



Journal of the Senate

Number 18

Tuesday, March 30, 1993

CALL TO ORDER

The Senate was called to order by the President at 9:00 a.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	

Excused: Senator Grogan

PRAYER

The following prayer was offered by the Rev. Frederick D. Richardson, Jr., Minister, St. Paul A.M.E. Church, St. Augustine:

O, Eternal God and just Father, the God of all creation and the sustainer of all life, we pause to thank you for your bountiful blessings and moments of mercy that you have given unto us. You have revealed in your word the rule of authority in government or in keeping with your divine order; therefore, we come to thee to place in thy hands the needs and concerns of our great state and beseech you to have mercy upon us all.

Keep us mindful, we pray thee, for the sacred trust that you have committed to the care of this assembly of legislators. Use them and their staffs as Senators of this state to carry forth thy plans for the goodly edification of all citizenry of Florida. We know, dear Father, that the task is difficult, the duties are many and the responsibilities are heavy. Grant to them, O Father, guidance that if a leader of people fought they would overcome obstacles they might encounter. Grant to them, O Father, wisdom that they might justly seek solutions to problems on unemployment, hunger, strife and the like. Grant unto them, O Father, understanding that they may approach their tasks knowledgeably and wisely. Grant unto them, O Father, thy grace that they may never use their positions to enrich self or to serve selfish interests.

Create in us all clean hearts and remove spirits. Hear, God, this prayer and lead us all in the paths of righteousness and would you even have us to walk for the good of our state. We ask that the manifestation of your presence, your peace and your power be with us always. Amen.

PLEDGE

Senate Page, Leif Hvide, of Gulf Stream led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF RESOLUTIONS

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

By Senator Childers—

SR 2418—A resolution commending the Pensacola Junior College Pirates basketball program.

WHEREAS, the Pensacola Junior College Pirates basketball team has won the National Junior and Community College Athletic Association national championship, and

WHEREAS, the Pensacola Junior College Pirates have become the first team from the State of Florida to achieve such a national championship, and

WHEREAS, Pirate coach Bob Marlin was named National Tournament Coach of the Year, and Pensacola Junior College sophomore Paul O'Liney was named Most Valuable Player of the national tournament and named to the All-Tournament team, as was freshman teammate Chris Davis, and

WHEREAS, the Pensacola Junior College Pirates completed the season with a commendable 31-5 record, winning the Florida Junior and Community College tournament and the honor and distinction of representing the State of Florida at the National Junior College Athletic Association tournament, and

WHEREAS, the winning of the national championship brought great honor and distinction to the entire State of Florida and the Community College System, as the Pirates won four tournament games against state champions from Texas, Illinois, Iowa, and Kansas to gain the national championship, NOW, THEREFORE,

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

That the Florida Senate commends the members and coaches of the 1992-1993 Pensacola Junior College Pirates basketball team for their outstanding character, talent, and sportsmanship.

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate affixed, be presented to Bill Byrd, Chairman, Pensacola Junior College Board of Trustees, Horace E. Hartsell, President, Pensacola Junior College, Donn Peery, Athletic Director, and the coaches and players as a tangible token of the sentiments of the Florida Senate.

On motion by Senator Childers, **SR 2418** was read by title and was read the second time in full and adopted.

On motion by Senator Forman, by two-thirds vote **SR 2198** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Forman—

SR 2198—A resolution recognizing May 1 of each year as Macular Degeneration Awareness Day.

WHEREAS, the eye disease that is called macular degeneration is threatening the vision of persons who are over 65 years of age, and

WHEREAS, each year the eyesight of 175,000 people nationwide is affected by this disease, and

WHEREAS, macular degeneration destroys the most important part of sight, and

WHEREAS, research has led to successful treatment for other leading causes of blindness, such as cataracts, diabetes, and glaucoma, and

WHEREAS, the coordinated efforts of the Division of Blind Services of the Department of Education and of Against All Odds, Inc., a macular degeneration awareness and education support group, should be encouraged and supported, and

WHEREAS, support of this program will make visual rehabilitation and treatment available and alleviate the ordeal of macular degeneration, NOW, THEREFORE,

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

That the Florida Senate recognizes May 1 of each year as Macular Degeneration Awareness Day.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mr. Mort Bond on behalf of macular degeneration awareness and as a tangible token of the sentiments of the Florida Senate.

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

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

By Senator Crenshaw—

SR 2420—A resolution recognizing the Florida National Guard for its support of South Florida residents in the aftermath of Hurricane Andrew.

WHEREAS, the Florida National Guard mobilized before Hurricane Andrew struck on August 23, 1992, and

WHEREAS, the Florida National Guard continued its vigil and assistance until order was restored during the aftermath of Hurricane Andrew, and

WHEREAS, the Florida National Guard supported the residents of South Florida after Hurricane Andrew struck by providing food, security, and medical and moral support, and

WHEREAS, the services and support given to the victims of Hurricane Andrew by the Florida National Guard were essential in restoring order to South Florida and hope to its residents, and

WHEREAS, the Florida National Guard performed its duties with honor and distinction, and

WHEREAS, the Florida Senate takes great pride in the National Guard of Florida, its officers, noncommissioned officers, and soldiers, NOW, THEREFORE,

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

That the Florida Senate recognizes and commends the Florida National Guard and its members for the outstanding service rendered to the State of Florida and its residents in responding to the devastation inflicted by Hurricane Andrew, and that this legislative body expresses its gratitude for a job well done.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate and with the Seal of the Senate affixed, be presented to the Florida National Guard as a tangible token of the sentiments of the Florida Senate.

On motion by Senator Bankhead, **SR 2420** was read by title and was read the second time in full and adopted. The vote was:

Yeas—38 Nays—None

Special Guest

Senator Bankhead introduced the following guest who was seated in the chamber: Major General Ronald O. Harrison, Adjutant General, Florida National Guard.

Upon request of the President, Senator Bankhead escorted Major General Harrison to the rostrum where he was presented a copy of the resolution.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Jennings, by two-thirds vote **SB 534, CS for SB's 1434, 348 and 1922, CS for SB 1592 and CS for SB 1794** were withdrawn from the Committee on Community Affairs; **CS for SB 1482 and CS for SB 1600** were withdrawn from the Committee on Judiciary.

On motions by Senator Scott, by two-thirds vote **Senate Bills 386, 416, 1026, 1470, 1652, 1762, 1918, 1978, CS for SB 306, CS for SB 1314, CS for SB 1814, CS for SB 2000 and CS for SB 2120** were withdrawn from the Committee on Appropriations.

On motions by Senator Kiser, by two-thirds vote **Senate Bills 422, 594, 1906, CS for SB 1338, CS for SB 700, CS for SB 1816, CS for SB 994, CS for SB 1272 and CS for SB 152** were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Scott, by two-thirds vote **CS for SB 152, CS for SB 194, CS for SB 202, CS for SB 636, CS for SB 744, CS for SB 772, CS for SB 1258, SB 1306, CS for SB 1660, SB 1920, SB 1948 and CS for SB 2070** were withdrawn from the Committee on Appropriations.

On motion by Senator Scott, by two-thirds vote **CS for SB 1816** was withdrawn from the Committee on Appropriations.

On motions by Senator Kiser, by two-thirds vote **Senate Bills 1976, 2406 and CS for HB 477** were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Jennings, by two-thirds vote **CS for SB 1598** was withdrawn from the Committee on Governmental Operations; **CS for SB 1754** was withdrawn from the Committee on Community Affairs; and **CS for SB 1246** was withdrawn from the Committee on Health and Rehabilitative Services.

Senator Wexler moved that **CS for SB 1824** be withdrawn from the Committee on Appropriations. The motion failed to receive the required two-thirds vote. The vote was:

Yeas—17 Nays—21

APPOINTMENT OF JOINT SELECT COMMITTEE

The President appointed the following members to the Joint Select Committee on Collective Bargaining: Senator Dudley, Co-Chairman; and Senators Crist, Kirkpatrick and Williams.

SPECIAL ORDER

CS for SB 1024—A bill to be entitled An act relating to supervisors of elections; amending s. 97.065, F.S.; authorizing supervisors of elections or their deputies to administer oaths for purposes of The Florida Election Code; amending s. 98.051, F.S.; deleting requirement that notice of office hours of a supervisor of elections other than normal business hours be published in a newspaper; authorizing voter registrations on any day of the week; amending s. 98.201, F.S.; requiring notice of removal of name from registration books to include information relating to manner in which name may be restored; amending s. 99.061, F.S.; allowing a candidate to pay his qualifying fee by cashier's check under certain circumstances; amending s. 99.092, F.S.; changing date for computing filing fees and assessments; amending ss. 101.293, 101.294, 101.295, F.S.; providing for purchasing of voting equipment by supervisors of elections; providing penalties for violation; amending ss. 101.33, 101.5604, F.S.; requiring supervisors of elections to provide voting machines, electronic or electromechanical voting system; amending s. 101.572, F.S.; requiring supervisors of elections to notify certain candidates in a race of time for examining ballots and ballot cards; amending s. 101.62, F.S.; providing procedures for electors' designees to obtain an absentee ballot; amending ss. 101.64, 101.65, F.S.; modifying form of certificate and instructions sent by supervisors of elections with an absentee ballot to an absent elector; amending s. 101.69, F.S.; modifying procedure for return of absentee ballot and voting in person; amending s. 101.715, F.S.; providing an alternative way for supervisors of elections to provide access to polling place for elderly or handicapped electors; amending ss. 106.11, 119.07, F.S.; providing conforming language; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 4, between lines 20 and 21, insert:

Section 5. Subsection (1) of section 98.081, Florida Statutes, is amended to read:

98.081 *Voter renewal* ~~Removal of names from registration books; procedure.~~—

(1) During each odd-numbered year, the supervisor shall mail, to each elector who, during the past 2 years, did not vote in any election in the county or did not make a written request that his registration records be updated, a form to be filled in, signed, and returned by mail within 30

days after the notice is mailed postmarked. The form returned *must* shall advise the supervisor whether the elector's status has changed from that of the registration record. *The supervisor shall temporarily withdraw from the registration books the names of those electors failing to return the forms within this period shall have their names withdrawn temporarily from registration books.* In addition, the name of an elector may be removed temporarily from the registration books when any first-class mail sent by the supervisor to the elector is returned as undeliverable. Such name *may* shall not be removed until a diligent effort has been made by the supervisor to locate *the* such elector. *This shall constitute such notice for purposes of this section.* A The list of the *names* of electors temporarily withdrawn *must* shall be posted at the courthouse. When the list is completed, the supervisor shall provide a copy thereof, upon request, to the chairman of the county executive committee of any political party, and the supervisor may charge the actual cost of duplicating the list. *The supervisor shall restore a name shall be restored* to the registration records when the elector, in writing, makes known to the supervisor that his status has not changed. A federal postcard application from a citizen overseas indicating that the elector's status has not changed *constitutes* shall constitute such a written notification to the supervisor; *and*, the supervisor shall then reinstate the name on the registration books without requiring the elector to reregister. Notice of these requirements *must* shall be printed on the voter registration identification card. This method prescribed for the removal of names is cumulative to other provisions of law relating to the removal of names from registration books. This is not a reregistration but a method to be used for keeping the permanent registration list up to date.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, strike line 11 and insert: any day of the week; amending s. 98.081, F.S.; providing for return by elector of notice of removal of his name from registration books within 30 days after notice is mailed; amending s. 98.201, F.S.;

Senator Burt offered the following amendment which was moved by Senator Dudley and adopted:

Amendment 2 (with Title Amendment)—On page 2, between lines 15 and 16, insert:

Section 1. Section 106.32, Florida Statutes, is amended to read:

106.32 Election Campaign Financing Trust Fund.—

(1) There is hereby established in the State Treasury an Election Campaign Financing Trust Fund to be used utilized by the Department of State as provided in ss. 106.30-106.36. ~~If necessary,~~ Each year in which a general election is to be held for the election of the Governor and Cabinet, additional funds shall be transferred to the Election Campaign Financing Trust Fund from general revenue, *if funding is provided in the General Appropriations Act, in an amount sufficient to fund qualifying candidates under pursuant to the provisions of ss. 106.30-106.36. If appropriated moneys are insufficient to fully fund qualifying candidates, available funds shall be distributed proportionally from total available funds.*

(2) Proceeds from filing fees under pursuant to ss. 99.092, 99.093, and 105.031 shall be deposited into the Election Campaign Financing Trust Fund as designated in those sections.

(3) Proceeds from assessments under pursuant to ss. 106.04, 106.07, and 106.29 shall be deposited into the Election Campaign Financing Trust Fund as designated in those sections.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, strike line 2 and insert: An act relating to elections; amending s. 106.32, F.S.; making the transfer of moneys from the General Revenue Fund to the Election Campaign Financing Trust Fund dependent upon legislative appropriation; providing for distribution of such revenues in specified instances;

Senator Hargrett moved the following amendment which was adopted:

Amendment 3 (with Title Amendment)—On page 2, between lines 15 and 16, insert:

Section 2. Subsection (5) of section 106.08, Florida Statutes, is amended; present subsections (6), (7), and (8) are redesignated as (7), (8), and (9), respectively; and a new subsection (6) is added to that section to read:

106.08 Contributions; limitations on.—

(5) A ~~No~~ person ~~may not~~ shall make any contribution in support of or in opposition to a candidate for election or nomination, in support of or in opposition to an issue, or to any political committee, through or in the name of another, directly or indirectly, in any election. ~~The solicitation from, and contributions by, candidates, political committees, and party executive committees to any religious, charitable, civic, or other causes or organizations established primarily for the public good are expressly prohibited. However, it shall not be construed as a violation of this subsection for a candidate, political committee, or party executive committee to make gifts of money in lieu of flowers in memory of a deceased person or for a candidate to continue membership in or regular contributions paid from personal or business funds to religious, political party, civic, or charitable groups of which he is a member or to which he has been a regular contributor for more than 6 months. A candidate may purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.~~

(6) *Religious, charitable, or civic groups or other causes or organizations established primarily for the public good are prohibited from soliciting candidates, political committees, and party executive committees for contributions from campaign funds. This prohibition shall not prohibit religious, charitable, or civic groups or other causes or organizations established primarily for the public good from soliciting candidates for campaign funds pursuant to the disposition provisions of s. 106.141. Candidates, political committees, and party executive committees are prohibited from making such contributions, except as provided in s. 106.141. It is not a violation of this subsection for a candidate to contribute to such organizations from personal or business funds. A candidate may use campaign funds to purchase tickets, admission to events, or advertisements from religious, civic, or charitable groups or a political party.*

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, between lines 2 and 3, insert: An act relating to elections; amending s. 106.08, F.S.; revising prohibited expenditures;

Senator Holzendorf moved the following amendment which was adopted:

Amendment 4 (with Title Amendment)—On page 7, between lines 27 and 28, insert:

Section 6. Subsection (1) of section 99.095, Florida Statutes, is amended to read:

99.095 Alternative method of qualifying.—

(1) A person, *other than an independent candidate,* seeking to qualify for nomination to any office may qualify to have his name placed on the ballot for the first primary election by means of the petitioning process prescribed in this section. A person qualifying by this alternative method shall not be required to pay the qualifying fee or party assessment required by this chapter. A person using this petitioning process *must* shall file an oath with the officer before whom the candidate would qualify for the office stating that he intends to qualify by this alternative method for the office sought *and that he is unable to pay such fee without imposing an undue burden on his personal resources or on resources otherwise available to him.* If the person is running for an office that ~~which~~ will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate in his oath for which group or district office he is running. The oath ~~may~~ shall be filed at any time after the first Tuesday *following after* the first Monday in January of the year in which the first primary is held, but ~~before~~ prior to the 21st day preceding the first day of the qualifying period for the office sought. The Department of State shall prescribe the form to be used in administering and filing *the* such oath. ~~No~~ Signatures ~~may not~~ shall be obtained by a candidate on any nominating petition until he has filed the oath required in this section. If the person is running for an office that ~~which~~ will be grouped on the ballot with two or more similar offices to be filled at the same election, and the petition does not indicate the group or district office for which he is running, the signatures obtained on *the* such petition will not be counted.

Section 7. Section 99.0955, Florida Statutes, is amended to read:

99.0955 Independent candidate for office; name on ~~general election~~ ballot.—

(1) Any registered elector seeking to have his name placed on the ballot at the ~~primary general~~ election as an independent candidate for an office may have his name printed on the ~~primary general~~ election ballot ~~if in which election such office is to be filled, provided~~ he is otherwise qualified to hold the office that he seeks and ~~if provided~~ a petition requesting that he be assigned a position on the ~~primary general~~ election ballot ~~has been~~ is signed by the required number of registered electors. Such a person ~~must shall~~ obtain the signatures on a petition form prescribed by the Department of State and furnished by the appropriate qualifying officer. Such forms may be obtained from the qualifying officer at any time after the first Tuesday following the first Monday in January of the year in which the first primary is held, and must be filed before the 21st day preceding the qualifying period for the office sought preceding the general election.

(2) A candidate for an office elected on a statewide basis ~~must shall~~ obtain the signatures of a number of the qualified electors equal to 3 percent of the registered electors of Florida, as shown by the compilation by the Department of State for the last preceding general election. When joint candidacies for the offices of Governor and Lieutenant Governor are provided by law, independent candidates for the offices of Governor and Lieutenant Governor shall form a joint candidacy, and only one petition ~~will shall~~ be used to place both names on the ballot as otherwise provided in this section. A candidate for any federal, state, county, or district office to be elected on less than a statewide basis ~~must shall~~ obtain the signatures of a number of the qualified electors of the district, county, or other geographical entity equal to at least 3 percent of the total number of the registered voters of the district, county, or other geographical entity represented by the office sought, as shown by the compilation by the Department of State for the last preceding general election.

(3)(a) Each candidate for a federal, state, or multicounty district office ~~must shall~~ submit a separate petition for each county from which signatures are sought. Each petition ~~must shall~~ be submitted, before prior to noon of the 21st day preceding the first last day of the qualifying period prescribed in s. 99.061(1) for state office, to the supervisor of elections of the county for which the ~~such~~ petition was circulated. Each supervisor to whom a petition is submitted shall check the names and shall, upon payment of the cost of checking the petitions or filing of the oath as prescribed in s. 99.097, certify to the Department of State, before the first within 30 days of the last day for qualifying, the number shown as registered electors of the said county. The Department of State shall determine whether or not the required number of signatures has been obtained and shall notify the candidate. If the required number of signatures has been obtained and the candidate has, during the time prescribed for qualifying for the office sought, filed his qualifying papers with the Department of State, paid his qualifying fee, and taken the oath provided in s. 99.021, ~~the such~~ candidate is ~~shall be~~ entitled to have his name printed on the ~~primary general~~ election ballot. However, any candidate who is unable to pay ~~the such~~ fee without imposing an undue burden on his personal resources or upon resources otherwise available to him is ~~shall~~, upon written certification of such inability given under oath to the Department of State, be exempt from paying the qualifying fee. The name of each candidate who is entitled under pursuant to this paragraph to have his name printed on the ~~primary general~~ election ballot ~~must shall~~ be certified to the supervisor of elections of each county affected by such candidacy by the Department of State at the time the names of other candidates to be printed on the general election ballot are certified to each supervisor.

(b) Each candidate for a county office, or district office not covered by paragraph (a), ~~must shall~~ submit his petition, before prior to noon of the 21st day preceding the first last day of the qualifying period prescribed in s. 99.061(2), to the supervisor of elections of the county for which the ~~such~~ petition was circulated. The supervisor shall determine whether the required number of signatures has been obtained and shall, before the first date within 30 days of the last day for qualifying, notify the candidate. If the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and the candidate has, during the time prescribed for qualifying for office, filed his qualification papers with the supervisor of elections, paid his qualifying fee, and taken the oath prescribed in s. 99.021, ~~the such~~ candidate is ~~shall be~~ entitled to have his name printed on the ~~primary general~~ election ballot. However, any candidate who is unable to pay ~~the such~~ fee without impos-

ing an undue burden on his personal resources or upon resources otherwise available to him is ~~shall~~, upon written certification of such inability given under oath to the supervisor, be exempt from paying the qualifying fee. Upon paying the cost of checking the petitions or filing the oath required by s. 99.097, such a candidate is ~~shall be~~ entitled to have his name placed on the ~~primary general~~ election ballot.

(4)(a) *If only one person has qualified as an independent candidate for an office, his name must be placed on the general election ballot. Notwithstanding any other provision of law, if more than one person has qualified as an independent candidate for a given office, each qualified elector of the territorial jurisdiction of the office is eligible to vote in the first primary to nominate one independent candidate for the office.*

(b) *The names of independent candidates for office which appear on the ballot at the first primary election must be grouped together either on a separate portion of the ballot or on a separate ballot.*

(c) *Notwithstanding any other provision of law, only the candidate for office emerging from the first primary with the most votes qualifies to have his name placed on the general election ballot.*

Section 8. Subsection (5) of section 101.5606, Florida Statutes, is amended to read:

101.5606 Requirements for approval of systems.—No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:

(5) It permits each voter at a primary election to vote only for the candidates seeking nomination by the political party in which such voter is registered, for any candidate for nonpartisan office, and for other candidates for whom and any question upon which the voter he is entitled to vote.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, strike all of lines 2-19 and insert: An act relating to elections; amending s. 97.065, F.S.; authorizing supervisors of elections or their deputies to administer oaths for purposes of The Florida Election Code; amending s. 98.051, F.S.; deleting requirement that notice of office hours of a supervisor of elections other than normal business hours be published in a newspaper; authorizing voter registrations on any day of the week; amending s. 98.201, F.S.; requiring notice of removal of name from registration books to include information relating to manner in which name may be restored; amending s. 99.061, F.S.; allowing a candidate to pay his qualifying fee by cashier's check under certain circumstances; amending s. 99.092, F.S.; changing date for computing filing fees and assessments; amending s. 99.095, F.S.; providing limitations to use of alternative method of qualifying; providing for an undue burden oath; 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, F.S.; providing conforming language;

On motion by Senator Dudley, by two-thirds vote CS for SB 1024 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33 Nays—None

CS for SB 592—A bill to be entitled An act relating to education; amending s. 231.095, F.S.; deleting an obsolete reference; amending s. 231.17, F.S.; revising provisions relating to certification, application procedures, required minimum competencies, examination, the professional orientation program, and application of statutes and rules; providing a means for demonstrating mastery of general knowledge; amending s. 231.1725, F.S.; providing for district qualification of substitute teachers, adult education teachers, nondegreed teachers of vocational education, and noncertificated teachers in critical teacher shortage areas; amending s. 231.173, F.S.; providing for certification of out-of-state administrators;

amending s. 231.24, F.S.; revising provisions relating to certification renewal; amending s. 231.30, F.S.; revising authority for establishment of certification fees; repealing s. 231.15(3), F.S., relating to certification fees; repealing s. 231.1711, F.S., relating to processing applications for certification; amending s. 231.261, F.S.; correcting a cross-reference; revising provisions relating to financing the Education Practices Commission; amending s. 231.262, F.S.; revising penalties imposed by the commission; providing for the disposition of funds derived from penalties; amending s. 231.28, F.S.; providing grounds for revocation, suspension, or discipline of certified educators; revising reporting requirements for certain violations by certified and district qualified school personnel; amending s. 231.603, F.S.; requiring annual teacher education center inservice plan updates; amending s. 231.606, F.S.; revising duties of teacher education center councils; amending s. 231.613, F.S., relating to inservice training institutes; revising requirements; transferring approval authority from the Commissioner of Education to school boards; amending s. 236.0811, F.S.; providing for local school board approval of master inservice plans; requiring inservice funds to be withheld under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Johnson moved the following amendment which was adopted:

Amendment 1—On page 7, line 24, after the period (.) insert: *Notwithstanding the provisions of section 231.17(7), individuals who applied for initial certification prior to June 30, 1993, shall be governed by the provisions of section 231.17(2). If necessary, a 1 year extension to a valid temporary certificate may be issued to allow for the implementation of rules. A 1 year extension shall be issued based upon application and request from the employing school district, state-supported, or nonpublic school.*

Senator Johnson moved the following amendment:

Amendment 2 (with Title Amendment)—On page 19, line 7, before the period (.) insert: *and may not exceed \$50 for certification or for certification renewal*

And the title is amended as follows:

In title, on page 1, line 21, after the semicolon (;) insert: *providing a maximum fee for certification or for certification renewal;*

Senator Johnson moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A—On page 1, line 13, after “renewal” insert: *unless otherwise provided in the general appropriations bill*

Amendment 2 as amended was adopted.

Senator Myers moved the following amendment which was adopted:

Amendment 3 (with Title Amendment)—On page 27, between lines 18 and 19, insert:

Section 6. Paragraph (g) of subsection (4) of section 230.2305, Florida Statutes, is amended to read:

230.2305 Prekindergarten early intervention program.—

(4) PLAN APPROVAL.—To be considered for approval, each plan, or amendment to a plan, shall be prepared according to instructions issued by the Commissioner of Education and shall include, without limitation:

(g) Information on the training and qualifications of program staff, including an assurance that all staff shall have met the following minimum requirements:

1. The minimum level of training shall be the completion of a 30-clock-hour training course planned jointly by the Department of Education and the Department of Health and Rehabilitative Services to include the following areas: state and local rules and regulations which govern child care, health, safety, and nutrition; identification and report of child abuse and neglect; child growth and development; use of developmentally appropriate early childhood curricula; and avoidance of income-based, race-based, and gender-based stereotyping.

2. When individual classrooms are staffed by certified teachers, said teachers must be certified for the appropriate grade levels pursuant to s. 231.17 and State Board of Education rules. Teachers who are not certi-

fied for the appropriate grade levels shall obtain proper certification within 2 years. However, the commissioner may make an exception on an individual basis when the requirements are not met because of serious illness, injury, or other extraordinary, extenuating circumstance.

3. When individual classrooms are staffed by noncertified teachers, there shall be a program director or lead teacher who is eligible for certification or certified for the appropriate grade levels pursuant to s. 231.17 and State Board of Education rules in regularly scheduled direct contact with each classroom. Notwithstanding the provisions of s. 231.15, such classrooms shall be staffed by at least one person who has, at a minimum, a child development associate credential (CDA) or an amount of training determined by the commissioner to be equivalent to or to exceed the minimum, such as an associate in science degree in the area of early childhood education.

4. Beginning July 1, 1993 ~~1991~~, principals and other school district administrative and supervisory personnel with direct responsibility for the program *must demonstrate knowledge of prekindergarten education programs that increase children's chances of achieving future educational success and becoming productive members of society shall have obtained or shall obtain within 3 years, at a minimum, 6 university credit hours for a special area of emphasis in preschool education or an amount of training determined by the commissioner to be equivalent.*

To be eligible for state funding, all program plans shall include a requirement that all personnel not certified pursuant to s. 231.17 shall comply with screening requirements pursuant to ss. 231.02 and 231.1713.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 16, after the semicolon (;) insert: *amending s. 230.2305, F.S.; requiring demonstration of certain knowledge by principals and other school district administrative and supervisory personnel having direct responsibility for the program;*

Senator Holzendorf moved the following amendment which was adopted:

Amendment 4 (with Title Amendment)—On page 20, between lines 24 and 25, insert:

Section 9. Section 231.263, Florida Statutes, is created to read:

231.263 Recovery network program for educators.—

(1) There is created within the Department of Education, to begin on July 1, 1994, a recovery network program to assist educators who are impaired as a result of alcohol abuse, drug abuse, or a mental condition in obtaining treatment to permit their continued contribution to the education profession. Any person who holds certification issued by the department pursuant to s. 231.17 is eligible for the assistance.

(2)(a) The department shall employ an administrator and staff as are necessary to be assigned exclusively to the recovery network program.

(b) The Commissioner of Education shall establish the criteria for and appoint the staff of the program.

(c) The department may contract with other professionals to implement this section.

(3) The recovery network program shall assist educators in obtaining treatment and services from approved treatment providers, but each impaired educator must pay for his treatment under terms and conditions agreed upon by him and the treatment provider. A person who is admitted to the program must contract with the treatment provider and the program. The treatment contract must prescribe the type of treatment and the responsibilities of the impaired educator and of the provider and must provide that the impaired educator's progress will be monitored by the program.

(4) The recovery network program shall locate, evaluate, and approve qualified treatment providers.

(5) The recovery network program shall operate independently of, but may cooperate with, the Office of Professional Practices Services of the Department of Education and the Education Practices Commission. A person's participation in the program entitles the commissioner to enter into a deferred prosecution agreement pursuant to s. 231.262, or such participation may be considered a factor in mitigation of or a condition of disciplinary action against the person's certificate by the Education Practices Commission pursuant to s. 231.28.

(6) The recovery network program shall operate independently of employee assistance programs operated by local school districts, and the powers and duties of school districts to make employment decisions, including disciplinary decisions, is not affected except as provided in this section:

(a) A person who is not subject to investigation or proceedings under ss. 231.262 and 231.28 may voluntarily seek assistance through a local school district employee assistance program for which he is eligible and through the recovery network, regardless of action taken against him by a school district. Voluntarily seeking assistance alone does not subject a person to proceedings under ss. 231.262 and 231.28.

(b) A person who is subject to investigation or proceedings under ss. 231.262 and 231.28 may be required to participate in the program. The program may approve a local employee assistance program as a treatment provider or as a means of securing a treatment provider. The program and the local school district shall cooperate so that the person may obtain treatment without limiting the school district's statutory powers and duties as an employer or the disciplinary procedures under ss. 231.262 and 231.28.

(7) If a complaint is made to the department against a teacher or an administrator pursuant to s. 231.262 and a finding of no probable cause indicates that no concern other than impairment exists, the department shall inform the person of the availability of assistance provided by the recovery network program.

(8) A person who is referred or who requests admission to the recovery network program shall be temporarily admitted pending a finding that he has:

- (a) Acknowledged his impairment problem.
- (b) Agreed to evaluation as approved by the recovery network program.
- (c) Voluntarily enrolled in an appropriate treatment program approved by the recovery network program.
- (d) Voluntarily sought agreement from the school district for temporary leave or limitations on the scope of employment if the temporary leave or limitations are included in the treatment provider's recommendations; or voluntarily agreed to pursue the alternative treatment recommended by the treatment provider if the school district does not approve such temporary leave or limitations on the scope of employment.

(e) Executed releases to the recovery network program for all medical and treatment records regarding his impairment and participation in a treatment program pursuant to 42 U.S.C. s. 290dd-3 and the federal regulations adopted thereunder.

(9) An approved treatment provider must disclose to the recovery network program all information in its possession which relates to a person's impairment and participation in the treatment program. Information obtained under this subsection is confidential and exempt from s. 119.07(1); however, this exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. The failure to provide such information to the program is grounds for withdrawal of approval of a treatment provider. Medical records provided to the program may not be disclosed to any other person, except as authorized by law.

(10)(a) A person may be declared ineligible for further assistance from the recovery network program if he does not progress satisfactorily in a treatment program or leaves a prescribed program or course of treatment without the approval of the treatment provider.

(b) The determination of ineligibility must be made by the commissioner in cases referred to him by the program administrator. Before referring a case to the commissioner, the administrator must discuss the circumstances with the treatment provider. The commissioner may direct the Office of Professional Practices Services to investigate the case and provide a report.

(c) If a treatment contract with the program is a condition of a deferred prosecution agreement, and the commissioner determines that the person is ineligible for further assistance, the commissioner may agree to modify the terms and conditions of the deferred prosecution agreement or may issue an administrative complaint, pursuant to s. 231.262, alleging the charges regarding which prosecution was deferred. The person may dispute the determination as an affirmative defense to the

administrative complaint by including with his request for hearing on the administrative complaint a written statement setting forth the facts and circumstances that show that the determination of ineligibility was erroneous. If administrative proceedings regarding the administrative complaint, pursuant to s. 120.57, result in a finding that the determination of ineligibility was erroneous, the person is eligible to participate in the program. If the determination of ineligibility was the only reason for setting aside the deferred prosecution agreement and issuing the administrative complaint and the administrative proceedings result in a finding that the determination was erroneous, the complaint shall be dismissed and the deferred prosecution agreement reinstated without prejudice to the commissioner's right to reissue the administrative complaint for other breaches of the agreement.

(d) If a treatment contract with the program is a condition of a final order of the Education Practices Commission, the commissioner's determination of ineligibility constitutes a finding of probable cause that the person failed to comply with the final order. The commissioner shall issue an administrative complaint and the case shall proceed under ss. 231.262 and 231.28, in the same manner as cases based on a failure to comply with an order of the Education Practices Commission.

(e) If the person voluntarily entered into a treatment contract with the program, the commissioner shall issue a written notice stating the reasons for the determination of ineligibility. Within 20 days after the date of such notice, the person may contest the determination of ineligibility pursuant to s. 120.57.

(11) Medical records released pursuant to paragraph (8)(e) may be disclosed to the commissioner, the Office of Professional Practices Services, and the Education Practices Commission only as required for purposes of this section, or as otherwise authorized by law. Further disclosure or release of the medical records may not be made except as authorized by law and in accordance with 42 U.S.C. s. 290dd-3 and the federal regulations adopted thereunder. The medical records are not public records but are confidential and exempt from s. 119.07(1); however, this exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(12) The State Board of Education shall include in the fees established pursuant to s. 231.15(3) an amount sufficient to implement the provisions of this section. The state board shall by rule establish procedures and additional standards for:

- (a) Approving treatment providers, including appropriate qualifications and experience, amount of reasonable fees and charges, and quality and effectiveness of treatment programs provided.
- (b) Admitting eligible persons to the program.
- (c) Evaluating impaired persons by the recovery network program.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 30, after the semicolon (;) insert: creating s. 231.263, F.S.; creating a recovery network program for educators who are impaired as a result of alcohol abuse, drug abuse, or a mental condition; providing an implementation date; providing eligibility for participation; providing for staff; providing for treatment contracts; providing procedures; providing an exemption from public records requirements for certain disclosed information and providing for review and repeal of the exemption; providing for determination of ineligibility for further assistance; providing for funds to implement this act; providing for rules;

Senator McKay moved the following amendment:

Amendment 5 (with Title Amendment)—On page 22, line 22, insert a new section 10 to read:

Section 10. Section 231.40, F.S., 1992 Supplement, is amended to read:

(1) *DEFINITIONS.*—As used in this section, unless the context otherwise requires, the term:

(a) "Instructional staff" shall be used synonymously with the word "teacher" and includes teachers, librarians, and other comparable members engaged in an instructional capacity in the schools.

(b) "Educational support employee" means any person employed by a district school board as a teacher aide, a teacher assistant, an education paraprofessional, a member of the transportation, operations, maintenance, or food service departments, and any person employed as a secretary or a clerical employee.

231.40 Sick leave.—

(2) (4) ELIGIBILITY.—Any member of the instructional staff or any other employee of a district school system employed on a full-time basis in the public schools of the state who is unable to perform his duty in the school on account of personal sickness, accident disability, or extended personal illness, or because of illness or death of father, mother, brother, sister, husband, wife, child, other close relative, or member of his own household, and consequently has to be absent from his work shall be granted leave of absence for sickness by the superintendent or by someone designated in writing by him to do so.

(3) (2) PROVISIONS GOVERNING SICK LEAVE.—The following provisions shall govern sick leave:

(a) Extent of leave.—

1. Each member of the instructional staff employed on a full-time basis shall be entitled to 4 days of sick leave as of the first day of employment of each contract year and shall thereafter earn 1 day of sick leave for each month of employment, which shall be credited to the member at the end of that month and which shall not be used prior to the time it is earned and credited to the member. Each other employee shall be credited with 4 days of sick leave at the end of the first month of employment of each contract year and shall thereafter be credited for 1 day of sick leave for each month of employment, which shall be credited to the employee at the end of the month and which shall not be used prior to the time it is earned and credited to the employee. However, each member of the instructional staff and each other employee shall be entitled to earn no more than 1 day of sick leave times the number of months of employment during the year of employment. If the employee terminates his employment and has not accrued the 4 sick days available to him, the school board may withhold the average daily amount for the sick days utilized but unearned by the employee. Such leave shall be taken only when necessary because of sickness as herein prescribed. Such sick leave shall be cumulative from year to year. There shall be no limit on the number of days of sick leave which a member of the instructional staff may accrue, except that at least one-half of this cumulative leave must be established within the district granting such leave.

2. A school board may establish policies and prescribe standards to permit an employee to be absent 6 days each school year for personal reasons. However, such absences for personal reasons shall be charged only to accrued sick leave, and leave for personal reasons shall be noncumulative.

3. District school boards are authorized to adopt rules permitting the annual payment for accumulated sick leave that is earned for that year and that is unused at the end of the school year, based on the daily rate of pay of the employee multiplied by up to 80 percent. Days for which such payment is received shall be deducted from the accumulated leave balance. Such annual payment may apply only to instructional staff and educational support employees.

4. A school board may establish policies to provide terminal pay for accumulated sick leave to instructional staff and educational support employees ~~any employee~~ of the district school board. If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled may be made to his beneficiary. However, such terminal pay shall not exceed an amount determined as follows:

a. During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.

b. During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.

c. During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave.

d. During the next 3 years of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.

e. During and after the 13th year of service, the daily rate of pay multiplied by 100 percent times the number of days of accumulated sick leave.

5. A school board may establish policies to provide terminal pay for accumulated sick leave to any full-time employee of the district school board other than instructional staff or educational support employees as defined in this section. If termination of the employee is by death of the employee, any terminal pay to which the employee may have been entitled may be made to the employee's beneficiary. However, such terminal pay shall not exceed an amount determined as follows:

a. One-fourth of all unused sick leave accumulated on or after July 1, 1993, however, terminal pay allowable for such accumulated sick leave shall not exceed a maximum of 60 days of actual payment.

b. Employees shall be required to use all sick leave accumulated prior to July 1, 1993, before using sick leave accumulated on or after July 1, 1993.

c. For unused sick leave accumulated prior to July 1, 1993, terminal payment shall be made pursuant to the district school boards' policies which are in effect upon this act becoming law.

(b) Claim must be filed.—Any district school board employee who finds it necessary to be absent from his duties because of illness, as defined in this section, shall notify his immediate supervisor, if possible, before the beginning of the workday on which he must be absent or during that day, except for emergency reasons recognized by the school board as valid. Any district school board employee shall, before claiming and receiving compensation for the time absent from his duties while absent because of sick leave as prescribed in this section, make and file within 5 working days following his return from such absence with the superintendent of the district in which he is so employed a written certificate which shall set forth the day or days absent, that such absence was necessary, and that he is entitled or not entitled to receive pay for such absence in accordance with the provisions of this section; however, the school board of any district may prescribe regulations under which the superintendent may require a certificate of illness from a licensed physician or from the county health officer.

