



Journal of the Senate

Number 13

Tuesday, March 16, 1993

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—40:

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Grogan	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams

PRAYER

The following prayer was offered by Lt. Col. Doris Fizer, Salvation Army, Tampa:

We pause before you this morning, on this very beautiful morning, dear God, to recognize you as the creator, preserver and governor of all things. Sometimes even when the world seems so strong and the wrong is so great around us, thank you for the awareness that you are still in control.

We are reminded today of those who have been affected by the recent severe weather and the several tragedies that have struck our state in the last few months. We ask that especially today you would bless those people affected and comfort them. Would you give them hope for the restoration of their lives and confidence in their abilities to reconstruct their lives, their homes and their businesses? Thank you for your presence in this world.

Thank you, Lord, for every manifestation of your goodness to us as individuals, including life, health, strength and protection. Father, we thank you for our great country and for our many freedoms. We thank you for our beautiful state and for all that we have here to use and to enjoy.

Thank you for these men and women of the state government who have come forward in willingness to serve the people. Thank you for the voters who expressed confidence in their abilities to enter discussions and make decisions that they believe to be in the best interest of the people. May these needs ever remain paramount in the Senators' thinking and planning.

We especially ask your blessing on their families as they are here working really for other families. We pray in a special way that you would surround their own children and spouses and those who are concerned about them with your love and your peace and joy.

We ask for these gathered here today that you would give them wisdom, open minds and sensitive hearts that they truly would be public servants worthy of their hire. Make them constantly aware of the great responsibility which has been given to them. We ask today for guidance to Governor Chiles and those who serve with him in the administration of the affairs of this state. We commit these people to you. We commit this day to you that you have so graciously given to us, O Lord. May it be spent in productive service. Bless every deliberation in every committee, every presentation of every bill and every thought this day. May everything that is accomplished be inspired by your spirit. We make our prayer in your precious name to whom alone is due honor and glory. Amen.

PLEDGE

Senate Page, Jennifer Silverthorne, of Pensacola led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF RESOLUTIONS AND MEMORIAL

On motion by Senator Turner, by two-thirds vote **SR 2226** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Turner—

SR 2226—A resolution honoring Angel Stanford Jones, 1993 Dade County Teacher of the Year.

WHEREAS, Angel Stanford Jones is a product of the Chicago, Illinois, public school system, received her Bachelor of Science degree in Biology and Biochemistry from Spelman College and her Master of Science degree in Biological Science (Microbiology) from Wayne State University in Detroit, Michigan, and

WHEREAS, Angel Stanford Jones was a graduate research assistant at Wayne State University, a science teacher for the in-house gifted program, an interdisciplinary team leader, and the coordinator for the science fair, and

WHEREAS, Angel Stanford Jones received a Spelman College Alumnae Scholarship, the Florida Memorial College Presidential Award for Excellence, the Delta Sigma Theta Sorority Public Service Award, the Delta Sigma Theta Sorority Trailblazer Award, and the 1993 Dade County Teacher of the Year Award, NOW, THEREFORE,

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

That the Florida Senate recognizes Angel Stanford Jones as an outstanding educator who has dedicated herself to the children of this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mrs. Jones as a tangible token of the sentiments and esteem of the Florida Senate.

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

On motion by Senator Turner, by two-thirds vote **SR 2236** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Turner—

SR 2236—A resolution honoring Frederica Smith Wilson for her years of dedication to education.

WHEREAS, Frederica Smith Wilson is a product of Dade County public schools and a graduate of Miami Northwestern Senior High School, and

WHEREAS, Frederica Smith Wilson received her Bachelor of Arts degree in Elementary Education from Fisk University in Nashville, Tennessee, received masters degrees in Early Childhood and Elementary Education from the University of Miami, and has done graduate work in Public Administration and Supervision at Florida Agricultural and Mechanical University and Florida International University, and

WHEREAS, Frederica Smith Wilson has been a district school board member, an exemplary principal at Skyway Elementary School, a model assistant principal, an outstanding director of teacher interns, and an excellent teacher, and

WHEREAS, Frederica Smith Wilson has successfully lobbied for and against various civic causes, has been honored for her efforts on behalf of the Landmark Learning Center, and has had a scholarship named for her by the Alpha Kappa Alpha Sorority, NOW, THEREFORE,

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

That this legislative body pause in its deliberations and recognize Frederica Smith Wilson for her efforts on behalf of children in this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Frederica Smith Wilson as a tangible token of the sentiments of the Florida Senate.

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

On motion by Senator Turner, by two-thirds vote **SR 2238** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Turner—

SR 2238—A resolution commending Ms. Johnnie R. McMillian for her community activism.

WHEREAS, Ms. Johnnie R. McMillian since 1991 has been Assistant Director of Chapter 1 Administration in the Miami area, and

WHEREAS, Ms. McMillian has outstanding credentials as a counselor and teacher of learning disabled students, and

WHEREAS, she is currently Adjunct Professor of Psychology and Learning Disabilities at Florida Memorial College and has been Adjunct Professor of Psychology, Social Science, and Human Relations courses at Miami-Dade Community College, and

WHEREAS, in addition to distinguishing herself in her career, Ms. McMillian has received awards too numerous to list, including, in 1991 alone: Outstanding Women's Award, Burdine's and Delta Sigma Theta, Miami Alumnae Chapter; Outstanding Community Service, Charmettes, Inc., Miami Chapter; Outstanding Services, Upward Bound Program, Florida Memorial College; Black History Supporter, Madison Middle School; Black History Supporter, West Homestead Elementary; Leadership Award, Service Employees International Union, AFL/CIO; and Dedicated Services, Dade County Public Schools, Chapter 1 Program, and

WHEREAS, her other awards include the NAACP Unsung Heroine Award attained in 4 successive years, 1986-1989, and

WHEREAS, besides finding time for her husband and four children, Johnnie McMillian is active in the NAACP, in which she has been President of the Miami-Dade branch, chairperson of the Membership Florida State Conference of NAACP Branches, and part of the Un Represented People Positive Action Council ("UP-PAC") Board of Directors; and she is also a member of the National Alliance of Black School Educators (NABSE); the Florida Association of Federal Administrators; the National Association of ESEA Title I/Chapter 1 Parents; the Dade County Administrators Association; Mt. Tabor Church; Eta Phi Beta Sorority, Alpha Gamma Chapter; Alpha Kappa Alpha Sorority, Gamma Zeta Omega Chapter; International Reading Council; Upward Bound, Florida Memorial College, Advisory Board; and Children First, Advisory Council, and

WHEREAS, these many accomplishments and distinguished achievements merit special statewide recognition, NOW, THEREFORE,

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

That the Florida Senate commends Ms. Johnnie R. McMillian for her outstanding accomplishments in the fields of clinical psychology and learning disabilities and for her many successful efforts to uplift and advance the underrepresented members of society.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Ms. Johnnie R. McMillian as a tangible token of the sentiments of the Florida Senate.

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

On motion by Senator Wexler, by two-thirds vote **SR 2124** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Wexler—

SR 2124—A resolution recognizing May 2-9, 1993, as "Child Abuse Awareness Week."

WHEREAS, our children are our most valuable assets, and

WHEREAS, children represent the future, the hope, and the inspiration for our state, and

WHEREAS, children need a safe, caring environment in which to grow and learn, and

WHEREAS, many children living in this state are subjected to abuses, both physical and mental, that drastically reduce their ability to develop self-esteem, to experience a nurturing environment, and to learn the importance of family unity, education, and spiritual values, and

WHEREAS, child abuse is not only increasing nationally, but also within this state, and

WHEREAS, the designation of the week of May 2-9, to recognize the needs of children and the detrimental effects of child abuse will emphasize the plight of many children in this state who are abused and in need of our help, NOW, THEREFORE,

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

That the Florida Senate, acknowledging both the importance of children to our future and the crucial need to eliminate child abuse, recognizes the week of May 2-9, 1993, as "Child Abuse Awareness Week."

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

On motion by Senator Dantzler, by two-thirds vote **SR 2052** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Dantzler—

SR 2052—A resolution recognizing the efforts and devotion of caregivers to the chronically and terminally ill.

WHEREAS, well over nine million neighbors, friends, family members, or workmates are the spouse and family caregivers to chronically or terminally ill persons, and

WHEREAS, these spouse and family caregivers have come to form a group that needs our support, love, understanding, and help, and

WHEREAS, they are, for the most part, "forgotten" or "lost" due to the pressing demands of taking care of a seriously ill person. They are a group at risk due to the stress, anxiety, loneliness, financial pressures, and, sometimes, legal problems that accompany being a sole caregiver, and

WHEREAS, such devotion and love on the part of these caregivers, who may spend a substantial portion of their lives caring for an ill spouse or family member, are deserving of our attention and concern, NOW, THEREFORE,

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

That February 14, 1993, is recognized as "Spouse and Family Caregivers Day" in this state.

BE IT FURTHER RESOLVED that the Senate urges all persons to support the efforts of spouse and family caregivers' support groups that provide invaluable assistance to the spouse and family caregivers of chronically and terminally ill persons in this state.

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

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

By Senator Crist—

SM 2384—A memorial to the Congress of the United States, urging Congress to pass legislation that would prohibit a state from imposing an income tax on the income from a pension of any person who is not a resident of that state.

WHEREAS, Florida is one of the fastest-growing states in the union, and

WHEREAS, the continuous influx of persons into the state promotes a growing, healthy, and diversified economy, and

WHEREAS, many persons who migrate into this state are retired and live on limited fixed incomes, and

WHEREAS, many persons retire to Florida with the expectation of being exempt from any state income tax and have planned their finances accordingly, and

WHEREAS, for many of these persons, the income they earn from their pension, savings, and other investments is barely sufficient to pay their expenses and offset inflation, and

WHEREAS, other states have enacted legislation that authorizes the imposition of an income tax from a pension that originates in those states, even if the person who earns the income resides in another state, and

WHEREAS, as a result, many persons who have retired to Florida are required to pay income tax imposed by other states on the income from their pension, and

WHEREAS, these laws have placed an unexpected and often insurmountable financial burden on many of these persons, and

WHEREAS, U.S. Representative Barbara Vucanovich, of Nevada, and U.S. Senator Harry Reid of Nevada, have introduced legislation that would prohibit a state from imposing an income tax on the income from a pension of any person who is not a resident of that state, and

WHEREAS, U.S. Senator Bob Graham and U.S. Senator Connie Mack and U.S. Representatives Earl Hutto, Pete Peterson, Cliff Stearns, Bill McCollum, Michael Bilirakis, Bill Young, Sam Gibbons, Porter Goss, Tom Lewis, and E. Clay Shaw, Jr., are supporting or cosponsoring such legislation, NOW, THEREFORE,

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

That the Congress of the United States is urged to enact legislation that prohibits states from imposing an income tax on the income from a pension of any person who is not a resident of that state.

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.

On motion by Senator Crist, **SM 2384** was read by title, and by two-thirds vote was read the second time in full, adopted and certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Jennings, by two-thirds vote **SCR 8** and **SB 188** were withdrawn from the Committee on Rules and Calendar; **Senate Bills 1142, 1548** and **CS for SB 940** were withdrawn from the Committee on Community Affairs; **SB 680** was withdrawn from the Committee on Health Care; **SB 710** was withdrawn from the Committee on Judiciary; **Senate Bills 386, 540, 1312, CS for SB 166** and **CS for SB 1438** were withdrawn from the Committee on Health and Rehabilitative Services; **SB 646** was withdrawn from the Committee on Natural Resources and Conservation; **SB 698, CS for SB 1894** and **CS for SB 1898** were withdrawn from the Committee on Governmental Operations; **SB 1330** was withdrawn from the Committee on Personnel,

Retirement and Collective Bargaining; **CS for SB 1986** was withdrawn from the Committee on Transportation; and **SB 1904** was withdrawn from the Committee on Commerce.

On motions by Senator Kiser, by two-thirds vote **Senate Bills 654, 662, 782, 830, 980, 1358, 1374, 1576, 1840, CS for SB 194, CS for SB 202, CS for SB 444, CS for SB 520, CS for SB 558, CS for SB 588, CS for SB 968, CS for SB 1038, CS for SB 1146, CS for CS for SB 1186, CS for SB 1260** and **CS for SB 1672** were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Bankhead, by two-thirds vote **Senate Bills 576** and **2334** were withdrawn from the committees of reference and further consideration.

On motions by Senator Silver, by two-thirds vote **SB 1446** was withdrawn from the committees of reference and further consideration.

On motions by Senator Gutman, by two-thirds vote **SB 490** was withdrawn from the committees of reference and further consideration.

On motions by Senator Scott, by two-thirds vote **Senate Bills 82, 304, 308, 740, 784, 816, 1250, 1368, 1706, CS for SB 440, CS for SB 592, CS for SB's 1708 and 1884, CS for SB 648, CS for SB 752, CS for SB 1174, CS for SB's 1366 and 1158, CS for SB 1554, CS for SB 1594, CS for SB's 1774 and 1480, CS for SB 1900** and **CS for SB 1954** were withdrawn from the Committee on Appropriations.

On motion by Senator Scott, by two-thirds vote **SB 634** was also referred to the Committee on Appropriations.

On motions by Senator Kiser, by two-thirds vote **CS for SB 1730** and **SB 1312** were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Scott, by two-thirds vote **CS for SB 2046** was withdrawn from the Committee on Appropriations.

MOTION

On motion by Senator Crist, the rules were waived and the Committee on Executive Business, Ethics and Elections was granted permission to consider the executive appointment of Fred Donovan to Enterprise Florida on March 17.

APPOINTMENT OF SELECT SUBCOMMITTEE

Senator Scott announced the appointment of a Select Subcommittee of the Committee on Appropriations to study the recent disclosure of computer problems within the Department of Health and Rehabilitative Services and the impact of these problems on the State of Florida. The select subcommittee members were announced as follows: Senator Myers, Chairman; Senators Bankhead, Childers, Jenne, Kurth, McKay, Dudley, Kirkpatrick, Williams and Foley.

On motion by Senator Scott, the rules were waived and the Select Subcommittee of the Committee on Appropriations was granted permission to meet March 17 at 2:00 p.m.

SPECIAL ORDER

Consideration of **CS for SB 718** and **SB 970** was deferred.

SB 1308—A bill to be entitled An act relating to confidential records; amending s. 403.111, F.S.; providing an exemption from the public records law for certain financial information obtained by the Department of Environmental Regulation with respect to its pollution control activities; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Dyer and adopted:

Amendment 1 (with Title Amendment)—On page 1, between lines 11 and 12, insert:

Section 1. The Legislature finds a public necessity in protecting confidential information concerning private persons and entities, which information would otherwise not be subject to public scrutiny if it were not in the custody of an agency as defined in section 119.011, F.S.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 2, after the semicolon (;) insert: providing legislative findings;

On motion by Senator Dyer, by two-thirds vote **SB 1308** 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

Motion

On motion by Senator Dyer, the rules were waived and **SB 1308** was ordered immediately certified to the House.

CS for SB 1464—A bill to be entitled An act relating to pesticides; amending s. 487.021, F.S.; revising the definitions of the terms “commercial applicator,” “labeling,” and “licensed applicator” and defining the term “fumigant”; amending s. 487.031, F.S.; providing that it is unlawful to engage in the application of chlorine gas for the treatment of swimming pools, spas, or hot tubs without a certified applicator’s license; prohibiting the application of a restricted-use pesticide by an unlicensed person under the direct supervision of a licensed applicator if the pesticide label prohibits application by anyone other than a licensed applicator; providing conforming and other editorial changes; providing penalties; amending s. 487.044, F.S.; deleting reference to the standard core examination requirement for licensure; amending s. 487.046, F.S.; revising provisions relating to proof of liability insurance required of aerial applicators and eliminating the option of posting a surety bond in lieu thereof; providing for waiver of the requirement of a certified applicator’s license for persons licensed under chapter 388 or chapter 482, F.S., under certain circumstances; granting the Department of Agriculture and Consumer Services rulemaking authority for such exemptions; amending s. 487.047, F.S.; revising provisions relating to purchase and application of restricted-use pesticides, and purchase of those pesticides by nonresidents, and sales of those pesticides outside the country; amending s. 487.15, F.S.; revising provisions for recall, reimbursement, and disposal of dangerous pesticides; providing for voluntary and mandatory procedures; providing for injunctive relief; amending s. 487.159, F.S.; requiring registrants to report to the department additional factual information regarding documented unreasonable damage or injury to health or the environment from the use of a pesticide; amending s. 487.163, F.S.; providing for cooperation and formal agreements with Indian tribes; amending s. 487.175, F.S., relating to penalties; reenacting s. 487.101(2), F.S., relating to stop-sale, stop-use, removal, or hold orders, to incorporate the amendment to s. 487.175, F.S., in reference thereto; repealing s. 487.13, F.S., relating to cooperation with other state and federal agencies; providing an effective date.

—was read the second time by title.

Senator Dantzler moved the following amendment which was adopted:

Amendment 1—On page 12, line 9, strike “July” and insert: October

Motion

Senator Boczar moved that the rules be waived to allow consideration of an amendment which had not been timely filed. The motion failed.

On motion by Senator Dantzler, by two-thirds vote **CS for SB 1464** 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

Motion

On motion by Senator Dantzler, the rules were waived and **CS for SB 1464** was ordered immediately certified to the House.

Consideration of **CS for SB’s 582 and 584** was deferred.

