



Journal of the Senate

Number 17

Monday, March 29, 1993

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—35:

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

Excused: Senator Grogan

PRAYER

The following prayer was offered by the Rev. Walter E. Monroe, Jr., Minister, Ebenezer United Methodist Church, Orlando:

For the wonders of your creation, we praise you, O God. For life and strength to see the light of this day, we give you thanks. For the duties that lie before us, we give you glory and honor.

As we come to these hallowed grounds today, we ask your favor on our country, state, Governor and his cabinet, and especially on the members of this legislative session who are engaged in the audacious and ever-changing, ever-challenging, system of democracy. Grant to the representatives of this body, both Democrats and Republicans, on whose words, attitudes and actions so much depends, the grace to understand points of view which may differ from each other. In debate, curb every impulse to bitterness and give faith to build upon every sign of good will and understanding. Give, O God, to each of them the flexibility of mind and a willingness to explore new ideas that may create conditions which make men and women free and equal. Press upon them the ability to enhance human dignity and self-respect and a fair measure of economic security for all people.

And now, O Father, as this session convenes for today, grant the spirit of wisdom to those whom you have entrusted with authority of government. This we ask in the name of Him who is known by many names, yet who art the Father of all. Amen.

PLEDGE

Senate Page, Suzanne Ross, of Orange Park led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF RESOLUTION

On motion by Senator Bankhead, by two-thirds vote **SR 2352** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Bankhead—

SR 2352—A resolution recognizing April 24, 1993, as Eckerd Family Youth Alternatives, Inc., Day.

WHEREAS, the State of Florida is experiencing the acute social and economic impact of the troubles facing young people, and

WHEREAS, the state's greatest asset is its people, and its future prosperity is inseparable from the opportunities, achievements, and successes of its youth, and

WHEREAS, Eckerd Family Youth Alternatives, Inc., has provided therapy, education, shelter, positive role-models, and a safe and constructive environment to troubled youth for 25 years, and

WHEREAS, Eckerd Family Youth Alternatives, Inc., in a partnership with the state, has expanded its services to meet the growing needs of children, youths, and young adults, and

WHEREAS, this partnership has benefited the state, and

WHEREAS, over the last 25 years, thousands of people have been helped by the Eckerd Family Youth Alternatives, Inc., NOW, THEREFORE,

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

That April 24, 1993, is recognized as Eckerd Family Youth Alternatives, Inc., Day.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Eckerd Family Youth Alternatives, Inc., 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.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Jennings, by two-thirds vote **Senate Bills 1306 and 1906** were withdrawn from the Committee on Community Affairs; **SB 1846** and **CS for HB 21** were withdrawn from the Committee on Judiciary; **SB 2182** was withdrawn from the Committee on Transportation; **CS for HB 287** was withdrawn from the Committee on Commerce; **SB 212** was withdrawn from the Committee on Finance, Taxation and Claims; and **CS for SB 144** was withdrawn from the Committee on Health and Rehabilitative Services.

On motions by Senator Scott, by two-thirds vote **CS for SB 136, CS for SB 436, CS for SB 536, SB 724, CS for CS for SB 1386, SB 1512, CS for SB 1666, CS for CS for SB 1694, SB 1702, CS for SB 1780, CS for SB 1820, SB 2048, CS for SB 2130, SB 2202, SB 2138** and **CS for SB 2260** were withdrawn from the Committee on Appropriations.

On motions by Senator Scott, by two-thirds vote **CS for HB 1085, CS for SB 10, Senate Bills 12, 16, 24, CS for CS for SB 164, SB 258, CS for SB 298, CS for CS for SB 396, CS for SB 1230, CS for SB 1246, Senate Bills 1252, 1348, 1358, 1888** and **CS for SB 1972** were withdrawn from the Committee on Appropriations.

On motions by Senator Jennings, by two-thirds vote **CS for SB 1084, CS for SB 1090** and **CS for SB 1668** were withdrawn from the Committee on Rules and Calendar; **SB 406** was withdrawn from the Committees on Health and Rehabilitative Services; and Appropriations; **SB 1784** and **SB 2006** were withdrawn from the Committees on Health and Rehabilitative Services; Governmental Operations; and Appropriations; and **SB 1914** was withdrawn from the Committees on Health and Rehabilitative Services; Commerce; and Appropriations.

MOTION

On motion by Senator Gutman, the rules were waived and the Committee on Health Care was granted permission to consider amendments not timely filed at the meeting this day.

SPECIAL ORDER

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

CS for HB 907—A bill to be entitled An act relating to credit agreements; amending s. 687.0304, F.S.; providing certain requirements for a debtor to maintain a defense on a credit agreement; providing that credit

agreements may not be implied from certain actions; requiring a lender to provide a borrower certain notice; requiring such notice in credit agreements to be initialed by the borrower; providing an effective date.

—a companion measure, was substituted for **CS for SB 776** and by two-thirds vote read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for HB 907** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

CS for SB 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.

—was read the second time by title.

One amendment to **CS for SB 1278** failed.

Pending further consideration of **CS for SB 1278**, on motions by Senator Crist, by two-thirds vote—

CS for HB 195—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; providing an effective date.

—a companion measure, was substituted for **CS for SB 1278** and by two-thirds vote read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for HB 195** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—1

SB 658—A bill to be entitled An act relating to local government; creating s. 218.80, F.S.; creating the “Public Bid Disclosure Act”; providing legislative intent; requiring local governments to include certain provisions in all bidding documents or other request for proposal; prohibiting local governments from collecting undisclosed fees or halting construction under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Jones and adopted:

Amendment 1—On page 1, line 22, after “all” insert: of the local governmental entity’s

Amendment 2—On page 2, line 11, after “Any” insert: of the local governmental entity’s

Amendment 3—On page 2, between lines 19 and 20 insert:

(4) This section does not require disclosure in the bidding documents of any permits or fees imposed as a result of a change order or a modification to the contract. The local government shall disclose all permits or fees imposed as a result of a change order or a modification to the contract prior to the date the contractor is required to submit a price for the change order or modification.

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

Amendment 4—On page 2, strike all of lines 9-11 and insert: shall include the dollar amount or the percentage method or the unit method of all permits or fees which may be required by the local government as a part of the contract. If the request for proposal does not require the response to include a final fixed price, the local governmental entity is not required to disclose any fees or assessments in the request for proposal. However, at least ten days prior to requiring the contractor to submit a final fixed price for the project, the local governmental entity shall make the disclosures required in this section. Any permits or fees which are not

On motion by Senator Jones, by two-thirds vote **SB 658** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

SB 2020—A bill to be entitled An act relating to the Florida Statutes; directing the Division of Statutory Revision to develop guidelines and prepare a reviser’s bill to remove gender-specific references from the Florida Statutes; providing an effective date.

—was read the second time by title.

Senator Boczar moved the following amendment:

Amendment 1—On page 2, line 11, insert:

Section 3. (1) *The appointed membership of each statutorily created decision making or regulatory board, commission, council, and committee of the state shall be balanced by gender, and shall include proportionate representation of minority persons as defined in s. 288.703(3), by July 1, 1998, except if statutes specify otherwise or persons of the (2) appointments made during any one appointment period shall be balanced by gender, and shall include proportionate representation of minority persons as defined in s. 288.703(3), or weighted in the direction of achieving balance by gender and minority status.*

(3) *For the purpose of this act, proportionate representation of minority persons as determined pursuant to the federal decennial census, and balanced by gender means a 50-50 proportion, not counting the member of the gender with the largest representation when there is an odd number of members, except that, when a profession, occupation, or trade is regulated by a board or commission composed primarily of members of that profession, occupation, or trade, the representation on the board or commission shall be proportional to the membership of that gender in the profession, occupation, or trade.*

(4) *If there are multiple appointing authorities for a decision making or regulatory board, commission, council, or committee, they shall consult with each other to avoid a violation of subsection 3(1).*

Section 4. *This act shall apply to appointments and reappointments made after the effective date of this act, however, this act does not prohibit a member of a decision making or regulatory board, commission, council, or committee from completing a term being served as such member when this act takes effect. A person appointed to a decision making or regulatory board, commission, council, or committee before the effective date of this act may not be removed from office solely for the purpose of meeting the gender or minority requirements of this act.*

Section 5. *Subsection (2) of 14.24, Florida Statutes, is amended to read: 14.24 Florida Commission on the Status of Women.*

(2) *The Commission shall meet once in the first, second, and fourth quarters of each year and upon the call of the chairperson or two officers. Annually, at the meeting in the first quarter, officers consisting of chairperson, vice chairperson, secretary, and treasurer shall be elected. Each officer shall serve until a successor is elected and qualified. No officer shall serve more than two consecutive terms in the same office.*

Section 6. *Effective January 1, 2004, sections 1 and 2 of this act are repealed.*

Section 7. *This act shall take effect January 1, 1994.*

POINT OF ORDER

Senator Dudley raised a point of order that pursuant to Rule 7.1 **Amendment 1** was not germane to the bill.

The President referred the point to Senator Jennings, Chairman of the Committee on Rules and Calendar.

Further consideration of **SB 2020** with pending **Amendment 1** was deferred.

Consideration of **CS for SB 1174** was deferred.

CS for CS for SB 1606—A bill to be entitled An act relating to jobs siting; creating part IX of chapter 403, F.S.; creating the Florida Jobs Siting Act; providing legislative intent; providing definitions; providing for eligibility criteria for projects under the act; providing for the powers and duties of the Department of Commerce; providing for the powers and duties of the Department of Environmental Regulation; providing for applicability and certification; providing for the application process; providing for the determination of completeness and sufficiency; providing for an initial public meeting; providing for the assignment of a hearing officer; providing for statements of issues and reports and for written analysis; providing for comprehensive plan amendments; providing for certification hearing, cancellation, and parties; providing for the final disposition of application; providing for the alteration of time limits; providing for superseded laws, regulations, and certification power; providing for the effect of certification; providing for notice and costs of proceeding; providing for review; providing for compliance and enforcement; providing for revocation of certification; providing for availability of information; providing for modification of certification; providing for fees and the disposition of fees; repealing s. 288.501-288.518, F.S.; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendments which were adopted:

Amendment 1—On page 1, line 10, following the semicolon (;) after "Regulation" insert: providing for the powers and duties of affected local governments;

Amendment 2—On page 2, line 9, following the comma (,) after "403.961" insert: 403.9615,

Amendment 3—On page 3, line 12, following "state" insert: , recognizing that such a review procedure would provide a significant economic development advantage,

Amendment 4—On page 4, line 29, strike "403.903(3)" and insert: 403.963(3)

Amendment 5—On page 28, line 26, strike "403.961(6)" and insert: 403.961(8)

Amendment 6—On page 41, line 17, insert:

Section 3. There is hereby appropriated for fiscal year 1993-1994, \$172,000 and three full-time employees to the Department of Environmental Regulation and \$100,000 and two full-time employees to the Department of Commerce from the Economic Development Trust Fund to implement the provisions of this act.

(Renumber subsequent section.)

Senator Dantzer moved the following amendment which was adopted:

Amendment 7—On page 10, between lines 8 and 9, insert:

(6) Projects not eligible include those which involve the final disposal through incineration of solid waste, biomedical waste, or hazardous waste. Such projects must obtain appropriate permits as otherwise provided by law.

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

Yeas—36 Nays—None

Consideration of **CS for SB 2382** was deferred.

The Senate resumed consideration of—

SB 2020—A bill to be entitled An act relating to the Florida Statutes; directing the Division of Statutory Revision to develop guidelines and prepare a reviser's bill to remove gender-specific references from the Florida Statutes; providing an effective date.

—with pending **Amendment 1** by Senator Boczar, which was deferred on a point of order by Senator Dudley. **Amendment 1** was withdrawn.

On motion by Senator Dyer, by two-thirds vote **SB 2020** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

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 read the second time by title. On motion by Senator Foley, by two-thirds vote **HB 875** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 36—A bill to be entitled An act relating to drivers' licenses; amending s. 322.17, F.S.; exempting certain veterans from the fees required for the issuance of duplicate or replacement drivers' licenses; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 36** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 364—A bill to be entitled An act relating to local occupational license taxes; creating s. 205.0315, F.S.; providing requirements for new occupational license tax ordinances adopted after October 1, 1995; amending ss. 205.032, 205.042, F.S.; revising the time for the publication of notice by a county or municipality prior to adoption of such taxes; amending ss. 205.033, 205.043, F.S.; revising fees for transfer of licenses; providing that provisions relating to distribution of county tax revenues are not applicable in certain circumstances; prohibiting adoption of an ordinance by certain counties levying an additional tax for economic development after January 1, 1995; specifying that revenues generated by the county tax may be used for economic development purposes; creating s. 205.045, F.S.; providing that a municipality may transfer to the county, and a county may transfer to a municipality, administrative duties relating to such taxes; amending s. 205.053, F.S.; revising the date for sale of licenses and the due date thereof; providing civil penalties for failure to obtain a required license; providing for costs and attorneys' fees; creating s. 205.0535, F.S.; authorizing counties and municipalities to reclassify occupations and establish new rate structures; providing requirements and limitations; providing requirements for subsequent rate increases; creating s. 205.0536, F.S.; providing for the distribution of county tax revenues after October 1, 1995; creating s. 205.0537, F.S.; providing requirements with respect to licensing of vending and amusement machines; providing effective dates.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendments which were moved by Senator Dudley and adopted:

Amendment 1—On page 7, strike all of lines 12-14 and insert:

(b) *Unless the municipality implements s. 205.0535 or adopts a new occupational license tax ordinance under s. 205.0315, an No occupational license tax levied under this*

Amendment 2—On page 10, line 8, strike "1994" and insert: 1995

Amendment 3—On page 11, line 5, strike "fee" and insert: tax

Amendment 4—On page 13, line 11, after "county" insert: or a pay telephone service provider certified pursuant to s. 364.3375

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Dudley and adopted:

Amendment 5—On page 9, line 20, strike "fee" and insert: tax fee

Amendment 6—On page 10, line 3, after “of” insert: *up to*

Amendment 7—On page 10, lines 30 and 31 and on page 11, lines 1-6, strike all of said lines and insert: vote a new occupational license tax ordinance. Except that a minimum license tax of up to \$25 is permitted, the reclassification shall not increase the occupational license tax by more than the following: for licenses costing \$150 or less, 200 percent; for licenses costing more than \$150 but not more than \$500, 100 percent; for licenses costing more than \$500 but not more than \$2,500, 75 percent; for licenses costing more than \$2,500 but not more than \$10,000, 50 percent; and for licenses costing more than \$10,000, 10 percent; however, in no case may any license be increased more than \$5,000.

Amendment 8 (with Title Amendment)—On page 12, between lines 6 and 7, insert:

(5) No license shall be issued unless the Federal Employer Identification Number or Social Security Number is obtained from the person to be licensed.

And the title is amended as follows:

In title, on page 2, line 1, after the semicolon (;) insert: requiring Federal Employer Identification Number or Social Security Number from licensee;

Amendment 9—On page 13, line 11, strike “fee” and insert: tax

Amendment 10—On page 10, line 13, after “service” insert: or pay telephone service

Amendment 11—On page 10, line 16, after “companies” insert: or a pay telephone service provider certified pursuant to s. 364.3375

On motion by Senator Dudley, by two-thirds vote **SB 364** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28 Nays—9

CS for SB 828—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052, F.S.; allowing a justice or judge who is unable to complete his term of office because he has attained 70 years of age to purchase service credit in the Elected State and County Officers’ Class of that system for all or a portion of the period covering the remainder of the term to which he was elected; providing for payment of the necessary contributions and interest; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote **CS for SB 828** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

SB 888—A bill to be entitled An act relating to medical review committees; amending s. 766.101, F.S.; providing that certain corporations are included in the definition of “medical review committee” for purposes of immunity from liability; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator Bankhead and adopted:

Amendment 1—On page 2, line 5, strike “or former chapter 617 (1989)” and insert: *or chapter 617*

On motion by Senator Bankhead, by two-thirds vote **SB 888** 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

Consideration of **CS for SB 1692** was deferred.

CS for SB 1690—A bill to be entitled An act relating to construction of sewage treatment facilities; amending s. 403.1835, F.S.; amending the provisions relating to the sewage treatment facilities revolving loan program to require that preference be given to certain projects; directing the Department of Environmental Regulation to consider alternative methods of capitalizing the sewage treatment revolving loan fund; providing an effective date.

—was read the second time by title.

Two amendments were adopted to **CS for SB 1690** to conform the bill to **CS for HB 661**.

Pending further consideration of **CS for SB 1690** as amended, on motions by Senator Dantzler, by two-thirds vote—

CS for HB 661—A bill to be entitled An act relating to wastewater control and reuse; amending ss. 125.3401, 125.485, 153.02, 159.02, 180.06, 180.301, 189.423, 190.012, 190.0125, and 361.07, F.S.; including wastewater reuse in provisions relating to regulation of sewerage; amending s. 163.01, F.S.; providing for conveyance of certain real property rights by certain public agencies or legal entities; specifying criteria; providing for reversion; amending s. 403.1835, F.S.; amending the provisions relating to the sewage treatment facilities revolving loan program; directing the Department of Environmental Regulation to consider alternative methods of capitalizing the sewage treatment revolving loan fund; providing effective dates.

—a companion measure, was substituted for **CS for SB 1690** and by two-thirds vote read the second time by title. On motion by Senator Dantzler, by two-thirds vote **CS for HB 661** 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 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.

—was read the second time by title. On motion by Senator Silver, by two-thirds vote **CS for SB 2008** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SJR 1850—A joint resolution proposing amendments to Section 15 of Article III of the State Constitution, relating to the qualifications and terms of legislators; Section 8 of Article V of the State Constitution, relating to eligibility for judicial office; Section 17 of Article V of the State Constitution, relating to state attorneys; Section 18 of Article V of the State Constitution, relating to public defenders; and Section 1 of Article VIII of the State Constitution, relating to counties; and the creation of Section 7 of Article VI of the State Constitution, relating to residency requirements.

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

That the amendments to Section 15 of Article III, Sections 8 and 17 of Article V, and Section 1 of Article VIII of the State Constitution, and the addition of Section 7 of Article VI of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE III LEGISLATURE

SECTION 15. Terms and qualifications of legislators.—

(a) **SENATORS.** Senators shall be elected for terms of four years, those from odd-numbered districts in the years the numbers of which are multiples of four and those from even-numbered districts in even-numbered years the numbers of which are not multiples of four; except, at the election next following a reapportionment, some senators shall be elected for terms of two years when necessary to maintain staggered terms.

(b) **REPRESENTATIVES.** Members of the house of representatives shall be elected for terms of two years in each even-numbered year.

(c) **QUALIFICATIONS.** Each legislator ~~must shall~~ be at least twenty-one years of age, an elector and resident, ~~from the time of qualifying for office,~~ of the district from which elected, and ~~must shall~~ have resided in the state for a period of two years ~~preceding~~ prior to election. ~~In an election immediately following any reapportionment, each legislator must be an elector and resident of the district upon election.~~

(d) **ASSUMING OFFICE; VACANCIES** Members of the legislature shall take office upon election. Vacancies in legislative office shall be filled only by election as provided by law.

ARTICLE V JUDICIARY

SECTION 8. Eligibility.—~~A No person is not shall be~~ eligible for office of justice or judge of any court unless he is an elector of the state and, ~~from the time of appointment or qualifying for office,~~ resides in the territorial jurisdiction of his court, ~~unless he is appointed to a temporary assignment. A No justice or judge may not shall~~ serve after attaining the age of seventy years except upon temporary assignment or to complete a term, one-half of which he has ~~already~~ served. ~~A No person is not~~ eligible for the office of justice of the supreme court or judge of a district court of appeal unless he is, and has been for the preceding ten years, a member of the bar of Florida. ~~A No person is not~~ eligible for the office of circuit judge unless he is, and has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, ~~a no~~ person is ~~not~~ eligible for the office of county court judge unless he is, and has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, a person shall be eligible for election or appointment to the office of county court judge in a county having a population of 40,000 or less if he is a member in good standing of the bar of Florida.

SECTION 17. State attorneys.—In each judicial circuit a state attorney shall be elected for a term of four years. Except as otherwise provided in this constitution, he shall be the prosecuting officer of all trial courts in that circuit and shall perform other duties prescribed by general law; ~~provided,~~ however, when authorized by general law, the violations of all municipal ordinances may be prosecuted by municipal prosecutors. A state attorney ~~must shall~~ be an elector of the state and ~~must~~ reside, ~~from the time of qualifying for office,~~ in the territorial jurisdiction of the circuit. He ~~must shall be and have been~~ a member of the bar of Florida ~~and have been a member~~ for the preceding five years. He shall devote full time to his duties, and he shall not engage in the private practice of law. State attorneys shall appoint such assistant state attorneys as may be authorized by law.

SECTION 18. Public defenders.—In each judicial circuit a public defender shall be elected for a term of four years. He shall perform duties prescribed by general law. A public defender ~~must shall~~ be an elector of the state and ~~must~~ reside, ~~from the time of qualifying for office,~~ in the territorial jurisdiction of the circuit. He ~~must shall be and have been~~ a member of the Bar of Florida ~~and must have been a member~~ for the preceding five years. Public defenders shall appoint such assistant public defenders as may be authorized by law.

ARTICLE VI SUFFRAGE AND ELECTIONS

SECTION 7. Residency Requirements.—*In order to qualify, each individual subject to a residency requirement of this constitution must provide the qualifying officer at the time of qualifying with proof of compliance with that requirement.*

ARTICLE VIII LOCAL GOVERNMENT

SECTION 1. Counties.—

(a) **POLITICAL SUBDIVISIONS.** The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) **COUNTY FUNDS.** The care, custody and method of disbursing county funds shall be provided by general law.

(c) **GOVERNMENT.** Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) **COUNTY OFFICERS.** ~~There shall be elected by~~ The electors of each county ~~shall elect,~~ for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

(e) **COMMISSIONERS.** Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner ~~who resides residing~~ in each district, ~~from the time of qualifying for office,~~ shall be elected as provided by law.

(f) **NON-CHARTER GOVERNMENT.** Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance ~~is shall~~ not be effective within the municipality to the extent of such conflict.

(g) **CHARTER GOVERNMENT.** Counties operating under county charters ~~shall~~ have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(h) **TAXES; LIMITATION.** Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) **COUNTY ORDINANCES.** Each county ordinance shall be filed with the secretary of state and ~~shall~~ become effective at such time thereafter as is provided by general law.

(j) **VIOLATION OF ORDINANCES.** Persons violating county ordinances ~~will shall~~ be prosecuted and punished as provided by law.

(k) **COUNTY SEAT.** In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded in the county until filed at the county seat according to law.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENTS

ARTICLE III, SECTION 15; ARTICLE V, SECTIONS 8, 17, and 18; ARTICLE VI, SECTION 7; AND ARTICLE VIII, SECTION 1

RESIDENCY REQUIREMENTS FOR CANDIDATES FOR PUBLIC OFFICE, JUSTICES, AND JUDGES.—Proposing amendments to the State Constitution providing that each legislative, state attorney, public defender, and county commission candidate, and each justice or judge must meet any prescribed residency requirement when they qualify for or are appointed to office.

—was read the second time in full. On motion by Senator Crist, by two-thirds vote **SJR 1850** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—30 Nays—3

SB 1744—A bill to be entitled An act relating to governmental performance audits; amending s. 11.45, F.S.; revising the definition of the term “performance audit” to provide specific guidelines; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **SB 1744** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

SB 580—A bill to be entitled An act relating to investments of state money; amending s. 18.10, F.S.; authorizing the Treasurer to invest state moneys in certain additional types of investments; amending ss. 280.02 and 280.03, F.S.; deleting certain restrictions on investing public money in certificates of deposit; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Bankhead and adopted:

Amendment 1—On page 2, strike line 3 and insert:

(r) *Covered put and call options on investment instruments*

Amendment 2—On page 2, strike all of lines 11-14 and insert:

(t) *Securities not otherwise described in this subsection, subject to the approval of the State Board of Administration. However, not more than 3 percent of the funds under the control of the Treasurer may be invested in securities described in this paragraph.*

Senator Bankhead moved the following amendment which was adopted:

Amendment 3 (with Title Amendment)—On page 2, line 10 through page 3, line 24, strike all of said lines and insert: *recognized rating services, the investment in which shall not be prohibited by any provision of chapter 280.*

(t) *Securities not otherwise described in this subsection, subject to approval of the State Board of Administration. However, not more than 3 percent of the funds under the control of the Treasurer shall be invested in securities described in this paragraph.*

These investments may be in varying maturities and may be in book-entry form. Investments made pursuant to this subsection may be under repurchase agreement. The Treasurer is authorized to hire registered investment advisers and other consultants to assist in investment management and to pay fees directly from investment earnings. Investment securities, proprietary investment services related to contracts, performance evaluation services, and advisory and consulting contracts made under this section are exempt from the provisions of chapter 287.

Section 2. Subsection (1) of section 280.03, Florida Statutes, is amended to read:

280.03 Public deposits to be secured; exceptions.—

(1) On and after January 1, 1982, all public deposits shall be secured as provided in this chapter. ~~Notwithstanding any other provision of the law,~~ Public funds shall not be deposited directly or indirectly in negotiable certificates of deposit. Except as otherwise provided by law, no public deposit may be made except in a qualified public depository.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, strike all of lines 5-8 and insert: additional types of investments; amending s. 280.03, F.S.; clarifying a prohibition against depositing public moneys in negotiable certificates of deposit; providing an effective

On motion by Senator Bankhead, by two-thirds vote **SB 580** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

SB 186—A bill to be entitled An act relating to settlement of suits involving executive branch agencies or officers; amending s. 45.062, F.S.; providing additional criteria for negotiated settlement of such suits; providing an effective date.

—was read the second time by title. On motion by Senator Siegel, by two-thirds vote **SB 186** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

Motion

Senator Jennings moved that **HB 1805** be placed on the Special Order Calendar by two-thirds vote and be taken up instanter by unanimous consent. The motion was not adopted because of an objection by Senator Boczar.

CS for SB 286—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052, F.S.; clarifying benefit payment and calculation procedure; providing for dual calculation of benefits whenever a member of the Elected State and County Officers' Class has creditable service in that class, followed by service in another class of the Florida Retirement System, on or after January 1, 1995; providing for matters relative thereto; providing an effective date.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendment which was moved by Senator Burt and adopted:

Amendment 1 (with Title Amendment)—On page 2, strike all of lines 15-21 and insert:

2. *A member of the Elected State and County Officers' Class whose initial date of membership in such class is on or after January 1, 1995, and who subsequently earns creditable service in any other class of the Florida Retirement System shall have his retirement benefit calculated as follows:*

a. *That portion of his benefit derived from elective service shall be calculated*

And the title is amended as follows:

In title, on page 1, strike all of lines 6-10 and insert: with respect to members of the Elected State and County Officers' Class who initially become members of such class on or after January 1, 1995; providing for matters

On motion by Senator Burt, by two-thirds vote **CS for SB 286** 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—1

CS for SB 124—A bill to be entitled An act relating to public employees' benefits; amending s. 110.123, F.S., pertaining to the state group insurance program, to require that a state agency that employs a correctional probation officer who is killed in the line of duty, under certain conditions, to pay the entire premium under the State Employees Group Health Self-Insurance Plan for the officer's spouse and children for certain time periods, in the same manner as present law provides for law enforcement officers and correctional officers; amending s. 112.19, F.S., pertaining to death benefits for such officers; expanding the scope of the section by making part-time and auxiliary law enforcement, correctional, and correctional probation officers eligible for such benefits; amending s. 112.193, F.S.; revising the authorization pertaining to the award of commemorative service awards upon the death or retirement of a law enforcement officer or a correctional officer; expanding the scope of the authority to allow such awards to be given with respect to correctional probation officers and to part-time and auxiliary law enforcement, correctional, and correctional probation officers upon retirement or death; amending s. 121.091, F.S.; revising death benefit provisions under the Florida Retirement System to provide for reinstatement of benefits to a surviving spouse whose benefit terminated due to remarriage; providing an effective date.

—was read the second time by title.

Senator Foley moved the following amendment which was adopted:

Amendment 1—On page 9, line 22, after "disability retirement," insert: *or who is eligible to retire under any such provision but, instead, resigns from one employer to accept an elected public office,*

Senators Holzendorf and Foley offered the following amendment which was moved by Senator Holzendorf and adopted:

Amendment 2 (with Title Amendment)—On page 11, line 12, insert:

Section 5. Subsection (9) is added to section 631.718, Florida Statutes, to read:

631.718 Assessments.—

(9) *Notwithstanding any provision to the contrary, no member insurer that is a nonprofit insurance company which issues annuity contracts or group annuity contracts pursuant to s. 121.35, or for the benefit of employees of educational institutions situated in this state may be assessed in any one calendar year an amount greater than the amount which it paid to this state in the previous year as premium tax and corporate tax on the business to which this part applies or 0.1 percent of written premium on such business in this state, whichever is greater.*

And the title is amended as follows:

In title, on page 2, line 1, after the semicolon (;) insert: amending s. 631.718, F.S., relating to assessments from the Florida Life and Health Insurance Guaranty Association; providing a limitation on the amount of assessments;

On motion by Senator Foley, by two-thirds vote **CS for SB 124** 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

CS for SB 1692—A bill to be entitled An act relating to the implementation of constitutional state planning and budgeting provisions; amending s. 186.002, F.S., relating to findings and intent; conforming terminology; amending s. 186.003, F.S.; defining "judicial branch" and revising the definitions of "state agency" and "state agency strategic plan"; amending s. 186.021, F.S.; providing for inclusion of the judicial branch in the preparation of strategic plans; revising the requirements of strategic plans; amending s. 186.022, F.S.; revising the requirements of strategic plans; providing applicability; repealing s. 216.011(2)(c), F.S., relating to the definition of "emergency situation"; amending s. 216.052, F.S.; revising the procedure for submission and review of strategic plans and legislative budget requests; amending s. 216.162, F.S., relating to submission of the Governor's recommended budget to the Legislature; deleting reference to biennial submission; amending s. 216.178, F.S.; revising provisions

relating to availability of the final budget report and the General Appropriations Act; amending s. 216.221, F.S.; revising procedures for the adjustment of budgets to avoid or eliminate deficits; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote **CS for SB 1692** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

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

CS for HB 1185—A bill to be entitled An act relating to child custody; creating ss. 751.01-751.05, F.S.; providing definitions; creating an action for temporary custody of a minor child by family members, including putative fathers, setting forth the requirements of the petition for temporary custody, specifying notice requirements, setting forth the terms of an order granting temporary custody; amending s. 49.011, F.S.; providing service of process in temporary custody proceedings; providing an effective date.

—a companion measure, was substituted for **CS for SB 684** and by two-thirds vote read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **CS for HB 1185** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

Consideration of **CS for CS for SB 1166** was deferred.

SB 1648—A bill to be entitled An act relating to elections; amending s. 112.324, F.S.; requiring that persons filing complaints with the Commission on Ethics have personal knowledge of the matters set forth in the complaint; providing an effective date.

—was read the second time by title.

The Committee on Executive Business, Ethics and Elections recommended the following amendment which was moved by Senator Holzendorf and adopted:

Amendment 1—In title, on page 1, line 2, strike "elections" and insert: ethics

On motion by Senator Holzendorf, further consideration of **SB 1648** as amended was deferred.

RECESS

On motion by Senator Jennings, the Senate recessed at 11:59 a.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:13 p.m. A quorum present—39:

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

SPECIAL ORDER, continued

HB 1805—A bill to be entitled An act making supplemental appropriations; providing moneys for the annual period beginning July 1, 1992, and ending June 30, 1993, to pay salaries, other expenses, capital outlay - buildings and improvements, and for other specified purposes of the various agencies of state government; supplementing or adjusting specific appropriations as provided in Chapter 92-293, Laws of Florida; providing an effective date.

—was read the second time by title.