(c) Compensation.—Any employee having unused sick leave credit shall receive full-time compensation for the time justifiably absent on sick leave, but no compensation may be allowed beyond that which may be provided in subsection (3).

(d) Expenditure authorized.—District school boards are authorized to expend public funds for payment to employees on account of sickness. The expending and excluding of such funds shall be in compliance with rules promulgated by the Department of Administration pursuant to chapter 650.

(4) (3) SICK LEAVE POOL.—Notwithstanding any other provision of this section, a school board, based upon the maintenance of reliable and accurate records by the district school system showing the amount of sick leave which has been accumulated and is unused by employees in accordance with this section, may, by rule or collective bargaining agreement, establish one or more plans allowing participating full-time employees of a district school system to pool sick leave accrued and allowing any sick leave thus pooled to be disbursed to any participating employee who is in need of sick leave in excess of that amount he has personally accrued. Such rules or agreements shall include, but not be limited to, the following provisions:

(a) Participation in any sick leave pool shall at all times be voluntary on the part of employees.

(b) Any full-time employee shall be eligible for participation in any sick leave pool after 1 year of employment with the district school system, provided such employee has accrued a minimum amount of unused sick leave, which minimum shall be established by rule and provided further, a sick leave pool is established that allows participation by that particular employee.

(c) Any sick leave pooled pursuant to this section shall be removed from the personally accumulated sick leave balance of the employee donating such leave.

(d) Participating employees shall make equal contributions to the sick leave pool. There shall be established a maximum amount of sick leave which may be contributed by an employee to the pool. After the ini-

tial contribution which an employee makes upon electing to participate, no further contributions shall be required except as may be necessary to replenish the pool. Any such further contribution shall be equally required of all employees participating in the pool.

(e) Any sick leave time drawn from the pool by a participating employee must be used for said employee's personal illness, accident, or injury.

(f) A participating employee shall not be eligible to use sick leave from the pool until all of his sick leave has been depleted, unless otherwise agreed to in a collective bargaining agreement. There shall be established a maximum number of days for which an employee may draw sick leave from the sick leave pool.

(g) A participating employee who uses sick leave from the pool shall not be required to retribute such sick leave to the pool, except as otherwise provided in this section.

(h) A participating employee who chooses to no longer participate in the sick leave pool shall not be eligible to withdraw any sick leave already contributed to the pool.

(i) Alleged abuse of the use of the sick leave pool shall be investigated and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave pool and be subject to such other disciplinary action as determined by the school board to be appropriate. Rules adopted for the administration of this program shall provide for the investigation of the use of sick leave utilized by the participating employee in the sick leave pool.

Section 11. Section 240.343, F.S., 1992 Supplement, is amended to read:

240.343 Sick leave.—Each community college district board of trustees shall adopt rules whereby any full-time employee who is unable to perform his duties at the college on account of personal sickness, accident disability, or extended personal illness, or because of illness or death of the employee's father, mother, brother, sister, husband, wife, child, or other close relative or member of the employee's own household, and who consequently has to be absent from work shall be granted leave of absence for sickness by the president or by the president's designated representative. The following provisions shall govern sick leave:

(1) EXTENT OF LEAVE WITH COMPENSATION.—

(a) Each full-time employee shall earn 1 day of sick leave with compensation for each calendar month or major fraction of a calendar month of service, not to exceed 12 days for each fiscal year. Such leave shall be taken only when necessary because of sickness as herein prescribed. Such sick leave shall be cumulative from year to year. Accumulated sick leave may be transferred from another Florida community college, the Florida Department of Education, the State University System, a Florida district school board, or a state agency, provided that at least one-half of the sick leave accumulated at any time must have been established in the college in which such employee is currently employed.

(b) A board of trustees may establish rules and prescribe procedures whereby a full-time employee may, at the beginning date of employment in any year, be credited with 12 days of sick leave with compensation in excess of the number of days the employee has earned. Upon termination of employment, the employee's final compensation shall be adjusted in an amount necessary to ensure that sick leave with compensation does not exceed the days of earned sick leave as provided herein.

(c) A board of trustees may establish rules and prescribe standards to permit a full-time employee to be absent no more than 4 days for personal reasons. However, such absences for personal reasons shall be charged only to accrued sick leave, and leave for personal reasons shall be noncumulative.

(d) A board of trustees may establish rules to provide terminal pay for accumulated sick leave to a full-time employee or to the employee's beneficiary if service is terminated by death. However, such terminal pay may not exceed an amount determined as follows:

1. ~~During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.~~
2. ~~During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.~~

3. ~~During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave.~~

4. ~~During the 10th year of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.~~

5. ~~During the next 20 years of service, the daily rate of pay multiplied by 50 percent plus up to an additional 2.5 percent per year for each year of service beyond 10 years, times the number of days of accumulated sick leave.~~

1. *One-fourth of all unused sick leave accumulated on or after July 1, 1993, however, terminal pay allowable for such accumulated sick leave shall not exceed a maximum of 60 days of actual payment.*

2. *Employees shall be required to use all sick leave accumulated prior to July 1, 1993, before using sick leave accumulated on or after July 1, 1993.*

3. *For unused sick leave accumulated prior to July 1, 1993, terminal payment shall be made pursuant to the board of trustees' policies which are in effect upon this act becoming law.*

If an employee receives terminal pay benefits based on unused sick leave credit, all unused sick leave credit shall become invalid; however, if an employee terminates his employment without receiving terminal pay benefits and is reemployed, his sick leave credit shall be reinstated.

(2) CLAIM MUST BE FILED.—Any full-time employee who finds it necessary to be absent from his duties because of illness as defined in this section shall notify the president or a college official designated by the president, if possible before the opening of college on the day on which the employee must be absent or during the day, except when he is absent for emergency reasons recognized by the board of trustees as valid. Any employee shall, before claiming and receiving compensation for the time absent from his duties while absent because of sick leave as prescribed in this section, make and file a written certificate which shall set forth the day or days absent, that such absence was necessary, and that he is entitled or not entitled to receive pay for such absence in accordance with the provisions of this section. The board of trustees may prescribe rules under which the president may require a certificate of illness from a licensed physician or from the county health officer.

(3) COMPENSATION.—Any full-time employee who has unused sick leave credit shall receive full-time compensation for the time justifiably absent on sick leave; no compensation may be allowed beyond that provided in subsection (4).

(4) EXPENDITURE AUTHORIZED.—Community college boards of trustees are authorized to expend public funds for payment to employees on account of sickness. The expending and excluding of such funds shall be in compliance with rules adopted by the Department of Management Services pursuant to chapter 650.

(5) SICK LEAVE POOL.—Notwithstanding any other provision of this section, a board of trustees may, by rule, based upon the maintenance of reliable and accurate records by the community college showing the amount of sick leave which has been accumulated and is unused by employees in accordance with this section, establish a plan allowing participating full-time employees of the community college to pool sick leave accrued and allowing any sick leave thus pooled to be disbursed to any participating employee who is in need of sick leave in excess of that amount he has personally accrued. Such rules shall include, but not be limited to, the following provisions:

(a) Participation in the sick leave pool shall at all times be voluntary on the part of employees.

(b) Any full-time employee shall be eligible for participation in the sick leave pool after 1 year of employment with the community college, provided such employee has accrued a minimum amount of unused sick leave, which minimum shall be established by rule.

(c) Any sick leave pooled pursuant to this section shall be removed from the personally accumulated sick leave balance of the employee donating such leave.

(d) Participating employees shall make equal contributions to the sick leave pool. There shall be established a maximum amount of sick leave which may be contributed to the pool by an employee. After the initial contribution which an employee makes upon electing to participate, no further contributions shall be required except as may be necessary to replenish the pool. Any such further contribution shall be equally required of all employees participating in the pool.

(e) Any sick leave time drawn from the pool by a participating employee must be used for that employee's personal illness, accident, or injury.

(f) A participating employee will not be eligible to use sick leave from the pool until all of his sick leave has been depleted. There shall be established a maximum number of days for which an employee may draw sick leave from the sick leave pool.

(g) A participating employee who uses sick leave from the pool will not be required to re-contribute such sick leave to the pool, except as otherwise provided herein.

(h) A participating employee who chooses to no longer participate in the sick leave pool will not be eligible to withdraw any sick leave already contributed to the pool.

(i) Alleged abuse of the use of the sick leave pool shall be investigated, and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave pool and shall be subject to such other disciplinary action as is determined by the board to be appropriate. Rules adopted for the administration of this program shall provide for the investigation of the use of sick leave utilized by the participating employee in the sick leave pool.

Section 12. Subsection (24) of section 121.021, Florida Statutes, 1992 Supplement, is amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(24) "Average final compensation" means the average of the 5 highest fiscal years of compensation for creditable service prior to retirement, termination, or death. For in-line-of-duty disability benefits, if less than 5 years of creditable service *has* been completed, the term "average final compensation" means the average annual compensation of the total number of years of creditable service. Each year used in the calculation of average final compensation *must shall* commence on July 1. The payment for accumulated sick leave, accumulated annual leave in excess of 500 hours, *any annual leave earned by an employee on or after July 1, 1993*, and bonuses, whether paid as salary or otherwise, shall not be used in the calculation of the average final compensation.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2, line 4, after "personnel;" insert: A bill to be entitled an act relating to education; amending s. 231.40, F.S., and s. 240.343, F.S.; limiting the amount of pay certain employees may receive for unused sick leave upon termination of employment; amending s. 121.021, F.S.; providing that payments for certain annual leave earned on or after July 1, 1993 may not be used in calculating average final compensation for purposes of computing benefits under the Florida Retirement System; providing an effective date.

POINT OF ORDER

Senator Holzendorf raised a point of order that pursuant to Rules 7.1 and 4.8, **Amendment 5** was out of order.

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

Further consideration of **CS for SB 592** with pending **Amendment 5** was deferred.

Consideration of **SB 662** and **CS for CS for SB 402** was deferred.

On motion by Senator Forman, by two-thirds vote **CS for HB 1703** was withdrawn from the Committee on Commerce.

On motion by Senator Forman—

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.

—a companion measure, was substituted for **CS for SB 758** and read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for HB 1703** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

Consideration of **SB 1648** was deferred.

CS for SB 1904—A bill to be entitled An act relating to the advance disposal fee on beverage and other containers; amending s. 403.7197, F.S., relating to the advance disposal fee program; revising legislative findings; providing definitions; requiring that the Department of Environmental Regulation consider proposals for designating additional containers to be subject to the advance disposal fee; requiring the department to determine the recycling rates of types of containers; providing for the imposition, in 1995, of an advance disposal fee on containers; providing for collection of the fee and moving the Container Recycling Trust Fund to the department; providing for consumer notice of the fee; providing for exemptions from the fee; requiring that the department adopt certain rules; providing that certain information is confidential and exempt from ch. 119, F.S.; requiring that the department evaluate the imposition of a material-specific, advance disposal fee; providing for a report; requiring that the department recommend a program whereby container manufacturers may purchase and transfer credit for meeting certain goals; creating the Florida Packaging Council; providing for membership, terms, per diem and travel expenses, reports, confidentiality, and duties; providing legislative findings relating to litter control; providing for a Florida Comprehensive Litter and Marine Debris Control and Prevention Program; amending s. 15.041, F.S.; designating the Keep Florida Beautiful, Inc., service mark as the Florida State litter-control symbol; amending s. 339.24, F.S.; recognizing certain beautification activities; amending s. 339.2405, F.S.; requiring the Department of Transportation Florida Highway Beautification Council rules to consider certain highway beautification projects when evaluating grants; amending s. 403.4131, F.S.; specifying the duties and role of Keep Florida Beautiful, Inc.; encouraging counties to initiate a litter-control and prevention program; requiring the Department of Environmental Regulation to establish a system for grants to counties and cities for litter control and prevention; establishing a litter-reduction goal; requiring the Department of Environmental Regulation to contract with the Center for Solid and Hazardous Waste Management for an annual litter survey; providing for designation of additional containers or product packaging to be subject to the advance disposal fee; abolishing the Clean Florida Commission; providing appropriations; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Dantzler:

Amendment 1 (with Title Amendment)—On page 3, lines 1-31 through page 7, lines 1-29, strike all of said lines and insert:

Section 1. Section 403.7197, Florida Statutes, 1992 Supplement, is amended to read:

403.7197 Advance disposal fee program.—

(1) The Legislature finds that containers which are made from plastic, glass, aluminum, plastic coated paper, or other metals and which are improperly discarded and disposed of represent a significant solid waste and litter problem in this state. Finding a solution to litter problems involving containers has been challenging and difficult for the public and private sectors. The Legislature has determined that a solid waste management program operated with the established goals and implemented in phases is the most appropriate way to solve solid waste and litter problems of litter involving containers. This act is intended to create the necessary infrastructure to help solve comprehensive solid waste management problems facing the state over the next 5 years. However, if the recycling facilities and programs created under this act, and the funding mechanisms established to finance such facilities and programs, are not adequate to meet the legislated recycling goals and to adequately develop and fund litter control and prevention programs, additional mechanisms are provided to be implemented in phases to help ensure assure that litter problems involving containers are solved and that the reduction of the solid waste stream is can be accomplished.

(2) As used in this section:

(a) "Consumer" means any person who purchases a container for consumption of its contents with no intent to resell the container. For the purposes of this section, the term also includes bars, restaurants, and other establishments regulated pursuant to chapter 509 or chapter 561.

(b) "Container" means the individual, separate, and sealed glass, plastic, plastic-coated paper, steel, aluminum, or other metal can, bottle, jar, or beverage container, including cans, bottles, jars, or beverage containers composed of more than one material, which is not less than 5 ounces by volume in capacity but no more than 1 gallon by volume in capacity and in which the contents have been sealed by the manufacturer.

(c) "Container material type" means the material used in the manufacture of a container. Such materials are steel, aluminum, or other metals, glass, plastic-coated paper, and each of the categories of plastic resins identified in s. 403.708(9).

(d) "Dealer" means a person who sells containers to consumers and includes retailers and operators of vending machines. The term does not include a common carrier in the conduct of interstate passenger service who sells, offers for sale, or distributes to its passengers containers, the contents of which are consumed on the premises.

(e) "Distributor" means any person who engages in the sale of containers to a dealer in this state. The term includes any manufacturer who engages in such sales and any alcoholic beverage distributor.

(f) "Manufacturer" means any person that bottles, cans, or otherwise fills containers for sale to distributors, wholesalers, or dealers.

(g) "Retailer" means a retailer as defined in s. 212.02(14).

(h) "Department" means the Department of Environmental Regulation.

(i) Alcoholic beverage distributor means any distributor or manufacturer licensed under chapters 561, 563, 564, or 565.

(3) Beginning July 1, 1994, and annually thereafter, the department shall consider proposals from local governments, businesses, industries, and other public or private organizations for designating additional containers that should be subject to the advance disposal fee created by this section. The department shall evaluate the information provided and conduct studies as needed to make recommendations, if necessary, to the Legislature by October 1 of each year, beginning with October 1, 1994, for the designation by law of additional containers that should be subject to the advance disposal fee.

(4) The requirements of this section shall apply individually to the categories of plastic containers identified in s. 403.708(9).

(5)(2) On January 1, 1993, and again on January 1, 1996, the department shall determine, by a preponderance of evidence, the recycling rate of individual container material types. The advance disposal fee imposed under subsection (6) shall not apply, beginning July 1 of the year of such determination, to containers sold in this state which are being recycled at a sustained rate of at least 50 percent of the quantities that these individual container material types are sold within the state.

If the Department of Environmental Regulation determines on January 1, 1993, by a preponderance of evidence, that containers which are made of glass, plastic, aluminum, plastic coated paper, or other metals and which are sold in this state are not being recycled at a sustained rate of 50 percent of the quantities that these individual types of containers are sold within the state, the advance disposal fee program created by subsection (3) shall be implemented. The requirements of this section that apply to plastic containers shall apply individually to the categories of plastic containers identified in s. 403.708(9).

(6)(3)(a) Except as provided in subsection (5), beginning July 1, 1995, there shall be imposed on every distributor an advance disposal fee of 1 cent per container. Beginning July 1, 1998, the advance disposal fee shall be 2 cents per container and the provisions of s. 403.7198 shall be implemented. If a dealer imports into the state containers on which the fee imposed by this subsection has not been paid, the advance disposal fee is imposed on such containers. Each distributor or dealer, except for alcoholic beverage distributors, shall pay to the Department of Revenue the fees imposed on all containers to which the fee applies. Each alcoholic beverage distributor shall pay the fees imposed on all his containers to the Department of Business Regulation. If the department makes the finding specified in subsection (2), beginning July 1, 1993, there shall be an advance disposal fee of 1 cent per container charged by retail establishments on those types of containers sold in the state.

(b) The proceeds of the advance disposal fee paid monthly collected pursuant to paragraph (a), less the cost of the Department of Revenue's or the Department of Business Regulation's administrative costs administration, shall be reported and paid quarterly and shall be transferred into the Container Recycling Trust Fund which is hereby created in the Department of Environmental Regulation Revenue. For the purposes of this section, "proceeds" of the fee shall mean all funds collected and received by the Department of Revenue or the Department of Business Regulation department hereunder, including interest and penalties on delinquent fees. The amount deducted for the Department of Revenue's or the Department of Business Regulation's costs of administration shall not exceed 3 percent of the total revenues collected hereunder and shall be only those costs reasonably solely and directly attributable to the fee. The Department of Revenue or the Department of Business Regulation shall determine the amount which needs to be reserved in the Container Recycling Trust Fund each quarter for refunds and its administrative costs. Any amount above that reserve shall be transferred quarterly to the Solid Waste Management Trust Fund for the purposes specified therein.

(c)1. The Department of Revenue shall administer, collect, and enforce, and audit the fee authorized under this section pursuant to the same authority provided procedures used in the administration, collection, and enforcement, and auditing of the general state sales tax imposed under part I of chapter 212 except as otherwise provided in this section. The provisions of part I of chapter 212 this section regarding the authority to audit and make assessments, keeping of books and records, and interest and penalties on delinquent fees shall apply. The advance disposal fee fees shall not be included in the computation of estimated taxes pursuant to s. 212.11, nor shall

2. The Department of Business Regulation shall have the same authority to administer, collect, enforce, and audit the fee imposed on alcoholic beverage distributors as provided in chapters 563, 564, and 565.

3. The dealer's credit for collecting taxes or fees provided in s. 212.12 shall apply to the advance disposal this fee paid by a distributor. The limitations on determining and assessing the fee and filing liens shall be consistent with the limitations on actions to collect taxes provided in s. 95.091.

(d) The Department of Revenue, the Department of Business Regulation, and the Department of Environmental Regulation are, under the applicable rules of the Career Service Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature. The departments are department is empowered to adopt such rules and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section. The Department of Revenue and the Department of Business Regulation are is authorized to establish audit procedures, recover administrative costs, and to assess delinquent fees, penalties, and interest.

(e) Any dealer or distributor who has produced, imported, or purchased containers on which the fee imposed by this section has been paid and who subsequently exports from the state said containers may deduct the amount of fees paid thereon from the amount owed to the state and remitted pursuant to this section or may apply for a refund of the amount of the fees paid.

(f) The Legislature finds that the failure to promptly implement the provisions of this section would present an immediate threat to the welfare of this state because revenues needed for recycling and litter prevention and control programs would not be collected. Therefore, the executive directors of the Department of Revenue and the Department of Business Regulation are authorized to adopt emergency rules pursuant to s. 120.54(9) for purposes of implementing this section. Any provision of law to the contrary notwithstanding, such emergency rules shall remain effective for 6 months from the date of adoption.

(7) Each retailer selling or offering for sale containers upon which an advance disposal fee is imposed must provide notice to a consumer that an advance disposal fee of the applicable amount has been imposed on the containers. A retailer may provide this notice by:

(a) Identifying on the customer cash register receipt that an advance disposal fee has been imposed on items purchased by the customer;

(b) Affixing a display, shelf sign, label, or notice in a prominent location on or near the display area of such containers, which indicates that an advance disposal fee of the applicable amount has been imposed on such containers; or

(c) Providing notice in a prominent area in the store that an advance disposal fee has been imposed on various containers in an amount as prescribed by law.

(8)(a) No later than October 1 of each year, beginning

And the title is amended as follows:

In title, on page 1, strike all of lines 4-16 and insert: 403.7197, F.S.; revising provisions of the advance disposal fee program; providing definitions; requiring the department to consider certain proposals for designation of additional containers; requiring the department to determine the recycling rates of container types; providing criteria for an advance disposal fee; authorizing a collection allowance; excluding the advance disposal fee from estimated tax payments; authorizing the Departments of Revenue and Business Regulation to recover administrative costs, penalties, and interest; authorizing the department to adopt emergency rules; providing for consumer notice of

Senator Dantzler moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A—On page 2, line 19, after the period (.) insert: *The term does not include containers for medical devices, drugs or medicine.*

Amendment 1B—On page 3, strike line 3 and insert: *shall not include manufacturers but does include any*

Amendment 1 as amended was adopted.

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

Amendment 2—On page 9, line 24, after the period (.) insert: *For containers manufactured in this state, this rate may be calculated by dividing the total amount of Florida-source recycled material used by the container manufacturer for all containers manufactured in this state by the total weight of such containers sold in this state.*

Amendment 3—On page 14, strike line 2 and insert: *materials. The summary shall include information for each type of plastic resin identified in section 403.708(9), Florida Statutes, and may contain information for subclassifications of other*

Amendment 4—On page 9, strike all of lines 14 and 15 and insert: *department shall notify the Department of Revenue that the exemption has been canceled.*

Amendment 5 (with Title Amendment)—On page 27, between lines 22 and 23, insert:

Section 9. Subsection (1) of section 72.011, Florida Statutes, 1992 Supplement, is amended to read:

72.011 Jurisdiction of circuit courts in specific tax matters; administrative hearings and appeals; time for commencing action; parties; deposits.—

(1)(a) A taxpayer may contest the legality of any assessment or denial of refund of tax, fee, surcharge, permit, interest, or penalty provided for under s. 125.0104, s. 125.0108, chapter 198, chapter 199, chapter 201, chapter 203, chapter 206, chapter 207, chapter 211, chapter 212, chapter 213, chapter 220, chapter 221, s. 336.021, s. 336.025, s. 336.026, s. 370.07(3), chapter 376, s. 403.717, s. 403.718, s. 403.7185, s. 403.7195, s. 403.7197, s. 538.09, s. 538.25, chapter 624, or s. 681.117 by filing an action in circuit court; or, alternatively, the taxpayer may file a petition under the applicable provisions of chapter 120. However, once an action has been initiated under s. 120.56, s. 120.565, s. 120.57, or s. 120.575, no action relating to the same subject matter may be filed by the taxpayer in circuit court, and judicial review shall be exclusively limited to appellate review pursuant to s. 120.68; and once an action has been initiated in circuit court, no action may be brought under chapter 120.

Section 10. Section 213.05, Florida Statutes, 1992 Supplement, is amended to read:

213.05 Department of Revenue; control and administration of revenue laws.—The Department of Revenue shall have only those responsibilities for ad valorem taxation specified to the department in chapter 192, taxation, general provisions; chapter 193, assessments; chapter 194, administrative and judicial review of property taxes; chapter 195, property assessment administration and finance; chapter 196, exemption; chapter 197, tax collections, sales, and liens; chapter 199, intangible personal property taxes; and chapter 200, determination of millage. The Department of Revenue shall have the responsibility of regulating, controlling, and administering all revenue laws and performing all duties as provided in s. 125.0104, the Local Option Tourist Development Act; s. 125.0108, tourist impact tax; chapter 198, estate taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 206, motor and other fuel taxes; chapter 211, tax on production of oil and gas and severance of solid minerals; chapter 212, tax on sales, use, and other transactions; chapter 220, income tax code; chapter 221, emergency excise tax; ss. 336.021, 336.025, and 336.026, taxes on motor fuel and special fuel; s. 370.07(3), Apalachicola Bay oyster surcharge; s. 376.11, pollutant spill prevention and control; s. 403.718, waste tire fees; s. 403.7185, lead-acid battery fees; s. 403.7195, waste newsprint disposal fees; s. 403.7197, advance disposal fees; s. 538.09, registration of secondhand dealers; s. 538.25, registration of secondary metals recyclers; s. 440.57, group self-insurer's fund premium tax; s. 624.5091, retaliatory tax; s. 624.4425, multiple-employer welfare arrangement premium tax; s. 624.475, commercial self-insurance fund premium tax; ss. 624.509-624.514, insurance code: administration and general provisions; s. 624.515, State Fire Marshal regulatory assessment; s. 627.357, medical malpractice self-insurance premium tax; s. 629.5011, reciprocal insurers premium tax; s. 637.406, dental service plan corporation premium tax; s. 651.027, continuing care contract entrance fees; and s. 681.117, motor vehicle warranty enforcement.

Section 11. Subsection (1) of section 213.053, Florida Statutes, 1992 Supplement, is amended and subparagraph (k) is added to paragraph (7) of said section to read:

213.053 Confidentiality and information sharing.—

(1) The provisions of this section apply to s. 125.0104, county government; s. 125.0108, tourist impact tax; chapter 198, estate taxes; chapter 199, intangible personal property taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 211, tax on severance and production of minerals; part I of chapter 212, tax on sales, use, and other transactions; chapter 220, income tax code; chapter 221, emergency excise tax; s. 370.07(3), Apalachicola Bay oyster surcharge; chapter 376, pollutant spill prevention and control; s. 403.718, waste tire fees; s. 403.7185, lead-acid battery fees; s. 403.7195, waste newsprint disposal fees; s. 403.7197, advance disposal fees; s. 538.09, registration of secondhand dealers; s. 538.25, registration of secondary metals recyclers; ss. 624.509-624.514, insurance code: administration and general provisions; and s. 681.117, motor vehicle warranty enforcement.

(7) Notwithstanding any other provision of this section, the department may provide:

(k) *Information relative to s. 403.7197 to the Department of Environmental Regulation in the conduct of its official business.*

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2, line 25, after the semicolon (;) insert: amending s. 72.011, F.S.; authorizing taxpayers to contest the legality of an assessment or denial of a refund of the advance disposal fee; amending s. 213.05, F.S.; adding the advance disposal fees to the responsibilities of the Department of Revenue; amending s. 213.053, F.S.; providing that the Department of Revenue may only share advance disposal fee information with the Department of Environmental Regulation in the conduct of its official business;

On motion by Senator Dantzler, by two-thirds vote **CS for SB 1904** 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—2

Consideration of **CS for CS for SB 156** was deferred.

CS for SB 1672—A bill to be entitled An act relating to optometry; amending s. 463.002, F.S.; requiring practitioners licensed after a specified date to be qualified to be certified; amending s. 463.0055, F.S.; deleting provisions related to certification; amending s. 463.006, F.S.; prescribing qualifications for licensure and certification by examination; establishing certification requirements; prescribing fees; amending s. 463.007, F.S.; revising continuing education requirements; providing application procedures for certain licensed practitioners to become certified; providing an effective date.

—was read the second time by title.

One amendment was adopted to **CS for SB 1672** to conform the bill to **CS for HB 843**.

Pending further consideration of **CS for SB 1672** as amended, on motions by Senator Dudley, by two-thirds vote **CS for HB 843** was withdrawn from the Committees on Professional Regulation; and Finance, Taxation and Claims.

On motion by Senator Dudley—

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.

—a companion measure, was substituted for **CS for SB 1672** and read the second time by title. On motion by Senator Dudley, by two-thirds vote **CS for HB 843** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

Consideration of **SB 1654**, **CS for SB 1084**, **CS for SB 1090**, and **Senate Bills 646** and **1912** was deferred.

On motions by Senator Dyer, by two-thirds vote **CS for HB 469** was withdrawn from the Committees on Professional Regulation and Health Care.

On motion by Senator Dyer—

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.

—a companion measure, was substituted for **CS for SB 1426** and read the second time by title.

Senator Dyer moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 27 and 28 and insert: *then only when authorized by the Medical Director of the nursing home facility.* The consultant pharmacist must have

On motion by Senator Dyer, by two-thirds vote **CS for HB 469** as amended 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 1084—A bill to be entitled An act relating to trust funds; amending s. 215.32, F.S.; eliminating the authority of the Administration Commission and the Chief Justice to create trust funds, to conform to the requirements of the State Constitution; providing for the establishment of accounts within trust funds and for payment therefrom; conforming the list of funds exempt from automatic termination under requirements of the State Constitution; creating s. 215.3206, F.S.; providing for the review and termination or re-creation of trust funds; providing for transfer to general revenue of cash balances and revenues of terminated trust funds and for the payment of any outstanding debts thereof; requiring the Comptroller to provide the Legislature each year with a list of trust funds scheduled for termination and a list of trust funds exempt from automatic termination; amending s. 215.3207, F.S.; providing for establishment of trust funds by a three-fifths vote of each house of the Legislature and for a specified lifespan, to conform to the requirements of the State Constitution; creating s. 215.3208, F.S.; providing a schedule for the review of trust funds administered by specified agencies and branches of state government; providing for review of other trust funds; amending s. 240.213, F.S., relating to the self-insurance program of the Board of Regents, to conform; providing an effective date.

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

Yeas—35 Nays—None

CS for SB 1090—A bill to be entitled An act relating to trust funds; abolishing trust funds within the State University System, the state courts system, the Justice Administrative Commission, and various state departments; providing for transfer of current balances to general revenue; renaming a trust fund within the Department of Community Affairs; providing for the paying of outstanding debts and obligations of the abolished trust funds and for the removal of the abolished trust funds from the various state accounting systems; repealing ss. 395.803 and 395.804, F.S., relating to the Medical Education and Tertiary Care Trust Fund; repealing s. 240.258, F.S., relating to the Florida Vietnam Veterans' Memorial Trust Fund; repealing s. 240.4985, F.S., relating to the Good-Gulfstream Trust Fund for Higher Education; amending s. 240.518, F.S.; changing the Historically Black College and University Trust Fund to the Historically Black College and University Program and providing for annual general revenue funding; repealing s. 240.415, F.S., relating to the Student Financial Aid Trust Fund; amending ss. 240.417 and 240.429, F.S., to conform; amending s. 163.517, F.S.; changing the Safe Neighborhoods Trust Fund to the Safe Neighborhoods Program; amending ss. 163.504, 163.508, and 163.519, F.S., to conform; repealing s. 945.32, F.S., relating to the Court-Ordered Payment Trust Fund; amending s. 945.31, F.S., to conform; amending s. 410.401, F.S.; eliminating the Alzheimer's Disease Research Trust Fund and providing for other funding and awarding of research grants related to Alzheimer's disease by the Department of Elderly Affairs; amending s. 513.045, F.S.; eliminating the Mobile

Home and Recreational Vehicle Park Trust Fund and providing for deposit of permit fees in the County Health Unit Trust Fund; amending s. 513.055, F.S., to conform; amending s. 39.442, F.S.; eliminating the Child in Need of Services Trust Fund; amending s. 404.056, F.S.; eliminating the Radon Trust Fund and providing for deposit of the radon surcharge into the Radiation Protection Trust Fund; amending s. 553.98, F.S., to conform; amending s. 404.131, F.S.; eliminating the Low-Level Radioactive Waste Trust Fund and providing for deposit into the Radiation Protection Trust Fund of moneys collected in relation to the transport of low-level radioactive waste; amending ss. 210.20, 287.088, 394.4786, 394.4787, 394.4788, 394.4789, 395.003, 395.1041, 395.701, 395.7015, 400.34, 408.040, 408.07, 408.08, 409.2673, 409.701, and 768.73, F.S., to conform; amending s. 408.033, F.S.; eliminating the Local and State Health Trust Fund and transferring its depository duties to the Health Care Trust Fund; repealing s. 376.22, F.S., relating to the Port Trust Fund; amending s. 215.20, F.S., to conform; repealing s. 403.0615(4), F.S., relating to the Water Resources Restoration and Preservation Trust Fund; repealing s. 458.3125, F.S., relating to the Physician Training Trust Fund; amending s. 256.031, F.S.; eliminating the Flag Trust Fund; authorizing the Department of State to buy and sell flags and providing for deposit of the proceeds from such sale; amending ss. 267.061 and 267.0617, F.S., to conform; amending s. 550.2415, F.S.; eliminating the Research Trust Fund and transferring its functions to the Pari-mutuel Wagering Trust Fund; amending s. 290.034, F.S.; renaming the Community Development Support and Assistance Trust Fund as the Operating Trust Fund to function as the depository of funds appropriated to the Community Development Corporation Support and Assistance Program; amending ss. 290.033, 290.036, 290.037, 290.038, and 290.039, F.S., to conform; amending s. 252.84, F.S.; eliminating the Hazardous Materials Administration Trust Fund and transferring its duties to the Operating Trust Fund; amending ss. 252.82, 252.83, 252.86, and 252.91, F.S., to conform; amending s. 553.795, F.S.; eliminating the Building Inspector Certification Trust Fund and transferring its duties to the Operating Trust Fund; amending s. 189.427, F.S.; eliminating the Special District Administrative Trust Fund and transferring its duties to the Operating Trust Fund; amending s. 943.25, F.S.; eliminating the Trust Fund for Grant Matching and transferring its duties to the Operating Trust Fund; repealing s. 420.35, F.S., relating to the Florida Elderly Housing Trust Fund; amending s. 420.34, F.S.; providing that funding for the Elderly Homeowner Rehabilitation Program shall be appropriated from the State Housing Trust Fund; amending ss. 409.504 and 409.506, F.S.; eliminating the Community Service Trust Fund and providing general revenue funding of the program for community services; amending s. 426.009, F.S.; eliminating the Handicapped and Elderly Security Assistance Trust Fund and providing for funding of the Handicapped and Elderly Security Assistance Program through the General Revenue Fund; amending ss. 426.003, 775.0836, and 939.015, F.S., to conform; repealing ss. 420.424(3) and 420.4255, F.S., relating to the Neighborhood Housing Services Grant Fund; amending ss. 239.505 and 420.429, F.S., to conform; repealing s. 186.911, F.S., relating to the Growth Management Trust Fund; amending s. 311.07, F.S.; changing the Florida Seaport Transportation and Economic Development Trust Fund to the Florida Seaport Transportation and Economic Development Program and providing for funding through a designated program account in the State Transportation Trust Fund; amending s. 311.09, F.S., to conform; renaming the Accident Reports Trust Fund as the Highway Safety Operating Trust Fund, to be used to fund the general operations of the department; abolishing the Drivers' Education Trust Fund, the Florida Real Time Vehicle Information System Trust Fund, the Motor Vehicle Inspection Trust Fund, the Motor Vehicle License Plate Replacement Trust Fund, and the Odometer Fraud Prevention and Detection Trust Fund and providing for depositing revenues that are currently deposited into those funds into the Highway Safety Operating Trust Fund; repealing s. 215.20(4)(j), F.S., relating to the Motor Vehicle Inspection Trust Fund; amending ss. 316.2124, 318.1451, 319.324, 320.06, 320.0607, 320.08, 320.0848, 320.089, 320.131, 320.27, 320.77, 321.23, 322.025, 322.095, 322.12, 322.17, 322.20, 325.214, 627.733, F.S.; providing for deposit of revenues into the Highway Safety Operating Trust Fund; providing effective dates.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote **CS for SB 1090** 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 SB 1484** was deferred.

On motions by Senator Holzendorf, by two-thirds vote **CS for HB 453** was withdrawn from the Committees on Commerce and Professional Regulation.

On motion by Senator Holzendorf—

CS for HB 453—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; revising certain definitions; revising certain exemptions; adding motor vehicles to the list of secondhand goods; exempting motor vehicle dealers; amending s. 538.06, F.S.; requiring secondhand dealers to maintain actual physical possession of certain goods; prohibiting a secondhand dealer from accepting certain security in lieu of possession; providing a penalty; allowing a court to hold suspected stolen property; reenacting s. 538.05, F.S., relating to inspection of records and premises of secondhand dealers; amending s. 538.08, F.S.; clarifying provisions; authorizing the state to file a motion in criminal cases involving the same property as in civil petitions for return; providing procedures; amending s. 538.16, F.S.; clarifying the disposal of pawned property; providing an effective date.

—a companion measure, was substituted for **CS for SB 548** and read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **CS for HB 453** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

Consideration of **CS for SB 1780** was deferred.

On motion by Senator Weinstein, by two-thirds vote **CS for HB 885** was withdrawn from the Committee on Judiciary.

On motion by Senator Weinstein—

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.

—a companion measure, was substituted for **CS for SB 1484** and read the second time by title. On motion by Senator Weinstein, by two-thirds vote **CS for HB 885** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

SENATOR CHILDERS PRESIDING

On motions by Senator Weinstein, by two-thirds vote **CS for HB 1499** was withdrawn from the Committees on Professional Regulation; International Trade, Economic Development and Tourism; and Finance, Taxation and Claims.

On motion by Senator Weinstein—

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.

—a companion measure, was substituted for **CS for CS for SB 1186** and read the second time by title. On motion by Senator Weinstein, by two-thirds vote **CS for HB 1499** 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 Diaz-Balart, by two-thirds vote **CS for HB 831** was withdrawn from the Committees on Transportation; and Natural Resources and Conservation.

On motion by Senator Diaz-Balart—

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.

—a companion measure, was substituted for **SB 646** and read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote **CS for HB 831** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motion by Senator Jennings, by two-thirds vote **HB 1047** was withdrawn from the Committee on Education.

On motion by Senator Jennings—

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

—a companion measure, was substituted for **SB 1014** and read the second time by title. On motion by Senator Jennings, by two-thirds vote **HB 1047** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

Reconsideration

On motion by Senator Thomas, the Senate reconsidered the vote by which—

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

—passed this day.

Senators Thomas and Jenne offered the following amendment which was moved by Senator Thomas and adopted by two-thirds vote:

Amendment 1 (with Title Amendment)—On page 2, between lines 3 and 4, insert:

Section 3. (1) The Village Green at the Florida State University College of Law is designated as the “James Harold Thompson Green.”

(2) The Board of Regents is authorized to erect a suitable marker bearing the designation made by subsection (1).