SB 30—A bill to be entitled An act relating to the Florida Prompt Payment Act; amending s. 218.72, F.S.; clarifying that the act applies to payments for construction services; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 2, between lines 8 and 9, insert:

Section 2. Subsection (1) of section 215.422, Florida Statutes, 1992 Supplement, is amended to read:

215.422 Warrants, vouchers, and invoices; processing time limits; dispute resolution; agency or judicial branch compliance.—

(1) The voucher authorizing payment of an invoice submitted to an agency of the state or the judicial branch, required by law to be filed with the Comptroller, shall be filed with the Comptroller not later than 20 days after receipt of the invoice and receipt, inspection, and approval of the goods or services *including, but not limited to, construction services*, except that in the case of a bona fide dispute the voucher shall contain a statement of the dispute and authorize payment only in the amount not disputed. Approval and inspection of goods or services *including, but not limited to, construction services* shall take no longer than 5 working days unless the bid specifications, purchase order, or contract specifies otherwise. If a voucher filed within the 20-day period is returned by the Department of Banking and Finance because of an error, it shall nevertheless be deemed timely filed. The 20-day filing requirement may be waived in whole or in part by the Department of Banking and Finance on a showing of exceptional circumstances in accordance with rules and regulations of the department. For the purposes of determining the receipt of invoice date, the agency or the judicial branch is deemed to receive an invoice on the date on which a proper invoice is first received at the place designated by the agency or the judicial branch. The agency or the judicial branch is deemed to receive an invoice on the date of the invoice if the agency or the judicial branch has failed to annotate the invoice with the date of receipt at the time the agency or the judicial branch actually received the invoice or failed at the time the order is placed or contract made to designate a specific location to which the invoice must be delivered.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 5, after the semicolon (;) insert: amending s. 215.422, F.S.; providing for payment for construction services;

On motion by Senator Dudley, by two-thirds vote **SB 30** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

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

CS for HB 593—A bill to be entitled An act relating to protection from abuse, neglect, and exploitation; designating parts I-VI of chapter 415, F.S., relating to adult protective services, prevention of abuse and neglect of children, family services response system, protective services for abused and neglected children, family builders program, and domestic violence centers, respectively; creating s. 415.5021, F.S.; providing purpose and legislative intent; creating s. 415.5022, F.S.; providing definitions; creating s. 415.5023, F.S.; specifying procedures of the family services response system; creating s. 415.5024, F.S.; providing for confidentiality of records; providing for review and repeal; creating s. 415.5025, F.S.; providing for district authority and responsibilities; providing responsibilities of the district health and human services boards and the Department of Health and Rehabilitative Services; specifying requirements for proposals for family services response systems; providing for federal waivers; providing for agreements to allow a county sheriff’s office or local police department to perform certain components of child protective investigations; creating s. 415.5026, F.S.; providing for outcome evaluations and reports; requiring reports to the Legislature; creating s. 415.5027, F.S.; providing for rules; amending s. 415.503, F.S.; redefining “institutional child abuse or neglect” and “other person

responsible for a child's welfare"; amending s. 415.504, F.S., relating to mandatory reporting of child abuse or neglect; providing for use of the family services response system; amending s. 415.505, F.S.; deleting provisions relating to protocol and procedures for child abuse investigations involving district school board personnel; amending s. 415.513, F.S.; requiring the department to submit information about false abuse reports to law enforcement agencies; providing an effective date.

—a companion measure, was substituted for **CS for SB 1102** and by two-thirds vote read the second time by title. On motion by Senator Hargett, by two-thirds vote **CS for HB 593** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for SB's 582 and 584—A bill to be entitled An act relating to the authority of the Public Service Commission; creating s. 364.015, F.S.; providing for injunctive relief against telecommunications companies; creating s. 364.016, F.S.; authorizing reimbursement by telecommunications companies of certain commission travel costs relating to audits; amending s. 366.05, F.S.; providing for injunctive relief against public utilities and authorizing reimbursement by electric and gas utilities of certain commission travel costs relating to audits; amending s. 364.055, F.S.; changing procedures for establishing interim telecommunications rates; amending s. 366.06, F.S.; authorizing the commission to permit gas and electric utilities to elect the proposed agency action procedure; amending s. 366.071, F.S.; changing procedures for establishing interim gas and electric rates; creating s. 366.8255, F.S.; providing for environmental cost recovery; amending s. 367.011, F.S.; authorizing the commission to use its economic expertise in reviewing jurisdictional and, upon request, nonjurisdictional water and wastewater utilities; amending s. 367.031, F.S.; requiring a water or wastewater utility to obtain a certificate or an exemption order from the commission prior to obtaining a permit; amending s. 367.082, F.S.; changing procedures for establishing interim water and wastewater rates; amending s. 367.111, F.S.; extending the commission's authority to enforce water and wastewater standards; amending s. 367.121, F.S.; authorizing the commission to provide economic expertise to other regulatory agencies; providing for injunctive relief against water and wastewater utilities; authorizing the commission to receive reimbursement of travel costs from water and wastewater utilities; repealing s. 367.145(3), F.S., relating to restrictions on the use of regulatory assessment and application fees; amending s. 368.021, F.S.; exempting from commission regulation entities supplying compressed natural gas for transportation purposes; amending s. 368.061, F.S.; increasing the level of civil fines for gas safety violations; creating s. 368.1085, F.S.; authorizing reimbursement by natural gas transmission companies of certain commission travel costs relating to audits; creating s. 368.1115, F.S.; providing for injunctive relief against natural gas transmission companies; providing for the use of a projected test-year rate base to determine interim rates or revenues subject to refund; providing an effective date.

—was read the second time by title.

Senator Casas moved the following amendments which were adopted:

Amendment 1—On page 8, strike all of lines 1 and 2 and insert:

1. In-service capital investments, including the electric utility's last authorized rate of return on equity thereon;

Amendment 2—On page 9, strike line 1 and insert:

(4) Environmental compliance costs recovered through the environmental cost-recovery factor shall be allocated to the customer classes using the criteria set out in s. 366.06(1), taking into account, the manner in which similar types of investment or expense were allocated in the company's last rate case.

(5) Recovery of environmental compliance costs under

Amendment 3 (with Title Amendment)—On page 9, strike all of lines 7-19 and renumber subsequent sections.

And the title is amended as follows:

In title, on page 1, strike all of lines 22-26 and insert: cost recovery; amending s. 367.031, F.S.; requiring

Amendment 4 (with Title Amendment)—On page 12, lines 1-31 and on page 13, lines 1-9, strike all of said lines and insert:

Section 12. Paragraphs (h) and (i) of subsection (1) of section 367.121, Florida Statutes, are amended, and paragraphs (j) and (k) are added to that subsection, to read:

367.121 Powers of commission.—

(1) In the exercise of its jurisdiction, the commission shall have power:

(h) To order interconnections of service or facilities between utilities, and to approve any plant capacity charges or wholesale service charges or rates related thereto, provided the commission first finds that the utility is financially able to make such additional investment as is required without impairing its capacity to serve its existing customers; and

(i) To require the filing of reports and other data by a public utility or its affiliated companies, including its parent company, regarding transactions or allocations of common costs, among the utility and such affiliated companies. The commission may also require such reports or other data necessary to ensure that a utility's ratepayers do not subsidize non-utility activities;

(j) *To seek relief in circuit court including temporary and permanent injunctions, restraining orders, or any other appropriate order, because the Legislature finds that violations of commission orders or rules, in connection with the impairment of a utility's operations or service, constitute irreparable harm for which there is no adequate remedy at law. Such remedies shall be in addition to and supplementary to any other remedies available for enforcement of agency action under s. 120.69 or the provisions of this chapter. The commission shall establish procedures implementing this section by rule; and*

(k) *To assess a utility for reasonable travel costs associated with reviewing the records of the utility and its affiliates when such records are kept out of state. The utility may bring the records back into the state for review.*

And the title is amended as follows:

In title, on page 2, strike all of lines 4-6 and insert: F.S.; authorizing the commission to seek injunctive relief

Senator Grant moved the following amendments which were adopted:

Amendment 5—On page 10, strike all of lines 6 and 7 and insert:

Section 10. Subsection (1) and paragraph (b) of subsection (5) of section 367.082, Florida Statutes, are amended to read:

Amendment 6—On page 10, between lines 8 and 9, insert:

(1) The commission may, during any proceeding for a change of rates, upon its own motion, upon petition from any party, or by a tariff filing of a utility or a regulated company, authorize the collection of interim rates until the effective date of the final order. Such interim rates may be based upon a test period different from the test period used in the request for permanent rate relief. *Upon application by a utility, the commission may use the projected test-year rate base when determining the interim rates or revenues subject to refund.* To establish a prima facie entitlement for interim relief, the commission, the petitioning party, the utility, or the regulated company shall demonstrate that the utility or the regulated company is earning outside the range of reasonableness on rate of return calculated in accordance with subsection (5).

Amendment 7 (with Title Amendment)—On page 13, strike all of lines 10 and 11

And the title is amended as follows:

In title, on page 2, lines 10-12, after "utilities," strike all of said lines

Amendment 8—On page 15, strike all of lines 1-4

On motion by Senator Casas, by two-thirds vote **CS for SB's 582 and 584** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

Motion

On motion by Senator Casas, the rules were waived and **CS for SB's 582 and 584** was ordered immediately certified to the House.

CS for SB 718—A bill to be entitled An act relating to cultural programs; amending s. 265.2861, F.S.; redesignating the State Major Cultural Institution Program as the Cultural Institutions Program; redesignating the State Major Cultural Institution Trust Fund as the Cultural Institutions Trust Fund; deleting the designation of major cultural institutions; deleting theatre programs designated as State Theater Programs; requiring the Department of State to establish criteria for awarding grants under the Cultural Institutions Program; providing certain funding limitations; revising contract and audit requirements for organizations that receive funds under the program; amending s. 265.2865, F.S.; providing for travel expenses for Florida Artists Hall of Fame award recipients; repealing s. 265.287, F.S., which creates the State Theater Program within the Department of State; amending s. 265.289, F.S.; revising the definition of the term "state theater contract organization" and requirements with respect thereto; amending s. 212.08, F.S.; conforming provisions relating to the sales tax exemption for State Theater Program facilities; providing an effective date.

—was read the second time by title. On motion by Senator Silver, by two-thirds vote **CS for SB 718** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

Motion

On motion by Senator Silver, the rules were waived and **CS for SB 718** was ordered immediately certified to the House.

CS for SB 1536—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 112.193, F.S.; providing that the employer of a law enforcement or correctional officer may present certain former employees and may present the spouse or beneficiary with certain items upon the death of the officer; providing an effective date.

—was read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB 1536** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

Motion

On motion by Senator Diaz-Balart, the rules were waived and **CS for SB 1536** was ordered immediately certified to the House.

CS for SB 1074—A bill to be entitled An act relating to historic preservation boards; amending s. 266.0037, F.S.; revising provisions relating to composition, membership qualifications, and terms of office of the architectural review board of the City of Key West to provide for establishment thereof by city ordinance; providing that the board shall make any recommendations regarding denial or grant of variances from zoning ordinances applicable to historical districts to the board of adjustment rather than the zoning board; amending s. 266.0057, F.S.; revising the membership of architectural review boards in Hillsborough County; revising powers of such boards relating to variances from ordinances; amending s. 266.00572, F.S.; revising the membership of the Barrio Latino Commission; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **CS for SB 1074** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

Motion

On motion by Senator Jones, the rules were waived and **CS for SB 1074** was ordered immediately certified to the House.

SB 1122—A bill to be entitled An act relating to environmental control; amending s. 403.814, F.S.; providing that certain electric utility activities may be authorized by general permit; providing exceptions; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendment which was moved by Senator Williams and adopted:

Amendment 1—On page 1, line 10, strike everything after the enacting clause and insert:

Section 1. Subsections (6) and (7) are added to section 403.814, Florida Statutes, to read:

403.814 General permits; delegation.—

(6) *Construction and maintenance of electric transmission or distribution lines in wetlands by electric utilities, as defined in s. 366.02, shall be authorized by general permit provided the following provisions are implemented:*

(a) *All permanent fill shall be at grade. Fill shall be limited to that necessary for the electrical support structures, towers, poles, guy wires, stabilizing backfill, and at-grade access roads limited to 20-foot widths; and*

(b) *The permittee may utilize access and work areas limited to the following: a linear access area of up to 25 feet wide between electrical support structures, an access area of up to 25 feet wide to electrical support structures from the edge of the right of way, and a work area around the electrical support structures, towers, poles, and guy wires. These areas may be cleared to ground, including removal of stumps as necessary; and*

(c) *Vegetation within wetlands may be cut or removed no lower than the soil surface under the conductor, and 20 feet to either side of the outermost conductor, while maintaining the remainder of the project right-of-way within the wetland by selectively clearing vegetation which has an expected mature height above 14 feet. Brazilian pepper, Australian pine, and Melaleuca shall be eradicated throughout the wetland portion of the right-of-way; and*

(d) *Erosion control methods shall be implemented as necessary to insure that state water quality standards for turbidity are met. Diversion and impoundment of surface waters shall be minimized; and*

(e) *The proposed construction and clearing shall not adversely affect threatened and endangered species; and*

(f) *The proposed construction and clearing shall not result in a permanent change in existing ground surface elevation; and*

(g) *Where fill is placed in wetlands, the clearing to ground of forested wetlands is restricted to 4.0 acres per 10 mile section of the project, with no more than one impact site exceeding 0.5 acres. The impact site which exceeds 0.5 acres shall not exceed 2.0 acres. The total forested wetland clearing to the ground per 10 mile section shall not exceed 15 acres. The 10-mile sections shall be measured from the beginning to the terminus, or vice versa, and the section shall not end in a wetland; and*

(h) *The general permit authorized by this subsection shall not apply in forested wetlands located within 550 feet from the shoreline of a named waterbody designated as an Outstanding Florida Water; and*

(i) *The criteria of the general permit shall not affect the authority of the siting board to condition certification of transmission lines as authorized under ch. 403, part II.*

Maintenance of existing electric lines and clearing of vegetation in wetlands conducted without the placement of structures in wetlands or other dredge and fill activities does not require an individual or general construction permit. For the purpose of this subsection, wetlands shall mean the landward extent of waters of the state regulated under ch. 403.91-403.929 and isolated and non-isolated wetlands regulated under ch. 373, part IV. The provisions provided in this subsection apply to the permitting requirements of the department, any water management district, and any local government implementing ch. 403, part VIII, or ch. 373, part IV.

(7) *The department and the water management districts may provide by rule for general permits with special criteria including acreage thresholds authorizing the construction of transmission and distribution lines in forested wetlands located within 550 feet of the shoreline of a named waterbody designated as an Outstanding Florida Water. If a portion of a project qualifies for the general permit under subsection (6) and another portion of that project qualifies under this subsection, then a single general permit may be issued pursuant to both subsections.*

Section 2. This act shall take effect upon becoming a law.

On motion by Senator Williams, by two-thirds vote **SB 1122** 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—4

Motion

On motion by Senator Williams, the rules were waived and **SB 1122** was ordered immediately certified to the House.

SB 1930—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; updating references to the current Internal Revenue Code for corporate income tax purposes; providing for retroactive effect; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote **SB 1930** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

CS for SB 602—A bill to be entitled An act relating to elections; amending s. 99.012, F.S.; providing for removing from the ballot the name of a candidate who is decertified by the Department of State; amending s. 99.021, F.S.; providing for decertification of candidates; requiring the Division of Elections to adopt rules for decertification proceedings, including rules for notice and hearing; providing an effective date.

—was read the second time by title.

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

Senator Myers moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 2, between lines 9 and 10, insert:

Section 3. Subsection (2) of section 104.271, Florida Statutes, is amended to read:

104.271 False or malicious charges against, or false statements about, opposing candidates; penalty.—

(2) Any candidate who, in a primary election or other election, with actual malice makes or causes to be made any statement about an opposing candidate which is false is guilty of a violation of this code. An aggrieved candidate may file a complaint with the Division of Elections under pursuant to s. 106.25. The division shall adopt rules to provide an expedited hearing before the Florida Elections Commission of complaints filed under this subsection. Notwithstanding any other provision of law, the Florida Elections Commission shall assess a civil penalty of up to \$5,000 against any candidate found in violation of this subsection, which must shall be deposited to the account of the General Revenue Fund of the state.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 10, after the semicolon (;) insert: amending s. 104.271, F.S.; deleting the requirement that a false statement made by one candidate about an opponent must be made with actual malice in order to be considered a violation of the election code;

On motion by Senator Myers, by two-thirds vote **CS for SB 602** 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—2

Motion

On motion by Senator Myers, the rules were waived and **CS for SB 602** was ordered immediately certified to the House.

SB 682—A bill to be entitled An act relating to public restroom facilities; amending s. 553.141, F.S.; providing an exemption from certain public restroom requirements for lodging and food service establishments and member campgrounds; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendment which was moved by Senator Kurth and adopted:

Amendment 1—On page 1, strike all of lines 16-22 and insert:

(3) *This section does not apply to establishments licensed under chapter 509 if the establishment does not provide meeting or banquet rooms which accommodate more than 150 persons and the establishment has at least the same number of water closets for women as the combined total of water closets and urinals for men.*

On motion by Senator Kurth, by two-thirds vote **SB 682** 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—1

Consideration of **CS for SB 686** was deferred.

CS for SB 574—A bill to be entitled An act relating to highway safety; amending s. 316.003, F.S.; redefining the terms "school bus" and "commercial motor vehicle"; amending s. 316.183, F.S.; revising language with respect to the maximum allowable speed for school buses; amending s. 316.1937, F.S.; revising language with respect to ignition interlock devices; amending s. 316.1951, F.S.; providing for the removal of certain motor vehicles; amending s. 316.217, F.S.; revising language with respect to when lighted lamps are required; amending s. 316.2955, F.S.; directing the Department of Highway Safety and Motor Vehicles to make certain rules with respect to window sunscreening material; amending s. 316.613, F.S.; providing for vehicle manufacturers' integrated child seats; revising exemptions to the term "motor vehicle" with respect to child restraint laws; amending s. 316.615, F.S.; revising language with respect to the inspection of school buses; requiring certain insurance coverage; amending s. 316.650, F.S.; revising language with respect to traffic citations; repealing s. 316.71, F.S., relating to the suspension or delay of specified functions and requirements, and the imposition of specified fees relating to highway safety and motor vehicles; amending s. 318.14, F.S.; revising language with respect to noncriminal traffic infractions; amending s. 318.1451, F.S.; providing for an additional assessment to be collected by driver improvement schools; providing for studies; amending s. 319.231, F.S.; revising language with respect to exceptions to an additional fee imposed on certain motor vehicle title or registration-only transactions; amending s. 319.25, F.S.; deleting language with respect to lists and searches and fees with respect to cancellation of certificates of title; amending s. 320.02, F.S.; authorizing compliance examiners to issue notice of violations; providing penalties; amending s. 320.05, F.S.; providing for lists and searches; and fees with respect to certain documents; amending s. 320.06, F.S.; revising language with respect to the form of certain registration license plates; amending s. 320.0605, F.S., relating to certificate of registration; revising period of applicability; creating s. 320.0657, F.S.; providing for permanent registration and for fleet license plates; amending s. 320.08, F.S.; revising language with respect to license taxes on heavy trucks and truck tractors; creating s. 320.08035, F.S.; providing for reduced dimension license plates for certain disabled persons; amending s. 320.0805, F.S.; providing for personalized prestige license plates for lessees of motor vehicles; amending s. 320.08065, F.S.; revising language with respect to Florida panther license plates; amending s. 320.08066, F.S.; revising language with respect to manatee license plates; amending s. 320.0808, F.S.; providing for the issuance of Challenger license plates to lessees; amending s. 320.0809, F.S.; providing for the issuance of collegiate license plates to lessees; amending s. 320.083, F.S.; providing that certain license plates available to amateur radio operators shall be available for lessees of motor vehicles; amending s. 320.089, F.S.;

authorizing lessees to receive certain license plates; amending s. 320.0895, F.S.; revising language with respect to Florida Salutes Veterans license plates; amending s. 320.1325, F.S.; prohibiting the issuance of temporarily employed registration plates to any commercial motor vehicle; providing for the issuance to lessees; amending s. 320.18, F.S.; providing language with respect to the canceling of registration; amending s. 320.27, F.S.; redefining the term "motor vehicle dealer"; amending s. 320.8231, F.S.; correcting a cross reference; amending s. 320.824, F.S.; correcting a cross reference; amending s. 320.8285, F.S.; revising language with respect to onsite inspection; amending s. 322.01, F.S.; revising definitions; amending s. 322.02, F.S.; providing for reciprocal agreements with other political entities; amending s. 322.0261, F.S.; revising language with respect to mandatory driver improvement courses; amending s. 322.03, F.S.; providing requirements with respect to the operation of a motorcycle; amending s. 322.05, F.S.; providing for reference to Class E licenses; amending s. 322.055, F.S.; providing for petition for restoration of driving privilege for certain violations; amending s. 322.095, F.S.; repealing the requirement that DUI programs offer the course required by the section; authorizing such programs and driver improvement schools to offer the course; amending s. 322.12, F.S.; providing for a hazardous materials endorsement on a person's driver license; amending s. 322.121, F.S.; revising language with respect to the periodic reexamination of all drivers; amending s. 322.14, F.S.; requiring certain persons seeking a driver license to appear in person; amending s. 322.21, F.S.; revising language with respect to certain persons who are exempt from delinquent fees for license expiration; amending s. 322.22, F.S.; revising language with respect to license cancellation; amending s. 322.24, F.S.; providing reference to foreign countries with respect to license suspension; amending s. 322.27, F.S.; revising language with respect to the point system for out-of-state convictions; amending s. 322.271, F.S.; prohibiting the issuance of commercial driver licenses under certain circumstances; amending s. 322.34, F.S.; revising language with respect to driving without a driver license or while the driver's license or driving privilege is suspended, revoked, canceled, or disqualified; amending s. 322.57, F.S.; providing for requirements with respect to tests for hazardous materials endorsements; amending s. 322.66, F.S.; revising language with respect to vehicles permitted to be driven during a skills test; amending s. 324.031, F.S.; revising amounts with respect to proving financial responsibility, amending s. 324.071, F.S.; increasing a reinstatement fee; amending s. 324.161, F.S.; increasing amounts with respect to proof of financial responsibility; amending s. 207.004, F.S.; providing for temporary fuel use permits; amending s. 207.005, F.S.; revising language with respect to taxes; amending s. 207.007, F.S.; revising language with respect to offenses, penalties, and interest; amending s. 207.011, F.S.; deleting language with respect to an agreement between the Department of Revenue and the Department of Highway Safety and Motor Vehicles; amending s. 207.0281, F.S.; revising language with respect to cooperative reciprocal agreements; repealing s. 207.029, F.S., relating to proof of liability insurance; providing an effective date.