Senator Scott moved the following amendment which was adopted:

Amendment 1—

SECTION 1A	STRIKE:	INSERT:
HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF ENTITLEMENT BENEFITS AND SERVICES MEDICAID SERVICES		
Insert new Item (2A) immediately preceding Specific Appropriation 3, and after proviso language in H.R.S. Medicaid Services:		
2A	LUMP SUM MEDICAID SERVICES REDUCED ESTIMATES FROM GENERAL REVENUE FUND FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	(14,063,646) (80,621,283) (54,874,841)
3	SPECIAL CATEGORIES ADULT DENTAL, VISUAL AND HEARING SERVICES FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	340,296 283,126 278,426 231,647
4	SPECIAL CATEGORIES EARLY AND PERIODIC SCREENING OF CHILDREN FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	175,489 129,623 143,581 106,055
5	SPECIAL CATEGORIES FAMILY PLANNING FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	117,032 85,996 13,004 9,554
6	SPECIAL CATEGORIES HOME HEALTH SERVICES FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	120,101 92,091 98,262 75,347
7	SPECIAL CATEGORIES HOSPITAL INPATIENT SERVICES FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	15,541,691 12,041,551 12,715,930 9,852,178
8	SPECIAL CATEGORIES HOSPITAL INSURANCE BENEFITS FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	172,634 191,816 141,246 156,941
9	SPECIAL CATEGORIES HOSPITAL OUTPATIENT SERVICES FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	2,176,443 1,723,469 1,780,726 1,410,113

10	SPECIAL CATEGORIES RESPIRATORY THERAPY SERVICES FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	686 505 560 412
11	SPECIAL CATEGORIES MEDICAID FISCAL CONTRACT FROM ADMINISTRATIVE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	151,288 72,627 67,574 32,439
12	SPECIAL CATEGORIES NURSE PRACTITIONER SERVICES FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	12,428 9,027 10,168 7,388
13	SPECIAL CATEGORIES BIRTHING CENTER SERVICES FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	28,317 20,512 23,168 16,782
14	SPECIAL CATEGORIES OTHER LAB AND X-RAY SERVICES FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	83,162 61,020 68,043 49,926
15	SPECIAL CATEGORIES PATIENT TRANSPORTATION FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	624,253 518,134 510,751 423,930
16	SPECIAL CATEGORIES PERSONAL CARE SERVICES FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	5,127 4,072 4,193 3,330
17	SPECIAL CATEGORIES PHYSICAL REHABILITATION THERAPY FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	4,898 3,752 4,007 3,071
18	SPECIAL CATEGORIES PHYSICIAN SERVICES FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	7,699,479 6,957,829 6,299,572 5,692,770
19	SPECIAL CATEGORIES PRESCRIBED MEDICINE/DRUGS FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	5,856,610 4,806,296 4,791,772 3,932,425
20	SPECIAL CATEGORIES PRIVATE DUTY NURSING SERVICES FROM MEDICAL CARE TRUST FUND FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	117,735 89,125 96,327 72,920

21	SPECIAL CATEGORIES RURAL HEALTH SERVICES FROM MEDICAL CARE TRUST FUND	80,832	59,025
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	66,135	48,293
22	SPECIAL CATEGORIES SPEECH THERAPY SERVICES FROM MEDICAL CARE TRUST FUND	4,575	3,394
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	3,742	2,778
23	SPECIAL CATEGORIES SUPPLEMENTAL MEDICAL INSURANCE FROM MEDICAL CARE TRUST FUND	1,432,266	1,233,502
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	1,171,854	1,009,228
24	SPECIAL CATEGORIES OCCUPATIONAL THERAPY SERVICES FROM MEDICAL CARE TRUST FUND	2,218	1,624
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	1,817	1,329
25	SPECIAL CATEGORIES CLINIC SERVICES FROM MEDICAL CARE TRUST FUND	57,719	42,422
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	47,225	34,708

SECTION 1C

32	LUMP SUM TRANSFER TO PUBLIC MEDICAL ASSISTANCE TRUST FUND		
	FROM GENERAL REVENUE FUND	28,338,083	(20,548,532)

SECTION 2C

OFFICE OF EDUCATIONAL FACILITIES

34	FIXED CAPITAL OUTLAY STATE UNIVERSITY SYSTEM CAPITAL IMPROVEMENT FEE PROJECTS		
	FROM CAPITAL IMPROVEMENT FEE TRUST FUND	22,158,271	
	FROM CAPITAL FACILITIES MATCHING TRUST FUND		22,158,271
35	FIXED CAPITAL OUTLAY COMMUNITY COLLEGE PROJECTS FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND	1,106,338	2,444,941

In proviso for Specific Appropriation 35, after the line which reads development/Flag 644,341: insert:

- Florida Keys — Ren chiller mounts, comm system, underground utilities 352,329
- Hillsborough — Ren energy mgt. sys/parking/HVAC DM Central 917,542
- Indian River — Rem/ren Vocational Bld Ft. Pierce cont 68,732

Insert new item (36A) immediately preceding Specific Appropriation 36:

36A	FIXED CAPITAL OUTLAY PUBLIC SCHOOL HEALTH FACILITIES FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND		
			117,310

Insert proviso after Specific Appropriation 36A:

Nassau County 117,310
The appropriation for each project included within Specific Appropriation 36A, is contingent upon the reversion of at least the amount shown for the named project within Specific Appropriation 1981A, of Chapter 91-193, Laws of Florida. Should the reverted amount be less, then the appropriation is reduced to the amount reverted.

Motions

On motion by Senator Scott, by two-thirds vote **HB 1805** as amended was read the third time by title.

On motion by Senator Scott, the vote on final passage on **HB 1805** was postponed until Thursday, April 1, pursuant to Joint Rule 2.1 and Senate Rule 4.15, relating to the constitutional requirement for a 72-hour public review period on general appropriations bills.

Communication

Senator Ander Crenshaw, President March 29, 1993
The Florida Senate

Dear Mr. President:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, copies of House Bill 1805 with Senate Amendment has been furnished to each member of the Legislature, each member of the Cabinet, the Governor, and the Chief Justice of the Supreme Court.

Delivery was completed March 29, 1993 at 3:35 p.m.

Respectfully submitted
Joe Brown, Secretary of the Senate

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

CS for CS for SB 1166—A bill to be entitled An act relating to planning and growth management; amending s. 163.3161, F.S.; providing additional legislative intent with respect to the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 163.3164, F.S.; providing definitions; amending ss. 186.515, 369.303, F.S.; correcting references; amending s. 163.3167, F.S.; providing that local governments are encouraged to articulate a vision of the future of their communities as part of their comprehensive plans; amending s. 163.3177, F.S.; revising requirements relating to the housing element of comprehensive plans; providing for affordable housing needs assessments; revising requirements relating to the intergovernmental coordination element; providing additional requirements for that element and providing for implementation; providing duties of the state land planning agency; requiring a transportation element for certain local governments and providing requirements with respect thereto; specifying financial incentives available to local governments that adopt an economic element; providing duties of the agency regarding land use issues in the vicinity of airports; encouraging certain local governments to adopt hazard mitigation/post-disaster redevelopment plans and providing for grants to assist in developing these plans; requiring certain rules to be submitted to the Legislature; amending s. 163.3178, F.S.; revising requirements relating to the coastal management element; providing requirements relating to disposal sites for dredged materials; creating s. 163.3180, F.S.; specifying the facilities and services subject to the concurrency requirement on a statewide basis and providing requirements with respect thereto; authorizing local governments to extend the requirement to other facilities; restricting establishment of binding level of service standards by certain governmental entities; specifying application of concurrency requirements to public facilities; providing for granting exceptions to the transportation concurrency requirement; providing for guidelines for granting those exceptions; defining a de minimis impact and providing for methodologies that encourage such an impact; providing for designating transportation concurrency management areas; providing for assessing the transportation

impacts of certain proposed urban redevelopment; providing for adopting long-term transportation concurrency management systems as part of the local plan; providing guidelines for level-of-service standards; providing for a local government to allow a landowner to develop his land, despite a failure to satisfy transportation concurrency, as specified; amending s. 163.3184, F.S., which provides the process for adoption of comprehensive plans or plan amendments; revising requirements relating to transmittal of proposed plans or amendments by local governments, and state land planning agency, intergovernmental, and regional and county review; revising restrictions on the state land planning agency's authority to find a plan or plan amendment not in compliance; providing for disposition of funds withheld as a sanction for noncompliance; limiting imposition of sanctions; amending s. 163.3187, F.S.; providing requirements for amendment of comprehensive plans; amending s. 163.3189, F.S.; specifying the procedure for amendment of a plan which has been found to be in compliance; amending s. 163.3191, F.S.; providing additional requirements regarding periodic evaluation and appraisal reports and related plan amendments; revising times for submission of reports; providing for sufficiency reviews; authorizing delegation of review of reports to regional planning councils; providing conditions for imposition of sanctions; authorizing certain local governments to focus planning resources on selected issues when updating their plans and providing requirements with respect thereto; providing for incorporation of interagency hazard mitigation reports; amending s. 163.3202, F.S.; providing requirements relating to land development regulations which implement certain requirements of the intergovernmental coordination element; amending s. 171.031, F.S.; defining "enclave"; amending s. 171.0413, F.S.; revising provisions relating to annexation; amending procedures relating to a referendum on annexation; amending s. 171.062, F.S.; amending provisions specifying the continuing applicability of county regulations to an area annexed by a municipality; creating s. 171.046, F.S.; providing for municipal annexation of enclaves; amending s. 186.002, F.S.; providing findings and intent relating to state planning; amending s. 186.003, F.S.; providing definitions; amending s. 186.004, F.S.; revising provisions relating to the Governor's duties as chief planning officer; authorizing creation of a State Planning Board; amending s. 186.007, F.S.; including objectives within the state comprehensive plan; providing requirements for revision of the plan; amending s. 186.008, F.S.; designating the plan as the state planning document and providing for biennial revision; creating s. 186.009, F.S.; directing the Executive Office of the Governor to prepare a strategic growth and development plan; providing for review by the Administration Commission and adoption by the Legislature; providing for revision of the plan; amending ss. 186.021, 186.022, F.S.; specifying the relationship of state agency strategic plans and the strategic growth and development plan; amending s. 186.502, F.S.; providing findings regarding regional planning councils; amending s. 186.503, F.S.; providing definitions; amending s. 186.504, F.S.; revising provisions relating to membership of the councils; amending s. 186.505, F.S.; providing additional powers of the councils; amending s. 186.506, F.S.; providing for revision of the boundaries of comprehensive planning districts; amending s. 186.507, F.S.; providing for strategic regional policy plans to be adopted by the councils and providing requirements with respect thereto; providing status of standards included therein; limiting establishment of binding level of service standards by the councils; amending s. 408.033, F.S., to conform; amending s. 186.508, F.S.; providing requirements for plan adoption; amending s. 186.509, F.S.; directing each council to establish a dispute resolution process; amending s. 419.001, F.S., to conform; amending s. 186.511, F.S.; providing requirements for evaluation of plans; repealing s. 1(3), ch. 92-182, Laws of Florida, which provides for review and repeal of the Florida Regional Planning Council Act; amending s. 193.501, F.S.; revising provisions that provide for assessment of environmentally endangered land or land used for outdoor recreational or park purposes when land development rights have been conveyed or conservation restrictions covenanted; including land for which a conservation easement is conveyed; authorizing conveyance to or covenant with any public agency or a charitable corporation or trust; revising provisions relating to conveyance of development rights; amending s. 201.15, F.S.; revising amounts of taxes collected under ch. 201, F.S., that must be transferred to the Land Acquisition Trust Fund; amending s. 336.025, F.S.; providing for an additional local option tax on motor fuel; providing for imposition by referendum; providing for the use of funds; providing for distribution of funds; amending s. 235.193, F.S.; providing a procedure for resolving disputes relating to school siting; creating s. 240.155, F.S.; requiring the Board of Regents to prepare a campus master plan for each institution under its jurisdiction; prescribing requirements for the plans; providing for amendment of the plans; requiring the Board of Regents to enter into campus development agreements with units of local govern-

ment within which universities are located or which are affected by the universities; prescribing requirements for the agreements; specifying responsibility for costs of certain improvements; providing for amendment of the agreements; providing for resolution of disputes; providing relationship to other comprehensive planning requirements; providing for use of funds appropriated for campus construction projects; amending s. 253.023, F.S.; providing additional purposes for which lands may be acquired with monies in the Conservation and Recreation Lands Trust Fund; amending s. 259.035, F.S.; providing additional duties of the Land Acquisition Advisory Council; amending s. 259.101, F.S.; revising legislative intent regarding issuance of bonds to implement the Florida Preservation 2000 Act; providing additional criteria for acquisition of coastal lands under the act; amending s. 288.063, F.S.; providing for preference in Division of Economic Development transportation project contracts to local governments that have adopted an economic element as part of their comprehensive plans; amending s. 336.021, F.S.; removing the referendum requirement for levy of the ninth-cent gas tax and authorizing levy by extraordinary vote of the county governing body; directing the Department of Transportation and the Department of Community Affairs to develop a model Transportation Corridor Protection Ordinance and recommend guidelines regarding land use near airports; amending s. 380.05, F.S.; revising requirements relating to the state land planning agency's recommendations regarding areas of critical state concern; revising requirements regarding the rule designating such an area; providing additional requirements for repeal of a rule; providing duties of state agencies with rulemaking authority for programs that affect such areas; amending s. 380.0555, F.S.; revising the Apalachicola Bay Area Protection Act; providing procedures for removal of parts of the area from designation as an area of critical state concern; amending s. 380.06, F.S., relating to developments of regional impact; providing for increases in statewide guidelines and standards applicable to certain areas in jurisdictions whose comprehensive plans are in compliance and to certain hotel and resort facilities in certain areas; revising conditions under which a developer may request a determination from the state land planning agency; providing circumstances in which changes do not divest certain vested rights; providing for expedited review; limiting requests for additional information by the regional planning agency under certain conditions; specifying time limits for holding a public hearing under certain conditions; revising requirements relating to the regional planning agency's report and recommendations; providing requirements for adoption of rules by the state land planning agency and eliminating adoption of rules by regional planning agencies; clarifying that abandonment orders shall not be conditioned upon contributions where there is no existing development and the owner or developer does not propose a development; providing for termination of the development-of-regional-impact program in certain jurisdictions; authorizing continued participation by certain local governments; amending s. 380.061, F.S.; restricting Florida Quality Developments to jurisdictions where the development-of-regional-impact program has not been terminated; amending s. 380.07, F.S.; revising duties of regional planning agencies regarding appeals to the Florida Land and Water Adjudicatory Commission; providing for appeal of development orders in jurisdictions that have terminated development-of-regional-impact review; amending s. 380.11, F.S.; providing for judicial and administrative remedies with respect to projects that would have been required to undergo development-of-regional-impact review but for termination of such review; amending s. 380.205, F.S.; defining "coastal zone"; amending s. 380.21, F.S.; providing legislative intent regarding acquisition of coastal lands; amending s. 380.22, F.S.; providing duties of the Department of Community Affairs regarding such acquisition; providing criteria; amending s. 380.31, F.S.; revising membership of the Coastal Resources Interagency Management Committee and providing for an executive committee thereof; amending s. 380.32, F.S.; providing additional duties of the Coastal Resources Interagency Management Committee; amending s. 380.502, F.S.; revising intent regarding duties of the Florida Communities Trust; amending s. 259.101, F.S., the Florida Preservation 2000 Act; providing purposes of the Florida Communities Trust program; providing a deadline for identifying a funding source; deleting obsolete language; providing purposes for which Preservation 2000 funds may be spent; amending s. 380.503, F.S.; providing definitions; amending ss. 380.504, 380.505, F.S., relating to the Florida Communities Trust; revising the membership of the governing body of the trust; deleting obsolete language; providing for gubernatorial appointments; providing requirements for a quorum; amending s. 380.507, F.S.; revising powers of the trust; amending s. 380.508, F.S.; providing criteria for the project-application process; amending s. 380.510, F.S.; revising provisions to the reversion of title to land for certain violations; repealing ss. 380.509, 380.512(6), F.S., relating to duties and activities pertaining to

the trust which have already been performed; amending s. 380.511, F.S.; providing additional authorized expenditures from the Florida Communities Trust Fund; amending s. 403.0891, F.S.; directing the Departments of Environmental Regulation and Community Affairs to develop a model stormwater management program; amending s. 704.06, F.S.; revising the definition of "conservation easement"; revising the types of charitable corporations or trusts that may acquire such easements; specifying that recording an easement entitles the owner to revaluation of the property; providing for the enforcement of rights held by the holder of an easement; relieving the holder of potential liability, as specified; amending s. 823.14, F.S.; providing an additional condition under which a farm operation does not become a nuisance; directing the state land planning agency to make certain recommendations regarding the development-of-regional-impact program; directing the Governor to establish a task force to make recommendations regarding the relationship between water and land planning; directing the Coastal Resources Interagency Management Committee to study and prepare recommendations on coastal management funding and to report to the Governor and the Legislature; directing the state land planning agency to study the cost to local governments of certain amendments contained in the act and make recommendations with respect thereto; requiring reports; directing that changes in terminology in the Florida Statutes be made; providing effective dates.

—was read the second time by title.

Senator Kiser moved the following amendments which were adopted:

Amendment 1—On page 17, line 24, after "impacts" insert: , as determined by the local government in which the development is located,

Amendment 2—On page 17, strike all of lines 29-31 and insert: *jurisdiction in which those impacts occur with an option for regional mitigation when preferable, as determined by the local government in which the development is located.*

Amendment 3—On page 27, strike line 10 and insert: that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

Amendment 4—On page 27, line 26, strike "capacity" and insert: maximum volume at the adopted level of service

Amendment 5—On page 28, line 6, strike "capacity" and insert: maximum volume

Amendment 6 (with Title Amendment)—On page 31, between lines 2 and 3, insert:

Section 8. Subsection (3) is added to section 163.3181, Florida Statutes, to read:

163.3181 Public participation in the comprehensive planning process; intent.—

(3) *A local government considering undertaking a publicly financed capital improvement project may elect to use the procedures set forth in this subsection for the purpose of allowing public participation in the decision and resolution of disputes. For purposes of this subsection, a publicly financed capital improvement project is a physical structure or structures, the funding for construction, operation, and maintenance of which is financed entirely from public funds.*

(a) *At least 14 days before the date of a public hearing on the decision on whether to proceed with the proposed project, the local government shall publish notice of its intent to decide the issue in a newspaper of general circulation in the county or municipality.*

(b) *The public notice shall be conspicuous and shall not be in the legal notices.*

(c) *The public notice shall state the date, time, and place of meeting, the subject of the meeting, a description of the proposed project, and its planned location, and the place or places within the boundaries of the local governmental entity where a person can obtain additional information about the proposed project. The advertisement shall advise interested parties that they may submit written or oral comments on the proposed project before or at the public hearing.*

(d) *If the local government chooses to use this process, an affected person may not institute or intervene in an administrative hearing objecting to the project as not consistent with the local comprehensive*

plan unless, and then only to the extent to which, the affected person raised through written or oral comments, the same issues between the date of publication of the public notice and the conclusion of the public hearing. However, this limitation shall not apply to issues arising either from significant changes to the location, type or use of the project, or to significant new information about the project site which becomes known after the public hearing as a result of subsequent site study and analysis, if required.

(e) *If an affected person requests an administrative hearing pursuant to s. 120.57, that person shall file the petition no later than 30 days after the public hearing or no later than 30 days after the change or new information is made available to the public, whichever is later. Affected local governments, the state land planning agency or other affected persons may intervene. Following the initiation of an administrative hearing, the hearing officer shall, by order issued within 15 days after receipt of the petition, establish a schedule for the proceedings using the timeframes for expedited review set forth in s. 120.57(6). The state land planning agency shall issue its final order within 45 days of receipt of the recommended order.*

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2, line 31, following the semicolon (;) insert: amending s. 163.3181, F.S., relating to public participation in the comprehensive planning process; providing public participation procedures for a local government considering undertaking a publicly financed capital project; providing for public notice; specifying when an affected person may file an administrative pleading;

Amendment 7—On page 33, strike all of lines 8-12 and insert: comments to the state land planning agency within 30 45 days after receipt of the proposed plan or plan amendment amendments. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 45 days after receipt of the

Amendment 8—On page 43, strike line 27 and insert: *components.* The agency shall make the sufficiency determination within 30 days of receipt of the report. The agency shall not conduct a compliance review.

Amendment 9 (with Title Amendment)—On page 87, line 1 through page 88, line 3, strike all of said lines and renumber subsequent sections.

And the title is amended as follows:

In title, on page 6, strike all of lines 7-10 and insert: development rights; amending s. 336.025,

Amendment 10 (with Title Amendment)—On page 98, line 1 through page 99, line 6, strike all of said lines and insert:

Section 41. Subsection (5) of section 235.193, Florida Statutes, is amended, present subsections (6), (7), (8), and (9) of that section are renumbered as subsections (7), (8), (9), and (10), and a new subsection (6) is added to that section, to read:

235.193 Coordination of planning with local governing bodies.—

(5) The School Board shall file with the local governing body which regulates land use, a notice of intent 90 days prior to bidding the award of an educational facility. The notice of intent is not required for temporary relocatable educational facilities. The notice of intent must include a description of the proposed educational facility, proposed location or locations, capacity of the facility, and anticipated completion date. Any local governing body that regulates land use may, solely at its option, waive all or part of the 90-day notice period.

(6) *At least 30 days before the placement of a temporary relocatable educational facility, the school board shall notify by letter of intent the local governing body that regulates the land use of the land on which the temporary relocatable educational facility is to be placed. The notice must include the general location of the temporary relocatable educational facility, the estimated number of students that the temporary relocatable educational facility is estimated to serve, and the estimated amount of time the temporary relocatable educational facility will be in place, if known at the time the notice is given. The placement of temporary relocatable educational facilities shall be on school grounds, and the infrastructure impacts of the placement and hookup of these facilities are the responsibility of the local school district.*

And the title is amended as follows:

In title, on page 6, strike all of lines 15 and 16 and insert: s. 235.193, F.S.; providing for school boards to give notice of placement of temporary relocatable educational facilities;

Amendment 11—On page 134, lines 21 and 22, strike “in all respects pertinent to the project”

Amendment 12—On page 135, line 16, strike “in all respects pertinent to the project”

Amendment 13—On page 163, strike all of lines 10-19 and insert:

(b) Three public members whom the Governor shall appoint subject to Senate confirmation.

The Governor shall appoint a former ~~an~~ elected official of a local government, a representative of a nonprofit organization as defined in this part, and a representative of the development industry. The Secretary of Community Affairs

Amendment 14—On page 164, strike all of lines 4-21 and renumber subsequent sections.

Senator Crist moved the following amendment:

Amendment 15 (with Title Amendment)—On page 88, lines 4-30 through page 97, lines 1-30, strike all of said lines and renumber subsequent sections.

And the title is amended as follows:

In title, on page 6, strike all of lines 10-14 and insert: Acquisition Trust Fund; amending

Senator Kirkpatrick moved the following substitute amendment which failed:

Amendment 16 (with Title Amendment)—On page 88, lines 4-30 through page 97, lines 1-30, strike all of said lines and insert:

Section 40. Effective January 1, 1994, section 206.606, Florida Statutes, is created to read:

206.606 Transportation concurrency tax on motor fuel.—

(1)(a) In addition to all other taxes required by law, a tax of 6 cents per gallon for the period beginning January 1, 1994, and ending December 31, 1994, a tax of 8 cents per gallon for the period beginning January 1, 1995, and ending December 31, 1995, and a tax of 10 cents per gallon thereafter, is imposed upon the first sale or first removal from storage, after importation into this state, of motor fuel. For purposes of this subsection, the term “first sale” or “first removal” refers to the net amount of motor fuel pumped from the loading rack or first storage. However, if motor fuel taxes are no longer imposed pursuant to ss. 336.025 and 336.026, for purposes of this subsection, the term “first sale” or “first removal” refers to the gross amount of motor fuel pumped from the loading rack or first storage. The term “first sale” does not refer to exchanges or loans, gallon-for-gallon, of motor fuel between licensed refiners before the fuel has been sold or removed through the loading rack or refer to transfers between terminal facilities owned by the same taxpayer. The tax on motor fuel first imported into this state by a licensed refiner storing such fuel in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed refiner who owned the motor fuel immediately prior to removal of such fuel from storage.

(b) If any licensee owns or operates retail stations or has fuel on consignment at retail stations and has sold more fuel than was purchased tax-paid when the fuel was removed from the rack or than was reported to the state when first purchased or removed from storage tax-free, the licensee must report the additional gallons sold and pay the additional taxes due, for the month, on his local option gasoline tax return or a return designated by the department.

(2) The proceeds of such taxes, after transferring to the General Revenue Fund the service charges provided for by s. 215.20 and after deducting administrative costs of collection, which may not exceed 2 percent of collections of the state and local taxes levied pursuant to this section, shall be distributed as follows:

(a) For the tax imposed during the period January 1, 1994, through December 31, 1994:

1. Eleven and sixty-five one-hundredths percent to the State Transportation Trust Fund.
2. Eighty-three and thirty-five one-hundredths percent to the Local Option Gas Trust Fund.
3. Four and fifty one-hundredths percent to the Storm Water Improvement and Management Trust Fund.
4. Fifty one-hundredths percent to the Stormwater Management Trust Fund.

(b) For the tax imposed during the period January 1, 1995, through December 31, 1995:

1. Thirty-two and fifty one-hundredths percent to the State Transportation Trust Fund.
2. Sixty-two and fifty one-hundredths percent to the Local Option Gas Tax Trust Fund.
3. Four and fifty one-hundredths percent to the Surface Water Improvement and Management Trust Fund.
4. Fifty one-hundredths percent to the Stormwater Management Trust Fund.

(c) For the tax imposed beginning January 1, 1996:

1. Forty five percent to the State Transportation Trust Fund.
2. Fifty percent to the Local Option Gas Tax Trust Fund.
3. Four and fifty one-hundredths percent to the Surface Water Improvement and Management Trust Fund.
4. Fifty one-hundredths percent to the Stormwater Management Trust Fund.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 6, strike all of lines 10-13 and insert: Acquisition Trust Fund; creating s. 206.606, F.S., providing for an additional transportation concurrency tax on motor fuel;

The question recurred on **Amendment 15** which failed.

Senator Boczar moved the following amendment which failed:

Amendment 17 (with Title Amendment)—On page 88, lines 4-30 through page 97, lines 1-30, strike all of said lines and insert:

Section 1. Section 212.65, Florida Statutes, is created to read:

212.65 Levy of a tax on motor and special fuel.—

(1)(a) In addition to all other taxes required by law, a tax of 2 cents per gallon is imposed upon the first sale or first removal from storage, after importation into this state, of motor fuel and special fuel. For purposes of this subsection, the term “first sale” or “first removal” refers to the net amount of motor fuel pumped from the loading rack or first storage. However, if motor fuel taxes are no longer imposed pursuant to ss. 336.025 and 336.026, for purposes of this subsection, the term “first sale” or “first removal” refers to the gross amount of motor fuel pumped from the loading rack or first storage. The term “first sale” does not refer to exchanges or loans, gallon-for-gallon, of motor fuel between licensed refiners before the fuel has been sold or removed through the loading rack or refer to transfers between terminal facilities owned by the same taxpayer. The tax on motor fuel first imported into this state by a licensed refiner storing such fuel in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed refiner who owned the motor fuel immediately prior to removal of such fuel from storage. The tax on special fuel shall be administered pursuant to part II of Chapter 206.

(b) If any licensee owns or operates retail stations or has fuel on consignment at retail stations and has sold more fuel than was purchased tax-paid when the fuel was removed from the rack or than was reported to the state when first purchased or removed from storage tax-free, the licensee must report the additional gallons sold and pay the additional taxes due, for the month, on his local option gasoline tax return or a return designated by the department.

(2) The proceeds of such taxes, after transferring to the General Revenue Fund the service charges provided for by s. 215.20 and after deducting administrative costs of collection, which may not exceed 2 percent of collections of the state and local taxes levied pursuant to this section, shall be deposited into the Budget Stabilization Fund.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 6, strike all of lines 10-14 and insert: Acquisition Trust Fund, creating s. 212.65, F.S., providing for an additional tax on motor and special fuel; providing for deposit of the proceeds; amending

Senator Kiser moved the following amendments which were adopted:

Amendment 18 (with Title Amendment)—On page 89, line 1 through page 97, line 30, strike all of said lines and insert:

(b) *In addition to other taxes allowed by law, there may be imposed as provided in this section a 1-cent, 2-cent, 3-cent, 4-cent, or 5-cent local option gas tax upon every gallon of motor fuel sold in a county and taxed under the provisions of part I of chapter 206. The tax shall be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county or by referendum.*

1. *The tax shall be imposed before July 1, to be effective September of any year.*

2. *County and municipal governments shall utilize moneys received pursuant to this paragraph only for transportation expenditures needed to meet the capital elements of an adopted comprehensive plan.*

(c)(e) Local governments may use the services of the Division of Finance of the State Board of Administration pursuant to the State Bond Act to issue any bonds through the provisions of this section and may pledge the revenues from the local option gas taxes tax to secure the payment of the bonds. In no case may a jurisdiction issue bonds pursuant to this section more frequently than once per year. Counties and municipalities may join together for the issuance of bonds issued pursuant to this section.

(2)(a) The tax imposed pursuant to paragraph (a) of section (1) shall be collected and remitted by any person engaged in selling at retail motor fuel or using or selling at retail special fuel within a county in which the tax is authorized. *The tax imposed pursuant to paragraph (b) of section (1) shall be collected and remitted by any person engaged in selling at retail motor fuel within a county in which the tax is authorized. The taxes remitted pursuant to this section and shall be distributed monthly by the Department of Revenue to the county where collected and—The tax remitted to the Department of Revenue pursuant to this section shall be transferred to the Local Option Gas Tax Trust Fund, which fund is created for distribution to the county and eligible municipal governments within the county in which the tax was collected and which fund is subject to the service charge imposed in chapter 215. The department has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the tax levied by any county and shall promulgate such rules as may be necessary for the enforcement of this section, which rules shall have the full force and effect of law. The provisions of ss. 206.026, 206.027, 206.028, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.41(2), 206.425, 206.426, 206.44, 206.445, 206.48, 206.49, 206.56, 206.59, 206.626, 206.87(2)-(8), 206.94, 206.945, 212.61, 212.62(1) and (2), and 212.637 shall, as far as practicable, be applicable to the levy and collection of taxes the tax imposed pursuant to this section as if fully set out in this section. For the purpose of this section, "refiner, importer, wholesaler, or jobber" means "retail dealer."*

(b) If any retail dealer sells more gallons of motor fuel or special fuel than was purchased from his suppliers, he must remit the taxes levied by parts I and II of chapter 206 and part II of chapter 212 on those previously untaxed gallons to the department on his local option fuel tax return or a return designated by the department.

(c) The provisions for refund provided in s. 206.625 are not applicable to such tax levied by any county. Any person licensed under part I or part II of chapter 206 who uses motor fuel or special fuel or who engages in selling motor fuel or special fuel at retail shall deduct from the amount of tax shown by the report to be payable an amount equivalent to 3 percent

of the tax on motor or special fuels imposed by this section, which deduction is hereby allowed on account of services and expenses in complying with the provisions of the law. If the amount of taxes due and remitted to the Department of Revenue for the reporting period exceeds \$1,000, the 3-percent allowance shall be reduced to 1 percent for all amounts in excess of \$1,000. However, this allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as required. The United States post office date stamped on the envelope in which the report is submitted shall be considered as the date the report is received by the Department of Revenue. The provisions for refund in s. 212.67(1)(a) and (e) apply to such tax, and the refund shall be administered in accordance with the provisions of s. 212.67. However, the amount refunded shall be deducted from moneys in the Local Option Gas Tax Trust Fund otherwise distributed to the county area in which the tax is levied.

(3) *Taxes imposed pursuant to this section* The tax shall be imposed using either of the following procedures:

(a) The tax may be levied by an ordinance adopted by a majority vote of the governing body or upon approval by referendum. Such ordinance shall be adopted in accordance with the requirements imposed under one of the following circumstances, whichever is applicable:

1. The county may, prior to June 1, establish by interlocal agreement with one or more of the municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the entire proceeds of the local option gas tax among the county government and all eligible municipalities within the county. If no interlocal agreement exists, a new interlocal agreement may be established prior to August 1, 1986, or June 1 of any year thereafter pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial imposition of the tax, extension of the tax, or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this section, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

2. If an interlocal agreement has not been executed pursuant to subparagraph 1., the county may, prior to June 10, adopt a resolution of intent to levy the tax allowed in this section.

(b) If no interlocal agreement or resolution is adopted pursuant to subparagraph (a)1. or subparagraph (a)2., municipalities representing more than 50 percent of the county population may, prior to June 20, adopt uniform resolutions approving the local option tax, establishing the duration of the levy and the rate authorized in paragraph (1)(a), and setting the date for a countywide referendum on whether to impose the tax. A referendum shall be held in accordance with the provisions of such resolution and applicable state law, provided that the county shall bear the costs thereof. The tax shall be imposed and collected countywide on September 1 following 30 days after voter approval.

(4)(a) *If taxes imposed pursuant to this section are the tax is imposed under the circumstances of subparagraph (3)(a)2. or paragraph (3)(b), the proceeds of such taxes the tax shall be distributed among the county government and eligible municipalities based on the transportation expenditures of each for the immediately preceding 5 fiscal years, as a proportion of the total of such expenditures for the county and all municipalities within the county. After the initial imposition of a tax being distributed pursuant to the provisions of this paragraph, the proportions shall be recalculated every 10 years based on the transportation expenditures of the immediately preceding 5 years. However, such recalculation shall under no circumstances materially or adversely affect the rights of holders of bonds outstanding on July 1, 1986, which are backed by taxes authorized in this section, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of the recalculation.*

(b) Any newly incorporated municipality which is eligible for participation in the distribution of moneys under parts II and VI of chapter 218 and which is located in a county levying the tax imposed pursuant to this

section is entitled to receive a share of the tax revenues. Distribution of such revenues to a newly incorporated municipality shall begin in the first full fiscal year following incorporation. The distribution to a newly incorporated municipality shall be:

1. Equal to the county's per lane mile expenditure in the previous year times the lane miles within the jurisdiction and responsibility of the municipality, in which case the county's share shall be reduced proportionately; or
2. Determined by the local act incorporating the municipality.

Such distribution shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized in this section, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of the redistribution.

(5)(a) By July 1 of each year, the county shall notify the Department of Revenue of the rate of tax levied pursuant to paragraph (1)(a) and paragraph (1)(b), of its decision to rescind the tax, if applicable, and provide the department with a certified copy of the interlocal agreement established under subparagraph (3)(a)1. with distribution proportions established by such agreement or pursuant to subsection (4), if applicable. No decision to rescind the tax shall take effect until at least 60 days after the county notifies the Department of Revenue of such decision.

(b) Any dispute as to the determination by the county of distribution proportions shall be resolved through an appeal to the Administration Commission in accordance with procedures developed by the commission. Pending final disposition of such proceeding, the tax shall be collected pursuant to this section, and such funds shall be held in escrow by the clerk of the circuit court of the county until final disposition.

(6) Only those municipalities and counties eligible for participation in the distribution of moneys under parts II and VI of chapter 218 are eligible to receive moneys under this section. Any funds otherwise undistributed because of ineligibility shall be distributed to eligible governments within the county in proportion to other moneys distributed pursuant to this section.