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 6, after the semicolon (;) insert: designating the Village Green at the Florida State University College of Law as the “James Harold Thompson Green”;

On motion by Senator Thomas, **HB 1047** as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

Consideration of **SB 2138** was deferred.

SB 848—A reviser’s bill to be entitled An act relating to the Florida Statutes; amending ss. 11.075, 18.07, 20.15(5), (6), 24.119, 26.012(4), 27.345(2), 27.3451, 27.7001, 39.024(4)(b), 39.041(1), 39.045(3), 39.418, 39.421(2)(b), (3), 39.422(2), 39.423(2), (3), (4), 39.426(1), (2), 40.29(1)(e), 44.1011(2)(c), 45.051, 92.26, 92.55(1)(c), 99.0955(3)(b), 100.361(1)(i), 106.07(8)(c), (e), 113.01, 119.083(1)(b), 119.16(3)(d), 125.0108(2)(d), 154.245, 159.27(16), 161.56(2), 163.3213(6), 186.503(7), (9), 189.415(3), 190.024, 193.1145(9), (11), 193.481(6), 195.207, 196.121(2), 196.1995(7)(d), (8)(d), (9)(d), 196.24, 205.171(1), 206.45(2), 206.9845, 212.0305(3)(g), 212.052(1)(b), 212.081, 212.66, 220.183(3)(f), 228.501(3), 228.502(8), 229.512(15), 229.57(3)(c), 229.8333(4), 230.643, 231.095, 231.1713, 231.261(7)(b), 232.19(3)(a), 232.301(2), (3), (4), 233.067(8), 236.083(1)(d), 236.088(5)(b), (c), 236.1227, 236.13(2), 238.05(1)(a), 240.1161(5), 240.205(6), 240.231, 240.257(3), 240.268(6), 240.319(3)(e), 240.38(2), (6), 240.4082(1)(b), (2), 240.4085(2)(b), 240.5161(6), 240.5337(1), (9), 240.61(10), 245.08(1)(c), Florida Statutes, and ss. 11.148(8), 20.19(9)(a), (11)(g), 20.42(2)(a), 25.387(4), 39.0582(3)(e), (4)(a), 39.0583, 39.40(2), 63.062(1)(b), 110.117(3), 110.131(3), (5), 110.205(2)(l), 112.3215(8), 117.01(2), 117.107(4), 120.545(1), 122.35(4)(a), 163.3164(1), 175.401(2)(b), (10)(a), 185.50(2)(b), (10)(a), 186.003(9), 196.031(4), 206.9935(2), 212.02(2), 212.055(2)(a), 212.0596(6), 212.06(11)(c), 212.08(5)(h)7., 213.05, 215.20(4)(a), 215.34(1), 215.605(3), 216.181(7)(c), 216.231(1)(a), 216.262(1)(b), (3), 229.592(1), (3)(c), (5), (6)(a), 229.602(11)(d), 230.2303(8)(b), 233.068(2)(a), 236.25(1), 239.505(6), 240.209(3)(f), (g), 240.3355(2), 240.404(1)(a), 240.4076(4)(a), 240.409(2)(d), (7), 240.512(1), (5)(g), Florida Statutes (1992 Supplement), and repealing s. 206.9942(6), Florida Statutes, pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, served their purpose, or have been impliedly repealed or superseded; revising or correcting cross-references; correcting grammatical or like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and correcting errors in the editing, publishing, and printing of the Florida Statutes.

—was read the second time by title.

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

Amendment 1 (with Title Amendment)—On page 2, line 29 through page 3, line 15; on page 8, line 24 through page 9, line 14; on page 13, line 27 through page 14, line 19; on page 23, lines 11-26; on page 25, line 25 through page 26, line 11; on page 30, line 29 through page 31, line 15; on page 36, line 28 through page 37, line 12; on page 50, line 11 through page 51, line 24; on page 53, line 27 through page 54, line 20; on page 60, line 28 through page 61, line 12; on page 62, line 8 through page 63, line 14; on page 68, line 23 through page 69, line 7; on page 75, line 19 through page 76, line 6; on page 97, line 15 through page 98, line 9; on page 108, line 26 through page 109, line 17; and on page 119, lines 4-12, strike all of said lines and renumber sections of bill accordingly.

And the title is amended as follows:

In title, on page 1, lines 3-31 and on page 2, lines 1-14, strike all of said lines and insert: amending ss. 18.07, 20.15(5), (6), 24.119, 26.012(4), 27.345(2), 27.3451, 27.7001, 39.024(4)(b), 39.041(1), 39.418, 39.421(2)(b), (3), 39.422(2), 39.423(2), (3), (4), 39.426(1), (2), 44.1011(2)(c), 45.051, 92.26, 92.55(1)(c), 99.0955(3)(b), 100.361(1)(i), 106.07(8)(c), (e), 113.01, 119.083(1)(b), 119.16(3)(d), 154.245, 159.27(16), 163.3213(6), 186.503(7), (9), 189.415(3), 190.024, 193.1145(9), (11), 193.481(6), 196.121(2), 196.1995(7)(d), (8)(d), (9)(d), 196.24, 205.171(1), 206.45(2), 206.9845, 212.052(1)(b), 212.081, 212.66, 220.183(3)(f), 228.501(3), 228.502(8), 229.512(15), 229.57(3)(c), 229.8333(4), 230.643, 231.095, 231.1713, 231.261(7)(b), 232.19(3)(a), 233.067(8), 236.083(1)(d), 236.1227, 236.13(2), 238.05(1)(a), 240.1161(5), 240.205(6), 240.231, 240.257(3), 240.319(3)(e), 240.4082(1)(b), (2), 240.4085(2)(b), 240.5161(6), 240.5337(1), (9), 240.61(10), 245.08(1)(c), Florida Statutes, and ss. 20.19(9)(a), (11)(g), 20.42(2)(a), 25.387(4), 39.0582(3)(e), (4)(a), 39.0583, 39.40(2), 63.062(1)(b), 110.131(3), (5), 110.205(2)(l), 112.3215(8), 117.01(2), 117.107(4), 120.545(1), 122.35(4)(a), 163.3164(1), 175.401(2)(b), (10)(a), 185.50(2)(b), (10)(a), 186.003(9), 196.031(4), 206.9935(2), 212.02(2), 212.055(2)(a), 212.0596(6), 212.06(11)(c), 212.08(5)(h)7., 213.05, 215.34(1), 215.605(3), 216.181(7)(c), 216.231(1)(a), 216.262(1)(b), (3), 229.592(1), (3)(c), (5), (6)(a), 229.602(11)(d), 230.2303(8)(b), 236.25(1),

239.505(6), 240.209(3)(f), (g), 240.3355(2), 240.404(1)(a), 240.4076(4)(a), 240.409(2)(d), (7), 240.512(1), (5)(g), Florida Statutes (1992 Supplement), pursuant to s.

On motion by Senator McKay, by two-thirds vote **SB 848** 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

SB 850—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 258.42(3)(a), 258.43(3)(a), 258.501(3)(c), 270.09(3), 283.31, 283.33(1), (4), 284.02(1), 288.503(8), 288.741, 288.742, 288.743(1), 288.744(3)(d), (i), 288.745, 288.748(1)(e), 288.749, 288.751(2), 288.755, 288.756, 288.757, 288.758, 295.01(1)(a), 295.015(1), 295.08, 295.125(2), 310.073, 311.09(10), 316.172(1), 319.30(1)(k), (p), 319.33(1)(d), 319.35(1)(b), 320.0715(3)(b), 320.0803(1), 320.13(1)(b), 320.20(3)(b), 322.18(4), 322.20(12), 322.64(7)(b), 324.061(1), 324.071, 324.191, 327.02(3)(a), 327.30(2), 327.60(1), 333.05(1), 337.243(2)(b), 337.271(9), 338.234(1), 341.301(5), 341.402, 341.403(7), 341.405(2), (3), (4), (5), 341.406, 341.407(1), (2), (8), (11), (14), 341.408(1), (3), (4), (5)(a), 341.409(2), (5), 341.411(2), (3)(a), (c), 341.412(1), 341.413(1)(a), (2), (4)(a), 341.415, 341.418(1), 350.01(7), 350.111, 370.0609, 370.0615(9), 370.14(13), 370.153(3)(d), 370.16(6), 372.57(15), 372.571, 372.5712(1), 372.5714(2), 372.7701(1), 373.0691(1), 373.0693(1)(b), 373.209(2), 373.413(3), 373.457(1), 373.4592(2)(f), (g), (5)(d), 376.12(5)(a), (d), (9), 376.15(2)(b), 376.40(5), 377.712(2), 378.205(1)(b), 381.0041(1), (3)(c), (9), 382.004(2), 382.009(4), 383.171(3), 383.216(1), 384.25(4), 392.53(4), 393.0641(2), 393.0673(2), 393.0678(11), 393.12(1)(b), 393.13(4)(g), 394.459(12)(b), 400.071(7), 400.441(4), 400.471(3), 400.497(2)(i), 400.603(1), 400.606(4), 401.121, 402.105(1)(b), (3)(e), 402.22(8), 402.32(7)(a), 402.40(5)(b), 403.064(6), 403.073(2), 403.4153, 403.705(2), (5), 403.7095(6), (7)(b), (c), 403.726(2), 403.7264(1)(b), (5), 403.754(1)(b), 403.860(6), 403.864(1), and 403.913(4), Florida Statutes; s. 381.701, Florida Statutes (renumbered as s. 408.031, Florida Statutes, 1992 Supplement); s. 381.704(5), Florida Statutes (renumbered as s. 408.034(5), Florida Statutes, 1992 Supplement); s. 381.708, Florida Statutes (renumbered as s. 408.038, Florida Statutes, 1992 Supplement); s. 381.710(2)(a), (d), Florida Statutes (renumbered as s. 408.040(2)(a) (d), Florida Statutes, 1992 Supplement); s. 381.711, Florida Statutes (renumbered as s. 408.041, Florida Statutes, 1992 Supplement); s. 381.714, Florida Statutes (renumbered as s. 408.044, Florida Statutes, 1992 Supplement); and ss. 251.06, 255.245(4), 255.25(4)(c), 255.29(3), 255.31(1), 265.001(2)(a), 282.102(16), 282.305(2), 283.62(3), 287.0595(1)(a), 288.053(1), (2), 288.1226(1)(a), 316.304(2)(b), 316.655(6), 316.660(3)(b), 319.14(1)(c), 325.222(3), 337.108(1)(b), 339.12(4)(a), 339.155(5)(b), 341.321(1), 341.322(8), 341.365(2)(c), 348.52(2)(a), 348.7544, 348.9781(2), 351.034, 376.07(2)(g), 380.08(2), 381.004(3)(i), (5)(d), 385.103(2)(c), (d), 393.066(3), 393.068(4), 393.11(10)(b), 394.75(11)(b), 395.1027(1), 395.1031, 395.7015(2)(b), 400.304(11), 400.702(1)(d), 401.245(2)(b), 403.031(13), 403.061(29), 403.9411(3)(b), 404.056(2)(a), (b), (4)(e), (5), (6), 408.006(4)(b), 408.032(1), (6), (8), 408.033(1)(b), (c), (3)(a), 408.036(1), 408.039(5)(b), (6)(b), 408.045(2), 408.07(15), and 408.072(2), (6)(a), (9)(b), (11)(a), Florida Statutes (1992 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation.

—was read the second time by title.

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

Amendment 1 (with Title Amendment)—On page 8, line 8 through page 9, line 2; on page 9, lines 4-21; on page 26, line 29 through page 27, line 14; on page 35, lines 5-21; on page 59, line 5 through page 60, line 5; on page 67, line 14 through page 68, line 6; on page 68, lines 8-18; on page 72, line 18 through page 74, line 15; on page 79, lines 6-24; on page 94, lines 9-23; on page 95, lines 10-20; on page 95, line 22 through page 96, line 3; on page 110, line 18 through page 111, line 5; on page 119, line 21 through page 120, line 10; on page 121, line 19 through page 122, line 30; on page 123, line 1 through page 124, line 28; on page 124, line 30 through page 126, line 20; and on page 155, line 28 through page 158, line 27, strike all of said lines and renumber sections of the bill accordingly.

And the title is amended as follows:

In title, on page 1, line 4 through page 3, line 6, strike all of said lines and insert: 258.501(3)(c), 270.09(3), 283.31, 288.503(8), 288.741, 288.742, 288.743(1), 288.744(3)(d), (i), 288.745, 288.748(1)(e), 288.749, 288.751(2), 288.755, 288.756, 288.757, 288.758, 295.01(1)(a), 295.015(1), 295.08, 295.125(2), 310.073, 311.09(10), 316.172(1), 319.30(1)(k), (p), 319.35(1)(b), 320.0715(3)(b), 320.0803(1), 320.13(1)(b), 320.20(3)(b), 322.18(4), 322.20(12), 322.64(7)(b), 324.061(1), 324.071, 324.191, 327.30(2), 327.60(1), 333.05(1), 337.243(2)(b), 337.271(9), 338.234(1), 341.301(5), 341.402, 341.403(7), 341.405(2), (3), (4), (5), 341.406, 341.407(1), (2), (8), (11), (14), 341.408(1), (3), (4), (5)(a), 341.409(2), (5), 341.411(2), (3)(a), (c), 341.412(1), 341.413(1)(a), (2), (4)(a), 341.415, 341.418(1), 350.01(7), 350.111, 370.0609, 370.14(13), 370.153(3)(d), 370.16(6), 372.57(15), 372.571, 372.5712(1), 372.5714(2), 372.7701(1), 373.209(2), 373.413(3), 373.457(1), 373.4592(2)(f), (g), (5)(d), 376.15(2)(b), 376.40(5), 377.712(2), 378.205(1)(b), 381.0041(1), (3)(c), (9), 382.004(2), 383.171(3), 383.216(1), 384.25(4), 392.53(4), 393.0641(2), 393.0673(2), 393.0678(11), 393.12(1)(b), 393.13(4)(g), 394.459(12)(b), 400.071(7), 400.441(4), 400.471(3), 400.497(2)(i), 400.603(1), 400.606(4), 401.121, 402.105(1)(b), (3)(e), 402.22(8), 402.40(5)(b), 403.4153, 403.705(2), (5), 403.7095(6), (7)(b), (c), 403.726(2), 403.7264(1)(b), (5), 403.754(1)(b), 403.860(6), 403.864(1), and 403.913(4), Florida Statutes; s. 381.701, Florida Statutes (renumbered as s. 408.031, Florida Statutes, 1992 Supplement); s. 381.704(5), Florida Statutes (renumbered as s. 408.034(5), Florida Statutes, 1992 Supplement); s. 381.708, Florida Statutes (renumbered as s. 408.038, Florida Statutes, 1992 Supplement); s. 381.710(2)(a), (d), Florida Statutes (renumbered as s. 408.040(2)(a), (d), Florida Statutes, 1992 Supplement); s. 381.711, Florida Statutes (renumbered as s. 408.041, Florida Statutes, 1992 Supplement); s. 381.714, Florida Statutes (renumbered as s. 408.044, Florida Statutes, 1992 Supplement); and ss. 251.06, 255.25(4)(c), 255.29(3), 255.31(1), 265.001(2)(a), 282.102(16), 282.305(2), 283.62(3), 287.0595(1)(a), 288.053(1), (2), 288.1226(1)(a), 316.304(2)(b), 316.655(6), 316.660(3)(b), 325.222(3), 337.108(1)(b), 341.322(8), 341.365(2)(c), 348.52(2)(a), 348.7544, 348.9781(2), 351.034, 376.07(2)(g), 380.08(2), 381.004(3)(i), (5)(d), 385.103(2)(c), (d), 393.066(3), 393.068(4), 393.11(10)(b), 394.75(11)(b), 395.1027(1), 395.1031, 395.7015(2)(b), 400.304(11), 400.702(1)(d), 401.245(2)(b), 403.031(13), 403.061(29), 403.9411(3)(b), 408.006(4)(b),

On motion by Senator McKay, by two-thirds vote **SB 850** 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

SB 852—An act relating to the Florida Statutes; amending ss. 409.1685, 409.503(3), 409.912(2), (3), (4)(b), 413.49(3), 415.105(5)(b), 415.5087(1)(a), 415.511(1)(b), 419.001(1)(d), 425.045(2), 440.14(4), 440.571, 440.572, 446.27(1)(j), 450.181(1), (3), 459.0085(4)(a), 462.14(1)(p), (t), 465.0156(5), 465.023(1)(c), 466.017(6), 466.022(1), 466.023(5), 468.365(1)(w), 468.532(1)(k), (l), 474.213(2), 474.214(1)(bb), 475.045(1)(f), 475.624(5), 477.013(8), 477.0201(1)(b), 480.033(5), (7), 483.285(4), (6), 483.30, 483.621(2), 493.6106(2)(a), 493.6113(3)(a), (b), 493.6116(1), 493.6118(1)(o), 493.6201(3)(a), 493.6301(3)(a), 493.6303(4), 496.406(1)(c), 498.063(5), 499.79, 500.174(2), 501.623(5), 502.012(2), 504.28(2), 509.261(1)(b), 520.08(6), 527.13(2), 527.15, 553.73(1)(a), 553.79(3), (4), 553.851(2)(c), 559.9232(2)(a), 560.131(1)(b), (c), 561.42(7), 585.84, 607.1302(4), 607.1421(4), 607.1433(3), 607.1520(2)(d), 617.0128(2)(d), 617.0601(4), 617.1533(2), 617.1623(1)(b), (e), 617.1805, 617.1808, and 620.565(4), Florida Statutes, and ss. 409.029(8)(b), 420.507(22)(a), 420.5088(2)(a), (j), 420.6075(2), 427.012(1)(m), 440.13(2)(f), 455.2141(5), 455.2226(2), 455.236(3)(a), (h), 455.239(2)(d), 455.245(2), 459.009(3)(b), 459.015(5), 460.413(4), 465.016(1)(e), 466.028(3), 467.004(2), 468.1265, 468.1695(5), 482.1821, 493.6121(3), 499.028(2), (5), 499.067(5), 500.11(1)(i), 500.12(1)(c), 500.509(7)(b), 501.059(5)(b), 553.77(6), 562.13(2)(c), 569.007(3), 580.061(3), 581.145, and 601.731(1)(c), Florida Statutes (1992 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation.

—was read the second time by title.

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

Amendment 1 (with Title Amendment)—On page 8, lines 12-30; on page 12, lines 1-15; on page 13, line 12 through page 14, line 6; on page 22, line 16 through page 23, line 8; on page 29, lines 10-25; on page 30, lines 12-24; on page 47, lines 1-9; on page 55, line 24 through page 56, line 7; on page 56, lines 9-28; on page 61, lines 14-28; on page 68, line 7 through page 69, line 3; and on page 70, lines 6-22, strike all of said lines and renumber sections of the bill accordingly.

And the title is amended as follows:

In title, on page 1, lines 5-31 and on page 2, lines 1-5, strike all of said lines and insert: 415.5087(1)(a), 415.511(1)(b), 425.045(2), 440.14(4), 440.571, 440.572, 446.27(1)(j), 459.0085(4)(a), 465.0156(5), 465.023(1)(c), 466.017(6), 466.022(1), 466.023(5), 468.365(1)(w), 468.532(1)(k), (l), 474.213(2), 474.214(1)(bb), 475.045(1)(f), 475.624(5), 477.013(8), 477.0201(1)(b), 480.033(5), (7), 483.30, 483.621(2), 493.6106(2)(a), 493.6113(3)(a), (b), 493.6116(1), 493.6118(1)(c), 493.6201(3)(a), 493.6301(3)(a), 493.6303(4), 496.406(1)(c), 499.79, 501.623(5), 502.012(2), 504.28(2), 509.261(1)(b), 520.08(6), 527.13(2), 527.15, 553.73(1)(a), 553.79(3), (4), 553.851(2)(c), 559.9232(2)(a), 560.131(1)(b), (c), 561.42(7), 585.84, 607.1302(4), 607.1421(4), 607.1433(3), 607.1520(2)(d), 617.0128(2)(d), 617.0601(4), 617.1533(2), 617.1623(1)(b), (e), 617.1805, and 617.1808, Florida Statutes, and ss. 409.029(8)(b), 420.507(22)(a), 420.5088(2)(a), (j), 420.6075(2), 427.012(1)(m), 440.13(2)(f), 455.2141(5), 455.2226(2), 455.236(3)(a), (h), 459.009(3)(b), 459.015(5), 460.413(4), 465.016(1)(e), 466.028(3), 467.004(2), 468.1265, 482.1821, 493.6121(3), 499.028(2), (5), 499.067(5), 500.11(1)(i), 500.12(1)(c), 500.509(7)(b), 501.059(5)(b), 562.13(2)(c), 569.007(3), 581.145, and

On motion by Senator McKay, by two-thirds vote **SB 852** 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

SB 854—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 624.310(4)(f), 624.311(5), 624.424(9)(a), 624.447, 624.468(5), 624.469(1), 624.475, 624.523(1)(n), 624.606(1)(e), 624.6065, 624.6081, 625.041(3), 625.121(3)(b), 625.330(1), 625.52(3)(a), 627.092, 627.4147(1), (2), 627.6482(7), 627.6486(1)(b), 627.6577(3), 627.7275(2)(a), 627.733(5), 628.909(3)(e), 631.813, 631.814(8), 631.815, 633.061(3)(c), 633.071(2), 634.044(2)(i), 634.336(8), 634.344, 634.345, 634.401(18)(d), 634.404(6), 634.4061(2)(i), 641.201, 641.21(1), 641.22(1), 641.23(1), 641.261(1), 641.30(2), 641.3007(4)(a), 641.405(2)(f), 641.406(1), 641.411(1), 641.45(1), 641.459(1), 641.48(1), (2), 641.49(2), 641.511(2), 641.58(4), 651.118(1), 660.29, 679.401(6), 697.205(1)(a), 712.06(3), 713.245(2), 731.301(1)(c), 744.106, 744.307(2), 744.703(1), 747.035(1), 766.104(1), 766.105(1)(b), (e), 790.25(2)(b), (3)(o), 812.16(1)(b), 817.40, 817.47, 817.61, 865.09(3), 895.05(7)(b), 934.03(2)(g), 934.09(7)(e), (11), 941.11, 945.36(2), and 951.061(2), Florida Statutes, and ss. 624.462(2)(b), 624.5092(3), 624.610(2)(c), 626.7492(2)(g), 627.351(5)(a), 627.4106(2)(j), (3)(a), 627.651(4), 627.6516, 627.736(9)(b), 627.778(1)(c), 627.7865, 627.912(1), 641.55(7), 655.019(3), (4), 655.0386(1), 655.50(8)(d), 660.33(4)(c), 663.02(1), 671.304(2)(c), (d), 681.1095(3), 718.116(9)(b), 719.108(8)(b), 719.504, 723.0381(2), 723.084(7), 723.086, 744.301(4)(a), 744.367(3), 766.101(1)(a), 766.115(4)(c), 895.02(2)(a), 921.187(1)(b), 944.096(2), 946.40(1), (4), 948.001(1), 948.03(8), and 960.003(5)(a), Florida Statutes (1992 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation.

—was read the second time by title.

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

Amendment 1 (with Title Amendment)—On page 37, lines 1-23; on page 41, lines 7-20; on page 41, line 22 through page 42, line 21; on page 46, lines 1-17; on page 49, lines 1-14; on page 51, line 24 through page 52, line 3; on page 60, line 16 through page 61, line 13; on page 93, line 17 through page 94, line 25; on page 94, line 27 through page 95, line

19; on page 121, line 24 through page 125, line 3; and on page 127, line 27 through page 128, line 26, strike all of said lines and renumber sections of bill accordingly.

And the title is amended as follows:

In title, on page 1, lines 14-31 and on page 2, lines 1-6, strike all of said lines and insert: 641.23(1), 641.261(1), 641.3007(4)(a), 641.405(2)(f), 641.406(1), 641.411(1), 641.45(1), 641.49(2), 641.511(2), 641.58(4), 651.118(1), 660.29, 697.205(1)(a), 712.06(3), 731.301(1)(c), 744.106, 744.307(2), 744.703(1), 766.104(1), 766.105(1)(b), (e), 790.25(2)(b), (3)(o), 812.16(1)(b), 817.40, 817.47, 817.61, 865.09(3), 895.05(7)(b), 934.09(7)(e), (11), 941.11, 945.36(2), and 951.061(2), Florida Statutes, and ss. 624.462(2)(b), 624.5092(3), 624.610(2)(c), 626.7492(2)(g), 627.351(5)(a), 627.4106(2)(j), (3)(a), 627.651(4), 627.6516, 627.736(9)(b), 627.778(1)(c), 627.7865, 627.912(1), 641.55(7), 655.019(3), (4), 655.0386(1), 655.50(8)(d), 660.33(4)(c), 681.1095(3), 718.116(9)(b), 719.108(8)(b), 719.504, 723.0381(2), 723.084(7), 723.086, 744.301(4)(a), 744.367(3), 766.101(1)(a), 766.115(4)(c), 895.02(2)(a), 944.096(2), 946.40(1), (4), 948.001(1), and 960.003(5)(a), Florida Statutes

On motion by Senator McKay, by two-thirds vote **SB 854** 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

SB 1654—A bill to be entitled An act relating to public records; amending s. 119.011, F.S.; redefining the term "criminal justice agency" to include the Department of Corrections for purposes of ch. 119, F.S., relating to public records; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole recommended the following amendment which was moved by Senator Kiser and adopted:

Amendment 1 (with Title Amendment)—On page 1, between lines 26 and 27, insert:

Section 2. Paragraph (z) of subsection (3) of section 119.07, Florida Statutes, 1992 Supplement, is amended to read:

119.07 Inspection and examination of records; exemptions.—
(3)

(z) Any document *in the custody of an agency* which reveals the ~~identity~~, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and identifies that person as the victim of a crime, ~~which document is received by any agency that regularly receives information from or concerning the victims of a crime,~~ is exempt from the provisions of subsection (1). Any state or federal agency ~~that which~~ is authorized to have access to such documents by any provision of law ~~shall~~ be granted such access in the furtherance of such agency's statutory duties, notwithstanding the provisions of this section. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 6, after the semicolon (;) insert: amending s. 119.07, F.S.; providing for inspection of records;

On motion by Senator Kiser, by two-thirds vote **SB 1654** 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

Consideration of **CS for SB 144** was deferred.

On motions by Senator Dantzler, by two-thirds vote **HB 2115** was withdrawn from the Committees on Natural Resources and Conservation; and Appropriations.

On motion by Senator Dantzler—

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.

—a companion measure, was substituted for **CS for SB 1820** and read the second time by title. On motion by Senator Dantzler, by two-thirds vote **HB 2115** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

SB 230—A bill to be entitled An act relating to the Department of Commerce; repealing s. 20.17(3), F.S., which creates the Motion Picture, Television, and Recording Industry Advisory Council within the Department of Commerce; amending s. 288.03, F.S.; deleting a reference to the advisory council; providing an effective date.

—was read the second time by title.

The Committee on International Trade, Economic Development and Tourism recommended the following amendment which was moved by Senator Hargrett:

Amendment 1 (with Title Amendment)—On page 2, between lines 16 and 17, insert:

Section 3. Subsection (4) of section 20.17, Florida Statutes, is amended to read:

20.17 Department of Commerce.—There is created a Department of Commerce.

(4) The department may authorize a direct-support organization to assist the department in the promotion and development of the motion picture, television, video, recording, and related entertainment industries.

(a) Prior to contracting with a direct-support organization pursuant to paragraph (c) of this subsection: (1) the department must prepare a technical, marketing, and financial plan for the operation of the direct-support organization by July 1, 1993, and (2) The Motion Picture, Television, and Recording Industry Advisory Council and the Florida Film Commissioners Association must review and comment to the Secretary of Commerce on the operational plan by September 1, 1993.

(b)(a) To be authorized as a direct-support organization, an organization must:

1. Be incorporated as a corporation not for profit pursuant to chapter 617.

2. Be governed by a board of directors, which must consist of the following seven members:

(a) *The Secretary of Commerce,*

(b) *An ex-officio nonvoting member of the Senate who shall be appointed by the President of the Senate and serve at the pleasure of the President;*

(c) *An ex-officio nonvoting member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives and serve at the pleasure of the Speaker; and*

(d) *Twelve members who shall be appointed by the Governor.*

a. Members appointed by the Governor must be highly knowledgeable of or active in the motion picture, television, video, recording, or entertainment industry.

b. The terms of office of the members appointed by the Governor shall be 4 years, except that three of the initial such members of the board two members shall be appointed for terms of 1 year, three members for terms of 2 years, three members for terms of 3 years, and four members for terms of 4 years 3-years. No member may serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.

c. In making appointments to the board of directors, the Governor shall endeavor to ensure proportional geographic representation and shall also endeavor to ensure inclusion of a broad range of individuals representing small, medium, and large business as well as free-lance or self-employed industry workers.

d. A vacancy on the board of directors shall be filled for the remainder of the unexpired term.

e. The Governor's initial appointments to the board of directors shall be made from a list of nominees submitted by the nominating council created pursuant to this subsection. Thereafter, such appointments shall be made by the Governor from a list of nominees submitted by the remaining members of the board of directors.

f. Absence from three consecutive meetings shall result in automatic removal from the board.

3. Have as its purpose, as stated in its articles of incorporation, to receive, hold, invest, and administer property, to raise funds and receive gifts, and to promote and develop Florida's motion picture, television, video, recording, and related entertainment industries.

4. Function as a body from which the department may obtain differing views as to what actions or proposals are needed throughout the state regarding development of the motion picture, television, video, recording, and related entertainment industries.

5.4. Have a prior determination by the department that the organization will benefit the department and act in the best interests of the state as a direct-support organization to the department.

(b)1. There is created a nominating council for the purpose of providing the Governor with a list of nominees for initial appointment to the board of directors of the direct-support organization created pursuant to this subsection. The nominating council shall consist of one member each from the Florida Motion Picture and Television Association, the Independent Feature Project/South, the Florida Film Commissioners Association, the Screen Actors Guild, the Association of Independent Commercial Producers, the International Alliance of Theatrical and Stage Employees, the Florida Film Producers Association, the Professional Actors Association of Florida, the Directors Guild of America, the Black Filmmakers Group, the Women of the Motion Picture Industry-South Florida, Women in Film-Central Florida, the International Television Association, the American Federation of Television & Radio Artists, and the National Arts and Entertainment Association, for a total of fifteen members.

2. Each member of the nominating council shall nominate not more than three persons for the positions on the board of directors, and the nominating council shall submit its initial nominations to the Governor by May 1, 1993. Nominations of the council shall be nonpartisan. The

nominees and appointments must represent a balance in representation from all entertainment businesses and organizations, including organizations other than those represented on the nominating council. The importance of minority representation shall be considered when making nominations for the board of directors.

3. The Governor shall appoint no more than two members nominated by any single member of the nominating council and no more than five members from individuals who have submitted applications for appointment directly through the Executive Office of the Governor. The Governor shall have the authority to reject the group of nominees submitted by any member of the nominating council.

4. The Governor shall select and appoint twelve members to the board of directors within 30 days after receipt of the nominations from the nominating council and from individuals who have submitted applications for appointment directly through the Executive Office of the Governor.

(c)(b) The department shall contract, pursuant to s. 287.057, with the organization and shall include in the contract that:

1. The department must ~~may~~ review and approve the organization's articles of incorporation and bylaws.

2. The organization shall submit an annual budget proposal to the department, on a form prescribed by the department, in accordance with departmental procedures for filing budget proposals based upon the recommendation of the department.

3. Any funds that the organization holds in trust shall be transferred to the Florida Film and Television Investment Trust Fund and that such funds revert to the state upon the expiration or cancellation of the contract.

4. The organization is subject to an annual financial and performance review by the department to determine whether the organization is complying with the terms of the contract and whether it is acting in a manner consistent with the goals of the department and in the best interests of the state.

5. The fiscal year of the organization will begin July 1 of each year and end June 30 of the next ensuing year.

6. The offices or headquarters of the direct-support organization shall not be located on any property or space owned or operated by any entity related to the industry to be promoted by the direct-support organization.

(d)(e) The department may allow the organization to use the property, facilities, personnel, and services of the department if the organization provides equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, subject to the approval of the Secretary of Commerce.

(e)(d) The organization shall provide an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant pursuant to rules established by the department. The auditor shall submit the audit report to the Secretary of Commerce for review and approval. When If the audit report is approved, the department shall certify the audit report to the Auditor General for review.

(f)(e) ~~When so requested in writing by a donor or prospective donor, information which, if released, would identify the donor or prospective donor is confidential and exempt from the provisions of s. 119.07(1). Information identifying such donor or prospective donor shall not be included in audit reports. Information which, if released, would identify those donors who have requested in writing to remain anonymous is confidential and exempt from the provisions of s. 119.07(1). Information which, if released, would identify prospective donors is confidential and exempt from the provisions of s. 119.07(1) when the direct-support organization has identified the prospective donor itself and has not obtained the name of the prospective donor by copying, purchasing, or borrowing names from another organization or source. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. All other records of the direct-support organization constitute public records for the purposes of chapter 119.~~

(g)1. The board of directors shall appoint an executive director, after a nationwide search, to serve at the pleasure of the board as the

chief administrator of the corporation's duties. The executive director shall be exempt from the provisions of part II of chapter 110, and the board of directors shall set the salary for the executive director.

2. The executive director shall:

a. Have an established reputation with a variety of individuals representing large and small entertainment-related businesses, industry associations, and local community entertainment industry liaisons.

b. Be knowledgeable of the workings of all state agencies, and their rules, whose services, permits, or licenses film production organizations would be required to acquire.

c. Have a working knowledge of the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the direct-support organization.

d. Be knowledgeable of the natural, personnel, local assistance, and equipment resources of all areas of Florida.

e. Have marketing and promotion experience related to the motion picture, television, and recording industries.

(h) The department must adopt rules in accordance with the provisions of chapter 120, F.S., providing for the organizational structure and procedure of the direct-support organization.

(i) Any state funds received by the direct-support organization must be appropriated to the department as a line item in the General Appropriations Act, with specific direction that the funds may be contracted to a direct-support organization.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 7, after the semicolon (;) insert: amending s. 20.17(4), F.S., which authorizes the creation of a direct-support organization to assist the Department of Commerce in the promotion and development of the motion picture, television, video, recording, and related entertainment industries; requiring an operational plan; revising the membership of the board of directors; providing for staggered terms; providing for a nominating council; providing an additional duty of the direct-support organization; providing for appointment of the board of directors; requiring the department to approve articles of incorporation and bylaws; prohibiting certain locations of offices; providing exemptions from public records for certain donors and prospective donors; providing for an executive director; providing for the adoption of rules; providing requirements for appropriations;

Senator Hargrett moved the following substitute amendment which was adopted:

Amendment 2 (with Title Amendment)—On page 2, between lines 16 and 17, insert:

Section 3. Subsection (4) of section 20.17, Florida Statutes, is amended to read:

20.17 Department of Commerce.—There is created a Department of Commerce.

(4) The department may authorize a direct-support organization to assist the department in the promotion and development of the motion picture, television, video, recording, and related entertainment industries.

(a) Prior to contracting with a direct-support organization pursuant to paragraph (c) of this subsection: the department shall review and approve a technical, marketing, and financial plan developed and prepared by The Motion Picture, Television, and Recording Industry Advisory Council and the Florida Film Commissioners Association, for the operation of the direct-support organization by July 1, 1993.