—was read the second time by title.

Senator Diaz-Balart moved the following amendments which were adopted:

Amendment 1—On page 10, line 6, after the period (.) insert: *This shall not include motor vehicles owned, or operated by postsecondary institutions, which transport postsecondary students or adults.*

Amendment 2—On page 19, line 8, strike "\$1" and insert: *50 cents*

Amendment 3—On page 20, line 27, before the period (.) insert: *, except that gross vehicle weight vehicles owned by a licensed motor vehicle dealer may obtain a license plate with the word "restricted"*

Amendment 4—On page 46, line 8, after "revoked" insert: *, disqualified,*

Amendment 5—On page 46, lines 18 and 28, after "revocations" insert: *, or disqualifications,*

Amendment 6 (with Title Amendment)—On page 11, between lines 17 and 18, insert:

Section 9. Paragraph (a) of subsection (1) of section 316.640, Florida Statutes, 1992 Supplement, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Game and Fresh Water Fish Commission, and the Division of Law Enforcement of the Department of Natural Resources, and the law enforcement officers of the Department of Transportation each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle. University police officers shall have authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities which are under the guidance, supervision, regulation, or control of the State University System, except that traffic laws may be enforced off campus when hot pursuit originates on campus.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in s. 316.655.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work performance standards. Such work performance standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in s. 316.655.

And the title is amended as follows:

In title, on page 1, line 23, after the semicolon (;) insert: amending s. 316.640, F.S.; providing for enforcement of traffic laws;

Amendment 7 (with Title Amendment)—On page 43, line 26 through page 44, line 9, strike all of said lines and insert:

Section 42. Section 322.095, Florida Statutes, is amended to read:

322.095 Traffic law and substance abuse education program for driver's license applicants.—

(1) The Department of Highway Safety and Motor Vehicles must approve and monitor a traffic law and substance abuse education course that must be completed by applicants for a Florida driver's license. The curriculum for the course must provide instruction on the physiological and psychological consequences of the abuse of alcohol and other drugs, the societal and economic costs of alcohol and drug abuse, the effects of alcohol and drug abuse on the driver of a motor vehicle, and the laws of this state relating to the operation of a motor vehicle. *All instructors teaching the course must be certified and monitored by the department.*

(2) *The department shall contract for an independent evaluation of the course, and shall provide documentation to the Legislature by October 1, 2000, measuring course effectiveness. A local DUI program programs authorized under s. 316.193(5) and certified by the department or a department-approved driver-improvement school may Traffic Court Review Committee must offer the traffic law and substance abuse education course. However, before prior to offering the course, the course provider DUI programs must obtain certification from the department that the course complies with the requirements of this section. The course provider local DUI programs must offer the certified course at locations reasonably accessible to most applicants and must issue a certificate to those persons successfully completing the course.*

(3) The completion of the course does not qualify a person for the reinstatement of a driver's license which has been suspended or revoked.

(4) Upon certification of the course, the department must approve the fee set by the course provider DUI programs, which fee must bear a reasonable relationship to the cost of the course. The department must conduct financial audits of course providers local DUI programs conducting the education courses required under this section or require that financial audits of providers be performed at the expense of the provider, by a certified public accountant.

(5) The provisions of this section do not apply to any person who has been licensed in any other jurisdiction or who has satisfactorily completed a Department of Education driver's education course offered pursuant to s. 233.063.

(6)(a) There is hereby created the Drivers' Education Trust Fund to be administered by the department.

(b) Each *course provider* ~~DUI program~~ must collect a \$3 assessment fee in addition to the enrollment fee charged to participants of the traffic law and substance abuse course required under this section. The \$3 assessment fee collected by the *course provider* ~~DUI programs~~ must be forwarded to the department within 30 days after receipt of the assessment. ~~The department must deposit all assessment fees into the Drivers' Education Trust Fund and must use these funds for the purpose of administering this program; however, to the extent that such fees are more than sufficient to fund this program, proceeds from the trust fund may be appropriated for other lawful programs of the department.~~

And the title is amended as follows:

In title, on page 4, strike all of lines 7-11 and insert: amending s. 322.095, F.S.; providing for certification of DUI instructors and monitoring of such course by the department; authorizing the department to contract for an evaluation of the effectiveness of the DUI course; providing documentation of such course to the Legislature by October 1, 2000; repealing the requirement that DUI programs offer the course required by the section; authorizing such programs and driver improvement schools to offer the course; authorizing the department to require financial audits performed at the expense of the provider; amending s. 322.12, F.S.;

Amendment 8 (with Title Amendment)—On page 54, lines 16-31 through page 62, lines 1-27, strike all of said lines and insert:

Section 57. Section 207.003, Florida Statutes, is amended to read:

207.003 Privilege tax levied.—A tax for the privilege of operating any commercial motor vehicle upon the public highways of this state shall be levied upon every motor carrier at a rate which includes the rate provided in *parts I, II, and IV of* chapter 206, the sales tax imposed by part II of chapter 212, the minimum tax rates imposed by ss. 336.021 and 336.025, and the tax rate provided in s. 336.026 on each gallon of special fuel or motor fuel used for the propulsion of a commercial motor vehicle by such motor carrier within the state.

Section 58. Section 207.004, Florida Statutes, is amended to read:

207.004 Registration of motor carriers; identifying devices; fees; renewals; *temporary fuel use trip, emergency, and driveway annual* permits.—

(1)(a) No motor carrier shall operate or cause to be operated in this state any commercial motor vehicle, other than a Florida-based commercial motor vehicle which travels Florida intrastate mileage only, which uses special fuel or motor fuel until such carrier has registered with the department and has been issued an identifying device, *or such carrier has been issued a temporary fuel use permit under subsections (4) and (5),* for each vehicle operated. There shall be a fee of \$4 per year or any fraction thereof for each such identifying device issued. The identifying device shall be provided by the department and must be conspicuously displayed on the commercial motor vehicle, *as prescribed by the department,* while it is being operated on the public highways of this state. The transfer of an identifying device from one vehicle to another vehicle or from one motor carrier to another motor carrier is prohibited. ~~Unused identifying devices purchased for the year December 1, 1987, through November 30, 1988, may be exchanged for an equal number of identifying devices for the next ensuing reporting period at no charge.~~

(b) The motor carrier to whom an identifying device has been issued shall be solely responsible for the proper use of the identifying device by its employees, consignees, or lessees.

(2) Identifying devices shall be issued each year for the period January 1 through December 31, or any portion thereof, if tax returns and tax payments, when applicable, have been submitted to the department for prior reporting periods. Identifying devices may be displayed for the next succeeding indicia period beginning November 1 of each year.

(3) *If a motor carrier no longer operates or causes to be operated in this state a commercial motor vehicle* ~~When a commercial motor vehicle is removed from service,~~ the identifying device shall be destroyed and the motor carrier to whom the device was issued shall notify the department immediately by letter of such removal and of the number of the identifying device that has been destroyed.

(4) A motor carrier ~~before~~ *operating* a commercial motor vehicle on the public highways of this state must display an identifying device as required under ~~subsection~~ *subsection* (1) and (2) or must

~~obtain a temporary fuel use an emergency or trip permit or annual permit for that vehicle. A temporary fuel use An emergency or trip permit shall expire within 10 days after date of issuance. The cost of a temporary fuel use an emergency or trip permit is shall be \$45, and the permit exempts which shall exempt the vehicle from the payment of the motor fuel or special fuel tax imposed under this chapter during the term for which the permit is valid. However, the vehicle is shall not be exempt from paying the fuel tax at the pump.~~

(5)(a) A registered motor carrier holding a valid certificate of registration may, upon payment of the \$45 fee per permit, secure from the department, *or any wire service authorized by the department, a temporary fuel use permit either blank trip permits or emergency permits. A blank temporary fuel use trip permit, before prior to its use, must be executed by the motor carrier, in ink or type, so as to identify the carrier, the vehicle to which the trip permit is assigned, and the date that the vehicle is placed in and removed from service. The temporary fuel use trip permit shall also show a complete identification of the vehicle on which the trip permit is to be used, together with the name and address of the owner or lessee of the vehicle. The endorsed temporary fuel use trip permit shall then be carried on the vehicle which it identifies and shall be exhibited on demand to any authorized personnel. Temporary fuel use Emergency permits may be transmitted to the motor carrier by electronic means and shall be completed as outlined by department personnel prior to transmittal. The motor carrier to whom a temporary fuel use an emergency or trip permit is issued shall be solely responsible for the proper use of the permit by its employees, consignees, or lessees. Any erasure, alteration, or unauthorized use of a temporary fuel use an emergency or trip permit shall render it invalid and of no effect. A No motor carrier to whom a temporary fuel use an emergency or trip permit is issued may not shall knowingly allow the permit to be used by any other person or organization.*

(b) An unregistered motor carrier may, upon payment of the \$45 fee, secure from *any wire service authorized by the department,* by electronic means, a *temporary fuel use an emergency* permit which shall be valid for a period of 10 days. Such ~~emergency permit must shall~~ show the name and address of the unregistered motor carrier to whom it is issued, the date the vehicle is placed in and removed from service, a complete identification of the vehicle on which the permit is to be used, and the name and address of the owner or lessee of the vehicle. The *temporary fuel use emergency* permit shall then be carried on the vehicle which it identifies and shall be exhibited on demand to any authorized personnel. The unregistered motor carrier to whom *a temporary fuel use an emergency* permit is issued shall be solely responsible for the proper use of the permit by its employees, consignees, or lessees. Any erasure, alteration, or unauthorized use of *a temporary fuel use an emergency* permit shall render it invalid and of no effect. The unregistered motor carrier to whom *a temporary fuel use an emergency* permit is issued ~~may shall~~ not knowingly allow the permit to be used by any other person or organization.

(c) A registered motor carrier engaged in driveway transportation, in which the cargo is the vehicle itself and is in transit to stock inventory and the ownership of the vehicle is not vested in the motor carrier, may, upon payment of the \$4 fee, secure from the department *a driveway an annual* permit. The *driveaway annual* permits shall be issued for the period January 1 through December 31. ~~Annual permits issued for the December 1, 1987, through November 30, 1988, registration period shall be extended through December 31, 1988.~~ An original permit must be in the possession of the operator of each vehicle and shall be exhibited on demand to any authorized personnel. Vehicle mileage reports must be submitted by the motor carrier, and the road privilege tax must be paid on all miles operated within this state during the reporting period. All other provisions of this chapter ~~shall~~ apply to the holder of *a driveway an annual* permit.

Section 59. Subsections (1) and (3) of section 207.005, Florida Statutes, are amended to read:

207.005 Returns and payment of tax; delinquencies; calculation of fuel used during operations in the state; credit; bond.—

(1) The taxes levied under this chapter shall be due and payable ~~annually~~ on the first day of the month following the last month of the reporting period; ~~however,~~ The department may promulgate rules for reporting and establishing procedures for *annual, semiannual, or quarterly filing if deemed necessary.* The reporting period shall be the 12 months beginning ~~July 1 September 1~~ and ending ~~June 30 August 31~~. It shall be the duty of each motor carrier registered or required to be registered under the ~~provisions of~~ this chapter to ~~submit~~ *make* a return *within 30 days after the due date. The due date is:*

- (a) If annual filing is required, July 1;
 (b) If semiannual filing is required, January 1 and July 1; or

(c) If quarterly filing is required, January 1, April 1, July 1, and October 1, on or before September 30 of each year. However, in order for the motor carrier to have adequate time to compile the data required, the report shall not be considered delinquent until midnight of October 15 of any year. Effective September 1, 1983, the reporting period shall be 10 months beginning September 1, 1983, and ending June 30, 1984. Thereafter, the reporting period shall be the 12 months beginning July 1 and ending June 30 of each year. It shall be the duty of each motor carrier registered or required to be registered under the provisions of this chapter to file a return on or before July 31 of each year. However, returns shall not be delinquent until after midnight of August 15 of each year.

(3) For the purpose of computing the carrier's liability for the road privilege tax, the total gallons of fuel used in the propulsion of any commercial motor vehicle in this state shall be multiplied by the rates provided in parts I, II, and IV of chapter 206, part II of chapter 212, the minimum tax rates provided in ss. 336.021 and 336.025, and the tax rate provided in s. 336.026. From the sum determined by this calculation, there shall be allowed a credit equal to the amount of the tax per gallon under parts I, II, and IV of chapter 206, part II of chapter 212, the minimum tax rates provided in ss. 336.021 and 336.025, and the tax rate provided in s. 336.026 for each gallon of fuel purchased in this state during the reporting period when the special fuel or motor fuel tax was paid at the time of purchase. If the tax paid under parts I, II, and IV of chapter 206, part II of chapter 212, the minimum tax rates provided in ss. 336.021 and 336.025, and the tax rate provided in s. 336.026 exceeds the total tax due under this chapter, the excess may be allowed as a credit against future tax payments until the credit is fully offset or until eight calendar quarters have passed since the end of the calendar quarter in which the credit accrued, whichever occurs first. A refund may be made for this credit provided it exceeds \$10.

Section 60. Section 207.007, Florida Statutes, 1992 Supplement, is amended to read:

207.007 Offenses; penalties and interest.—

(1) If any motor carrier registered under this chapter fails to file a return and pay any tax liability under this chapter, ~~for any commercial vehicle other than a Florida-based commercial motor vehicle which travels Florida intrastate mileage only,~~ within the time required hereunder, the department may impose ~~shall add~~ a delinquency penalty of \$50 or 10 ~~20~~ percent to the amount of the taxes due, whichever is greater, if the failure is for not more than 30 days, with an additional 10 ~~20~~ percent penalty for each additional 30 days, or fraction thereof, during the time which the failure continues, not to exceed a total penalty of 100 ~~200~~ percent in the aggregate. However, ~~in no event shall~~ the penalty may not be less than \$50.

(2) In addition to any other penalties, any delinquent tax shall bear interest at the rate of one percent per month, or fraction thereof, calculated ~~12 percent per year,~~ from the delinquency date the tax was due. If the department enters into a reciprocal agreement under s. 207.0281, the department shall collect and distribute interest due to other jurisdictions at the same rate as if such interest were due to this state until paid.

(3) Any person who:

(a) Willfully refuses or neglects to make any statement, report, or return required by the provisions of this chapter;

(b) Knowingly makes, or assists any other person in making, a false statement in a return or report or in connection with an application for registration under this chapter; or

(c) Violates any of the provisions of this chapter, a penalty for which is not otherwise provided,

is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the department may revoke or suspend the registration privileges under ss. 207.004 and 320.02 of the violator. Each day or part thereof during which a person operates or causes to be operated a commercial motor vehicle without being the holder of an identifying device or having a valid temporary fuel use trip permit, emergency permit, or driveaway annual permit as required by this chapter constitutes a separate offense within the meaning of this sec-

tion. In addition to the penalty imposed by this section, the defendant shall be required to pay all taxes, interest, and penalties due to the state.

Section 61. Subsection (7) of section 207.011, Florida Statutes, is amended to read:

207.011 Inspection of records; hearings; forms; rules.—

~~(7) The Department of Highway Safety and Motor Vehicles and the Department of Revenue may enter into an agreement as to audit procedures on those motor carriers registered pursuant to this chapter. No audit or examination of records of dealers licensed with the Department of Revenue under the provisions of chapter 206 shall be made by the Department of Highway Safety and Motor Vehicles for either chapter 206 or this chapter without prior approval of the Department of Revenue.~~

Section 62. Section 207.026, Florida Statutes, is amended to read:

207.026 Allocation of tax.—All moneys derived from the taxes and fees imposed by this chapter shall be paid into the State Treasury by the department for deposit in the Gas Tax Collection Trust Fund from which the following transfers shall be made: After withholding \$50,000 from the proceeds therefrom, to be used as a revolving cash balance, and the amount of funds necessary for the administration and enforcement of this tax, all other moneys shall be transferred in the same manner and for the same purpose as provided in ss. 206.41, 206.45, 206.60, 206.605, 206.9945, 212.69, 336.021, 336.025, and 336.026.

Section 63. Subsection (1) of section 207.0281, Florida Statutes, is amended, subsection (7) of that section is renumbered as subsection (8), and a new subsection (7) is added to that section, to read:

207.0281 Registration; cooperative reciprocal agreements between states.—

(1) The Department of Highway Safety and Motor Vehicles may enter into a cooperative reciprocal agreement, including, but not limited to, the International Fuel Tax Agreement, with another state or group of states for the administration of the tax imposed by this chapter. An agreement arrangement, declaration, or amendment is not effective until stated in writing and filed with the Department of Highway Safety and Motor Vehicles.

