

SB 1346

Senator McKay moved the following amendment:

Amendment 1—On page 1, line 16, strike everything after the enacting clause and insert:

Section 1. Legislative findings and intent.—The Legislature finds that maintaining the health and fitness of employees is an important goal and therefore strongly encourages each state agency to pursue this goal. Employees who engage in regular physical fitness activities and who practice healthy lifestyles are more productive workers, have lower rates of absenteeism, are more physically fit, have lower health care costs which contributes to lower insurance premiums, and suffer less job-related stress. The Legislature further finds that in an era of budgetary constraints, the provision of fitness-wellness programs may contribute to enhanced employee morale and the retention of qualified staff. Therefore, it is the intent of the Legislature to provide for a study to determine the feasibility of a fitness-wellness pilot project for state employees in Tallahassee, Florida.

Section 2. By September 1, 1991, Florida State University and Florida A and M University shall identify and evaluate fitness facilities on their respective campuses including showers, exercise rooms and equipment, fitness trails, swimming facilities, and physical training equipment that might be used by the university to establish a fitness-wellness program for state employees. Additionally, each university, through surveys, interviews, or other means, shall identify state employee needs for fitness-wellness activities including physical fitness programs, educational programs in nutrition and weight control, stress management, and wellness programs to eliminate negative health behaviors such as smoking and excess consumption of alcohol.

Section 3. Each university shall prepare and submit to the Governor and Legislature by December 1, 1991, a proposal for establishing a state employee fitness-wellness pilot project on its campus including funding requirements.

Section 4. This act shall take effect upon becoming a law.

Senator Thomas moved the following substitute amendment which was adopted:

Amendment 2—On page 3, strike all of lines 26-30 and renumber subsequent section.

Senator McKay moved the following amendment which failed:

Amendment 3—On page 2, strike all of lines 5-7 and insert: resources. By September 1,

Senator Langley moved the following amendment which was adopted:

Amendment 4—On page 2, line 31, insert: The privileges granted by this section shall be available only to those who by affidavit agree not to smoke any tobacco products.

Amendment 4 was subsequently reconsidered and failed.

Senator Thomas moved the following amendment which was adopted:

Amendment 5—In title, on page 1, line 11, strike "providing an appropriation;"

CS for SB 1424

Senator Johnson moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 19 and 20, insert:

(g) Members of the commission shall serve without compensation.

Amendment 2—In title, on page 1, strike line 12 and insert: providing for

Amendment 3—On page 4, strike all of lines 27-30 and renumber subsequent sections.

Amendment 4—On page 3, between lines 29 and 30, insert:

(4) The Justice Administrative Commission shall provide administrative services for the State Commission on Judicial Performance.

Amendment 5—In title, on page 1, strike line 7 and insert: directing the Justice Administrative Commission to provide administrative services for the State Commission on Judicial Performance; requiring the latter commission to conduct evaluations

Amendment 6—On page 5, strike all of lines 4 and 5 and insert:

Section 6. This act may not be implemented unless moneys are appropriated for the purposes of this act for fiscal year 1992-1993 in an amount that, together with the grants and gifts received from other governmental or nonprofit entities, is sufficient to carry out the purposes of this act.

Section 7. This act shall take effect July 1, 1992.

Amendment 7—On page 2, line 8, strike "1991" and insert: 1992

Amendment 8—On page 2, lines 7 and 8, strike "All initial appointments shall be made by October 1, 1991" and insert: All initial appointments shall be made by October 1, 1992

CS for SB 1768

Senator Plummer moved the following amendments which were adopted:

Amendment 1—On page 3, line 27, strike “any consideration” and insert: a fair market value

Amendment 2—On page 4, strike all of lines 7-10 and insert: form. Also, in addition to the transfer fee, a surcharge of 25 percent of the fair market value given to the transferor shall be assessed the first time a certificate is transferred outside the transferor’s immediate family. No transfer of a certificate shall be effective

Amendment 3—On page 4, line 12, after the period (.) insert: No sooner than April 1, 1994, the Governor and Cabinet may direct the department to establish by rule an amount of equitable rent per trap certificate that shall be recovered as partial compensation to the state for the enhanced access to its natural resources. In determining whether to establish such a rent and, if so, the amount thereof, the Governor and Cabinet shall consider the amount of revenues annually generated by certificate fees, transfer fees, surcharges, trap license fees, and sales taxes, the demonstrated fair market value of transferred certificates, and the continued economic viability of the commercial lobster industry. The proceeds of equitable rent recovered shall be deposited in the Marine Biological Research Trust Fund and used by the department for research, management, and protection of the spiny lobster fishery and habitat.