(7) For the purposes of this section, the term "transportation expenditures" means expenditures by the local government from local or state shared revenue sources, excluding expenditures of bond proceeds, for the following programs:

- (a) Public transportation operations and maintenance.
- (b) Roadway and right-of-way maintenance and equipment.
- (c) Roadway and right-of-way drainage.
- (d) Street lighting.
- (e) Traffic signs, traffic engineering, signalization, and pavement markings.
- (f) Bridge maintenance and operation.
- (g) Debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads.

(8) In addition to the uses specified in subsection (7), the governing body of a county with a population of 50,000 or less on April 1, 1992, may use the proceeds of the tax imposed pursuant to paragraph (1)(a) under this section in any fiscal year to fund infrastructure projects, if such projects are consistent with the local government's approved comprehensive plan or, if the approval or denial of the plan has not become final, consistent with the plan last submitted to the state land planning agency. Except as provided in subsection (7), such funds shall not be used for the operational expenses of any infrastructure. Such funds may be used for infrastructure projects under this subsection only after the local government, prior to the fiscal year in which the funds are proposed to be used, or if pledged for bonded indebtedness, prior to the fiscal year in which the bonds will be issued, has held a duly noticed public hearing on the proposed use of the funds and has adopted a resolution certifying that the local government has met all of the transportation needs identified in its approved comprehensive plan or, if the approval or denial of the plan has not become final, consistent with the plan last submitted to the state

land planning agency. The proceeds shall not be pledged for bonded indebtedness for a period exceeding 10 years. For the purposes of this subsection "infrastructure" has the same meaning as provided in s. 212.055.

(9) Notwithstanding any other provision of this section, the tax on special fuel authorized in this section shall be levied in every county at the higher rate of the following as determined by the department by September 1 of each year:

- (a) The tax rate levied on special fuel by the county under subsection (1) on September 1 of each year; or
- (b) A tax rate of 4 cents per gallon for calendar year 1991, a tax rate of 5 cents per gallon for calendar year 1992, and a tax rate of 6 cents per gallon thereafter.

Section 41. Notwithstanding the provisions of section 336.025, Florida Statutes, for calendar year 1993, the tax authorized in section 336.025(1)(b), Florida Statutes, shall be imposed prior to November 1, 1993, to be effective January 1, 1994.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 6, line 14, after the semicolon (;) insert: providing for a different effective date for calendar year 1993;

Amendment 19 (with Title Amendment)—On page 117, strike all of lines 29 and 30 and insert: *of the membership in the discretion of its governing body or by and subject to a referendum, may impose, in addition to all other*

And the title is amended as follows:

In title, on page 7, strike all of lines 18-20 and insert: amending s. 336.021, F.S.; authorizing levy by

Amendment 20 (with Title Amendment)—On page 120, line 20 through page 121, line 11, strike all of said lines and insert:

(4)(a) A certified copy of the ordinance proposing to levy the tax pursuant to referendum shall be furnished by the county to the department within 10 days after approval of such ordinance. Furthermore, the county levying the tax pursuant to referendum shall notify the department within 10 days after the passage of the referendum of such passage and of the time period during which the tax will be levied. The failure to furnish the certified copy will not invalidate the passage of the ordinance.

(b) A county levying the tax pursuant to ordinance shall notify the department within 10 days after the governing body of the county adopts the ordinance, and, at the same time, furnish the department with a certified copy of the ordinance.

(5) The tax shall be imposed before November 1, 1993 to be effective January 1, 1994 and before July 1 of each year thereafter to be effective September 1 of that year not take effect until at least 60 days after the county notifies the department of passage of the referendum or ordinance. No decision to rescind the tax shall take effect until at least 60 days after the county notifies the department of such decision.

(6) Notwithstanding any other provision of this section, the tax authorized pursuant to this section shall be levied in every county at the rate of 1 cent per gallon of special fuel beginning January 1, 1994.

Section 48. Notwithstanding the amendment to section 336.021(5), Florida Statutes, in this act, it is the intent of the Legislature that any county that imposed the tax authorized in section 336.021, Florida Statutes, before this act becomes a law may begin levying the tax as provided in their ordinance.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 7, strike line 22 and insert: body; changing the effective date of the tax; providing an exception to the change in the effective date; directing the Department of

Amendment 21 (with Title Amendment)—On page 175, between lines 22 and 23, insert:

Section 75. Notwithstanding any other provision of law, the General Revenue service charge deducted pursuant to section 215.20, Florida Statutes, on revenues raised by any local option motor fuel tax levied pursuant to section 336.025(1)(b), Florida Statutes, as created by SB 1166 (1993) or similar legislation, shall be deposited in the State University System Concurrency Trust Fund, which is hereby created. Moneys in such trust fund shall be for the purpose of funding State University System offsite improvements required to meet concurrency standards adopted under part II of chapter 163, Florida Statutes.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 11, line 11, following the semicolon (;) insert: creating the State University System Concurrency Trust Fund; providing for service charges on certain local-option motor fuel taxes to be deposited into the fund for offsite improvements needed to meet concurrency requirements;

Senator Dantzler moved the following amendment which failed:

Amendment 22 (with Title Amendment)—On page 178, between lines 5 and 6, insert:

Section 80. Sections 186.501-186.513, the Florida Regional Planning Council Act, is repealed effective July 1, 1996.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 11, line 26, after the semicolon (;) insert: repealing the Florida Regional Planning Council Act;

Senator McKay moved the following amendment which failed:

Amendment 23 (with Title Amendment)—On page 177, between lines 29 and 30, insert:

Section 79. Notwithstanding any other provision of law, the governing body of a county or municipality may, by resolution adopted by a majority vote of the members of such governing body, elect to not be subject to the provisions of sections 186.501-186.515, Florida Statutes. If a local government adopts such resolution, no rule, policy, guideline, or regulation adopted, or action taken, by a regional planning council may be imposed upon the local government.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 11, line 25, after the semicolon (;) insert: authorizing a local government to opt-out of the regional planning council process;

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 24 (with Title Amendment)—On page 178, between lines 5 and 6, insert:

Section 80. Paragraph (a) of subsection (3) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(a) Airports.—

1. Any of the following airport construction projects shall be presumed to be a development of regional impact:

a. A new commercial service or general aviation airport with paved runways.

b. A new commercial service or general aviation paved runway.

c. A new passenger terminal facility.

2.a. Expansion of an existing runway or terminal facility by 25 percent or 50,000 square feet, whichever is greater, more on a commercial service airport or a general aviation airport with regularly scheduled

flights shall be presumed to be a development of regional impact. *However, expansion of existing terminal facilities at a non-hub or small hub commercial service airport shall not be presumed to be a development of regional impact.*

b. For the purpose of this section, runway expansion shall include strengthening the runway when the strengthening will result in an increase in aircraft size or the addition of jet aircraft utilizing the airport.

3. Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity shall not be presumed to be a development of regional impact.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 11, line 26, following the semicolon (;) insert: amending s. 380.0651, F.S.; providing that certain expansion at non-hub and small hub commercial service airports is not presumed to be a development of regional impact;

Senator Johnson moved the following amendment which was adopted:

Amendment 25 (with Title Amendment)—On page 98, lines 1-31 through page 99, lines 1-6, strike all of said lines and renumber subsequent sections.

And the title is amended as follows:

In title, on page 6, strike all of lines 14-16 and insert: providing for distribution of funds;

Senator Hargrett moved the following amendment which was adopted:

Amendment 26 (with Title Amendment)—On page 178, between lines 5 and 6, insert:

Section 1. Paragraph (e) of subsection (3) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(e) Port facilities.—The proposed construction of any waterport or marina is required to undergo development-of-regional-impact review, except one designed for:

1.a. The wet storage or mooring of fewer than 150 watercraft used exclusively for sport, pleasure, or commercial fishing, or

b. The dry storage of fewer than 200 watercraft used exclusively for sport, pleasure, or commercial fishing, or

c. The wet or dry storage or mooring of fewer than 400 watercraft used exclusively for sport, pleasure, or commercial fishing with all necessary approvals pursuant to chapters 253, 373, and 403 and located outside Outstanding Florida Waters and Class II waters.

d. *The wet or dry storage or mooring of fewer than 150 watercraft on or adjacent to an inland fresh water lake except Lake Okeechobee or any lake which has been designated an Outstanding Florida Water.*

In addition to the foregoing, the Department of Natural Resources must determine in writing that the marina is located so that it will not adversely impact Outstanding Florida Waters or Class II waters and will not contribute boat traffic in a manner that will have an adverse impact on an area known to be, or likely to be, frequented by manatees. The Department of Natural Resources determination shall constitute final agency action pursuant to chapter 120.

2. The dry storage of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.

3. Any proposed marina development with both wet and dry mooring or storage used exclusively for sport, pleasure, or commercial fishing, where the sum of percentages of the applicable wet and dry mooring or storage thresholds equals 100 percent. This threshold is in addition to,

and does not preclude, a development from being required to undergo development-of-regional-impact review under sub-subparagraphs 1.a. and 1.b. and subparagraph 2.

And the title is amended as follows:

In title, on page 9, line 5, after "governments;" insert: amending s. 380.0651, F.S.; providing an additional exemption from the requirement of development-of-regional-impact reviews with respect to certain port facilities;

Senator Kiser moved the following amendment which was adopted:

Amendment 27—On page 113, line 3 through page 114, line 18, strike all of said lines

Senator Grant moved the following amendment which was adopted:

Amendment 28—On page 178, between lines 5 and 6, insert:

Section 1. Subsections (9) and (10) are added to section 253.12, Florida Statutes, to read:

253.12 Title to tidal lands vested in state.—

(9) *All of the state's right, title, and interest to all tidally influenced land or tidally influenced islands bordering or being on sovereignty land, which have been permanently extended, filled, added to existing lands, or created before July 1, 1975, by fill, and might be owned by the state, is hereby granted to the landowner having record or other title to all or a portion thereof or to the lands immediately upland thereof and its successors in interest. Thereafter, such lands shall be considered private property, and the state, its political subdivisions, agencies, and all persons claiming by, through, or under any of them, shall be barred from asserting that any such lands are publicly owned sovereignty lands. The foregoing provisions shall act to transfer title only to so much of such extended or added land as was permanently exposed, extended, or added to before July 1, 1975. A showing of dates by which certain lands were filled or added to may be made by aerial photograph or other reasonable method. Upon request of the landowner and submission of a proposed legal description and aerial photographs or other evidence accompanied by a fee set by the board reflecting the actual administrative cost of processing, the board shall provide an appropriate legal description of the waterward boundary line as of July 1, 1975, in a recordable document. The Legislature specifically finds and declares these grants to be in the public interest. The boundary between state-owned sovereignty lands and privately owned uplands is ambulatory and will move as a result of nonavulsive changes. This subsection shall not grant or vest title to any filled, formerly submerged state-owned lands in any person who, as of January 1, 1993, is the record title holder of the filled or adjacent upland property and who filled or caused to be filled the state-owned lands.*

(10) *Subsection (9) shall not operate to affect the title to lands which have been judicially adjudicated or which were the subject of litigation pending on January 1, 1993, involving title to such lands. Further, the provisions of subsection (9) shall not apply to spoil islands to which there is no colorable private title nor to any lands which are included on an official acquisition list, on the effective date of this act, of a state agency or water management district for conservation, preservation, or recreation, nor to lands maintained as state or local recreation areas or shore protection structures.*

Section 2. The conveyance of property under this act is intended to be complete and effective without reference to or compliance with other statutory provisions. The various statutory provisions dealing with or setting preconditions or procedures for the conveyance of state-owned property and sovereignty lands shall not apply to conveyance made pursuant to this section.

Section 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

On motion by Senator Kiser, by two-thirds vote **CS for CS for SB 1166** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—3

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

INTRODUCTION OF BILL

By Senator Kiser—

SB 2414—A bill to be entitled An act relating to local and municipal planning and land development regulation; creating the State University System Concurrency Trust Fund; providing for service charges on certain local-option motor fuel taxes to be deposited into the fund for offsite improvements needed to meet concurrency requirements; providing an effective date.

—which was read by title.

On motions by Senator Kiser, by unanimous consent, **SB 2414** was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—36 Nays—3

The Senate resumed consideration of—

SB 1648—A bill to be entitled An act relating to elections; amending s. 112.324, F.S.; requiring that persons filing complaints with the Commission on Ethics have personal knowledge of the matters set forth in the complaint; providing an effective date.

—which had been previously considered this day.

On motion by Senator Holzendorf, by two-thirds vote **SB 1648** was read the third time by title.

On motion by Senator Holzendorf, further consideration of **SB 1648** as amended was deferred.

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

HB 2155—A bill to be entitled An act relating to health studios and ballroom dance studios; amending s. 501.015, F.S.; increasing the annual registration fee; repealing s. 501.015(4), F.S., which provides a separate renewal fee for each business location; providing that a change of ownership does not occur if certain conditions are met; amending s. 501.019, F.S.; authorizing the Department of Agriculture and Consumer Services to institute proceedings to recover penalties or damages; authorizing a civil penalty; amending s. 501.143, F.S.; revising the definition of ballroom dance studio; clarifying the requirement for obtaining and displaying a certificate; clarifying the grounds for denial or refusal to renew a registration; clarifying the contents of a contract; clarifying the provisions relating to bonding; adding additional prohibited practices; clarifying the penalties and remedies available; revising criminal penalties; creating s. 205.1969, F.S., which prohibits counties or municipalities from issuing or renewing occupational licenses for operating ballroom dance studios unless certain conditions are met; providing effective dates.

—a companion measure, was substituted for **CS for SB 1174** and by two-thirds vote read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 2155** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

Consideration of **CS for SB 2382** was deferred.

SB 1412—A bill to be entitled An act relating to construction lien notices; amending ss. 713.06 and 713.135, F.S.; providing that the Department of Professional Regulation is responsible for certain Construction Lien Law information; providing an effective date.

—was read the second time by title.

Three amendments were adopted to **SB 1412** to conform the bill to **HB 689**.

Pending further consideration of **SB 1412** as amended, on motions by Senator Sullivan, by two-thirds vote **HB 689** was withdrawn from the Committees on Professional Regulation and Appropriations.

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

HB 689—A bill to be entitled An act relating to construction lien notices; amending ss. 713.06 and 713.135, F.S.; providing that the Department of Professional Regulation is responsible for certain Construction Lien Law information; providing that s. 713.245, F.S., is not repealed; providing an effective date.

—a companion measure, was substituted for **SB 1412** and by two-thirds vote read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 689** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—1

CS for SB 1328—A bill to be entitled An act relating to transportation; establishing the mission of the Department of Transportation; providing requirements relating to such mission; amending s. 334.03, F.S.; providing definitions for use in the Florida Transportation Code; amending s. 339.135, F.S.; repealing references to the department's program and resource plan; providing criteria regarding the matching of federal aid on projects not located on the State Highway System; requiring the Florida Transportation Commission to evaluate the relationship between the department's work program and the Florida Transportation Plan; repealing the requirement that the department continuously monitor and annually report on the compliance of the work program with the program and resource plan and the Florida Transportation Plan; amending s. 339.155, F.S.; providing requirements for the Florida Transportation Plan; amending s. 339.175, F.S.; providing for the creation of metropolitan planning organizations; providing powers, duties, and responsibilities for metropolitan planning organizations; providing for applicability of conflicting federal requirements over the requirements of the section; requiring the department to develop and implement transportation management systems; requiring each metropolitan planning organization to adopt a congestion management system; providing criteria for management systems; providing for the use of existing management systems; amending s. 341.031, F.S.; redefining the term "eligible transit operating costs" to include costs of labor, wages, and fringe benefits; amending s. 341.053, F.S.; repealing the requirement that one-third of the funds allocated under the Intermodal Development Program be distributed based upon the formula defined in s. 339.135(4)(a); repealing the priorities of uses for such funds; repealing s. 334.046, F.S., relating to department program objectives; amending ss. 288.063, 311.07, 311.09, 336.01, 338.222, 479.01, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

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

Amendment 1 (with Title Amendment)—On page 12, between lines 9 and 10, insert:

Section 3. Paragraph (a) of subsection (5) of section 337.25, Florida Statutes, 1992 Supplement, is amended to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

(5) The department may convey a leasehold interest for commercial or other purposes, in the name of the state, to any land, building, or other property, real or personal, which was acquired under the provisions of subsection (1).

(a) The department may negotiate such a lease at the prevailing market value with the owner from whom the property was acquired; with the holders of leasehold estates existing at the time of the department's acquisition; or, if public bidding would be inequitable, with the owner holding title to all privately owned abutting property. The department may allow an outdoor advertising sign to remain on the property acquired, or be relocated on department property, and such sign shall not be considered a nonconforming sign pursuant to chapter 479.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 7, after the first semicolon (;) insert: amending s. 337.25, F.S.; providing authorization for outdoor advertising signs to be relocated;

Amendment 2 (with Title Amendment)—On page 12, between lines 9 and 10, insert:

Section 3. Subsection (1) of section 337.11, Florida Statutes, 1992 Supplement, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(1) The department shall have authority to enter into contracts for the construction and maintenance of all roads designated as part of the State Highway System or the State Park Road System or of any roads placed under its supervision by law. *The department shall also have the authority to enter into contracts for the construction and maintenance of rest areas, weigh stations, and other structures, including roads, parking areas, supporting facilities and associated buildings used in connection with such facilities.* However, no such contract shall create any third-party beneficiary rights in any person not a party to the contract.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 7, after the first semicolon (;) insert: amending s. 337.11, F.S.; authorizing the department to enter into contracts for the construction and maintenance of certain specified structures;

Amendment 3 (with Title Amendment)—On page 12, between lines 9 and 10, insert:

Section 3. Section 334.045, Florida Statutes, 1992 Supplement, is amended to read:

334.045 Transportation performance and productivity ~~measures standards; development; measurement; application.~~—

(1) The Florida Transportation Commission shall develop ~~and adopt standards and~~ measures for the evaluation of the performance and productivity of the Department of Transportation. *The commission is authorized to establish standards for annual increases in performance and productivity. The measures may be both quantitative and qualitative and shall, to the maximum extent possible, assess those factors that are within the department's control.* ~~The standards and~~ measures shall, at a minimum, ~~assess~~ address performance in the following areas:

- (a) ~~Production Consultant acquisition;~~
- (b) ~~Finance and administration~~ *Right of way—production and expenditures;*
- (c) ~~Preservation of the current state system~~ *Construction contracts;*
- (d) ~~Safety of the current state system~~ *Compliance with disadvantaged business enterprise or minority business enterprise requirements pursuant to this section and s. 287.042 for consultant and construction contracts;*
- (e) ~~Capacity improvements, including highways and all public transportation modes~~ *Supplemental agreements;*
- (f) ~~Disadvantaged business enterprise and minority business programs~~ *Contract delinquencies;*
- (g) ~~External relations; and Advanced production;~~
- (h) ~~Compliance with applicable laws.~~ *Leveling of contract lettings;*
- (i) ~~Timeliness of payments to contractors and vendors;~~
- (j) ~~Aviation, intermodal development, transit, and port programs; and~~
- (k) ~~Compliance with applicable laws.~~

~~Such standards and performance measures shall assess the quality and cost-effectiveness of the department's operations and measure those fac-~~

tors that are within the department's complete control. The standards and measures may be both quantitative and qualitative and may incorporate increases in performance and productivity goals for succeeding fiscal years.

(2) *The commission shall evaluate the department's performance and productivity on a quarterly basis using the measures adopted pursuant to this section. The commission shall, by majority vote of the members present, make findings regarding the department's performance and productivity during the fiscal year. The commission may use measures adopted by the commission pursuant to s. 20.23 for the purposes of subsection (1) and shall, prior to the adoption of such standards, review recommendations made regarding such standards and measures by the Partners in Productivity Task Force established by Executive Order of the Governor, 87-186, and by Cabinet resolution adopted December 15, 1987. The task force shall review the standards and measures currently used by the commission and advise the commission as to revisions and suggestions to such standards and measures that it determines will assist the commission in the performance of its duties under this section and that will assist in the improvement and increased efficiency of the department. The task force shall make its recommendations to the commission not later than October 1, 1991. All meetings of the task force to consider such recommendations shall be subject to the provisions of s. 286.014, and notice of such meetings shall be advertised in the Florida Administrative Weekly.*

(3) *As soon as practicable after each annual evaluation, the commission shall submit its findings to the Governor and legislative transportation and appropriations committees. If the commission finds that the department failed to perform satisfactorily pursuant to the measures, the commission shall recommend actions to be taken to improve the department's performance. The commission, after review of any recommendation by the task force, shall adopt standards, measures, and goals to determine increases in productivity by the Department of Transportation. Such standards, measures, and goals shall be adopted by the commission not later than January 1, 1992. Upon adoption by the commission, such standards, measures, and goals shall be submitted to the Legislature for consideration at the 1992 regular session. Upon adoption by the Legislature, such standards, measures, and goals shall be applicable to the department pursuant to this section.*

(4) *The commission shall also develop recommendations concerning actions to be taken in the event the department fails to meet the standards, measures, and goals adopted by the commission pursuant to subsection (3). The commission shall include such recommendations with the adopted standards, measures, and goals submitted to the Legislature.*

(5) *The commission shall quarterly, beginning April 1, 1992, conduct a preliminary review of the department's performance based upon such standards, measures, and goals for the prior calendar quarter and furnish the secretary, the Governor, the President of the Senate, and the Speaker of the House of Representatives with its findings regarding the department's performance in such quarter.*

(6) *Beginning October 1, 1992, the department shall also be evaluated annually for performance and productivity based upon the department's fiscal year ending the previous June 30. The commission shall, by a majority vote, make findings regarding the standards, measures, and goals applicable to the department as soon thereafter as practicable. In the event the department fails to meet the assigned performance and productivity standards, measures, or goals, funding authorized to the department from the State Transportation Trust Fund for the current fiscal year shall not exceed the funding level from the trust fund for fiscal year 1989-1990, except as necessary pursuant to subsection (7). In such event, the department shall proceed to amend the adopted work program pursuant to s. 339.135(7), except that all amendments, as defined in s. 339.135(7)(e), necessary to the adopted work program to accomplish such reduction shall be submitted to the Governor for approval as individual amendments which shall be subject to the provisions of s. 339.135(7)(d). Notice for said amendments shall be provided for each amendment, as defined in s. 339.135(7)(e), which is a component of the amendment necessary to accomplish said reduction pursuant to s. 339.135(7)(d).*

(7) ~~Funds necessary for the following shall not be subject to the reductions required in subsection (6):~~

(a) ~~Any funds necessary to honor construction and consultant contracts entered by the department prior to the determination of the commission that the department failed to meet its assigned productivity and performance objectives for the previous fiscal year;~~

(b) ~~Any funds necessary to qualify for federal matching funds that, if a reduction were made, would be irrevocably lost to the state;~~

(c) ~~Any funds necessary to resolve any emergency requiring amendment to the adopted work program pursuant to s. 339.135(7)(e);~~

(d) ~~Any funds necessary to honor any supplemental agreement or change orders on projects and project phases related to contracts entered by the department prior to the determination of the commission that the department failed to meet its assigned productivity and performance objectives for the previous fiscal year;~~

(e) ~~Any funds necessary to pay any judgment in any action brought by or against the department pursuant to chapter 73 or chapter 74, or settlement entered relating to the acquisition of right of way prior to the determination of the commission that the department failed to meet its assigned productivity and performance objectives for the previous fiscal year;~~

(f) ~~Any funds, including any bond proceeds or funds appropriated to the Florida Intrastate Highway System, necessary to any turnpike project authorized in s. 338.2275;~~

(g) ~~Any proceeds from any bonds issued pursuant to s. 17, Art. VII of the State Constitution;~~

(h) ~~Any funds necessary to pay debt service on any bonds authorized pursuant to chapter 338 or s. 17, Art. VII of the State Constitution; and~~

(i) ~~Any funds necessary for projects in the first 3 years of the adopted work program included in the capital improvements element of an approved local government comprehensive plan.~~

(8) ~~The department shall provide the commission any information necessary to determine the performance of the department based upon the factors adopted by the commission.~~

(9) ~~The provisions of chapter 120 shall not apply to the actions of the commission taken pursuant to this section.~~

(10) ~~In preparing the tentative work program for the next fiscal year beginning after the commission has determined that the department has failed to meet the assigned performance and productivity standards, the department shall prepare such tentative work program in accordance with the requirements of s. 339.135(3)(b), to deplete the estimated resources of the State Transportation Trust Fund for each fiscal year of such tentative work program.~~

(11) ~~Based upon its review, the commission may make such recommendations as it deems advisable to the Legislature which will improve the efficiency of the department.~~

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 7, after the first semicolon (;) insert: amending s. 334.045, F.S.; authorizing the Florida Transportation Commission to establish and adopt productivity measures for the Department of Transportation; deleting requirements relating to mandatory budget reduction for failure to satisfy such standards;

Amendment 4 (with Title Amendment)—On page 15, between lines 21 and 22, insert:

(c)1. For purposes of this section, the board of county commissioners shall serve as the metropolitan planning organization in those counties which are not located in a metropolitan planning organization and shall be involved in the development of the district work program to the same extent as a metropolitan planning organization.

2. The district work program shall be developed cooperatively from the outset with the various metropolitan planning organizations of the state and include, to the maximum extent feasible, the transportation improvement programs of metropolitan planning organizations, and changes to the improvement programs that have been submitted to the department at least 120 days prior to the submission of the tentative work program to the Florida Transportation Commission. *For projects within a transportation management area as designated by the Governor for areas over 200,000 population, the metropolitan planning organization shall submit to the department a program showing the projects or project phases selected for funding for the next five years from funds earmarked for use in urbanized areas of over 200,000 population from*

the Surface Transportation Program element of the federal-aid program. Such program shall be balanced to the funds anticipated to be available and shall include assurances that resources required for implementation will be available to produce the projects on the indicated schedules. Unless otherwise approved by the metropolitan planning organization, such program will be incorporated directly into the department's tentative work program.

3. Prior to submittal of the district work program to the central office, the district shall provide the affected metropolitan planning organization with written justification for any project proposed to be rescheduled or deleted from the district work program which project is part of the metropolitan planning organization's transportation improvement program and is contained in the last 4 years of the previous adopted work program. By no later than 14 days after submittal of the district work program to the central office, the affected metropolitan planning organization may file an objection to such rescheduling or deletion. When an objection is filed with the secretary, the rescheduling or deletion shall not be included in the district work program unless the inclusion of such rescheduling or deletion is specifically approved by the secretary. The Florida Transportation Commission shall include such objections in its evaluation of the tentative work program only when the secretary has approved the rescheduling or deletion.

And the title is amended as follows:

In title, on page 1, line 12, after the semicolon (;) insert: providing funding requirements for projects within a transportation management area with a population over 200,000;

Amendment 5—On page 12, line 10, after "(b)" insert: , (c),

Amendment 6 (with Title Amendment)—On page 62, between lines 4 and 5, insert:

Section 16. The Department of Transportation shall contract with a minority business enterprise certified by the State of Florida under chapter 287, Florida Statutes, to gather intermodal transportation information on all Florida airports and seaports. The information shall, at a minimum, be sufficient to ensure compliance with the provisions of the Intermodal Surface Transportation Efficiency Act of 1991, but may include other data deemed necessary by the department.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 15, after the second semicolon (;) insert: requiring the department to contract with a minority business enterprise to gather intermodal transportation information;

Amendment 7 (with Title Amendment)—On page 61, line 29 through page 62, line 4, strike all of said lines and insert:

Section 15. A new subsection (3) is added to section 479.01, Florida Statutes, subsections (5) and (21) of that section are amended and renumbered as subsections (6) and (22), and present subsections (3) through (23) of said section are renumbered as subsections (4) through (24), respectively, to read:

479.01 Definitions.—As used in this chapter, the term:

(3) "Controlled area" shall mean 660 feet or less from the nearest edge of the right-of-way of any portion of the State Highway System, interstate, or federal-aid primary system and beyond 660 feet of the nearest edge of the right-of-way of any portion of the State Highway System, interstate, or federal-aid primary system outside an urban area.

(6)(5) "Federal-aid primary highway system" means the existing, unbuilt, or unopened system of highways or portions thereof designated as the federal-aid primary highway system by the department, including the National Highway System.

(22)(21) "Urban area" has the same meaning as defined in s. 334.03 s. 334.03(28).

Section 16. Subsection (1) of section 479.07, Florida Statutes, is amended to read:

479.07 Sign permits.—

(1) Except as provided in s. 479.16, a person may not erect, operate, use, or maintain, or cause to be erected, operated, used, or maintained, any sign on the State Highway System outside an incorporated area or on any portion of the interstate or federal-aid primary highway system without first obtaining a permit for the sign from the department and paying the annual fee as provided in this section. For purposes of this section "On any portion of the State Highway System, interstate or federal-aid primary system" shall mean a sign located within the controlled area which is visible from any portion of the main traveled way of such system.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, strike line 15 and insert: F.S.; conforming cross-references; amending s. 479.01, F.S.; providing definitions; conforming a cross-reference; amending s. 479.07, F.S.; revising language with respect to signs for which permits are required;

Senator Diaz-Balart moved the following amendment:

Amendment 8 (with Title Amendment)—On page 62, strike line 5 and insert:

Section 16. Subsection (1) of section 255.557, Florida Statutes, is amended to read:

255.557 Operation and maintenance plans.—

(1) Each state agency shall initiate operation and maintenance plans, which shall be developed under ~~pursuant to~~ a contract between the agency and the asbestos consultant, within 30 days of the identification of asbestos-containing materials. The Department of Transportation may develop and implement a less detailed operation and maintenance plan, as provided by the asbestos program administrator, for buildings that are the responsibility of the department when the structure will remain unoccupied from acquisition until demolition or removal, or when the occupant will retain occupancy for 180 days or less after acquisition by the Department of Transportation and the structure will continue to remain unoccupied from the date of vacancy until demolition or removal. Each operation and maintenance plan ~~shall~~ be submitted to the appropriate regional asbestos program manager within 7 days of completion. Each operation and maintenance plan ~~shall~~ be approved by the Department of Labor and Employment Security and shall remain in effect until all asbestos-containing material has been removed. The operation and maintenance plan shall be administered by an agency employee designated as the building asbestos contact person. The asbestos contact person ~~must shall~~:

(a) Provide written notice to all building occupants and employees that there are friable asbestos-containing materials in the building. Such notice ~~must shall~~ include a statement of the nature of the potential hazard and a warning against disturbing or damaging the asbestos-containing materials. The written notice ~~must shall~~ identify the building asbestos contact person as the individual to be contacted for additional information or in the event of an emergency.

(b) Oversee and direct the required initial and periodic cleanup procedures for each public building.

(c) Oversee and coordinate the periodic inspection and air monitoring procedures.

Section 17. Section 316.1001, Florida Statutes, is amended to read:

316.1001 Payment of toll on toll facilities required; penalties.—

(1) A ~~No~~ person may not ~~shall~~ use any toll facility without payment of tolls, except as provided in s. 338.155. Failure to pay a prescribed toll is a noncriminal traffic infraction, punishable as a moving violation under ~~pursuant to~~ s. 318.18.

(2)(a) For the purpose of enforcing this section, any governmental entity, as defined in s. 334.03, that owns or operates a toll facility may, by rule or ordinance, authorize a toll enforcement officer to issue a uniform traffic citation for a violation of this section. The rule or ordinance must provide for the designation, qualifications, and training of a toll enforcement officer.

(b) A uniform traffic citation issued under this subsection may be issued by mailing the citation by certified mail, return receipt

requested, to the address of the registered owner of the motor vehicle involved in the violation or, in the case of a leased motor vehicle, to the address of the lessee. In the case of joint ownership of a motor vehicle, the citation must be mailed to the first name appearing on the registration. A citation issued under this paragraph must be mailed to the violator within 14 days after the date of the violation. In addition to the citation, notification must be sent to the violator specifying the remedy available under subsection (3).

(c) The owner of the motor vehicle or, in the case of a leased motor vehicle, the lessee of the motor vehicle is responsible and liable for any citation issued under this subsection, unless the owner or lessee can establish that the motor vehicle was, at the time of the alleged violation, in the care, custody, or control of another person.

(d) A written report of a toll enforcement officer or photographic evidence that indicates that a required toll was not paid is admissible in any proceeding to enforce this section and raises a rebuttable presumption that the motor vehicle named in the report or shown in the photograph was used in violation of this section.

(3) Notwithstanding s. 318.14, a person issued a citation under subsection (2) may elect to pay a fine of \$30 to the clerk of court. In that case, adjudication must be withheld, and no points may be assessed under s. 322.272. Upon receipt of the fine, the clerk of the court, must retain \$5 for administrative purposes and must forward \$25 to the governmental entity that issued the citation. Any funds received by a governmental entity under this subsection may be used for any lawful purpose related to the operation or maintenance of a toll facility.

(4) Any governmental entity may supply the department with a magnetically encoded computer tape, reel, or cartridge that is machine-readable by the department's computer system, listing persons who have outstanding three or more violations of this section. Pursuant to s. 320.03(8), those persons may not be issued a license plate or revalidation sticker for any motor vehicle.

(5) The provisions of subsections (2)-(4) supplement the enforcement of this section by law enforcement officers, and this section does not prohibit a law enforcement officer from issuing a uniform traffic citation for a violation of this section in accordance with normal traffic enforcement techniques.

Section 18. Present subsections (2) and (3) of section 316.660, Florida Statutes, 1992 Supplement, are redesignated as subsections (3) and (4), respectively, and a new subsection (2) is added to that section, to read:

316.660 Disposition of fines and forfeitures collected for violations.—

(2) Fines received under s. 316.1001(3) must be distributed as provided in that subsection.

Section 19. Subsection (2) of section 318.14, Florida Statutes, 1992 Supplement, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(2) Except as provided in s. 316.1001(2), any person cited for an infraction under this section must shall sign and accept a citation indicating a promise to appear. The officer may indicate on the traffic citation the time and location of the scheduled hearing and must shall indicate the applicable civil penalty established in s. 318.18.