(7) This section and any reciprocal agreement entered into under this section supersede all other fuel tax requirements of this chapter for commercial motor vehicles.

Section 64. Paragraph (b) of subsection (4) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(4)

(b) In addition to the penalty provided for in paragraph (a), the vehicle may be detained until the owner or operator of the vehicle furnishes evidence that the vehicle has been properly registered pursuant to s. 207.004. Any officer or agent of the Department of Transportation may issue a temporary fuel use an emergency or trip permit and collect the appropriate fee as provided for in s. 207.004(4). Notwithstanding the provisions of subsection (6), all permit fees collected pursuant to this paragraph shall be transferred to the Department of Highway Safety and Motor Vehicles to be allocated pursuant to s. 207.026.

Section 65. Section 207.029, Florida Statutes, is repealed.

Section 66. This act shall take effect July 1, 1993.

And the title is amended as follows:

In title, on page 5, strike all of lines 14-27 and insert: amending s. 207.003, F.S.; adding the pollutant tax rate levied under part IV of ch. 206, F.S., to the road privilege tax rate; amending s. 207.004, F.S.; providing for issuing a temporary fuel use permit to a motor carrier for a commercial motor vehicle; repealing the authority to issue trip permits, emergency permits, and annual permits; amending s. 207.005, F.S.; establishing due dates for filing fuel tax returns; establishing delinquency dates; providing a limitation on the application of fuel tax credits; adding the pollutant tax rate levied under part IV of ch. 206, F.S., to the formula for computing tax liability; amending s. 207.007, F.S.; requiring fuel tax returns to be filed for intrastate commercial motor vehicles; providing delinquency fees; conforming this section to amendments made by this

act; amending the amount of interest that may be assessed on delinquent fuel taxes; amending s. 207.011, F.S., deleting language with respect to an agreement between the Department of Revenue and the Department of Highway Safety and Motor Vehicles; amending s. 207.026, F.S.; providing for transfer of funds; amending s. 207.0281, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to enter into a cooperative reciprocal agreement with other states, such as the International Fuel Tax Agreement; providing that a reciprocal agreement entered into under the section supersedes other requirements of ch. 207, F.S., for commercial motor vehicles; amending s. 316.545, F.S., to conform; repealing s. 207.029, F.S., relating to requiring proof of liability insurance on commercial motor vehicles; providing an effective date.

On motion by Senator Myers, by two-thirds vote **CS for SB 574** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

Motion

On motion by Senator Myers, the rules were waived and **CS for SB 574** was ordered immediately certified to the House.

CS for SB 430—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 402.33, F.S.; changing the method to be used in determining whether a client of the department is exempt from paying for certain services; providing an effective date.

—was read the second time by title.

Senator Turner moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 2, strike all of lines 3-23 and insert: prohibit charging fees; ø

(g) *Developmental services provided under chapter 393 to any person who is determined to be eligible for such services by the department and whose earned income falls below the federal Health and Human Services Poverty Guidelines, unless such fees are collected from third-party benefits and benefit payments; or*

(h)(g) *Any type of service for which the department determines that the net estimated revenue from such fees after deducting any loss of funds from federal grants occasioned by such fees will be less than the estimated cost to charge and collect such fees.*

Fees, other than third-party benefits and benefit payments, may not be charged for services provided to indigents whose only sources of income are from state and federal aid. In addition, fees may not be charged parents of a minor client for services requested by the minor without parental consent or for services provided a minor client who has been permanently committed to the care and custody of the department with parental rights permanently severed. However, lack of parental consent does not preclude the charging of fees established *under pursuant to* chapter 39. The department may not require a client who is receiving wages which are below the minimum wage under the federal Fair Labor Standards Act to pay fees from such wages.

And the title is amended as follows:

In title, on page 1, strike all of lines 4-6 and insert: F.S.; providing an exemption from fee collection for developmental services provided to eligible persons whose earned income falls below federal poverty guidelines;

On motion by Senator Turner, by two-thirds vote **CS for SB 430** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for SB 168—A bill to be entitled An act relating to substance abuse punishment; amending s. 893.13, F.S.; authorizing probation alternatives for persons convicted of second and third degree felonies for certain drug crimes; amending s. 921.187, F.S.; authorizing sentencing alternatives for persons convicted of second and third degree felonies for certain drug crimes; amending s. 948.001, F.S.; providing a definition; creating s. 948.034, F.S.; providing for placement on probation with set con-

ditions; authorizing residential supervision in a community residential drug punishment center in certain circumstances; providing penalties for violation of probation; providing for reports; providing for the Department of Corrections to adopt rules; amending s. 948.04, F.S.; exempting drug probationers from time limit; providing for fines; providing an alternative for persons unable to pay fines; providing an effective date.

—was read the second time by title. On motion by Senator Siegel, by two-thirds vote **CS for SB 168** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

Motion

On motion by Senator Siegel, the rules were waived and **CS for SB 168** was ordered immediately certified to the House.

Consideration of **CS for SB 314** and **SB 412** was deferred.

CS for SB 232—A bill to be entitled An act relating to health care practitioners; creating s. 455.2456, F.S.; requiring certain boards under the Department of Professional Regulation which regulate health care practitioners to require by rule for medical malpractice insurance or limits of financial responsibility with respect to practitioners regulated by the board; providing exemptions; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1—On page 2, line 9, after "768.28(14)" insert: or who is a volunteer under s. 110.501(1)

On motion by Senator Sullivan, by two-thirds vote **CS for SB 232** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

Motion

On motion by Senator Sullivan, the rules were waived and **CS for SB 232** was ordered immediately certified to the House.

CS for SB 158—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; providing legislative intent; providing definitions; specifying duties and powers of the Department of Health and Rehabilitative Services; providing conditions for the installation of onsite sewage treatment and disposal systems; renaming the Advisory Review Variance Board as the Variance Review and Advisory Committee; providing for a Research Review and Advisory Committee; specifying membership and duties; providing enforcement authority for right of entry and citations; providing a fine; providing a criminal penalty; creating s. 381.00655, F.S.; providing requirements for connection to a central sewerage system; amending s. 381.0066, F.S.; modifying fee ranges; specifying fees for certain permits; amending ss. 381.006, 381.0064, 381.0067, 489.551, 489.553, F.S.; incorporating conforming changes; providing for a rule adoption technical advisory panel; specifying membership; providing for subsequent repeal and review of ss. 381.0065(3)(j), 381.0065(4)(l), and 381.0066(2)(k), F.S., relating to onsite sewage treatment and disposal system research; repealing s. 46, ch. 83-310, Laws of Florida; abrogating the repeal of ss. 381.0065, 381.0066, F.S., under the Regulatory Sunset Act; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendments which were adopted:

Amendment 1—On page 5, line 15, after "system." insert: *This term does not include package sewage treatment facilities and other treatment works regulated under chapter 403.*

Amendment 2—On page 6, line 13, after "day" insert: *which is not currently regulated under chapter 403*

Senator Gutman moved the following amendment which failed:

Amendment 3—On page 22, between lines 7 and 8, insert:

(2) A publicly owned or investor-owned sewerage system may, with the approval of the department, waive the requirement of mandatory onsite sewage treatment and disposal system connection if it determines that such connection is not required in the public interest due to financial or public health considerations.

Senator Dudley moved the following amendment which was adopted:

Amendment 4—On page 11, line 17, after the period (.) insert: In determining the applicability of specific rules with respect to surface water setbacks and drainfield sizes, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

Senator Dantzler moved the following amendment:

Amendment 5—On page 21, strike all of lines 16-27 and insert: requirements.—The owner of an onsite sewage treatment

On motion by Senator Gutman, further consideration of **CS for SB 158** with pending **Amendment 5** was deferred.

On motions by Senator Diaz-Balart, by two-thirds vote **CS for HB 89** was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; Community Affairs; and Appropriations.

On motion by Senator Diaz-Balart—

CS for HB 89—A bill to be entitled An act relating to law enforcement officers; amending ss. 112.531, 112.532, 112.533, and 112.534, F.S.; including deputy sheriffs under provisions of law relating to the rights of law enforcement and correctional officers; exempting sheriffs and deputy sheriffs from provisions relating to complaint review boards; reenacting s. 316.2935(4), F.S., relating to air pollution control equipment, to incorporate the amendment to s. 112.531, F.S., in a reference thereto; clarifying the applicability of the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 62** and read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote **CS for HB 89** was read the third time by title, passed and 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 Tuesday, March 16, 1993: **CS for SB 718, SB 970, SB 1308, CS for SB 1464, CS for Senate Bills 582 and 584, SB 30, CS for SB 1102, CS for SB 1536, CS for SB 1074, SB 1122, SB 1930, CS for SB 602, SB 682, CS for SB 686, CS for SB 574, CS for SB 430, CS for SB 168, CS for SB 314, SB 412, CS for SB 232, CS for SB 158, CS for SB 62, CS for SB 382, CS for SB 568, CS for SB 532, CS for SB 104, CS for SB 1022, CS for SB 1540, SB 466**

Respectfully submitted,
Toni Jennings, Chairman

The Committee on Health and Rehabilitative Services recommends the following pass: **CS for SB's 722, 1284 and 1952 with 1 amendment, CS for SB's 788 and 1350 with 1 amendment, CS for SB 1230 with 1 amendment, SB 2138**

The Committee on Judiciary recommends the following pass: **SB 1524 with 2 amendments**

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

The Committee on Criminal Justice recommends the following pass: **CS for SB 1656, SB 1824 with 1 amendment**

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

The Committee on Health Care recommends the following pass: **SB 12**

The Committee on Judiciary recommends the following pass: **SB 1478**

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

The Committee on Executive Business, Ethics and Elections recommends the following pass: **SJR 1968 with 1 amendment**

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

The Committee on Community Affairs recommends the following pass: **SB 1978 with 2 amendments**

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

The Committee on Appropriations recommends the following pass: **HB 1805, SB 184, CS for SB 282, SB 498, CS for SB 640 with 3 amendments**

The Committee on Executive Business, Ethics and Elections recommends the following pass: **SB 1580 with 1 amendment, SB 1648 with 1 amendment**

The Committee on Health Care recommends the following pass: **SB 134, SB 1248**

The Committee on Judiciary recommends the following pass: **SB 888, CS for SB 1212 with 1 amendment**

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

The Committee on Finance, Taxation and Claims recommends the following not pass: **SJR 362**

The Committee on Health Care recommends the following not pass: **SB 896**

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

The Committee on Commerce recommends a committee substitute for the following: **SB 1972**

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: **CS for SB 398, CS for SB 402, SB 436, SB 516, SB 822, CS for SB 1858**

The Committee on Governmental Operations recommends a committee substitute for the following: **SB 1994**

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

The Committee on Professional Regulation recommends a committee substitute for the following: **SB 396**

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

The Committee on Commerce recommends a committee substitute for the following: SB 1184

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 462

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

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1528

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

The Committee on Commerce recommends committee substitutes for the following: SB 202, SB 510

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1730

The Committee on Judiciary recommends a committee substitute for the following: SB 1618

The Committee on Transportation recommends committee substitutes for the following: SB 558, SB 636

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

The Committee on Judiciary recommends a committee substitute for the following: SB 1598

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

The Committee on Commerce recommends a committee substitute for the following: SB 988

The Committee on International Trade, Economic Development and Tourism recommends a committee substitute for the following: SB 2008

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1386

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

The Committee on Commerce recommends a committee substitute for the following: SB 1794

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

The Committee on Judiciary recommends a committee substitute for the following: SB 1278

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

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 48, SB 50, SB 148, SB 790, CS for SB 1596, CS for SB 1716

The Committee on Commerce recommends committee substitutes for the following: SB 198, SB 522, Senate Bills 906, 918 and 1078, SB 908, SB 910, SB 912, SB 914, SB 916, Senate Bills 990 and 1076, SB 1070, SB 1072, SB 1082, SB 1128

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 1024

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1958

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1210

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

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Commerce recommends that the Senate confirm the appointments made by the Governor of Shirley O. Gooding-Butler, as Secretary of the Department of Labor and Employment Security; and Julia L. Johnson, as a member of the Public Service Commission to serve at the pleasure of the Governor.

The appointments contained in the foregoing report were referred to the Committee on Executive Business, Ethics and Elections under the original reference.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Appropriations and Criminal Justice and Senator Brown-Waite—

CS for CS for SB 48—A bill to be entitled An act relating to drivers' licenses; creating s. 322.2616, F.S.; authorizing law enforcement officers or correctional officers to suspend the driver's license of a person under the age of 21 who drives a motor vehicle with a blood or breath alcohol level of 0.03 percent or higher or while impaired or who refuses to submit to a blood or breath alcohol test; providing for consent to be tested; providing procedures; providing for review; providing for appeal to the circuit court; providing an appropriation; providing an effective date.

By the Committee on Appropriations and Senators Siegel, Brown-Waite, Forman and Grogan—

CS for SB 50—A bill to be entitled An act relating to driving or operating a vessel under the influence; amending s. 316.193, F.S.; lowering the blood alcohol level that constitutes an element of the offense of driving under the influence; amending s. 316.1934, F.S.; revising provisions relating to presumption of impairment to conform to the amendment of s. 316.193, F.S.; amending s. 322.2615, F.S.; revising provisions relating to suspension of a driver's license to conform to the amendment of s. 316.193, F.S.; amending s. 322.291, F.S.; requiring persons whose driver's license was suspended for driving with an unlawful blood alcohol level to present evidence of enrollment in an advance driver improvement course or substance abuse education course before his driving privilege may be reinstated; amending s. 322.64, F.S.; amending provisions relating to operating a commercial motor vehicle to conform to the amendment of s. 316.193, F.S.; amending s. 327.35, F.S.; lowering the blood alcohol level that constitutes an element of the offense of operating a vessel under the influence; amending s. 327.354, F.S.; revising provisions relating to presumption of impairment to conform to the amendment of s. 327.35, F.S.; providing penalties; providing an effective date.

By the Committee on Appropriations and Senator Wexler—

CS for SB 148—A bill to be entitled An act relating to assault and battery; amending s. 784.07, F.S.; adding parole commissioners and parole examiners of the Parole Commission to the listing of law enforcement officers against whom commission of assault or battery results in a 1-degree upward reclassification of the offense; creating s. 784.075, F.S., relating to battery on a detention or commitment facility staff member; providing definitions; providing penalties; providing an effective date.

By the Committee on Commerce—

CS for SB 198—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; revising definitions with respect to pt. I of ch. 634, F.S., relating to motor vehicle service agreement companies; amending s. 634.031, F.S.; specifying conditions that require licensure; amending s. 634.041, F.S.; removing authority of the Department of Insurance to issue licenses under certain circumstances; requiring reserve deposits by companies with unearned premium reserves; providing for refunds of unearned premium; providing technical changes; amending s. 634.053, F.S.; authorizing the department to levy upon the assets of specified motor vehicle service agreement companies; amending s. 634.061, F.S.; deleting a requirement to refund license taxes; amending s. 634.081, F.S.; revising conditions for revocation or suspension of the license of a motor vehicle service agreement company; authorizing departmental discretion to suspend the license of a company under certain conditions; amending s. 634.111, F.S.; requiring quarterly reports during periods of suspension; amending s. 634.121, F.S.; authorizing administrative fees; deleting provisions relating to refunds of unearned premiums; deleting obsolete provisions; amending s. 634.131, F.S.; removing a requirement to file annual forms showing all service agreement premiums or assessments; deleting a penalty for neglecting to file an annual statement in the form and time provided; amending s. 634.137, F.S.; requiring financial reports; providing penalties for failure to file annual statements in the form and time provided; amending s. 634.181, F.S.; specifying additional grounds for compulsory refusal, suspension, or revocation of license or appointment of salesmen; amending s. 634.241, F.S.; revising the definition of "fronting company"; providing that the use of a contractual liability policy is not a violation of the prohibition against fronting; amending s. 634.301, F.S.; revising definitions with respect to pt. II of ch. 634, F.S., relating to home warranty associations; amending s. 634.303, F.S.; specifying conditions that require licensure; amending s. 634.306, F.S.; requiring the disclosure of shareholder information on an application for licensure; amending s. 634.313, F.S.; revising the contents of annual statements; amending s. 634.401, F.S.; revising definitions with respect to pt. III of ch. 634, F.S., relating to service warranty associations; amending s. 634.403, F.S.; specifying conditions that require licensure; amending s. 634.406, F.S.; authorizing certain associations to allow premiums to exceed certain net asset limitations under certain circumstances; amending s. 634.414, F.S.; providing requirements for service warranty forms and sales brochures; amending s. 634.415, F.S.; removing exemptions from the tax on premiums for premiums and assessments received by insurers; saving ch. 634, F.S., from Sunset repeal; providing an effective date.

By the Committee on Commerce—

CS for SB 202—A bill to be entitled An act relating to insurance; creating the Prepaid Limited Health Service Organization Act of Florida; providing for regulation of prepaid limited health service organizations and contracts by the Department of Insurance; providing definitions; specifying applicability of other laws; requiring incorporation; providing that such organizations are not authorized to transact any other insurance business; requiring and providing for application for certificate of authority; providing for issuance or denial of certificate; providing standards for continued eligibility; providing for issuance of provisional certificate of authority; requiring contracts in English, with translations provided in certain circumstances; specifying content of contracts; regulating rates and charges; prohibiting discrimination; specifying validity of non-complying contracts; providing for construction of contract; providing for delivery; requiring notice of cancellation; specifying what payments are acceptable; prohibiting the advertising use of certain words; regulating contracts between organizations and providers, managers, and administrators; providing for complaints; specifying examination and investiga-

tion authority of the department; providing for determination of acceptable assets and investments; requiring reports; requiring licensed agents; requiring minimum surplus; providing for insolvency protection; requiring fidelity bonds; providing for suspension or revocation of certificate of authority; providing for administrative penalties; providing civil remedies; providing for injunctions; requiring payment of judgments within a specified time; providing for rehabilitation, conservation, and liquidation; providing fees; defining unfair methods, acts, and practices; providing for appeals; providing for confidentiality; providing for review and repeal; regulating acquisitions; imposing taxes on prepaid limited health service organization contracts; providing for deposit of such taxes; providing for rules; amending s. 624.5092, F.S.; providing for administration of taxes; amending s. 641.407, F.S.; increasing certain minimum surplus amounts; repealing ch. 637, F.S., relating to optometric, pharmaceutical, and dental service plan corporations, and ch. 638, F.S., relating to ambulance service contracts; providing for review and repeal; repealing s. 624.523(1)(l), F.S., to conform; providing an effective date.