Amendment 4—In title, on page 1, line 7, after “fees” insert: , rents,

Amendment 5—On page 5, between lines 14 and 15, insert:

(c) Recreational trap tags.—Effective July 1, 1992, a person holding a recreational saltwater fishing license may use up to three crawfish traps. Recreational trap tags may be issued by the department to a person holding a recreational saltwater fishing license at a fee of 50 cents per tag. It is unlawful for any person to fish with or possess on the water any recreational crawfish trap unless the trap has a valid trap tag properly attached to it. The traps must have a trap number permanently attached to the trap and the buoy. The trap number may be issued by the department at no charge. A person holding a recreational saltwater fishing license who is using the traps must comply with the rules of the department and the Marine Fisheries Commission for people holding recreational saltwater fishing licenses and using up to three crawfish traps. The traps are not subject to the trap reduction schedule provided by this section unless the commission determines that the number of traps issued under this subsection is detrimental to the goals and effectiveness of the overall trap reduction program. The number of traps allowed under this provision does not affect the number of tags authorized under s. 370.14(3).

(Reletter subsequent paragraphs.)

Amendment 6—On page 7, strike all of lines 11-18 and insert:

5.a. Any person who violates the provisions of subparagraph 4., or any person who engages in the commercial harvest, trapping, or possession of spiny lobster without a crawfish trap number as required by s. 370.14(2) or (7) or during any period while such crawfish trap number is under suspension or revocation, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. In addition to any penalty imposed pursuant to sub-subparagraph a., the department shall levy a fine of up to twice the amount of the appropriate surcharge to be paid on the fair market value of the transferred certificates on any person who violates the provisions of sub-subparagraph 4.c.

Amendment 7—On page 12, strike all of lines 6 and 7 and insert:

(b) Annual trap certificate fees and recreational tag fees collected pursuant to paragraphs (2)(b) and (c) shall be deposited as follows:

Amendment 8—On page 14, line 30, after the period (.) insert: However, after April 1, 1998, the Marine Fisheries Commission is not precluded from initiating rulemaking proceedings utilizing any of the concepts or measures addressed in those respective chapters.

Senator Plummer moved the following amendment:

Amendment 9—On page 15, between lines 25 and 26, insert:

Section 8. Section 370.081, Florida Statutes, is amended to read:

370.081 Illegal importation or possession of nonindigenous marine plants and animals; rules and regulations.—

(1) It is unlawful to import or possess any marine plant or marine animal, not indigenous to the state, which, due to the stimulating effect of the waters of the state on procreation, may endanger or infect the marine resources of the state or pose a human health hazard *except as provided in subsection (4)*.

(2) Marine animals not to be imported shall include, but are not limited to, all species of the following:

(a) Sea snakes (Family Hydrophiidae) *except as provided in subsection (4)*;

(b) Rabbitfishes (Family Siganidae);

(c) Weeverfishes (Family Trachinidae); and

(d) Stonefishes (Genus Synanceja).

(3) The department is authorized to adopt, pursuant to chapter 120, rules and regulations to include any additional marine plant or marine animal which may endanger or infect the marine resources of the state or pose a human health hazard.

(4) *A zoological park and aquarium may import sea snakes of the family Hydrophiidae for exhibition purposes, only under the following conditions.*

(a) *Only male sea snakes may be possessed.*

(b) *A zoological park and aquarium possessing sea snakes shall not be located in a coastal county, and shall have no contiguous connection with any waters of the state.*

(c) *Each zoological park and aquarium possessing sea snakes shall provide quarterly reports to the department regarding numbers of each species of sea snakes on the premises, and any changes in inventory resulting from death or additions by importation.*