(b)(a) To be authorized as a direct-support organization, an organization must:

1. Be incorporated as a corporation not for profit pursuant to chapter 617.

2. Be governed by a board of directors, which must consist of the following ~~seven~~ members:

(a) The Secretary of Commerce,

(b) *An ex-officio nonvoting member of the Senate who shall be appointed by the President of the Senate and serve at the pleasure of the President;*

(c) *An ex-officio nonvoting member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives and serve at the pleasure of the Speaker; and*

(d) *Twelve members who shall be appointed by the Governor.*

a. *Members appointed by the Governor must be highly knowledgeable of or active in the motion picture, television, video, recording, or entertainment industry.*

b. *The terms of office of the members appointed by the Governor shall be 4 years, except that three of the initial such members of the board two members shall be appointed for terms of 1 year, three members for terms of 2 years, three members for terms of 3 years, and four members for terms of 4 years 3-years. No member may serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.*

c. *In making appointments to the board of directors, the Governor shall endeavor to ensure proportional geographic representation and shall also endeavor to ensure inclusion of a broad range of individuals representing small, medium, and large business as well as free-lance or self-employed industry workers.*

d. *A vacancy on the board of directors shall be filled for the remainder of the unexpired term.*

e. *The Governor's initial appointments to the board of directors shall be made from a list of nominees submitted by the nominating council created pursuant to this subsection. Thereafter, such appointments shall be made by the Governor from a list of nominees submitted by the remaining members of the board of directors.*

f. *Absence from three consecutive meetings shall result in automatic removal from the board.*

3. *Have as its purpose, as stated in its articles of incorporation, to receive, hold, invest, and administer property, to raise funds and receive gifts, and to promote and develop Florida's motion picture, television, video, recording, and related entertainment industries.*

4. *Function as a body from which the department may obtain differing views as to what actions or proposals are needed throughout the state regarding development of the motion picture, television, video, recording, and related entertainment industries.*

5.4. *Have a prior determination by the department that the organization will benefit the department and act in the best interests of the state as a direct-support organization to the department.*

(b)1. *There is created a nominating council for the purpose of providing the Governor with a list of nominees for initial appointment to the board of directors of the direct-support organization created pursuant to this subsection. The nominating council shall consist of one member each from the Florida Motion Picture and Television Association, the Independent Feature Project/South, the Florida Film Commissioners Association, the Screen Actors Guild, the Association of Independent Commercial Producers, the International Alliance of Theatrical and Stage Employees, the Florida Film Producers Association, the Professional Actors Association of Florida; the Directors Guild of America, the Black Filmmakers Group, the Women of the Motion Picture Industry-South Florida, Women in Film-Central Florida, the International Television Association, the American Federation of Television & Radio Artists, the National Arts and Entertainment Association, Model Agent Production Photography Association, and the American Women in Radio and Television for a total of seventeen members.*

2. *Each member of the nominating council shall nominate not less than three persons for the positions on the board of directors, and the nominating council shall submit its initial nominations to the Governor by May 1, 1993. Nominations of the council shall be nonpartisan. The nominees and appointments must represent a balance in representation from all entertainment businesses and organizations, including organizations other than those represented on the nominating council. The importance of minority representation shall be considered when making nominations for the board of directors.*

3. *The Governor shall appoint no more than two members nominated by any single member of the nominating council and no more than five members from individuals who have submitted applications for appointment directly through the Executive Office of the Governor. The Governor shall have the authority to reject the group of nominees submitted by any member of the nominating council.*

4. *The Governor shall select and appoint twelve members to the board of directors within 30 days after receipt of the nominations from the nominating council and from individuals who have submitted applications for appointment directly through the Executive Office of the Governor.*

(c)(b) *The department shall contract, pursuant to s. 287.057, with the organization and shall include in the contract that:*

1. *The department must may review and approve the organization's articles of incorporation and bylaws.*

2. *The organization shall submit an annual budget proposal to the department, on a form prescribed by the department, in accordance with departmental procedures for filing budget proposals based upon the recommendation of the department.*

3. *Any funds that the organization holds in trust shall be transferred to the Florida Film and Television Investment Trust Fund and that such funds revert to the state upon the expiration or cancellation of the contract.*

4. *The organization is subject to an annual financial and performance review by the department to determine whether the organization is complying with the terms of the contract and whether it is acting in a manner consistent with the goals of the department and in the best interests of the state.*

5. *The fiscal year of the organization will begin July 1 of each year and end June 30 of the next ensuing year.*

6. *The offices or headquarters of the direct-support organization shall not be located on any property or space which is within the premises of the studio lot of any entity related to the industry to be promoted by the direct-support organization.*

(d)(e) *The department may allow the organization to use the property, facilities, personnel, and services of the department if the organization provides equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, subject to the approval of the Secretary of Commerce.*

(e)(d) *The organization shall provide an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant pursuant to rules established by the department. The auditor shall submit the audit report to the Secretary of Commerce for review and approval. WhenIf the audit report is approved, the department shall certify the audit report to the Auditor General for review.*

(f)(e) ~~When so requested in writing by a donor or prospective donor, information which, if released, would identify the donor or prospective donor is confidential and exempt from the provisions of s. 119.07(1). Information identifying such donor or prospective donor shall not be included in audit reports. Information which, if released, would identify those donors who have requested in writing to remain anonymous is confidential and exempt from the provisions of s. 119.07(1). Information which, if released, would identify prospective donors is confidential and exempt from the provisions of s. 119.07(1) when the direct-support organization has identified the prospective donor itself and has not obtained the name of the prospective donor by copying, purchasing, or borrowing names from another organization or source. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. All other records of the direct-support organization constitute public records for the purposes of chapter 119.~~

(g)1. *The board of directors shall appoint an executive director, after a nationwide search, to serve at the pleasure of the board as the chief administrator of the corporation's duties. This search shall commence immediately upon the incorporation of the direct-support organization and proceed in an expeditious manner. The executive director shall be exempt from the provisions of part II of chapter 110, and the board of directors shall set the salary for the executive director.*

2. *The executive director shall:*

a. Have an established reputation with a variety of individuals representing large and small entertainment-related businesses, industry associations, and local community entertainment industry liaisons.

b. Have a working knowledge of the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the direct-support organization.

c. Have marketing and promotion experience related to the motion picture, television, and recording industries.

(h) The department must adopt rules in accordance with the provisions of chapter 120, F.S., providing for the organizational structure and procedure of the direct-support organization.

(i) Any state funds received by the direct-support organization must be appropriated to the department as a line item in the General Appropriations Act, with specific direction that the funds may be contracted to a direct-support organization.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 7, after the semicolon (;) insert: amending s. 20.17(4), F.S., which authorizes the creation of a direct-support organization to assist the Department of Commerce in the promotion and development of the motion picture, television, video, recording, and related entertainment industries; requiring an operational plan; revising the membership of the board of directors; providing for staggered terms; providing for a nominating council; providing an additional duty of the direct-support organization; providing for appointment of the board of directors; requiring the department to approve articles of incorporation and bylaws; prohibiting certain locations of offices; providing exemptions from public records for certain donors and prospective donors; providing for an executive director; providing for the adoption of rules; providing requirements for appropriations;

On motion by Senator Hargrett, by two-thirds vote **SB 230** 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

Consideration of **CS for CS for SB 344** was deferred.

CS for SB 540—A bill to be entitled An act relating to autism and related disabilities; establishing regional nonresidential autism centers; providing the purposes of the centers; prescribing service areas; providing for constituency boards; providing for an annual statewide conference; requiring each center to provide specified services; providing for rulemaking; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 4, line 24 through page 5, line 27, strike all of said lines and renumber subsequent section.

And the title is amended as follows:

In title, on page 1, strike all of lines 9 and 10 and insert: services; providing for rulemaking; providing an effective date.

On motion by Senator Forman, by two-thirds vote **CS for SB 540** 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

SB 680—A bill to be entitled An act relating to medical malpractice; amending s. 766.101, F.S.; defining the term “medical review committee” to include optometric service plan committees; defining the term “health care providers” to include optometrists; providing immunity for persons licensed under ch. 463, F.S., who furnish information relating to medical review matters; providing an effective date.

—was read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **SB 680** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motion by Senator McKay, by two-thirds vote **CS for HB 707** was withdrawn from the Committee on Appropriations.

On motion by Senator McKay—

CS for HB 707—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing for child support in accordance with the child support guidelines; providing for apportionment of the costs of health insurance for the minor child; creating s. 61.13015, F.S.; providing for a petition to suspend or deny a professional license or certificate for delinquent child support obligations; amending s. 61.14, F.S.; providing procedures for issuing notice of delinquency judgments; providing for interest with respect to judgments for child support; providing for equal effect of settlements and court orders on subsequent modifications; amending s. 61.16, F.S.; authorizing the assessment of certain fees against the Department of Health and Rehabilitative Services; amending s. 61.30, F.S.; providing for modifications to the child support guidelines; amending s. 48.031, F.S.; requiring employers to allow access for service of process; creating s. 231.097, F.S.; providing for the denial of teaching certificates for child support delinquencies; amending s. 231.28, F.S.; providing for the suspension of teaching certificates for child support delinquency; providing for reinstatement; limiting liability; creating s. 409.2598, F.S.; providing for the suspension or denial of professional licenses or certifications for child support delinquencies; amending s. 455.203, F.S.; providing for the suspension or denial of professional licenses for child support delinquencies; limiting liability; amending s. 559.79, F.S.; providing for the suspension or denial of licenses for child support delinquencies; limiting liability; creating s. 322.058, F.S.; providing for the suspension of driver licenses and vehicle registration for child support delinquencies; providing for notice; limiting liability; amending s. 61.181, F.S.; extending the period during which an increased fee for receiving, recording, reporting, disbursing, monitoring, and handling child support payments is to be collected; requiring compliance audits; requesting the Florida Supreme Court to adopt an amendment to the rules regulating The Florida Bar to discipline attorneys who are delinquent or fail to pay child support; amending ss. 409.2567, 742.045, and 742.08, F.S.; providing that any costs in Title IV-D cases incurred by the clerk of the circuit court shall be assessed only against the nonprevailing obligor; amending s. 742.10, F.S.; revising language with respect to the establishment of paternity for children born out of wedlock; amending s. 733.707, F.S.; providing for the payment of arrearages from court-ordered child support by the personal representative; amending s. 61.1301, F.S.; revising language with respect to income deduction orders; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 344** and read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator McKay:

Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Paragraphs (a) and (b) of subsection (1) and subsection (5) of section 61.13, Florida Statutes, are amended to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(1)(a) In a proceeding for dissolution of marriage, the court may at any time order either or both parents who owe a duty of support to a child to pay support in accordance with the guidelines in s. 61.30 as from the circumstances of the parties and the nature of the case is equitable. The court initially entering an order requiring one or both parents to make child support payments shall have continuing jurisdiction after the entry of the initial order to modify the amount and terms and conditions of the child support payments when the modification is found necessary by the court in the best interests of the child, when the child reaches majority, or when there is a substantial change in the circumstances of the parties. The court initially entering a child support order shall also have continuing jurisdiction to require the obligee to report to the court on terms prescribed by the court regarding the disposition of the child support payments.

(b) Each order for child support shall contain a provision for health insurance for the minor child when the insurance is reasonably available. Insurance is reasonably available if *either* the obligor or the obligee has access at a reasonable rate to group insurance. *The court may require the obligor either to provide health insurance coverage or to reimburse the obligee for the cost of health insurance coverage for the minor child when coverage is provided by the obligee. In either event, the court shall apportion the cost of coverage to both parties by adding the cost to the basic obligation determined pursuant to s. 61.30(6).*

1. A copy of the court order for insurance coverage shall be served on the obligor's payor or union by the obligee or the IV-D agency when the following conditions are met:

a. The obligor fails to provide written proof to the obligee or the IV-D agency within 30 days of receiving effective notice of the court order, that the insurance has been obtained or that application for insurability has been made;

b. The obligee or IV-D agency serves written notice of its intent to enforce medical support on the obligor by mail at the obligor's last known address; and

c. The obligor fails within 15 days after the mailing of the notice to provide written proof to the obligee or the IV-D agency that the insurance coverage existed as of the date of mailing.

2. The order is binding on the payor or union when service of the notice as provided in subparagraph 1. is made. Upon receipt of the order, or upon application of the obligor pursuant to the order, the payor or union shall enroll the minor child as a beneficiary in the group insurance plan and withhold any required premium from the obligor's income. If more than one plan is offered by the payor or union, the child shall be enrolled in the insurance plan in which the obligor is enrolled or the least costly plan otherwise available to the obligor.

(5) The court may make specific orders for the care *and* custody, ~~and support~~ of the minor child as from the circumstances of the parties and the nature of the case is equitable *and provide for child support in accordance with the guidelines in s. 61.30.* An award of shared parental responsibility of a minor child does not preclude the court from entering an order for child support of the child.

Section 2. Section 61.13015, Florida Statutes, is created to read:

61.13015 Petition for suspension or denial of professional licenses and certificates.—

(1) An obligee may petition the court which entered the support order or the court which is enforcing the support order for an order to suspend or deny the license or certificate issued pursuant to chapters 231, 409, 455, and 559 of any obligor with a delinquent child support obligation. However, no petition may be filed until the obligee has exhausted all other available remedies. The purpose of this section is to promote the public policy of s. 409.2551.

(2) The obligee shall give notice to any obligor when a delinquency exists in the support obligation. The notice shall specify that the obligor has 30 days from the date on which service of the notice is complete to pay the delinquency or to reach an agreement with the obligee to pay the delinquency. The notice shall specify that, if payment is not made or an agreement cannot be reached, the license or certificate may be denied or suspended pursuant to a court order.

(3) If a delinquency exists and the obligor fails to pay the delinquency or to reach an agreement to pay the delinquency within 30 days following completion of service of the notice of the delinquency, the obligee shall send a second notice to the obligor stating that the obligor has 30 days to pay the delinquency or reach an agreement with the obligee to pay the delinquency. If the obligor fails to respond to either notice from the obligee or if the obligor fails to pay the delinquency or to reach an agreement to pay the delinquency after the second notice, the obligee may petition the court to deny the application for the license or certificate or to suspend the license or certificate of the obligor. The court may find that it would be inappropriate to deny or suspend a license or certificate if:

(a) Denial or suspension would result in irreparable harm to the obligor or employees of the obligor or would not accomplish the objective of collecting the delinquency; or

(b) The obligor demonstrates that he has made a good faith effort to reach an agreement with the obligee.

The court may not deny or suspend a license or certificate if the court determines that an alternative remedy is available to the obligee which is likely to accomplish the objective of collecting the delinquency. If the obligor fails in the defense of a petition for denial or suspension, the court which entered the support order or the court which is enforcing the support order shall enter an order to deny the application for the license or certificate or to suspend the license or certificate of the obligor. In the case of suspension, the court shall order the obligor to surrender the certificate or license to the department or to the licensing board which issued the license or certificate. In the case of denial, the court shall order the appropriate department or licensing board to deny the application.

(4) If the court denies or suspends a license or certificate and the obligor subsequently pays the delinquency or reaches an agreement with the obligee to settle the delinquency and makes the first payment required by the agreement, the license or certificate shall be issued or reinstated upon written proof to the court that the obligor has complied with the court order. Proof of payment shall consist of a certified copy of the payment record issued by the depository. The court shall order the appropriate department or licensing board to issue or reinstate the license or certificate without additional charge to the obligor.

(5) Notice shall be served under this section by mailing it by certified mail, return receipt requested, to the obligor at his last address of record with the local depository. If the obligor has no address of record with the local depository, or if the last address of record with the local depository is incorrect, service shall be by publication as provided in chapter 49. When service of the notice is made by mail, service is complete upon the receipt of the notice by the obligor.

Section 3. Paragraph (d) of subsection (6) of section 61.14, Florida Statutes, 1992 Supplement, is amended, and subsection (7) is added to that section, to read:

61.14 Enforcement and modification of support, maintenance, or alimony agreements or orders.—

(6)

(d) The court shall hear the obligor's motion to contest the impending judgment within 15 days after the date of the filing of the motion. Upon the court's denial of the obligor's motion, the amount of the delinquency and all other amounts which thereafter become due, together with costs and a fee of \$5, become a final judgment by operation of law against the obligor. *The depository shall charge interest at the rate established in s. 55.03 on all judgments for child support.*

(7) *When modification of an existing order of support is sought, the proof required to modify a settlement agreement and the proof required to modify an award established by court order shall be the same.*

Section 4. Subsection (1) of section 61.16, Florida Statutes, 1992 Supplement, is amended to read:

61.16 Attorney's fees, suit money, and costs.—

(1) The court may from time to time, after considering the financial resources of both parties, order a party to pay a reasonable amount for attorney's fees, suit money, and the cost to the other party of maintaining or defending any proceeding under this chapter, including enforcement and modification proceedings. The court may order that the amount be paid directly to the attorney, who may enforce the order in his name. In Title IV-D cases, attorney's fees, suit money, and costs, including filing fees, recording fees, mediation costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the nonprevailing obligor after the court makes a determination of the nonprevailing obligor's ability to pay such costs and fees. *The Department of Health and Rehabilitative Services shall not be considered a party for purposes of this section; however, fees may be assessed against the department pursuant to s. 57.105(1).*

Section 5. Subsection (1), paragraph (e) of subsection (3), and subsections (6), (7), (8), (9), (10), (11), (12), (13), and (14) of section 61.30, Florida Statutes, 1992 Supplement, are amended to read:

61.30 Child support guidelines.—

(1)(a) The child support guideline amount as determined by this section presumptively establishes the amount the trier of fact shall order as

child support in an initial proceeding for such support or in a proceeding for modification of an existing order for such support, whether the proceeding arises under this or another chapter. *The trier of fact may order payment of child support which varies, plus or minus 5 percent, from the guideline amount.* The trier of fact may order payment of child support in an amount which varies more than 5 percent different from such guideline amount only upon a written finding, or a specific finding on the record, explaining why ordering payment of such guideline amount would be unjust or inappropriate.

(b) The guidelines may provide the basis for proving a substantial change in circumstances upon which a modification of an existing order may be granted. *However, the difference between the existing order and the amount provided for under the guidelines shall be at least 15 percent or \$50, whichever amount is greater, before the court may find that the guidelines provide a substantial change in circumstances.*

(3) Allowable deductions from gross income shall include:

(e) Health insurance payments, *excluding payments for coverage of the minor child.*

(Substantial rewording of subsection. See s. 61.30(6), F.S., 1992 Supplement, for present text.)

(6) The following schedules shall be applied to the combined net income to determine the minimum child support need:

Combined Monthly Available Income	Child or Children					
	One	Two	Three	Four	Five	Six
650.00	74	75	75	76	77	78
700.00	119	120	121	123	124	125
750.00	164	166	167	169	171	173
800.00	190	211	213	216	218	220
850.00	202	257	259	262	265	268
900.00	213	302	305	309	312	315
950.00	224	347	351	355	359	363
1000.00	235	365	397	402	406	410
1050.00	246	382	443	448	453	458
1100.00	258	400	489	495	500	505
1150.00	269	417	522	541	547	553
1200.00	280	435	544	588	594	600
1250.00	290	451	565	634	641	648
1300.00	300	467	584	659	688	695
1350.00	310	482	603	681	735	743
1400.00	320	498	623	702	765	790
1450.00	330	513	642	724	789	838
1500.00	340	529	662	746	813	869
1550.00	350	544	681	768	836	895
1600.00	360	560	701	790	860	920
1650.00	370	575	720	812	884	945
1700.00	380	591	740	833	907	971
1750.00	390	606	759	855	931	996
1800.00	400	622	779	877	955	1022
1850.00	410	638	798	900	979	1048
1900.00	421	654	818	923	1004	1074
1950.00	431	670	839	946	1029	1101
2000.00	442	686	859	968	1054	1128
2050.00	452	702	879	991	1079	1154
2100.00	463	718	899	1014	1104	1181
2150.00	473	734	919	1037	1129	1207
2200.00	484	751	940	1060	1154	1234
2250.00	494	767	960	1082	1179	1261
2300.00	505	783	980	1105	1204	1287
2350.00	515	799	1000	1128	1229	1314
2400.00	526	815	1020	1151	1254	1340
2450.00	536	831	1041	1174	1279	1367
2500.00	547	847	1061	1196	1304	1394
2550.00	557	864	1081	1219	1329	1420
2600.00	568	880	1101	1242	1354	1447
2650.00	578	896	1121	1265	1379	1473
2700.00	588	912	1141	1287	1403	1500
2750.00	597	927	1160	1308	1426	1524
2800.00	607	941	1178	1328	1448	1549
2850.00	616	956	1197	1349	1471	1573
2900.00	626	971	1215	1370	1494	1598

2950.00	635	986	1234	1391	1517	1622
3000.00	644	1001	1252	1412	1540	1647
3050.00	654	1016	1271	1433	1563	1671
3100.00	663	1031	1289	1453	1586	1695
3150.00	673	1045	1308	1474	1608	1720
3200.00	682	1060	1327	1495	1631	1744
3250.00	691	1075	1345	1516	1654	1769
3300.00	701	1090	1364	1537	1677	1793
3350.00	710	1105	1382	1558	1700	1818
3400.00	720	1120	1401	1579	1723	1842
3450.00	729	1135	1419	1599	1745	1867
3500.00	738	1149	1438	1620	1768	1891
3550.00	748	1164	1456	1641	1791	1915
3600.00	757	1179	1475	1662	1814	1940
3650.00	767	1194	1493	1683	1837	1964
3700.00	776	1208	1503	1702	1857	1987
3750.00	784	1221	1520	1721	1878	2009
3800.00	793	1234	1536	1740	1899	2031
3850.00	802	1248	1553	1759	1920	2053
3900.00	811	1261	1570	1778	1940	2075
3950.00	819	1275	1587	1797	1961	2097
4000.00	828	1288	1603	1816	1982	2119
4050.00	837	1302	1620	1835	2002	2141
4100.00	846	1315	1637	1854	2023	2163
4150.00	854	1329	1654	1873	2044	2185
4200.00	863	1342	1670	1892	2064	2207
4250.00	872	1355	1687	1911	2085	2229
4300.00	881	1369	1704	1930	2106	2251
4350.00	889	1382	1721	1949	2127	2273
4400.00	898	1396	1737	1968	2147	2295
4450.00	907	1409	1754	1987	2168	2317
4500.00	916	1423	1771	2006	2189	2339
4550.00	924	1436	1788	2024	2209	2361
4600.00	933	1450	1804	2043	2230	2384
4650.00	942	1463	1821	2062	2251	2406
4700.00	951	1477	1838	2081	2271	2428
4750.00	959	1490	1855	2100	2292	2450
4800.00	968	1503	1871	2119	2313	2472
4850.00	977	1517	1888	2138	2334	2494
4900.00	986	1530	1905	2157	2354	2516
4950.00	993	1542	1927	2174	2372	2535
5000.00	1000	1551	1939	2188	2387	2551
5050.00	1006	1561	1952	2202	2402	2567
5100.00	1013	1571	1964	2215	2417	2583
5150.00	1019	1580	1976	2229	2432	2599
5200.00	1025	1590	1988	2243	2447	2615
5250.00	1032	1599	2000	2256	2462	2631
5300.00	1038	1609	2012	2270	2477	2647
5350.00	1045	1619	2024	2283	2492	2663
5400.00	1051	1628	2037	2297	2507	2679
5450.00	1057	1638	2049	2311	2522	2695
5500.00	1064	1647	2061	2324	2537	2711
5550.00	1070	1657	2073	2338	2552	2727
5600.00	1077	1667	2085	2352	2567	2743
5650.00	1083	1676	2097	2365	2582	2759
5700.00	1089	1686	2109	2379	2597	2775
5750.00	1096	1695	2122	2393	2612	2791
5800.00	1102	1705	2134	2406	2627	2807
5850.00	1107	1713	2144	2418	2639	2820
5900.00	1111	1721	2155	2429	2651	2833
5950.00	1116	1729	2165	2440	2663	2847
6000.00	1121	1737	2175	2451	2676	2860
6050.00	1126	1746	2185	2462	2688	2874
6100.00	1131	1754	2196	2473	2700	2887
6150.00	1136	1762	2206	2484	2712	2900
6200.00	1141	1770	2216	2495	2724	2914
6250.00	1145	1778	2227	2506	2737	2927
6300.00	1150	1786	2237	2517	2749	2941
6350.00	1155	1795	2247	2529	2761	2954
6400.00	1160	1803	2258	2540	2773	2967
6450.00	1165	1811	2268	2551	2785	2981
6500.00	1170	1819	2278	2562	2798	2994
6550.00	1175	1827	2288	2573	2810	3008
6600.00	1179	1835	2299	2584	2822	3021
6650.00	1184	1843	2309	2595	2834	3034
6700.00	1189	1850	2317	2604	2845	3045
6750.00	1193	1856	2325	2613	2854	3055

6800.00	1196	1862	2332	2621	2863	3064
6850.00	1200	1868	2340	2630	2872	3074
6900.00	1204	1873	2347	2639	2882	3084
6950.00	1208	1879	2355	2647	2891	3094
7000.00	1212	1885	2362	2656	2900	3103
7050.00	1216	1891	2370	2664	2909	3113
7100.00	1220	1897	2378	2673	2919	3123
7150.00	1224	1903	2385	2681	2928	3133
7200.00	1228	1909	2393	2690	2937	3142
7250.00	1232	1915	2400	2698	2946	3152
7300.00	1235	1921	2408	2707	2956	3162
7350.00	1239	1927	2415	2716	2965	3172
7400.00	1243	1933	2423	2724	2974	3181
7450.00	1247	1939	2430	2733	2983	3191
7500.00	1251	1945	2438	2741	2993	3201
7550.00	1255	1951	2446	2750	3002	3211
7600.00	1259	1957	2453	2758	3011	3220
7650.00	1263	1963	2461	2767	3020	3230
7700.00	1267	1969	2468	2775	3030	3240
7750.00	1271	1975	2476	2784	3039	3250
7800.00	1274	1981	2483	2792	3048	3259
7850.00	1278	1987	2491	2801	3057	3269
7900.00	1282	1992	2498	2810	3067	3279
7950.00	1286	1998	2506	2818	3076	3289
8000.00	1290	2004	2513	2827	3085	3298
8050.00	1294	2010	2521	2835	3094	3308
8100.00	1298	2016	2529	2844	3104	3318
8150.00	1302	2022	2536	2852	3113	3328
8200.00	1306	2028	2544	2861	3122	3337
8250.00	1310	2034	2551	2869	3131	3347
8300.00	1313	2040	2559	2878	3141	3357
8350.00	1317	2046	2566	2887	3150	3367
8400.00	1321	2052	2574	2895	3159	3376
8450.00	1325	2058	2581	2904	3168	3386
8500.00	1329	2064	2589	2912	3178	3396
8550.00	1333	2070	2597	2921	3187	3406
8600.00	1337	2076	2604	2929	3196	3415
8650.00	1341	2082	2612	2938	3205	3425
8700.00	1345	2088	2619	2946	3215	3435
8750.00	1349	2094	2627	2955	3224	3445
8800.00	1352	2100	2634	2963	3233	3454
8850.00	1356	2106	2642	2972	3242	3464
8900.00	1360	2111	2649	2981	3252	3474
8950.00	1364	2117	2657	2989	3261	3484
9000.00	1368	2123	2664	2998	3270	3493
9050.00	1372	2129	2672	3006	3279	3503
9100.00	1376	2135	2680	3015	3289	3513
9150.00	1380	2141	2687	3023	3298	3523
9200.00	1384	2147	2695	3032	3307	3532
9250.00	1388	2153	2702	3040	3316	3542
9300.00	1391	2159	2710	3049	3326	3552
9350.00	1395	2165	2717	3058	3335	3562
9400.00	1399	2171	2725	3066	3344	3571
9450.00	1403	2177	2732	3075	3353	3581
9500.00	1407	2183	2740	3083	3363	3591
9550.00	1411	2189	2748	3092	3372	3601
9600.00	1415	2195	2755	3100	3381	3610
9650.00	1419	2201	2763	3109	3390	3620
9700.00	1422	2206	2767	3115	3396	3628
9750.00	1425	2210	2772	3121	3402	3634
9800.00	1427	2213	2776	3126	3408	3641
9850.00	1430	2217	2781	3132	3414	3647
9900.00	1432	2221	2786	3137	3420	3653
9950.00	1435	2225	2791	3143	3426	3659
10000.00	1437	2228	2795	3148	3432	3666

Child or Children

One	Two	Three	Four	Five	Six
5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

(7) Child care costs incurred on behalf of the children due to employment, or job search, or education calculated to result in employment or to enhance income of current employment of either parent shall be reduced by 25 percent and then shall be added to the basic obligation. Child care costs shall not exceed the level required to provide quality care from a licensed source for the children.

(8) Health insurance costs resulting from coverage ordered pursuant to s. 61.13(1)(b) shall be added to the basic obligation.

(9)(9) Each parent's percentage share of the child support need shall be determined by dividing each parent's net income by the combined net income.

(10)(9) Each parent's actual dollar share of the child support need shall be determined by multiplying the minimum child support need by each parent's percentage share.

(11)(10) The court may adjust the minimum child support award, or either or both parent's share of the minimum child support award, based upon the following considerations:

(a) Extraordinary medical, psychological, educational, or dental expenses.

(b) Independent income of the child.

(c) The payment of both child support and spousal support to the obligee or the payment of support for a parent which regularly has been paid and for which there is a demonstrated need.

(d) Seasonal variations in one or both parents' incomes or expenses.

(e) The age of the child, taking into account the greater needs of older children.

(f) Special needs that have traditionally been met within the family budget even though the fulfilling of those needs will cause the support to exceed the proposed guidelines.

(g) The particular shared parental arrangement, such as where the children spend a substantial amount of their time with the secondary residential parent ~~spends a great deal of time with the children~~ thereby reducing the financial expenditures incurred by the primary residential parent, or the refusal of the secondary residential parent to become involved in the activities of the child, or giving due consideration to the primary residential parent's homemaking services. *If a child has visitation with a noncustodial parent for more than 28 consecutive days the court may reduce the amount of support paid to the custodial parent during the time of visitation not to exceed 50 percent of the amount awarded.*

(h) Total available assets of the obligee, obligor, and the child.

(i) *The impact of the Internal Revenue Service dependency exemption and waiver of that exemption. The court may order the primary residential parent to execute a waiver of the Internal Revenue Service dependency exemption if the noncustodial parent is current in support payments.*

(j) *When application of the child support guidelines requires a person to pay another person more than 55 percent of his gross income for a child support obligation for current support resulting from a single support order.*

(k)(i) Any other adjustment which is needed to achieve an equitable result which may include, but not be limited to, a reasonable and necessary existing expense or debt. Such expense or debt may include, but is not limited to, a reasonable and necessary expense or debt which the parties jointly incurred during the marriage.

(12) *A parent with a support obligation may have other children living with him or her who were born or adopted after the support obligation arose. The existence of such subsequent children should not as a general rule be considered by the court as a basis for disregarding the amount provided in the guidelines. The parent with a support obliga-*

For combined monthly available income less than the amount set out on the above schedules, the parent should be ordered to pay a child support amount, determined on a case-by-case basis, to establish the principle of payment and lay the basis for increased orders should the parent's income increase in the future. For combined monthly available income greater than the amount set out in the above schedules, the obligation shall be the minimum amount of support provided by the guidelines plus the following percentages multiplied by the amount of income over \$10,000:

tion for subsequent children may raise the existence of such subsequent children as a justification for deviation from the guidelines. However, if the existence of such subsequent children is raised, the income of the other parent of the subsequent children shall be considered by the court in determining whether or not there is a basis for deviation from the guideline amount. The issue of subsequent children may only be raised in a proceeding for an upward modification of an existing award and may not be applied to justify a decrease in an existing award.

(13)(11) If the recurring income is not sufficient to meet the needs of the child, the court may order child support to be paid from nonrecurring income or assets.

(14)(12) Every petition for child support or for modification of child support shall be accompanied by an affidavit which shows the party's income, allowable deductions, and net income computed in accordance with this section. The affidavit shall be served at the same time that the petition is served. The respondent, whether or not a stipulation is entered, shall make an affidavit which shows the party's income, allowable deductions, and net income computed in accordance with this section. The respondent shall include his affidavit with the answer to the petition or as soon thereafter as is practicable, but in any case at least 72 hours prior to any hearing on the finances of either party.

(15)(13) For purposes of establishing an obligation for support in accordance with this section, if a person who is receiving public assistance is found to be noncooperative as defined in s. 409.2572, the IV-D agency is authorized to submit to the court an affidavit attesting to the income of the custodial parent based upon information available to the IV-D agency.

(16)(14) The Legislature shall review the guidelines established in this section at least every 4 years, and shall review the guidelines in 1997 beginning in 1993.

Section 6. Subsection (1) of section 48.031, Florida Statutes, is amended to read:

48.031 Service of process generally; service of witness subpoenas.—

(1)(a) Service of original process is made by delivering a copy of it to the person to be served with a copy of the complaint, petition, or other initial pleading or paper or by leaving the copies at his usual place of abode with any person residing therein who is 15 years of age or older and informing the person of their contents. Minors who are or have been married shall be served as provided in this section.

(b) Employers, when contacted by an individual authorized to make service of process, shall permit the authorized individual to make service on employees in a private area designated by the employer.

Section 7. Section 231.097, Florida Statutes, is created to read:

231.097 Suspension or denial of teaching certificate due to child support delinquency.—The department shall allow applicants for new or renewal certificates and renewal certificateholders to be screened by the Title IV-D child support agency pursuant to s. 409.2598 to assure compliance with a support obligation. The purpose of this section is to promote the public policy of this state as established in s. 409.2551. The department shall, when directed by the court, deny the application of any applicant found to have a delinquent support obligation. The department shall issue or reinstate the certificate without additional charge to the certificateholder when notified by the court that the certificateholder has complied with the terms of the court order. The department shall not be held liable for any certificate denial or suspension resulting from the discharge of its duties under this section.

Section 8. Subsection (1) and paragraph (a) of subsection (4) of section 231.28, Florida Statutes, are amended to read:

231.28 Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission shall have authority to suspend the teaching certificate of any person as defined in s. 228.041(9) or (10) for a period of time not to exceed 3 years, thereby denying that person the right to teach for that period of time, after which the holder may return to teaching as provided in subsection (4); to revoke the teaching certificate of any person, thereby denying that person the right to teach for a period of time not to exceed 10 years, with reinstatement subject to the provisions of subsection (4); to revoke permanently the teaching certificate of any person; to suspend the teaching certificate, upon

order of the court, of any person found to have a delinquent child support obligation; or to impose any other penalty provided by law, provided it can be shown that such person:

- (a) Obtained the teaching certificate by fraudulent means;
- (b) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school;
- (c) Has been guilty of gross immorality or an act involving moral turpitude;
- (d) Has had a teaching certificate revoked in another state;
- (e) Has been convicted of a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation;
- (f) Upon investigation, has been found guilty of personal conduct which seriously reduces that person's effectiveness as an employee of the school board;
- (g) Has breached a contract, as provided in s. 231.36(2); or
- (h) Has been the subject of a court order directing the Education Practices Commission to suspend the certificate as a result of a delinquent child support obligation.
- (i)(h) Has otherwise violated the provisions of law or rules of the State Board of Education, the penalty for which is the revocation of the teaching certificate.

(4)(a) A teaching certificate which has been suspended under this section is automatically reinstated at the end of the suspension period, provided such certificate did not expire during the period of suspension. If the certificate expired during the period of suspension, the holder of the former certificate may secure a new certificate by making application therefor and by meeting the certification requirements of the state board current at the time of the application for the new certificate. A teaching certificate suspended pursuant to a court order for a delinquent child support obligation may only be reinstated upon notice from the court that the party has complied with the terms of the court order.

Section 9. Section 409.2598, Florida Statutes, is created to read:

409.2598 Suspension or denial of new or renewal licenses; certifications.—

(1) The Title IV-D agency may petition the court which entered the support order or the court which is enforcing the support order to deny the license or certificate issued pursuant to chapters 231, 409, 455, and 559 of any obligor with a delinquent child support obligation. However, no petition may be filed until the Title IV-D agency has exhausted all other available remedies. The purpose of this section is to promote the public policy of the state as established in s. 409.2551.

(2) The Title IV-D agency is authorized to screen all applicants for new or renewal licenses or certificates and current licenses or certificates and current licensees and certificateholders of all licenses and certificates issued pursuant to chapters 231, 409, 455, and 559 to ensure compliance with any child support obligation. If the Title IV-D agency determines that an applicant, licensee, or certificateholder is an obligor who is delinquent on a support obligation, the Title IV-D agency shall certify the delinquency pursuant to s. 61.14.

(3) The Title IV-D agency shall give notice to any obligor who is an applicant for a new or renewal license or certificate or the holder of a current license or certificate when a delinquency exists in the support obligation. The notice shall specify that the obligor has 30 days from the date on which service of the notice is complete to pay the delinquency or to reach an agreement to pay the delinquency with the Title IV-D agency. The notice shall specify that, if payment is not made or an agreement cannot be reached, the application may be denied or the license or certification may be suspended pursuant to a court order.

(4) If the obligor fails to pay the delinquency or reach an agreeable payment arrangement within 30 days following completion of service of the notice of the delinquency, the Title IV-D agency shall send a second notice to the obligor stating that the obligor has 30 days to pay the delinquency or reach an agreement to pay the delinquency with the Title IV-D agency. If the obligor fails to respond to either notice from the Title IV-D agency or if the obligor fails to pay the delinquency or reach an agree-

ment to pay the delinquency after the second notice, the Title IV-D agency may petition the court which entered the support order or the court which is enforcing the support order to deny the application for the license or certificate or to suspend the license or certificate of the obligor. However, no petition may be filed until the Title IV-D agency has exhausted all other available remedies. The court may find that it would be inappropriate to deny a license or suspend a license or certificate if:

(a) Denial or suspension would result in irreparable harm to the obligor or employees of the obligor or would not accomplish the objective of collecting the delinquency; or

(b) The obligor demonstrates that he has made a good faith effort to reach an agreement with the Title IV-D agency.

The court may not deny or suspend a license or certificate if the court determines that an alternative remedy is available to the Title IV-D agency which is likely to accomplish the objective of collecting the delinquency. If the obligor fails in the defense of a petition for denial or suspension, the court which entered the support order or the court which is enforcing the support order shall enter an order to deny the application for the license or certification or to suspend the license or certification of the obligor. The court shall order the obligor to surrender the license or certification to the Title IV-D agency, which will return the license or certification and a copy of the order of suspension to the appropriate department or licensing entity.

(5) If the court denies or suspends a license or certification and the obligor subsequently pays the delinquency or reaches an agreement with the Title IV-D agency to settle the delinquency and makes the first payment required by the agreement, the license or certificate shall be issued or reinstated upon written proof to the court that the obligor has complied with the terms of the court order. Proof of payment shall consist of a certified copy of the payment record issued by the depository. The court shall order the appropriate department or license board to issue or reinstate the license or certificate without additional charge to the obligor.

(6) The department shall, when directed by the court, suspend or deny the license or certificate of any licensee or certificateholder under its jurisdiction found to have a delinquent support obligation. The department shall issue or reinstate the license or certificate without additional charge to the licensee or certificateholder when notified by the court that the licensee or certificateholder has complied with the terms of the court order.

(7) Notice shall be served under this section by mailing it by certified mail, return receipt requested, to the obligor at his last address of record with the local depository. If the obligor has no address of record with the local depository, or if the last address of record with the local depository is incorrect, service shall be by publication as provided in chapter 49. When service of the notice is made by mail, service is complete upon the receipt of the notice by the obligor.

Section 10. Subsection (9) is added to section 455.203, Florida Statutes, 1992 Supplement, as amended by chapter 92-373, Laws of Florida, to read:

455.203 Department of Professional Regulation; Agency for Health Care Administration; powers and duties.—The Department of Professional Regulation and the Agency for Health Care Administration, for the boards under their respective jurisdictions, shall:

(9) *Allow applicants for new or renewal licenses and current licenses to be screened by the Title IV-D child support agency pursuant to s. 409.2598 to assure compliance with a support obligation. The purpose of this subsection is to promote the public policy of this state as established in s. 409.2551. The department shall, when directed by the court, suspend or deny the license of any licensee found to have a delinquent support obligation. The department shall issue or reinstate the license without additional charge to the licensee when notified by the court that the licensee has complied with the terms of the court order. The department shall not be held liable for any license denial or suspension resulting from the discharge of its duties under this subsection.*

Section 11. Section 559.79, Florida Statutes, is amended to read:

559.79 Applications for license or renewal.—

(1) Each application for a license issued by the Department of Business Regulation shall include a statement showing the name, and address,

and social security number of each person who owns 10 percent or more of the outstanding stock or equity interest in the licensed activity and the name, and address, and social security number of each officer, director, chief executive, or other person who, in accordance with the rules of the issuing agency, is determined to be able directly or indirectly to control the operation of the business of the licensed entity, and each application for renewal of such a license shall set out any changes in the required names and addresses which have occurred since the license was issued or last renewed.

(2) Each application for a license or renewal of a license issued by the Department of Business Regulation shall be signed under oath or affirmation by the applicant, or owner or chief executive of the applicant, without the need for witnesses unless otherwise required by law.