By the Committee on Professional Regulation and Senator Grant—

CS for SB 396—A bill to be entitled An act relating to funeral homes, cemetery companies, and crematory companies; creating the Florida Funeral, Cemetery, and Crematory Administration Act; providing definitions; creating the Board of Funeral, and Cemetery Services within the Department of Professional Regulation; providing for membership; providing rule making authority; providing for the functions and authority of the Comptroller; providing for the administration of trust funds; providing for trust fund investments; providing for an annual report; providing for trust fund examinations; providing for licensure and registration; providing for change of ownership; providing for injunctive proceedings; providing for receivers and administrators; providing for dissolution or liquidation; providing for solicitation of burial rights, merchandise, and services; providing requirements with respect to sales practices on merchandise and services; prohibiting unfair methods of competition and unfair or deceptive acts or practices; providing for information to the public; providing for fees; providing for the disposition of fees and penalties; providing for attorney's fees; providing for display of notice of regulation; providing a penalty for failure to comply; providing for record-keeping; providing for inspections; permitting multiple licenses and registrations; providing exceptions; providing grounds for disciplinary action; providing for administrative penalties; providing for suspension and revocation; providing for civil remedies and civil liability; providing for criminal penalties; prohibiting discriminatory refusal to do business; providing a penalty; providing for a toll-free complaint number; providing a savings clause; creating the Florida Preneed Sales Act; providing legislative purpose; providing for authorized preneed sellers and preneed sales; providing for preneed trust fund deposits; providing for preneed trust fund withdrawals; providing for cancellation and refund; providing for alternative preneed contracts; providing for evidence of financial responsibility as an alternative to trust deposit; providing for performance and delivery; providing for issuance of preneed certificate of authority; providing for preneed sales agents; providing for preneed contracts; providing for preneed authorization; prohibiting unfair methods of preneed competition and unfair or deceptive acts or practices; creating a Preneed Contract Consumer Protection Trust Fund; providing for the transfer of preneed trust funds; providing for the application of the act; providing for existing preneed trust funds and merchandise funds; providing for transfers of burial rights, merchandise, and services; creating the Florida Funeral Directors and Embalmers Licensing Act; providing legislative purpose; providing for the licensure of a funeral director by examination or endorsement; providing for the registration of funeral director interns; providing for the licensing of an embalmer by examination or endorsement; providing for the registration of embalmer interns; providing for concurrent internships, dual licenses, and display of license; providing for training by accredited institutions; providing for renewal of funeral director and embalmer licenses; providing for inactive status; providing for the practice of funeral directing; providing for licensing standards for funeral establishments; providing for authorization for funeral; prohibiting unauthorized conduct; providing for health and safety education; providing for continuing education; providing for reciprocity, temporary license, removal services, refrigeration facilities, and centralized embalming facilities; providing for disclosure of identity; providing for itemized price lists and disclosure; providing for cash advance and escrow refund accounts; providing for affidavit of cases embalmed and bodies handled; providing that it is unlawful to remove or embalm a body under certain circumstances; providing for embalming and refrigeration; pro-

hibiting violations; creating the Florida Cemetery Act; providing for scope; providing for the effect of the act on existing cemeteries; providing for licenses, applications, and fees for cemetery authorities; providing for endowment care trust funds; providing for remedy of the board; providing for disposition of income of endowment care trust funds; providing for notice; providing for a percentage of payments for burial rights and monument maintenance; providing liability for endowment care trust fund income; providing for minimum acreage and the sale or disposition of cemetery lands; providing for the dedication of cemetery property; providing for construction of mausoleums and preconstruction trust funds; providing compliance requirements; providing for authorized functions of cemetery authorities; providing for the installation and maintenance of monuments; providing for outer burial container installation; providing fees; prohibiting illegal tying arrangements; providing for immunity and actions with respect to abandoned cemeteries; requiring the provision of addresses; providing for a presumption of abandonment, procedures, and sale of abandoned unused burial rights; providing for disclosures; providing for authorization for burial; providing for disinterment; providing for private mausoleums; providing for rules; providing for records; providing for the right of ingress and egress for visiting or maintenance; creating the Florida Crematory and Cremation Act; providing legislative purpose; providing for the registration of direct cremationists; providing for registration renewal; providing duties of direct cremationists; providing for continuing education for direct cremationists; providing registration standards for direct cremation establishments; providing for the establishment of a crematory and for licensure of a crematory authority; providing for health and safety education for operational personnel; providing for authorizing agents; providing for authorization to cremate; providing for recordkeeping; providing for cremation receptacles; providing for cremation procedures; providing for the disposition of cremated remains; providing for limitation of liability; providing requirements with respect to pacemakers and hazardous implants; providing for rules; providing for preneed cremation arrangements; providing for scope; repealing ch. 470, F.S., relating to funeral directing, embalming, and direct disposition of bodies; repealing chapter 497, F.S., relating to the Florida Cemetery Act; repealing ch. 639, F.S., relating to preneed funeral merchandise or service contracts; amending ss. 245.07, 624.523, 626.785, 628.4615, F.S.; correcting statutory cross-references; repealing s. 704.08, F.S., relating to the right of ingress or egress for visiting or maintenance in cemeteries; providing an effective date.

By the Committees on Finance, Taxation and Claims; Professional Regulation; and Senators Weinstein, Sullivan and Gutman—

CS for CS for SB 398—A bill to be entitled An act relating to the Florida Motor Vehicle Repair Act; amending s. 559.901, F.S.; correcting a reference; amending s. 559.902, F.S.; providing for application; amending s. 559.903, F.S.; providing definitions; creating s. 559.904, F.S.; providing for motor vehicle repair shop registration; providing for an affidavit for exemption; providing fees; amending s. 559.907, F.S.; correcting a reference; amending s. 559.909, F.S.; revising provisions with respect to unlawful charges; amending s. 559.911, F.S.; providing for additional information on the required repair invoice; amending s. 559.915, F.S.; requiring the keeping of customer records for an additional time period; providing for access to records and inspection by the Department of Agriculture and Consumer Services; creating s. 559.916, F.S.; providing for required disclosure, signs, and notice to customers; amending s. 559.919, F.S.; correcting a reference; creating s. 559.920, F.S.; providing for unlawful acts and practices; renumbering and amending s. 559.923, F.S., relating to remedies; prescribing enforcement authorities; creating s. 559.9215, F.S.; providing for deposit of fees and fines; creating s. 559.922, F.S.; providing for financial assistance with respect to training; creating s. 559.9221, F.S.; creating a Motor Vehicle Repair Advisory Council; providing for memberships; prescribing duties of the council; amending s. 320.27, F.S.; prescribing grounds for denial, suspension or revocation of motor vehicle dealers' licenses; providing for injunctions; providing an appropriation; providing effective dates.

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

CS for CS for SB 402—A bill to be entitled An act relating to business associations; amending s. 15.16, F.S.; authorizing the Department of State to receive certain records electronically; amending ss. 473.309, 473.3101, 473.321, F.S.; applying provisions related to practicing public

accountancy to limited liability companies; providing requirements; prohibiting limited liability companies from practicing public accountancy under certain circumstances; amending s. 607.0120, F.S.; revising filing requirements; amending s. 607.0123, F.S.; revising language with respect to the effective time and date of certain documents; amending s. 607.0124, F.S.; revising language with respect to correcting a filed document; amending s. 607.0202, F.S.; deleting certain required information in the articles of incorporation; amending s. 607.0301, F.S.; revising language with respect to the purposes and application of the Florida Business Corporation Act; amending s. 607.0401, F.S.; revising language with respect to the corporate name; amending s. 607.0501, F.S.; eliminating a required report filed by a registered agent; amending s. 607.0502, F.S.; revising language with respect to the resignation of a registered agent; amending s. 607.0601, F.S.; revising language with respect to authorized shares; providing requirements with respect to classes of shares; amending s. 607.0603, F.S.; revising language with respect to outstanding shares; amending s. 607.0620, F.S.; revising language with respect to subscribers who default; amending s. 607.0703, F.S.; revising language with respect to court ordered meetings; amending s. 607.0704, F.S.; revising language with respect to actions by shareholders without a meeting; amending s. 607.0720, F.S.; revising language with respect to shareholders' list for meeting; amending s. 607.0725, F.S.; providing additional requirements with respect to quorum and voting requirements; repealing s. 607.0727, F.S., relating to shareholder quorum and voting and greater or lesser voting requirements; amending s. 607.0730, F.S.; revising language with respect to voting trusts; amending s. 607.0731, F.S., and repealing subsection (3); deleting a provision making certain shareholder agreements invalid; creating s. 607.0732, F.S.; specifying the contents and procedures for shareholder agreements; amending s. 607.0801, F.S.; deleting a provision relating to dispensing with a board of directors for certain corporations; amending s. 607.0804, F.S.; revising language with respect to the election of directors by certain voting groups; amending s. 607.0806, F.S.; revising language with respect to staggered terms for directors; amending s. 607.0831, F.S.; deleting a provision with respect to certain quorums; deleting a provision relating to the liability of directors which provided for application to nonprofit corporations; amending s. 607.0832, F.S.; revising language with respect to director conflicts of interest; amending s. 607.0901, F.S.; revising language with respect to affiliated transactions; amending s. 607.0902, F.S.; revising language with respect to control-share transactions; amending s. 607.1002, F.S.; deleting a provision relating to changing shares of outstanding classes under certain circumstances; providing that the board of directors may adopt an amendment to the articles of incorporation, without shareholder action, to change the par value for a class or series of shares; creating s. 605.10025, F.S.; providing for share divisions and combinations; providing criteria and procedures; amending s. 607.1006, F.S.; revising language with respect to articles of amendment; amending s. 607.1007, F.S.; revising language with respect to restated articles of incorporation; amending s. 607.1103, F.S.; deleting language which provides that action by the shareholders of a surviving corporation is not required with respect to action on a plan under certain circumstances; amending s. 607.1104, F.S.; revising language with respect to the merger of a subsidiary corporation; amending s. 607.1105, F.S.; revising language with respect to mergers; amending s. 607.1320, F.S.; revising language with respect to the procedure for exercise of dissenters' rights; amending s. 607.1405, F.S.; permitting immediate assumption or use of corporate name under certain circumstances; amending s. 607.1406, F.S.; revising language with respect to claims against a dissolved corporation; amending s. 607.1433, F.S.; revising language with respect to judgment of dissolution; amending s. 607.1506, F.S.; revising language with respect to the use of a fictitious or alternate name; amending s. 607.1507, F.S.; requiring a filed written statement by certain registered agents; amending s. 607.1508, F.S.; revising language with respect to a registered agent's change of address; amending s. 607.1509, F.S.; revising language with respect to the termination of an agency appointment; amending s. 607.193, F.S.; deleting an exemption from the supplemental corporate fee for certain nonprofit corporations; revising chapter 608, F.S., relating to limited liability companies; amending s. 608.401, F.S.; providing a short title; amending s. 608.402, F.S.; providing definitions; amending s. 608.404, F.S.; specifying the powers of limited liability companies; amending s. 608.405, F.S.; providing for formation of limited liability companies; amending s. 608.406, F.S.; providing requirements for names of limited liability companies; creating s. 608.4061, F.S.; providing for reservation of the name of a foreign limited liability company; creating s. 608.4062, F.S.; providing for registration of the name of a foreign limited liability company; amending s. 608.407, F.S.; specifying content of articles of organization; amending s. 608.408, F.S.; providing for execution of certificates or statements; creating s. 608.4081, F.S.; pro-

viding filing requirements; creating s. 608.4082, F.S.; providing duties of the Department of State; amending s. 608.409, F.S.; specifying effect of issuance of certificate of organization; creating s. 608.4101, F.S.; requiring maintenance of certain records; amending s. 608.411, F.S.; providing for amendment to articles of organization; creating s. 608.412, F.S.; requiring filing of supplemental affidavit of capital contributions in specified circumstances; amending s. 608.415, F.S.; requiring limited liability companies to maintain registered office and registered agent; amending s. 608.416, F.S.; providing for change of registered office and change or resignation of registered agent; amending s. 608.4211, F.S.; specifying allowable contributions to capital and liability therefor; amending s. 608.422, F.S.; providing for management; creating s. 608.4225, F.S.; providing general standards for managers or managing members; amending s. 608.423, F.S.; providing for adoption of regulations; creating s. 608.4231, F.S.; providing for voting by members and managers; creating s. 608.4232, F.S.; providing for additional members; amending s. 608.424, F.S.; limiting ability to contract debt; amending s. 608.425, F.S.; providing for ownership of company property; amending s. 608.426, F.S.; providing circumstances for distribution of property; creating s. 608.4261, F.S.; providing for sharing of profits and losses; amending s. 608.427, F.S.; providing for withdrawal or reduction of members' contributions to capital; creating s. 608.428, F.S.; specifying liability upon return of contribution; amending s. 608.432, F.S.; providing for transfer of members' interests; creating s. 608.433, F.S.; providing circumstances under which an assignee may become a member; creating s. 608.434, F.S.; specifying powers of the estate of a deceased or incompetent member; amending s. 608.436, F.S.; specifying liability of members and managers to creditors; creating s. 608.4362, F.S.; specifying liability of managers and managing members; creating s. 608.4363, F.S.; providing for indemnification; amending s. 608.441, F.S.; providing for dissolution; creating s. 608.4411, F.S.; providing for revocation of dissolution; creating s. 608.4421, F.S.; providing for disposition of claims against dissolved company; creating s. 608.4431, F.S.; specifying effect of dissolution; amending s. 608.444, F.S.; providing for distribution of assets upon dissolution; amending s. 608.445, F.S.; specifying content of articles of dissolution; amending s. 608.446, F.S.; providing for filing of articles of dissolution; amending s. 608.448, F.S.; specifying grounds for administrative dissolution; creating s. 608.4481, F.S.; providing procedures for and effects of administrative dissolution; creating s. 608.4482, F.S.; providing for reinstatement; creating s. 608.4483, F.S.; providing for appeal from denial of reinstatement; amending s. 608.449, F.S.; providing grounds for judicial dissolution; creating s. 608.4491, F.S.; providing procedure for judicial dissolution; creating s. 608.4492, F.S.; providing for receivership or custodianship; creating s. 608.4493, F.S.; providing for decree of dissolution; creating s. 608.4494, F.S.; requiring deposit of assets of dissolved company with the Department of Banking and Finance; creating s. 608.4511, F.S.; requiring filing of annual reports with the Department of State; amending s. 608.452, F.S.; specifying fees of the Department of State; amending s. 608.455, F.S.; providing for waiver of certain required notices; amending s. 608.471, F.S.; providing for determination of tax under chapter 220, F.S.; creating s. 608.501, F.S.; requiring a foreign limited liability company to obtain a certificate of authority prior to transacting business; creating s. 608.502, F.S.; specifying consequences of transacting business without authority; creating s. 608.503, F.S.; providing for application for certificate of authority; creating s. 608.504, F.S.; providing for amendment of certificate of authority; creating s. 608.505, F.S.; specifying effect of certificate of authority; creating s. 608.506, F.S.; providing requirements for name of foreign limited liability company; creating s. 608.507, F.S.; requiring registered office and registered agent; creating s. 608.508, F.S.; providing for change of registered office and registered agent; creating s. 608.509, F.S.; providing for resignation of registered agent; creating s. 608.5101, F.S.; providing for service of process; creating s. 608.511, F.S.; providing for withdrawal of foreign limited liability company; creating s. 608.512, F.S.; specifying grounds for revocation of authority to transact business; creating s. 608.513, F.S.; specifying procedure for and effect of revocation of authority; creating s. 608.5135, F.S.; providing for revocation and reinstatement of certificates of authority; creating s. 608.514, F.S.; providing for appeal from revocation; amending s. 617.01201, F.S.; providing that certain documents filed by corporations not for profit must be legible; amending s. 617.0122, F.S.; providing fees for filing documents; providing a fee exemption for certain nonprofit organizations; creating s. 617.01225, F.S.; imposing a supplemental corporate fee on not-for-profit corporations; providing an exemption; providing for payment of the fee; providing for a late charge; authorizing the Department of State to adopt rules; providing for deposit of the fee and late charge into the General Revenue Fund; amending s. 617.0123, F.S.; revising language with respect to the effective date of a document; amending s. 617.0124,

F.S.; revising language with respect to correcting filed documents; amending s. 617.01301, F.S.; specifying documents which the Department of State is not required to file; authorizing the Department of State to bring certain court actions and certify to the Department of Legal Affairs for further action; amending s. 617.0202, F.S.; providing additional required information to be set forth in the articles of incorporation; amending s. 617.0401, F.S.; revising language with respect to the corporate name; amending s. 617.0501, F.S.; revising language with respect to a registered agent; amending s. 617.0502, F.S.; revising language with respect to the resignation of a registered agent; creating s. 617.0503, F.S.; providing for duties of registered agents; creating 617.0604, F.S.; providing for liability of corporation members; amending s. 617.0808, F.S.; revising language with respect to removal of directors; amending s. 617.0833, F.S., relating to loans to directors or officers; providing that certain corporations may make loans to their officers under specified conditions; amending s. 617.1001, F.S.; providing for amendments to the articles of incorporation; amending s. 617.1002, F.S.; revising language with respect to the procedure for amendments to the articles of incorporation; amending s. 617.1007, F.S.; revising language with respect to restated articles of incorporation; amending s. 617.1401, F.S.; providing that articles of dissolution must be executed in a certain manner; amending s. 617.1433, F.S.; providing for judgment of dissolution; amending s. 617.1502, F.S.; authorizing the Department of State rather than the Department of Legal Affairs to collect penalties from foreign corporations; amending s. 617.1504, F.S.; providing an additional set of circumstances requiring an amended certificate of authority; amending s. 617.1506, F.S.; revising language with respect to the corporate name of a foreign corporation; amending s. 617.1507, F.S.; revising language with respect to the registered office and registered agent of a foreign corporation; amending s. 617.1508, F.S.; revising language with respect to change of address of a registered agent; amending s. 617.1509, F.S.; providing for the termination of agency appointments for foreign corporations; amending s. 617.1601, F.S.; revising language with respect to corporate records; creating s. 617.1602, F.S.; providing for inspection of records by members; creating s. 617.1603, F.S.; providing for the scope of the inspection right; creating s. 617.1604, F.S.; providing for court ordered inspection; creating s. 617.1605, F.S.; providing for financial reports for members; amending s. 617.1622, F.S.; providing for additional information in an annual report; amending s. 617.1623, F.S.; revising language with respect to corporate information available to the public; amending s. 617.1908, F.S.; providing for the applicability of the Florida Business Corporation Act; creating s. 617.2102, F.S.; providing for fines and penalties against members; creating s. 617.2103, F.S.; providing exemptions for certain corporations; creating s. 617.307, F.S.; exempting mobile home cooperatives from provisions of s. 719.106(1)(b), F.S.; creating s. 617.308, F.S.; providing for transition from a developer to homeowners' association control in mobile home subdivision; creating s. 617.309, F.S.; providing for homeowner association approval of increases in assessments and charges; creating s. 617.310, F.S.; providing that contracts made by subdivision developers may be cancelled by owners other than the developer subject to certain conditions; creating s. 617.311, F.S.; requiring notice for increases in fees; creating 617.312, F.S.; providing for leaseholds in commonly-used facilities; amending s. 620.103, F.S.; revising language with respect to the name of a limited partnership; amending ss. 620.108, 620.109, 620.123, 620.177, F.S.; providing requirements for general partners under certain circumstances; amending ss. 621.01, 621.02, 621.03, 621.04, 621.05, 621.06, 621.07, 621.08, 621.09, 621.10, 621.11, 621.12, 621.13, and 621.14, F.S.; broadening the scope of the Professional Service Corporation Act to include professional limited liability companies; providing intent; providing a short title; providing definitions; providing exemptions; providing for organization of corporations or limited liability companies to provide professional services; limiting rendition of professional services; specifying liability of officers, agents, employees, shareholders, and members; limiting business transactions and issuance and transfer of ownership interests; providing for administrative dissolution; restricting alienation of shares and ownership interests; requiring use of certain terms in the corporation's or company's name; specifying applicability of chapters 607 and 608, F.S.; providing a rule of construction; creating s. 621.051, F.S.; providing for organization of limited liability companies; repealing ss. 608.435, 608.442, 608.443, 608.451, 608.453, 621.15, F.S., relating to liabilities of members, filing of statement of intent to dissolve, effect of statement of intent to dissolve, filings by the Department of State, miscellaneous charges, and applicability of ch. 67-590, Laws of Florida; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senator Diaz-Balart—