(d) *Sea snakes shall not be released into the waters of the state.*

(e) *Each zoological park and aquarium possessing sea snakes shall post with the department a \$1,000,000 letter of credit. The letter of credit shall be in favor of the State of Florida, Department of Natural Resources, for use by the department to remove any sea snake accidentally or purposefully introduced into waters of the state. The letter of credit shall be written in the form determined by the department. The letter of credit shall provide that the zoological park and aquarium is responsible for the sea snakes within that facility, and shall be in effect at all times that the zoological park and aquarium possesses sea snakes.*

(f) *A zoological park and aquarium shall not barter, sell, or trade sea snakes within this state.*

(g) *A zoological park and aquarium that imports sea snakes may bring the sea snakes into this state only by airplane that may only land at an airport located in a non-coastal county within this state.*

(5)(4) It is unlawful to release into the waters of the state any non-indigenous marine plant or marine animal *whether or not* included in subsection (2) or prohibited by rules and regulations adopted pursuant to subsection (3) or *authorized by subsection (4)*.

(Renumber subsequent section.)

Senator Plummer moved the following amendment to **Amendment 9**:

Amendment 9A—On page 2, line 27, before the period (.) insert: and while such snakes are being transported to or from the facility

Amendments 9 and 9A were withdrawn.

Senator Kiser moved the following amendment which failed:

Amendment 10—On page 9, line 17, strike “All appointed members” and insert: No more than 4 members

CS for SB 1776

Senator Gordon moved the following amendment:

Amendment 1—On page 1, line 21, insert:

Section 1. Minimum wages.—

(1) Except as provided under subsection (2), beginning October 1, 1991, an employer must pay each of his employees wages of not less than \$4.25 per hour.

(2) Beginning October 1, 1991, an employer who employs an employee who customarily and regularly receives tips in the course of his employment shall be provided a tip credit of 50 percent of the hourly minimum wage for said employee, and shall use this credit toward obtaining the state minimum wage.

Section 2. Exemptions.—The exemptions as provided employees and employers pursuant to the Fair Labor Standards Act of 1938, as amended, shall apply to this act.

Section 3. Enforcement.—

(1) Any person who willfully violates the provisions of this act shall upon conviction thereof be subject to a fine of not more than \$5,000 or to imprisonment for not more than 6 months, or both. No person shall be imprisoned under this subsection except for an offense committed after the conviction of such person for a prior offense under this subsection.

(2)(a)1. Any employer who violates the provisions of this act shall be liable to the employee or employees affected in the amount of their unpaid minimum wages and in an additional equal amount as liquidated damages.

2. Any employer who violates the provisions of this act shall be liable for such legal or equitable relief as may be appropriate to effectuate the purposes of this act, including, without limitation, employment, reinstatement, promotion, and the payment of wages lost and an additional equal amount as liquidated damages.

(b) An action to recover the liability described in either subparagraph (a)1. or subparagraph (a)2. may be maintained against any employer in a court of competent jurisdiction in this state by any one or more employees for and in behalf of such employee or employees and other employees similarly situated. No employee shall be a party plaintiff to any such action unless he gives his consent in writing to become such a party and such consent is filed in the court in which such action is brought. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee and court costs, to be paid by the defendant.

(3) The Secretary of Labor and Employment Security is authorized to supervise the payment of the unpaid minimum wages owing to any employee or employees under this act, and the agreement of an employee to accept such payment shall upon payment in full constitute a waiver by such employee of any right he may have under subsection (2) to such unpaid minimum wages and an additional equal amount as liquidated damages. The secretary may bring an action in any court of competent jurisdiction to recover the amount of unpaid minimum wages and an equal amount as liquidated damages. The right to bring an action by or on behalf of any employee to recover the liability specified in subparagraph (2)(a)1. and of any employee to become a party plaintiff to any such action shall terminate upon the filing of a complaint by the secretary in an action under this subsection in which a recovery is sought of unpaid minimum wages or liquidated or other damages provided by this subsection owing to such employee by an employer liable under the provisions of subsection (2), unless such action is dismissed without prejudice on motion of the secretary. Any sums thus recovered by the secretary on behalf of an employee pursuant to this subsection shall be held in a special deposit account and shall be paid, on order of the secretary, directly to the employee or employees affected. Any such sums not paid to an employee because of inability to do so within a period of 3 years shall be paid into the General Revenue Fund.