(3) *The department shall allow the Title IV-D child support agency to screen all applicants for new or renewal licenses and current licensees pursuant to s. 409.2598 to assure compliance with a support obligation. The purpose of this subsection is to promote the public policy of this state as established in s. 409.2551. The department shall, when directed by the court, suspend or deny the license of any licensee found to have a delinquent support obligation. The department shall issue or reinstate the license without additional charge to the licensee when notified by the court that the licensee has complied with the terms of the court order. The department shall not be liable for any license denial or suspension resulting from the discharge of its duties under this subsection.*

Section 12. Section 322.058, Florida Statutes, is created to read:

322.058 Suspension of driving privileges due to child support delinquency.—If the department receives notice from the Title IV-D agency that any person licensed to operate a motor vehicle in the State of Florida under the provisions of this chapter has a delinquent child support obligation, the department shall suspend such license or driving privilege and the registration of all motor vehicles owned by that person. The Title IV-D agency shall give notice to the licensee that a delinquency exists in the support obligation. The notice shall specify that the licensee has 15 days from the date on which service of the notice is complete to pay the delinquency or reach an agreement to pay the delinquency with the Title IV-D agency. The notice shall specify that, if an agreement cannot be reached, the driving privilege and vehicle registration of the licensee shall be suspended. If the licensee fails to respond to the notice from the Title IV-D agency and a delinquency still exists, the Title IV-D agency shall send a second notice to the licensee stating that the licensee has 15 days from the date on which service of the notice is complete to pay the delinquency or reach an agreement to pay the delinquency with the Title IV-D agency. If the licensee fails to respond to either notice from the Title IV-D agency or if the licensee fails to pay the delinquency or reach an agreement to pay the delinquency, the Title IV-D agency shall petition the court which entered the support orders or the court which is enforcing the support order to suspend the driving privilege and vehicle registration of the licensee. The department shall reinstate the driving privilege and allow registration of a motor vehicle only if the Title IV-D agency provides to the department written notice stating that the person has paid the delinquency or has reached an agreement for payment with the Title IV-D agency. Any non-IV-D obligee may petition the court for an order to suspend the license or driving privilege of, and the registration of all motor vehicles owned by, a person with a delinquent child support obligation, provided that the non-IV-D obligee complies with the notice provisions of this section. The court may act upon the petition of the non-IV-D obligee in the same manner provided in this section. The department shall not be held liable for any license or vehicle registration suspension resulting from the discharge of its duties under this section. Notice shall be served under this section by mailing it by certified mail, return receipt requested, to the obligor at his last address of record with the local depository. If the obligor has no address of record with the local depository, or if the last address of record with the local depository is incorrect, service shall be by publication as provided in chapter 49. When service of the notice is made by mail, service is complete upon the receipt of the notice by the obligor.

Section 13. Any person whose driver's license or registration has been suspended as provided in section 322.058, Florida Statutes, must immediately return his driver's license, registration, and registration plate to the Department of Highway Safety and Motor Vehicles. If such person fails to return his driver's license, registration, or plate, any law enforcement agent may seize the license, registration, or registration plate while the driver's license or registration is suspended.

Section 14. Subsections (2) and (4) of section 61.181, Florida Statutes, 1992 Supplement, are amended, and subsection (10) is added to said section, to read:

61.181 Central depository for receiving, recording, reporting, monitoring, and disbursing alimony, support, maintenance, and child support payments; fees.—

(2)(a) The depository shall impose and collect a fee on each payment made for receiving, recording, reporting, disbursing, monitoring, or handling alimony or child support payments as required under this section, which fee shall be a flat fee based, to the extent practicable, upon estimated reasonable costs of operation. The fee shall be reduced in any case in which the fixed fee results in a charge to any party of an amount greater than 3 percent of the amount of any support payment made in satisfaction of the amount payments which the party is obligated to pay, except that no fee shall be less than \$1 nor more than \$5 per payment made. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay.

(b)1. For the period of July 1, 1992, through June 30, 1997 1995, the fee imposed in paragraph (a) shall be increased to 4 percent of the support payments which the party is obligated to pay, except that no fee shall be less than \$1.25 nor more than \$5.25. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay. Notwithstanding the provisions of s. 145.022, 75 percent of the additional revenues generated by this paragraph shall be remitted monthly to the Clerk of the Court Child Support Enforcement Collection System Trust Fund administered by the department as provided in subparagraph 2. These funds shall be used exclusively for the development, implementation, and operation of an automated child support enforcement collections system to be operated by the depositories. The department shall contract with the Florida Association of Court Clerks and Comptrollers and the depositories to design, establish, operate, upgrade, and maintain the automation of the depositories to include, but not be limited to, the provision of on-line electronic transfer of information to the IV-D agency as otherwise required by this chapter.

2. The moneys remitted to the department by the depository shall be calculated as follows:

- a. For each support payment of less than \$33, 18.75 cents.
- b. For each support payment between \$33 and \$140, an amount equal to 18.75 percent of the fee charged.
- c. For each support payment in excess of \$140, 18.75 cents.

3. Prior to June 30, 1995, the depositories and the department shall provide the Legislature with estimates of the cost of continuing the collection and maintenance of information required by this act.

(4) The depository shall provide to the IV-D agency, at least once a month weekly, a listing of IV-D accounts which identifies all delinquent accounts, the period of delinquency, and total amount of delinquency. The list shall be in alphabetical order by name of obligor, shall include the obligee's name and case number, and shall be provided at no cost to the IV-D agency.

(10) Compliance with the requirements of this section shall be included as part of the annual county audit required pursuant to s. 11.45.

Section 15. The Legislature hereby requests that the Florida Supreme Court adopt an amendment to the rules regulating The Florida Bar which would provide for the discipline of attorneys who are delinquent in or fail to pay their child support obligations.

Section 16. Section 409.2567, Florida Statutes, 1992 Supplement, is amended to read:

409.2567 Services to individuals not otherwise eligible.—All support and paternity determination services provided by the department shall be made available on behalf of all dependent children. Services shall be provided upon acceptance of public assistance or upon proper application filed with the department. The department shall adopt rules to provide for the payment of a \$25 application fee from each applicant who is not a public assistance recipient and payment of a \$25 annual user fee from the obligor. The application fee and the user fee shall be deposited in the Child Support Enforcement Application and User Fee Trust Fund to be used for the Child Support Enforcement Program. The obligor is respon-

sible for all administrative costs, as defined in s. 409.2554. The court shall order payment of administrative costs without requiring the department to have a member of the bar testify or submit an affidavit as to the reasonableness of the costs. An attorney-client relationship exists only between the department and the legal services providers in Title IV-D cases. The attorney shall advise the obligee in Title IV-D cases that the attorney represents the agency and not the obligee. In Title IV-D cases, any costs, including filing fees, recording fees, mediation costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the nonprevailing obligor after the court makes a determination of the nonprevailing obligor's ability to pay such costs and fees. The Department of Health and Rehabilitative Services shall not be considered a party for purposes of this section; however, fees may be assessed against the department pursuant to s. 57.105(1).

Section 17. Section 742.045, Florida Statutes, is amended to read:

742.045 Attorney's fees, suit money, and costs.—The court may from time to time, after considering the financial resources of both parties, order a party to pay a reasonable amount for attorney's fees, suit money, and the cost to the other party of maintaining or defending any proceeding under this chapter, including enforcement and modification proceedings. The court may order that the amount be paid directly to the attorney, who may enforce the order in his name. In Title IV-D cases, any costs, including filing fees, recording fees, mediation costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the nonprevailing obligor after the court makes a determination of the nonprevailing obligor's ability to pay such costs and fees. The Department of Health and Rehabilitative Services shall not be considered a party for purposes of this section; however, fees may be assessed against the department pursuant to s. 57.105(1).

Section 18. Section 742.08, Florida Statutes, 1992 Supplement, is amended to read:

742.08 Default of support payments.—Upon default in payment of any moneys ordered by the court to be paid, the court may enter a judgment for the amount in default, plus interest, administrative costs, filing fees, and other expenses incurred by the clerk of the circuit court which shall be a lien upon all property of the defendant both real and personal. Costs and fees shall be assessed only after the court makes a determination of the nonprevailing party's ability to pay such costs and fees. In Title IV-D cases, any costs, including filing fees, recording fees, mediation costs, service of process fees, and other expenses incurred by the clerk of the circuit court, shall be assessed only against the nonprevailing obligor after the court makes a determination of the nonprevailing obligor's ability to pay such costs and fees. The Department of Health and Rehabilitative Services shall not be considered a party for purposes of this section; however, fees may be assessed against the department pursuant to s. 57.105(1). Willful failure to comply with an order of the court shall be deemed a contempt of the court entering the order and shall be punished as such. The court may require bond of the defendant for the faithful performance of his obligation under the order of the court in such amount and upon such conditions as the court shall direct.

Section 19. Paragraph (b) of subsection (1) and paragraphs (c) and (d) of subsection (2) of section 61.1301, Florida Statutes, 1992 Supplement, are amended to read:

61.1301 Income deduction orders.—

(1) ISSUANCE IN CONJUNCTION WITH AN ALIMONY OR CHILD SUPPORT ORDER OR MODIFICATION.—

(b) The income deduction order shall:

1. Direct a payor to deduct from all income due and payable to an obligor the amount required by the court to meet the obligor's support obligation including any attorney's fees or costs owed;

2. State the amount of arrearage owed, if any, and direct a payor to withhold an additional 20 percent or more of the periodic amount specified in the support order, until full payment is made of any arrearage, attorney's fees and costs owed, provided no deduction shall be applied to attorney's fees and costs until the full amount of any arrearage is paid;

3. Direct a payor not to deduct in excess of the amounts allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended;

4. Direct whether a payor shall deduct all, a specified portion, or no income which is paid in the form of a bonus or other similar one-time payment, up to the amount of arrearage reported in the income deduction notice or the remaining balance thereof, and forward the payment to the governmental depository. For purposes of this subparagraph, "bonus" means a payment in addition to an obligor's usual compensation and which is in addition to any amounts contracted for or otherwise legally due and shall not include any commission payments due an obligor; and

5. In Title IV-D cases, direct a payor to provide to the court depository the date on which each deduction is made.

(2) ENFORCEMENT OF INCOME DEDUCTION ORDERS.—

(c)1. The obligor, ~~within 15 days after having an income deduction order entered against him or~~ within 15 days after service of a notice of delinquency, may apply for a hearing to contest the enforcement of the income deduction order on the ground of mistake of fact regarding the amount of support owed pursuant to a support order, the amount of arrearage of support, or the identity of the obligor. The obligor shall send a copy of the pleading to the obligee and, if the obligee is receiving IV-D services, to the IV-D agency. The timely filing of the pleading shall stay the service of an income deduction order on all payors of the obligor until a hearing is held and a determination is made as to whether the enforcement of the income deduction order is proper. The payment of delinquent support by an obligor upon entry of an income deduction order shall not preclude service of the income deduction order on the obligor's payor.

2. When an obligor timely requests a hearing to contest enforcement of an income deduction order, the court, after due notice to all parties and the IV-D agency if the obligee is receiving IV-D services, shall hear the matter within 20 days after the application is filed. The court shall enter an order resolving the matter within 10 days after the hearing. A copy of this order shall be served on the parties and the IV-D agency if the obligee is receiving IV-D services. If the court determines that service of an income deduction order is proper, it shall specify the date the income deduction order must be served on the obligor's payor.

(d) When a court determines that an income deduction order is proper pursuant to paragraph (c), the obligee or his agent shall cause a copy of the ~~income deduction order and a notice to payor, and in the case of a delinquency a~~ notice of delinquency, to be served on the obligor's payors. A copy of the notice to the payor, and in the case of a delinquency a notice of delinquency, shall also be furnished to the obligor.

Section 20. Subsection (1) of section 733.707, Florida Statutes, is amended to read:

733.707 Order of payment of expenses and obligations.—

(1) The personal representative shall pay the expenses of the administration and obligations of the estate in the following order:

(a) Class 1.—Costs, expenses of administration, and compensation of personal representatives and their attorneys' fees.

(b) Class 2.—Reasonable funeral, interment, and grave-marker expenses, whether paid by a guardian under s. 744.441(16), the personal representative, or any other person, not to exceed the aggregate of \$3,000.

(c) Class 3.—Debts and taxes with preference under federal law.

(d) Class 4.—Reasonable and necessary medical and hospital expenses of the last 60 days of the last illness of the decedent, including compensation of persons attending him.

(e) Class 5.—Family allowance.

(f) Class 6.—Arrearage from court-ordered child support.

(g)(f) Class 76.—Debts acquired after death by the continuation of the decedent's business, in accordance with s. 733.612(22), but only to the extent of the assets of that business.

(h)(g) Class 87.—All other claims, including those founded on judgments or decrees rendered against the decedent during his lifetime, and any excess over the sums allowed in paragraphs (b) and (d).

(2) After paying any preceding class, if the estate is insufficient to pay all of the next succeeding class, the creditors of the latter class shall be paid ratably in proportion to their respective claims.

Section 21. Section 742.10, Florida Statutes, 1992 Supplement, is amended to read:

742.10 Establishment of paternity for children born out of wedlock.— This chapter provides the primary jurisdiction and procedures for the determination of paternity for children born out of wedlock. When the establishment of paternity has been raised and determined within an adjudicatory hearing brought under the statutes governing inheritance, dependency under workers' compensation or similar compensation programs, or vital statistics, or when an affidavit acknowledging paternity or a stipulation of paternity is executed by both parties and filed with the clerk of the court, *or when a consenting affidavit as provided for in s. 382.013(6)(b) is executed by both parties*, it shall constitute the establishment of paternity for purposes of this chapter. If no adjudicatory proceeding was held, a determination of paternity shall create a rebuttable presumption, as defined by s. 90.304, of paternity. *The Bureau of Vital Statistics shall provide certified copies of consenting affidavits to the Title IV-D agency upon request.*

Section 22. On or before September 1, 1995, the Title IV-D agency shall file a report with the Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives containing the following for the period July 1, 1993, through July 1, 1995:

(1) The number of delinquent obligors, categorized by delinquencies of 3 months, 6 months, and 1 year.

(2) The number of cases in which the license suspension provisions contained in sections 409.2598 and 322.058, Florida Statutes, were used to attempt to collect child support, including the number of agreements reached and the number of obligors who continued to pay 3 months after the agreement was reached.

(3) The number of licenses or motor vehicle registrations actually suspended, listed by type of license suspended.

(4) The number of cases in which delinquent child support was collected, listed by the collection method that was successfully used.

(5) The number of cases in which delinquent support was not collected and the collection methods used in attempting to collect that support.

Section 23. This act shall take effect July 1, 1993.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing for child support in accordance with the child support guidelines; providing for apportionment of the costs of health insurance for the minor child; creating s. 61.13015, F.S.; providing for a petition to suspend or deny a professional license or certificate for delinquent child support obligations; amending s. 61.14, F.S.; providing for interest with respect to judgments for child support; providing for equal effect of settlements and court orders on subsequent modifications; amending s. 61.16, F.S.; authorizing the assessment of certain fees against the Department of Health and Rehabilitative Services; amending s. 61.30, F.S.; providing for modifications to the child support guidelines; amending s. 48.031, F.S.; requiring employers to allow access for service of process; creating s. 231.097, F.S.; providing for the denial of teaching certificates for child support delinquencies; amending s. 231.28, F.S.; providing for the suspension of teaching certificates for child support delinquency; providing for reinstatement; limiting liability; creating s. 409.2598, F.S.; providing for the suspension or denial of professional licenses or certifications for child support delinquencies; amending s. 455.203, F.S.; providing for the suspension or denial of professional licenses for child support delinquencies; limiting liability; amending s. 559.79, F.S.; providing for the suspension or denial of licenses for child support delinquencies; limiting liability; creating s. 322.058, F.S.; providing for the suspension of driver licenses and vehicle registration for child support delinquencies; providing for notice; limiting liability; providing for return and seizure of a suspended driver's license and registration and of a registration plate; amending s. 61.181, F.S.; extending the period during which an increased fee for receiving, recording, reporting, disbursing, monitoring, and handling child support payments is to be collected; requiring compliance audits; requesting the Florida Supreme Court to adopt an amendment to the rules regulating The Florida Bar to discipline attorneys who are delinquent or fail to pay child support; amending ss. 409.2567, 742.045, and 742.08, F.S.; providing that any costs in Title IV-D cases incurred by the

clerk of the circuit court shall be assessed only against the nonprevailing obligor; amending s. 742.10, F.S.; revising language with respect to the establishment of paternity for children born out of wedlock; amending s. 733.707, F.S.; providing for the payment of arrearages from court-ordered child support by the personal representative; amending s. 61.1301, F.S.; revising language with respect to income deduction orders; requiring a report to the Governor and the Legislature; providing an effective date.

Senator McKay moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 37, strike all of lines 17-22

Amendment 1 as amended was adopted.

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

Amendment 2—On page 28, strike all of lines 6-10 and insert: driver's license and registration to the Department of Highway Safety and Motor Vehicles. If such person fails to return his driver's license or registration, any law enforcement agent may seize the license or registration while the driver's license

Amendment 3—In title, on page 39, line 23, strike "and of a registration plate"

On motion by Senator McKay, by two-thirds vote **CS for HB 707** as amended 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 1038—A bill to be entitled An act relating to planning and budgeting; amending s. 216.136, F.S.; creating the Occupational Forecasting Conference to advise the Commissioner of Education with respect to occupations needed to support current, new, and emerging industries; providing its membership and duties; providing an effective date.

—was read the second time by title.

Senator Dyer moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, strike all of lines 12-15 and insert:

Section 1. Paragraph (a) of subsection (4) of section 216.136, Florida Statutes, is amended, and subsection (9) is added to that section, to read:

216.136 Consensus estimating conferences; duties and principals.—

(4) EDUCATION ESTIMATING CONFERENCE.—

(a) Duties.—The Education Estimating Conference shall develop such official information relating to the state public educational system, including forecasts of student enrollments, *students qualified for state financial aid programs*, fixed capital outlay needs, and Florida Education Finance Program formula needs, as the conference determines is needed for the state planning and budgeting system. The conference's initial projections of enrollments in public schools shall be forwarded by the conference to each school district no later than 2 months prior to the start of the regular session of the Legislature. Each school district may, in writing, request adjustments to the initial projections. Any adjustment request shall be submitted to the conference no later than 1 month prior to the start of the regular session of the Legislature and shall be considered by the principals of the conference. A school district may amend its adjustment request, in writing, during the first 3 weeks of the legislative session, and such amended adjustment request shall be considered by the principals of the conference. For any adjustment so requested, the district shall indicate and explain, using definitions adopted by the conference, the components of anticipated enrollment changes that correspond to continuation of current programs with workload changes; program improvement; program reduction or elimination; initiation of new programs; and any other information that may be needed by the Legislature. For public schools, the conference shall submit its full-time equivalent student consensus estimate to the Legislature no later than 1 month after the start of the regular session of the Legislature. No conference estimate may be changed without the agreement of the full conference.

And the title is amended as follows:

In title, on page 1, line 3, after the semicolon (;) insert: providing for the Education Estimating Conference to develop certain information relating to students qualified for state financial aid programs;

On motion by Senator Williams, by two-thirds vote **CS for SB 1038** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB 1092—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; amending s. 35.06, F.S.; increasing the number of judges for specified district courts of appeal; providing for filling vacancies occurring as a result of the creation of judicial offices; providing effective dates.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote **CS for SB 1092** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB 1818—A bill to be entitled An act relating to commercial feed and feedstuff; amending s. 580.031, F.S.; revising definitions; creating s. 580.035, F.S.; requiring the Department of Agriculture and Consumer Services to certify laboratories that conduct tests of commercial feed and feedstuff; requiring the department to adopt certification standards; providing for a certification fee; providing for inspections by the department; prohibiting an uncertified laboratory from holding itself out as certified by the department; providing a penalty; amending s. 580.041, F.S.; deleting a requirement that certain labels be mailed to the department; amending s. 580.061, F.S.; revising the amount of the inspection fee charged by the Department of Agriculture and Consumer Services to registrants and distributors of commercial feed; deleting an exemption from the inspection fee provided for cooperatives; amending s. 580.091, F.S.; conforming provisions to changes made by the act; repealing ss. 580.051(1)(h), 580.081(6), F.S., relating to inspections of commercial feed and feedstuff; repealing s. 33, ch. 92-143, Laws of Florida, abrogating the repeal of ch. 580, F.S.; providing an effective date.

—was read the second time by title.

Senator Dantzler moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 2, line 1, strike everything after the enacting clause and insert:

Section 1. Section 580.031, Florida Statutes, 1992 Supplement, is amended to read:

580.031 Definitions of words and terms.—As used in this chapter, the term:

(1) "Brand name" or "product name" means the term, design, or trademark or any other specific designation under which a commercial feed or feedstuff is distributed.

(2) "Commercial feed" means any material or combination of materials ~~that~~ which is distributed for use as feed or for mixing in a feed for animals other than humans, except:

(a) Unmixed and unprocessed whole seeds.

(b) Unground hay, straw, stover, silage, cobs, husks, and hulls when unmixed with other material, provided that the department may, by rule, prohibit the inclusion of nonnutritive ingredients in commercial mixed feeds other than customer-formula feeds.

(c) Individual chemical compounds when unmixed with other materials.

(d) Mixed feed for the consumer's own use made entirely or in part from products raised on the consumer's farm, except as ~~is may be~~ provided by rules of the department.

(e) Any material or combination of materials that is distributed for use as feed for domestic pets such as but not limited to: dogs, cats, gerbils, hamsters, birds, fish, reptiles and amphibians.

(3) "Consumer" or "customer" means the person who purchases commercial feed or feedstuffs for feeding to animals. The term does not include purchasers apply to members of the consuming public who purchase meat, milk, or eggs produced by animals being fed commercial feed or feedstuffs.

(4) "Cooperative" means any corporation organized under the provisions of chapter 618 or chapter 619 for the mutual benefit of its members who are producers of agricultural products in which the return on the stock or membership capital is limited to an amount not to exceed 8 percent per annum, and in which during any fiscal year thereof the value of business done with nonmembers shall not exceed the business done with members during the same period. Cooperatives organized hereunder shall be deemed "nonprofit" inasmuch as they are not organized to make profit for themselves or for their members, but only for their members as producers.

(5) "Customer-formula feed" means a commercial feed that is mixed according to the formula of the customer, furnished in writing to the person mixing the commercial feed, over the signature of the customer.

(6) "Distribute" means to offer for sale, sell, barter, or exchange commercial feed or feedstuffs or to supply, furnish, or otherwise provide commercial feed or feedstuffs for use by any consumer or customer in the state.

(7) "Distributor" means any person who distributes commercial feed or feedstuffs.

(8) "Drug" means any ingredient intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than humans and intended to affect the structure or any function of the animal body.

(9) "Feedstuff" means edible materials, other than commercial feed, which are distributed for animal consumption and which contribute energy or nutrients, or both, to an animal diet. *The term does not include any material or combination of materials that is distributed for use as feed for domestic pets such as but not limited to: dogs, cats, gerbils, hamsters, birds, fish, reptiles and amphibians.*

(10) "Ingredient" means each of the constituent materials used to make a commercial feed.

(11) "Label" means a display of written, printed, or graphic matter upon or affixed to the container in which a product is distributed, or on the invoice accompanying the product.

(12) "Labeling" means all labels and other written, printed, or graphic matter upon an article or any of its containers or wrappers, or accompanying the article or disseminated in any manner for the purpose of inducing, directly or indirectly, the purchase of commercial feed or feedstuff.

(13) "Medicated feed" means a commercial feed or customer-formula feed which contains a drug.

(14) "Member of a cooperative" means, in the case of a stock association, the owner of at least one share of voting stock, and, in the case of a nonstock association, a person who has been issued a membership certificate upon the payment of a membership fee of at least \$1,000, or who has an outstanding obligation of not less than \$1,000 owed to the member by the cooperative in accordance with the bylaws of the cooperative, and who is entitled to voting powers within the cooperative.

(15) "Official sample" means any sample of commercial feed or feedstuff taken by the department and designated as official by the department.

(16) "Percent" or "percentage" means percentage by weight.

(17) "Registrant" means any person issued a master registration by the department.

(18) "Special sample" means any sample of commercial feed or feedstuff which is not an official sample.

(19) "Ton" means a net weight of 2,000 pounds avoirdupois.

Except as provided by law or rule, all terms used in connection with commercial feed or feedstuffs shall have the meanings ascribed to them by the Association of American Feed Control officials.

Section 2. The department shall prepare a plan for streamlining and improving its commercial feed inspection program, which shall include the possibility of transferring any or all of the department's functions to the industry. The plan shall focus on protecting the public health and the industry's ability to ship its feed in interstate commerce. The plan shall cover such issues as certification of laboratories, contractual arrangements with private laboratories, what can be an "official" sample, and similar issues. The plan shall cover all regulated commercial feed operations. The plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives by October 1, 1993.

Section 3. Subsection (1) of section 580.041, Florida Statutes, 1992 Supplement, is amended to read:

580.041 Master registration; application; refusal or cancellation of registration.—

(1) Each distributor of commercial feed ~~must shall~~ annually obtain a master registration before his brands are distributed in ~~this state Florida~~. The application for master registration ~~must shall~~ be submitted to the department on forms furnished by the department ~~and shall be accompanied by a label for each brand being distributed~~. All registrations shall expire on June 30 of each year. The fee for the master registration ~~must shall~~ be no less than \$100 for dealers who distribute between zero and 100 tons of commercial feed annually, \$250 for dealers who distribute between 101 and 500 tons of commercial feed annually, \$500 for dealers who distribute between 500 and 1,000 tons of commercial feed annually, and \$750 for dealers who distribute more than 1,000 tons of commercial feed annually. ~~A label to cover each new brand or to cover each change in the label shall be mailed to the department as prescribed by rule prior to the time the commercial feed is distributed in Florida. The form must shall~~ provide that the applicant will comply with all provisions of this chapter and rules ~~adopted under this chapter promulgated hereunder~~. The application ~~must shall~~ cover all branches listed by the distributor and ~~must shall~~ be signed by the owner, a partner of a partnership, or an authorized officer or agent of a corporation. The department shall mail a copy of the master registration to the registrant to signify that administrative requirements have been met, but this ~~does shall~~ not necessarily signify approval of labels.

Section 4. Section 580.061, Florida Statutes, 1992 Supplement, is amended to read:

580.061 Inspection fees, payment thereof; enforcement; reporting system and bond requirement.—

(1)(a) Each registrant or distributor of commercial feeds distributed in this state ~~must apply shall make application~~ to the department for a permit to report the tonnage of commercial feeds sold and pay the inspection fee of 25 ~~50~~ cents per ton for all ~~nonexempt~~ sales, as provided in this chapter. *However, registrants or distributors who distribute feed solely for their own use, and cooperatives who sell feed only to members shall pay 5 cents per ton.* The issuance of a permit ~~is will be~~ conditioned on the applicant's satisfying the department that a good bookkeeping system is in place and records are kept as ~~are may be~~ necessary to indicate accurately the tonnage of commercial feeds sold in this state and on the applicant's granting the authorized representatives of the department permission to examine the records and verify the tonnage statement. The tonnage report ~~must shall~~ be filed monthly, quarterly, semiannually, or annually as ~~required determined~~ by the department. The inspection fees owed ~~are shall be~~ due and payable on or before the last day of the month covering the tonnage of ~~nonexempt~~ commercial feeds sold during the preceding reporting period. The report ~~must shall~~ be on forms furnished by the department and ~~must shall~~ show the number of tons of feed. Each applicant for a permit shall post with the department a surety bond, or assign a certificate of deposit, in an amount required by the department to cover fees for any given reporting period, which amount ~~must shall~~ not be less than \$1,000. The surety bond ~~must shall~~ be executed by a corporate surety company authorized to do business in this state. The certificate of deposit ~~must shall~~ be issued by any recognized financial institution doing business in the United States. The department shall establish, by rule, whether an annual or continuous surety bond or certificate of deposit ~~is will be~~ required and ~~must shall~~ approve each surety bond or certificate of deposit before acceptance. If the tonnage report is not filed, the inspection fee is not paid on the date due, or the report of tonnage is false, the amount of the inspection fee due is subject to a penalty of 10 percent of the tonnage inspection fee due or \$25, whichever is greater. The penalty ~~must shall~~ be added to the inspection fee due and constitutes a debt and becomes a claim and lien against the surety bond or certificate of deposit.

(b) ~~If in the event~~ the permittee for any reason discontinues operating, the surety bond or certificate of deposit posted by the permittee ~~must shall~~ continue in full force and effect for 6 months following written notice of discontinuance to the department unless a claim is filed ~~before~~ prior to the expiration of the 6-month period. ~~If a~~ ~~in the event no~~ claim is ~~not~~ filed, the surety bond is ~~shall stand~~ canceled or the certificate of deposit ~~must shall~~ be reassigned to the permittee.

(2)(a) ~~Unless exempt,~~ There ~~must shall~~ be paid to the department for all commercial feeds distributed in this state an inspection fee at the rate of 25 ~~50~~ cents per ton, ~~except those registrants or distributors who distribute feed solely for their own use, or cooperatives who sell feed only to members.~~ However, the annual inspection fee payment made by each permittee ~~is shall~~ be no less than \$25.

(b) Sales of commercial feeds to registrants or exchanges between them are exempt from the inspection fee imposed by this chapter if the feeds so sold or exchanged are used solely in the manufacture of feeds ~~that which~~ are registered,; provided ~~that~~ the invoices for such sales or exchanges show the following: "For mixing in registered brands only";; and provided, further, ~~that~~ the sales or exchanges are supported by written purchase orders or confirmations of purchase, which in form are subject to the approval of the department, and signed by the registrants to whom such feeds are invoiced, showing that such feeds were purchased for use solely in the manufacture of feeds ~~that which~~ are registered. A registrant or distributor may be exempted from the tonnage report requirements of paragraph (1)(a) if he submits a written statement that all sales made are to registrants and ~~that~~ the exemption from inspection fee payment is claimed on all shipments.

(c) ~~There must be paid to the department for all commercial feeds distributed by a registrant or distributor for the sole use of feeding livestock or other domestic animals owned by the registrant or the distributor an inspection fee at the rate of 5 cents per ton for the sampling and analyzing only for drugs and adulterants are upon written request to the department exempt from the inspection fee imposed by this chapter.~~ The term "owned by" shall be liberally construed in the administration of the ~~exemption created in this paragraph.~~ During any period when 90 percent of the authorized and outstanding stock of the corporation acting as registrant or distributor and a corporation acting as owner of livestock or domestic animals is owned by the same person, group of persons, entity, or entities, ~~there must be paid to the department for all commercial feeds distributed by the registrant or distributor an inspection fee at the rate of 5 cents per ton for the sampling and analyzing only for drugs and adulterants. this exemption shall exist. No commercial feed distributed in this state for which an exemption from the inspection fee payment is granted by the department shall be randomly sampled or analyzed for nutrient guarantees or guaranteed weight.~~

(d) ~~There must be paid to the department for all commercial feeds distributed by a registrant or distributor that is a cooperative, as described in chapter 618 or chapter 619 an inspection fee at the rate of 5 cents per ton for the sampling and analyzing only for drugs and adulterants, to a member of the cooperative are exempt from the fee imposed by this chapter.~~ If a cooperative, as described in chapter 618 or chapter 619, sells any commercial feed to an individual or entity that is not a member of the cooperative, the cooperative shall be subject to an administrative fine, to be set by rule of the department. The department rule shall establish a schedule of fines not to exceed \$10,000 and a method of monitoring the sales to ensure the exemption is being properly applied. Such rules shall provide that upon a finding that such sale on a one-time basis was inadvertent or unintentional, the imposition of the fine shall be abated.

(e) All fees collected by the department under this chapter ~~must shall~~ be paid to the Treasurer to the credit of the General Inspection Trust Fund. The department may employ all help necessary to carry out and enforce the provisions of this chapter and may designate any such employee to perform any duties necessary to carry out the terms of this chapter. Expenses and salaries ~~must shall~~ be paid ~~from out of~~ the General Inspection Trust Fund.

(3) When a person is 30 days in arrears in filing a report or paying any fee imposed by this section, in addition to any other penalty provided by law, the department may immediately suspend inspection service to the registrant, as well as the registration granted under s. 580.041. The suspension of the inspection service and of the registration shall remain in force until all delinquent returns have been filed and all fees, interest, and penalties have been paid.

Section 5. Section 580.091, Florida Statutes, 1992 Supplement, is amended to read:

580.091 Inspection; sampling; analysis.—

(1) ~~It shall be the duty of~~ The department ~~shall to~~ sample and inspect commercial feeds and feedstuffs distributed within this state at such time and place to such an extent as necessary to determine whether such commercial feeds or feedstuffs are in compliance with the applicable provisions of this chapter. ~~Except as provided in s. 580.061(2)(c) and (d)~~ However, any commercial feed or feedstuff ~~must exempted from the inspection fee payment under s. 580.061(2)(c) or (d)~~ shall only be sampled and analyzed for ~~nutrient guarantees, guaranteed weight, and drugs and adulterants that could be harmful to the ultimate consumer of the animal product.~~ The department is authorized to enter upon any public or business premises and ~~into in~~ any vehicle of transport during regular business hours in order to have access to commercial feeds or feedstuffs and records relating to their manufacture, transport, and sale.

(2) ~~It shall be the duty of~~ The department ~~shall to~~ collect and analyze official and special samples ~~for the guaranteed analysis provided under s. 580.051(1)(e), on request. If the requested sample indicates the feed is in compliance with this chapter, the purchaser of the feed shall pay the cost of the inspection and analysis. If the requested sample indicates the feed is not in compliance with this chapter, the purchaser of the feed shall not be responsible for the costs. except that a fee set by rule shall be paid to the department for each sample requested to be analyzed from commercial feed or feedstuff that is exempt from inspection fee payment under s. 580.061(2)(c) or (d).~~

(3) Sampling and analysis ~~must shall~~ be conducted in accordance with methods published by the Association of Official Analytical Chemists, the United States Environmental Protection Agency, the United States Food and Drug Administration, or other generally recognized authorities. In any instance where methods do not exist, the department shall adopt by rule ~~the methods that are to which shall~~ be official in this state.

(4) The department, in determining whether a sample of commercial feed or feedstuff is in compliance with the applicable provisions of this chapter, ~~must shall~~ be guided by the official sample.

(5) When the inspection and analysis of an official sample indicate that a commercial feed or feedstuff is in violation of this chapter, the results of analysis ~~must shall~~ be forwarded by the department to the persons directly affected. On request, within 30 days ~~after from~~ the date of report, the department shall furnish to the registrant a portion of the sample concerned for check analysis. If requested by the registrant within 60 days ~~after from~~ the date of report, the department shall forward other portions of the sample to two referee chemists agreed upon by the department and the registrant.

(a) When either of the two referee analyses differs by not more than 0.3 percent from the official analysis, the official analysis ~~must not shall~~ be ~~changed unchanged~~. If both referee analyses differ by more than 0.3 percent from the official analysis, the two analyses closest in agreement ~~must shall~~ be averaged, and this ~~average becomes result shall become~~ the official analysis. ~~The registrant shall pay the analysis fees of the referee chemists shall be paid by the registrant when the amended official analysis is not within the established tolerance level. When the amended official analysis is within the established tolerance level, the department shall pay the analysis fees of the referee chemists shall be paid by the department out of the General Inspection Trust Fund.~~

(b) When a microscopic determination made by the department is challenged by the registrant, the official sample ~~must shall~~ be based on findings of the majority of the results of the department and the two referee chemists. ~~The registrant shall pay the analysis fees of the referee chemists shall be paid by the registrant when the official sample shows the analysis of the department to be correct. When the official sample shows the analysis of the department to be incorrect, the department shall pay the analysis fees of the referee chemists shall be paid by the department out of the General Inspection Trust Fund.~~

Section 6. Effective July 1, 1994, chapter 580, F.S., is repealed.

Section 7. Section 33 of chapter 92-143, Laws of Florida, is repealed.

Section 8. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 1, strike all of lines 2-28 and insert: An act relating to commercial feed and feedstuff; requiring the Department of Agriculture and Consumer Services to prepare a plan for streamlining and improving the commercial feed regulation program; specifying contents of the plan and requiring submission of the plan to the Legislature by October 1, 1993; amending s. 580.031, F.S.; revising definitions; providing a penalty; amending s. 580.041, F.S.; deleting a requirement that certain labels be mailed to the department; amending s. 580.061, F.S.; revising the amount of the inspection fee charged by the Department of Agriculture and Consumer Services to registrants and distributors of commercial feed; deleting exemptions from inspection fees provided for the poultry industry and dairy cooperatives; amending s. 580.091, F.S.; conforming provisions to changes made by the act; repealing s. 33, ch. 92-143, Laws of Florida, abrogating the 1993 repeal of ch. 580, F.S.; providing for future repeal of chapter 580, F.S., providing an effective date.

On motion by Senator Dantzler, by two-thirds vote **CS for SB 1818** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29 Nays—9

SB 1912—A bill to be entitled An act relating to hazardous waste landfills; amending s. 403.7222, F.S.; providing an exception to the prohibition against disposing of hazardous waste through an injection well; prohibiting the disposal of such waste through other subsurface methods of disposal; prohibiting the permitting of certain wells under this section; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 24 and 25 and insert: *method of disposal, which is defined as a Class IV well in 40 C.F.R. s. 144.6(d), except those Class I wells permitted for hazardous waste disposal as of January 1, 1992. Nothing in this section shall be construed to refer to the products of membrane technology, including reverse osmosis, for the production of potable water where disposal is through a Class I well as defined in 40 C.F.R. s. 144.6(a), or to refer to remedial or corrective action activities conducted in accordance with 40 C.F.R. s. 144.13.*

Sensors Brown-Waite, Dantzler and Hargrett offered the following amendment to **Amendment 1** which was moved by Senator Brown-Waite and adopted:

Amendment 1A—On page 1, line 14, after the period (.) insert: *The department shall annually review the operations of any such Class I well permitted as of January 1, 1992, and prepare a report analyzing any impact on ground water systems.*

Amendment 1 as amended was adopted.