Section 20. Subsection (8) of section 320.03, Florida Statutes, 1992 Supplement, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(8) If the applicant's name appears on the list referred to in s. 316.1001(4) or s. 316.1967(6), a no license plate or revalidation sticker may not shall be issued until that such person's name no longer appears on the said list or until he presents a receipt from the clerk showing that the such parking fines outstanding have been paid. The tax collector and the clerk of the court are shall each be entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. If the tax collector has private tag agents, such tag agents are shall be entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the such tag agent compared to the total issued within the such county. The authority to issue license plates of any private agent to issue license

plates shall be revoked, after notice and a hearing as provided in chapter 120, if he who issues any license plate or revalidation sticker contrary to the provisions of this subsection shall be revoked after notice and hearing as provided in chapter 120.

Section 21. Subsection (3) of section 318.18, Florida Statutes, 1992 Supplement, is amended, present subsections (8), (9), (10), (11), (12), and (13) are redesignated as subsections (9), (10), (11), (12), (13), and (14), respectively, and a new subsection (8) is added to that section, to read:

318.18 Amount of civil penalties.—The penalties required for a non-criminal disposition pursuant to ss. 316.2935(6) and 318.14(1), (2), and (4) are as follows:

(3) Except as otherwise provided in this section, fifty-two dollars for all moving violations not requiring a mandatory appearance. With respect to violations involving an unlawful speed, there shall be added to the such \$52 an amount equal to \$2 for every mile per hour over the lawful speed limit.

(8) One hundred dollars for a violation of s. 316.1001.

Section 22. Subsection (1) of section 334.30, Florida Statutes, is amended to read:

334.30 Private transportation facilities.—The Legislature hereby finds and declares that there is a public need for rapid construction of safe and efficient transportation facilities for the purpose of travel within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(1) The department may receive or solicit proposals and, with legislative approval by a separate bill for each facility, enter into agreements with private entities, or consortia thereof, for the construction and operation of privately owned and financed transportation facilities. The department shall, by rule, establish an application fee for the submission of proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The department may engage the services of private consultants to assist in the evaluation. Before Prior to seeking legislative approval, the department must first determine that the proposed project:

- (a) Is in the public's best interest;
- (b) Would not require state funds to be used unless there is an overriding state interest; and
- (c) Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and citizens of the state in the event of default or cancellation of the agreement by the department.

The department shall ensure that all reasonable costs to the state and substantially affected local governments and utilities, related to the private transportation facility, are borne by the private entity.

Section 23. Effective upon this act becoming a law, subsections (1), (7), and (8) of section 337.185, Florida Statutes, 1992 Supplement, are amended to read:

337.185 State Arbitration Board.—

(1) To facilitate the prompt settlement of claims for additional compensation arising out of construction contracts between the department and the various contractors with whom it transacts business, the Legislature establishes does hereby establish the State Arbitration Board, referred to in this section as the "board." For the purpose of this section, the term "claim" means the aggregate of all outstanding claims by a party arising out of a construction contract. Each Every contractual claim or claims in an aggregate amount up to \$100,000 per contract or, at the claimant's option, up to \$250,000 per contract that cannot be resolved by negotiation between the department and the contractor shall be arbitrated by the board after acceptance of the project by the department. As an exception, either, provided no party to the dispute may request that requests the claim or claims be submitted to binding private arbitration. At the contractor's option, every contractual claim or claims in an aggregate amount in excess of \$100,000 but not exceeding \$250,000 per contract that cannot be resolved by the department and the contractor may be arbitrated by the board after acceptance of the project by the department, provided no party to the dispute requests the claim or claims be submitted to binding private arbitration. A court of law may not consider the settlement of such a claim until the process established by this section has been exhausted.

(7) ~~The member of the board who is elected by construction companies and the third member of the board may receive compensation for the performance of their duties hereunder, from administrative fees received by the board. The compensation amount shall be determined by the board, but shall not exceed \$750 per day for each member authorized to receive compensation. Nothing in this section shall prevent the members elected by construction companies from being an employee of an association affiliated with the industry, even if the sole responsibility of that member is service on the board. Travel expenses for the industry member may be paid by an industry association, if necessary. The board may allocate funds annually for clerical and other administrative services. The members of the board shall receive no compensation for the performance of their duties hereunder, but, except for the chairman, may be paid a stipend of up to \$100 per day for each day that the board is in session. If an alternate member is needed, such member may be paid a stipend of up to \$100 for each hearing in which he participates. The chairman may receive a stipend for his service as administrator of the board of up to \$125 per day for each day that the board is in session and for each day that he is engaged in activities related to meetings of the board. The board shall allocate \$3,000 annually for clerical and other administrative services.~~

(8) The party requesting arbitration ~~must~~ shall pay a fee to the board in accordance with a schedule established by it, not to exceed \$500 per claim which is \$25,000 or less; not to exceed \$1,000 per claim which is in excess of \$25,000 but not exceeding \$50,000; not to exceed \$1,500 per claim which is in excess of \$50,000 but not exceeding \$100,000; not to exceed \$2,000 per claim which is in excess of \$100,000 but not exceeding \$200,000; and not to exceed \$2,500 per claim which is in excess of \$200,000 \$100,000 or less, and not to exceed \$1,000 per claim which is in excess of \$100,000 but not exceeding \$250,000, to cover the cost of administration and compensation of the board.

Section 24. Subsection (3) of section 335.10, Florida Statutes, is amended to read:

335.10 State Highway System; vehicle regulation; prohibited use and traffic; liability for damage.—

(3) Any person is civilly liable to the department for the actual damage to a road in ~~the~~ such system by reason of his wrongful act; such damage may be recovered by suit and, when collected, ~~must~~ shall be paid into the State Treasury to the credit of the State Transportation Trust Fund or other departmental trust fund, as appropriate.

Section 25. Subsection (2) of section 337.19, Florida Statutes, is amended to read:

337.19 Suits by and against department; limitation of actions; forum.—

(2) Suits by and against the department under this section ~~must~~ shall be commenced within 3 years after of the final acceptance of the work, except that suits based on contracts entered into on or after July 1, 1993, must be commenced within 2 years after the final acceptance of the work. However, for any suit commenced by the department prior to June 13, 1984, the person against whom the suit was commenced shall be permitted to maintain against the department any counterclaim arising out of the same transaction or occurrence; provided that this provision, permitting such a counterclaim, applies retroactively regardless of prior law.

Section 26. Subsections (8), (9), (10), and (11) of section 337.25, Florida Statutes, 1992 Supplement, are amended to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

~~(8) Sales of houses and other structures as provided hereby shall first be made in single units; thereafter, sales in bulk may be made as provided herein. When sales are made under bulk sale provisions as provided herein, the removal of houses and other structures shall not be permitted until all houses and structures that were sold in single units have been removed from the site.~~

~~(9)~~ (9) A "due advertisement" under this section is an advertisement in a newspaper of general circulation in the area of the improvements of not less than 14 calendar days before prior to the date of the receipt of bids or the date on which a public auction is to be held.

~~(9)(10)~~ The department, with the approval of the State Comptroller, ~~may be authorized to~~ disburse state funds for real estate closings in a manner consistent with good business practices and in a manner minimizing costs and risks to the state.

~~(10)(11)~~ The department ~~may be authorized to~~ purchase title insurance in those instances where it is determined that such insurance is necessary to protect the public's investment in property being acquired for transportation purposes. The department shall adopt procedures to be followed in making the determination to purchase title insurance for a particular parcel or group of parcels which, at a minimum, ~~shall~~ set forth criteria ~~that~~ which the parcels must meet.

Section 27. Subsections (3) and (4) of section 337.276, Florida Statutes, 1992 Supplement, are amended to read:

337.276 Advanced acquisition of right-of-way.—

(3) The Division of Bond Finance of the State Board of Administration is authorized, in accordance with s. 215.605, to issue state bonds in an amount not to exceed a total of \$500 million on behalf of the department to finance right-of-way land acquisition for facilities that are not revenue-producing. ~~The total amount of bonds to be issued under this section is limited by the debt-service requirements of the bonds issued. The requirements may not exceed 90 percent of the pledged revenue authorized to be transferred under s. 206.46(2).~~ The proceeds from the sale of these bonds shall be allocated by the department only to fund advanced right-of-way projects identified pursuant to the programs contained in subsection (2). No more than 60 percent ~~\$300 million~~ of the bond proceeds may be allocated to fund projects identified pursuant to the program contained in paragraph (2)(a), and no more than 40 percent ~~\$200 million~~ of the bond proceeds may be allocated to fund projects identified pursuant to the program contained in paragraph (2)(b).

(4)(a) Notwithstanding subsections (2) and (3), the department is authorized to expend bond proceeds pursuant to this section to acquire right-of-way for a project in the department's adopted work program that does not fall within the parameters established in subsection (2), if:

1. The acquisition of such right-of-way is necessary to ensure the continued availability of previously donated right-of-way for ~~the~~ such project;
2. The majority of the costs for the construction phase of ~~the~~ a project will be financed by local or private funds; ~~or~~
3. A local government enters into an agreement to advance the construction phase in accordance with ~~the provisions set forth in~~ s. 339.12; ~~or~~
4. Any funds become available for the project, and it is in the public interest to provide for the expeditious completion of the project.

(b) Any use of bond proceeds pursuant to this subsection must be specifically and separately identified in the tentative work program.

Section 28. Subsection (3) of section 338.2275, Florida Statutes, 1992 Supplement, is amended to read:

338.2275 Approved turnpike projects.—Pursuant to s. 11(e), Art. VII of the State Constitution, the Legislature hereby approves:

(3) Subject to verification of economic feasibility by the department, determination that such projects are consistent, to the maximum extent feasible, with approved local government comprehensive plans of the local government jurisdiction in which such projects are located, and completion of a statement of environmental feasibility in accordance with s. 338.221(8) and (10), respectively, the following projects are approved:

(a) The Polk County Parkway; a 24.8-mile, two-lane and four-lane, limited access expressway in Polk County extending from the intersection of I-4 and Clark Road near the Hillsborough County Line through Lakeland near Drainfield Road eastward to State Road 540 and to U.S. 98 and then east and northward to near Polk City to intersect with I-4 near Mount Olive Road. The department is authorized to use up to \$412 million for this project.

(b) Branan Field/Chaffee Road Facility; an 11-mile limited access expressway extending north from State Road 21 in Clay County to Chaffee Road in western Duval County. The department is authorized to use up to \$102 million for this project.

(a) To pay administrative expenses of the department, including administrative expenses incurred by the several state transportation districts, but excluding administrative expenses of commuter rail authorities that do not operate rail service.

(b) To pay the cost of construction of the State Highway System ~~including amounts necessary to match federal aid funds for such purposes. The department may also match federal aid highway funds allocated to the county road and city street systems and is authorized to contract for and administer such federal aid projects in cooperation with local officials in accordance with federal regulations.~~

(c) To pay the cost of maintaining the State Highway System.

(d) To pay the cost of public transportation projects in accordance with chapter 341 and ss. 332.003-332.007 ~~and to make such other lawful expenditures of the department for the payment of which no other funds may be specified.~~

(e) To reimburse counties or municipalities for expenditures made on projects in the State Highway System as authorized by s. 339.12(4) upon legislative approval.

(f) To pay the cost of economic development transportation projects in accordance with s. 288.063.

(g) *To lend or pay a portion of the capital costs of a revenue-producing transportation project that is located on the State Highway System or that is demonstrated to relieve traffic congestion on the State Highway System.*

(h) ~~To Notwithstanding any other provision of law, the department may match any federal-aid highway funds allocated for any other transportation purpose, including funds allocated to projects not located in the State Highway System.~~

(i) *To pay other lawful expenditures of the department.*

(3) ~~After June 30, 1985,~~ Unless specifically provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, no moneys in the State Transportation Trust Fund may be used to fund the operational or capital outlay cost for any correctional facility of the Department of Corrections. The department shall, however, enter into contractual arrangements with the Department of Corrections for those specific maintenance functions ~~that which~~ can be performed effectively by prison inmates under the supervision of Department of Corrections personnel with technical assistance being provided by the department. The cost of such contracts ~~must shall~~ not exceed the cost that would be incurred by the department if ~~these such~~ functions were to be performed by its personnel or by contract with another entity unless, notwithstanding cost, the department can clearly demonstrate that for reasons of expediency or efficiency it is in the best interests of the department to contract with the Department of Corrections.

~~(4) Funds remaining in the Advanced Construction Interstate Revolving Trust Fund as of July 1, 1985, including investments and interest earnings, shall be transferred to the State Transportation Trust Fund with priority use assigned to completion of the Interstate Highway System. However, any excess funds may be used for general transportation purposes, consistent with the department's legislatively approved objectives. Prior to such utilization, the department's comptroller shall certify that adequate funds are available to assure expeditious completion of the Interstate Highway System and to award all such contracts by 1990.~~

Section 33. Subsection (9) is added to section 339.12, Florida Statutes, 1992 Supplement, to read:

339.12 Aid and contributions by governmental entities for rights-of-way, construction, or maintenance of roads in State Highway System; federal aid.—

(9) *Before commencing a project or project phase under this section, a governmental entity may release to the department the control of the contributions made under this section, in accordance with a written agreement between the governmental entity and the department.*

Section 34. Subsection (3) is added to section 339.121, Florida Statutes, to read:

339.121 Aid and contribution by governmental entities for public transportation projects.—

(3) *Before commencing a project or project phase under this section, a governmental entity may release to the department the control of the contributions made under this section, in accordance with a written agreement between the governmental entity and the department.*

Section 35. Paragraph (d) of subsection (6) and paragraph (c) of subsection (7) of section 339.135, Florida Statutes, 1992 Supplement, are amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(6) EXECUTION OF THE BUDGET.—

(d) The department shall allocate resources provided in the General Appropriations Act to the districts prior to July 31 of each year. The allocation *must* shall be promptly reported to the Executive Office of the Governor and the legislative appropriations committees, and all subsequent amendments *must* shall be reported promptly to the secretary of the department. ~~The secretary shall require each district secretary to submit a monthly report on the status of his budgets which shall indicate, by major budget category within each budget entity, the monthly expenditure, the cumulative expenditures to date, and the remaining balance of the regional allocations. Quarterly summaries of these reports shall be provided to the Executive Office of the Governor and the legislative appropriations committees.~~

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(c) The department may amend the adopted work program to transfer appropriations within the department, except that the following amendments ~~are shall~~ be subject to the procedures in paragraph (d):

1. Any amendment ~~that which~~ deletes any project or project phase;
2. Any amendment ~~that which~~ adds a project estimated to *involve cost over \$150,000 in funds appropriated by the Legislature;*
3. Any amendment ~~that which~~ advances or defers to another fiscal year, a right-of-way phase, a construction phase, or a public transportation project phase estimated to *involve cost over \$500,000 in funds appropriated by the Legislature, except an amendment advancing or deferring a phase for a period of 90 days or less; or*
4. Any amendment ~~that which~~ advances or defers to another fiscal year, any preliminary engineering phase or design phase estimated to *involve cost over \$150,000 in funds appropriated by the Legislature, except an amendment advancing or deferring a phase for a period of 90 days or less.*

Section 36. Subsection (2) of section 339.145, Florida Statutes, is amended to read:

339.145 Working Capital Trust Fund; expenditure of such funds.—

(2) The department is authorized to use a single cash control for the fund charges for other budget entities on a unit-cost basis for services rendered by the Burns Data Center ~~and Centralized Mobile Equipment and Warehouse Operations budget entity~~ entities. The department *must* shall maintain adequate internal records to record these charges and reflect these as commitments on a quarterly funding matrix report to be submitted to the Executive Office of the Governor no later than 20 calendar days after the close of each calendar quarter. In addition, the appropriation ~~category~~ categories entitled "Payments for Centralized Support Services" and "Data Processing Services" *must shall* continue to be *shown reflected* in the legislative budget system as a specific *appropriation appropriations*.

Section 37. Subsections (12) and (13) of section 339.149, Florida Statutes, are amended to read:

339.149 Periodic audits.—The Auditor General shall conduct periodic audits, as defined in s. 11.45, of the following functions and processes of the department, which audits shall include, at a minimum, a review of:

~~(12) ANNUAL REVIEWS.—The Auditor General shall annually review the accuracy of the department's program objectives and accomplishment report and determine the department's compliance with statutory requirements related to the distribution of funds to the districts and reconciliations of financial management systems.~~

~~(12)(13) AUDIT PERIODS.—The Auditor General has shall have~~ the discretion to schedule the audits required by this section. However,

(c) Palmer Expressway; a 6.2-mile, four-lane, limited access expressway in St. Lucie County extending from Glades Cut-off Road to U.S. 1. The department is authorized to use up to \$121 million for this project.

(d) Seminole County Expressway, Project 1; a four-lane limited access expressway extending 12 miles from State Road 426 near the Orange/Seminole County line in east Orlando to U.S. 17-92. The department is authorized to use up to \$200 million for this project.

(e) Northwest Hillsborough Expressway; a 14.9-mile, four-lane, limited access toll facility extending north from the Courtney Campbell Causeway near the Tampa International Airport to Dale Mabry Highway (State Road 597) just north of Van Dyke Road. The department is authorized to use up to \$333 million for this project.

(f) The Southern Connector Extension; a 6.0-mile, four-lane, limited access extension of the Southern Connector toll facility extending southwesterly from a point one mile east of State Road 535 to an interchange with I-4 south of U.S. 192. The department is authorized to use up to \$82 million for this project.

(g) Seminole County Expressway, Project 2; a 5.7-mile, four-lane, limited access highway extending from U.S. 17/92 interchange to an interchange with C.R. 46A and I-4. The department is authorized to use up to \$150 million for this project.

(h) North Suncoast Corridor; a 43-mile, four-lane, limited access highway extending north from the Northwest Hillsborough Expressway to S.R. 700 (U.S. 98) in Hernando County. The department is authorized to use up to \$434 million for this project.

(i) Western Beltway; a 55.0-mile, four-lane, limited access highway originating at I-4 in the vicinity of C.R. 46A in Seminole County and extending westerly and southerly through Orange and Osceola Counties to an interchange with I-4 near the Osceola-Polk county line, excluding that portion known as the Northwest Beltway Part A, extending from Florida's Turnpike near Ocoee north to U.S. 441 near Apopka. The department is authorized to use up to \$453.2 million for this project.

(j) Central Connector; a 5-mile limited access highway in Orange County extending from the Bee Line Expressway east of Florida's Turnpike, north to Interstate 4 near the Orange Blossom Trail, including the Downtown I-4/Systems Interchange. The department is authorized to use up to \$350 million for this project.

(k) Northern Extension Project; a 49.0-mile, four-lane, limited access highway extending from the northern terminus of the Florida Turnpike in Sumter County to an interchange with U.S. 19 at Lebanon Station in Levy County. The department is authorized to use up to \$336 million for this project.

- (l) Atlantic Boulevard Interchange in Broward County.
- (m) N.W. 37th Avenue Interchange in Broward County.
- (n) S.R. 80/Southern Boulevard Interchange in Palm Beach County.
- (o) Forest Hill Boulevard Interchange in Palm Beach County.
- (p) N.W. 45th Street Interchange in Palm Beach County.
- (q) Lake Worth Road Interchange in Palm Beach County.
- (r) East/West Expressway Interchange in Orange County.
- (s) Southern Connector Interchange in Orange County.
- (t) S.R. 50 Interchange in Orange County.
- (u) Dart Boulevard Interchange in Osceola County.
- (v) N.W. 74th Street Interchange in Dade County.
- (w) Allapattah Road Interchange in Dade County.
- (x) Tallahassee Road Interchange in Dade County.
- (y) Biscayne Drive Interchange in Dade County.
- (z) Campbell Drive Interchange in Dade County.

A maximum of \$1.5 billion of bonds may be issued to fund the projects contained in this subsection. The department is authorized to use turnpike revenues, the State Transportation Trust Fund moneys allocated for turnpike projects pursuant to s. 338.001, federal funds, and bond pro-

ceeds for the above projects, and shall use the most cost-efficient combination of such funds in developing a financial plan for funding the projects. Up to 10 percent of the total amount of the approved costs of all of the above projects may be set aside as a contingency amount, from which the department may allocate funds for a project that exceeds the cost approved above, but in no event shall the funds allocated from this contingency amount exceed 15 percent of the project's approved cost. Verification of economic feasibility and statements of environmental feasibility for individual projects shall be based on the entire project as approved. Statements of environmental feasibility shall not be required for those projects set forth in this subsection on which the Project Development and Environmental Reports have been completed by July 1, 1990. All required environmental permits shall be obtained before the department may advertise for bids for contracts for the construction of any turnpike project.

Section 29. Present subsections (2), (3), and (4) of section 338.231, Florida Statutes, are renumbered as subsections (3), (4), and (5), respectively, and a new subsection (2) is added to that section, to read:

338.231 Turnpike tolls, fixing; pledge of tolls and other revenues.—The department shall at all times fix, adjust, charge, and collect such tolls for the use of the turnpike system as are required in order to provide a fund sufficient with other revenues of the turnpike system to pay the cost of maintaining, improving, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system as the same become due and payable; and to create reserves for all such purposes.

(2) *Notwithstanding any other provision of law, the department may defer the scheduled July 1, 1993, toll rate increase on the Homestead Extension of the Florida Turnpike until July 1, 1995. The department may also advance funds to the Turnpike General Reserve Trust Fund to replace estimated lost revenues resulting from this deferral. The amount advanced must be repaid within 12 years from the date of advance, however, the repayment is subordinate to all other debt financing of the turnpike system outstanding at the time repayment is due.*

Section 30. Subsection (4) of section 338.251, Florida Statutes, 1992 Supplement, is amended to read:

338.251 Toll Facilities Revolving Trust Fund.—The Toll Facilities Revolving Trust Fund is hereby created for the purpose of encouraging the development and enhancing the financial feasibility of revenue-producing road projects undertaken by local governmental entities in a county or combination of contiguous counties.

(4) Each advance ~~under pursuant to~~ this section ~~requires shall~~ require repayment out of the initial bond issue revenue or, at the discretion of the governmental entity of the facility, repayment ~~may shall~~ begin no later than 7 years after the date of the advance, provided repayment ~~must shall~~ be completed no later than 12 years after the date of the advance. However, ~~this such~~ election ~~must shall~~ be made at the time of the initial bond issue, and, if repayment is to be made during the time period referred to above, ~~the a schedule of such~~ repayment ~~schedule must shall~~ be submitted to the department. All repayments by local governmental entities ~~must shall~~ include interest charged at the average annual compound rate earned by the state treasury in the year preceding the advance of funds. *Repayments made by the department for a project assumed or undertaken by the department do not include interest.*

Section 31. Section 339.04, Florida Statutes, is amended to read:

339.04 Disposition of proceeds of sale or lease of realty by the department.—Any money derived from the sale, lease, or conveyance of any property by the department ~~must shall~~ be deposited into the State Treasury and placed in the State Transportation Trust Fund or other departmental trust funds, as appropriate.

Section 32. Section 339.08, Florida Statutes, 1992 Supplement, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall by rule provide for the expenditure of the moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget.

(2) ~~These Such~~ rules ~~must restrict shall provide that~~ the use of such moneys ~~be restricted~~ to the following purposes:

such audits ~~must shall~~ be performed by July 1, 1996, within 6 years after the requirements of this provision becoming law and ~~must shall~~ be performed during each subsequent 6-year period thereafter. The Auditor General ~~must shall~~ make audits of department functions or programs identified in this section or of other department functions or programs whenever directed to do so by the Legislature or the Joint Legislative Auditing Committee. The Auditor General shall annually report to the Legislature on the efforts made by the department to rectify problems noted in prior audits.

Section 38. Subsection (10) of section 341.031, Florida Statutes, 1992 Supplement, is amended to read:

341.031 Definitions.—As used in ss. 341.011-341.061, the term:

(10) "Transit corridor project" means a project that is undertaken by a public agency and designed to relieve congestion and improve capacity within an identified transportation corridor by increasing people-carrying capacity of the system through the use and facilitated movement of high-occupancy conveyances. ~~Each transit corridor project must meet the requirements established under s. 341.051(5)(e) and, if applicable, the department's major capital investment policy developed under s. 341.051(5)(b). The service duration of such a project may shall not exceed a period of 2 years unless reauthorized by the Legislature. The reauthorization must be based upon a determination that the project is meeting or exceeding the criteria developed under s. 341.051(5)(e) by which the success of the project is being judged and by inclusion of the project in the department's budget request., on the basis of documentation by the department that the project is the most cost-effective method of relieving congestion and improving capacity within the identified corridor, reauthorizes the project for an additional 2 years.~~

Section 39. Paragraph (e) of subsection (5) of section 341.051, Florida Statutes, 1992 Supplement, is amended to read:

341.051 Administration and financing of public transit programs and projects.—

(5) FUND PARTICIPATION; CAPITAL ASSISTANCE.—

(e) The department is authorized to fund up to 100 percent of the capital and net operating costs of statewide transit service development projects or transit urban corridor projects. All transit service development projects ~~must shall~~ be specifically identified by way of a departmental appropriation request, and transit corridor projects ~~must shall~~ be identified as part of the planned improvements on each transportation corridor designated by the department. The project objectives, the assigned operational and financial responsibilities, the timeframe required to develop the required service, and the criteria by which the success of the project will be judged ~~must shall~~ be documented by the department for each such transit service development project or transit corridor project.

Section 40. Section 341.052, Florida Statutes, 1992 Supplement, is amended to read:

341.052 Public transit block grant program; administration; eligible projects; limitation.—

(1) There is created a public transit block grant program to which ~~shall~~ be administered by the department. Block grant funds ~~may shall~~ only be provided ~~only~~ to "Section 9" providers and "Section 18" providers designated by the United States Department of Transportation and to community transportation coordinators as defined in s. 427.011 chapter 427. To become eligible to receive funds, a provider ~~providers~~ must establish public transportation development plans consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the provider is located.

(2) Costs for which public transit block grant program funds may be expended include:

(a) ~~Costs of~~ Public bus transit and local public fixed guideway capital projects.

(b) ~~Costs of~~ Public bus transit service development and transit corridor projects. ~~Whenever~~ Block grant funds are used for a service development project or a transit corridor project ~~are, the use of such funds is governed by s. 341.051. Local transit service development projects and transit corridor projects currently operating under contract with the~~

department shall continue to receive state funds according to the contract until ~~such time as~~ the contract expires. Transit corridor projects, wholly within one county, meeting or exceeding performance criteria as described in the contract shall be continued by the transit provider at the same or a higher level of service until ~~such time as~~ the department, the M.P.O., and the service provider, agree to discontinue the service. The provider may not increase fares for services in transit corridor projects wholly within one county without the consent of the department.

(c) ~~Costs of~~ Public bus transit operations.

~~Each project must~~ All ~~projects shall~~ be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government ~~comprehensive plans of local government~~ in which the project is located.

(3) The following limitations ~~shall~~ apply to the use of public transit block grant program funds:

(a) State participation in eligible capital projects ~~is shall be~~ limited to 50 percent of the nonfederal share of such project costs.

(b) State participation in eligible public transit operating costs may not exceed 50 percent of such costs or an amount equal to the total revenue, excluding farebox, charter, and advertising revenue and federal funds, received by the provider for operating costs, whichever amount is less.

(c) A ~~Non-~~eligible public transit provider ~~may not shall~~ use public transit block grant funds to supplant local tax revenues made available to the ~~such~~ provider for operations in the previous year.

(d) The ~~department state~~ may not give any county more than 39 percent of the funds available for distribution under this section or more than the amount that local revenue sources provide to that transit system.

(4) To remain eligible to receive funding under the public transit block grant program, a eligible public transit provider ~~providers~~ must comply with the requirements of s. 341.071(1) by July 1, 1991, and the requirements of s. 341.071(2) by July 1, 1992, and ~~must comply with the provisions of paragraph (2)(b) of this section relating to existing transit corridor projects.~~

(5) The department ~~must shall~~ distribute 15 percent of the funds designated for the public transit block grant program funds into the Transportation Disadvantaged Trust Fund for distribution to community transportation coordinators as provided by the rules of the Transportation Disadvantaged Commission.

(6) The department ~~must shall~~ distribute 85 percent of the public transit block grant program funds to "Section 9" and "Section 18" providers designated by the United States Department of Transportation. The funds shall be distributed to "Section 9" providers, and to "Section 18" providers that are not designated as community transportation coordinators pursuant to chapter 427, according to the following formula, except that at least \$20,000 ~~must shall~~ be distributed to each eligible provider if application of the formula provides less than that amount for any ~~such~~ provider:

(a) One-third ~~must shall~~ be distributed according to the percentage that an eligible provider's county population, in the most recent year for which these population figures are available from the state census repository, is of the total population of all counties served by eligible providers.

(b) One-third ~~must shall~~ be distributed according to the percentage that the total revenue miles provided by an eligible provider, as verified by the most recent "Section 15" report to the Urban Mass Transportation Administration or a similar audited report submitted to the department, is of the total revenue miles provided by eligible providers in the state in that year.

(c) One-third ~~must shall~~ be distributed according to the percentage that the total passengers carried by an eligible provider, as verified by the most recent "Section 15" report submitted to the Urban Mass Transportation Administration or a similar audited report submitted to the department, is of the total number of passengers carried by eligible providers in the state in that year.

(7)(a) Any funds distributed to a ~~an-~~eligible provider under pursuant to subsection (6) or subsection (8) which cannot be expended within the limitations of the block grant program ~~must shall~~ be returned to the department for redistribution to other eligible providers pursuant to that subsection.

(b) The department may consult with a ~~an~~ eligible provider, before distributing funds to that provider pursuant to subsection (6) or subsection (8), to determine whether the provider can expend its total block grant within the limitations of the block grant program. If the department and the provider agree that the total block grant cannot be expended, the provider may agree to accept a block grant of less than the total amount, in which case the funds that exceed the such lesser agreed-upon amount ~~shall~~ be redistributed to other eligible providers pursuant to subsection (6) or subsection (8).

(c) If an audit reveals that an eligible provider expended block grant funds on unauthorized uses, the provider must repay to the department an amount equal to the funds expended for unauthorized uses. The department shall redistribute such repayments to other eligible providers pursuant to subsection (6).

(8) *The department may supplement the public transit block grant program funds from any other available funds at the request of the appropriate M.P.O. or, if there is no M.P.O., the county. Supplemental public transit block grant program funds are not subject to subsection (5) or subsection (6).*

Section 41. Subsection (5) of section 479.01, Florida Statutes, is amended, present subsections (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), and (23) are renumbered as subsections (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), and (24), respectively, and a new subsection (13) is added to that section, to read:

479.01 Definitions.—As used in this chapter, the term:

(5) "Federal-aid primary highway system" means the existing, unbuilt, or unopened system of highways or portions thereof designated as the federal-aid primary highway system by the department, *including the National Highway System.*

(13) *"On any portion of the State Highway System" means, in reference to a sign, that the sign is visible from any portion of the main travelled way of the system.*

Section 42. (1) The Department of Transportation may in its own name:

(a) Perform any action to secure letters of patents, copyrights, and trademarks on any work products, however acquired, and to enforce its rights therein;

(b) License, lease, assign, or otherwise give written consent to any person, firm, or corporation for the manufacture or use of any product protected by patent, copyright, or trademark, whether on a royalty basis or for such other consideration as the department considers proper;

(c) Take any action, including legal action, to enforce its rights under any agreement and to protect its property rights from unlawful use or infringement;

(d) Enforce the collection of any consideration due the department for the manufacture or use of any product by any other party;

(e) Sell any product that the department may create or cause to be created, whether or not the product is protected by patent, copyright, or trademark, and execute all instruments to consummate any such sale; and

(f) Perform acts necessary for the execution of powers and duties conferred upon the department.

(2) The department shall notify the Department of State in writing whenever property rights by patent, copyright, or trademark are secured or exploited by the department.

(3) Any proceeds from the sale of products or the right to manufacture or use a product must be deposited in the State Transportation Trust Fund and may be assigned by budget agreement to finance any activity of the department. In the development of such budget agreements, special consideration should be given to research and innovation.

Section 43. (1) With the approval of the comptroller of the Department of Transportation, a letter of credit or bond may be accepted by the department to guarantee payment of any obligation due the department or that may become due to the department.

(2) The letter of credit must be nonassignable and nontransferable, and must be payable solely to the department as beneficiary. The letter

of credit may be issued by any financially sound bank or savings association existing under the laws of this state or any financially sound bank or savings association organized under the laws of the United States that has its principal place of business in this state, or has a branch office that is authorized under the laws of this state or the United States to receive deposits in this state.

(3) The department's comptroller must approve the use of the letter of credit or bond, the institution issuing the letter of credit or bond, and the language to be used in the letter of credit or bond. The department comptroller's approval may be given only when it is believed that the acceptance of these items is in the best interest of the state and the department in the performance of its duties.

Section 44. The Department of Transportation may hire planners certified by the American Institute of Certified Planners following procedures under section 287.055, Florida Statutes.

Section 45. (1) Any agency of the state, any local governmental entity, or any public body doing business with the Department of Transportation may acquire services valued at \$10,000 or less per transaction by purchase order and must accept purchase orders from the department for services valued at \$10,000 or less per transaction.

(2) The department, any other agency of the state, a local governmental entity, or a public body may elect not to accept a purchase order under subsection (1), if it can demonstrate that the entity issuing the purchase order has within the preceding 2 years failed to honor within 60 days after receipt of an invoice submitted for services.