(4)(a) Any person who violates the provisions of this act relating to minimum wages, or any regulation promulgated thereunder, shall also be subject to a civil penalty not to exceed \$1,000 for each such violation. In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be:

1. Deducted from any sums owing by the State of Florida to the person charged;

2. Recovered in a civil action brought by the secretary in any court of competent jurisdiction; or

3. Ordered by the court, in an action brought pursuant to subsection (3), to be paid to the Minimum Wage Administrative Trust Fund.

(b) Any administrative determination by the secretary of the amount of such penalty shall be final, unless within 15 days after receipt of notice thereof by certified mail the person charged with the violation takes exception to the determination that the violation for which the penalty is imposed occurred, in which event final determination of the penalty shall be made in an administrative proceeding after opportunity for hearing in accordance with chapter 120, Florida Statutes, and regulations promulgated by the secretary thereunder.

(c) Sums collected as penalties pursuant to this subsection shall be deposited in the Minimum Wage Administrative Trust Fund for the purpose of providing for the payment of all expenses in respect to the administration of this act.

Section 4. Proposed legislation required.—If at any time the federal minimum wage is increased to an amount that is in excess of the amount provided under section 1, the Department of Labor and Employment Security shall submit to the Legislature proposed legislation to conform the minimum wage requirements of this state to those of federal law.

Section 5. Administration.—The Department of Labor and Employment Security shall be responsible for administering and enforcing the provisions of this act and is hereby authorized to adopt such rules as determined necessary for that purpose.

Section 6. The Department of Labor and Employment Security is directed to study the economic impact on employees and employers relative to increasing the state minimum wage to the poverty level for a family of four, which shall include a statistical analysis of its effect on unemployment. In addition, the department shall review and make appropriate recommendations pursuant to the employee exemptions as provided for by this act. The department shall submit a written report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, and the chairmen of the Senate and House Appropriations Committees no later than November 1, 1993, which shall contain its findings and recommendations.

(Renumber subsequent sections.)

AMENDMENTS TO HOUSE BILLS

CS for HB 1719

Senator Jenne moved the following amendments which were adopted by two-thirds vote:

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

Section 1. Subsection (5) of section 119.07, Florida Statutes, 1990 Supplement, is amended to read:

119.07 Inspection and examination of records; exemptions.—

(5) *An exemption from this section does not imply ~~Nothing in subsection (3) shall be interpreted as providing~~ an exemption from or exception to s. 286.011. The exemption from or exception to s. 286.011 must be expressly provided.*

Section 2. Subsection (2) and paragraph (b) of subsection (4) of section 119.14, Florida Statutes, are amended to read:

119.14 Periodic legislative review of exemptions from public meeting and public record requirements.—

(2) This act provides for the periodic automatic application of the policy of open government as provided in ss. 119.01 and 286.011 to certain exemptions from s. 286.011 and chapter 119. It is the intent of the Legislature that exemptions to s. 286.011 and chapter 119 shall be *created or maintained* only if:

(a) The exempted record or meeting is of a sensitive, personal nature concerning individuals;

(b) The exemption is necessary for the effective and efficient administration of a governmental program; or

(c) The exemption affects confidential information concerning an entity.

Thus, the maintenance or creation of an exemption must be compelled as measured by these criteria. Further, the Legislature finds that the public has a right to have access to executive branch governmental meetings and records unless the criteria in this act for restricting such access to a public meeting or public record are met and the criteria are considered during legislative review in connection with the particular exemption to be significant enough to override the strong public policy of open government. To strengthen the policy of open government, the Legislature shall consider the criteria in this act before enacting future exemptions.

(4)

(b) An exemption may ~~shall~~ be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served when the exemption meets one of the following purposes and such purpose is considered during legislative review in connection with the Legislature finds that such purpose is sufficiently compelling particular exemption being considered to be significant enough to override the strong public policy of open government and cannot be accomplished without the exemption:

1. Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
2. Protects information of a sensitive personal nature concerning individuals, the release of which information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. However, in exemptions under this subparagraph, only information that would identify the individuals may be exempted; or
3. Protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.

Section 3. Confidentiality of public hospital records and meetings.—

(1) All meetings of a governing board of a public hospital, as well as all records, books, documents, and papers, shall be open and available to the public in accordance with chapter 119 and section 286.011, Florida Statutes, unless made confidential or exempt by law.