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

Amendment 2—On page 2, lines 8 and 9, strike "*Rule 17-28.130(1)(d), Florida Administrative Code,*" and insert: *40 C.F.R. s. 144.6(d),*

On motion by Senator Dantzler, by two-thirds vote **SB 1912** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 2258—A bill to be entitled An act relating to road designation; designating the Eastern Toll Barrier on the Tampa South Crosstown Expressway as the "Dale E. Patten Memorial Toll Plaza"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

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

Amendment 1 (with Title Amendment)—On page 2, between lines 6 and 7, insert:

Section 3. That portion of 27th Avenue beginning at U.S. 1 and extending to the Dolphin Expressway (Road 836) in Miami is hereby designated as "Fernando Penabaz Road."

Section 4. The Department of Transportation is directed to erect suitable markers designating "Fernando Penabaz Road" as described in section 3.

Section 5. That section of S.W. 7th Street between 22nd Avenue and 27th Avenue in Miami is hereby designated as "Carlos B. Fernandez Street."

Section 6. The Department of Transportation is directed to erect suitable markers designating the portion of S.W. 7th Street between 22nd Avenue and 27th Avenue as "Carlos B. Fernandez Street."

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 5, following the semicolon (;) insert: designating a portion of 27th Avenue in Miami as Fernando Penabaz Road; designating a portion of S.W. 7th Street in Miami as "Carlos B. Fernandez Street";

On motion by Senator Beard, by two-thirds vote **SB 2258** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for SB 2382—A bill to be entitled An act relating to economic development; creating s. 288.046, F.S.; providing legislative intent; creating s. 288.047, F.S.; creating the Quick-Response Training Program to be administered by the Department of Commerce in conjunction with the Department of Education; providing responsibilities; creating a Quick-Response Advisory Committee to assist in the administration of the program; providing for membership; providing for appointment; providing for duties; providing for allocation of funds; providing for written agreements; providing authority to accept certain grants and donations; providing for the procurement and maintenance of equipment; providing certain public records exemptions and for future review and repeal thereof; 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 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; creating s. 220.191, F.S.; providing legislative intent; creating s. 220.192, F.S.; providing a credit against the tax for businesses that incur expenses to relocate to, or retool in, Florida to fulfill requirements of a defense contract, or to convert existing defense-related jobs to civilian commercial jobs; providing limitations; providing for carryover of unused credits; requiring approval of the Secretary of Commerce; providing application procedures and requirements; requiring monitoring of businesses granted a credit; providing for assessment of amounts granted as credit if the business fails to create the required number of jobs; providing duties of the Department of Revenue; providing for expiration; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 120.54, F.S., relating to rulemaking; requiring that a state agency prepare an economic impact statement upon the written request of the Division of Economic Development of the Department of Commerce; deleting certain rulemaking requirements relating to small businesses; amending s. 288.063, F.S., relating to contracts for transportation projects of the Division of Economic Development of the Department of Commerce; deleting some obsolete dates; providing for the transfer of funds upon the commencement of the construction of the transportation project; providing for certain rules; providing an additional requirement in selecting projects; providing for monitoring of construction of the

transportation project; amending s. 288.701, F.S.; revising and adding to the duties of the Division of Economic Development of the Department of Commerce; amending s. 288.703, F.S.; revising the definition of the term "ombudsman" for purposes of the duties of the Division of Economic Development; repealing s. 29, ch. 92-136, Laws of Florida, relating to the Sunshine State Skills Program; repealing s. 31, ch. 92-136, Laws of Florida, relating to the industry services training program; repealing s. 288.1161, F.S., relating to Sports Advisory Council; amending s. 288.03, F.S.; providing for the creating of the Florida State Rural Development Council; amending s. 20.17, F.S.; abolishing the Sports Advisory Council within the Department of Commerce; revising the membership of the direct-support organization that assists the department in promoting and developing the sports industry; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment:

Amendment 1 (with Title Amendment)—On page 5, line 3, strike everything after the enacting clause and insert:

Section 1. Section 288.046, Florida Statutes, is created to read:

288.046 Legislative intent.—The Legislature recognizes the importance of providing a skilled workforce for attracting new industries and retaining and expanding existing businesses and industries in this state. It is the intent of the Legislature that a program exist to meet the short-term, immediate, workforce-skill needs of such businesses and industries. It is further the intent of the Legislature that funds provided for the purposes of section 2 of this act be expended on businesses and industries that support the state's economic development goals, particularly high value-added businesses in Florida's Targeted Industrial Clusters or businesses that locate in and provide jobs in the state's distressed urban and rural areas, and that instruction funded pursuant to section 2 of this act lead to permanent, quality employment opportunities.

Section 2. Section 288.047, Florida Statutes, is created to read:

288.047 Quick-response training for economic development.—

(1) The Quick-Response Training Program is created to meet the work-force skill needs of existing, new, and expanding industries. The program shall be administered by the Department of Commerce, in conjunction with the Department of Education. The Department of Commerce shall adopt rules pursuant to chapter 120 for the administration of this program. The Department of Commerce shall provide technical services and shall identify businesses that seek services through the program. The Department of Education shall provide services related to the development and implementation of instructional programs.

(2)(a) A Quick-Response Advisory Committee, composed of the Director of the Division of Vocational, Adult, and Community Education of the Department of Education; the Director of the Division of Community Colleges of the Department of Education; and the Director of the Division of Labor, Employment, and Training of the Department of Labor and Employment Security, or their respective designees, and four private-sector members, shall review training funded through this program and shall provide policy advice to the Department of Commerce in the implementation of this program. The committee shall elect a chairman from among its members. Members of the committee may receive reimbursement for per diem and travel expenses as provided in s. 112.061.

(b) The four private-sector members appointed to the Quick-Response Advisory Committee must be selected from a slate of nominees submitted by the board of directors of Enterprise Florida, Inc. The Secretary of Commerce shall appoint private-sector members from this slate for terms of 4 years, except that in making the initial appointments, the secretary shall appoint members for staggered terms, one for 1 year, 2 years, 3 years and 4 years, respectively. To the maximum extent possible, the secretary shall select private-sector members who are representative of diverse industries and regions of the state. The importance of minority representation must be considered when making appointments for each private-sector position. Private-sector members may be removed for cause. Absence from three consecutive meetings results in the automatic removal of a private-sector member.

(c) The Quick-Response Advisory Committee shall meet at the call of its chairman, at the request of a majority of the membership, at the request of the Department of Commerce, or at times prescribed by its rules. The committee shall serve to advise the Department of Commerce regarding the administration of the Quick-Response Training Program.

(3) The Department of Commerce shall ensure that instruction funded pursuant to this section is not available through the local community college, school district, or private industry council and that the instruction promotes economic development by providing specialized entry-level skills to new workers or supplemental skills to current employees whose job descriptions are changing or expanding, or by updating or upgrading the skills of current employees. Such funds may not be expended to subsidize the ongoing staff development program of any business or industry or to provide training for instruction related to retail businesses.

(4) Requests for funding through the Quick-Response Training Program may be produced through inquiries from a specific business or industry, inquiries from a school district director of vocational education or community college occupational dean on behalf of a business or industry, or through official state economic development efforts. In allocating funds for the purposes of the program, the Department of Commerce shall establish criteria for approval of requests for funding and shall select the entity that provides the most efficient, cost-effective instruction meeting such criteria. Program funds may be allocated to any area vocational-technical center, community college, or state university. Program funds may be allocated to private postsecondary institutions only upon a review that includes, but is not limited to, accreditation and licensure documentation and prior approval by a majority of the advisory committee. Instruction funded through the program must terminate when participants demonstrate competence at the level specified in the request; however, instruction may not exceed 18 months. Program participants may not be included in calculations of full-time equivalent enrollments for state funding purposes.

(5) Prior to the allocation of funds for any request pursuant to this section, the Department of Commerce shall prepare a grant agreement between the business or industry requesting funds, the educational institution receiving funding through the program, and the Department of Commerce. Such agreement must include, but is not limited to:

(a) An identification of the facility in which the instruction will be conducted and the respective responsibilities of the parties for paying costs associated with facility use.

(b) An identification of the equipment necessary to conduct the program, the respective responsibilities of the parties for paying costs associated with equipment purchase, maintenance, and repair, as well as an identification of which party owns the equipment upon completion of the instruction.

(c) An identification of the personnel necessary to conduct the instructional program, the qualifications of such personnel, and the respective responsibilities of the parties for paying costs associated with the employment of such personnel.

(d) An identification of the estimated length of the instructional program. Such program may not exceed 12 months of full-time instruction or 18 months of total instruction.

(e) An identification of special program requirements that are not addressed otherwise in the agreement.

(f) Permission to access information specific to the wages and performance of participants upon the completion of instruction for evaluation purposes. Information which, if released, would disclose the identity of the person to whom the information pertains or disclose the identity of the person's employer is confidential and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. The agreement must specify that any evaluations published subsequent to the instruction may not identify the employer or any individual participant.

(6) For the purposes of this section, the Department of Commerce may accept grants of money, materials, services, or property of any kind from any agency, corporation, or individual.

(7) The Department of Commerce may procure equipment as necessary to meet the purposes of this section. Title to and control of such equipment is vested in the Department of Education. Upon the conclusion of instruction, the Department of Education may transfer title to the district school board, community college district board of trustees, or Board of Regents on behalf of a specific state university, where the equipment is physically located. The department may also lease such equipment to the district school board, community college district board of

trustees, or Board of Regents for a maximum of 1 year. Such lease may provide for automatic renewal. Either party to a lease has the right to cancel the lease upon a 60-day notice in writing. Any equipment for which no title transfer or lease exists must be returned to a warehouse reserve and be available for use by an instructional program in any area of the state.

(8) In providing instruction pursuant to this section, materials that relate to methods of manufacture or production, potential trade secrets, business transactions, or proprietary information received, produced, ascertained, or discovered by employees of the respective departments, district school boards, community college district boards of trustees, or other personnel employed for the purposes of this section is confidential and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. The state may seek copyright protection for all instructional materials and ancillary written documents developed wholly or partially with state funds as a result of instruction provided pursuant to this section.

Section 3. Legislative intent.—It is the intent of the Legislature to establish a public-private partnership to be known as Enterprise Florida Innovation Partnership to provide leadership and market-driven, performance-based economic development tools to create the diverse cross-section of innovation-driven firms that is essential to a competitive economy in this state, characterized by better employment opportunities leading to higher wages. The Legislature recognizes that the policies, institutions, and programs that govern the relationships between university researchers and private industry affect the rate of commercialization in this state.

Section 4. Definitions.—As used in sections 3-10 of this act, the term:

(1) "Educational institutions" means Florida technical institutes and vocational schools, and public and private community colleges, colleges, and universities in the state.

(2) "Enterprise" means a firm with its principal place of business in this state which is engaged, or proposes to be engaged, in this state in agricultural industries, natural-resource-based or other manufacturing, research and development, or the provision of knowledge-based services.

(3) "Partnership" means the Enterprise Florida Innovation Partnership.

(4) "Person" means any individual, partnership, corporation, or joint venture that carries on business, or proposes to carry on business, within the state.

(5) "Product" means any product, device, technique, or process that is, or may be, developed or marketed commercially; the term does not refer, however, to basic research, but rather to products, devices, techniques, or processes that have advanced beyond the theoretical stage and are in a prototype or industry practice stage.

(6) "Qualified security" means a public or private financial arrangement that involves any note, security, debenture, evidence of indebtedness, certificate of interest of participation in any profit-sharing agreement, preorganization certificate or subscription, transferable security, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application therefor, or in royalty or other payments under such a patent or application, or, in general, any interest or instrument commonly known as a security or any certificate for, receipt for, guarantee of, or option warrant or right to subscribe to or purchase any of the foregoing to the extent allowed by law.

(7) "Technology application" means the introduction and adaptation of off-the-shelf technologies and state-of-the-art management practices to the specific circumstances of an individual firm.

(8) "Technology commercialization" means the process of bringing an investment-grade technology out of an enterprise, university, or federal laboratory for first-run application in the marketplace.

(9) "Technology development" means strategically focused research aimed at developing investment-grade technologies essential to market competitiveness.

Section 5. Enterprise Florida Innovation Partnership; creation; purpose; membership.—

(1) There is created a body politic and corporate known as Enterprise Florida Innovation Partnership. The purpose of the Enterprise Florida Innovation Partnership shall be to foster growth of high technology and other value-added industries and jobs in this state.

(2) Enterprise Florida Innovation Partnership shall be a corporation not for profit pursuant to chapter 617, Florida Statutes. The articles of incorporation and bylaws establishing Enterprise Florida Innovation Partnership shall be submitted to Enterprise Florida, Inc., and the Department of Commerce for review and approval prior to filing.

(3) Enterprise Florida Innovation Partnership shall be governed by a board of directors. The board of directors shall consist of the following members:

(a) The Commissioner of Education or his designee.

(b) The Chancellor of the State University System or his designee.

(c) The executive director of the State Community College System or his designee.

(d) A member of the Senate, who shall be appointed by the President of the Senate and serve at the pleasure of the President.

(e) A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives and serve at the pleasure of the Speaker of the House of Representatives.

(f) Nine to eleven members from the public and private sector, consisting of, but not limited to, individuals who represent technology-based businesses and industrial interests throughout the state who shall be appointed by the Governor, subject to Senate confirmation.

(4) Members appointed by the Governor shall be appointed for terms of 4 years, except that, in making the initial appointments, the Governor shall appoint three to five members for terms of 4 years, three members for terms of 3 years, and three members for terms of 2 years.

(5) The chairman and vice chairman of Enterprise Florida, Inc., shall jointly select a list of nominees for appointment to the board of directors from a slate of candidates submitted by Enterprise Florida, Inc. The chairman and vice chairman of Enterprise Florida, Inc., may request that additional candidates be submitted by Enterprise Florida, Inc., if the chairman and vice chairman cannot agree on a list of nominees submitted. Appointments to the board of directors shall be made by the Governor from the list of nominees jointly selected by the chairman and vice chairman of Enterprise Florida, Inc. Appointees shall represent all geographic regions of the state, including both urban and rural regions. The importance of minority and gender representation shall be considered when making nominations for each position on the board of directors.

(6) The Governor shall appoint the initial nine to eleven members from the public and private sector to the board of directors within 30 days after receipt of the nominations from the chairman and vice chairman of Enterprise Florida, Inc.

(7) A vacancy on the board of directors shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(8) A member may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal.

Section 6. Organization.—

(1) The board of directors of Enterprise Florida Innovation Partnership shall be chaired by a board member selected by a majority vote of the board. The chair position shall be for a term of 2 years.

(2) The president of Enterprise Florida Innovation Partnership shall be appointed by the board of directors and shall serve in the capacity as an executive director and secretary of the board of directors, with additional staff being hired by the president within the parameters established by Enterprise Florida Innovation Partnership in its bylaws.

(3) The board of directors may establish an Executive Committee consisting of the chair, the secretary of the board of directors, and not more than three additional board members selected by the chair. The executive committee shall have such authority as the board of directors delegates to it, except that the board of directors may not delegate to the executive committee the authority to take actions that require approval by a majority of the board of directors as provided in subsection (6).

(4) The board of directors shall meet at least quarterly and at other times upon call of the chair.

(5) A quorum shall be a majority of the total current membership of the board of directors of Enterprise Florida Innovation Partnership.

(6) A majority of those voting is required to organize and conduct the business of Enterprise Florida Innovation Partnership, except that a majority of the entire board of directors is required to hire or fire the president and adopt or amend the operational plan.

(7) Except as delegated or authorized by the board of directors, individual board members have no authority to control or direct the operations of the Enterprise Florida Innovation Partnership or the actions of its officers and employees, including the president.

(8) Members shall serve without compensation but members of the board of directors, the president, and staff may be reimbursed for all reasonable, necessary, and actual expenses, as determined by Enterprise Florida Innovation Partnership in its bylaws.

Section 7. Powers and authority of board of directors.—

(1) Enterprise Florida Innovation Partnership shall achieve the purposes stated in section 3 of this act through technology application, technology commercialization, and technology development, as well as other activities related to building a competitive, knowledge-based economy. The Enterprise Florida Innovation Partnership board shall have all the powers and authority not explicitly prohibited by statute necessary or convenient to carry out and effectuate the functions, duties, and responsibilities of Enterprise Florida Innovation Partnership, including, but not limited to:

(a) Assisting in formulating and coordinating the state's economic development policy regarding technology development and expansion.

(b) Taking actions in partnership with private enterprise, educational institutions, and other organizations to:

1. Increase the rate of technology application across manufacturing and other knowledge-based firms throughout the state.

2. Increase the amount of technology development occurring in Florida.

3. Increase the rate at which technologies with potential commercial application are moved out of university, private, and public laboratories into the marketplace.

(c) Adopting, using, and altering at will a corporate seal.

(d) Hiring the president and employees of Enterprise Florida Innovation Partnership.

(e) Assisting in developing the state's technology development strategic planning process.

(f) Evaluating the performance and effectiveness of the state's technology enhancement and development programs.

(g) Reporting to the Board of Directors of Enterprise Florida, Inc., regarding its functions, duties, and responsibilities.

(h) Soliciting, borrowing, accepting, receiving, investing, and expending funds from any public or private source.

(i) Procuring insurance or requiring bond against any loss in connection with its property in such amounts and from such insurers as may be necessary or desirable.

(j) Contracting with public and private entities as necessary to further the directives of this act.

(k) Approving an annual budget.

(l) Carrying forward any unexpended state appropriations into succeeding fiscal years.

(m) Providing an annual report to the Governor and the Legislature by December 1 of each year setting forth:

1. Its operations and accomplishments during the fiscal year.

2. Its business and operation's plan and its technology development plan, including recommendations on methods for implementing and funding the technology development plan.

3. Its assets and liabilities at the end of its most recent fiscal year.

4. A copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant performed in accordance with rules adopted by the Auditor General.

(2) Enterprise Florida Innovation Partnership shall design specific programs or entities to address the actions listed in paragraph (1)(b).

Section 8. Authorized programs.—

(1) The partnership shall create a technology applications service, to be called the Florida Innovation Alliance. The Florida Innovation Alliance shall serve as an umbrella organization for technology applications service-providers throughout the state which provide critical, managerial, technological, scientific, and related financial and business expertise essential for international and domestic competitiveness to small-sized and medium-sized manufacturing and knowledge-based service firms. The partnership shall have the following powers and duties in order to carry out the functions of the Florida Innovation Alliance:

(a) Providing communication and coordination services among technology applications service-providers throughout the state.

(b) Providing coordinated marketing services to small-sized and medium-sized manufacturers in the state on behalf of, and in partnership with, technology applications service-providers.

(c) Securing additional sources of funds on behalf of, and in partnership with, technology applications service providers.

(d) Developing plans and policies to assist small and medium-sized manufacturing companies or other knowledge-based firms in Florida.

(e) Entering into contracts with technology applications service-providers for expanded availability of high-quality assistance to small-sized and medium-sized manufacturing companies or knowledge-based service firms, including, but not limited to, technological, human resources development, market planning, finance, and interfirm collaboration. The partnership shall ensure that all contracts in excess of \$20,000 for the delivery of such assistance to Florida firms shall be based on competitive requests for proposals. The partnership shall establish clear standards for the delivery of services under such contracts. Such standards include, but are not limited to:

1. The ability and capacity to deliver services in sufficient quality and quantity.

2. The ability and capacity to deliver services in a timely manner.

3. The ability and capacity to meet the needs of firms in the proposed market area.

(f) Assisting other educational institutions, enterprises, or the entities providing business assistance to small-sized and medium-sized manufacturing enterprises.

(g) Establishing a system to evaluate the effectiveness and efficiency of Florida Innovation Alliance services provided to small-sized and medium-sized enterprises.

(h) Establishing special education and informational programs for Florida enterprises and for educational institutions and enterprises providing business assistance to Florida enterprises.

(i) Evaluating and documenting the needs of firms in this state for technology application services, and developing means to ensure that these needs are met, consistent with the powers provided for in this subsection.

(j) Maintaining an office in such place or places as the partnership may designate.

(k) Making and executing contracts with any person, enterprise, educational institution, association, or any other entity necessary or convenient for the performance of its duties and the exercise of the partnership's powers and functions under this subsection.

(l) Receiving funds from any source to carry out the purposes of the Florida Innovation Alliance, including, but not limited to, gifts or grants from any department, agency, or instrumentality of the United States or of the state, or any enterprise or person, for any purpose consistent with the provisions of the Florida Innovation Alliance.

(m) Acquiring or selling, conveying, leasing, exchanging, transferring, or otherwise disposing of the alliance's property or interest therein.

(2) When choosing contractors, preference shall be given to existing institutions, organizations, and enterprises so long as these existing institutions, organizations, and enterprises demonstrate the ability to perform at standards established by the partnership under paragraph (e). Neither the provisions of sections 3 through 11 of this act nor the actions of the alliance shall impair or hinder the operations, performance, or resources of any existing institution, organization, or enterprise.

(3) The partnership shall create a technology development financing fund, to be called the Florida Technology Research Investment Fund. The fund shall increase technology development in this state by investing in technology development projects that have the potential to generate investment-grade technologies of importance to the state's economy as evidenced by the willingness of private businesses to coinvest in such projects. The partnership shall also demonstrate and develop effective approaches to, and benefits of, commercially oriented research collaborations between businesses, universities, and state and federal agencies and organizations. The partnership shall endeavor to maintain the fund as a self-supporting fund once the fund is sufficiently capitalized as reflected in the minimum funding report required under subsection (6). The technology research investment projects may include, but are not limited to:

(a) Technology development projects expected to lead to a specific investment-grade technology that is of importance to industry in this state.

(b) Technology development centers and facilities expected to generate a stream of products and processes with commercial application of importance to industry in this state.

(c) Technology development projects that have, or are currently using, other federal or state funds such as federal Small Business Innovation Research awards.

(4) The partnership shall invest moneys contained in the Florida Technology Research Investment Fund in technology application research or for technology development projects that have the potential for commercial market application. The partnership shall coordinate any investment in any space-related technology projects with the Spaceport Florida Authority and the Technological Research and Development Authority.

(a) The investment of moneys contained in the Florida Technology Research Investment Fund is limited to investments in qualified securities in which a private enterprise in this state coinvests at least 40 percent of the total project costs, in conjunction with other cash or noncash investments from state educational institutions, state and federal agencies, or other institutions.

(b) For the purposes of sections 3 through 11 of this act, qualified securities include loans, loans convertible to equity, equity, loans with warrants attached that are beneficially owned by the partnership, royalty agreements, or any other contractual arrangement in which the partnership is providing scientific and technological services to any federal, state, county, or municipal agency, or to any individual, corporation, enterprise, association, or any other entity involving technology development.

(c) Not more than \$175,000 or 5 percent of the revenues generated by investment of moneys contained in the Florida Technology Research Investment Fund, whichever is greater, may be used to pay the partnership's operating expenses associated with operation of the Florida Technology Research Investment Fund.

(d) In the event of liquidation or dissolution of the partnership or the Florida Technology Research Investment Fund, any rights or interests in a qualified security or portion of a qualified security purchased with moneys invested by the State of Florida shall vest in the state, under the control of the State Board of Administration. The state is entitled to, in proportion to the amount of investment in the fund by the state, any balance of funds remaining in the Florida Technology Research Investment Fund after payment of all debts and obligations upon liquidation or dissolution of the partnership or the fund.

(e) The investment of funds contained in the Florida Technology Research Investment Fund does not constitute a debt, liability, or obligation of the State of Florida or of any political subdivision thereof, or a pledge of the faith and credit of the state or of any such political subdivision.

(5)(a) The partnership shall create technology commercialization programs in partnership with private enterprises, educational institutions, and other institutions to increase the rate at which technologies with potential commercial application are moved from university, public, and industry laboratories into the marketplace. Such programs shall be created based upon research to be conducted by the partnership pursuant to paragraph (b).

(b) The partnership shall conduct a thorough research-gathering effort in partnership with the State University System. Such research shall include a review of policies and institutions in other states and nations, and an investigation of optimal policies to balance the teaching mission of the university with opportunities for effective commercially oriented university and industry research collaboration. The results of this research shall be presented by the partnership to the Governor, the State University System, the Legislature, and Enterprise Florida, Inc., by December 1, 1993.

Section 9. Annual report of Enterprise Florida Innovation Partnership.—

(1) By December 1, of each year, the partnership shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report setting forth:

(a) The evaluation required in section 10(1).

(b) The operations and accomplishments of each of the programs or entities listed in section 8.

(c) Recommendation on methods for implementing and funding the programs or entities listed in section 8. This recommendation shall include the minimal levels of funding necessary for the partnership to continue to operate the programs or entities listed in section 8.

(d) An examination of comparable technology applications, commercialization, and development services in other states, including showing how and at what level these programs are funded by those states.

(e) Its assets and liabilities at the end of its most recent fiscal year.

Section 10. Audits; confidentiality.—

(1) By September 1, 1993, the partnership in cooperation with the Auditor General shall develop research designs, including goals and measurable objectives for each of the programs or entities listed in section 8, which will provide the Legislature with a quantitative evaluation of such programs. The partnership shall utilize the monitoring mechanisms and reports developed in the designs and provide these reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General.

(2)(d) Prior to the 1996 Regular Session of the Legislature, the Auditor General shall perform a review and evaluation of sections 3 through 11, together with the programs or entities listed in section 8, using the research designs promulgated pursuant to subsection (1). The report shall critique the partnership and each program or entity listed in section 8. A report of the findings and recommendations of the Auditor General shall be submitted to the President of the Senate and the Speaker of the House of Representatives prior to the 1996 Regular Session. The appropriate committees of the Senate and House of Representatives shall consider legislation to implement the recommendations of the Auditor General.

(3) The Auditor General may, pursuant to his own authority or at the direction of the Joint Legislative Auditing Committee, conduct an audit of Enterprise Florida Innovation Partnership or the programs or entities created by the partnership. The audit or report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida Innovation Partnership pursuant to subsection (4).

(4) When so requested in writing by a donor, prospective donor, or inventor, information that, if released, would identify the donor, prospective donor, or inventor is confidential and exempt from the provisions of s. 119.07(1), Florida Statutes. Information identifying such donor, prospective donor or inventor to Enterprise Florida Innovation Partnership shall not be included in audit reports. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14, Florida Statutes. All other records of Enterprise Florida Innovation Partnership constitute public records for the purposes of chapter 119, Florida Statutes.

Section 11. Indemnification of officers, directors, employees, and agents.—In addition to any indemnification available under chapter 617, Florida Statutes, the partnership may indemnify the board of the partnership, its officers, and employees against any personal liability or accountability by reason of actions taken while acting within the scope of their authority.

Section 12. (1) Section 229.8053, Florida Statutes, as amended by chapters 90-325, 91-429, and 9211, Laws of Florida, is repealed.

(2) The Florida High Technology and Industry Council is abolished. All records, property, funds, and obligations of the Florida High Technology and Industry Council revert to the Department of Commerce.

(3) It is the intent of the Legislature to promote the development of the state economy and to establish a not-for-profit organization that shall promote the competitiveness and profitability of high-technology business and industry through technology development projects of importance to specific manufacturing sectors in this state. This not-for-profit corporation shall work cooperatively with the Enterprise Florida Innovation Partnership, recognizing the partnership as the statewide organization responsible for the overall strategic technological advancement of the economic base of this state, and shall avoid duplicating the activities, programs, and functions of the Enterprise Florida Innovation Partnership.

(4) The Florida High Technology and Industry Council, Inc., incorporated under chapter 617, Florida Statutes, pursuant to section 229.8053, Florida Statutes, is the not-for-profit organization referred to in subsection (3). On July 1, 1994, the Florida High Technology and Industry Council, Inc., shall change its name to a name approved by its board of directors and developed in coordination with the Department of Commerce.

(5) In addition to all other powers and authority, not explicitly prohibited by statutes, this not-for-profit organization has the following powers and duties:

(a) To receive funds appropriated to the organization by the Legislature. Such funds may not duplicate funds appropriated to the Enterprise Florida Innovation Partnership, but shall serve to further the advancement of the state economy, jointly and collaboratively with the partnership.

(b) To submit a legislative budget request through a state agency.

(c) To accept gifts, grants, donations, expenses, in-kind services, or other valued goods or services for carrying out its purposes, and to expend such funds or assets in any legal manner according to the terms and conditions of acceptance and without interference, control, or restraint by the state.

(d) To carry forward any unexpended state appropriations into succeeding fiscal years.

(6) This section does not nullify or impair existing contracts of the Florida High Technology and Industry Council.

Section 13. Subsections (3), (4), (5), (6), (7), (8), (9), and (10) of section 240.539, Florida Statutes, are amended to read:

240.539 Advanced technology research.—

(3) The Enterprise Florida Innovation Partnership ~~Florida High Technology and Industry Council~~ shall recommend to the Board of Regents for funding consideration by the Legislature research priorities in technological areas including, but not limited to, computer technology, lightwave technology, biomedical technology and sciences, materials sciences, microelectronics, sensors, or robotics. No later than October 1, 1989, and every third year thereafter, the partnership ~~council~~ shall develop and submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of the research areas identified in this section and how each area affects the economic growth of the state. The Board of Regents shall allocate funds to priority research programs pursuant to the provisions of this section.

~~(4) The Florida High Technology and Industry Council shall direct and coordinate the scientific and technological resources of the state to undertake research projects which may alleviate problems of critical economic or environmental magnitude as identified by the Legislature. The first area of concern identified by the Legislature is solid waste disposal. With funds appropriated by the Legislature, the council shall develop~~

~~research programs to resolve problems associated with designing and implementing programs to recycle materials such as plastics, rubber, metal, glass, paper, and other components of the solid waste stream. The council shall consult with the Department of Environmental Regulation in developing the research programs.~~

~~(5) The Florida High Technology and Industry Council shall:~~

~~(a) Identify technological areas related to industries that demonstrate significant potential for economic growth or development of areas related to the enhancement of industrial productivity.~~

~~(b) Identify universities, university affiliated research programs, or consortia of such programs that conduct basic and applied research, development, and technology transfer in the technological areas identified pursuant to paragraph (a).~~

~~(c) Establish eligibility criteria for research program funding in the technological areas identified pursuant to paragraph (a) including, but not limited to, the following:~~

~~1. An established record of instruction, research, and development in one or more technological areas identified by the council;~~

~~2. A capacity to conduct research and development activities in collaboration with business and industry;~~

~~3. A capacity to secure private and other nonstate funding for the center that is equal to or greater than the state funding sought;~~

~~4. An ability and willingness to cooperate with other institutions in the conduct of research and development activities, the dissemination of research results, and the enhancement of vocational and technical education in the technological area proposed for research; and~~

~~5. An ability and willingness to cooperate with the council and other economic development agencies in the promotion of industrial growth or development in the technological area proposed for research.~~

~~(d) Establish an application process.~~

~~(e) Establish procedures for the evaluation of applications that include peer review.~~

~~(6)(a) All program reviews by the council pursuant to subsection (5), of research programs to be funded from sources other than applied research funds provided in the General Appropriations Act may be conducted only with the consent of the Board of Regents. The council may participate in the program review process established and conducted by the Board of Regents pursuant to s. 240.2095. The council may recommend to the Board of Regents that a program review of a research area be conducted by the board if such a review will serve as an incentive for the location or expansion of a high technology company in the state.~~

~~(b) The council is not authorized to make recommendations related to basic research programs conducted in a university or university-affiliated research agency.~~

~~(4)(7) The Enterprise Florida Innovation Partnership Florida High Technology and Industry Council shall make recommendations to the Board of Regents regarding the allocation of funds provided in the General Appropriations Act for research programs in advanced technology. Funds may be allocated for the purchase of equipment and fixtures, employment of faculty and support staff, provision of fellowships, and other purposes approved by the partnership council and the university. No such funds shall be used for capital construction. Each designated research program shall match its allocation of advanced technology research funds with an amount at least equal to the allocation from private or public, nonstate funds.~~

~~(5)(8) The Board of Regents may allocate or provide for the investment of moneys provided in the General Appropriations Act for advanced technology research to the Enterprise Florida Innovation Partnership, and to universities or university-affiliated research agencies for the purpose of planning and program development for future designation as research programs in advanced technology. Such moneys shall be awarded based on the same application process as used in the designation of research programs and shall be awarded only to universities and institutions whose evaluations yield a reasonable expectation of future research program priority designation. No applicant shall receive more than one award per fiscal year pursuant to this subsection.~~

(6)(9) No university or university-affiliated program shall derive overhead from moneys awarded pursuant to this section.

(7)(10) Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, business transactions, or proprietary information that is received, generated, ascertained, or discovered during the course of research funded in whole or in part pursuant to this section shall be confidential and exempt from the provisions of s. 119.07(1), except that a recipient of such funds shall make available, upon request, the title and description of the research project, the name of the researcher, and the amount and source of funding provided for the project. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 14. Sections 3 through 11 of this act are repealed December 31, 2003, and shall be reviewed by the Legislature prior to that date. The review must be in accordance with criteria set forth in law.

Section 15. Short title.—This act may be cited as the “Florida Development Finance Corporation Act of 1993.”

Section 16. Findings and declarations of necessity.—The Legislature finds and declares that:

(1) There is a need to enhance economic activity in the cities and counties of the state by attracting manufacturing, development, business enterprise management, and other activities conducive to economic promotion in order to provide a stronger, more balanced, and stable economy in the cities and counties of the state.

(2) A significant portion of businesses located in the cities and counties of the state or desiring to locate in the cities and counties of the state encounter difficulty in obtaining financing on terms competitive with those available to businesses located in other states and nations or are unable to obtain such financing at all.

(3) The difficulty in obtaining such financing impairs the expansion of economic activity and the creation of jobs and income in communities throughout the state.

(4) The businesses most often affected by these financing difficulties are small businesses critical to the economic development of the cities and counties of Florida.

(5) The economic well-being of the people in, and the commercial and industrial resources of, the cities and counties of the state would be enhanced by the provision of financing to businesses on terms competitive with those available in the most developed financial markets worldwide.

(6) In order to improve the prosperity and welfare of the cities and counties of this state and its inhabitants, to improve and promote the financing of projects related to the economic development of the cities and counties of this state, and to increase the purchasing power and opportunities for gainful employment of citizens of the cities and counties of this state, it is necessary and in the public interest to facilitate the financing of such projects as provided for in this act and to do so without regard to the boundaries between counties, municipalities, special districts, and other local governmental bodies or agencies in order to more effectively and efficiently serve the interests of the greatest number of people in the widest area practicable.

(7) In order to promote and stimulate development and advance the business prosperity and economic welfare of the cities and counties of this state and its inhabitants; to encourage and assist new business and industry in this state through loans, investments, or other business transactions; to rehabilitate and assist existing businesses; to stimulate and assist in the expansion of all kinds of business activity; and to create maximum opportunities for employment, encouragement of thrift, and improvement of the standard of living of the citizens of Florida, it is necessary and in the public interest to facilitate the cooperation and action between organizations, public and private, in the promotion, development, and conduct of all kinds of business activity in the state.

(8) In order to efficiently and effectively achieve the purposes of this act, it is necessary and in the public interest to create a special development finance authority to cooperate and act in conjunction with public agencies of this state and local governments of this state, through interlocal agreements pursuant to the Florida Interlocal Cooperation Act of 1969, in the promotion and advancement of projects related to economic development throughout the state.

(9) The purposes to be achieved by the special development finance authority through such projects and such financings of business and industry in compliance with the criteria and the requirements of this act are predominantly the public purposes stated in this section, and such purposes implement the governmental purposes under the state constitution of providing for the health, safety, and welfare of the people, including implementing the purpose of s. 10(c), Art. VII of the State Constitution and simultaneously provide new and innovative means for the investment of public trust funds in accordance with s. 10(a), Art. VII of the State Constitution.

Section 17. Definitions.—

(1) “Act” means the Florida Development Finance Corporation Act of 1993, and all acts supplemental thereto and amendatory thereof.

(2) “Amortization payments” means periodic payments, such as monthly, semiannually, or annually, of interest on premiums, if any, and installments of principal of revenue bonds as required by an indenture of the corporation.

(3) “Applicant” means the individual, firm, or corporation, whether for profit or nonprofit, charged with developing the project under the terms of the indenture of the corporation.

(4) “Corporation” means the Florida Development Finance Corporation.

(5) “Economic development specialist” means a resident of the state who is professionally employed in the discipline of economic development or industrial development.

(6) “Financial institution” means any banking corporation or trust company, savings and loan association, insurance company or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds in this state.

(7) “Partnership” means the body corporate and politic created by the Enterprise Florida Capital Partnership created under this act.

(8) “Guaranty agreement” means an agreement by and between the corporation and a public agency pursuant to the provisions of section 7.

(9) “Guaranty fund” means the Revenue Bond Guaranty Reserve Account established by the corporation pursuant to section 8.

(10) “Interlocal agreement” means an agreement by and between the Florida Development Finance Corporation and a public agency of this state, pursuant to the provisions of s. 163.01, Florida Statutes.

(11) “Public agency” means a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state, government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, an independently elected county officer, any agency of the United States Government, and any similar entity of any other state of the United States.

Section 18. Creation of the authority.—

(1) Upon a finding of necessity by a city or county of this state, selected pursuant to subsection (2), there is created a public body corporate and politic known as the “Florida Development Finance Corporation.” The corporation shall be constituted as a public instrumentality of local government and the exercise by the corporation of the powers conferred by this act shall be deemed and held to be the performance of an essential public function. The corporation has the power to function within the corporate limits of any public agency with which it has entered into an interlocal agreement for any of the purposes of this act.

(2) A city or county of Florida shall be selected by a search committee of the Capital Partnership Board. This city or county shall be authorized to activate the corporation. The search committee shall be composed of two commercial banking representatives, the Senate member of the partnership, the House of Representatives member of the partnership, and a member who is an industry or economic development professional.

(3) Upon activation of the corporation, the Governor, subject to confirmation by the Senate, shall appoint the board of directors of the corporation, who shall be five in number. The terms of office for the directors shall be for 4 years, except that three of the initial directors shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of

their appointment, and all other directors shall be designated to serve terms of 4 years from the date of their appointment. A vacancy occurring during a term shall be filled for the unexpired term. A director shall be eligible for reappointment. At least three of the directors of the corporation shall be bankers who have been selected by the Governor from a list of bankers who were nominated by the Enterprise Florida Capital Partnership and one of the directors shall be an economic development specialist. The Secretary of the Department of Commerce shall be an ex officio member of the board.

(4)(a) A director shall receive no compensation for his services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of his duties. Each director shall hold office until his successor has been appointed.