Section 46. Subsection (4) of section 59 of chapter 90-136, Laws of Florida, is amended to read:

Section 59. Determination of functional classification of all public roads in Florida.—

(4) Within 1 year after the Transportation Commission submits its comments to the Center for Urban Transportation Research, the Department of Transportation shall evaluate all public roads using the criteria and classification system developed by the Center for Urban Transportation Research. The Center for Urban Transportation Research shall, no later than 15 6 months after the Department of Transportation's completion of the evaluation, determine the fiscal impact of the proposed reclassification and develop a recommended timeframe for the phased transfer of roads.

Section 47. (1) The department may, after consultation with state agencies and local governmental entities, designate scenic highways on the state highway system. Highways so designated are intended to preserve, maintain, and protect a part of Florida's cultural, historical, and scenic routes on the State Highway System for vehicular, bicycle, and pedestrian travel.

(2) The department may by rule adopt appropriate criteria for the designation of scenic highways and specify appropriate planning and design standards including corridor management plans on such scenic highways.

Section 48. Notwithstanding any other provision of law, the Department of Transportation may enter into a joint project agreement with, or otherwise assist, private or public entities, or consortia thereof, to facilitate the research, development, and demonstration of high-technology transportation systems, including, but not limited to, systems using magnetic levitation technology. The provisions of the Florida High-Speed Rail Act, sections 341.3201-341.386, Florida Statutes, and the Magnetic Levitation Demonstration Project Act, sections 341.401-341.422, Florida Statutes, do not apply to actions taken under this section, and the department may, subject to section 339.135, Florida Statutes, provide funds to match any available federal aid for effectuating the research, development, and demonstration of high technology transportation systems.

Section 49. Notwithstanding any other provision of law, the Department of Transportation may enter into a joint project agreement with, or otherwise assist, the Spaceport Florida Authority as necessary to effectuate the provisions of chapter 331, Florida Statutes, and may allocate funds for such purposes in its 5-year work program. However, the department may not fund the administrative or operational costs of the authority.

Section 50. Except as otherwise provided in this act, this act shall take effect July 1, 1993.

And the title is amended as follows:

In title, on page 2, strike line 16 and insert: amending s. 255.557, F.S.; providing for a less detailed asbestos-related operation and maintenance plan under certain circumstances; amending s. 316.1001, F.S.; providing an alternative enforcement mechanism for persons failing to pay a toll; amending ss. 316.660, 318.14, 320.03, F.S.; providing conforming language; amending s. 318.18, F.S.; increasing the fine for a violation of s. 316.1001, F.S.; amending s. 334.30, F.S.; authorizing the department to assess an application fee; providing for the use of the fee; amending s. 335.10, F.S.; authorizing the deposit of funds recovered from persons for damage to the State Highway System into the appropriate department trust fund; amending s. 337.185, F.S.; defining a claim; authorizing either party to request binding arbitration; providing for compensation of members of the board; providing a fee schedule; amending s. 337.19, F.S.; providing the period of time within which suits may be brought against the department for contracts entered into on or after July 1, 1993; amending s. 337.25, F.S.; repealing the requirement that sales of condemned houses must first be accomplished through sales of individual units; amending s. 337.276, F.S.; repealing the cap on the value of bonds issued under the section; providing a cap based on debt-service requirements; providing an exception from the time limitations provided in the section; amending s. 338.2275, F.S.; authorizing the use of federal funds on approved turnpike projects; amending s. 338.231, F.S., delaying a toll increase until July 1, 1995; amending s. 338.251, F.S.; exempting the department from the payment of interest to the Toll Facilities Revolving Trust Fund; amending s. 339.04, F.S.; authorizing the deposit of funds derived from the lease or sale of department property into the appropriate department trust fund; amending s. 339.08, F.S.; authorizing the department to loan or pay a portion of the capital costs of certain revenue-producing projects; amending s. 339.12, F.S.; authorizing local governments to release control of contributions prior to the commencement of the project for which such contributions are made; amending s. 339.121, F.S.; authorizing local governments to release control of contributions prior to the commencement of the project for which such contributions are made; amending s. 341.031, F.S.; redefining the term, "transit corridor project"; amending s. 339.135, F.S.; repealing the requirement that department district secretaries provide monthly budget reports to the secretary and quarterly summaries of such reports to the Governor and legislative appropriations committees; providing criteria regarding amending the department's work program; amending s. 339.145, F.S.; consolidating two budget entities into a single entity; amending s. 339.149, F.S.; deleting the requirement that the Auditor General annually review certain specified functions of the department; prescribing audit periods; amending s. 341.031, F.S.; providing a definition; amending s. 341.051, F.S.; providing that the department is authorized to fund 100 percent of the cost of a transit corridor project; amending s. 341.052, F.S.; authorizing the department to supplement Public Transit Block Grant funds under certain circumstances; amending s. 479.01, F.S.; redefining the term "federal-aid primary highway system" and defining the term, "on any portion of the State Highway System"; authorizing the department to secure patents, copyrights, and trademarks; authorizing the department to accept letters of credit or bonds; authorizing the department to hire certain planners; authorizing the use of purchase orders in certain circumstances; authorizing the department to assist the Spaceport Florida Authority to effectuate the provisions of ch. 311, F.S.; authorizing the department to enter into joint project agreements or otherwise assist in the research, development, or demonstration of high-technology transportation systems; exempting such systems from ss. 341.3201-341.386 and ss. 341.401-341.422, F.S.; authorizing the department to match federal funds; amending s. 59 of ch. 92-136, Laws of Florida; extending the timeframe for the completion of a study on the functional classification of roads; providing for the designation of scenic highways; providing effective dates.

Senator Diaz-Balart moved the following amendment to **Amendment 8**:

Amendment 8A (with Title Amendment)—On page 4, between lines 23 and 24, insert:

Section 3. A new subsection (6) is added to section 316.640, Florida Statutes, to read:

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

(6) For the purpose of enforcing s. 316.1001(2), governmental entities, as defined in s. 334.03, which own or operate a toll facility, may employ independent contractors or designate employees as toll enforcement officers, if any such individual successfully meets the training and qualification standards for toll enforcement officers established by the Department of Transportation.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 34, line 28, after the semicolon (;) insert: amending s. 316.640, F.S.; authorizing governmental entities to employ toll enforcement officers upon meeting certain specified standards;

Senator Weinstein moved the following substitute amendment for **Amendment 8A** which was adopted:

Amendment 8B (with Title Amendment)—On page 2, line 19 through page 6, line 17, strike all of said lines and renumber subsequent sections.

And the title is amended as follows:

In title, on page 34, strike all of lines 26-31

The vote was:

Yeas—23 Nays—12

Amendment 8 as amended was adopted.

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

Amendment 9—On page 32, line 8, after "minimize" insert: , to the maximum extent feasible, and together with applicable regulatory government agencies,

Amendment 10 (with Title Amendment)—On page 61, between lines 28 and 29, insert:

Section 15. Section 341.102, Florida Statutes, is amended to read:

341.102 Regulation of nonpublic-sector buses.—

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

(2) A private-sector contract transportation operator that is providing lawful services on the effective date of this act must apply for county certification within 30 days after the effective date of this act and may continue to provide such services until his application for certification has been acted upon by the county. "Private-sector contract transportation" means the provision of transportation of persons by a private-sector entity utilizing a nonpublic-sector bus pursuant to a prearranged written contract. For the purpose of this subsection, a nonpublic-sector bus is a vehicle designed for carrying more than 10 persons.

Nothing in this subsection authorizes a private-sector entity to provide transportation for compensation via the picking up of "street hails." except for contract agreements awarded pursuant to chapter 427, a county, as defined in s. 125.011(1), or a local governmental entity located within such a county, may not unduly restrict or impose any economic regulation upon any private-sector contract transportation agreement. A private-sector contract transportation agreement is a prearranged written contract between a bus owner and a public-sector or private-sector entity

~~for the prearranged transportation of specific passengers, not including street hails, by a nonpublic sector bus over public roads that do not overlap public transportation corridors by more than 70 percent; provided, such passengers are employees, patients, or clients of the public sector or private sector entity, and such entity has a legitimate business or governmental purpose in transporting such employees, patients, or clients; and such entity's primary business is not transportation of passengers by motor vehicle, as defined in s. 320.01. For the purpose of this subsection, a nonpublic sector bus is defined as a vehicle designed for carrying more than 10 passengers. A public transportation corridor consists of those public roads within one quarter mile of, and including, existing public transportation routes. Nothing contained in this subsection shall restrict local governmental entities from enacting necessary safety, insurance, and traffic ordinances.~~

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2, line 15, after the semicolon (;) insert: amending s. 341.102, F.S.; providing for the certification of private-sector contract transportation;

Senator Kurth moved the following amendments which were adopted:

Amendment 11—On page 34, strike all of lines 2-19 and insert:

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 ~~18~~ apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, as amended by the Intermodal Surface Transportation Efficiency Act of 1991, may also provide for M.P.O. members who represent municipalities to alternate on an annual basis with representatives from other municipalities within the designated urban area that do not have members on the M.P.O. County commission members shall compose not less than *one-third* ~~33 1/3 percent~~ of the M.P.O. membership, except for an M.P.O. with ~~no~~ more than 15 members located in a county with a five-member county commission *or an M.P.O. with 19 members located in a county with no more than 6 county commissioners*, in which case county commission members may compose less than *one-third* ~~33 1/3 percent~~ of the M.P.O. membership, but all ~~five~~ county commissioners *must shall* be members. All

Amendment 12—On page 35, line 12, strike "25" and insert: 20 25

Senator Weinstein moved the following amendment which was adopted:

Amendment 13 (with Title Amendment)—On page 62, between lines 4 and 5, insert:

Section 16. There is created within the Department of Transportation a commission to study the safety and security of railroad-highway grade crossings, including but not limited to, work zone safety standards, traffic control devices, and public education relating to hazardous intersections. The commission must consist of two senators appointed by the President of the Senate, two representatives appointed by the Speaker of the House of Representatives, and three members appointed by the Governor, one of whom must be a representative of the railroad industry, one of whom must be an employee of the Department of Transportation, and one of whom must be an employee of the Department of Highway Safety and Motor Vehicles. The commission must report its findings and recommendations to the Legislature and the Governor no later than 15 days before the beginning of the 1994 Legislative Session.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 15, after the second semicolon (;) insert: creating a study commission on railroad-highway grade crossing safety and security;

Senators Kiser and Sullivan offered the following amendment which was moved by Senator Kiser and adopted:

Amendment 14 (with Title Amendment)—On page 62, between lines 4 and 5, insert:

Section 16. Subsection (14) is added to section 325.207, Florida Statutes, to read:

325.207 Inspection stations; department contracts; inspection requirements; recordkeeping.—

(14) Any contract entered into by the department pursuant to this section may be amended by mutual consent of the parties, by a writing executed with the same degree of formality as the original contract.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 15, after the second semicolon (;) insert: amending s. 325.207, F.S.; allowing for the amendment of contracts;

On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB 1328** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, March 29, 1993: CS for SB 776, CS for SB 1278, SB 658, SB 2020, CS for SB 1174, CS for CS for SB 1606, CS for SB 2382, HB 875, SB 36, SB 364, CS for SB 828, SB 888, CS for SB 1692, CS for SB 1690, CS for SB 2008, SJR 1850, SB 1744, SB 580, SB 186, CS for SB 286, CS for SB 124, CS for SB 684, CS for SB 1166, SB 1648, SB 1412, CS for SB 1328, CS for SB 1024, CS for SB 592, SB 662, CS for CS for SB 402, CS for SB 758, SB 1014, SB 304, SB 646, SB 1912, CS for SB 1904, CS for SB 1672, SB 1654, CS for SB 1426, CS for SB 1484, CS for SB 548, CS for CS for SB 1186, SB 848, SB 850, SB 852, SB 854, HB 1307, HB 1309, HB 1311, HB 1313, HB 1315, HB 1317, HB 1319, HB 1321, HB 1323, HB 1325, HB 1327, HB 1329, HB 1331, HB 1333, HB 1335

Respectfully submitted,
Toni Jennings, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday afternoon, March 29, 1993: HB 1805, CS for CS for SB 1166, SB 1648, CS for SB 1174, CS for SB 2382, SB 1412, CS for SB 1328, CS for SB 1024, CS for SB 592, SB 662, CS for CS for SB 402, CS for SB 758, SB 1014, SB 304, SB 646, SB 1912, CS for SB 1904, CS for SB 1672, SB 1654, CS for SB 1426, CS for SB 1484, CS for SB 548, CS for CS for SB 1186, SB 848, SB 850, SB 852, SB 854, HB 1307, HB 1309, HB 1311, HB 1313, HB 1315, HB 1317, HB 1319, HB 1321, HB 1323, HB 1325, HB 1327, HB 1329, HB 1331, HB 1333, HB 1335

Respectfully submitted,
Toni Jennings, Chairman

The Committee on Education recommends the following pass: SB 1154

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

The Committee on Finance, Taxation and Claims recommends the following pass: SB 360 with 1 amendment

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

The Committee on Appropriations recommends the following pass: SJR 1370

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

The Committee on Finance, Taxation and Claims recommends the following pass: CS for HB 55, CS for HB 113, CS for HB 163, HB 275, SB 96 with 1 amendment, SB 474 with 1 amendment, SB 612, SB 676 with 1 amendment, SB 1548 with 1 amendment

The bills were placed on the calendar.

The Committee on Education recommends the following not pass: SB 1156

The bill was laid on the table.

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 1666

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

The Committee on Education recommends a committee substitute for the following: SB 1754

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

The Committee on Health Care recommends a committee substitute for the following: SB 1246

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

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 146, CS for CS for SB 398, CS for SB 516, CS for CS for SB 528, SB 1004, SB 1312, CS for CS for SB 1858, CS for SB 2038

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

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: CS for SB 1166

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

REPORTS OF SUBCOMMITTEES

The Select Subcommittee on Claims recommends favorably to the full committee the following: Senate Bills 96 with 1 amendment, 474 with 1 amendment, 612 and CS for HB 163

Charles Crist, Chairman
Select Subcommittee on Claims
Committee on Finance, Taxation and Claims

The Select Subcommittee on Claims recommends unfavorably to the full committee the following: Senate Bill 768

Charles Crist, Chairman
Select Subcommittee on Claims
Committee on Finance, Taxation and Claims

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

SR 2388 was introduced out of order and adopted March 18.

By Senator McKay—

SB 2390—A bill to be entitled An act relating to Manatee County; amending s. 10, ch. 90-420, Laws of Florida; postponing the expiration of ch. 90-420, Laws of Florida, relating to the licensing of gill nets in Manatee County saltwaters; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Boczar—

SB 2392—A bill to be entitled An act relating to the Englewood Water District in Charlotte County and Sarasota County; amending ss. 2(f), 4(c) and (d), 5, 10, and 22 of ch. 59-931, Laws of Florida, as amended; deleting the district's authority to issue general obligation bonds to be paid for by ad valorem taxes; deleting the district's authority to levy ad valorem taxes to retire bonded indebtedness; providing for payment of principal and interest on general obligation bonds from the proceeds of rates, fees, and charges for water and sewer services and from special assessments; prescribing referendum requirements for issuance of bonds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Senator Boczar—

SB 2394—A bill to be entitled An act relating to the Englewood Water District in Charlotte County and Sarasota County; amending s. 3(A), ch. 59-931, Laws of Florida, as amended, relating to the board of supervisors of the district; reducing the numbers of members on the board, each of whom resides in the election district from which elected; requiring the board to adopt revised election districts following notice and hearing; providing for periodic revision of the election districts by the board; providing requirements for implementing the reduction in membership of the board; providing for staggered terms of office; providing for the appointment of a person from the appropriate election district to fill a vacancy on the board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Senator Williams—

SB 2396—A bill to be entitled An act relating to the Nassau County Hospital Board; amending s. 9(3), ch. 21228, Laws of Florida, 1941, as amended; lowering the maximum millage that may be levied by the Nassau County Board of County Commissioners pursuant to the hospital board's budget request; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Burt—

SB 2398—A bill to be entitled An act relating to Volusia County; creating the "City of DeBary Charter"; providing for the corporate name and purpose of the Charter; establishing territorial boundaries of the municipality and authorizing annexations; providing powers of the municipality and of certain officers; providing for election of a City Council, including the Mayor and Vice Mayor, and providing for qualifications, powers, and duties of its membership, and a procedure for establishing their compensation and expense reimbursement; establishing circumstances which create vacancies in office and providing for filling vacancies and for forfeiture and recall; requiring independent financial audit; providing for Council meetings, rules, recordkeeping, and voting at meetings; providing for nominations, elections, and terms of office of the Mayor and Council;

dous waste as biomedical waste; amending s. 212.055, F.S.; expanding the uses of the local option sales tax to include certain solid waste landfill closures; amending s. 287.045, F.S.; deleting obsolete provisions; requiring the purchase of materials with recycled content under certain conditions; authorizing the Division of Purchasing and other state agencies to consider life-cycle costing when evaluating certain bids; requiring the Division of Purchasing to adopt certain rules; providing a price preference for materials or products that contain recycled Florida recovered materials; amending the definition of the term "recycled content"; requiring state agencies and others to procure products with recycled content, except as provided; amending ss. 316.003, 377.709, F.S.; conforming cross-references; amending s. 376.3071, F.S.; specifying additional conditions for entitlement to reimbursements for certain cleanup expenses; amending s. 381.006, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 381.0098, F.S.; redesignating biohazardous waste as biomedical waste; deleting exemptions from registration and fee requirements; amending s. 403.1834, F.S.; allowing landfill closures to be financed by certain bonds; amending s. 403.4131, F.S.; abolishing the Clean Florida Commission; amending s. 403.702, F.S.; redesignating biohazardous waste as biomedical waste; encouraging school districts and education facilities to participate in certain recycling programs; amending s. 403.703, F.S.; amending definitions pertaining to solid waste and resource recovery and management; prohibiting local governments from adopting definitions that are inconsistent with those in this section; amending s. 403.704, F.S.; redesignating biohazardous waste as biomedical waste; allowing certain funds to be used for composting programs; allowing the Department of Environmental Regulation to impose certain conditions on the disposal of solid waste, whether or not it is generated within this state; amending s. 403.7043, F.S.; providing for compost and mulch standards; deleting obsolete provisions; amending s. 403.7045, F.S.; redesignating biohazardous waste as biomedical waste; expanding an exemption from liability for unknowingly disposing of certain waste improperly; specifying materials exempt from regulation; creating s. 403.7046, F.S.; providing for regulation of certain recovered materials; providing for registration, reporting, and inspection; providing for fees; providing for rulemaking; providing for confidentiality for certain information received by the Department of Environmental Regulation; providing for review under the Open Government Sunset Review Act; amending s. 403.7049, F.S.; deleting an obsolete provision that established a deadline; amending s. 403.705, F.S.; correcting a cross-reference; changing the date by which certain reports must be prepared by the Department of Environmental Regulation; deleting certain obsolete provisions; amending s. 403.706, F.S.; directing a municipality to collect and transport solid waste to the solid waste facility operated by the county or under contract with the county in which the municipality is located; clarifying existing statutory authority; requiring steel cans to be separated from the waste stream; providing certain counties with an alternative to meeting solid waste reduction goals; requiring counties to consider composting plans; specifying goals for reducing solid waste; providing guidelines for calculating solid waste reduction; providing that innovative programs for uses of yard trash or of wood that is construction and demolition debris may qualify as a credit toward the waste reduction goal; requiring counties to provide a description of the progress made toward implementing a composting program; encouraging all counties or municipalities to enact such ordinances; encouraging counties or municipalities to ensure that solid waste programs are separate enterprises and that user fees are sufficient to completely support the program; encouraging counties or municipalities that provide solid waste collection services to charge fees based upon the volume or weight of solid waste that is collected from each user; providing one-time incentive grants to counties or municipalities; deleting obsolete provisions; amending s. 403.7065, F.S.; specifying when state agencies must use products with recycled content; amending the definition of the term "recycled content" to include steel and plastics; amending s. 403.707, F.S.; redesignating biohazardous waste as biomedical waste; revising permitting requirements for solid waste management facilities; revising exemptions; revising criteria for denying a permit; requiring an application for a solid waste management facility permit to contain certain affirmations that the proposed facility is in compliance with local zoning requirements and the local comprehensive plan; allowing certain materials to be disposed of by open burning, prohibiting the Department of Environmental Regulation from permitting the expansion of certain solid waste disposal facilities; deleting an obsolete provision; amending s. 403.708, F.S.; redesignating biohazardous waste as biomedical waste; describing the triangle that must appear on certain plastic labels; exempting plastic casings for lead-acid batteries from certain labeling requirements; substituting the term "PETE" for "PET"; prohibiting the regulation of packaging under certain circum-

stances; amending s. 403.7084, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 403.709, F.S.; providing for certain research and demonstration projects to be funded from the Solid Waste Management Trust Fund; providing for a portion of the account that consists of waste tire fees to be allocated to local mosquito control agencies for mosquito control at specified sites; amending s. 403.7095, F.S.; requiring the Department of Environmental Regulation to consider the progress made by the local government in meeting solid waste requirements when determining whether to continue, eliminate, or place conditions on certain grants to the local government; requiring a county or municipality to demonstrate on grant application how money will be used for recycling at both single-family and multifamily dwellings; requiring that certain information be contained in a grant application regarding the use of the private sector in recycling; revising criteria for grants to certain small counties; deleting obsolete provisions; amending s. 403.7125, F.S.; allowing certain revenues to be deposited into the appropriate solid waste fund of a local government under certain conditions; preserving certain obligations of a landfill owner or operator; amending s. 403.713, F.S.; providing for ownership and control of certain recovered materials; amending s. 403.714, F.S.; deleting obsolete provisions; allowing the Legislature, state agencies, and the judicial branch to use proceeds from sale of recyclable materials in certain ways; requiring state agencies, and other persons in certain circumstances, to use compost products; requiring the Department of Agriculture and Consumer Services to report certain information regarding compost products; providing other duties of the Department of Agriculture and Consumer Services; amending s. 403.717, F.S.; revising certain definitions relating to waste tires; requiring certain persons to maintain certain records; providing for fees; creating s. 403.7184, F.S.; providing certain requirements for consumers, manufacturers, and sellers of certain batteries; providing penalties; providing for the state to recover reasonable administrative expenses, court costs, and attorneys' fees incurred in an action to enforce this section; amending s. 403.719, F.S.; requiring an annual report on the uses of funds from waste-tire grant funds; deleting an obsolete provision; amending s. 403.7195, F.S.; increasing the product waste disposal fee on newsprint, and the credits against the fee, under certain conditions; providing for rescinding the fee under certain conditions; providing goals for minimum recycled fiber content for newsprint and allowing the department to adjust the goals; amending s. 403.727, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 483.615, F.S.; redesignating biohazardous waste as biomedical waste; providing for use of the terms "biohazardous" and "biohazard" under certain circumstances; requiring hospitals to conduct a study and report to the Department of Environmental Regulation; repealing s. 403.7145, F.S., relating to the Capitol recycling demonstration area; repealing s. 403.7198, F.S., relating to container deposits; providing certain responsibilities for Keep Florida Beautiful, Inc.; repealing s. 403.708(10), F.S., relating to degradable plastic bags; establishing a phosphogypsum management program; providing an appropriation; authorizing Enterprise Florida to contract with a manufacturer of plastic products with recycled content which can be sold to the state; providing for certain offices and departments to participate in a venture through Enterprise Florida; providing objectives of the venture; providing limitation for the term of the venture; providing for a report; providing an appropriation to the Department of Environmental Regulation to be used for a grant program relating to recycling aseptic packaging; providing a finding of an important state interest; providing effective dates.

By the Committee on Appropriations and Senator Jenne—

CS for SB 1004—A bill to be entitled An act relating to coin-operated amusement machines; amending s. 212.05, F.S.; revising the rate of the tax imposed on the charges for the use of coin-operated amusement machines; requiring that an identifying device issued by the department or county tax collector be affixed to each amusement machine; imposing an annual fee for such devices; providing additional reporting requirements; amending s. 212.12, F.S.; requiring taxpayers to report sales made through coin-operated amusement machines and other information; amending s. 212.20, F.S.; providing for disposition of the proceeds of the annual fee for coin-operated amusement machine identifying devices; providing effective dates.

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

CS for CS for SB 1166—A bill to be entitled An act relating to planning and growth management; amending s. 163.3161, F.S.; providing additional legislative intent with respect to the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 163.3164, F.S.; providing definitions; amending ss. 186.515, 369.303, F.S.; correcting references; amending s. 163.3167, F.S.; providing that local governments are encouraged to articulate a vision of the future of their communities as part of their comprehensive plans; amending s. 163.3177, F.S.; revising requirements relating to the housing element of comprehensive plans; providing for affordable housing needs assessments; revising requirements relating to the intergovernmental coordination element; providing additional requirements for that element and providing for implementation; providing duties of the state land planning agency; requiring a transportation element for certain local governments and providing requirements with respect thereto; specifying financial incentives available to local governments that adopt an economic element; providing duties of the agency regarding land use issues in the vicinity of airports; encouraging certain local governments to adopt hazard mitigation/post-disaster redevelopment plans and providing for grants to assist in developing these plans; requiring certain rules to be submitted to the Legislature; amending s. 163.3178, F.S.; revising requirements relating to the coastal management element; providing requirements relating to disposal sites for dredged materials; creating s. 163.3180, F.S.; specifying the facilities and services subject to the concurrency requirement on a statewide basis and providing requirements with respect thereto; authorizing local governments to extend the requirement to other facilities; restricting establishment of binding level of service standards by certain governmental entities; specifying application of concurrency requirements to public facilities; providing for granting exceptions to the transportation concurrency requirement; providing for guidelines for granting those exceptions; defining a de minimis impact and providing for methodologies that encourage such an impact; providing for designating transportation concurrency management areas; providing for assessing the transportation impacts of certain proposed urban redevelopment; providing for adopting long-term transportation concurrency management systems as part of the local plan; providing guidelines for level-of-service standards; providing for a local government to allow a landowner to develop his land, despite a failure to satisfy transportation concurrency, as specified; amending s. 163.3184, F.S., which provides the process for adoption of comprehensive plans or plan amendments; revising requirements relating to transmittal of proposed plans or amendments by local governments, and state land planning agency, intergovernmental, and regional and county review; revising restrictions on the state land planning agency's authority to find a plan or plan amendment not in compliance; providing for disposition of funds withheld as a sanction for noncompliance; limiting imposition of sanctions; amending s. 163.3187, F.S.; providing requirements for amendment of comprehensive plans; amending s. 163.3189, F.S.; specifying the procedure for amendment of a plan which has been found to be in compliance; amending s. 163.3191, F.S.; providing additional requirements regarding periodic evaluation and appraisal reports and related plan amendments; revising times for submission of reports; providing for sufficiency reviews; authorizing delegation of review of reports to regional planning councils; providing conditions for imposition of sanctions; authorizing certain local governments to focus planning resources on selected issues when updating their plans and providing requirements with respect thereto; providing for incorporation of interagency hazard mitigation reports; amending s. 163.3202, F.S.; providing requirements relating to land development regulations which implement certain requirements of the intergovernmental coordination element; amending s. 171.031, F.S.; defining "enclave"; amending s. 171.0413, F.S.; revising provisions relating to annexation; amending procedures relating to a referendum on annexation; amending s. 171.062, F.S.; amending provisions specifying the continuing applicability of county regulations to an area annexed by a municipality; creating s. 171.046, F.S.; providing for municipal annexation of enclaves; amending s. 186.002, F.S.; providing findings and intent relating to state planning; amending s. 186.003, F.S.; providing definitions; amending s. 186.004, F.S.; revising provisions relating to the Governor's duties as chief planning officer; authorizing creation of a State Planning Board; amending s. 186.007, F.S.; including objectives within the state comprehensive plan; providing requirements for revision of the plan; amending s. 186.008, F.S.; designating the plan as the state planning document and providing for biennial revision; creating s. 186.009, F.S.; directing the Executive Office of the Governor to prepare a strategic

growth and development plan; providing for review by the Administration Commission and adoption by the Legislature; providing for revision of the plan; amending ss. 186.021, 186.022, F.S.; specifying the relationship of state agency strategic plans and the strategic growth and development plan; amending s. 186.502, F.S.; providing findings regarding regional planning councils; amending s. 186.503, F.S.; providing definitions; amending s. 186.504, F.S.; revising provisions relating to membership of the councils; amending s. 186.505, F.S.; providing additional powers of the councils; amending s. 186.506, F.S.; providing for revision of the boundaries of comprehensive planning districts; amending s. 186.507, F.S.; providing for strategic regional policy plans to be adopted by the councils and providing requirements with respect thereto; providing status of standards included therein; limiting establishment of binding level of service standards by the councils; amending s. 408.033, F.S., to conform; amending s. 186.508, F.S.; providing requirements for plan adoption; amending s. 186.509, F.S.; directing each council to establish a dispute resolution process; amending s. 419.001, F.S., to conform; amending s. 186.511, F.S.; providing requirements for evaluation of plans; repealing s. 1(3), ch. 92-182, Laws of Florida, which provides for review and repeal of the Florida Regional Planning Council Act; amending s. 193.501, F.S.; revising provisions that provide for assessment of environmentally endangered land or land used for outdoor recreational or park purposes when land development rights have been conveyed or conservation restrictions covenanted; including land for which a conservation easement is conveyed; authorizing conveyance to or covenant with any public agency or a charitable corporation or trust; revising provisions relating to conveyance of development rights; amending s. 201.15, F.S.; revising amounts of taxes collected under ch. 201, F.S., that must be transferred to the Land Acquisition Trust Fund; amending s. 336.025, F.S.; providing for an additional local option tax on motor fuel; providing for imposition by referendum; providing for the use of funds; providing for distribution of funds; amending s. 235.193, F.S.; providing a procedure for resolving disputes relating to school siting; creating s. 240.155, F.S.; requiring the Board of Regents to prepare a campus master plan for each institution under its jurisdiction; prescribing requirements for the plans; providing for amendment of the plans; requiring the Board of Regents to enter into campus development agreements with units of local government within which universities are located or which are affected by the universities; prescribing requirements for the agreements; specifying responsibility for costs of certain improvements; providing for amendment of the agreements; providing for resolution of disputes; providing relationship to other comprehensive planning requirements; providing for use of funds appropriated for campus construction projects; amending s. 253.023, F.S.; providing additional purposes for which lands may be acquired with moneys in the Conservation and Recreation Lands Trust Fund; amending s. 259.035, F.S.; providing additional duties of the Land Acquisition Advisory Council; amending s. 259.101, F.S.; revising legislative intent regarding issuance of bonds to implement the Florida Preservation 2000 Act; providing additional criteria for acquisition of coastal lands under the act; amending s. 288.063, F.S.; providing for preference in Division of Economic Development transportation project contracts to local governments that have adopted an economic element as part of their comprehensive plans; amending s. 336.021, F.S.; removing the referendum requirement for levy of the ninth-cent gas tax and authorizing levy by extraordinary vote of the county governing body; directing the Department of Transportation and the Department of Community Affairs to develop a model Transportation Corridor Protection Ordinance and recommend guidelines regarding land use near airports; amending s. 380.05, F.S.; revising requirements relating to the state land planning agency's recommendations regarding areas of critical state concern; revising requirements regarding the rule designating such an area; providing additional requirements for repeal of a rule; providing duties of state agencies with rulemaking authority for programs that affect such areas; amending s. 380.0555, F.S.; revising the Apalachicola Bay Area Protection Act; providing procedures for removal of parts of the area from designation as an area of critical state concern; amending s. 380.06, F.S., relating to developments of regional impact; providing for increases in statewide guidelines and standards applicable to certain areas in jurisdictions whose comprehensive plans are in compliance and to certain hotel and resort facilities in certain areas; revising conditions under which a developer may request a determination from the state land planning agency; providing circumstances in which changes do not divest certain vested rights; providing for expedited review; limiting requests for additional information by the regional planning agency under certain conditions; specifying time limits for holding a public hearing under certain conditions; revising requirements relating to the regional planning agency's report and recommendations; providing requirements for adop-

tion of rules by the state land planning agency and eliminating adoption of rules by regional planning agencies; clarifying that abandonment orders shall not be conditioned upon contributions where there is no existing development and the owner or developer does not propose a development; providing for termination of the development-of-regional-impact program in certain jurisdictions; authorizing continued participation by certain local governments; amending s. 380.061, F.S.; restricting Florida Quality Developments to jurisdictions where the development-of-regional-impact program has not been terminated; amending s. 380.07, F.S.; revising duties of regional planning agencies regarding appeals to the Florida Land and Water Adjudicatory Commission; providing for appeal of development orders in jurisdictions that have terminated development-of-regional-impact review; amending s. 380.11, F.S.; providing for judicial and administrative remedies with respect to projects that would have been required to undergo development-of-regional-impact review but for termination of such review; amending s. 380.205, F.S.; defining "coastal zone"; amending s. 380.21, F.S.; providing legislative intent regarding acquisition of coastal lands; amending s. 380.22, F.S.; providing duties of the Department of Community Affairs regarding such acquisition; providing criteria; amending s. 380.31, F.S.; revising membership of the Coastal Resources Interagency Management Committee and providing for an executive committee thereof; amending s. 380.32, F.S.; providing additional duties of the Coastal Resources Interagency Management Committee; amending s. 380.502, F.S.; revising intent regarding duties of the Florida Communities Trust; amending s. 259.101, F.S., the Florida Preservation 2000 Act; providing purposes of the Florida Communities Trust program; providing a deadline for identifying a funding source; deleting obsolete language; providing purposes for which Preservation 2000 funds may be spent; amending s. 380.503, F.S.; providing definitions; amending ss. 380.504, 380.505, F.S., relating to the Florida Communities Trust; revising the membership of the governing body of the trust; deleting obsolete language; providing for gubernatorial appointments; providing requirements for a quorum; amending s. 380.507, F.S.; revising powers of the trust; amending s. 380.508, F.S.; providing criteria for the project-application process; amending s. 380.510, F.S.; revising provisions to the reversion of title to land for certain violations; repealing ss. 380.509, 380.512(6), F.S., relating to duties and activities pertaining to the trust which have already been performed; amending s. 380.511, F.S.; providing additional authorized expenditures from the Florida Communities Trust Fund; amending s. 403.0891, F.S.; directing the Departments of Environmental Regulation and Community Affairs to develop a model stormwater management program; amending s. 704.06, F.S.; revising the definition of "conservation easement"; revising the types of charitable corporations or trusts that may acquire such easements; specifying that recording an easement entitles the owner to revaluation of the property; providing for the enforcement of rights held by the holder of an easement; relieving the holder of potential liability, as specified; amending s. 823.14, F.S.; providing an additional condition under which a farm operation does not become a nuisance; directing the state land planning agency to make certain recommendations regarding the development-of-regional-impact program; directing the Governor to establish a task force to make recommendations regarding the relationship between water and land planning; directing the Coastal Resources Interagency Management Committee to study and prepare recommendations on coastal management funding and to report to the Governor and the Legislature; directing the state land planning agency to study the cost to local governments of certain amendments contained in the act and make recommendations with respect thereto; requiring reports; directing that changes in terminology in the Florida Statutes be made; providing effective dates.