(2)(a) Negotiations of contracts with nongovernmental entities for payment of services provided by the hospital are exempt from the provisions of section 286.011, Florida Statutes, when such negotiations concern services that are or may reasonably be expected by the hospital's governing board to be provided by competitors of the hospital.

(b) Except as provided in subsection (3), documents, offers, and contracts that are the product of negotiations listed in paragraph (a) are exempt from the provisions of section 119.07(1), Florida Statutes.

The negotiations and records listed in this subsection become subject to sections 119.07(1) and 286.011, Florida Statutes, 30 days prior to the meeting at which a hospital's governing board is scheduled to vote whether to accept, reject, or modify such documents, contracts, or offers.

(3) The following are confidential and exempt from section 119.07(1), Florida Statutes:

- (a) Preferred provider organization contracts.
- (b) Health maintenance organization contracts.
- (c) Documents that reveal a hospital's plans for marketing the hospital's services which services are or may reasonably be expected by the hospital's governing board to be provided by competitors of the hospital.
- (d) Documents that reveal trade secrets as defined in section 688.022, Florida Statutes.

(4) The exemptions from sections 119.07(1) and 286.011, Florida Statutes, granted by this section cease if the board votes to lease, sell, or transfer all or any substantial part of the facilities or property of the hospital.

(5) The exemptions in this section are subject to the Open Government Sunset Review Act in accordance with section 119.14, Florida Statutes.

Section 4. 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 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.

ROLL CALLS ON SENATE BILLS

CS for CS for SB 18

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Childers, Girardeau, Grant

SB 78

Yeas—36

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

Nays—3

Dantzler	Johnson	Langley
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CS for SB 370—Motion

Yeas—20

Madam President	Dudley	Kurth	Thurman
Brown	Forman	Malchon	Weinstein
Casas	Gordon	Meek	Weinstock
Davis	Jenne	Plummer	Wexler
Diaz-Balart	Kirkpatrick	Souto	Yancey

Nays—18

Bankhead	Crotty	Jennings	Myers
Beard	Dantzler	Johnson	Thomas
Bruner	Gardner	Kiser	Walker
Childers	Grant	Langley	
Crenshaw	Grizzle	McKay	

Vote after roll call:

Yea to Nay—Dudley

Nay to Yea—Thomas

CS for SB 612

Yeas—38

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

Nays—None

SB 800

Yeas—36

Madam President	Dantzler	Grizzle	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	Grant	McKay	Yancey

Nays—None

Vote after roll call:

Yea—Weinstock

SB 800—After Reconsideration

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

CS for SB 856

Yeas—33

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

Nays—4

Beard	Dantzler	Davis	Langley
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Vote after roll call:

Yea to Nay—Bruner

SB 892

Yeas—36

Madam President	Brown	Childers	Davis
Bankhead	Bruner	Crotty	Diaz-Balart
Beard	Casas	Dantzler	Dudley

Forman	Jennings	McKay	Thurman
Gardner	Kirkpatrick	Meek	Walker
Girardeau	Kiser	Myers	Weinstein
Gordon	Kurth	Plummer	Weinstock
Grizzle	Langley	Souto	Wexler
Jenne	Malchon	Thomas	Yancey

Nays—None

Vote after roll call:

Yea—Grant

CS for SB 1336

Yeas—35

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

Nays—None

SB 1346—Amendment 3

Yeas—16

Bankhead	Gordon	Johnson	McKay
Beard	Grant	Kirkpatrick	Myers
Crotty	Grizzle	Kiser	Scott
Diaz-Balart	Jennings	Langley	Wexler

Nays—17

Madam President	Dantzler	Plummer	Weinstock
Brown	Davis	Souto	Yancey
Bruner	Forman	Thomas	
Casas	Kurth	Thurman	
Childers	Malchon	Walker	

CS for SB 1424

Yeas—31

Madam President	Crotty	Grant	McKay
Bankhead	Davis	Grizzle	Myers
Beard	Diaz-Balart	Jenne	Souto
Brown	Dudley	Jennings	Thurman
Bruner	Forman	Johnson	Walker
Casas	Gardner	Kirkpatrick	Wexler
Childers	Girardeau	Kiser	Yancey
Crenshaw	Gordon	Kurth	

Nays—3

Dantzler	Langley	Weinstock
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Vote after roll call:

Yea—Weinstein

CS for SB 1768

Yeas—38

Madam President	Davis	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Thomas
Beard	Dudley	Kirkpatrick	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	Jenne	Plummer	

Nays—1

Kiser

SB 1902

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Grant

SM 2042

Yeas—37

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

Nays—None

SB 2504

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	McKay	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	

Nays—None

SB 2506

Yeas—38

Madam President	Davis	Johnson	Scott
Bankhead	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	Grant	Meek	Yancey
Crotty	Grizzle	Myers	
Dantzler	Jennings	Plummer	

Nays—None

ROLL CALLS ON HOUSE BILLS

CS for CS for CS for HB 389

Yeas—35

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

Nays—1

Gordon

CS for CS for HB 1057

Yeas—19

Brown	Kirkpatrick	Myers	Walker
Casas	Kiser	Plummer	Weinstock
Davis	Kurth	Souto	Wexler
Forman	Malchon	Thomas	Yancey
Girardeau	Meek	Thurman	

Nays—18

Bankhead	Crotty	Gordon	Langley
Beard	Dantzler	Grant	McKay
Bruner	Diaz-Balart	Grizzle	Scott
Childers	Dudley	Jennings	
Crenshaw	Gardner	Johnson	

Vote after roll call:

Yea—Weinstein

CS for CS for HB 1385

Yeas—35

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

Nays—None

CS for HB 1719

Yeas—35

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

Nays—None

CS for HB 1719—After Reconsideration

Yeas—39

Madam President	Casas	Davis	Girardeau
Bankhead	Childers	Diaz-Balart	Gordon
Beard	Crenshaw	Dudley	Grant
Brown	Crotty	Forman	Grizzle
Bruner	Dantzler	Gardner	Jenne

Jennings
Johnson
Kirkpatrick
Kiser
Kurth

Langley
Malchon
McKay
Meek
Myers

Plummer
Scott
Souto
Thurman
Walker

Weinstein
Weinstock
Wexler
Yancey

Jennings
Johnson
Kirkpatrick
Kiser
Kurth

Langley
Malchon
McKay
Meek
Myers

Plummer
Scott
Souto
Thomas
Thurman

Walker
Weinstein
Weinstock
Wexler
Yancey

Nays—None

CS for CS for HB 2029

Yeas—36

Madam President
Bankhead
Beard
Brown
Casas
Childers
Crenshaw
Dantzler
Davis

Diaz-Balart
Dudley
Forman
Gardner
Girardeau
Gordon
Grant
Grizzle
Jenne

Jennings
Johnson
Kirkpatrick
Kiser
Kurth
Langley
Malchon
McKay
Myers

Plummer
Souto
Thomas
Thurman
Walker
Weinstein
Weinstock
Wexler
Yancey

Nays—1

Bruner

HM 2517

Yeas—36

Beard
Brown
Bruner
Casas

Childers
Crenshaw
Crotty
Dantzler

Diaz-Balart
Dudley
Forman
Gardner

Girardeau
Gordon
Grizzle
Jenne

Nays—None

Vote after roll call:

Yea—Grant

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 26 was corrected and approved.

CO-SPONSORS

Senators Bruner and Childers—SM 2042; Senator Davis—CS for SB 1424

RECESS

On motion by Senator Thomas, the Senate recessed at 4:15 p.m. to reconvene at 10:00 a.m., Tuesday, April 30, or upon call of the President.

SENATE PAGES

April 29-May 3

Paul S. Amodeo, St. Petersburg; Kristen Elise Catron, Madison; Amy Lynne Geissler, Largo; Jane Laura Gontarski, Tallahassee; Lisa M. Grimes, Wauchula; Jennifer Elizabeth Johnson, Tallahassee; Terrance Bernard Jones, Madison; Ada Malone, Tallahassee; Ida Malone, Tallahassee; Amy McClellan, Tallahassee; Shiryl Andrea Moore, Tallahassee; James Lee Norris, Okeechobee; Jeffrey Leon Peaten, St. Petersburg; Gregg R. Prothero, Tallahassee; William Rembert, Miami; Harold A. Schweinsberg, Jasper; Julie A. Shook, St. Petersburg; Katina Smith, Havana; Jennifer Swisher, Tallahassee; Abigail Taylor, Live Oak