CS for SB 436—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; renaming the Accident Reports Trust Fund as the Highway Safety Operating Trust Fund, to be used to fund the general operations of the department; abolishing the Drivers' Education Trust Fund, the Florida Real Time Vehicle Information System Trust Fund, the Motor Vehicle Inspection Trust Fund, the Motor Vehicle License Plate Replacement Trust Fund, and the Odometer Fraud Prevention and Detection Trust Fund and providing for depositing revenues that are currently deposited into those funds into the Highway Safety Operating Trust Fund; repealing s. 215.20(4)(jj), F.S., relating to the Motor Vehicle Inspection Trust Fund; amending ss. 316.2124, 318.1451, 319.324, 320.06, 320.0607, 320.08, 320.0848, 320.089, 320.131, 320.27, 320.77, 321.23, 322.025, 322.095, 322.12, 322.17, 322.20, 325.214, 627.733, F.S.; providing for deposit or revenues into the Highway Safety Operating Trust Fund; providing for the free replacement of license plates under specified circumstances; amending ss. 319.32, 320.04, 320.0815, F.S., increasing the tax collector's service charge; amending s. 320.03, F.S.; providing for tax collectors to refund fees paid in relation to motor vehicle licenses and titles; amending s. 321.21, F.S.; increasing the funeral allowance for members of the Florida Highway Patrol and deleting authority to pay a funeral allowance for other employees of the department; providing effective dates.

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

CS for SB 462—A bill to be entitled An act relating to incineration of solid waste; providing requirements for review of new waste-to-energy facility capacity by the Department of Environmental Regulation; providing a more stringent permitting and certification process for certain incinerator facilities; requiring the department to fund a pilot project to evaluate the effectiveness of efforts to reduce emissions from waste-to-energy facilities; providing for a report to the Department of Environmental Regulation; providing an appropriation; creating s. 403.7895, F.S.; providing legislative intent relating to hazardous waste management; establishing additional permitting criteria for hazardous waste incinerators; providing for a hazardous waste needs and capacity study; providing an appropriation; providing for a certificate of need; amending s. 403.7215, F.S.; increasing the gross receipts tax on commercial hazardous waste facilities; providing an effective date.

By the Committee on Commerce and Senators Forman and Myers—

CS for SB 510—A bill to be entitled An act relating to jai alai; amending s. 550.0951, F.S.; prescribing the amount of license fees; deleting breaks tax; creating s. 550.09512, F.S.; providing for jai alai taxes; providing for an abandoned interest in a permit for nonpayment of taxes; providing for review and repeal; amending s. 550.70, F.S.; providing for additional player prize money from breaks; providing for reconversion of former jai alai permit; creating s. 550.71, F.S.; providing for a Jai Alai Tournament of Champions Meet; providing an effective date.

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

CS for SB 516—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.025, F.S.; providing for deposit of fees collected; amending s. 561.19, F.S.; revising time limits for beverage license applicants to take certain actions; amending s. 561.20, F.S.; revising prohibitions against the award of new licenses to holders of existing licenses; amending s. 561.23, F.S.; deleting the requirement that a triplicate license be forwarded to the district office in the county in which the license is located; amending s. 561.33, F.S.; providing fees for change of licensee name or location; amending s. 561.501, F.S., revising the formula for assessing penalties; adding interest charges; establishing criteria for determining taxpayer liability; repealing s. 561.12, F.S., providing for deposit of revenues; providing appropriations; providing an effective date.

By the Committee on Commerce and Senator Beard—

CS for SB 522—A bill to be entitled An act relating to health insurance; creating s. 624.021, F.S.; providing that contracts between providers and either insurers, health maintenance organizations, or prepaid limited health service organizations are not deemed to be insurance contracts under certain circumstances; amending ss. 627.6471, 627.6472, F.S.; requiring a preferred provider network or an exclusive provider organization that offers psychotherapeutic services to include as members of the network or organization certain specified professionals licensed under ch. 490 or ch. 491, F.S.; requiring a preferred provider network and an exclusive provider organization to include osteopathic hospitals licensed under ch. 395, F.S.; providing that certain limitations or conditions apply equally to all licensed psychologists and psychotherapist without (unfair) discrimination; providing an effective date.

By the Committee on Transportation and Senator Kirkpatrick—

CS for SB 558—A bill to be entitled An act relating to the Gas Tax Collection Trust Fund; amending s. 212.69, F.S.; increasing the amount of money to be transferred annually from the trust fund and specifying the purposes for which those moneys may be used; revising the restrictions upon the use of certain transferred funds; providing an effective date.

By the Committee on Transportation and Senators Crist and Hargrett—

CS for SB 636—A bill to be entitled An act relating to motor vehicle license plates; providing for the issuance of Florida arts license plates; providing for fees and for the deposit and use of such fees; providing for deauthorization based on sales; providing an effective date.

By the Committee on Appropriations and Senators Jenne and Kiser—

CS for SB 790—A bill to be entitled An act relating to postsecondary education; amending s. 240.2605, F.S., relating to the Trust Fund for Major Gifts; providing that funds shall be expended for programs designed to increase minority student enrollment in certain graduate and professional programs; directing the Board of Regents to encumber state matching funds for pledged contributions to the trust fund; amending s. 240.257, F.S.; directing the Board of Regents to encumber state matching funds for private contributions to the trust fund; amending s. 240.2601, F.S.; deleting a provision prohibiting the use of PECO moneys as state matching funds; changing the date for annually transmitting to the Legislature a list of projects eligible for the Capital Facilities Matching Trust Fund; amending s. 30(12) of ch. 92-207, Laws of Florida, deleting the expiration of the College Reach-Out Program; providing for a review and report by Postsecondary Education Planning Commission; providing an effective date.

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

CS for SB 822—A bill to be entitled An act relating to the harvest of saltwater crawfish, also known as spiny lobsters; creating a special recreational crawfish license; providing eligibility requirements; prohibiting the use of traps by special recreational crawfish licenseholders during the 1994-1995 license year and thereafter; providing requirements for said license; requiring holders of the special recreational crawfish license to possess certain other license and stamp; providing reporting requirements; providing for a fee and license renewal; limiting the number of special recreational licenses which may be issued; providing for a crawfish management plan to be developed; providing for disposition of license fees; authorizing the development of rules; delaying the date when crawfish will become a restricted species; amending s. 370.142, F.S.; limiting gear that may be used; increasing the number of trap certificates that may be issued by the Trap Certificate Technical Advisory and Appeals Board; requiring appeals for additional certificates or other disputes to be filed with the board before a specified date; amending s. 370.06, F.S.; establishing a minimum age for holders of trap certificates; repealing s. 370.142(2)(c), F.S., relating to recreational trap tags; providing an effective date.

By the Committee on Commerce—

CS for SB's 906, 918 and 1078—A bill to be entitled An act relating to confidentiality of information concerning certain entities regulated by the Department of Insurance; amending ss. 637.167, 637.326, 638.282, and 639.33, F.S., which provide exemptions from public records requirements for investigatory records of the department relating to optometric service plan corporations, pharmaceutical service plan corporations, ambulance service associations, and preneed funeral merchandise or service contract businesses; revising the exemptions and saving them from repeal; providing for future review and repeal; providing intent; providing an effective date.

By the Committee on Commerce—

CS for SB 908—A bill to be entitled An act relating to the confidentiality of State Fire Marshal records; amending s. 633.111, F.S.; revising the exemption from public records requirements for State Fire Marshal investigative records; amending s. 633.175, F.S.; revising the exemption for information relating to certain investigations received by specified personnel and specifying that discussions of such information are exempt from public meetings requirements; removing provisions which specify that certain protected materials shall not be obtained by subpoena; amending s. 633.527, F.S.; removing the exemption for certain information required of applicants for certification; saving such exemptions from repeal; providing for future review and repeal; providing an effective date.

By the Committee on Commerce—

CS for SB 910—A bill to be entitled An act relating to confidentiality of information pertaining to insurance; reenacting and amending ss. 624.310(3), 624.311, 624.312, 624.86, F.S., which provide exemption from public records requirements; clarifying the exemption and preserving them from expiration under the Open Government Sunset Review Act; reenacting and amending ss. 624.319, 624.82, 624.91, F.S., which provide exemption from public records requirements; preserving such exemptions from expiration under the Open Government Sunset Review Act; provides for future expiration and review of such exemptions; providing an effective date.

By the Committee on Commerce—

CS for SB 912—A bill to be entitled An act relating to confidentiality of information pertaining to continuing care contracts; reenacting and amending s. 651.134, F.S.; restating the exemptions from the Open Government Sunset Review Act; providing for open government sunset review; reenacting and amending s. 651.091, F.S.; deleting requirement that certain information not be distributed unless confidential status has expired; amending s. 651.105(3), F.S.; deleting requirement that certain information not be distributed unless confidential status has expired; providing an effective date.

By the Committee on Commerce—

CS for SB 914—A bill to be entitled An act relating to confidentiality of information pertaining to warranty associations; reenacting and amending portions of ss. 634.045, 634.201, 634.348, 634.4065, 634.444, F.S.; revising and preserving the exemptions from expiration under the Open Government Sunset Review Act for certain exemptions from the public records laws relating to information concerning warranty associations; providing for future review; providing an effective date.

By the Committee on Commerce—

CS for SB 916—A bill to be entitled An act relating to confidentiality of records pertaining to insurance; repealing s. 626.471(5), F.S., which provides exemptions from public records requirements for notices relating to the termination of an appointment of an agent; reenacting and amending s. 626.511, F.S.; restating confidentiality of records relating to the reasons for terminating an appointment of an agent, solicitor, or

person in a similar position; providing for open government sunset review; reenacting s. 626.521(4), F.S., which requires credit and character reports of certain license applicants; reenacting and amending s. 626.521(5), F.S.; restating confidentiality of credit and character reports of certain license applicants; providing for open government sunset review; reenacting and amending s. 626.631(2), F.S.; restating confidentiality of records relating to license and appointment revocation and suspension hearings; providing for open government sunset review; reenacting and amending s. 626.842, F.S.; restating confidentiality of credit and character reports of title insurance agents; providing for open government sunset review; reenacting and amending s. 626.8433, F.S.; restating confidentiality of records relating to the reasons for terminating the appointment of a title insurance agent; providing for open government sunset review; reenacting and amending s. 626.884(2), F.S.; restating confidentiality of trade secrets contained in insurance administrators' books and records; providing for open government sunset review; reenacting and amending s. 626.921, F.S.; deleting provisions for surplus lines examining office; restating confidentiality of filings made by surplus lines agents; providing for open government sunset review and repeal; reenacting and amending s. 626.989(5), F.S.; restating confidentiality of records relating to insurance fraud investigations; providing for open government sunset review; providing an effective date.

By the Committee on Commerce and Senator McKay—

CS for SB 988—A bill to be entitled An act relating to mobile home and recreational vehicles; creating s. 320.8345, F.S.; requiring deposits for the purchase of mobile homes to be placed in escrow by dealers; providing penalties; providing for attorney's fees and costs; providing an effective date.

By the Committee on Commerce—

CS for SB's 990 and 1076—A bill to be entitled An act relating to confidentiality of information pertaining to insurance; reenacting and amending s. 625.121(3)(a), F.S., which provides exemptions from public records requirements; clarifying the exemption and preserving it from expiration under the Open Government Sunset Review Act; providing for future review and expiration of the exemption; reenacting and amending s. 631.398(1), F.S.; restating the confidentiality of records furnished to the department for the detection and prevention of insurer insolvencies or impairments; providing for open government sunset review; reenacting and amending s. 631.62, F.S.; restating confidentiality of records provided the department concerning a member insurer of the Florida Insurance Guaranty Association; providing for open government sunset review; reenacting and amending s. 631.723, F.S.; restating confidentiality of records provided the department concerning a member insurer of the Florida Life and Health Insurance Guaranty Association; providing for open government sunset review; reenacting and amending s. 631.724, F.S.; restating confidentiality of records of negotiations and meetings of the Florida Life and Health Insurance Guaranty Association; providing for open government sunset review; repealing s. 631.398(2)(b), F.S., which requires the Department of Insurance to furnish certain tests to certain entities and which requires related information to be kept confidential; providing an effective date.

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

CS for SB 1024—A bill to be entitled An act relating to supervisors of elections; amending s. 97.065, F.S.; authorizing supervisors of elections or their deputies to administer oaths for purposes of The Florida Election Code; amending s. 98.051, F.S.; deleting requirement that notice of office hours of a supervisor of elections other than normal business hours be published in a newspaper; authorizing voter registrations on any day of the week; amending s. 98.201, F.S.; requiring notice of removal of name from registration books to include information relating to manner in which name may be restored; amending s. 99.061, F.S.; allowing a candidate to pay his qualifying fee by cashier's check under certain circumstances; amending s. 99.092, F.S.; changing date for computing filing fees and assessments; amending ss. 101.293, 101.294, 101.295, F.S.; providing for purchasing of voting equipment by supervisors of elections; providing penalties for violation; amending ss. 101.33, 101.5604, F.S.; requiring supervisors of elections to provide voting machines, electronic or elec-

tromechanical voting system; amending s. 101.572, F.S.; requiring supervisors of elections to notify certain candidates in a race of time for examining ballots and ballot cards; amending s. 101.62, F.S.; providing procedures for electors' designees to obtain an absentee ballot; amending ss. 101.64, 101.65, F.S.; modifying form of certificate and instructions sent by supervisors of elections with an absentee ballot to an absent elector; amending s. 101.69, F.S.; modifying procedure for return of absentee ballot and voting in person; amending s. 101.715, F.S.; providing an alternative way for supervisors of elections to provide access to polling place for elderly or handicapped electors; amending ss. 106.11, 119.07, F.S.; providing conforming language; providing an effective date.

By the Committee on Commerce—

CS for SB 1070—A bill to be entitled An act relating to confidentiality of information pertaining to health maintenance organizations; reenacting and amending s. 641.515(2), F.S.; restating the confidentiality of records relating to examinations of health care services; providing for open government sunset review; reenacting and amending s. 641.55(5), (6), (8), F.S.; restating the confidentiality of records relating to internal risk management programs of health maintenance organizations; providing for open government sunset review; providing an effective date.

By the Committee on Commerce—

CS for SB 1072—A bill to be entitled An act relating to confidentiality of information pertaining to bail bondsmen and runners; reenacting and amending s. 648.26(3), F.S.; providing confidentiality of papers, documents, reports, or evidence of the Department of Insurance; providing for open government sunset review; reenacting and amending s. 648.266, F.S.; providing for continued confidentiality of confidential information obtained by the Bail Bond Advisory Council; providing for open government sunset review; reenacting and amending s. 648.34(3), F.S.; restating the confidentiality of certain information received as part of a bail bondsman's character and credit report; providing for open government sunset review; reenacting and amending s. 648.37(3), F.S.; restating the confidentiality of certain information received as part of a runner's character and credit report; providing for open government sunset review; reenacting and amending s. 648.39, F.S.; restating the confidentiality of information relating to termination of managing general agents, bail bondsmen, or runners; providing from open government sunset review; reenacting and amending s. 648.41, F.S.; restating the confidentiality of information relating to termination of appointment of runners; providing for open government sunset review; reenacting and amending s. 648.46(3), F.S.; restating the confidentiality of information obtained for disciplinary actions against licensees; providing for open government sunset review; providing an effective date.

By the Committee on Commerce—

CS for SB 1082—A bill to be entitled An act relating to confidentiality of information pertaining to regulation of insurance; amending s. 627.091, F.S.; deleting certain references; amending s. 627.101, F.S.; deleting certain time limits for information to be available for public inspection; amending s. 627.111, F.S.; deleting certain references; reenacting and amending ss. 627.351(4)(g), 627.371(2), 627.4106(8)(c), 627.736(9)(a), 627.912(2)(e), 627.9122(2)(e), 627.9126(3)(a), F.S.; continuing the exemptions from the Open Government Sunset Review Act for certain information provided to and certain records obtained by the Department of Insurance; amending s. 629.401, F.S.; deleting department's authority to withhold certain reports; providing an effective date.

By the Committee on Commerce—

CS for SB 1128—A bill to be entitled An act relating to bingo; repealing s. 6 of ch. 92-280, Laws of Florida, which provides for review and repeal of ch. 92-280, Laws of Florida, relating to bingo; providing an effective date.