By the Committee on Health Care and Senator Foley—

CS for SB 1246—A bill to be entitled An act relating to human immunodeficiency virus; amending s. 240.2097, F.S.; requiring state universities to create an AIDS awareness program; amending s. 240.3192, F.S.; requiring community colleges to create an AIDS awareness program; amending s. 381.0035, F.S.; requiring certain AIDS education courses to include information on protocols and procedures; amending s. 381.0039, F.S.; including the Department of Corrections in an interagency AIDS education oversight agreement; requiring establishment of an interagency committee to develop a curriculum for AIDS education programs; amending s. 381.004, F.S.; permitting personnel working with developmentally disabled persons to have access to HIV test results; directing the Department of Health and Rehabilitative Services to develop a protocol for routinely offering HIV testing; amending s. 384.25, F.S.; requiring certain reporting by laboratories and physicians; requiring all physicians

to inform HIV positive patients about assistance with partner notification; amending s. 627.411, F.S.; requiring insurance forms to state Florida's policy with regard to insurance coverage for AIDS; amending s. 627.429, F.S.; prohibiting insurance companies from disclosing whether a person has refused testing, been tested, or refused to release test results for HIV; amending s. 760.50, F.S.; clarifying provisions relating to discrimination on the basis of HIV infection; revising provisions with respect to right of action for violations; creating a statewide AIDS health insurance continuation program; creating a pediatric AIDS task force; authorizing the State Health Officer to establish a clean needle and syringe exchange demonstration project; requiring pharmacies to sell latex condoms; requiring the Department of Health and Rehabilitative Services to promote the availability of condoms in public restrooms; providing an effective date.

By the Committee on Appropriations and Senators Childers, Kirkpatrick, Harden, Williams, Forman, Beard, Jenne, Thomas, Casas, Jennings, Grogan, Myers and Weinstein—

CS for SB 1312—A bill to be entitled An act relating to persons with disabilities; establishing the Commission for Persons with Disabilities in the Department of Legal Affairs; providing duties relating to the federal Americans with Disabilities Act; providing for development of a statewide long-range plan; providing for appointment and removal of members; providing for terms, and for officers, providing for meetings, an executive director, staff, a budget, funding, per diem and travel expenses, and committees; requiring an annual report; amending ss. 316.193, 327.35, F.S.; imposing additional fines under these sections; providing that the proceeds from these fines must be deposited into the Impaired Drivers and Speeders Trust Fund, to be expended for spinal cord injury care and head injury care; amending s. 413.613, F.S.; providing a continuing appropriation to fund the Commission for Persons with Disabilities; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senators Johnson and Grogan—

CS for SB 1666—A bill to be entitled An act relating to elections; amending s. 99.095, F.S.; providing limitations to use of alternative method of qualifying; amending s. 99.0955, F.S.; providing primary ballot access to independent candidates; providing dates for obtaining forms; providing for voting by all qualified electors in first primary to nominate an independent candidate when more than one independent candidate qualifies for an office; providing that the name of the independent candidate who gets the most votes in the primary election will be placed on the general election ballot; providing for grouping the names of independent candidates on the first primary ballot; amending s. 101.5606; to conform; amending s. 106.011, F.S.; redefining the term "independent expenditure"; exempting land trusts from definitions of "political committee" and "person"; amending s. 106.03, F.S.; requiring additional information required in political committee statements of organization; amending s. 106.04, F.S.; deleting an assessment on contributions which has been declared unconstitutional; increasing the fine for late filing of reports by committees of continuous existence; amending s. 106.07, F.S.; expanding campaign reporting requirements; deleting an assessment on contributions which has been declared unconstitutional; revising filing deadline requirements; increasing fines for late filing; providing penalties; amending s. 106.071, F.S.; expanding disclosure requirements on independent expenditures; providing penalties; amending s. 106.08, F.S.; prohibiting contributions by landtrusts; creating s. 106.083, F.S.; prohibiting legislators from soliciting or accepting campaign contributions during any regular session; providing certain additional campaign contribution reporting requirements covering special sessions and the period from qualifying to the general election; providing penalties; amending s. 106.141, F.S.; eliminating the disposition of campaign funds to the candidate's political party; amending s. 106.19, F.S.; providing penalties applicable to receipt of unlawful campaign contributions; reenacting s. 106.18(1), F.S., relating to omitting a candidate's name from the ballot, to incorporate the amendment to s. 106.19, F.S., in a reference thereto; amending s. 106.21, F.S.; revising cross-references to conform; amending s. 106.265, F.S.; increasing the civil penalty for violations of campaign financing law; amending s. 106.29, F.S.; deleting an assessment on contributions which has been declared unconstitutional; prohibiting national executive committees of political parties from using or expending for an election contributions received within a specified period prior to that election; repealing

s. 106.32(3), F.S., relating to deposit into the Election Campaign Financing Trust Fund of the proceeds of certain assessments on contributions which have been declared unconstitutional; providing severability; providing an effective date.

By the Committee on Education and Senators Thomas, Williams and Kirkpatrick—

CS for SB 1754—A bill to be entitled An act relating to the State University System; creating s. 240.155, F.S.; requiring the Board of Regents to prepare a campus master plan for each institution under its jurisdiction; prescribing requirements for the plans; providing for amendment of the plans; requiring the Board of Regents to enter into campus development agreements with units of local government within which universities are located or which are affected by the universities; prescribing requirements for the agreements; specifying responsibility for costs of certain improvements; providing for amendment of the agreements; providing for resolution of disputes; providing relationship to other comprehensive planning requirements; providing for use of funds appropriated for campus construction projects; providing an effective date.

By the Committees on Appropriations; 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 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 Committees on Appropriations and Criminal Justice and Senator Meadows—

CS for CS for SB 2038—A bill to be entitled An act relating to criminal justice standards and training; amending s. 943.11, F.S.; increasing the membership of the Criminal Justice Standards and Training Commission; requiring the Governor to take certain action regarding the composition of such commission; amending s. 943.12, F.S.; providing duties of the commission relating to officer certification examinations; amending s. 943.13, F.S.; revising officers' minimum qualifications relating to basic training and the certification examination, and reenacting s. 943.173(2), F.S., relating to examinations, to incorporate said amendment in a reference thereto; amending s. 943.131, F.S.; revising provisions relating to temporary employment or appointment and training exemption, and reenacting ss. 258.024(1)(a)2., 626.989(7), F.S., relating to park officers and insurance fraud investigators, to incorporate said amendment in a reference thereto; amending s. 943.133, F.S.; revising duties of the employing agency and authorizing electronic transmission of documents; amending s. 943.135, F.S.; providing duties of the employing agency and authorizing electronic transmission of documents; amending s. 943.139, F.S.; providing duties of the employing agency and authorizing electronic transmission of documents; amending s. 943.1395, F.S.; providing additional standards for reemployment or reappointment; creating s. 943.1397, F.S.; providing for officer certification examinations and examination fees; amending s. 943.14, F.S.; requiring criminal justice training courses to meet certain requirements; amending s. 943.16, F.S.; authorizing employing agencies to pay certain examination fees; amending s. 943.17, F.S.; requiring job-related officer certification examinations for each discipline; amending s. 943.25, F.S.; providing that officer certification examination fee revenues remain in the Criminal Justice Training Trust Fund; creating s. 943.125, F.S.; expressing legislative direction and intent; requiring a report regarding feasibility and development status of a law enforcement agency accreditation program; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 138, Senate Bills 170 and 222, which he approved on March 9, 1993.

The Governor advised that he had filed with the Secretary of State CS for SB 460, which became law without his signature on March 10, 1993.

The Governor advised that he had filed with the Secretary of State SB 206, which he approved on March 24, 1993.

The Governor advised that he had filed with the Secretary of State Senate Bills 150, 196, CS for SB's 200 and 300, CS for SB 276, Senate Bills 948 and 1200, which he approved on March 26, 1993.

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 61, HB 127, HB 273, CS for HB 277, CS for HB 335, CS for HB 469, CS for HB 477, CS for HB's 505 and 959, HB 519, CS for HB 569, HB 683, CS for HB 831, CS for HB 835, CS for HB 843, CS for HB 885, HB 963, HB 1001, HB 1089, CS for HB 1185, CS for HB 1187, CS for HB 1259, CS for HB 1269, CS for HB 1343, CS for HB 1391, CS for HB 1485, CS for HB 1521, HB 1545, HB 1561, CS for HB 1647, CS for HB 1659, CS for HB 1685, CS for HB 1689, CS for HB 1703, HB 2077, HB 2081, HB 2141, HB 2245, HB 2247, HB 2275, HB 2277, HB 2283; has passed as amended CS for HB 31, CS for HB 83, CS for HB 105, CS for HB 153, CS for HB 171, CS for HB 195, HB 201, CS for HB 215, CS for HB 281, HB 423, CS for HB 491, HB 541, CS for HB 659, CS for HB 661,

HB 689, CS for HB 699, CS for HB 749, CS for HB 751, HB 785, CS for HB 791, CS for HB 803, CS for HB 807, CS for HB 891, CS for HB 907, CS for HB 913, CS for HB 933, CS for HB 1017, CS for HB 1029, CS for HB 1115, CS for HB 1159, CS for HB 1197, CS for HB 1199, CS for HB 1207, HB 1217, CS for HB 1221, HB 1247, CS for HB 1273, CS for HB 1295, CS for HB 1449, CS for HB 1499, CS for HB 1699, CS for HB 1741, HB 1817, CS for HB 1893, HB 1903, HB 1925, CS for HB 1979, HB 1987, CS for CS for HB 2013, HB 2059, HB 2071, HB 2115, HB 2127, HB 2149, HB 2155, CS for HB 2233, HB 2261, CS for HB 2263, HB 2271, HB 2311; has adopted as amended CS for HM 847 and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

CS for HB 61—A bill to be entitled An act relating to criminal justice standards and training; creating s. 943.1759, F.S.; requiring the Criminal Justice Standards and Training Commission to implement curricula revision for basic recruit training programs and continued employment training requirements which relate to dealing with mentally ill persons, drug-impaired persons, and alcohol-impaired persons; requiring the commission to appoint a task force to advise it in the review and revision process; providing an effective date.

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

By Representative Rayson and others—

HB 127—A bill to be entitled An act relating to vehicular accidents that result in death or personal injury; amending s. 316.027, F.S.; increasing the penalty imposed on a driver who fails to stop and remain at the scene of such accident if the accident results in a death; providing an effective date.

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

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

HB 273—A bill to be entitled An act relating to the Motion Picture, Television, and Recording Industry Advisory Council; repealing s. 20.17(3), F.S., relating to creation of the council, pursuant to scheduled Sundown repeal; amending s. 288.03, F.S., to conform; providing an effective date.

—was referred to the Committee on International Trade, Economic Development and Tourism.

By the Committee on Judiciary and Representatives Sembler and Posey—

CS for HB 277—A bill to be entitled An act for the relief of R.M., a single woman; providing that, notwithstanding the provisions of s. 960.01, F.S., the Department of Legal Affairs may review her claim for victim's compensation; providing an effective date.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

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

CS for HB 335—A bill to be entitled An act relating to delinquent tax payments; amending s. 213.67, F.S.; directing the Department of Revenue to submit information relating to delinquent taxpayers to the Comptroller; authorizing the Comptroller to withhold payment to such persons or businesses providing commodities or services to the state, leasing real property to the state, or constructing public buildings or public works for the state; authorizing the department to levy upon such with-

held payments; providing for suspension of the provisions of s. 215.422, F.S.; providing an effective date.

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

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

CS for HB 469—A bill to be entitled An act relating to pharmacy; amending s. 465.0125, F.S.; providing additional duties of consultant pharmacists; providing restrictions; providing an effective date.

—was referred to the Committees on Professional Regulation and Health Care.

By the Committee on Judiciary and Representative Arnall—

CS for HB 477—A bill to be entitled An act relating to Dade County; providing for the relief of Ardena R. Newry, as personal representative of the estate of Cyprian Newry, deceased, and Kijana Newry, Toyelle Newry, Cypriana Newry, Cyprian Newry, and Tryon Newry, children of Cyprian Newry, deceased, for injuries sustained as a result of the negligence of Public Health Trust of Dade County, d.b.a. Jackson Memorial Hospital; providing for payment by the Public Health Trust of Dade County, d.b.a. Jackson Memorial Hospital; providing an effective date.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Business and Professional Regulation; and Representatives Starks and Safley—

CS for HB's 505 and 959—A bill to be entitled An act relating to the Public Service Commission; amending s. 350.0605, F.S.; prohibiting certain employment by former members of the Florida Public Service Commission; providing for prospective application; providing an effective date.

—was referred to the Committees on Commerce; and Executive Business, Ethics and Elections.

By Representative Bullard—

HB 519—A bill to be entitled An act relating to education; amending s. 232.2462, F.S.; providing student requirements relating to the awarding of credits for full-year courses; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Agriculture and Consumer Services; and Representative Pruitt—

CS for HB 569—A bill to be entitled An act relating to chemical standards; amending s. 501.916, F.S.; clarifying criteria for mislabeled antifreeze; repealing s. 501.918(6), F.S., relating to use of the term "ethylene glycol"; amending s. 501.921, F.S.; authorizing certain rules of the Department of Agriculture and Consumer Services to contain certain standards or specifications; amending s. 525.037, F.S.; making it unlawful to sell or distribute certain petroleum fuel; creating s. 531.415, F.S.; establishing certain fees for certain purposes; providing for payment and deposit of such fees; repealing s. 20.13(2)(d), F.S., relating to the Division of Liquefied Petroleum Gas in the Department of Insurance; amending s. 527.01, F.S.; redefining department to be the Department of Agriculture and Consumer Services; transferring the powers, duties, records, personnel, property, and certain funds of the Division of Liquefied Petroleum Gas to the Department of Agriculture and Consumer Services; providing effective dates.

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

By Representative Logan and others—

HB 683—A bill to be entitled An act relating to African-American affairs; creating s. 14.27, F.S.; establishing the Florida Commission on African-American Affairs; providing for membership, terms, and organization; providing duties, including an ongoing study and an annual report; authorizing the commission to receive funds and other assistance; providing for review and repeal; providing an appropriation; providing an effective date.

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

By the Committee on Transportation and Representative Eggleton and others—

CS for HB 831—A bill to be entitled An act relating to turnpike projects; amending s. 338.223, F.S.; revising language with respect to proposed turnpike projects concerning the environmental feasibility of the proposed project as reviewed by the Department of Environmental Regulation; revising notice requirements; providing an effective date.

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

By the Committee on Education and Representative Eggleton and others—

CS for HB 835—A bill to be entitled An act relating to educational facilities; amending s. 200.065, F.S.; revising information that school boards must include in advertisements of proposed tax increases; amending s. 235.056, F.S.; revising provisions relating to lease and lease-purchase of educational facilities and sites; providing inspection and review requirements; requiring correction of deficiencies; providing for funding; amending s. 236.25, F.S.; revising provisions relating to use of district school tax for capital outlay purposes; providing an effective date.

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

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

CS for HB 843—A bill to be entitled An act relating to optometry; amending s. 463.002, F.S.; revising the definition of the term “licensed practitioner”; requiring all licensed practitioners to be certified optometrists after a specified date; amending s. 463.0055, F.S., relating to administration and prescription of topical ocular pharmaceutical agents; deleting certification and related fee provisions; amending s. 463.0057, F.S.; correcting a cross reference; amending s. 463.006, F.S., relating to licensure by examination; including certification and related fee requirements; amending s. 463.007, F.S.; revising continuing education requirements to require certain coursework; amending s. 463.014, F.S.; eliminating an exemption for optometric service plan corporations relating to employment of licensed practitioners by corporations or labor organizations; providing an effective date.

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

By the Committee on Judiciary and Representatives Hafner and Tobin—

CS for HB 885—A bill to be entitled An act relating to guardianship; creating s. 744.3679, F.S.; providing simplified accounting procedures in certain cases; providing that clerks of circuit courts are not responsible for auditing the accountings eligible for simplified procedures and may receive no fee; amending s. 1(7), (3), (10), ch. 91-306, Laws of Florida; specifying the date by which the Guardianship Oversight Board is to submit its final report and the date on which the board is to expire; providing an effective date.

—was referred to the Committee on Judiciary.

By Representatives Sanderson and Ritchie—

HB 963—A bill to be entitled An act relating to juvenile justice estimating conferences; amending s. 216.136, F.S.; establishing the Juvenile Justice Estimating Conference and providing duties and principals; amending s. 216.133, F.S., relating to the definitions of “consensus estimating conference,” to conform; providing an effective date.

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

By Representative Brown and others—

HB 1001—A bill to be entitled An act relating to the Sarasota-Manatee Airport Authority; providing for the relief of Laurence Wallenstein, widow of Frank Colton Wallenstein, and Jennifer Wallenstein, Melanie Wallenstein, and Leif Wallenstein, children of Frank Colton Wallenstein, to permit the Sarasota-Manatee Airport Authority to compensate them for the death of Frank Colton Wallenstein by providing them with a death benefit equal to the benefit credited to Frank Colton Wallenstein under the Sarasota-Manatee Airport Authority retirement plan as of the time of his death; providing an appropriation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By Representative Thrasher—

HB 1089—A bill to be entitled An act relating to impaired practitioners; amending s. 455.261, F.S.; providing immunity from discovery in civil actions for information on impaired practitioners obtained from consultants and treatment providers under impaired practitioner programs; providing applicability; providing an effective date.

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

By the Committee on Judiciary and Representative Hill and others—

CS for HB 1185—A bill to be entitled An act relating to child custody; creating ss. 751.01-751.05, F.S.; providing definitions; creating an action for temporary custody of a minor child by family members, including putative fathers, setting forth the requirements of the petition for temporary custody, specifying notice requirements, setting forth the terms of an order granting temporary custody; amending s. 49.011, F.S.; providing service of process in temporary custody proceedings; providing an effective date.

(Substituted for **CS for SB 684** on the Special Order Calendar this day.)

By the Committee on Community Affairs and Representative Geller—

CS for HB 1187—A bill to be entitled An act relating to recreation districts; amending s. 418.21, F.S.; providing that the board of supervisors of a recreation district may have more than five members; providing for the establishment of designated geographical areas and for representation of those areas; amending s. 418.22, F.S.; providing that recreational facilities may be made available exclusively for district residents and property owners under certain circumstances; providing for restricting access; providing for determination of applicability of certain criteria prior to adoption or amendment of a charter; providing for security buildings and other structures; amending s. 418.24, F.S.; providing for an additional finding in a charter of a recreation district regarding availability of recreational facilities; providing an effective date.

—was referred to the Committee on Community Affairs.

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

CS for HB 1259—A bill to be entitled An act relating to vessels; amending s. 370.12, F.S.; providing that certain violations with respect to manatees shall be charged on uniform boating citations; providing that the violation of certain manatee-related speed limits be a noncriminal infraction; providing a penalty for refusal to accept and sign a uniform boating citation; amending s. 327.73, F.S.; revising language; providing a civil penalty for violation of certain speed limits; providing a penalty for failure to appear or otherwise respond to a uniform boating citation; increasing a civil penalty; providing an effective date.

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

By the Committee on Judiciary and Representative Burke and others—

CS for HB 1269—A bill to be entitled An act relating to the Florida Residential Landlord and Tenant Act; amending s. 83.46, F.S.; revising language with respect to duration of tenancies; amending s. 83.49, F.S.; revising language with respect to deposit money or advance rent; providing for the effect of compliance; amending s. 83.51, F.S.; revising language with respect to the landlord's obligation to maintain the premises; amending s. 83.53, F.S.; defining the term "reasonable notice" with respect to the landlord's access to the dwelling unit; amending s. 83.535, F.S.; requiring tenants to carry flotation insurance under certain circumstances; amending s. 83.56, F.S.; revising language with respect to termination of the rental agreement; providing an exception; amending s. 83.60, F.S.; revising language with respect to notice concerning defenses to an action for rent or possession; providing an exception; creating s. 83.681, F.S.; providing for orders to enjoin violations of the Florida Residential Landlord and Tenant Act; amending s. 34.011, F.S.; authorizing county courts to issue injunctions with respect to the act; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Natural Resources and Representatives Couch and Rudd—

CS for HB 1343—A bill to be entitled An act relating to aquifer protection; providing a definition; creating the Geneva Freshwater Lens Task Force; providing for membership; providing for meetings of the task force; requiring the task force to report to the Legislature; providing for agencies to cooperate with the task force; providing for travel expenses and per diem; requiring the St. Johns River Water Management District to provide administrative and fiscal support to the task force; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Governmental Operations.

By the Committee on Tourism and Economic Development; and Representative Bullard—

CS for HB 1391—A bill to be entitled An act relating to the arts; amending s. 265.286, F.S.; providing requirements for cultural organizations applying for state funding under specified grant programs to receive preference for minority participation; providing for submission of a minority participation plan for both artists and audiences and for plan assessment criteria; providing an effective date.

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

By the Committee on Insurance and Representative Kelly—

CS for HB 1485—A bill to be entitled An act relating to health insurance; creating s. 624.021, F.S.; providing that contacts between providers and insurers or health maintenance organizations are not deemed to be insurance contracts under certain circumstances; amending ss. 627.6471

and 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, F.S., 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 psychotherapists without unfair discrimination; providing an effective date.

—was referred to the Committee on Commerce.

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By the Committee on Natural Resources and Representative Laurent—

CS for HB 1521—A bill to be entitled An act relating to coastal construction and aquatic plants; amending s. 253.03, F.S.; prohibiting the Board of Trustees of the Internal Improvement Trust Fund and other state agencies from imposing a charge or lien on any such matter removed from state lands authorized by an aquatic plant control permit; amending s. 403.813, F.S.; allowing construction of structures above dock areas in certain circumstances; exempting certain docks and piers from dredge and fill permitting requirements; amending s. 403.913, F.S.; prohibiting the Department of Environmental Regulation from requiring a dredge and fill permit for removing such matter from the surface of natural mineral soil material; providing an effective date.

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

By Representative Long—

HB 1545—A bill to be entitled An act relating to compensation of district school board members and elected school superintendents; amending s. 145.131, F.S.; deleting authorization to fix salaries of district school board members by special or local law; amending s. 145.16, F.S.; prohibiting special laws or general laws of local application pertaining to such compensation; amending s. 145.19, F.S.; providing for salary adjustments; amending ss. 230.202 and 230.303, F.S.; providing for payment of specified salaries and ratification of previously paid salaries; repealing certain local or special laws or general laws of local application; providing an effective date.

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

By Representative Manrique—

HB 1561—A bill to be entitled An act relating to law enforcement; amending ss. 843.081 and 843.085, F.S.; exempting persons appointed by the Governor as special officers for carriers from provisions of law relating to the prohibited use of certain lights and the unlawful use of police badges or other indicia of authority; providing an effective date.

—was referred to the Committees on Criminal Justice and Governmental Operations.

By the Committee on Community Affairs and Representatives Ritchie and Clemons—

CS for HB 1647—A bill to be entitled An act relating to fire safety; amending s. 553.895, F.S.; requiring certain buildings three stories or taller 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 fire safety standards for certain sprinkler systems; amending s. 633.061, F.S.; increasing certain licensing and permit fees; requiring proof of insurance; prohibiting certain training activities; requiring registration with the State Fire Marshal for certain training activities; specifying criteria for certain trainees; imposing a registration fee; 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, nonrenewing, 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.; clarifying a requirement for a medical examination for qualification as a firefighter; amending s. 633.35, F.S.; increasing certain training program hour requirements; excluding public employers from paying certain training costs; providing an exception to certain qualifications for employment; amending s. 633.351, F.S.; requiring certain approval for continuing education requirements; amending s. 633.511, F.S.; specifying criteria for appointment of equipment dealers to the Florida Fire Safety Board; amending s. 633.514, F.S.; specifying additional 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.

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

By the Committee on Higher Education and Representatives Rush and Miller—

CS for HB 1659—A bill to be entitled An act relating to postsecondary education programs and institutions; amending s. 240.512, F.S., relating to the H. Lee Moffitt Cancer Center and Research Institute; providing for creation of subsidiaries with approval of Board of Regents; providing duties; providing for annual post audit report; providing an exemption from public records requirements and providing for review and repeal of such exemption; providing for equal employment opportunity; providing for disclosure; providing an effective date.

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

By the Committee on Judiciary and Representative Safley and others—

CS for HB 1685—A bill to be entitled An act relating to grandparental visitation rights; amending s. 752.01, F.S.; providing an additional ground for the granting of visitation rights; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Education and Representative Stabins and others—

CS for HB 1689—A bill to be entitled An act relating to education; amending s. 229.58, F.S.; revising provisions for establishment of school advisory councils; revising composition of such councils; defining the term "education support employee"; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Commerce and Representatives R. Saunders and Lippman—

CS for HB 1703—A bill to be entitled An act relating to limited liability companies; 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 interest; 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; amending ss. 473.309 and 473.3101, F.S.; authorizing the practice of public accounting through a limited liability company meeting certain requirements; amending s. 473.321, F.S.; adding public accounting limited liability companies to the list of organizations prohibited from using certain fictitious names; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Governmental Operations and Representative Boyd—

HB 2077—A bill to be entitled An act relating to confidentiality of information filed by surplus lines agents; amending s. 626.921, F.S., which provides an exemption from public records requirements for certain information filed with the Department of Insurance examining office by such agents; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Governmental Operations and Representative Boyd—

HB 2081—A bill to be entitled An act relating to confidentiality of certain orders, records, and reports of the Department of Insurance; amending s. 624.310, F.S., which provides an exemption from public records requirements for emergency cease and desist orders; amending s. 624.311, F.S., which provides an exemption from public records requirements for records of claim negotiations; amending s. 624.319, F.S., which provides an exemption from public records requirements for examination and investigation reports and lists of insurers and regulated companies; revising the exemptions and saving them from repeal; providing for future review and repeal; repealing s. 624.311(2), F.S., which specifies that records of the department are public unless otherwise provided; amending s. 624.312, F.S.; correcting a reference; providing an effective date.

—was referred to the Committee on Commerce.

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

HB 2141—A bill to be entitled An act relating to treatment and rehabilitation of drug dependents; amending s. 397.081, F.S.; requiring certain information to be submitted by applicants for DATAP licensure; providing an alternative method of satisfying licensure requirements; creating s. 397.083, F.S.; providing for licensure and renewal fees; amending s. 397.091, F.S.; prescribing requirements for a probationary or regular license to run a DATAP program; limiting the duration for which an interim license may be renewed; creating s. 397.0915, F.S.; providing for rules, including rules relating to firesafety; amending s. 397.092, F.S.; providing for restrictions on licenses and penalties on licenseholders; saving ss. 397.071, 397.081, 397.091, 397.092, 397.093, 397.094, 397.095, 397.0961, 397.098, and 397.099, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

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

By the Committee on Governmental Operations and Representative Boyd—

HB 2245—A bill to be entitled An act relating to confidentiality of information relating to Department of Insurance investigations; amending s. 626.989, F.S., which provides an exemption from public records requirements for information relating to investigations of fraudulent or deceptive acts or other violations of the Insurance Code; revising the exemption and saving it from repeal; providing that such information is not subject to discovery during a specified period; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Governmental Operations and Representative Boyd—

HB 2247—A bill to be entitled An act relating to confidentiality of information held by the Department of Insurance; amending ss. 626.471, 626.511, and 626.521, F.S.; revising provisions which specify that information relating to termination of an appointee by an appointing entity and reasons for termination and character and credit information relating to license applicants is privileged and inadmissible as evidence, to provide that such information is confidential and exempt from s. 119.07(1), F.S.; amending s. 626.631, F.S.; revising provisions which specify that information relating to a license revocation or suspension hearing is not subject to subpoena, to provide that such information is confidential and exempt from s. 119.07(1), F.S.; providing that such information is subject to discovery pursuant to such hearing; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Governmental Operations and Representative Boyd—

HB 2275—A bill to be entitled An act relating to the confidentiality of records of health maintenance organizations; amending s. 641.515, F.S., which provides an exemption from public records requirements for information relating to subscriber grievances and accreditation and quality assurance assessments; revising the exemption and saving it from repeal; amending s. 641.55, F.S., which provides exemptions from public records requirements for information relating to risk management programs of health maintenance organizations; revising the exemptions and saving them from repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Governmental Operations and Representative Boyd—

HB 2277—A bill to be entitled An act relating to confidentiality of records and meetings relating to the supervision of insurers; amending ss. 624.82 and 624.86, F.S., which provide exemptions from public records and public meeting requirements for information in the possession of the Department of Insurance and hearings relating to such supervision and meetings of the department with a supervisor; saving such exemptions from repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Governmental Operations and Representative Boyd—

HB 2283—A bill to be entitled An act relating to confidentiality of records relating to continuing care providers; reenacting s. 651.091, F.S., which provides for the confidentiality of records made confidential by state or federal law; amending ss. 651.105 and 651.134, F.S.; revising exemptions from public records requirements for investigatory and examination records; saving such exemptions from repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Commerce.

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

CS for HB 31—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; revising provisions which regulate the conduct of bingo; providing intent; providing definitions; providing that the Division of Pari-mutuel Wagering shall supervise bingo activities and specifying powers and duties of the division; authorizing the conduct of bingo by authorized organizations; providing for use of bingo proceeds; providing requirements and conditions for the conduct of bingo; requiring licensing or registration of such organizations, operators of leased bingo facilities,

and distributors of bingo equipment; providing exemptions; providing for special event licenses; providing for fees; providing assistance for certain players; providing limitations on prizes; providing requirements regarding the location of games and the lease of premises; providing requirements for records and reports; prohibiting certain activities in connection with bingo; providing for revocation or denial of licenses and registrations and administrative fines; providing a criminal penalty; providing for injunctions; providing for deposit of moneys collected in the Pari-mutuel Wagering Trust Fund; authorizing certain local ordinances relating to bingo; providing an appropriation and authorizing positions; providing a credit against first-year license or registration fees and refunds for license fees previously paid and not refunded; repealing s. 6 of ch. 92-280, Laws of Florida, which provides for review and repeal of s. 849.0931, F.S.; providing effective dates.

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

By the Committee on Transportation and Representative Wise and others—

CS for HB 83—A bill to be entitled An act relating to motor vehicle licenses; providing for the creation of Florida Special Olympics license plates; providing purpose; creating s. 320.0896, F.S.; providing for the issuance of such license plates upon payment of the license tax and additional fees; providing for deposit of a portion of the fees; providing for the use of fees; providing for duties of Florida Special Olympics, Inc.; providing for deauthorization based on sales; providing an effective date.

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

By the Committee on Community Affairs and Representative Sindler and others—

CS for HB 105—A bill to be entitled An act relating to the municipal public service tax; amending s. 166.231, F.S.; authorizing municipalities to exempt the purchase of metered or bottled gas or fuel oil for agricultural purposes, and purchases by certain nonprofit corporations or cooperatives that provide water utility services, from the tax; providing an effective date.

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

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

CS for HB 153—A bill to be entitled An act relating to criminal offenses; amending s. 796.03, F.S.; increasing the age of the victim applicable to the crime of procuring prostitution, and reenacting ss. 772.102(1)(a)14., 787.01(3)(a)4., 787.02(3)(a)4., and 895.02(1)(a)17., F.S., relating to criminal activities, kidnapping, false imprisonment, and racketeering, to incorporate said amendment in references thereto; amending s. 796.05, F.S.; providing that the offense of deriving support from the proceeds of prostitution includes belief that the support is derived from the proceeds of prostitution; amending ss. 796.06 and 796.07, F.S.; increasing penalties for second and subsequent violations of renting space for use for prostitution and prostitution, and clarifying language; reenacting s. 893.138(1), F.S., relating to prostitution-related public nuisances, to incorporate the amendment to s. 796.07, F.S., in a reference thereto; amending s. 796.08, F.S.; increasing penalty for unlawful transmission of human immunodeficiency virus and clarifying language; requiring certain offenders to pay for costs of screening for sexually transmissible diseases; creating s. 775.0877, F.S.; requiring HIV testing of offenders in certain circumstances and requiring certain disclosures; creating offense of criminal transmission of HIV; authorizing a term of criminal quarantine community control; providing evidentiary and procedural matters and providing consent as an affirmative defense; amending s. 921.187, F.S.; establishing criminal quarantine community control as a sentencing disposition for offenders sentenced for criminal transmission of HIV; amending s. 381.004, F.S., relating to testing for HIV, to correct a cross reference and to conform; amending s. 384.29, F.S., relating to confidentiality, to conform; reenacting ss. 384.26(2), 384.282(3), and 384.30(2), F.S., relating to reporting, contact investigation, naming of parties, and

minors' consent to treatment, to incorporate the amendments to s. 384.29, F.S., in references thereto; amending s. 948.001, F.S.; defining "criminal quarantine community control"; amending s. 948.01, F.S.; authorizing placement of certain offenders on criminal quarantine community control; requiring the Department of Corrections to develop and administer a criminal quarantine community control program; amending s. 948.03, F.S.; providing conditions of criminal quarantine community control; amending s. 951.27, F.S., to conform; amending s. 960.003, F.S.; authorizing testing of offenders for HIV in certain circumstances; amending s. 787.02, F.S.; deleting a provision that precludes the offense from being a lesser included offense for purposes of s. 787.01, F.S.; which establishes the offense of kidnapping, to incorporate said amendment in a reference thereto; amending s. 796.09, F.S., to incorporate the amendment to s. 796.07, F.S., and to clarify language; providing an effective date.