(b) The powers of the corporation shall be exercised by the directors thereof. A majority of the directors constitutes a quorum for the purposes of conducting business and exercising the powers of the corporation and for all other purposes. Action may be taken by the corporation upon a vote of a majority of the directors present, unless in any case the bylaws require a larger number. Any person may be appointed as director if he resides, or is engaged in business which means owning a business, practicing a profession, or performing a service for compensation or serving as an officer or director of a corporation or other business entity so engaged, within the state.

(c) The directors of the corporation shall annually elect one of their members as chairman and one as vice chairman. The corporation may employ a president, technical experts, and such other agents and employees, permanent and temporary, as it requires and determine their qualifications, duties, and compensation. For such legal services as it requires, the corporation may employ or retain its own counsel and legal staff. The corporation shall file with the governing body of each public agency with which it has entered into an interlocal agreement and with the Governor, Speaker of the House of Representatives, President of the Senate, the Minority Leaders of the Senate and House of Representatives, and Auditor General, on or before 90 days after the close of the fiscal year of the corporation, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year.

(5) The board may remove a director for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he has been given a copy of the charges at least 10 days prior to such hearing and has had an opportunity to be heard in person or by counsel. The removal of a director shall create a vacancy on the board which shall be filled pursuant to subsection (3).

Section 19. Exercise of powers by the corporation.—

(1) The powers of the corporation created by section 4 shall include all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act.

(2) The corporation is authorized and empowered to:

(a) Have perpetual succession as a body politic and corporate and adopt bylaws for the regulation of its affairs and the conduct of its business.

(b) Adopt an official seal and alter the same at its pleasure.

(c) Maintain an office at such place or places as it may designate.

(d) Sue and be sued in its own name and plead and be impleaded.

(e) Enter into interlocal agreements pursuant to s. 163.01(7), Florida Statutes, with public agencies of this state for the exercise of any power, privilege, or authority consistent with the purposes of this act.

(f) Issue, from time to time, revenue bonds, including, but not limited to, bonds the interest on which is exempt from federal income taxation, for the purpose of financing and refinancing any capital projects for applicants and exercise all powers in connection with the authorization, issuance, and sale of bonds, subject to the provisions of section 6.

(g) Issue bond anticipation notes in connection with the authorization, issuance, and sale of such bonds, pursuant to the provisions of section 6.

(h) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers under the act.

(i) Disseminate information about itself and its activities.

(j) Acquire, by purchase, lease, option, gift, grant, bequest, devise, or otherwise, real property, or personal property for its administrative purposes, together with any improvements thereon.

(k) Hold, improve, clear, or prepare for development any such property.

(l) Mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property.

(m) Insure or provide for insurance of any real or personal property or operations of the corporation or any private enterprise against any risks or hazards, including the power to pay premiums on any such insurance.

(n) Establish and fund a guaranty fund.

(o) Invest funds held in reserve or sinking funds or any such funds not required for immediate disbursement in property or securities in such manner as the board shall determine, subject to the authorizing resolution on any bonds issued, and to terms established in the investment agreement pursuant to sections 7, 8 and 9, and redeem such bonds as have been issued pursuant to section 6 at the redemption price established therein or purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(p) Borrow money and apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal Government or the state, county, or other public body or from any sources, public or private, for the purposes of this act and give such security as may be required and enter into and carry out contracts or agreements in connection therewith; and include in any contract for financial assistance with the Federal Government for, or with respect to, any purposes under this act and related activities such conditions imposed pursuant to federal laws as the county or municipality deems reasonable and appropriate which are not inconsistent with the provisions of this act.

(q) Make or have all surveys and plans necessary for the carrying out of the purposes of this act, contract with any person, public or private, in making and carrying out such plans, and adopt, approve, modify, and amend such plans.

(r) Develop, test, and report methods and techniques and carry out demonstrations and other activities for the promotion of any of the purposes of this act.

(s) Apply for, accept, and utilize grants from the Federal Government available for any of the purposes of this act.

(t) Make expenditures necessary to carry out the purposes of this act.

(u) Exercise all or any part or combination of powers granted in this act.

Section 20. Issue of revenue bonds.—

(1) When authorized by a public agency pursuant to s. 163.01(7), Florida Statutes, the corporation has power in its corporate capacity, in its discretion, to issue revenue bonds or other evidences of indebtedness which a public agency has the power to issue, from time to time to finance the undertaking of any purpose of this act, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and has the power to issue refunding bonds for the payment or retirement of bonds previously issued. Bonds issued pursuant to this section shall bear the name "Florida Development Finance Corporation Revenue Bonds." The security for such bonds may be based upon such revenues as are legally available. In anticipation of the sale of such revenue bonds, the corporation may issue bond anticipation notes and may renew such notes from time to time, but the maximum maturity of any such note, including renewals thereof, may not exceed 5 years from the date of issuance of the original note. Such notes shall be paid from any revenues of the corporation available therefor and not otherwise pledged or from the proceeds of sale of the revenue bonds in anticipation of which they were issued. Any bond, note, or other form of indebtedness issued pursuant to this act shall mature no later than the end of the 30th fiscal year after the fiscal year in which the bond, note, or other form of indebtedness was issued.

(2) Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and are not subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under the provisions of this act are declared to be for an essential public and governmental purpose. Bonds issued under this act, the interest on which is exempt from income taxes of the United States, together with interest thereon and income therefrom, are exempted from all taxes, except those taxes imposed by chapter 220, Florida Statutes, on interest, income, or profits on debt obligations owned by corporations.

(3) Bonds issued under this section shall be authorized by a public agency of this state pursuant to the terms of an interlocal agreement; may be issued in one or more series; and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest rate or rates, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payments at such place or places, be subject to such terms of redemption, with or without premium, be secured in such manner, and have such other characteristics as may be provided by the interlocal agreement issued pursuant thereto. Bonds issued under this section may be sold in such manner, either at public or private sale, and for such price as the corporation may determine will effectuate the purpose of this act.

(4) In case a director whose signature appears on any bonds or coupons issued under this act ceases to be a director before the delivery of such bonds, such signature is, nevertheless, valid and sufficient for all purposes, the same as if such director had remained in office until such delivery.

(5) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this act, or the security therefor, any such bond reciting in substance that it has been issued by the corporation in connection with any purpose of the act shall be conclusively deemed to have been issued for such purpose, and such purpose shall be conclusively deemed to have been carried out in accordance with the act. The complaint in any action to validate such bonds shall be filed only in the circuit court for Leon County. The notice required to be published by s. 75.06, Florida Statutes, shall be published only in Leon County and the complaint and order of the circuit court shall be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county where the public agencies which were initially a party to the interlocal agreement are located. Notice of such proceedings shall be published in the manner and the time required by s. 75.06, Florida Statutes, in Leon County and in each county where the public agencies which were initially a party to the interlocal agreement are located. Obligations of the corporation pursuant to a loan agreement as described in this subsection may be validated as provided in chapter 75, Florida Statutes. The validation of at least the first bond issue of the corporation shall be appealed to the Florida Supreme Court. The complaint in the validation proceeding shall specifically address the constitutionality of using the investment of the earnings accrued and collected upon the investment of the minimum balance funds required to be maintained in the State Transportation Trust Fund to guarantee such bonds. If such proceeding results in an adverse ruling and such bonds and guaranty are found to be unconstitutional, invalid, or unenforceable, then the corporation shall no longer be authorized to use the investment of the earnings accrued and collected upon the investment of the minimum balance of the State Transportation Trust Fund to guarantee any bonds.

(6) The proceeds of any bonds of the corporation may not be used, in any manner, to acquire any building or facility that will be, during the pendency of the financing, used by, occupied by, leased to, or paid for by any state, county or municipal agency or entity.

Section 21. Guaranty of bond issues.—

(1) The corporation is hereby authorized to approve or deny, by a majority vote of the membership of the directors, the guaranty of any revenue bonds issued pursuant to this act.

(2) Any applicant for financing from the corporation, requesting a guaranty of the bonds issued by the corporation under this act must submit a guaranty application, in a form acceptable to the corporation, together with supporting documentation to the corporation as provided in this section.

(3) All applications for a guaranty must be accompanied by a premium payment to the guaranty fund established pursuant to section 8, in an amount which shall be determined by the corporation. The premium payment may be collected by the corporation from the lessee of the project involved or from the payee of the loan agreement involved.

(4) All applications for a guaranty must be accompanied by documentation providing that loans be secured by a first mortgage on the property financed, and that the financing include a personal guaranty by the principal owner of the business being financed.

(5) Personal financial records, trade secrets or proprietary information of applicants shall be confidential and exempt from the provisions of s. 119.07(1), Florida Statutes. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14, Florida Statutes.

(6) If the application for a guaranty is approved by the corporation, the corporation and the applicant shall enter into a guaranty agreement. In accordance with the provisions of the guaranty agreement, the corporation guarantees to use the funds on deposit in its Revenue Bond Guaranty Reserve Account to meet amortization payments on the bonds as they become due, in the event and to the extent that the applicant is unable to meet such payments in accordance with the terms of the bond indenture when called to do so by the trustee of the bondholders. Whenever the corporation, acting under the terms of the guaranty agreement, deems it necessary to assume the obligation of maintenance of any building or facility financed with bond proceeds, the corporation may use funds on deposit in the Revenue Bond Guaranty Reserve Account to pay insurance and maintenance costs required for the preservation of the building or facility and to protect the reserve account from loss, or to minimize losses, in such manner as deemed necessary and advisable by the corporation.

(7)(a) The corporation is authorized to enter into an investment agreement with the Department of Transportation and the State Board of Administration concerning the investment of the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to s. 339.135(7)(b), Florida Statutes. Such investment shall be limited as follows:

1. Not more than \$4 million of the investment earnings earned on the investment of the minimum balance of the State Transportation Trust Fund in a fiscal year shall be at risk at any time on one or more bonds or series of bonds issued by the corporation.

2. The investment earnings shall not be used to guarantee any bonds issued after June 30, 1998, and in no event shall the investment earnings be used to guarantee any bond issued for a maturity longer than 15 years.

3. The corporation shall pay a reasonable fee, set by the State Board of Administration, in return for the investment of such funds. The fee shall not be less than the comparable rate for similar investments in terms of size and risk.

4. The proceeds of bonds issued by the corporation for which a guaranty has been or will be issued pursuant to section 7, section 8, or section 9 used to make loans to any one person, including any related interests, as defined in s. 658.48, Florida Statutes, of such person, shall not exceed 20 percent of the principal of all such outstanding bonds of the corporation issued prior to the first composite bond issue of the corporation, or December 31, 1995, whichever comes first, and shall not exceed 15 percent of the principal of all such outstanding bonds of the corporation issued thereafter. The provisions of this subparagraph shall not apply when the total amount of all such outstanding bonds issued by the corporation is less than \$2 million.

5. The corporation shall establish a debt service reserve account which contains not less than 6-months debt service reserves from the proceeds of the sale of any bonds guaranteed by the corporation.

6. The corporation shall establish an account known as the Revenue Bond Guaranty Reserve Account, the Guaranty Fund. The corporation shall deposit a sum of money into this fund and maintain a balance in this fund, from sources other than the investment of earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund, not less than a sum equal to 1 year of maximum debt service on all outstanding bonds of the corporation. In the event the corporation fails to main-

tain the balance required pursuant to this subparagraph for any reason other than a default on a bond issue of the corporation guaranteed pursuant to this section, any guaranty authorized for any bond issue of the corporation shall be void.

(b) Unless specifically prohibited in the General Appropriations Act, the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund may continue to be used pursuant to subsection (a).

(c) The guaranty shall not be a general obligation of the corporation or of the state, but shall be a special obligation, which constitutes the investment of a public trust fund. In no event shall the guaranty constitute an indebtedness of the corporation, the State of Florida, or any political subdivision thereof within the meaning of any constitutional or statutory limitation. Each guaranty agreement shall have plainly stated on the face thereof that it has been entered into under the provisions of this act and that it does not constitute an indebtedness of the corporation, the state, or any political subdivision thereof within any constitutional or statutory limitation, and that neither the full faith and credit of the State of Florida nor any of its revenues is pledged to meet any of the obligations of the corporation under such guaranty agreement. Each such agreement shall state that the obligation of the corporation under the guaranty shall be limited to the funds available in the Revenue Bond Guaranty Reserve Account as authorized by this section.

(8) In the event the corporation does not approve the application for a guaranty, the applicant shall be notified in writing of the corporation's determination that the application not be approved.

(9) The membership of the corporation is authorized and directed to conduct such investigation as it may deem necessary for promulgation of regulations to govern the operation of the guaranty program authorized by this section. The regulations may include such other additional provisions, restrictions, and conditions as the corporation, after its investigation referred to in this subsection, shall determine to be proper to achieve the most effective utilization of the guaranty program. This may include, without limitation, a detailing of the remedies that must be exhausted by the bondholders, or a trustee acting on their behalf, prior to calling upon the corporation to perform under its guaranty agreement and the subrogation of other rights of the corporation with reference to the project and its operation or the financing in the event the corporation makes payment pursuant to the applicable guaranty agreement. The regulations promulgated by the corporation to govern the operation of the guaranty program shall contain specific provisions with respect to the rights of the corporation to enter, take over, and manage all financed properties upon default. These regulations shall set forth the respective rights of the corporation and the bondholders in regard thereto.

Section 22. Creation and funding of the guaranty account.—

(1) The corporation shall establish a debt service reserve account which contains not less than 6-months debt service reserves from the proceeds of the sale of any bonds guaranteed by the corporation. Funds in such debt service reserve account shall be used prior to funds in the Revenue Bond Guaranty Reserve Account established in subsection (2). The corporation shall make best efforts to liquidate collateralized property and draw upon personal guarantees, and shall utilize the Revenue Bond Guaranty Reserve Account prior to use of supplemental funding for the Guaranty Reserve Account under the provisions of subsection (3).

(2)(a) The corporation shall establish an account known as the Revenue Bond Guaranty Reserve Account, the Guaranty Fund. The corporation shall deposit a sum of money into this fund and maintain a balance in this fund, from sources other than the State Transportation Trust Fund, not less than a sum equal to 1 year of maximum debt service on all outstanding bonds of the corporation.

(b) If the corporation determines that the moneys in the Guaranty Fund are not sufficient to meet the obligations of the Guaranty Fund, the corporation is authorized to use the necessary amount of any available moneys that it may have which are not needed for, then or in the foreseeable future, or committed to other authorized functions and purposes of the corporation. Any such moneys so used may be reimbursed out of the Guaranty Fund if and when there are moneys therein available for the purpose.

(c) The determination of when additional moneys will be needed for the Guaranty Fund, the amounts that will be needed, and the availability or unavailability of other moneys shall be made solely by the corporation

in the exercise of its discretion. However supplemental funding for the Guaranty Fund as described in subsection (3) shall be made in accordance with the investment agreement of the corporation and the Department of Transportation and the State Board of Administration.

(3)(a) If the corporation determines that the funds in the Guaranty Fund will not be sufficient to meet the present or reasonably projected obligations of the Guaranty Fund, due to a default on a loan made by the corporation from the proceeds of a bond issued by the corporation which is guaranteed pursuant to section 7(7), no later than 90 days before amortization payments are due on such bonds, the corporation shall notify the Secretary of Transportation and the State Board of Administration of the amount of funds required to meet, as and when due, all amortization payments for which the Guaranty Fund is obligated. The Secretary of Transportation shall immediately notify the Speaker of the House of Representatives, the President of the Senate, and the chairmen of the Senate and House Committees on Appropriations of the amount of funds required, and the projected impact on each affected year of the adopted work program of the Department of Transportation.

(b) Within 30 days of the receipt of notification from the corporation, the Department of Transportation shall submit a budget amendment request to the Executive Office of the Governor pursuant to chapter 216, Florida Statutes, to increase budget authority to carry out the purposes of this section. Upon approval of said amendment, the department shall proceed to amend the adopted work program, if necessary, in accordance with the amendment. Within 60 days of the receipt of notification, and subject to approval of the budget authority, the Secretary of Transportation shall transfer, subject to the amount available from the source described in paragraph (c), the amount of funds requested by the corporation required to meet, as and when due, all amortization payments for which the Guaranty Fund is obligated. Any moneys so transferred shall be reimbursed to the Department of Transportation, with interest at the rate earned on investment by the State Treasury, from the funds available in the Guaranty Fund or as otherwise available to the corporation.

(c) Pursuant to section 7(7), the Secretary of Transportation and the State Board of Administration may make available for transfer to the Guaranty Fund, earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund. However, the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund which shall be subject to transfer shall be limited to those earnings accrued and collected on the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund for the fiscal year in which the notification is received by the Secretary and fiscal years thereafter.

(4) If the corporation receives supplemental funding for the Guaranty Fund under the provisions of this section, then any proceeds received by the corporation with respect to a loan in default, including proceeds from the sale of collateral for such loan, enforcement of personal guarantees or other pledges to the corporation to secure such loan, shall first be applied to the obligation of the corporation to repay the Department of Transportation pursuant to this section. Until such repayment is complete, no new bonds may be guaranteed pursuant to this section.

(5) Prior to the use of the guaranty provided in this section, and on an annual basis, the corporation must certify in writing to the State Board of Administration and the Secretary of Transportation, that it has fully implemented the requirements of this section and section 7 and the regulations of the corporation.

Section 23. Bonds as legal investments.—All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking and investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the corporation pursuant to an interlocal agreement with a public agency of this state. Such bonds and obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize all persons, political subdivisions, and officers, public and private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section 24. Annual reports of Florida Development Finance Corporation.—

(1) By December 1, of each year, the Florida Development Finance Corporation shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, the House Minority Leader, and the city or county activating the Florida Development Finance Corporation a complete and detailed report setting forth:

(a) The evaluation required in section 16(1).

(b) The operations and accomplishments of the Florida Development Finance Corporation, including the number of businesses assisted by the corporation.

(c) Its assets and liabilities at the end of its most recent fiscal year, including a description of all of its outstanding revenue bonds.

Section 25. Enterprise Florida Capital Partnership; creation, purpose, membership.—

(1) There is created a body politic and corporate known as the Enterprise Florida Capital Partnership. The purpose of the capital partnership shall be to create a Florida economy characterized by better employment opportunities leading to higher wages by building access to financial markets for firms critical to this mission. The capital partnership shall be a partnership of the private and public sectors of Florida which uses leadership, investment, and changes in public policy to ensure access to the most appropriate forms of finance for such firms on a scale sufficient to achieve the purpose of this partnership.

(2) The Enterprise Florida Capital Partnership shall be a not-for-profit corporation pursuant to chapter 617, Florida Statutes. The articles of incorporation and bylaws establishing the Enterprise Florida Capital Partnership shall be submitted to Enterprise Florida, Inc., and the Department of Commerce for review and approval prior to filing.

(3) The business and affairs of the partnership shall be managed and conducted by a board of directors, a chairman, a vice chairman, a secretary, a treasurer, and such other officers and such agents as the partnership bylaws shall authorize.

(4) Enterprise Florida Capital Partnership shall be governed by a board of directors. The board of directors shall consist of the following members:

(a) A member of the Senate, who shall be appointed by the President of the Senate and serve at the pleasure of the President.

(b) A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives and serve at the pleasure of the Speaker.

(c) Nine to eleven members from the public and private sector consisting of, but not limited to, at least three representatives of the commercial banking industry, a representative of the venture capital industry, an economic development professional, and a manufacturing industry representative, who shall be appointed by the Governor from a list of nominees as provided herein, subject to Senate confirmation.

(5) Members appointed by the Governor shall be appointed for terms of 4 years, except that in making the initial appointments, the Governor shall appoint three members for terms of 4 years, three members for terms of 3 years, and three members for terms of 2 years.

(6) The chairman and vice chairman of Enterprise Florida, Inc., shall jointly select a list of nominees for appointment to the board of directors from a slate of candidates submitted by Enterprise Florida, Inc. The chairman and vice chairman of Enterprise Florida, Inc., may request that additional candidates be submitted by Enterprise Florida, Inc., if the chairman and vice chairman cannot agree on a list of nominees submitted. Appointments to the board of directors shall be made by the Governor from the list of nominees jointly selected by the chairman and vice chairman of Enterprise Florida, Inc. Appointees shall represent all geographic regions of the state, including both urban and rural regions. The importance of minority and gender representation shall be considered when making nominations for each position on the board of directors.

(7) The Governor shall appoint the initial nine to eleven members from the public and private sector to the board of directors within 30 days after receipt of the list of nominees from the chairman and vice chairman of Enterprise Florida, Inc.

(8) A vacancy on the board of directors shall be filled for the remainder of the expired term.

(9) Appointive members may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal.

Section 26. Organization.—

(1) The board of the Enterprise Florida Capital Partnership shall be chaired by a board member selected by a majority vote of the board.

(2) The president of the partnership shall be appointed by the board and shall serve in the capacity of an executive director and secretary of the board, with additional staff being hired by the president within the parameters established by the partnership in its bylaws.

(3) The board may establish an executive committee consisting of the chair, the secretary of the board, and not more than three additional board members selected by the chair. The executive committee shall have such authority as the board delegates to it, except that the board shall not delegate to the executive committee the authority to take actions requiring the approval by a majority of the board as provided in subsection (6).

(4) The board shall meet at least quarterly and at other times upon call of the chair.

(5) A quorum shall be a majority of the total current membership of the board of the partnership.

(6) A majority of those voting shall be required to organize and conduct the business of the partnership, except that a majority of the entire board shall be required to hire or fire the president and adopt or amend the operational plan.

(7) Except as may be delegated or authorized by the board, individual board members shall have no authority to control or direct the operations of the partnership or the actions of its officers and employees, including the president.

(8) Members of the board shall serve without compensation, but members, the president, and all employees of the partnership may be reimbursed for per diem and travel expenses in accordance with s. 112.061, Florida Statutes. The president and all employees of the partnership shall be exempt from the provisions of part II of chapter 110, Florida Statutes, and the president shall be subject to the provisions of part IV of chapter 110, Florida Statutes.

Section 27. Powers and authority of the Enterprise Florida Capital Partnership board.—The Enterprise Florida Capital Partnership board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes of this act, as well as the functions, duties, and responsibilities of the partnership, including, but not limited to, the following:

(1) Assist in the formulation and coordination of the state's economic development policy regarding capital availability for the formation, growth, and development of firms critical to achieve the purposes of the capital partnership, as stated in this act.

(2) Adopt an official seal.

(3) Hire the president and employees of the partnership.

(4) Assist in developing the state's strategic capital availability development plan and subsequent implementation plans as part of the strategic economic development plan of Enterprise Florida, Inc.

(5) Assist in the state's capital availability development strategic planning process.

(6) Evaluate the performance and effectiveness of Florida's capital availability programs.

(7) Report to the board of directors of Enterprise Florida, Inc., regarding its functions, duties, and responsibilities.

(8) Solicit, borrow, accept, receive, invest, and expend funds from any public or private source.

(9) Contract with public and private entities as necessary to further the directives of this act.

(10) Approve an annual budget.

(11) Carry forward any unexpended state appropriations into succeeding fiscal years.

(12) Provide an annual report to Enterprise Florida, Inc., the Governor, the Speaker of the House of Representatives, and the President of the Senate.

(13) Annually review and prepare a report showing how and at what level other state governments support the availability of capital for businesses essential to economic growth and development. The partnership shall recommend appropriate levels of support from Florida state government, the Federal Government, and private enterprise which will cause the access of Florida businesses to capital which is competitive with those of other states. The findings and recommendations of the partnership shall be submitted to Enterprise Florida, Inc., the Governor, and the Legislature.

Section 28. Authorized programs.—The Enterprise Florida Capital Partnership shall take any action which it deems necessary to achieve the purposes of this act in partnership with private enterprises, public agencies, and other organizations, including, but not limited to, efforts to address the long-term debt needs of small and medium sized firms, to expand availability of venture capital, and to work closely with the Florida International Affairs Commission to increase international trade and export finance opportunities for firms critical to achieving the purposes of this act.

Section 29. Annual report of Enterprise Florida Capital Partnership.—

(1) By December 1, of each year, the partnership shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report setting forth:

- (a) The evaluation required in section 16(1).
- (b) The operations and accomplishments of the partnership.
- (c) The report required in section 12(13).
- (d) Its assets and liabilities at the end of its most recent fiscal year.

Section 30. Audits; confidentiality.—

(1) By September 1, 1993, the Florida Development Finance Corporation and the partnership in cooperation with the Auditor General shall develop research designs, including goals and measurable objectives for the Florida Development Finance Corporation and the partnership, which will provide the Legislature with a quantitative evaluation of the Florida Development Finance Corporation and the partnership. The Florida Development Finance Corporation and the partnership shall utilize the monitoring mechanisms and reports developed in the designs and provide these reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General.

(2) Prior to the 1996 Regular Session of the Legislature, the Auditor General shall perform a review and evaluation of the Florida Development Finance Corporation and the partnership using the research designs promulgated pursuant to subsection (1). The report shall critique the Florida Development Finance Corporation and the partnership. A report of the findings and recommendations of the Auditor General shall be submitted to the President of the Senate and the Speaker of the House of Representatives prior to the 1996 Regular Session.

(3) The Auditor General may, pursuant to his own authority or at the direction of the Joint Legislative Auditing Committee, conduct an audit of the Florida Development Finance Corporation or the Enterprise Florida Capital Partnership or the programs or entities created by the partnership. The audit or report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida Capital Partnership pursuant to subsection (4).

(4) When so requested in writing by a donor or prospective donor, information that, if released, would identify the donor or prospective donor is confidential and exempt from the provisions of s. 119.07(1), Florida Statutes. Information identifying such donor or prospective donor to Enterprise Florida Capital Partnership shall not be included in audit reports. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14, Florida Statutes. All other records of Enterprise Florida Capital Partnership constitute public records for the purposes of chapter 119, Florida Statutes.

Section 31. Indemnification of officers, directors, employees, and agents.—In addition to any indemnification available under chapter 617, Florida Statutes, the partnership shall have the power to indemnify the board of the partnership, its officers and employees against any personal liability or accountability by reasons of actions taken while acting within the scope of their authority.

Section 32. Subsection (5) is added to section 339.08, Florida Statutes, 1992 Supplement, to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(5) The department may authorize the investment of the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to s. 339.135(7)(b). Such investment shall be limited as provided in section 7(7) of this act.

Section 33. Paragraph (f) is added to subsection (7) of section 339.135, Florida Statutes, 1992 Supplement, to read:

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

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(f) The department may authorize the investment of the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to paragraph (b). Such investment shall be limited as provided in section 7(7) of this act.

Section 34. Subsection (4) is added to section 206.46, Florida Statutes, 1992 Supplement, to read:

206.46 State Transportation Trust Fund.—

(4) The department may authorize the investment of the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to s. 339.135(7)(b). Such investment shall be limited as provided in section 7(7) of this act.

Section 35. Subsection (13) is added to section 215.47, Florida Statutes, 1992 Supplement to read:

215.47 Investments; authorized securities.—Subject to the limitations and conditions of the State Constitution or of the trust agreement relating to a trust fund, moneys available for investments under ss. 215.44-215.53 may be invested as follows:

(13) The State Board of Administration, consistent with sound investment policy, may invest the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to s. 339.135(7)(b). Such investment shall be limited as provided in section 7(7) of this act.

Section 36. Minority Participation.

(1) The Florida Development Finance Corporation and the Enterprise Florida Capital Partnership shall ensure the participation of minority business enterprises in the services, benefits, and employment of the Corporation and the Partnership in accordance with the minority business enterprise procurement goals set forth in s. 287.042, Florida Statutes, for state agencies. In order to achieve these goals, the Corporation and the Partnership shall work in coordination with and utilize the resources of existing state and local minority participation.

(2) Any application for financing from the Corporation, and any financing agreement between the applicant and the Corporation, must stipulate that the applicant, as a condition precedent to receiving consideration for financing, use certified minority business enterprises when making expenditures for commodities, contractual services, construction, and architectural and engineering services, and other professional services, in connection with a project financed by the Corporation, in accordance with the minority business enterprise procurement goals set forth in s. 287.042, Florida Statutes, for state agencies.

(3) Any contractor of firm which falsely represents to the Corporation that it is a certified minority business enterprise or which represents that it will use the services or commodities of a certified minority business enterprise and subsequently does not do so shall be in breach of contract.

Upon determination that a breach has occurred, all financing may be immediately suspended. If the Corporation determines that the contractor or firm did not act in good faith, all amounts paid to the contractor or firm under the financing agreement intended for expenditure with the certified minority business enterprises shall be forfeited and recoverable by the Department of Legal Affairs. In addition, the financing agreement may be rescinded and the Corporation may recover all amounts paid under the contract. All other penalties set forth in chapter 287, Florida Statutes, shall apply.

Section 37. Sections 15-34 of this act are repealed December 31, 1998, and shall be reviewed by the Legislature prior to that date. However, existing obligations shall not be impaired by any such repeal.

Section 38. Section 220.191, Florida Statutes, is created to read:

220.191 Legislative intent.—The Legislature recognizes that defense-related activities form one of the most important economic sectors in this state and that this sector and its employees are being adversely affected by cuts in federal defense spending and base closings. The Legislature further recognizes that as these cuts occur, many large national defense contractors that operate in more than one state will consolidate their remaining operations, that other states are offering incentives to encourage them to move their Florida operations to those states and that this state must provide some incentives to retain those defense jobs. The Legislature also recognizes that as defense contracts of businesses in this state expire and are not replaced, as bases close, and as the businesses that supply those bases lose contracts, these businesses will need assistance to convert to viable civilian production. It is the intent of the legislature that a tax credit incentive program be available to assist businesses in this state adversely affected by cut-backs in defense contracting and base closures with the expenses associated with consolidating defense contracts or retooling for conversion to viable civilian production. It is further the intent of the Legislature that in authorizing such credits, consideration be given to the degree to which the local economy is affected by declines in defense spending and base closings.

Section 39. Section 220.192, Florida Statutes, is created to read:

220.192 Defense reinvestment credit.—

(1) A credit shall be allowed against the tax imposed by this chapter to any business that incurs expenses to relocate to this state or retool in this state to fulfill the requirements of a defense contract, or to convert existing jobs of an expiring defense contract, or a contract affected by the closing of a military base, to civilian commercial production jobs in this state. The credit shall be available beginning January 1, 1994, and may not exceed the total amount of such expenses actually incurred.

(2) Relocation and retooling expenses include the cost of disassembling, packing, transporting to this state, and reassembling and modifying in this state machinery and equipment used in a design, engineering, or production process directly related to the requirements of a defense contract or to converting existing defense jobs to commercial production jobs.

(3) An eligible business may not receive more than \$1 million in annual tax credits and credit carryforwards, as provided in subsection (5), for all taxable years.

(4) The total amount of tax credits that may be granted under this section is \$10 million annually.

(5) If the credit granted pursuant to this section is not fully used in any one year, the unused amount may be carried forward for a period not to exceed 5 years. The credit carryforward may be used in a subsequent year if the tax imposed by this chapter exceeds the credit for that year after applying the other credits and unused credit amounts in the order provided in s. 220.02(10).

(6)(a) All requests for the granting of a tax credit under this section shall require the prior approval of the Secretary of Commerce. Any business wishing to apply for a tax credit available under this section must submit an application to the Division of Economic Development of the Department of Commerce. The division shall adopt rules pursuant to chapter 120, by which applications are to be submitted, processed, specified, and identified. All projects specified and identified by the division shall be forwarded, along with any required supplemental information, to the secretary, who shall have sole authority to grant tax credits to any projects specified and identified under this section, under the limitations set forth in this section.

(b) Any business wishing to receive a tax credit based on expenses incurred in order to relocate to this state or retool in this state to fulfill the requirements of a defense contract must submit the following information:

1. An affidavit specifying the Department of Defense contract number or "REP" number of the new or expiring contract under which the business is incurring expenses to retool or relocate. Any business that relocates to this state must have at least 2 years remaining on this contract.

2. The date the contract was or is expected to be executed and the date it expires.

3. The number of jobs that will be dedicated to the new or relocating defense contract.

The contract used by any business seeking a tax credit under this paragraph may not allow the business to include the costs of relocation and retooling in its base for allowable costs under a cost-plus contract.

(c)1. Any business wishing to receive a tax credit based on expenses incurred to convert existing jobs in this state under an expiring defense contract, or a contract affected by the closing of a military base, to civilian commercial production jobs in this state must submit the following information:

a. An affidavit specifying the Department of Defense contract number or "REP" number of the expiring or affected contract.

b. The average employment at the business for the 2 years before the expiration of or change in the defense contract specified in subparagraph a.

c. The number of employees dedicated to the defense contract specified in sub-subparagraph a.

d. The number of jobs expected to be converted to civilian commercial production.

2. The division shall compute the base number of jobs to be used to determine a tax credit under this paragraph by taking the average employment at the business for the 2 years before the expiration of, or change in, the defense contract specified in subparagraph 1., minus the jobs dedicated to the expiring contract, plus the number of new civilian commercial production jobs.

(7) The total amount of a tax credit authorized by the Secretary of Commerce for any business pursuant to this section may not exceed \$5,000 per job specified in subparagraph (6)(b)3., or \$5,000 times the base number of jobs computed under subparagraph (6)(c)2.

(8) The decision of the Secretary of Commerce must be in writing and, if an application is approved, the written approval must state the maximum credit allowable to the business. A copy of a decision to grant a tax credit must be transmitted to the executive director of the Department of Revenue, who shall apply the credit to the tax liability of the business.

(9) The Department of Commerce shall periodically monitor all businesses granted a tax credit under this section in a manner consistent with available resources to ensure that businesses are complying with the requirements of the tax credit. However, each business must be reviewed at least once every 2 years.

(10) If any business fails to create the number of jobs specified in subparagraph (6)(b)3. or subparagraph (6)(c)2., the tax imposed under this chapter on the business shall be increased, in the first taxable year that ends after the date the business fails to create such jobs, by an amount equal to the amount allowed as a credit under this section, including any amount used as a result of credit carryforward, for that taxable year and all prior taxable years, and any unused credit or credit carryforward amount of the business under this section is void.

(11) The Department of Revenue shall adopt any rules necessary to ensure the orderly implementation and administration of this section.

(12) This section, except subsection (5), expires June 30, 2003.

Section 40. Subsection (10) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(10) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 220.68, those enumerated in s. 631.719(1), those enumerated in s. 631.705, those enumerated in s. 220.18, those enumerated in s. 631.828, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, ~~and those enumerated in s. 220.188, and those enumerated in s. 220.192.~~

Section 41. Paragraph (b) of subsection (2) and subsection (3) of section 120.54, Florida Statutes, 1992 Supplement, are amended to read:

120.54 Rulemaking; adoption procedures.—

(2)

(b) Prior to the adoption, amendment, or repeal of any rule not described in subsection (9), an agency may provide information on its proposed action by preparing an economic impact statement, and must prepare an economic impact statement if:

1. The agency determines that the proposed action would result in a substantial increase in costs or prices paid by consumers, individual industries, or state or local government agencies, or would result in significant adverse effects on competition, employment, investment, productivity, or innovation, and alternative approaches to the regulatory objective exist and are not precluded by law; or

2. Within 14 days after the date of publication of the notice provided pursuant to paragraph (1)(c) or, if no notice of rule development is provided, within 21 days after the notice required by paragraphs (1)(a) and (b), a written request for preparation of an economic impact statement is filed with the appropriate agency by the Governor, a body corporate and politic, at least 100 people signing a request, ~~or an organization representing at least 100 persons, or any domestic nonprofit corporation or association, or the Division of Economic Development of the Department of Commerce.~~

An agency's determination regarding preparation of an economic impact statement pursuant to subparagraph (2)(b)1. shall not be subject to challenge. If an economic impact statement is prepared pursuant to paragraph (2)(b), at least 14 days prior to any public hearing on a proposed rule held pursuant to subsection (3), the agency shall make a draft copy of the economic impact statement available to any person who requests a copy of the statement.

6. A determination of whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule where reasonable alternative methods exist which are not precluded by law;

7. A description of any reasonable alternative methods, where applicable, for achieving the purpose of the proposed rule which were considered by the agency, and a statement of the reasons for rejecting those alternatives in favor of the proposed rule; and

8. A detailed statement of the data and methodology used in making the estimates required by this paragraph.

(3)~~(a)~~ If the intended action concerns any rule other than one relating exclusively to organization, procedure, or practice, the agency shall, on the request of any affected person received within 21 days after the date of publication of the notice, give affected persons an opportunity to present evidence and argument on all issues under consideration appropriate to inform it of their contentions. Prisoners, as defined in s. 944.02(5), may be limited by the Department of Corrections to an opportunity to submit written statements concerning intended action on any department rule. The agency may schedule a public hearing on the rule and, if requested by any affected person, shall schedule a public hearing on the rule. Any material pertinent to the issues under consideration submitted to the agency within 21 days after the date of publication of the notice or submitted at a public hearing shall be considered by the agency and made a part of the record of the rulemaking proceeding.

~~(b) If the agency determines that the proposed action will affect small business as defined by the agency as provided in paragraph (3)(a), the agency shall send written notice of such rule to the Small and Minority Business Advocate, the Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce not less than 21 days prior to the intended action.~~

~~1.—Within the 21-day period after written notice has been sent and the day on which the intended action is to take place, the agency shall give the Small and Minority Business Advocate, the Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce an opportunity to present evidence and argument and to offer alternatives regarding the impact of the rule on small business.~~

~~2.—Each agency shall adopt those alternatives offered pursuant to this subsection which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small business.~~

~~3.—If an agency does not adopt all alternatives offered pursuant to this subsection, it shall, prior to rule adoption or amendment and pursuant to subsection (11), file a detailed written statement with the committee explaining the reasons for failure to adopt such alternatives. Within 3 working days of the filing of such notice, the agency shall send a copy of such notice to the Small and Minority Business Advocate, the Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce.~~

Section 42. Section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(1) The Division of Economic Development is authorized to make expenditures and enter into contracts for direct costs of transportation projects with the appropriate governmental body.

(2) Any contract with a governmental body for construction of any transportation project executed by the Division of Economic Development shall:

(a) Specify and identify the transportation project to be constructed, ~~under construction, or which was constructed after July 1, 1990,~~ for a new or expanding business and the number of full-time permanent jobs that which will result from the project.

(b) ~~Effective December 1, 1981,~~ Require that the appropriate governmental body award the construction of the particular transportation project to the lowest and best bidder in accordance with applicable state and federal statutes or regulations unless the project can be constructed with existing local government employees within the contract period specified by the Division of Economic Development.