By the Committee on Commerce and Senators Childers and Kiser—

CS for SB 1184—A bill to be entitled An act relating to firesafety; amending s. 553.895, F.S.; requiring certain buildings for which construction contracts are let after a specified date to be equipped with automatic sprinkler systems meeting described requirements; amending s. 633.022, F.S.; authorizing local governments to impose more stringent firesafety standards for sprinkler systems; amending s. 633.061, F.S.; increasing certain licensing and permit fees; requiring proof of insurance; requiring registration of persons being trained to install, test, recharge, repair, or inspect certain systems and equipment; specifying fees and qualifications; requiring supervision; amending s. 633.081, F.S.; clarifying certain certification requirements related to criminal conduct; amending s. 633.085, F.S.; requiring agency budgeting of fees and charges imposed by the State Fire Marshal; amending s. 633.111, F.S.; increasing a copy fee; amending s. 633.162, F.S.; providing additional grounds for denying, non-renewing, revoking, or suspending licenses or permits; amending s. 633.163, F.S.; specifying grounds for imposing an administrative fine under certain circumstances; creating s. 633.167, F.S.; providing for probation of licensees; amending s. 633.31, F.S.; specifying membership of the Firefighters Standards and Training Council; limiting terms; amending s. 633.32, F.S.; limiting terms of certain council members; providing for a seal; amending s. 633.33, F.S.; providing additional powers of the council; amending s. 633.34, F.S.; prescribing qualifications for firefighters; clarifying a requirement for a medical examination for qualification as a firefighter; amending s. 633.35, F.S.; increasing certain training program hour requirements; providing an exception to certain qualifications for employment; exempting certain persons from paying the costs of such training; amending s. 633.351, F.S.; requiring certain approval for continuing education requirements; amending s. 633.511, F.S.; prescribing qualifications of members of the Florida Fire Safety Board; amending s. 633.514, F.S.; prescribing duties of the board; amending s. 633.521, F.S.; authorizing the State Fire Marshal to require proof of insurance under certain circumstances; amending s. 633.527, F.S.; making license or permit application information public records; amending s. 633.547, F.S.; clarifying grounds for certain disciplinary action; deleting authority to impose an administrative fine; amending s. 791.013, F.S.; requiring product testing; requiring the State Fire Marshal to adopt certain rules; providing an effective date.

By the Committees on Judiciary and Governmental Operations and Senators Williams, Dyer, Grant and Dudley—

CS for CS for SB 1210—A bill to be entitled An act relating to public meetings and records; amending s. 286.011, F.S.; exempting certain meetings of governmental agencies from the requirement that they be open to the public; establishing criteria for such meetings; providing a statement of public necessity; amending s. 119.07, F.S.; exempting certain public records that have been released to a public employee or officer of the same agency or any person consulted by the agency attorney for trial preparation purposes from the requirements of the act; providing a legislative statement of public necessity; providing an effective date.

By the Committee on Judiciary and Senator Crist—

CS for SB 1278—A bill to be entitled An act relating to referenda; amending s. 101.161, F.S.; authorizing the Supreme Court to amend the ballot language of constitutional amendments proposed by certain entities and authorizing courts of competent jurisdiction to amend the ballot language of certain local public measures; providing an effective date.

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

CS for SB 1386—A bill to be entitled An act relating to filled, formerly submerged sovereignty lands; amending s. 253.12, F.S., relating to title to such lands; providing that certain lands which might be owned by the state be granted to the upland landowner; providing for application; providing legislative intent; providing for severability; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senators Dudley and Foley—

CS for SB 1528—A bill to be entitled An act relating to juvenile justice; amending s. 39.042, F.S.; expanding the use and purpose of detention and modifying the requirements of the risk assessment instrument; authorizing substance abuse or mental health treatment during secure detention where indicated; amending s. 39.043, F.S.; authorizing detention care for delinquent juveniles held in contempt; authorizing staff-secure institutional shelter care for dependent juveniles held in contempt; authorizing secure detention for children in need of services if specific federal requirements are met; amending s. 39.044, F.S.; expanding circumstances warranting continued detention; providing criteria for good cause to extend or terminate detention; reenacting s. 39.01(17), F.S., relating to definitions, to incorporate the amendments to ss. 39.042 and 39.044, F.S., in references thereto; reenacting s. 39.052(1)(a), F.S., to incorporate the amendment to s. 39.044, F.S., in a reference thereto; amending ss. 39.002 and 39.074, F.S.; requiring interagency cooperation in the siting of facilities; creating s. 39.0615, F.S.; providing criminal penalties for committing battery on detention or commitment facility staff; providing an effective date.

By the Committees on Appropriations and Professional Regulation and Senator Dyer—

CS for CS for SB 1596—A bill to be entitled An act relating to the sale or lease of business opportunities; amending s. 559.801, F.S., and creating s. 559.8015, F.S.; revising and adding definitions of terms related thereto; rearranging provisions; creating s. 559.802, F.S.; providing for a 1-year exemption from ss. 559.80-559.815, F.S., for the sale of a franchise if the franchisor files a notice with the Department of Agriculture and Consumer Services stating that it is in substantial compliance with the Federal Trade Commission rule requirements and pays a fee; providing for annual renewal of the exemption and for a renewal fee; limiting the information about the franchisor that may be required by the department; providing for rules; amending s. 559.803, F.S.; providing for a revised timeframe to provide disclosures to purchasers; requiring an index to disclosure documents; amending s. 559.805, F.S.; changing the annual and updating fees; amending s. 559.809, F.S.; providing an additional prohibition; amending s. 559.813, F.S.; clarifying remedies and enforcement; providing an appropriation; providing an effective date.

By the Committee on Judiciary and Senator Jenne—

CS for SB 1598—A bill to be entitled An act relating to false claims against the state; creating the Florida False Claims Act; providing purpose of the act; providing definitions; creating a civil cause of action against persons and entities who present false claims against the state; providing for civil penalties and treble damages; providing procedures to bring or intervene in civil actions for false claims; authorizing the Department of Legal Affairs to investigate and to bring a civil action; providing for secrecy of investigative information; authorizing private citizens to bring a civil action for violations of the act; authorizing the Department of Legal Affairs or the Department of Banking and Finance to intervene in such an action; providing for rights of the parties to civil actions; providing for awards to the parties who bring civil actions; providing for reduction of treble damages awards under certain circumstances and requiring a written order; providing for an award of expenses, attorney's fees, and costs; authorizing limited stays of discovery in certain circumstances; providing exemptions from the civil cause of action; authorizing certain compromise and settlement; providing for the award of bonuses to state government employees under certain circumstances; providing protections to participating employees; providing for agency awards and for deposit of remaining proceeds; providing for a statute of limitations for civil actions for false claims against the state; providing for construction and severability; providing for prospective application; amending s. 16.53, F.S.; providing for deposit of moneys recovered under the act in the Legal Affairs Trust Fund; providing an effective date.

By the Committee on Judiciary and Senator Jones—

CS for SB 1618—A bill to be entitled An act relating to process and service of process; amending s. 30.231, F.S.; increasing sheriffs' fees for service and providing for levy fees, and reenacting ss. 11.143(3)(d) and 106.26(1), F.S., relating to standing or select committees and powers of the commission, to incorporate said amendment in references thereto; amending s. 48.183, F.S.; revising provisions relating to service of process in actions for possession of premises; amending s. 83.62, F.S.; revising provisions relating to restoration of possession to landlord; amending s. 723.062, F.S.; providing for execution of writ of possession of mobile home; amending s. 56.21, F.S.; revising provisions relating to execution sales, and reenacting s. 56.22, F.S., relating to execution sales, to incorporate said amendment in a reference thereto; amending s. 701.04, F.S.; providing for return of writ of execution on mortgage, lien, or judgment; amending s. 475.483, F.S., relating to recovery from the Real Estate Recovery Fund; requiring an affidavit; providing an effective date.

By the Committees on Appropriations and Education and Senators Kirkpatrick and Kurth—

CS for CS for SB 1716—A bill to be entitled An act relating to education; amending s. 232.426, F.S.; requiring a school board or community college to conduct certain athletic activities under certain conditions; authorizing the State Board of Education to adopt rules; requiring the Department of Education to enforce compliance of certain acts; providing an exemption; amending s. 240.533, F.S.; requiring state universities to develop a gender equity plan; providing an effective date.

By the Committee on Governmental Operations and Senator Wexler—

CS for SB 1730—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28, F.S.; providing that the state, an agency, or a subdivision is not deemed to have waived sovereign immunity or increased the limits of its liability as a result of entering a contract with another state agency or subdivision; providing an effective date.

By the Committee on Commerce and Senators Weinstein and Grant—

CS for SB 1794—A bill to be entitled An act relating to fire safety; requiring certain devices on described plumbing fixtures; providing for inspections; amending s. 153.64, F.S.; prohibiting certain counties or private companies from charging a rate for fire sprinkler connections and any yard hydrants attached thereto; providing for certain counties and private water systems to charge a rate under certain circumstances; creating s. 180.192, F.S.; providing a limitation on rates for fire sprinkler connections; amending s. 553.79, F.S.; authorizing certain contractors to design described fire sprinkler systems; creating s. 627.0654, F.S.; providing insurance discounts for buildings with fire sprinklers; amending s. 633.021, F.S.; revising the definition of certain contractors to provide that such contractors may design described fire sprinkler systems; providing an effective date.

By the Committees on Finance, Taxation and Claims; Community Affairs; and Senators Casas, Silver, Jenne, Jones, Dudley, Diaz-Balart, Kirkpatrick, Bankhead, Gutman, Forman and Turner—

CS for CS for SB 1858—A bill to be entitled An act relating to disaster and emergency preparedness; amending s. 23.121, F.S.; providing policies and purposes; amending s. 23.1225, F.S.; providing for mutual aid in cases of emergency or disaster; amending s. 23.1231, F.S.; providing for certain matters to be included in the Florida Mutual Aid Plan; amending s. 23.127, F.S.; providing for powers, privileges, and immunities under mutual aid agreements; amending s. 213.055, F.S.; providing for waiver of certain revenue laws in cases of emergency; amending s. 235.26, F.S.; requiring inclusion of design criteria for using school buildings as emergency shelters into the State Uniform Building Code for Educational Facilities Construction; amending s. 240.295, F.S.; providing for construction of State University System buildings to provide shelter in emergencies; creating s. 252.311, F.S.; providing legislative intent with respect to emergency management; amending s. 252.32, F.S.; providing policy and purpose with respect to response to disasters; amending s. 252.34, F.S.;

defining and redefining terms; amending s. 252.36, F.S.; requiring additional information to be included in an executive order or proclamation of a state of emergency; amending s. 252.35, F.S.; prescribing powers of the Division of Emergency Management; creating s. 252.365, F.S.; providing for designation of emergency coordination officers; creating the Emergency Management, Preparedness, and Assistance Trust Fund; providing for an annual surcharge on homeowner's and commercial insurance policies to fund emergency management, preparedness, and assistance; providing for distribution of moneys appropriated from the Emergency Management, Preparedness, and Assistance Trust Fund; amending s. 624.5092, F.S.; authorizing the Department of Insurance to share information with the Department of Revenue; amending s. 252.37, F.S.; revising legislative intent; amending s. 252.38, F.S.; prescribing powers of units of local government with respect to emergency management; amending s. 252.355, F.S.; requiring compilation of a registry of disabled persons; creating s. 252.385, F.S.; prescribing intent, and duties of the Division of Emergency Management, with respect to shelter space; requiring a report; amending s. 252.46, F.S.; providing for emergency management orders and rules; amending ss. 252.47, 252.50, F.S.; correcting a cross-reference; amending s. 252.52, F.S.; correcting a cross-reference; creating s. 327.59, F.S.; prohibiting certain acts in relation to marina evacuation during emergencies; amending s. 393.067, F.S.; providing for adoption of emergency management plans and structural requirements for residential facilities; amending s. 395.1055, F.S.; providing for adoption of emergency management plans and structural requirements for hospitals; amending s. 400.23, F.S.; providing for adoption of emergency management plans and structural requirements for nursing homes and related facilities; amending s. 400.441, F.S.; providing for adoption of emergency management plans for adult congregate living facilities; amending s. 409.905, F.S.; providing for payment for nursing facility services in cases of a declared state of emergency; amending s. 409.908, F.S.; providing for Medicaid reimbursement for hospitals furnishing skilled nursing services during declared emergencies; amending s. 465.019, F.S.; providing powers of institutional pharmacies in areas that are subject to a declared state of emergency; amending s. 465.0275, F.S.; authorizing certain emergency refills of prescriptions in areas that are subject to a declared state of emergency; amending s. 374.976, F.S.; authorizing inland navigation districts to waive certain rules following a declared state of emergency; providing an appropriation; providing an effective date.

By the Committee on Governmental Operations and Senator Hargett—

CS for SB 1958—A bill to be entitled An act relating to the Whistle-blower's Act of 1986; amending s. 112.3187, F.S.; defining the term "gross neglect of duty"; revising language with respect to the nature of information disclosed; revising language with respect to employees and persons protected; amending s. 112.3188, F.S.; revising provisions relating to the confidentiality of information given to internal auditors and inspectors general; providing for Sunset review; providing penalties; amending s. 112.3189, F.S.; substantially revising provisions relating to investigative procedures upon receipt of whistle-blower information from certain state employees; amending s. 112.31895, F.S.; revising language with respect to investigative procedures in response to prohibited personnel actions; providing an effective date.

By the Committee on Commerce and Senator Dyer—

CS for SB 1972—A bill to be entitled An act relating to telephone companies; amending s. 364.3376, F.S.; requiring that providers of operator services provide access to a live operator at the beginning of an automated call and at anytime during the call processing; providing an effective date.

By the Committee on Governmental Operations and Senator Dyer—

CS for SB 1994—A bill to be entitled An act relating to attorney services; creating s. 16.58, F.S.; creating the Florida Legal Resource Center within the Department of Legal Affairs; providing for the duties of the center; providing for reports; amending s. 110.205, F.S.; creating additional positions within the exempt category of the Career Service System; amending s. 287.057, F.S.; revising language with respect to the procurement of specified legal services; reenacting s. 287.058(5), F.S., relating to

contract documents, to incorporate the amendment to s. 287.057, F.S., in a reference thereto; amending s. 287.059, F.S.; revising language with respect to private attorney services; providing a definition; providing criteria for contracting for private attorney services; providing requirements to be used by the Attorney General with respect to the use of private attorney services; providing for rules; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senators Silver and Dyer—

CS for SB 2008—A bill to be entitled An act relating to time-share plans; amending s. 721.03, F.S.; revising language with respect to the scope of the Florida Vacation Plan and Time-Sharing Act; amending s. 721.05, F.S.; providing definitions; amending s. 721.06, F.S.; revising language with respect to contracts for purchase of time-share periods; amending s. 721.07, F.S.; revising language with respect to public offering statements; increasing filing fees; creating s. 721.075, F.S.; providing for incidental benefits; amending s. 721.08, F.S.; revising language with respect to escrow accounts; providing fines and penalties; amending s. 721.11, F.S.; revising language with respect to advertising materials and oral statements; amending s. 721.13, F.S.; revising language with respect to management; amending s. 721.15, F.S.; revising language with respect to assessments for common expenses; amending s. 721.20, F.S.; revising language with respect to licensing requirements; amending s. 721.27, F.S.; revising fees; creating part II of chapter 721, F.S.; creating the Florida Vacation Club Act; providing legislative purpose and scope; providing definitions; providing for subordination instruments and alternate security arrangements; providing for the term of multisite time-share plans; providing for additional public offering statement disclosures; providing for the management of multisite time-share plans; providing for reservations systems; providing for demand balancing; providing for the offering of certain time-share estates; providing for fees; providing for application; providing an appropriation; directing that changes in terminology in the Florida Statutes be made; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Ander Crenshaw, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 85, CS for HB 157, HB 259, HB 611, CS for HB 635, CS for HB 647, HB 875, HB 1047, HB 1277, HB 1375; has passed as amended HB 269, CS for HB 287, HB 499, CS for HB 593, CS for HB 1011, HB 1037, CS for HB 1085, CS for HB 1141, HB 1861, HB 1945, CS for HB 1947, HB 1949, HB 1993; has adopted HM 449 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Agriculture and Consumer Services; and Representative Bronson and others—

CS for HB 85—A bill to be entitled An act relating to equine recreational activities; providing definitions; limiting liability for equine activities; providing exceptions; providing for posting and notification; clarifying effect on other laws; providing an effective date.

—was referred to the Committees on Agriculture and Judiciary.

By the Committee on Community Affairs and Representative Martinez—

CS for HB 157—A bill to be entitled An act relating to public facilities; amending s. 287.055, F.S.; excluding certain nongovernmental developers from the definition of agency under the Consultants' Competitive Negotiation Act; amending s. 380.06, F.S.; exempting construction or design of certain public facilities from competitive bidding or negotiation requirements with respect to local government development orders under certain circumstances; revising language with respect to credits against local import fees; providing an effective date.

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

By Representative Littlefield—

HB 259—A bill to be entitled An act relating to payment bonds on public construction projects; amending s. 255.05, F.S.; adding language clarifying that the 1-year limitation period is applicable only to payment bonds and payment provisions of combined payment and performance bonds; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Representative Miller—

HB 611—A bill to be entitled An act relating to postsecondary education; amending s. 240.498, F.S.; changing the name of the Florida Endowment Fund for Higher Education; amending s. 246.041, F.S.; conforming language; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Employee and Management Relations; and Representatives Rush and Davis—

CS for HB 635—A bill to be entitled An act relating to the State Board of Administration; amending s. 215.444, F.S.; increasing membership on the Investment Advisory Council for the State Board of Administration by adding two nonvoting members; providing an effective date.

—was referred to the Committees on Governmental Operations; Personnel, Retirement and Collective Bargaining; and Finance, Taxation and Claims.

By the Committee on Higher Education and Representative Greene and others—

CS for HB 647—A bill to be entitled An act relating to postsecondary education; creating s. 240.1162, F.S.; requiring establishment of an articulation accountability process; amending s. 240.117, F.S.; requiring a common placement test for postsecondary education; amending s. 240.118, F.S.; revising provisions relating to postsecondary feedback of information; requiring strategies to improve student readiness for postsecondary education; amending s. 240.321, F.S.; conforming language; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Representative Greene—

HB 875—A bill to be entitled An act relating to building designations; designating the new West Palm Beach CMS building as the “Philip O. Lichtblau Building”; providing an effective date.

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

By Representative Feeny and others—

HB 1047—A bill to be entitled An act relating to state building designation; designating the astronomy laboratory at the University of Central Florida as “Robinson Observatory”; authorizing the University of Central Florida to erect appropriate markers; providing an effective date.

—was referred to the Committee on Education.

By Representative Bush and others—

HB 1277—A bill to be entitled An act relating to postsecondary education; amending s. 240.209, F.S.; requiring the Board of Regents to develop standards for the role of student advocate at each university; requiring review of plans; providing an effective date.

—was referred to the Committee on Education.

By Representative McClure and others—

HB 1375—A bill to be entitled An act relating to commercial weight-loss practices; creating s. 501.057, F.S.; providing a short title; creating s. 501.0571, F.S.; providing definitions; creating s. 501.0573, F.S.; providing requirements for weight-loss providers; creating s. 501.0575, F.S.; providing the Weight-Loss Consumer Bill of Rights; creating s. 501.0577, F.S.; providing exemptions; creating s. 501.0579, F.S.; establishing failure to comply unlawful and an unfair and deceptive trade practice; creating s. 501.0581, F.S.; providing civil remedies; providing an effective date.