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

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

CS for HB 171—A bill to be entitled An act relating to worthless checks; amending s. 812.015, F.S.; providing additional criteria for the definition of retail theft; amending s. 832.08, F.S.; requiring state attorneys to establish bad check diversion programs and revising the elements of such programs; providing an exception; amending s. 832.07, F.S.; revising and clarifying provisions relating to the circumstances in which a check constitutes prima facie evidence of the identity of the person who issued the check; providing that state attorneys shall not prosecute or divert from prosecution worthless check violations in certain circumstances; providing an effective date.

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

By the Committee on Ethics and Elections; and Representative Glickman—

CS for HB 195—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; providing an effective date.

(Substituted for **CS for SB 1248** on the Special Order Calendar this day.)

By Representative Glickman—

HB 201—A bill to be entitled An act relating to postsecondary education; amending s. 240.551, F.S., relating to the Florida Prepaid Postsecondary Education Expense Program; transferring the program from the Department of Insurance to the State Board of Administration; revising provisions relating to the application of plans to independent colleges or universities; authorizing the application of benefits of an advance payment contract toward an eligible out-of-state college or university; providing conditions; preserving the validity of certain proceedings related to the program at the time of transfer; preserving certain powers and duties of the Prepaid Postsecondary Education Expense Board; transferring records, personnel, property, and certain funds of the program to the State Board of Administration; preserving revenue sources and administrative rules of the program; creating s. 240.6055, F.S.; creating the Access Grant Fund for Community College Graduates; providing for grants to eligible students; providing for grant amount; providing for priority in distribution; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Transportation and Representative Kelly—

CS for HB 215—A bill to be entitled An act relating to license fees for motorcycles, motor-driven cycles, and mopeds; amending s. 320.08, F.S.; restricting the use of safety education fees derived from the registration of motorcycles, motor-driven cycles, and mopeds to funding a motor-

cycle driver improvement program or the Florida Motorcycle Safety Education Program; providing an effective date.

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

By the Committee on Judiciary and Representative Smith—

CS for HB 281—A bill to be entitled An act relating to the relief of certain members of the Florida National Guard; providing an appropriation to compensate them for property damage to their vehicles while they were on military duty during Hurricane Andrew; providing an effective date.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By Representative Gordon—

HB 423—A bill to be entitled An act relating to services for children; amending ss. 230.15, 230.16, 230.21, and 230.23, F.S., relating to organization and duties of school boards; revising terminology to provide for gender neutrality; amending s. 230.2305, F.S.; revising a requirement for administrative personnel with responsibility for the prekindergarten early intervention program; revising provisions relating to appointment of district interagency coordinating councils; conforming language; providing legislative intent; requiring the Governor to designate a Task Force for maximization of federal funding participation; requiring a report; providing an effective date.

—was referred to the Committees on Education and Appropriations.

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

CS for HB 491—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; amending s. 119.07, F.S.; specifying that the exemption from public records requirements for records prepared by or at the direction of an agency attorney is not waived by certain release of such records; providing legislative findings; providing an effective date.

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

By Representative Webster and others—

HB 541—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; requiring installation of certain devices to render motor vehicles undrivable under certain circumstances; 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. 316.1937, F.S.; authorizing the court to order installation of breath alcohol ignition interlock devices on certain motor vehicles under certain circumstances; requiring certification of such devices by the Department of Highway Safety and Motor Vehicles; authorizing the department to adopt rules setting the alcohol percentage threshold for operation of such devices; providing for waiver from required use under certain circumstances; requiring compliance with the manufacturer's operating and maintenance instructions; prohibiting interference with installation, monitoring, or repair of such devices by certain persons; providing penalties; amending s. 193.1938, F.S., to conform; amending s. 316.1933, F.S.; providing for substantial compliance; amending s. 316.1934, F.S.; revising provisions relating to presumption of impairment to conform to the amendment of s. 316.193, F.S.; providing for substantial compliance; 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. 327.351, F.S.; providing that the offense of operating a vessel while intoxicated is a third-degree felony if such operation causes serious bodily injury; 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.

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

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

CS for HB 659—A bill to be entitled An act relating to developmental disabilities; amending s. 393.068, F.S.; expanding services and support authorized under the family care program; requiring the Department of Health and Rehabilitative Services to prioritize increased appropriations and its 5-year plan for certain family-based services; amending s. 393.066, F.S.; requiring the Department of Health and Rehabilitative Services to prioritize increased appropriations and its 5-year plan for certain community-based services; creating family care councils within each service district of the Department of Health and Rehabilitative Services; providing for appointment of members; providing for meetings and continued existence; specifying purpose and functions; requiring the department to determine certain annual expenditures and provide information to the councils and others; providing for council review and recommendations; providing for a family-support planning process; requiring the Department of Health and Rehabilitative Services to use a family-support planning process; requiring the Department of Education to facilitate the use of the family-support planning process; specifying target populations to be served to the extent possible within existing resources; providing for the participation of local education agencies; providing for the development, implementation, and review of plans; requiring notice to families of certain exceptional circumstances; providing for technical assistance to communities; providing implementation timeframes; providing for rules; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Appropriations.

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

CS for HB 661—A bill to be entitled An act relating to wastewater control and reuse; amending ss. 125.3401, 125.485, 153.02, 159.02, 180.06, 180.301, 189.423, 190.012, 190.0125, and 361.07, F.S.; including wastewater reuse in provisions relating to regulation of sewerage; amending s. 163.01, F.S.; providing for conveyance of certain real property rights by certain public agencies or legal entities; specifying criteria; providing for reversion; amending s. 403.1835, F.S.; amending the provisions relating to the sewage treatment facilities revolving loan program; directing the Department of Environmental Regulation to consider alternative methods of capitalizing the sewage treatment revolving loan fund; providing effective dates.

(Substituted for **CS for SB 1690** on the Special Order Calendar this day.)

By Representative McMahan—

HB 689—A bill to be entitled An act relating to construction lien notices; amending ss. 713.06 and 713.135, F.S.; providing that the Department of Professional Regulation is responsible for certain Construction Lien Law information; providing that s. 713.245, F.S., is not repealed; providing an effective date.

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

By the Committee on Judiciary and Representative Thomas—

CS for HB 699—A bill to be entitled An act relating to child custody; amending s. 61.13, F.S.; providing that in certain cases where the child is actually residing with a grandparent, the court shall recognize the grandparents standing as parents for evaluating what custody arrangements are in the best interest of the child; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Judiciary and Representative Crist and others—

CS for HB 749—A bill to be entitled An act relating to the Self-storage Facility Act; amending s. 83.803, F.S.; defining the term “self-contained storage unit”; amending ss. 83.805, 83.8055, and 83.806, F.S.; providing for the application of the act to self-contained storage units; providing an effective date.

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

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

CS for HB 751—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; clarifying the definition of “employee leasing company”; modifying the definition of employment to postpone coverage of certain alien agricultural workers, known colloquially as “H2A” workers; excluding from the definition of “employment” service performed by individuals on vessels engaged in catching fish or other aquatic animals on a shared-catch basis and delivery or messenger service performed under specified conditions; amending s. 443.101, F.S.; providing that certain temporary employees must report for reassignment upon conclusion of the temporary assignment or be disqualified for benefits; providing definitions; providing certain obligations of the temporary help firm employer; amending s. 443.131, F.S., relating to computation of contribution rates based on benefit experience; deleting obsolete language; revising dates; modifying provisions re transfer of employment records between predecessor and successor employers; permitting adjustment of tax rates upon discovery of an error or new evidence; providing effective dates.

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

By Representative Ascherl—

HB 785—A bill to be entitled An act relating to contracting; amending ss. 489.119 and 489.521, F.S.; requiring the certification or registration number of each contractor to appear in each advertisement, regardless of medium, used by that contractor; excepting certain advertising items; providing penalties for failure of a contractor to provide the contractor's registration or certification number when submitting an advertisement for publication, broadcast, or printing and for advertising as a registered or certified contractor without holding a valid state certification or registration; providing an effective date.

—was referred to the Committee on Professional Regulation.

By the Committee on Tourism and Economic Development; and Representative Bloom—

CS for HB 791—A bill to be entitled An act relating to local government; amending ss. 163.362 and 163.385, F.S.; providing that amendments to community redevelopment plans extend projects under the plan and allow issuance of additional bonds; providing for retirement of bonds; amending s. 163.370, F.S.; including public areas of certain hotels within authorized projects in a community redevelopment area; amending s. 212.0305, F.S.; authorizing local governments that levy a convention development tax to implement a convention center booking policy; amending ss. 1, 2, and 3, ch. 67-930, Laws of Florida; revising provisions which authorize certain cities to levy a municipal resort tax, to remove an exemption for beer and malt beverages; amending section 163.3181, F.S.,

relating to public participation in the comprehensive planning process; providing public participation procedures for a local government considering undertaking a publicly financed capital project; providing for public notice; specifying when an affected person may file an administrative pleading; providing an effective date.

—was referred to the Committees on Community Affairs; International Trade, Economic Development and Tourism; and Finance, Taxation and Claims.

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

CS for HB 803—A bill to be entitled An act relating to planning and growth management; amending s. 163.3184, F.S., which provides the process for adoption of comprehensive plans or plan amendments; revising requirements relating to regional and county review; amending s. 186.502, F.S.; providing findings regarding regional planning councils; amending s. 186.503, F.S.; providing definitions; amending s. 186.504, F.S.; revising provisions relating to membership of the councils; amending s. 186.505, F.S.; providing additional powers of the councils; amending s. 186.506, F.S.; providing for a review of the boundaries of comprehensive planning districts; amending s. 186.507, F.S.; providing for strategic regional policy plans to be adopted by the councils and providing requirements with respect thereto; providing status of standards included therein; limiting establishment of binding level of service standards by the councils; amending s. 408.033, F.S., to conform; amending s. 186.508, F.S.; providing requirements for plan adoption; amending s. 186.509, F.S.; directing each council to establish a dispute resolution process; amending s. 419.001, F.S., to conform; amending s. 186.511, F.S.; providing requirements for evaluation of plans; repealing s. 1(3), ch. 92-182, Laws of Florida, which provides for review and repeal of the Florida Regional Planning Council Act; amending s. 380.06, F.S., relating to developments of regional impact; providing requirements for adoption of rules by the state land planning agency and eliminating adoption of rules by regional planning agencies; clarifying the application of vested rights if a development of regional impact is demolished and reconstructed; amending s. 380.07, F.S.; revising duties of regional planning agencies regarding appeals to the Florida Land and Water Adjudicatory Commission; amending s. 380.0651, F.S.; providing an additional exemption from the requirement of development-of-regional-impact reviews with respect to certain port facilities; providing effective dates.

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

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

CS for HB 807—A bill to be entitled An act relating to the Florida Contraband Forfeiture Act; amending s. 932.703, F.S.; providing an exception for certain lienholders; authorizing the posting of bond or other security for seized property; amending s. 932.704, F.S.; providing additional policy statements regarding property seizures and forfeitures; authorizing filing certain forfeiture actions in certain courts; prohibiting representation by attorneys on a contingency fee basis under certain circumstances; providing an exception to requiring court review of settlement agreements under certain circumstances; providing for award of attorney's fees under certain circumstances; requiring the Department of Law Enforcement to develop and implement model policy guidelines and procedures for reviewing seizures; specifying personnel to decide currency seizures; providing an effective date.

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

By the Committee on Community Affairs and Representative Constantine—

CS for HB 891—A bill to be entitled An act relating to local government; amending s. 171.0413, F.S.; revising referendum requirements for municipal annexation; amending s. 171.062, F.S.; revising provisions which specify the effect of annexation upon an area that was subject to a

county land use plan and zoning or subdivision regulations; providing an effective date.

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

By the Committee on Commerce and Representatives Klein and Lippman—

CS for HB 907—A bill to be entitled An act relating to credit agreements; amending s. 687.0304, F.S.; providing certain requirements for a debtor to maintain a defense on a credit agreement; providing that credit agreements may not be implied from certain actions; requiring a lender to provide a borrower certain notice; requiring such notice in credit agreements to be initialed by the borrower; providing an effective date.

(Substituted for **CS for SB 776** on the Special Order Calendar this day.)

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

CS for HB 913—A bill to be entitled An act relating to confidentiality of public hospital records and meetings; amending s. 119.16, F.S.; revising provisions which specify documents that are confidential; requiring hospitals to report to their governing boards periodically regarding confidential records and providing requirements with respect thereto; requiring such governing boards to maintain information relating to closed meetings; providing an effective date.

—was referred to the Committees on Health Care and Governmental Operations.

By the Committee on Agriculture and Consumer Services; and Representative McMahan—

CS for HB 933—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 additional prohibitions; amending s. 559.813, F.S.; clarifying remedies and enforcement; providing an appropriation; providing an effective date.

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

By the Committee on Health Care and Representative Dawson and others—

CS for HB 1017—A bill to be entitled An act relating to health care; creating the "Minority Health Improvement Act"; providing definitions; providing legislative findings and intent; creating a study commission on minority health; providing membership; providing for administration, organization, and staff; providing duties; requiring an interim and final report to the Governor and Legislature; providing for the expiration of the commission; amending s. 394.875, F.S.; providing for the licensure of certain residential treatment facilities exclusively for the treatment of law enforcement personnel and their families who are suffering from non-acute stress-related mental health problems, including drug and alcohol abuse; specifying criteria for licensure; providing an effective date.

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

By the Committee on Agriculture and Consumer Services; and Representatives Dennis and Bronson—

CS for HB 1029—A bill to be entitled An act relating to the sale of liquefied petroleum gas; amending s. 527.01, F.S.; revising definitions relating to installer license categories; amending s. 527.02, F.S.; revising certain license fees and requirements for issuance of a license; revising examination requirements; providing for issuance of a qualifier identification card; providing for confidentiality of examinations and exemption from public records requirements; providing a fee for a duplicate license or qualifier card; deleting reference to requalification of portable cylinders; amending s. 527.065, F.S.; providing definition and requirements relating to accidents; amending s. 527.10, F.S.; revising provisions relating to restrictions on use of unsafe containers; amending s. 527.13, F.S.; allowing administrative action to continue; repealing s. 20.13(2)(d), F.S., relating to the Division of Liquefied Petroleum Gas in the Department of Insurance; amending s. 527.01, F.S.; redefining department to be the Department of Agriculture and Consumer Services; transferring the powers, duties, records, personnel, property, and certain funds of the Division of Liquefied Petroleum Gas to the Department of Agriculture and Consumer Services; providing effective dates.

—was referred to the Committees on Commerce and Appropriations.

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

CS for HB 1115—A bill to be entitled An act relating to agricultural industry; amending s. 570.02, F.S.; defining agricultural business products; amending s. 570.07, F.S.; revising powers, duties, and functions of the department; revising procedures relating to operation of advisory committees; amending s. 570.071, F.S., relating to the Florida Agricultural Exposition; amending s. 570.072, F.S., relating to commodity distribution; amending s. 570.073, F.S., relating to department law enforcement officers; amending s. 570.091, F.S., relating to deputy commissioners; amending s. 570.10, F.S., relating to department counsel; restricting prosecution to criminal violations; amending s. 570.11, F.S., relating to department directors' oath of office; amending s. 570.13, F.S., relating to department salaries; amending s. 570.14, F.S., relating to department seal; amending s. 570.15, F.S.; revising provisions relating to access to places of business and vehicles; amending s. 570.16, F.S., relating to interference of employees in performance of duties; amending s. 570.20, F.S., relating to the General Inspection Trust Fund; amending s. 570.21, F.S., relating to department publications; amending s. 570.23, F.S.; revising provisions relating to the State Agricultural Advisory Council; amending s. 570.30, F.S., relating to duties of the Division of Administration; amending ss. 570.32 and 570.33, F.S., relating to duties of the Division of Plant Industry and division director; amending s. 570.34, F.S.; revising provisions relating to the Plant Industry Technical Council; amending s. 570.37, F.S., relating to duties of the director of the Division of Animal Industry; amending s. 570.38, F.S.; revising provisions relating to the Animal Industry Technical Council; amending s. 570.41, F.S., relating to the director of the Division of Dairy Industry; amending s. 570.42, F.S.; revising provisions relating to the Dairy Industry Technical Council; amending s. 570.44, F.S., relating to duties of the Division of Agricultural Environmental Services; amending ss. 570.48 and 570.49, F.S., relating to duties of the Division of Fruit and Vegetables and division director; amending s. 570.481, F.S.; correcting a cross reference; amending s. 570.50, F.S., relating to duties of the Division of Food Safety; amending ss. 570.53 and 570.54, F.S., relating to duties of the department, the Division of Marketing and Development, and the division director; amending s. 570.541, F.S.; revising provisions relating to the Racing Quarter Horse Advisory Council; amending s. 570.543, F.S.; revising provisions relating to the Florida Consumers' Council; amending s. 570.544, F.S., relating to duties of the director of the Division of Consumer Services; amending s. 570.55, F.S., relating to sellers and handlers of avocados, mangoes, limes, or tomatoes; repealing s. 570.60, F.S., relating to the Community Gardening Program; amending ss. 570.902 and 570.903, F.S.; revising provisions relating to direct-support organizations; repealing ss. 570.904, 570.905, 570.906, 570.911, 570.913, 570.914, and 570.915, F.S., relating to contracts, insurance, prohibitions, definitions, property, and audit of direct-support organizations; amending s. 570.912, F.S.; authorizing creation of a direct-support organization for the Florida agriculture-in-the-classroom program; amending s. 571.23, F.S.; redefining "agricultural product" under the Florida Agricultural Promotional Campaign Act; amending s. 571.28,

F.S.; revising provisions relating to the Florida Agricultural Promotional Campaign Council; amending s. 576.091, F.S.; revising provisions relating to the Fertilizer Technical Council; amending s. 580.151, F.S.; revising provisions relating to the Commercial Feed Technical Council; amending s. 581.011, F.S.; revising definitions relating to plant industry; amending s. 581.031, F.S.; revising department duties with respect to plant industry; amending s. 581.083, F.S., relating to introduction or release of plant pests or noxious weeds; amending s. 581.101, F.S., relating to quarantines; amending s. 581.111, F.S., relating to emergencies; amending s. 581.131, F.S., relating to certificates of registration; requiring renewal application and fees by anniversary date; amending s. 581.141, F.S., relating to revocation or suspension of certificates and imposition of fines; providing for probation; amending s. 581.142, F.S., relating to viable nursery stock; amending s. 581.145, F.S., relating to aquatic plant nursery registration and special permit requirements; repealing s. 581.171, F.S., relating to printed copies as evidence; amending s. 581.181, F.S., relating to notice of infection of plants; amending s. 581.185, F.S., relating to preservation of native flora; amending s. 581.186, F.S.; revising provisions relating to the Endangered Plant Advisory Council; reenacting s. 581.193(2), F.S., relating to payment of the excise tax on citrus nursery stock, to incorporate the amendment to s. 581.141, F.S., in a reference thereto; creating s. 581.195, F.S.; providing for a direct-support organization; amending s. 581.199, F.S., relating to confidential business information; amending s. 581.201, F.S., relating to injunction; amending s. 581.211, F.S.; specifying additional acts which violate plant industry laws; providing penalties; providing for administrative fine and probation; amending s. 582.06, F.S.; revising provisions relating to the Soil and Water Conservation Council; amending s. 585.01, F.S.; expanding definition of "domestic animal" to include emus and rheas; amending s. 585.155, F.S., relating to whole-herd and calf vaccination; modifying requirements for vaccination tags; revising procedures for elimination of brucellosis infection; amending s. 585.61, F.S.; deleting reference to an animal disease diagnostic laboratory in Pasco County; amending s. 586.025, F.S.; providing unlawful acts with respect to honeybees; amending s. 586.03, F.S.; providing for special certification and fees; deleting prohibition against the use of specified terms; repealing s. 586.035, F.S., relating to unlawful sale, receipt, or concealment of honeybees, honeybee pests, or equipment; amending s. 586.045, F.S.; providing for certificates of registration and inspection; revising provisions relating to renewal and a late filing fee; repealing s. 586.09, F.S., relating to certificates of inspection and permits; amending s. 586.10, F.S.; expanding powers and duties of the department; amending s. 586.11, F.S.; providing for enforcement of provisions relating to movement of bees and equipment; repealing s. 586.115, F.S., relating to fumigation, destruction, and treatment of honeybees, products, and equipment; amending s. 586.13, F.S., relating to removal, destruction, or treatment of infected bees or equipment; amending s. 586.14, F.S.; revising compensation for bees or equipment destroyed due to infection; amending s. 586.15, F.S., relating to penalties; amending s. 586.16, F.S., relating to handling of fees and penalties collected; amending s. 586.161, F.S.; revising provisions relating to the Honeybee Technical Council; providing staggered terms for council members; amending s. 589.011, F.S.; expanding authority of the Division of Forestry to charge fees or rent for the use of facilities; expanding division enforcement authority; providing a penalty; amending s. 589.04, F.S.; revising division duties; amending s. 589.081, F.S.; providing for the distribution of a portion of gross receipts from the Withlacoochee State Forest and the Goethe State Forest to the counties in which forest acreage is located; providing for a portion to be distributed to school boards in those counties; amending s. 590.091, F.S., relating to railroad rights-of-way; amending s. 590.14, F.S., and repealing s. 590.26, F.S., relating to liability for costs of suppressing an unauthorized fire; amending s. 590.612, F.S.; revising provisions relating to a direct-support organization for the forestry alert program; amending s. 599.002, F.S.; revising provisions relating to the Viticulture Advisory Council; repealing ss. 590.611, 590.613, 590.614, and 590.615, F.S., relating to definitions, authority, and prohibitions of the direct-support organization; repealing s. 817.27, F.S., relating to prohibition against cutting off the ears or head of an animal before dressed; providing definitions relating to equine recreational activities; limiting liability for equine activities; providing exceptions; providing for posting and notification; clarifying effect on other laws; providing effective dates.

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

By the Committee on Judiciary and Representative Upchurch and others—

CS for HB 1159—A bill to be entitled An act relating to mortgage foreclosure; amending s. 45.031, F.S.; changing the time for sale of property by the clerk of the court; creating s. 45.0315, F.S.; providing for right of redemption; providing for limitations upon such rights; amending s. 48.193, F.S.; expanding the jurisdiction of courts of the state to persons holding a mortgage or lien on certain property; amending s. 48.194, F.S.; providing for alternative service of process in foreclosure proceedings; amending s. 48.23, F.S.; providing for exceptions to the application of lis pendens; amending s. 49.021, F.S.; providing for a cross reference; amending s. 49.09, F.S.; revising language with respect to the return day notice of action; providing a time period; amending s. 49.10, F.S.; reducing the number of publications of notice in foreclosure proceedings; amending s. 55.01, F.S.; providing for the social security number to be included on judgments; amending s. 55.10, F.S.; providing for the address of the person holding a lien to be recorded; providing for application; amending s. 55.505, F.S.; providing for inclusion of the social security number in notice of recording; amending s. 697.07, F.S.; providing for rents to be assigned to a mortgagee; providing a process for rents to be deposited; providing for distribution of said rents; creating s. 702.10, F.S.; providing for an order to show cause in foreclosure proceedings; providing for entry of final judgment of foreclosure; providing for payment during foreclosure; amending s. 701.04, F.S.; requiring delivery of an estoppel letter; providing severability; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Judiciary and Representatives Bush and Cosgrove—

CS for HB 1197—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.

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

By the Committee on Insurance and Representative Thrasher—

CS for HB 1199—A bill to be entitled An act relating to the Florida Birth-Related Neurological Injury Compensation Act; amending s. 766.313, F.S.; changing the period of limitations on claims from 7 years to 5 years; amending s. 766.302, F.S.; revising definitions; amending s. 766.304, F.S.; providing for determination of claims by hearing officers of the Division of Administrative Hearings of the Department of Management Services; providing for rules; amending s. 766.305, F.S.; providing for fees for filing of claims to be paid to the division; amending s. 766.308, F.S.; providing for appointments of medical advisory panels by the Insurance Commissioner; specifying duties of the Department of Insurance; amending s. 766.311, F.S.; providing for determination of claims by hearing officer; providing a directive to the Division of Statutory Revision of the Joint Legislative Management Committee; providing an effective date.

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

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

CS for HB 1207—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.

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

By Representative Wallace—

HB 1217—A bill to be entitled An act relating to housing finance authorities; amending ss. 159.605, 159.608, F.S.; allowing housing finance authorities to acquire real and personal property to house and equip their facilities and staffs; allowing the authorities to create and make loans to not-for-profit corporations that acquire, construct, reconstruct, or rehabilitate qualifying housing developments as defined by statute; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committee on Education and Representative Shepard and others—

CS for HB 1221—A bill to be entitled An act relating to drivers' licenses; amending s. 230.23, F.S.; providing a duty of school districts; reenacting and amending s. 322.0601, F.S., relating to the issuance of drivers' licenses to certain persons under the age of 18 and compulsory school attendance; providing for certain reporting; repealing section 7 of chapter 89-112, Laws of Florida, to conform; providing for future repeal; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By Representative Reddick—

HB 1247—A bill to be entitled An act relating to title insurers; amending s. 624.501, F.S.; clarifying application of a certain administrative surcharge; clarifying adequacy of unearned premium reserve; providing an effective date.

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

By the Committee on Tourism and Economic Development; and Representative Reddick and others—

CS for HB 1273—A bill to be entitled An act relating to small and minority business; providing legislative intent; creating the Florida Commission on Minority Economic and Business Development; providing for membership; assigning the commission to the Joint Legislative Management Committee; providing purposes; providing duties and powers, requiring a report; providing for a pilot project; providing for a performance audit; providing for expiration; providing an effective date.

—was referred to the Committees on Governmental Operations; International Trade, Economic Development and Tourism; Community Affairs; and Rules and Calendar.

By the Committee on Judiciary and Representative Cosgrove—

CS for HB 1295—A bill to be entitled An act relating to probate and trust; amending s. 731.301, F.S.; providing an additional method for service of a petition under the probate code; amending s. 518.11, F.S.; providing for investments by fiduciaries and for the prudent investor rule; creating s. 518.112, F.S.; providing for the delegation of investment functions; creating s. 733.6171, F.S.; providing for the compensation of the

attorney for the personal representative; amending s. 660.43, F.S.; revising language with respect to common trust fund investments; creating s. 660.431, F.S.; providing for the prudent investor rule; amending s. 731.201, F.S.; revising definitions; amending s. 733.212, F.S.; providing for notice of administration to trustees; amending s. 733.607, F.S.; providing for the payment of certain expenses; amending s. 733.617, F.S.; providing for the compensation of the personal representative; amending s. 733.707, F.S.; revising language with respect to the order of payment of expenses and obligations; creating s. 737.207, F.S.; providing that a penalty clause for contesting a trust instrument is unenforceable; amending s. 737.302, F.S.; revising language with respect to the trustee's standard of care and performance; creating s. 737.3056, F.S.; providing for the trustee's duty to pay expenses and obligations of the settlor's estate; creating s. 737.3057, F.S.; providing for the trustee's duty to provide notice to creditors; creating part VI of chapter 737, F.S.; consisting of ss. 737.621-737.627, F.S.; providing for rules of construction and general provisions; providing for change in securities, accessions, and nonademption; providing for the construction of generic terms; providing that certain gifts are to be per stirpes; providing that a killer is not entitled to receive property or other benefits by reason of the victim's death; providing for costs and attorney's fees; amending s. 738.12, F.S.; revising language with respect to underproductive property; providing effective dates.

—was referred to the Committees on Judiciary and Appropriations.

By the Committee on Education and Representative Hawkins—

CS for HB 1449—A bill to be entitled An act relating to educational facilities; amending s. 200.065, F.S.; revising information that school boards must include in advertisements of proposed tax increases; amending s. 235.014, F.S.; revising functions of the Office of Educational Facilities of the Department of Education relating to request for maintenance of sidewalks and bicycle trails and approval of site purchases; providing duties of the Department of Management Services relating to the Florida School for the Deaf and Blind; amending s. 235.054, F.S.; requiring office approval of certain site purchases and submission of a site-waiver request; amending s. 235.056, F.S.; revising provisions relating to lease and lease-purchase of educational facilities and sites; revising funding provisions; providing inspection and review requirements; amending s. 235.19, F.S.; providing an exception to standard site sizes in certain instances; providing board duties relating to maintenance of sidewalks and bicycle trails; amending s. 235.26, F.S., relating to the State Uniform Building Code for Public Educational Facilities Construction; exempting the Florida School for the Deaf and the Blind from conformance to the code; clarifying provisions; providing for certain inspections; requiring review of plans for certain leased facilities and inspection of facilities; requiring certain information for office approval; requiring code review; amending s. 235.31, F.S., relating to the awarding of contracts; amending s. 235.41, F.S.; revising provisions relating to the submission and content of the capital outlay budget request; amending s. 235.42, F.S.; revising provisions relating to appropriations to and from the Public Education Capital Outlay and Debt Service Trust Fund; amending ss. 230.23 and 230.33, F.S.; providing a duty of school boards and superintendents relating to full school utilization programs; amending s. 236.25, F.S.; revising provisions relating to use of the district school tax for capital outlay purposes; creating s. 240.2805, F.S.; providing for administration of the capital improvement and building fees trust funds; repealing s. 235.439, F.S., relating to evaluation of full school utilization programs; providing an effective date.

—was referred to the Committees on Education and Appropriations.

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

CS for HB 1499—A bill to be entitled An act relating to sellers of travel; amending s. 559.927, F.S.; clarifying submission of certain documents; providing additional requirements for recordkeeping; providing contract disclosure requirements; providing provisions for refunds to consumers; allowing the Department of Agriculture and Consumer Services to waive bond requirements under certain conditions; adding to list of violations; revising exemption for persons who contract with the Airlines Reporting Corporation; deleting other exemptions; allowing the department to require registration and bonding of exempt persons under certain conditions; specifying administrative penalties; specifying additional civil penalties; providing for the replacement of certain rules; creating s.

205.1969, F.S.; providing requirements for certain occupational licenses; providing an appropriation; providing an effective date.

—was referred to the Committees on Professional Regulation; International Trade, Economic Development and Tourism; and Finance, Taxation and Claims.

By the Committee on Business and Professional Regulation; and Representative Schultz and others—

CS for HB 1699—A bill to be entitled An act relating to the membership of statutorily created decisionmaking or regulatory boards, commissions, councils, and committees; providing state policy with respect to the gender balance and minority representation of the membership of such bodies; providing exceptions; amending s. 14.24, F.S.; revising provisions relating to the election of officers of the Florida Commission on the Status of Women; providing for future repeal of provisions requiring gender balance of membership of boards, commissions, councils, and committees; providing an effective date.

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

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

CS for HB 1741—A bill to be entitled An act relating to developmental disabilities; amending ss. 393.066 and 393.068, F.S.; requiring the Department of Health and Rehabilitative Services to give priority for increased funding to consumers and their families; expanding services and support authorized under the family care program; requiring the department to provide an accounting of in-home subsidies paid to clients in family care programs, upon request; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Appropriations.

By the Committee on Commerce and Representatives Lippman and Clemons—

HB 1817—A bill to be entitled An act relating to the disposition of unclaimed property; amending ss. 717.117 and 717.118, F.S.; decreasing the threshold level of value for property which must be reported or acted upon in certain ways; requiring the Department of Banking and Finance to develop and implement a limited-duration amnesty program concerning the disposition of unclaimed property; providing conditions for participation in the amnesty program; amending s. 717.132, F.S.; increasing the administrative fine for failure to report, pay, or deliver unclaimed property; providing an effective date.

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

By the Committees on Commerce; and Tourism and Economic Development; and Representative Reddick—

CS for HB 1893—A bill to be entitled An act relating to securities; amending s. 517.021, F.S.; deleting an exclusion from the definition of associated person; amending s. 517.07, F.S.; prohibiting selling unregistered securities, into or within the state; providing for registration of securities of small corporate offerings; creating s. 517.0815, F.S.; authorizing the registration of certain small corporate offerings; providing criteria; requiring a registration fee; authorizing the Department of Banking and Finance to adopt rules; requiring certain notice; amending s. 517.101, F.S.; requiring consent to service of process for certain applications for a registration; amending s. 517.111, F.S.; providing for revocation of registration of small corporate offerings; amending s. 517.12, F.S.; revising effective dates for registration of branch offices; amending s. 517.161, F.S.; revising provisions providing for termination of a registration; clarifying the meaning of the term "ultimate equitable owner"; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By the Committee on Natural Resources and Representative Rudd—

HB 1903—A bill to be entitled An act relating to public lands; amending s. 259.101, F.S.; revising legislative findings; deleting an obsolete bond limitation provision; requiring the Florida Communities Trust to consider certain local government projects for Preservation 2000 grants; amending s. 380.0555, F.S.; providing for the removal of areas from designation as an area of critical state concern under the Apalachicola Bay Area Protection Act; amending s. 380.502, F.S.; clarifying legislative intent; amending s. 380.503, F.S.; revising a definition; amending s. 380.504, F.S.; providing for two additional board members of the trust; providing for appointment of such members; amending s. 380.505, F.S.; increasing the number of members required for certain trust actions; amending s. 380.507, F.S.; clarifying powers of the trust with respect to local comprehensive plans; amending s. 380.508, F.S.; requiring the trust to provide certain assistance to project applicants; amending s. 380.510, F.S.; providing for conveyance to the state of certain property under certain circumstances; repealing s. 380.509, F.S., relating to first-year duties of the Department of Community Affairs; repealing s. 380.512(6), F.S., relating to the department's component of the trust's annual report; providing an effective date.