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

By the Committee on Business and Professional Regulation; and Representative Tobin—

HB 269—A bill to be entitled An act relating to the Nongame Wildlife Advisory Council; amending s. 372.922, F.S.; increasing membership on the Nongame Wildlife Advisory Council; saving s. 372.992, F.S., relating to said council, from Sundown repeal; providing for future review and repeal; providing an effective date.

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

By the Committee on Insurance and Representative Morroni and others—

CS for HB 287—A bill to be entitled An act relating to insurance; amending s. 627.4137, F.S.; authorizing certain enforcement actions to compel production of certain information under certain circumstances; providing an entitlement to injunctive relief under certain circumstances; providing for recovery of economic damages and reasonable costs and attorney’s fees; amending s. 627.728, F.S.; requiring advance notice of certain renewal premiums; providing an effective date.

—was referred to the Committees on Commerce and Judiciary.

By Representatives Chestnut and Brennan—

HB 499—A bill to be entitled An act relating to cancer control and research; amending s. 240.5121, F.S.; providing two additional members of the Florida Cancer Control and Research Advisory Council; providing an effective date.

—was referred to the Committee on Health Care.

By the Committee on Aging and Human Services; and Representative Sindler and others—

CS for HB 593—A bill to be entitled An act relating to protection from abuse, neglect, and exploitation; designating parts I-VI of chapter 415, F.S., relating to adult protective services, prevention of abuse and neglect of children, family services response system, protective services for abused and neglected children, family builders program, and domestic violence centers, respectively; creating s. 415.5021, F.S.; providing purpose and legislative intent; creating s. 415.5022, F.S.; providing definitions; creating s. 415.5023, F.S.; specifying procedures of the family services response system; creating s. 415.5024, F.S.; providing for confidentiality of records; providing for review and repeal; creating s. 415.5025, F.S.; providing for district authority and responsibilities; providing responsibilities of the district health and human services boards and the Department of Health and Rehabilitative Services; specifying requirements for proposals for family services response systems; providing for federal waivers; providing for agreements to allow a county sheriff’s office or local police department to perform certain components of child protective investigations; creating s. 415.5026, F.S.; providing for outcome evaluations and reports; requiring reports to the Legislature; creating s. 415.5027, F.S.; providing for rules; amending s. 415.503, F.S.; redefining “institutional child abuse or neglect” and “other person responsible for a child’s welfare”; amending s. 415.504, F.S., relating to mandatory reporting of child abuse or neglect; providing for use of the

family services response system; amending s. 415.505, F.S.; deleting provisions relating to protocol and procedures for child abuse investigations involving district school board personnel; amending s. 415.513, F.S.; requiring the department to submit information about false abuse reports to law enforcement agencies; providing an effective date.

(Substituted for **CS for SB 1102** on the Special Order Calendar this day.)

By the Committee on Higher Education and Representative Davis and others—

CS for HB 1011—A bill to be entitled An act relating to community colleges; amending s. 240.311, F.S.; revising duties of the State Board of Community Colleges relating to its information system and the appointment of community college presidents; requiring the development of a master plan; amending s. 240.313, F.S.; revising membership of district colleges; providing for a student trustee; amending s. 240.324, F.S.; revising community college planning relating to the accountability process; requiring automated student records systems; amending s. 240.325, F.S.; revising provisions relating to guidelines for community colleges; amending s. 240.331, F.S.; conforming provisions; amending s. 240.347, F.S.; revising provisions relating to the State Community College Program Fund; providing community college program requirements; amending s. 240.359, F.S.; providing for community college budgets and budget categories; amending s. 240.363, F.S.; providing requirements for purchases generated from external funding; repealing ss. 240.349 and 240.361, F.S., relating to requirements for participation in the Community College Program Fund and budgets for community colleges; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Representative De Grandy and others—

HB 1037—A bill to be entitled An act relating to designation of state buildings; designating the conservatory on the University Park Campus of Florida International University as the Herbert and Nicole Wertheim Conservatory; designating the student center on the North Miami Campus as the Gregory B. Wolfe Building; designating the South Manatee Community College Campus as the Kingsbury Curtis Community College Campus; authorizing Florida International University to erect appropriate markers; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Criminal Justice and Representative D. Saunders and others—

CS for HB 1085—A bill to be entitled An act relating to robbery; creating s. 812.133, F.S.; describing the criminal offense and providing escalating criminal penalties; creating s. 812.135, F.S.; describing the criminal offense and providing penalties; amending s. 782.04, F.S.; providing that commission of carjacking and home-invasion robbery are felony murder when death results; amending s. 16.56, F.S.; providing that the Office of Statewide Prosecution may investigate and prosecute the offenses of carjacking and home-invasion robbery; amending s. 776.08, F.S.; providing that the offenses of carjacking and home-invasion robbery are included in the term “forcible felony”; amending s. 905.34, F.S.; providing that the statewide grand jury has subject matter jurisdiction over the offenses of carjacking and home-invasion robbery; amending s. 907.041, F.S.; defining the term “dangerous crime” to include the offenses of carjacking and home-invasion robbery; amending s. 39.052, F.S.; requiring the state attorney to request criminal prosecution in certain circumstances; providing an effective date.

—was referred to the Committees on Criminal Justice and Appropriations.

By the Committee on Transportation and Representative Constantine and others—

CS for HB 1141—A bill to be entitled An act relating to public transportation; amending s. 343.61, F.S.; changing the title of the “Central

Florida Commuter Rail Authority Act” to the “Central Florida Regional Transportation Authority Act”; amending s. 343.62, F.S.; providing definitions; amending s. 343.63, F.S.; providing for the Central Florida Regional Transportation Authority; revising membership; amending s. 343.64, F.S.; providing powers and duties; amending ss. 343.65, 343.66, and 343.67, F.S.; conforming to the act; directing the Statutory Revision and Indexing Division to make certain changes in the chapter to reflect the revisions in the act; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Business and Professional Regulation; and Representative Tobin—

HB 1861—A bill to be entitled An act relating to the Florida State Fair Authority; amending s. 616.251, F.S.; clarifying that the authority is under the jurisdiction of the state; requiring the authority to develop a master plan for certain purposes; amending s. 616.252, F.S.; increasing and revising the membership of the authority; amending s. 616.263, F.S.; requiring specified information to be included in the authority’s annual report; amending s. 616.265, F.S.; revising provisions relating to use of the authority’s beverage license; amending s. 561.20, F.S., relating to special beverage licenses issued to public fairs and expositions, to conform; saving ss. 616.251-616.265, F.S., from Sunset and Sundown repeal; providing for future review and repeal; providing an effective date.

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

By the Committee on Education and Representative Jamerson and others—

HB 1945—A bill to be entitled An act relating to education; amending s. 231.095, F.S.; deleting an obsolete reference; amending s. 231.17, F.S.; revising provisions relating to certification, application procedures, examination, the professional orientation program, and application of statutes and rules; providing an alternative means of satisfying the College Level Academic Skills Test; amending s. 231.1725, F.S.; providing for district qualification of substitute teachers, adult education teachers, nondegreed teachers of vocational education, and noncertificated teachers in critical teacher shortage areas; amending s. 231.173, F.S.; providing for certification of out-of-state administrators; amending s. 231.24, F.S.; revising provisions relating to certification renewal; amending s. 231.30, F.S.; revising authority for establishment of certification fees; providing a fee cap for teacher certification or examination; amending s. 231.261, F.S.; correcting a cross-reference; revising provisions relating to financing the Education Practices Commission; amending s. 231.262, F.S.; revising penalties imposed by the commission; providing for the disposition of funds derived from penalties; amending s. 231.28, F.S.; providing grounds for revocation, suspension, or discipline of certified educators; revising reporting requirements for certain violations by certified and district qualified school personnel; creating s. 231.263, F.S.; creating a recovery network program for educators who are impaired as a result of alcohol abuse, drug abuse, or a mental condition; providing an implementation date; providing eligibility for participation; providing for staff; providing for treatment contracts; providing procedures; providing an exemption from public records requirements for certain disclosed information and providing for review and repeal of the exemption; providing for determination of ineligibility for further assistance; providing for funding; providing for rules; amending s. 231.603, F.S.; requiring annual teacher education center inservice plan updates; amending s. 231.606, F.S.; revising duties of teacher education center councils; amending s. 231.613, F.S., relating to inservice training institutes; revising requirements; transferring approval authority from the Commissioner of Education to school boards; amending s. 236.0811, F.S.; providing for local school board approval of master inservice plans; requiring inservice funds to be withheld under certain circumstances; providing for review and repeal; repealing s. 231.15(3), F.S., relating to certification fees; repealing s. 231.1711, F.S., relating to processing applications for certification; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committees on Tourism and Economic Development; Education; and Representative Jamerson and others—

CS for HB 1947—A bill to be entitled An act relating to education; creating s. 288.046, F.S.; providing legislative intent; creating s. 288.047, F.S.; creating the Quick Response Training Program to be administered by the Department of Commerce; providing responsibilities; creating a Quick Response Advisory Committee to assist in the administration of the program; providing for membership; providing for appointment; providing for duties; providing for allocation of funds; providing for written agreements; providing authority to accept certain grants and donations; providing for the procurement and maintenance of equipment; providing certain public records exemptions and for future review and repeal thereof; prohibiting implementation of the act until a specific appropriation is provided; repealing s. 239.509, F.S., relating to the Sunshine State Skills Program; repealing s. 239.517, F.S., relating to the industry services training program; providing an effective date.

—was referred to the Committees on International Trade, Economic Development and Tourism; Education; and Appropriations.

By the Committee on Education and Representative Jamerson and others—

HB 1949—A bill to be entitled An act relating to education; amending s. 229.591, F.S.; revising a goal of Florida's system of school improvement and education accountability; amending s. 229.592, F.S., relating to implementation of the system of school improvement and education accountability; providing for annual school reports; requiring related administrative rules; providing for waiver of additional statutes for district school boards; providing method for meeting graduation requirements; providing duties of the Commissioner of Education; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Regulated Industries and Representative Minton—

HB 1993—A bill to be entitled An act relating to taxation on harness horse live races; creating s. 550.09512, F.S.; providing for harness horse taxes; providing for an abandoned interest in a permit for nonpayment of taxes; providing an effective date.

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

By Representative Trammell—

HM 449—A memorial to the Congress of the United States, urging Congress to enact legislation directing the United States Department of Health and Human Services to recognize, for the purpose of Medicare reimbursement, Florida law establishing emergency care hospitals, essential access community hospitals, and rural primary care hospitals.

—was referred to the Committee on Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable Ander Crenshaw, President

I am directed to inform the Senate that the House of Representatives has passed SB 46, SB 150, CS for SB 196, CS for SB's 200 and 300, SB 206, SB 894 and CS for SB 920.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

ROLL CALLS ON SENATE BILLS

SB 30

Yeas—38

Mr. President Bankhead Beard Boczar

Brown-Waite Burt Childers Crist Dantzler Diaz-Balart Dudley Dyer Foley

Nays—None

Yeas—39

Mr. President Bankhead Beard Boczar Brown-Waite Burt Casas Childers Crist Dantzler

Nays—None

Yeas—39

Mr. President Bankhead Beard Boczar Brown-Waite Burt Casas Childers Crist Dantzler

Nays—None

Yeas—37

Mr. President Bankhead Beard Boczar Brown-Waite Burt Casas Childers Crist Dantzler

Nays—None

Yeas—39

Mr. President Bankhead Beard Boczar Brown-Waite Burt Casas Childers Crist Dantzler

Nays—None

Forman Grant Grogan Gutman Harden Hargrett Holzendorf Jenne Jennings

Johnson Jones Kiser Kurth McKay Meadows Myers Scott Siegel

Silver Sullivan Thomas Turner Weinstein Wexler Williams

CS for SB 168

Diaz-Balart Dudley Dyer Foley Forman Grant Grogan Gutman Harden Holzendorf Jenne Jennings Johnson Jones Kirkpatrick Kiser Kurth McKay Meadows Myers

Scott Siegel Silver Sullivan Thomas Turner Weinstein Wexler Williams

CS for SB 232

Diaz-Balart Dudley Dyer Foley Forman Grant Grogan Gutman Harden Hargrett Holzendorf Jennings Johnson Jones Kirkpatrick Kiser Kurth McKay Meadows Myers

Scott Siegel Silver Sullivan Thomas Turner Weinstein Wexler Williams

CS for SB 430

Diaz-Balart Dudley Dyer Foley Grant Grogan Gutman Harden Hargrett Holzendorf Jennings Johnson Jones Kirkpatrick Kiser Kurth Meadows Myers Scott Siegel

Silver Sullivan Thomas Turner Weinstein Wexler Williams

CS for SB 574

Diaz-Balart Dudley Dyer Foley Forman Grant Grogan Gutman Harden Holzendorf Jenne Jennings Johnson Jones Kirkpatrick Kiser Kurth McKay Meadows Myers

Scott Siegel Silver Sullivan Thomas Turner Weinstein Wexler Williams

CS for SB's 582 and 584

Yeas—39

Mr. President	Diaz-Balart	Holzen Dorf	Scott
Bankhead	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Grogan	Kurth	Weinstein
Childers	Gutman	McKay	Wexler
Crist	Harden	Meadows	Williams
Dantzler	Hargrett	Myers	

Nays—None

CS for SB 602

Yeas—38

Mr. President	Dudley	Jennings	Siegel
Bankhead	Foley	Johnson	Silver
Beard	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Grogan	Kiser	Turner
Casas	Gutman	Kurth	Weinstein
Childers	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams
Dantzler	Holzen Dorf	Myers	
Diaz-Balart	Jenne	Scott	

Nays—2

Boczar	Dyer
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SB 682

Yeas—36

Mr. President	Dantzler	Hargrett	Scott
Bankhead	Diaz-Balart	Holzen Dorf	Siegel
Beard	Dudley	Jennings	Silver
Boczar	Dyer	Jones	Sullivan
Brown-Waite	Foley	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Grogan	Kurth	Weinstein
Childers	Gutman	Meadows	Wexler
Crist	Harden	Myers	Williams

Nays—1

Forman

CS for SB 718

Yeas—36

Mr. President	Diaz-Balart	Hargrett	Scott
Bankhead	Dudley	Jenne	Siegel
Beard	Dyer	Jennings	Silver
Boczar	Foley	Johnson	Sullivan
Burt	Forman	Jones	Thomas
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crist	Gutman	Meadows	Wexler
Dantzler	Harden	Myers	Williams

Nays—None

CS for SB 1074

Yeas—40

Mr. President	Diaz-Balart	Holzen Dorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Grogan	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams

Nays—None

SB 1122

Yeas—36

Mr. President	Diaz-Balart	Holzen Dorf	Scott
Bankhead	Dudley	Johnson	Siegel
Boczar	Dyer	Jones	Silver
Brown-Waite	Foley	Kirkpatrick	Sullivan
Burt	Grant	Kiser	Thomas
Casas	Grogan	Kurth	Turner
Childers	Gutman	McKay	Weinstein
Crist	Harden	Meadows	Wexler
Dantzler	Hargrett	Myers	Williams

Nays—4

Beard	Forman	Jenne	Jennings
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SB 1308

Yeas—36

Mr. President	Diaz-Balart	Hargrett	Scott
Bankhead	Dudley	Holzen Dorf	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Thomas
Casas	Grant	Kiser	Turner
Childers	Grogan	Kurth	Weinstein
Crist	Gutman	Meadows	Wexler
Dantzler	Harden	Myers	Williams

Nays—None

CS for SB 1464

Yeas—38

Mr. President	Diaz-Balart	Jenne	Siegel
Bankhead	Dudley	Jennings	Silver
Beard	Dyer	Johnson	Sullivan
Boczar	Foley	Jones	Thomas
Brown-Waite	Forman	Kiser	Turner
Burt	Grant	Kurth	Weinstein
Casas	Grogan	McKay	Wexler
Childers	Gutman	Meadows	Williams
Crist	Harden	Myers	
Dantzler	Holzen Dorf	Scott	

Nays—None

CS for SB 1536

Yeas—37

Mr. President	Beard	Brown-Waite	Casas
Bankhead	Boczar	Burt	Childers

Crist	Gutman	Kirkpatrick	Sullivan
Dantzler	Harden	Kiser	Turner
Diaz-Balart	Hargrett	McKay	Weinstein
Dudley	Holzendorf	Meadows	Wexler
Dyer	Jenne	Myers	Williams
Forman	Jennings	Scott	
Grant	Johnson	Siegel	
Grogan	Jones	Silver	

Nays—None

SB 1930

Yeas—39

Mr. President	Diaz-Balart	Holzendorf	Scott
Bankhead	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Grogan	Kurth	Weinstein
Childers	Gutman	McKay	Wexler
Crist	Harden	Meadows	Williams
Dantzler	Hargrett	Myers	

Nays—None

ROLL CALLS ON HOUSE BILLS

CS for HB 89

Yeas—40

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Grogan	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams

Nays—None

CS for HB 593

Yeas—38

Mr. President	Beard	Brown-Waite	Childers
Bankhead	Boczar	Casas	Crist

Dantzler	Harden	Kiser	Sullivan
Diaz-Balart	Hargrett	Kurth	Thomas
Dudley	Holzendorf	McKay	Turner
Dyer	Jenne	Meadows	Weinstein
Foley	Jennings	Myers	Wexler
Forman	Johnson	Scott	Williams
Grant	Jones	Siegel	
Gutman	Kirkpatrick	Silver	

Nays—None

ENROLLING REPORTS

Senate Bills 46, 894 and CS for SB 920 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 12, 1993.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journals of March 9 and 11 were corrected and approved.

CO-SPONSORS

Senator Diaz-Balart—SB 14, CS for SB 1194; Senator Grogan—SB 242, SB 386, SB 400, SB 412, SB 926, SB 1714, SB 1752; Senator Meadows—SB 412, SB 926, SB 1714; Senator Kirkpatrick—SB 1018; Senator Dudley—CS for SB 1218; Senator Williams—CS for SB 1230; Senator Turner—SB 1400; Senator Forman—SB 1714; Senator Thomas—SB 1840

RECESS

On motion by Senator Jennings, the Senate recessed at 12:00 noon for the purpose of holding committee meetings and conducting other Senate business until 10:00 a.m., Thursday, March 18.

SENATE PAGES

March 15-19

Halye Abraham, Hollywood; Harper Marion Bailey, Lake Mary; Christina Lyn Benyola, Seminole; Christopher P. Burt, Ormond Beach; Melissa Glover, Indialantic; Heather Grover, Clewiston; Cheree Haswell, Miami; Dana Herce, Tampa; Erik Owen Leavell, Palm Beach Gardens; Khalilah L. Liptrot, Jacksonville; Melissa McGranahan, McAlpin; Sheldon Davis McMullen, Tampa; Tricia Miller, Key West; Christian Moreton, Tallahassee; Carolyn Parry, Lakeland; Jennifer Lynn Silverthorne, Pensacola; Peter Stibbs, Inverness; Toefiel Weston Tedd, Miami; Heather Bain Valentine, Lakeland