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

By the Committee on Community Affairs and Representative Smith—

HB 1925—A bill to be entitled An act relating to the Department of Military Affairs; amending s. 250.48, F.S.; increasing the permissible time period for a leave of absence without loss of pay; creating an Interstate Compact on Drug Interdiction; creating s. 250.533, F.S.; providing legislative purpose; creating s. 250.534, F.S.; providing for entry into force and withdrawal from the compact; creating s. 250.535, F.S.; providing definitions; providing for mutual assistance and support; creating s. 250.536, F.S.; providing responsibilities; creating s. 250.537, F.S.; providing for delegation; creating s. 250.538, F.S.; providing for limitations; creating s. 250.539, F.S.; providing for construction and severability; creating an Interstate Compact on Emergency Relief; creating s. 250.540, F.S.; providing legislative purpose; creating s. 250.541, F.S.; providing for entry into and withdrawal from the compact; creating s. 250.542, F.S.; providing for definitions and for mutual aid; creating s. 250.543, F.S.; providing for delegation; creating s. 250.544, F.S.; providing for limitations; creating s. 250.545, F.S.; providing for construction and severability; creating s. 250.546, F.S.; providing for payment of liability to responding states; creating s. 250.547, F.S.; providing for status, rights, and benefits of forces engaged pursuant to the compact; creating s. 250.548, F.S.; providing for benefits to be paid for injury or death occurring while going to or returning from duty; creating s. 250.549, F.S.; providing for the authority of responding states; providing an effective date.

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

By the Committees on Appropriations and Higher Education and Representative Peebles—

CS for HB 1979—A bill to be entitled An act relating to the State University System; amending s. 215.16, F.S., relating to reductions in vacant positions; amending s. 240.209, F.S.; modifying provisions relating to the setting of fees by the Board of Regents; authorizing varying fee schedules and expenditures; requiring rules relating to financial aid fees; amending s. 240.2094, F.S.; authorizing an increase in salary rate under certain circumstances; amending s. 240.214, F.S.; revising data in the accountability process plan; requiring additional information in the accountability reports; amending s. 240.271, F.S.; revising provisions relating to funding based on enrollment; providing for the retention and expenditure of certain fee revenues; amending s. 240.272, F.S.; revising provisions relating to the carryforward and expenditure of certain funds; amending s. 240.278, F.S.; revising provisions relating to the required course program and the Quality Assurance Fund; amending ss. 240.531, 282.308, and 447.203, F.S.; correcting cross references; providing for establishment of a college of law under certain circumstances; providing an effective date.

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

By the Committee on Health Care and Representative Graber and others—

HB 1987—A bill to be entitled An act relating to home health services; amending s. 400.461, F.S.; deleting the statement that the Home Health Services Act does not supersede federal law; amending s. 400.462, F.S.; revising definitions; defining "certified nursing assistant," "companion" or "sitter," and "homemaker"; amending s. 400.464, F.S.; providing for licensure of home health agencies by the Agency for Health Care Administration, rather than the Department of Health and Rehabilitative Services; requiring separate licensure for related offices; specifying unlawful acts by unlicensed persons; providing a penalty; creating s. 400.465, F.S.; providing exemptions; amending s. 400.471, F.S.; revising requirements for licensure application; requiring proof of financial liability and liability insurance; providing for license renewal; providing for change of ownership; providing a fee; providing an exemption; requiring display of license; providing for conditional license; amending s. 400.474, F.S.; authorizing injunction proceedings; renumbering and amending s. 400.478, F.S.; providing for registration of attendant care providers by the agency; restricting application; deleting provision relating to employee recruitment; amending s. 400.484, F.S.; conforming references; amending s. 400.487, F.S.; providing for patient assessment and information; increasing frequency of patient evaluation; authorizing evaluation by additional types of practitioners; providing requirement for direct and indirect provision of services; authorizing supervised self-administration of medication; amending s. 400.491, F.S.; revising requirements for maintenance of patient records; amending s. 400.497, F.S.; revising minimum standards; providing for agency rules; deleting provisions relating to personnel screening; amending s. 400.506, F.S.; providing for licensure of nurse registries by the agency; specifying maximum licensure fee; increasing a penalty; authorizing referral of certified nursing assistants to private residences; creating s. 400.512, F.S.; providing for screening of home health agency, nurse registry, and attendant personnel; amending ss. 415.107 and 415.51, F.S.; conforming statutory references; deleting obsolete language and references; repealing s. 400.467, F.S., relating to licensure; repealing s. 400.477, F.S., relating to license expiration and renewal; repealing s. 400.479, F.S., relating to disposition of fees; repealing s. 400.481, F.S., relating to injunction proceedings; repealing s. 400.501, F.S., relating to prohibited acts; providing an appropriation; saving pt. III of ch. 400, F.S., from Sunset repeal; providing for review and repeal; providing an effective date.

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

By the Committees on Appropriations; Natural Resources; and Tourism and Economic Development; and Representative Reddick and others—

CS for CS for HB 2013—A bill to be entitled An act relating to environmental permitting; creating part IX of Chapter 403, F.S.; creating the Florida Jobs Siting Act; providing legislative intent; providing definitions; providing for eligibility criteria for projects under the act; providing for the powers and duties of the Department of Commerce; providing for the powers and duties of the Department of Environmental Regulation; providing for the powers and duties of affected local governments; providing for applicability and certification; providing for the application process; providing for the determination of completeness and sufficiency; providing for an initial public meeting; providing for the assignment of a hearing officer; providing for statements of issues and reports and for written analysis; providing for comprehensive plan amendments; providing for certification hearing, cancellation, and parties; providing for the final disposition of application; providing for the alteration of time limits; providing for superseded laws, regulations, and certification power; providing for the effect of certification; providing for notice and costs of proceeding; providing for review; providing for compliance and enforcement; providing for revocation of certification; providing for availability of information; providing for modification of certification; providing for fees and the disposition of fees; repealing ss. 288.501-288.518, F.S., relating to the Florida Industrial Siting Act; providing legislative intent; providing for consolidation of permit processing into a single environmental resource permit; amending s. 373.019, F.S.; providing a definition; amending s. 373.046, F.S.; authorizing the Department of Environmental Regulation and the governing boards of water management districts to enter into additional interagency agreements under certain circum-

stances; amending s. 373.109, F.S.; authorizing the Department of Environmental Regulation and certain local governments to establish application fees under certain circumstances; providing for deposit and use of such fees; amending s. 373.114, F.S.; providing for review of certain rules of the department by the Land and Water Adjudicatory Commission; providing procedures for such review; amending s. 373.129, F.S.; providing for disposition and use of civil penalties under certain circumstances; amending s. 373.403, F.S.; providing definitions; creating s. 373.4135, F.S.; providing for mitigation and mitigation banking; requiring the department and water management districts to adopt rules governing mitigation banking; providing criteria; amending s. 373.414, F.S.; providing criteria for issuing permits for projects affecting surface waters and wetlands; amending s. 373.421, F.S.; requiring the Environmental Regulation Commission to adopt a unified statewide wetlands delineation methodology; providing for effectiveness of such methodology; preempting to the Legislature certain authority related to wetlands; creating s. 373.422, F.S.; providing for conditional issuance of certain permits under certain circumstances; creating s. 373.430, F.S.; prohibiting certain activities; providing penalties; providing legislative intent; creating s. 373.441, F.S.; specifying the role of local governments in permit processing; providing for rules by the reorganized Department of Environmental Regulation and Department of Natural Resources; specifying contents of such rules; amending s. 403.031, F.S.; including wetlands in the definition of waters; amending s. 403.061, F.S.; authorizing the department to adopt certain rules; creating s. 403.811, F.S.; providing for continuing validity of certain permits; amending s. 403.924, F.S.; authorizing the department or the Board of Trustees of the Internal Improvement Trust Fund to require certain landowners to remove fill from certain sovereignty lands under certain circumstances; amending s. 403.931, F.S.; specifying application of certain permit provisions relating to mangroves; revising an exception for separate application requirements; amending s. 403.933, F.S.; deleting obsolete language; specifying application of certain provisions to mangrove alteration permits; directing Partners for a Better Florida Advisory Council and the Department of Environmental Regulation to conduct a specified review and report to the Legislature; specifying contents of the report; transferring ss. 403.924, 403.927, 403.93, 403.931, 403.932, 403.933, 403.935, 403.936, and 403.938, F.S., to part VII of chapter 403, F.S.; repealing ss. 403.812, 403.91, 403.911, 403.912, 403.914, 403.916, 403.918, 403.919, 403.92, 403.921, 403.922, 403.923, 403.925, and 403.929, F.S., relating to permitting of activities in wetlands; repealing s. 403.913, except subsection (8) which shall stand repealed on October 1, 1994; repealing ss. 403.817 and 403.8171, F.S., relating to permitting of activities in wetlands, as of the effective date of legislative ratification pursuant to s. 373.421(1), F.S., as amended; providing an appropriation; providing effective dates.

—was referred to the Committees on International Trade, Economic Development and Tourism; Natural Resources and Conservation; Community Affairs; and Appropriations.

By the Committee on Health Care and Representative Gordon and others—

HB 2059—A bill to be entitled An act relating to health care; amending s. 383.15, F.S.; revising legislative intent relating to perinatal care services; amending s. 383.16, F.S.; revising definitions; amending s. 383.17, F.S.; providing for regional perinatal intensive care centers; deleting reference to grants to health care providers; amending s. 383.18, F.S.; providing for contractual agreements; providing for medical and financial eligibility; amending s. 383.19, F.S.; providing for transportation services; providing for Medicaid reimbursement; revising priority consideration for establishment of centers; amending s. 383.21, F.S.; revising requirements for program review; creating s. 385.2062, F.S.; providing for establishment of programs for care and treatment of persons with hemophilia; providing for eligibility; providing for contracts for the provision of care; creating part III of chapter 391, F.S.; providing for developmental evaluation and intervention programs; specifying program requirements; providing for interagency coordination; authorizing the Department of Health and Rehabilitative Services to contract with providers; requiring annual program review; incorporating the infant hearing impairment program into developmental evaluation and intervention programs; providing legislative findings and intent relating to breast cancer; establishing a Breast Cancer Task Force; providing for appointment of members; providing responsibilities; providing for support services and assistance; requiring reports to the Governor and the Legislature; providing for termination of the task force; repealing s. 383.144, F.S., relating to the infant

hearing impairment program; repealing s. 383.171, F.S., relating to grants to neonatal intensive care centers; repealing s. 383.212, F.S., relating to program review, evaluations, and projections for neonatal intensive care centers; repealing s. 383.215, F.S., relating to developmental intervention and parent support and training programs; providing an effective date.

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

By the Committee on Health Care and Representative Gordon and others—

HB 2071—A bill to be entitled An act relating to health care; amending s. 483.021, F.S.; providing legislative intent; amending s. 483.031, F.S.; revising exemptions; creating s. 483.035, F.S.; providing for licensure and operation of exclusive use clinical laboratories; amending s. 483.041, F.S.; providing definitions; amending s. 483.051, F.S.; providing powers and duties of the Agency for Health Care Administration; providing for biennial licensure; revising requirements for clinical laboratory construction and safety conditions; requiring policy and procedure manuals; requiring standards for patient test management; providing for alternate site testing; amending s. 483.061, F.S.; revising inspection requirements; amending s. 483.091, F.S.; requiring application for new license after change in laboratory ownership; amending s. 483.101, F.S.; providing for applicants to be given copies of rules; creating s. 483.106, F.S.; providing for certificates of exemption; authorizing waived tests; amending s. 483.172, F.S.; revising licensure fees; specifying a biennial certificate-of-exemption fee; amending s. 483.221, F.S.; increasing administrative fine; amending s. 483.809, F.S.; providing for alternate site testing; amending s. 483.823, F.S.; providing for hospital or clinical laboratory training programs for laboratory technicians; authorizing the agency to establish a technical advisory panel; amending s. 483.800, F.S.; expanding legislative purpose and policy provisions; amending s. 483.801, F.S.; deleting exemption for specified laboratories; amending s. 483.811, F.S.; directing the Board of Clinical Laboratory Personnel to approve certain laboratory technician training programs; amending ss. 483.111, 483.181, 483.191, 483.201, 483.23, 483.245, and 483.25, F.S.; conforming language; repealing s. 455.238, F.S., relating to prohibition against markup on charges by health care providers; providing an appropriation; saving pt. I of ch. 483, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

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

By the Committee on Natural Resources and Representative Rudd—

HB 2115—A bill to be entitled An act relating to air pollution control; amending s. 403.031, F.S.; repealing the definitions of major source of air pollution and small business stationary sources; revising a definition; amending s. 403.0852, F.S.; specifying criteria for a small business stationary air pollution source; amending s. 403.0872, F.S.; specifying criteria for a major source of air pollution; authorizing the department to process certain applications under an alternate method for a time certain; specifying a threshold for an annual operation license fee; authorizing the administrator of the United States Environmental Protection Agency to intervene in certain actions; amending s. 403.0876, F.S.; providing that department failure to approve or deny certain permits does not result in automatic approval or denial; amending s. 403.111, F.S.; excluding certain records from provisions of confidentiality; amending s. 403.503, F.S.; clarifying a definition; amending s. 403.504, F.S.; deleting a requirement for simultaneous issuance of certain certifications and licenses; amending s. 403.511, F.S.; providing that provisions of site certifications shall not supersede or control provisions of certain permits; amending ss. 403.518 and 403.5365, F.S.; increasing certain fees; providing for deposit of a portion of such fees into the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services for certain purposes; amending s. 403.507, F.S.; providing procedures for federally required permits for electric power plants; amending s. 403.508, F.S.; providing for processing of applications for certain federally required permits; amending s. 403.509, F.S.; providing procedures for department action on new source review or prevention of significant deterioration permits; amending s. 403.5115, F.S.; providing that filing certain applications constitutes a request for certain permits; providing an effective date.

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

By the Committee on Regulated Industries and Representative Minton—

HB 2127—A bill to be entitled An act relating to regulation of pari-mutuel wagering; amending s. 20.16, F.S.; deleting a provision authorizing the director of the Division of Pari-mutuel Wagering to approve minor changes in certain racing dates; amending s. 550.01215, F.S.; revising language with respect to the time and date of performances; providing for approval by the division in certain circumstances; providing for the conversion of certain permits; amending s. 550.0351, F.S., relating to charity days; revising language with respect to distribution of profits; amending s. 550.0425, F.S.; providing that minors who are properly licensed do not require the direct supervision of a parent or guardian under certain circumstances; amending s. 550.054, F.S., relating to applications for a permit to conduct pari-mutuel wagering; amending s. 550.105, F.S.; revising language with respect to occupational licenses of racetrack employees; amending s. 550.1155, F.S., relating to penalties imposed against racetrack occupational licensees to include reference to an administrative rather than a civil penalty; amending s. 550.125, F.S., relating to uniform reporting; amending s. 550.155, F.S.; requiring permitholders to notify patrons as to the takeout currently being applied to handle; amending s. 550.175, F.S., relating to election to revoke permit; amending s. 550.235, F.S., relating to conniving to prearrange the results of a race or game; amending s. 550.2415, F.S.; revising provisions relating to administration of certain drugs; amending s. 550.2614, F.S.; correcting a cross reference with respect to the distribution of certain funds to a horsemen's association; amending s. 550.2625, F.S.; authorizing an additional percentage of handle to be withheld to be paid to the purse pool as additional overnight purses; amending s. 550.26353, F.S.; revising language with respect to the tax on handle exemptions for the Breeders' Cup Meet; amending ch. 92-348, Laws of Florida; clarifying language with respect to certain tax exemptions; amending s. 550.334, F.S.; correcting a cross reference and providing for reference to administrative rather than civil penalties with respect to quarter horse racing; amending s. 550.3551, F.S.; authorizing the division to adopt certain rules with respect to wages at horse tracks based on broadcasts; amending s. 550.495, F.S.; revising language with respect to totalisator licensing; amending s. 550.505, F.S.; deleting language with respect to certain nonwagering licenses; amending s. 550.615, F.S.; deleting language requiring certain greyhound permitholders conducting intertrack wagering as a host track to pay certain amounts for greyhound purses; providing that certain greyhound racing dogs may be put to sleep only by a registered veterinarian for medical reasons; prohibiting the transport of certain greyhound racing dogs out of state under certain circumstances; amending s. 550.5251, F.S.; specifying certain additional races for quarter horses; providing an effective date.

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

By the Committee on Tourism and Economic Development; and Representative Reddick and others—

HB 2149—A bill to be entitled An act relating to export financing; creating s. 288.770, F.S.; creating the "Florida Export Finance Corporation Act"; creating s. 288.771, F.S.; providing legislative intent; creating s. 288.772, F.S.; providing definitions; creating s. 288.773, F.S.; creating the Florida Export Finance Corporation; providing powers and duties of the corporation; creating s. 288.774, F.S.; authorizing the corporation to charge fees; providing a limitation on loans by the corporation; authorizing the corporation to adopt rules; creating s. 288.775, F.S.; establishing the Florida Export Finance Corporation Account; providing purposes of the account; providing for investment of moneys in the account; providing for payment of claims against the account; providing that the state is not liable for claims on the account; creating s. 288.776, F.S.; providing an exemption from s. 119.07(1), F.S.; providing for review and repeal; providing for a board of directors of the corporation; providing for appointment of members; providing duties of the board; creating s. 288.777, F.S.; providing for appointment of a president of the corporation; providing duties and powers of the president; creating s. 288.7771, F.S.; requiring an annual report; creating s. 288.7772, F.S.; requiring the development of measurable goals and objectives of the corporation; requiring an evaluation and report by the Auditor General; creating s. 288.778, F.S.; requiring the Department of Banking and Finance to review the corporation's activities periodically; amending s. 288.765, F.S.; revising the duties of the export finance officer in the Department of Commerce; amending ss.

288.811 and 288.819, F.S.; changing the name of the Florida International Banking Advisory Council to the Florida International Banking and Finance Council; repealing ss. 288.741, 288.742, 288.743, 288.744, 288.745, 288.746, 288.747, 288.748, 288.749, 288.750, 288.751, 288.752, 288.753, 288.754, 288.755, 288.756, 288.757, 288.758, 288.759, and 288.760, F.S., relating to export finance; providing an appropriation; providing an effective date.

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

By the Committee on Agriculture and Consumer Services; and Representative D. Saunders—

HB 2155—A bill to be entitled An act relating to health studios and ballroom dance studios; amending s. 501.015, F.S.; increasing the annual registration fee; repealing s. 501.015(4), F.S., which provides a separate renewal fee for each business location; providing that a change of ownership does not occur if certain conditions are met; amending s. 501.019, F.S.; authorizing the Department of Agriculture and Consumer Services to institute proceedings to recover penalties or damages; authorizing a civil penalty; amending s. 501.143, F.S.; revising the definition of ballroom dance studio; clarifying the requirement for obtaining and displaying a certificate; clarifying the grounds for denial or refusal to renew a registration; clarifying the contents of a contract; clarifying the provisions relating to bonding; adding additional prohibited practices; clarifying the penalties and remedies available; revising criminal penalties; creating s. 205.1969, F.S., which prohibits counties or municipalities from issuing or renewing occupational licenses for operating ballroom dance studios unless certain conditions are met; providing effective dates.

(Substituted for CS for SB 1174 on the Special Order Calendar this day.)

By the Committees on Finance and Taxation; and Insurance; and Representative Cosgrove and others—

CS for HB 2233—A bill to be entitled An act relating to insurance; creating s. 626.7455, F.S.; requiring adoption of rules specifying standards of conduct for managing general agents in specified circumstances; amending s. 627.351, F.S.; revising provisions relating to eligibility for coverage under the windstorm insurance risk apportionment plan and the Residential Property and Casualty Joint Underwriting Association; specifying membership of the board of governors of the Residential Property and Casualty Joint Underwriting Association; creating s. 627.7015, F.S.; requiring offers of replacement cost coverage and law and ordinance coverage in connection with issuance or renewal of homeowners' insurance policies; creating s. 627.7017, F.S.; requiring an insurer to verify contractors' licensure status in specified circumstances; creating s. 627.7019, F.S.; requiring insurers to make available specified coverage for loss to exterior paint; amending s. 627.707, F.S.; saving provisions relating to investigation of sinkhole losses from scheduled repeal; prohibiting nonrenewals of property insurance policies in specified circumstances; amending s. 631.57, F.S.; specifying obligations of the Florida Insurance Guaranty Association with respect to homeowner's association policies; amending s. 631.718, F.S.; limiting Florida Life and Health Insurance Guaranty Association assessments of certain insurers; creating s. 553.801, F.S.; providing a penalty for preparing or signing certain building inspection reports under certain circumstances; providing effective dates.

—was referred to the Committees on Commerce and Appropriations.

By the Committee on Natural Resources and Representatives Rudd and Kelly—

HB 2261—A bill to be entitled An act relating to environmental permitting; providing legislative intent; providing for consolidation of permit processing into a single environmental resource permit; amending s. 373.019, F.S.; providing a definition; amending s. 373.046, F.S.; authorizing the Department of Environmental Regulation and the governing boards of water management districts to enter into additional interagency agreements under certain circumstances; amending s. 373.109, F.S.; authorizing the Department of Environmental Regulation and certain local governments to establish application fees under certain circum-

stances; providing for deposit and use of such fees; amending s. 373.114, F.S.; providing for review of certain rules of the department by the Land and Water Adjudicatory Commission; providing procedures for such review; amending s. 373.129, F.S.; providing for disposition and use of civil penalties under certain circumstances; amending s. 373.403, F.S.; providing definitions; creating s. 373.4135, F.S.; providing for mitigation and mitigation banking; requiring the department and water management districts to adopt rules governing mitigation banking; providing criteria; amending s. 373.414, F.S.; providing criteria for issuing permits for projects affecting surface waters and wetlands; amending s. 373.421, F.S.; requiring the Environmental Regulation Commission to adopt a unified statewide wetlands delineation methodology; providing for effectiveness of such methodology; preempting to the Legislature certain authority related to wetlands; creating s. 373.422, F.S.; providing for conditional issuance of certain permits under certain circumstances; creating s. 373.430, F.S.; prohibiting certain activities; providing penalties; providing legislative intent; creating s. 373.441, F.S.; specifying the role of local governments in permit processing; providing for rules by the reorganized Department of Environmental Regulation and Department of Natural Resources; specifying contents of such rules; amending s. 403.031, F.S.; including wetlands in the definition of waters; amending s. 403.061, F.S.; authorizing the department to adopt certain rules; creating s. 403.811, F.S.; providing for continuing validity of certain permits; amending s. 403.924, F.S.; authorizing the department or the Board of Trustees of the Internal Improvement Trust Fund to require certain landowners to remove fill from certain sovereignty lands under certain circumstances; amending s. 403.931, F.S.; specifying application of certain permit provisions relating to mangroves; revising an exception for separate application requirements; amending s. 403.933, F.S.; deleting obsolete language; specifying application of certain provisions to mangrove alteration permits; directing Partners for a Better Florida Advisory Council and the Department of Environmental Regulation to conduct a specified review and report to the Legislature; specifying contents of the report; transferring ss. 403.924, 403.927, 403.93, 403.931, 403.932, 403.933, 403.935, 403.936, and 403.938, F.S., to part VII of chapter 403, F.S.; repealing ss. 403.812, 403.91, 403.911, 403.912, 403.914, 403.916, 403.918, 403.919, 403.92, 403.921, 403.922, 403.923, 403.925, and 403.929, F.S., relating to permitting of activities in wetlands; repealing s. 403.913, except subsection (8) which shall stand repealed on October 1, 1994; repealing ss. 403.817 and 403.8171, F.S., relating to permitting of activities in wetlands, as of the effective date of legislative ratification pursuant to s. 373.421(1), F.S., as amended; providing an effective date.

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

By the Committees on Finance and Taxation; and Tourism and Economic Development; and Representative Reddick—

CS for HB 2263—A bill to be entitled An act relating to economic development; creating the Florida Development Finance Corporation Act of 1993; providing findings and definitions; creating the corporation and providing for directors; providing powers of the corporation; authorizing issuance of revenue bonds and providing requirements related thereto; providing for guaranty of bond issues and specifying requirements related thereto; providing an exemption from public records requirements; providing for review and repeal of such exemption; requiring establishment of a guaranty fund and providing for funding thereof; providing for bonds as legal investments; providing for an annual report of the Florida Development Finance Corporation; creating the Enterprise Florida Capital Partnership; providing for a board of directors; providing for organization of the partnership; providing powers and duties of the partnership; providing authorized programs; providing for an annual report of the Enterprise Florida Capital Partnership; providing for audits; providing an exemption from public records requirements; providing for review and repeal of such exemption; providing for indemnification; amending ss. 339.08, 339.135, 206.46, and 215.47, F.S.; allowing the investment of earnings collected upon the investment of the State Transportation Trust Fund; providing an effective date.

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

By the Committee on Insurance and Representative Cosgrove and others—

HB 2271—A bill to be entitled An act relating to health insurance; amending s. 627.4106, F.S.; revising a definition; amending s. 627.6699, F.S.; providing definitions; requiring guarantee issue of all health plans to small employers; requiring modified community rating of health plans issued to small employers; revising definition of small employer; revising preexisting conditions requirements for certain groups; requiring that geographic regions for rating purposes be by county line; providing for guaranteed renewability of small group health plans; requiring carriers to maintain records; providing confidentiality; providing for review and repeal; providing for revisions in the standard and basic health benefit plans; requiring the reinsurance board to report complaints of abuse and misrepresentation to the Department of Insurance; providing for alliance membership on the health benefit plan committee; creating s. 408.700, F.S.; providing legislative intent regarding the need to reform Florida's health care delivery system; proposing the creation of managed competition throughout the state; proposing the creation of community health purchasing alliances; creating s. 408.701, F.S.; providing definitions; creating s. 408.702, F.S., establishing community health purchasing alliance regions; providing for alliance standards; providing for voluntary membership; providing duties, powers, and responsibilities; providing for membership fees; creating s. 408.7024, F.S.; specifying eligibility requirements for community health purchasing alliance members; creating s. 408.7025, F.S.; providing agency responsibilities with respect to community health purchasing alliances; authorizing the agency to contract with alliances and provide start-up funds; requiring an annual audit; establishing a data committee and specifying membership; requiring a report to the Legislature; requiring the submission of data by health care providers; authorizing the agency to adopt rules to implement the recommendations of the data committee; creating s. 408.703, F.S.; providing for community health purchasing alliance boards of directors; providing for membership, appointment, and terms; providing for staff; creating s. 408.704, F.S., establishing standards for accountable health partnerships; providing for designation of accountable health partnerships by the agency; specifying standards and requirements; limiting coverage for professional liability; requiring suspension or revocation of the agency's designation of an accountable health partnership for failure to meet the statutory requirements; creating s. 408.7045, F.S.; specifying marketing requirements for community health purchasing alliances; creating s. 408.705, F.S.; requiring a study relating to community health purchasing alliances; requiring a report; creating s. 408.707, F.S.; providing legislative intent with respect to certain antitrust issues; requiring a study and specifying contents; requiring a report; creating s. 408.7071, F.S.; requiring the Agency for Health Care Administration to develop a standardized claims form; requiring the agency to appoint a committee to develop the form; specifying membership; requiring the committee to develop a draft of the form by a time certain; repealing s. 627.4106, F.S., relating to small group health insurance; authorizing participants in certain health care programs to choose certain pharmacies; amending s. 627.4236, F.S.; prohibiting health maintenance organizations from excluding coverage for bone marrow transplant procedures under certain circumstances; providing effective dates.

—was referred to the Committee on Appropriations.

By the Committee on Tourism and Economic Development; and Representative Reddick and others—

HB 2311—A bill to be entitled An act relating to economic development; providing legislative intent; providing definitions; creating the Enterprise Florida Innovation Partnership; providing for purpose and membership; providing for organization; providing for powers and authority; providing for authorized programs; providing for the Florida Innovation Alliance; providing for the Florida Technology Investment Fund; providing for technology commercialization programs; providing for an annual report; providing for the development of measurable program goals and objectives; providing for audits and confidentiality; providing for indemnification; repealing s. 229.8053, F.S.; relating to the Florida High Technology and Industry Council; providing for the incorporation of the Florida High Technology and Industry Council as a not-for-profit corporation; amending s. 240.539, F.S.; providing that the Board of Regents may invest moneys for advanced technology research to the Enterprise Florida Innovation Partnership; deleting language relating

to the Florida High Technology and Industry Council; providing for review and repeal; providing an effective date.

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

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

CS for HM 847—A memorial to the Congress of the United States urging that dolphins be declared a national treasure and that they be provided greater protection.

—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 CS for SB 232, CS for SB's 256 and 244, SB 408, CS for SB 438, SB 498, CS for SB 598, SB 610, CS for SB 688, CS for SB 916 and CS for SB 1506.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Ander Crenshaw, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed CS for CS for HB 137, as amended.

John B. Phelps, Clerk

ROLL CALLS ON SENATE BILLS

SB 36

Yeas—38

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

Nays—None

CS for SB 124

Yeas—38

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

Nays—None

SB 186

Yeas—37

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

Nays—None

CS for SB 286

Yeas—37

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

Nays—1

Harden

SB 364

Yeas—28

Mr. President	Dudley	Jennings	Myers
Bankhead	Dyer	Jones	Siegel
Beard	Forman	Kirkpatrick	Silver
Brown-Waite	Grant	Kiser	Sullivan
Casas	Gutman	Kurth	Turner
Childers	Hargrett	McKay	Weinstein
Diaz-Balart	Jenne	Meadows	Wexler

Nays—9

Boczar	Foley	Johnson
Burt	Harden	Thomas
Crist	Holzendorf	Williams

SB 580

Yeas—35

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

Nays—None

SB 658

Yeas—35

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

Nays—None

CS for SB 828

Yeas—37

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

Nays—None

SB 888

Yeas—39

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

Nays—None

CS for CS for SB 1166

Yeas—36

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

Nays—3

Beard Burt Crist

CS for SB 1328—Amendment 8B

Yeas—23

Bankhead	Boczar	Dantzler	Dyer
Beard	Crist	Dudley	Foley

Grant	Holzendorf	Scott	Weinstein
Gutman	Johnson	Siegel	Wexler
Harden	Jones	Silver	Williams
Hargrett	Myers	Thomas	

Nays—12

Mr. President	Casas	Jennings	Meadows
Brown-Waite	Diaz-Balart	Kurth	Sullivan
Burt	Forman	McKay	Turner

CS for SB 1328

Yeas—37

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

Nays—None

CS for CS for SB 1606

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kurth

CS for SB 1692

Yeas—36

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

Nays—None

SB 1744

Yeas—36

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

Nays—None

SJR 1850

Yeas—30

Mr. President	Diaz-Balart	Jenne	Myers
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Sullivan
Brown-Waite	Foley	Jones	Thomas
Burt	Forman	Kiser	Weinstein
Casas	Grant	Kurth	Wexler
Crist	Hargrett	McKay	
Dantzler	Holzendorf	Meadows	

Nays—3

Bankhead	Childers	Harden
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CS for SB 2008

Yeas—38

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

Nays—None

SB 2020

Yeas—37

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

Nays—None

SB 2414

Yeas—36

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

Nays—3

Burt	Crist	Harden
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ROLL CALLS ON HOUSE BILLS

CS for HB 195

Yeas—34

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

Nays—1

Dantzler

CS for HB 661

Yeas—38

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

Nays—None

HB 689

Yeas—35

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

Nays—1

Kirkpatrick

HB 875

Yeas—38

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

Nays—None

CS for HB 907

Yeas—35

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

Nays—None

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 25 was corrected and approved.

CS for HB 1185

Yeas—37

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

Nays—None

HB 2155

Yeas—33

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

Nays—None

VOTES RECORDED AFTER ROLL CALL

On motion by Senator Kurth, by unanimous consent of the Senate, she was recorded as voting "yea" on **CS for SB 1606**.

On motion by Senator Kiser, by unanimous consent of the Senate, he was recorded as voting "yea" in the original roll call on **CS for SB 1328**.

CO-SPONSORS

Senator Dyer—SJR 178; Senator Grogan—SB 478, CS for SB 2382; Senator Williams—SB 570, SB 1334

MOTIONS

On motion by Senator Jennings, the rules were waived and time of recess was extended until completion of announcements and other motions.

RECESS

On motion by Senator Jennings, the Senate recessed at 5:24 p.m. to reconvene at 9:00 a.m., Tuesday, March 30.

SENATE PAGES

March 29 - April 2

Rebecca J. Bandy, Hilliard; Geoffrey William Birnie, Deland; Haleigh Borgan, Rockledge; Rebekah Ane Brink, Cocoa; Bettina Renee Coleman, Orlando; Christa Marie Culbreth, Okeechobee; Micah Daniel Heavener, Jacksonville; Natasha P. Holt, Orlando; Leif Erik Hvide, Gulf Stream; William Gautier Kitchen, Tallahassee; Mary Patricia McKay, Bradenton; Kelli Delores Murray, Bradenton; LaKisha D. Richardson, Miami Lakes; Joy Signer, Jacksonville; Jenny Schurfranz, Bradenton; Amy Suzanne Ross, Orange Park; Darien Swinton, Avon Park; Jalonika Renee Williams, Orlando