(c) Require that the appropriate governmental body provide the division with quarterly progress reports. Each quarterly progress report shall contain a narrative description of the work completed according to the project schedule, a description of any change orders executed by the appropriate governmental body, a budget summary detailing planned expenditures versus actual expenditures, and identification of minority business enterprises used as contractors and subcontractors. Records of all progress payments made for work in connection with such transportation projects, and any change orders executed by the appropriate governmental body and payments made pursuant to such orders, shall be maintained by that governmental body in accordance with accepted governmental accounting principles and practices and shall be subject to financial audit as required by law. In addition, the appropriate governmental body, upon completion and acceptance of the transportation project, shall make certification to the division that the project has been completed in compliance with the terms and conditions of the contractual agreements between the division and the appropriate governmental body and meets minimum construction standards established in accordance with s. 336.045.

(d) Specify that the Division of Economic Development shall transfer funds upon receipt of a request for funds from the local government, on no more than a quarterly basis, consistent with project needs. *The transfer of such funds must be made upon the commencement of the construction of the transportation project.* A contract totaling less than \$200,000 is exempt from this transfer requirement. Local governments shall expend funds in a timely manner.

(e) Require that the governing board of the appropriate local governmental body agree by resolution to accept future maintenance and other attendant costs occurring after completion of the transportation project if the project is construction on a county or municipal system.

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as

defined in s. 334.03(27) which is necessary in the judgment of the Division of Economic Development to facilitate the economic development and growth of the state. Except for applications received prior to July 1, 1988, such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state. The Division of Economic Development shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities.

(4) The Division of Economic Development shall *adopt promulgate* rules, pursuant to chapter 120, setting forth the criteria by which transportation projects are to be specified and identified, *and providing for the administration of this section.* In selecting transportation projects for funding, the division shall consider factors including, but not limited to, the cost per job created or retained considering the amount of transportation funds requested; the average hourly rate of wages for jobs created; *the reliance on the program as an inducement for the project's location decision;* the amount of capital investment to be made by the business; the demonstrated local commitment; the location of the project in an enterprise zone approved pursuant to s. 290.0055; the location of the project in a community development corporation service area as defined in s. 290.035(2); the unemployment rate of the surrounding area; and the poverty rate of the community.

(5) The factors specified in subsection (4) shall be considered by a committee composed of the Secretary of Commerce, the Secretary of Transportation, the Secretary of Community Affairs, the Secretary of Labor and Employment Security, the Secretary of Environmental Regulation, the chairman of the Economic Development Advisory Council, and the chairman of the Small and Minority Business Advisory Council or their designees. The committee members shall provide a written record of their individual votes on each project considered. Four members present shall constitute a quorum for decisionmaking. Meetings of the committee shall be called by the Secretary of Commerce as needed.

(6) No project that has not been specified and identified by the division in accordance with subsections (4) and (5) prior to the initiation of construction shall be eligible for funding ~~after December 1, 1991.~~

(7) The Department of Transportation may be the contracting agency when the project is on the State Highway System. In addition, upon request by the appropriate governmental body, the department may advise and assist it or plan and construct other such transportation projects for it.

(8) Each local government receiving funds under this section shall submit to the Division of Economic Development a financial audit of the local entity conducted by an independent certified public accountant. The division shall develop procedures to ensure that audits are received and reviewed in a timely manner and that deficiencies or questioned costs noted in the audit are resolved.

(9) The Division of Economic Development shall monitor on site each grant recipient, *including, but not limited to, the construction of the transportation project,* to ensure compliance with contractual requirements.

(10) Notwithstanding the provisions of s. 216.301, funds appropriated for this purpose shall not be subject to reversion.

Section 43. Subsection (3) of section 288.701, Florida Statutes, is amended to read:

288.701 Assistance to small businesses.—

(3) DUTIES OF THE DIVISION OF ECONOMIC DEVELOPMENT OF THE DEPARTMENT OF COMMERCE.—The Division of Economic Development of the Department of Commerce shall establish and administer programs or shall coordinate with existing programs to:

(a) Educate existing small and minority businesses on:

1. State procurement policies.
2. The existence of a statewide contracts register maintained by the Small Business Development Centers.

3. Federal and state programs available to assist small and minority businesses.

(b) Compile packets of information useful to small and minority businesses and distribute such packets to all occupational licensing offices in the state. Information in the packets shall include, but not be limited to, information relating to:

1. Locations and functions of Small Business Development Centers.
2. Locations and functions of Minority Business Development Centers.
3. Functions of the Division of Economic Development and programs offered by the division.
4. Functions of the Small and Minority Business Advisory Council.
5. Florida taxes and licensing requirements.
6. Federal and state registration and reporting requirements for starting a business in Florida.

(c) Serve as ombudsman, as defined in s. 288.703, for small and minority businesses.

(d) Provide, in cooperation with the Florida Small Business Development Center and other existing small business assistance programs, a system for the development, collection, summarization, and dissemination of information helpful to any person in establishing or operating a small business, including information on:

1. The identification and development of new business opportunities.
2. Feasibility studies.
3. Market research.
4. The operation, management, and financing of small businesses.
5. Programs of federal, state, and local governmental agencies which benefit small businesses.
6. The incentives and programs listed in s. 290.007 which are available in enterprise zones in this state.

7. The right provided in s. 120.54(5) of any person regulated by an agency or having a substantial interest in an agency rule to petition such agency to adopt, amend, or repeal a rule or to provide the minimum public information required by s. 120.53.

(e) In cooperation with existing state and federal small business assistance programs, assist and counsel small businesses on:

1. How to deal with federal, state, or local governmental agencies.
2. How to meet federal, state, or local regulation.
3. Policies of federal, state, and local governments relating to procurement and disposal of government property and government contracts.
4. How to utilize the incentives and programs listed in s. 290.007 that are available in enterprise zones in this state.

(f) Receive complaints and suggestions concerning policies and activities of federal, state, and local governmental agencies which affect small businesses; *receive written complaints and act as ombudsman concerning state agency rules and proposed rules;* develop, in cooperation with the agency, proposals for changes in policies, rules, or activities to alleviate any unnecessary or disproportionate adverse effects to small businesses; and work with the agency in implementing the changes.

(g) In cooperation with the Florida Small Business Development Centers and other existing small business assistance programs, conduct studies, workshops, and seminars dealing with small businesses.

(h) Monitor public hearings pursuant to chapter 120 in order to provide comments and recommendations upon the effects on small business of proposed rules.

(i) Coordinate between agencies to consolidate and simplify rules, compliance requirements, and reporting requirements which affect small businesses.

(j) Request that each state agency that requires a license, permit, or registration for a business submit, to the division by August 1 of each

year, a list of each profession that it regulates and of each license, permit, or registration that it requires for a business. Information may be made available through the toll-free business line.

Section 44. Subsection (6) of section 288.703, Florida Statutes, 1992 Supplement, is amended to read:

288.703 Definitions.—As used in this act, the following words and terms shall have the following meanings unless the content shall indicate another meaning or intent:

(6) "Ombudsman" means an office or individual whose responsibilities include providing assistance to small and minority businesses in dealing with governmental agencies and in developing proposals for changes in state agency rules.

Section 45. Section 29 of chapter 92-136, Laws of Florida, appearing as section 239.509, Florida Statutes, and section 31 of chapter 92-136, Laws of Florida, appearing as section 239.517, Florida Statutes, are repealed.

Section 46. Section 288.1161, Florida Statutes, as amended by chapter 91-274, Laws of Florida, is repealed.

Section 47. Subsection (28) is added to section 288.03, Florida Statutes, 1992 Supplement, to read:

288.03 Powers and duties of Division of Economic Development.—The general purposes of the Division of Economic Development of the Department of Commerce shall be to guide, stimulate, and promote the coordinated, efficient, and beneficial development of the state and its regions, counties, and municipalities in accordance with present and future needs and resources and the requirements of the prosperity, convenience, comfort, health, safety, and general welfare of the people of the state. For the accomplishment of such purposes, the division shall have the power and authority to make expenditures for and to:

(28) Promote short-term and long-term rural development goals through the creation of the Florida State Rural Development Council. The council shall be a partnership between federal, state, local, and tribal governments and the private sector. The division shall create and administer the council pursuant to federal guidelines and requirements and shall make every effort to ensure that participation in the council's activities is broad-based and inclusive, representing all geographic regions and sectors of the rural population.

Section 48. Subsections (6), (7), and (8) of section 20.17, Florida Statutes, 1992 Supplement, are amended to read:

20.17 Department of Commerce.—There is created a Department of Commerce.

~~(6) There is created within the Department of Commerce the Sports Advisory Council. The purpose of the council is to develop a statewide agenda for the promotion of sports, sports activities, and related industries. The council shall consist of 15 members who are residents of the state, each of whom is, or has been, actively engaged in the area of sports industry or a related activity. The members shall be appointed by the Secretary of Commerce, who shall appoint eight members to serve 4-year terms and seven members to serve 2-year terms. Thereafter, members shall be appointed for 4-year terms. Any vacancy shall be filled for the remainder of the unexpired term. A chairman shall be chosen from among the members by the council. The council shall advise the department as to what actions or proposals are needed throughout the state regarding sports. The council shall meet at the call of its chairman, at the request of a majority of its membership, at the request of the Secretary of Commerce, or at such times as may be prescribed by rule. The council shall meet no less than quarterly to offer its views on the state of the sports industry and to recommend action. Members shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The department shall provide necessary administrative or staff support to the council.~~

(6)(7) The Department of Commerce may authorize a direct-support organization to assist the department in the promotion and development of the sports industry and related industries for the purpose of improving the economic presence of these industries in Florida.

(a) To be authorized as a direct-support organization, an organization must:

1. Be incorporated as a corporation not for profit pursuant to chapter 617.

2. Be governed by a board of directors, which must consist of 15 members ~~who shall be~~ appointed by the Governor and up to 15 members appointed by the existing board of directors. In making appointments, the board must consider a potential member's background in community service and his sports activism in, and financial support of, the sports industry. Members must be residents of the state and highly knowledgeable about ~~of~~ or active in professional sports. The board must contain representatives of all geographical regions of the state and must represent ethnic and gender diversity. The terms of office of the members shall be 4 years. No member may serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.

3. Have as its purpose, as stated in its articles of incorporation, to receive, hold, invest, and administer property, to raise funds and receive gifts, and to promote and develop the sports industry and related industries for the purpose of increasing the economic presence of these industries in Florida.

4. Have a prior determination by the department that the organization will benefit the department and act in the best interests of the state as a direct-support organization to the department.

(b) The department shall contract with the organization and shall include in the contract that:

1. The department may review the organization's articles of incorporation.

2. The organization shall submit an annual budget proposal to the department, on a form provided by the department, in accordance with departmental procedures for filing budget proposals based upon the recommendation of the council.

3. Any funds that the organization holds in trust will revert to the state upon the expiration or cancellation of the contract.

4. The organization is subject to an annual financial and performance review by the department to determine whether the organization is complying with the terms of the contract and whether it is acting in a manner consistent with the goals of the department and in the best interests of the state.

5. The fiscal year of the organization will begin July 1 of each year and end June 30 of the next ensuing year.

(c) The department may allow the organization to use the property, facilities, personnel, and services of the department if the organization provides equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, subject to the approval of the Secretary of Commerce.

(d) The organization shall provide an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant pursuant to rules established by the department. The auditor shall submit the audit report to the Secretary of Commerce for review and approval. If the audit report is approved, the department shall certify the audit report to the Auditor General for review.

(e) Upon written request of the donor or prospective donor, information which, if released, would identify the donor or prospective donor is confidential and exempt from the provisions of s. 119.07(1). Information identifying a such donor or prospective donor shall not be included in audit reports. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. All other records of the direct-support organization constitute public records for the purposes of chapter 119.

(f) The organization is not granted any taxing power.

~~(7)(8)~~ The Department of Commerce may adopt rules to carry out any of the statutory duties and purposes of the department or its divisions.

Section 49. The Department of Commerce and the Department of Education shall not be required to implement sections 1-2 of this act until such time as a specific appropriation for such implementation is provided.

Section 50. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does 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.

Section 51. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to economic development; creating s. 288.046, F.S.; providing legislative intent; creating s. 288.047, F.S.; creating the Quick-Response Training Program to be administered by the Department of Commerce in conjunction with the Department of Education; providing responsibilities; creating a Quick-Response Advisory Committee to assist in the administration of the program; providing for membership; providing for appointment; providing for duties; providing for allocation of funds; providing for written agreements; providing authority to accept certain grants and donations; providing for the procurement and maintenance of equipment; providing certain public records exemptions and for future review and repeal thereof; 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 development of measurable goals and objectives; providing for the Florida Innovation Alliance; providing for the Florida Technology Investment Fund; providing for technology commercialization programs; 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; 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; creating s. 220.191, F.S.; providing legislative intent; creating s. 220.192, F.S.; providing a credit against the tax for businesses that incur expenses to relocate to, or retool in, Florida to fulfill requirements of a defense contract, or to convert existing defense-related jobs to civilian commercial jobs; providing limitations; providing for carryover of unused credits; requiring approval of the Secretary of Commerce; providing application procedures and requirements; requiring monitoring of businesses granted a credit; providing for assessment of amounts granted as credit if the business fails to create the required number of jobs; providing duties of the Department of Revenue; providing for expiration; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 120.54, F.S., relating to rulemaking; requiring that a state agency prepare an economic impact statement upon the written request of the Division of Economic Development of the Department of Commerce; deleting certain rulemaking requirements relating to small businesses; amending s. 288.063, F.S., relating to contracts for transportation projects of the Division of Economic Development of the Department of Commerce; deleting some obsolete dates; providing for the transfer of funds upon the commencement of the construction of the transportation project; providing for certain rules; providing an additional requirement in selecting projects; providing for monitoring of construction of the transportation project; amending s. 288.701, F.S.; revising and adding to the duties of the Division of Economic Development of the Department of Commerce; amending s.

288.703, F.S.; revising the definition of the term "ombudsman" for purposes of the duties of the Division of Economic Development; repealing s. 29, ch. 92-136, Laws of Florida, relating to the Sunshine State Skills Program; repealing s. 31, ch. 92-136, Laws of Florida, relating to the industry services training program; repealing s. 288.1161, F.S., relating to Sports Advisory Council; amending s. 288.03, F.S.; providing for the creating of the Florida State Rural Development Council; amending s. 20.17, F.S.; abolishing the Sports Advisory Council within the Department of Commerce; revising the membership of the direct-support organization that assists the department in promoting and developing the sports industry; providing an effective date.

Senator Hargrett moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A—On page 21, strike all of lines 7-10 and insert: to the 1996 Regular Session

Amendment 1B—On page 84, line 23, after "industry;" insert: providing for severability of provisions;

Senators Hargrett and Diaz-Balart offered the following amendment to **Amendment 1** which was moved by Senator Hargrett and adopted:

Amendment 1C (with Title Amendment)—On page 27, line 27 through page 59, line 27, strike all of said lines

And the title is amended as follows:

In title, on page 82, strike all of lines 1-31 and insert: review and repeal; creating s. 220.191, F.S.; providing

Senator Kiser moved the following amendment to **Amendment 1**:

Amendment 1D (with Title Amendment)—On page 50, between lines 6 and 7, insert:

Section 24. Section 220.193, Florida Statutes, is created to read:

220.193 Credit for donation of instructional technology equipment.—

(1) There shall be allowed a credit against the tax imposed by this chapter to any business which donates instructional technology equipment to any public elementary or secondary school, community college, vocational-technical center, or university in this state. When claiming this credit, the taxpayer is required to enclose with its tax return a description of the instructional technology equipment donated, and a signed letter from the recipient stating that the donated equipment can and will be used for instructional purposes.

(2) The amount of the credit shall be computed as follows:

(a) If the equipment is new, the amount of the credit shall be equal to 60 percent of its purchase price or manufactured cost. For the purpose of this paragraph the term "new" means equipment that has neither been used nor depreciated for federal income tax purposes.

(b) If the equipment is 1 year old or less, the amount of the credit shall be equal to 50 percent of its purchased price or manufactured cost.

(c) If the equipment is more than 1 year old but less than 2 years old, the amount of the credit shall be equal to 40 percent of its purchased price or manufactured cost.

(d) If the equipment is 2 years old or older, the department shall determine the percent of its value to be allowed as credit, which shall be less than 30 percent of its purchased price or manufactured costs.

(3) If any credit granted pursuant to this section is not fully used in the first year for which it becomes available, the unused amount may be carried forward for a period not to exceed 5 years. The amount of credit taken under this section in any one year, however shall not exceed \$200,000. The carryover may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(10). In addition, up to \$200,000 a year of unused credit granted pursuant to this section may be transferred to another business and used by it as a credit against the tax imposed by this chapter.

(4) The department shall adopt rules for the determination of value and the amount of credit under subsection (2) and for the transfer of credits under subsection (3).

Section 25. Subsection (10) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(10) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 220.68, those enumerated in s. 631.719(1), those enumerated in s. 631.705, those enumerated in s. 220.18, those enumerated in s. 631.828, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, and those enumerated in s. 220.188, and those enumerated in s. 220.193.

Section 26. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265(2) of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the deductible charitable contributions containing donations of instruction technology equipment which is equal to the amount of the credit allowable and used for the taxable year under s. 220.193.

5.4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. The provisions of this subparagraph shall expire and be void on June 30, 1994.

6.5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. The provisions of this subparagraph shall expire and be void on December 31, 1994.

7.6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

8.7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

9.8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 4, line 1, after the semicolon (;) insert: creating s. 220.193, F.S.; providing a credit against the tax for a business that donates instructional technology equipment to a public school, vocational-technical center, community college, or university; providing for determination of the amount of the credit; providing for carryover or transfer

of the credit; amending s. 220.02, F.S.; providing for order of credits against the tax; amending s. 220.13, F.S.; amending definition of adjusted federal income; providing for repeal of certain sections of act;

On motion by Senator Hargrett, further consideration of **CS for SB 2382** with pending **Amendment 1D** was deferred.

On motions by Senator Johnson, by two-thirds vote **CS for HB 1689** was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Johnson—

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.

—a companion measure, was substituted for **SB 740** and read the second time by title. On motion by Senator Johnson, by two-thirds vote **CS for HB 1689** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for SB 1030—A bill to be entitled An act relating to vessel title fees; amending s. 328.03, F.S.; imposing an additional surcharge on vessel title fees for a limited period; providing for deposit and use of the surcharge revenues; amending s. 327.19, F.S.; providing requirements with respect to vessels that are dismantled, destroyed, or changed in a certain way; amending s. 328.03, F.S.; defining the terms "total loss," "salvage," and "junk"; providing title requirements with respect to certain vessels; providing for the forwarding by insurance companies of the titles of vessels to the Department of Natural Resources under certain circumstances; providing for the issuance of "salvage" and "theft" titles, and notice of cancellation of title for "junk" vessels, by the department; providing for inspections and notification by the department upon the sale of vessels with salvage or theft titles; amending s. 328.05, F.S.; providing a penalty for the knowing possession, sale, exchange, or transfer, or offer thereof, of a certificate of title or manufacturer's vessel hull identification number plate or serial plate for certain vessels; amending s. 328.15, F.S.; requiring a lien on a title to be recorded by the county tax collector; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Williams and adopted:

Amendment 1 (with Title Amendment)—On page 6, between lines 22 and 23, insert:

Section 5. For fiscal year 1993-1994, the sum of \$820,336 is hereby appropriated from the Motorboat Revolving Trust Fund to the Department of Natural Resources to provide for the establishment of an on-line system to link the county tax collectors to the department's data base.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 28, after the semicolon (;) insert: providing an appropriation;

On motion by Senator Williams, further consideration of **CS for SB 1030** as amended was deferred.

Motion

On motion by Senator Jennings, time of adjournment was extended until completion of motions and announcements.

RECESS

On motion by Senator Jennings, the Senate recessed at 12:08 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:18 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

The Senate resumed consideration of—

CS for SB 592—A bill to be entitled An act relating to education; amending s. 231.095, F.S.; deleting an obsolete reference; amending s. 231.17, F.S.; revising provisions relating to certification, application procedures, required minimum competencies, examination, the professional orientation program, and application of statutes and rules; providing a means for demonstrating mastery of general knowledge; amending s. 231.1725, F.S.; providing for district qualification of substitute teachers, adult education teachers, nondegreed teachers of vocational education, and noncertificated teachers in critical teacher shortage areas; amending s. 231.173, F.S.; providing for certification of out-of-state administrators; amending s. 231.24, F.S.; revising provisions relating to certification renewal; amending s. 231.30, F.S.; revising authority for establishment of certification fees; repealing s. 231.15(3), F.S., relating to certification fees; repealing s. 231.1711, F.S., relating to processing applications for certification; amending s. 231.261, F.S.; correcting a cross-reference; revising provisions relating to financing the Education Practices Commission; amending s. 231.262, F.S.; revising penalties imposed by the commission; providing for the disposition of funds derived from penalties; amending s. 231.28, F.S.; providing grounds for revocation, suspension, or discipline of certified educators; revising reporting requirements for certain violations by certified and district qualified school personnel; amending s. 231.603, F.S.; requiring annual teacher education center inservice plan updates; amending s. 231.606, F.S.; revising duties of teacher education center councils; amending s. 231.613, F.S., relating to inservice training institutes; revising requirements; transferring approval authority from the Commissioner of Education to school boards; amending s. 236.0811, F.S.; providing for local school board approval of master inservice plans; requiring inservice funds to be withheld under certain circumstances; providing an effective date.

—with pending **Amendment 5** by Senator McKay, which was deferred on a point of order by Senator Holzendorf.

RULING ON POINT OF ORDER

On recommendation of Senator Jennings, Chairman of the Committee on Rules and Calendar, the President ruled the point well taken and the amendment out of order.

On motion by Senator Johnson, by two-thirds vote **CS for SB 592** 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

The Senate resumed consideration of—

CS for SB 1030—A bill to be entitled An act relating to vessel title fees; amending s. 328.03, F.S.; imposing an additional surcharge on vessel title fees for a limited period; providing for deposit and use of the surcharge revenues; amending s. 327.19, F.S.; providing requirements with respect to vessels that are dismantled, destroyed, or changed in a certain way; amending s. 328.03, F.S.; defining the terms “total loss,” “salvage,”

and “junk”; providing title requirements with respect to certain vessels; providing for the forwarding by insurance companies of the titles of vessels to the Department of Natural Resources under certain circumstances; providing for the issuance of “salvage” and “theft” titles, and notice of cancellation of title for “junk” vessels, by the department; providing for inspections and notification by the department upon the sale of vessels with salvage or theft titles; amending s. 328.05, F.S.; providing a penalty for the knowing possession, sale, exchange, or transfer, or offer thereof, of a certificate of title or manufacturer’s vessel hull identification number plate or serial plate for certain vessels; amending s. 328.15, F.S.; requiring a lien on a title to be recorded by the county tax collector; providing an effective date.

—which had been previously considered and amended this day.

On motion by Senator Williams, by two-thirds vote **CS for SB 1030** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—24 Nays—13

The Senate resumed consideration of—

CS for SB 2382—A bill to be entitled An act relating to economic development; creating s. 288.046, F.S.; providing legislative intent; creating s. 288.047, F.S.; creating the Quick-Response Training Program to be administered by the Department of Commerce in conjunction with the Department of Education; providing responsibilities; creating a Quick-Response Advisory Committee to assist in the administration of the program; providing for membership; providing for appointment; providing for duties; providing for allocation of funds; providing for written agreements; providing authority to accept certain grants and donations; providing for the procurement and maintenance of equipment; providing certain public records exemptions and for future review and repeal thereof; 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 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; creating s. 220.191, F.S.; providing legislative intent; creating s. 220.192, F.S.; providing a credit against the tax for businesses that incur expenses to relocate to, or retool in, Florida to fulfill requirements of a defense contract, or to convert existing defense-related jobs to civilian commercial jobs; providing limitations; providing for carryover of unused credits; requiring approval of the Secretary of Commerce; providing application procedures and requirements; requiring monitoring of businesses granted a credit; providing for assessment of amounts granted as credit if the business fails to create the required number of jobs; providing duties of the Department of Revenue; providing for expiration; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 120.54, F.S., relating to rulemaking; requiring that a state agency prepare an economic impact statement upon the written request of the Division of Economic Development of the Department of Commerce; deleting certain rulemaking requirements relating to small businesses; amending s. 288.063, F.S., relating to contracts for transportation projects of the Division of Economic Development of the Department of Commerce; deleting some obsolete dates; providing for the transfer of funds upon the commencement of the construction of the transportation project; providing for certain rules; providing an additional requirement in selecting projects; providing for monitoring of construction of the transportation project; amending s. 288.701, F.S.; revising and adding to the duties of the Division of Economic Development of the Department of Commerce; amending s. 288.703, F.S.; revising the definition of the term “ombudsman” for purposes of the duties of the Division of Economic Development; repealing s. 29, ch. 92-136, Laws of Florida, relating to the Sunshine State Skills Program; repealing s. 31, ch. 92-136, Laws of Florida, relating to the industry services training program; repealing s. 288.1161, F.S., relating to Sports Advisory Council; amending s. 288.03, F.S.; providing for the creating of the Florida State Rural Development

Council; amending s. 20.17, F.S.; abolishing the Sports Advisory Council within the Department of Commerce; revising the membership of the direct-support organization that assists the department in promoting and developing the sports industry; providing an effective date.

—which had been previously considered this day. Pending **Amendment 1D** by Senator Kiser was withdrawn.

Senator Kurth moved the following amendment which was adopted:

Amendment 1E (with Title Amendment)—On page 80, line 1, insert:

Section 24. Short title.—This act may be cited as the “Enterprise Florida Capital Partnership.”

Section 25. Findings and declarations of necessity.—The Legislature finds and declares that:

(1) There is a need to enhance economic activity in the cities and counties of the state by attracting manufacturing, development, business enterprise management, and other activities conducive to economic promotion in order to provide a stronger, more balanced, and stable economy in the cities and counties of the state.

(2) A significant portion of businesses located in the cities and counties of the state or desiring to locate in the cities and counties of the state encounter difficulty in obtaining financing on terms competitive with those available to businesses located in other states and nations or are unable to obtain such financing at all.

(3) The difficulty in obtaining such financing impairs the expansion of economic activity and the creation of jobs and income in communities throughout the state.

(4) The businesses most often affected by these financing difficulties are small businesses critical to the economic development of the cities and counties of Florida.

(5) The economic well-being of the people in, and the commercial and industrial resources of, the cities and counties of the state would be enhanced by the provision of financing to businesses on terms competitive with those available in the most developed financial markets worldwide.

(6) In order to improve the prosperity and welfare of the cities and counties of this state and its inhabitants, to improve and promote the financing of projects related to the economic development of the cities and counties of this state, and to increase the purchasing power and opportunities for gainful employment of citizens of the cities and counties of this state, it is necessary and in the public interest to facilitate the financing of such projects as provided for in this act and to do so without regard to the boundaries between counties, municipalities, special districts, and other local governmental bodies or agencies in order to more effectively and efficiently serve the interests of the greatest number of people in the widest area practicable.

(7) In order to promote and stimulate development and advance the business prosperity and economic welfare of the cities and counties of this state and its inhabitants; to encourage and assist new business and industry in this state through loans, investments, or other business transactions; to rehabilitate and assist existing businesses; to stimulate and assist in the expansion of all kinds of business activity; and to create maximum opportunities for employment, encouragement of thrift, and improvement of the standard of living of the citizens of Florida, it is necessary and in the public interest to facilitate the cooperation and action between organizations, public and private, in the promotion, development, and conduct of all kinds of business activity in the state.

(8) In order to efficiently and effectively achieve the purposes of this act, it is necessary and in the public interest to create a special development finance authority to cooperate and act in conjunction with public agencies of this state and local governments of this state, through interlocal agreements pursuant to the Florida Interlocal Cooperation Act of 1969, in the promotion and advancement of projects related to economic development throughout the state.

(9) The purposes to be achieved by the special development finance authority through such projects and such financings of business and industry in compliance with the criteria and the requirements of this act are predominantly the public purposes stated in this section, and such purposes implement the governmental purposes under the state constitu-

tion of providing for the health, safety, and welfare of the people, including implementing the purpose of s. 10(c), Art. VII of the State Constitution and simultaneously provide new and innovative means for the investment of public trust funds in accordance with s. 10(a), Art. VII of the State Constitution.

Section 26. Definitions.—

(1) “Act” means the Enterprise Florida Capital Partnership Act of 1993, and all acts supplemental thereto and amendatory thereof.

(2) “Economic development specialist” means a resident of the state who is professionally employed in the discipline of economic development or industrial development.

(3) “Partnership” means the body corporate and politic created by the Enterprise Florida Capital Partnership created under this act.

Section 27. Enterprise Florida Capital Partnership; creation, purpose, membership.—

(1) There is created a body politic and corporate known as the Enterprise Florida Capital Partnership. The purpose of the capital partnership shall be to create a Florida economy characterized by better employment opportunities leading to higher wages by building access to financial markets for firms critical to this mission. The capital partnership shall be a partnership of the private and public sectors of Florida which uses leadership, investment, and changes in public policy to ensure access to the most appropriate forms of finance for such firms on a scale sufficient to achieve the purpose of this partnership.

(2) The Enterprise Florida Capital Partnership shall be a not-for-profit corporation pursuant to chapter 617, Florida Statutes. The articles of incorporation and bylaws establishing the Enterprise Florida Capital Partnership shall be submitted to Enterprise Florida, Inc., and the Department of Commerce for review and approval prior to filing.

(3) The business and affairs of the partnership shall be managed and conducted by a board of directors, a chairman, a vice chairman, a secretary, a treasurer, and such other officers and such agents as the partnership bylaws shall authorize.

(4) Enterprise Florida Capital Partnership shall be governed by a board of directors. The board of directors shall consist of the following members:

(a) A member of the Senate, who shall be appointed by the President of the Senate and serve at the pleasure of the President.

(b) A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives and serve at the pleasure of the Speaker.

(c) Nine to eleven members from the public and private sector consisting of, but not limited to, at least three representatives of the commercial banking industry, a representative of the venture capital industry, an economic development professional, and a manufacturing industry representative, who shall be appointed by the Governor from a list of nominees as provided herein, subject to Senate confirmation.

(5) Members appointed by the Governor shall be appointed for terms of 4 years, except that in making the initial appointments, the Governor shall appoint three members for terms of 4 years, three members for terms of 3 years, and three members for terms of 2 years.

(6) The chairman and vice chairman of Enterprise Florida, Inc., shall jointly select a list of nominees for appointment to the board of directors from a slate of candidates submitted by Enterprise Florida, Inc. The chairman and vice chairman of Enterprise Florida, Inc., may request that additional candidates be submitted by Enterprise Florida, Inc., if the chairman and vice chairman cannot agree on a list of nominees submitted. Appointments to the board of directors shall be made by the Governor from the list of nominees jointly selected by the chairman and vice chairman of Enterprise Florida, Inc. Appointees shall represent all geographic regions of the state, including both urban and rural regions. The importance of minority and gender representation shall be considered when making nominations for each position on the board of directors.

(7) The Governor shall appoint the initial nine to eleven members from the public and private sector to the board of directors within 30 days after receipt of the list of nominees from the chairman and vice chairman of Enterprise Florida, Inc.

(8) A vacancy on the board of directors shall be filled for the remainder of the expired term.

(9) Appointive members may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal.

Section 28. Organization.—

(1) The board of the Enterprise Florida Capital Partnership shall be chaired by a board member selected by a majority vote of the board.

(2) The president of the partnership shall be appointed by the board and shall serve in the capacity of an executive director and secretary of the board, with additional staff being hired by the president within the parameters established by the partnership in its bylaws.

(3) The board may establish an executive committee consisting of the chair, the secretary of the board, and not more than three additional board members selected by the chair. The executive committee shall have such authority as the board delegates to it, except that the board shall not delegate to the executive committee the authority to take actions requiring the approval by a majority of the board as provided in subsection (6).

(4) The board shall meet at least quarterly and at other times upon call of the chair.

(5) A quorum shall be a majority of the total current membership of the board of the partnership.

(6) A majority of those voting shall be required to organize and conduct the business of the partnership, except that a majority of the entire board shall be required to hire or fire the president and adopt or amend the operational plan.

(7) Except as may be delegated or authorized by the board, individual board members shall have no authority to control or direct the operations of the partnership or the actions of its officers and employees, including the president.

(8) Members of the board shall serve without compensation, but members, the president, and all employees of the partnership may be reimbursed for per diem and travel expenses in accordance with s. 112.061, Florida Statutes. The president and all employees of the partnership shall be exempt from the provisions of part II of chapter 110, Florida Statutes, and the president shall be subject to the provisions of part IV of chapter 110, Florida Statutes.

Section 29. Powers and authority of the Enterprise Florida Capital Partnership board.—The Enterprise Florida Capital Partnership board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes of this act, as well as the functions, duties, and responsibilities of the partnership, including, but not limited to, the following:

(1) Assist in the formulation and coordination of the state's economic development policy regarding capital availability for the formation, growth, and development of firms critical to achieve the purposes of the capital partnership, as stated in this act.

(2) Adopt an official seal.

(3) Hire the president and employees of the partnership.

(4) Assist in developing the state's strategic capital availability development plan and subsequent implementation plans as part of the strategic economic development plan of Enterprise Florida, Inc.

(5) Assist in the state's capital availability development strategic planning process.

(6) Evaluate the performance and effectiveness of Florida's capital availability programs.

(7) Report to the board of directors of Enterprise Florida, Inc., regarding its functions, duties, and responsibilities.

(8) Solicit, borrow, accept, receive, invest, and expend funds from any public or private source.

(9) Contract with public and private entities as necessary to further the directives of this act.

(10) Approve an annual budget.

(11) Carry forward any unexpended state appropriations into succeeding fiscal years.

(12) Provide an annual report to Enterprise Florida, Inc., the Governor, the Speaker of the House of Representatives, and the President of the Senate.

(13) Annually review and prepare a report showing how and at what level other state governments support the availability of capital for businesses essential to economic growth and development. The partnership shall recommend appropriate levels of support from Florida state government, the Federal Government, and private enterprise which will cause the access of Florida businesses to capital which is competitive with those of other states. The findings and recommendations of the partnership shall be submitted to Enterprise Florida, Inc., the Governor, and the Legislature.

Section 30. Authorized programs.—The Enterprise Florida Capital Partnership shall take any action which it deems necessary to achieve the purposes of this act in partnership with private enterprises, public agencies, and other organizations, including, but not limited to, efforts to address the long-term debt needs of small and medium sized firms, to expand availability of venture capital, and to work closely with the Florida International Affairs Commission to increase international trade and export finance opportunities for firms critical to achieving the purposes of this act.

Section 31. Annual report of Enterprise Florida Capital Partnership.—

(1) By December 1, of each year, the partnership shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report setting forth:

(a) The evaluation required in section 32(1).

(b) The operations and accomplishments of the partnership.

(c) The report required in section 29(12).

(d) Its assets and liabilities at the end of its most recent fiscal year.

Section 32. Audits; confidentiality.—

(1) By September 1, 1993, the Enterprise Florida Capital Partnership in cooperation with the Auditor General shall develop research designs, including goals and measurable objectives for the Enterprise Florida Capital Partnership, which will provide the Legislature with a quantitative evaluation of the Enterprise Florida Capital Partnership. The Enterprise Florida Capital Partnership shall utilize the monitoring mechanisms and reports developed in the designs and provide these reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General.

(2) Prior to the 1996 Regular Session of the Legislature, the Auditor General shall perform a review and evaluation of the Enterprise Florida Capital Partnership using the research designs promulgated pursuant to subsection (1). The report shall critique the Enterprise Florida Capital Partnership. A report of the findings and recommendations of the Auditor General shall be submitted to the President of the Senate and the Speaker of the House of Representatives prior to the 1996 Regular Session.

(3) The Auditor General may, pursuant to his own authority or at the direction of the Joint Legislative Auditing Committee, conduct an audit the Enterprise Florida Capital Partnership or the programs or entities created by the partnership. The audit or report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida Capital Partnership pursuant to subsection (4).

(4) When so requested in writing by a donor or prospective donor, information that, if released, would identify the donor or prospective donor is confidential and exempt from the provisions of s. 119.07(1), Florida Statutes. Information identifying such donor or prospective donor to Enterprise Florida Capital Partnership shall not be included in audit reports. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14, Florida Statutes. All other records of Enterprise Florida Capital Partnership constitute public records for the purposes of chapter 119, Florida Statutes.

Section 33. Indemnification of officers, directors, employees, and

agents.—In addition to any indemnification available under chapter 617, Florida Statutes, the partnership shall have the power to indemnify the board of the partnership, its officers and employees against any personal liability or accountability by reasons of actions taken while acting within the scope of their authority.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 84, line 23, following the semicolon (;) insert: creating the Enterprise Florida Capital Partnership Act; providing a short title; providing legislative findings; providing definitions; creating the Enterprise Florida Capital Partnership; providing its purpose and membership; providing for its organization; providing the powers and authority of its board; prescribing authorized programs; requiring an annual report; providing for audits and for confidentiality of certain records; providing for indemnification of officers, employees, agents, and directors;

On motion by Senator Hargrett, further consideration of **CS for SB 2382**, with pending **Amendment 1E** was deferred.

On motions by Senator Bankhead, by two-thirds vote **HB 1927** was withdrawn from the Committees on Health and Rehabilitative Services; and Appropriations.

On motion by Senator Bankhead—

HB 1927—A bill to be entitled An act relating to the juvenile justice system; amending s. 20.19, F.S.; providing purpose to develop a comprehensive, community-based continuum of programs and services; providing for regional processing centers; establishing a Deputy Secretary for Juvenile Justice Programs, and providing duties; creating district juvenile justice managers who are career-service exempt; deleting obsolete provisions; renaming the Delinquency Service Program Office as the Juvenile Justice Program Office, and providing standards and objectives; providing legislative intent that institutional resources and community-based resources be managed to facilitate a community-based continuum of care; providing for juvenile justice institutions to have advisory boards; providing for a district juvenile justice manager in each service district, and providing duties; revising duties of the Deputy Secretary for Human Services; establishing commitment regions; requiring community juvenile justice councils to submit planning recommendations; revising duties of the Health and Human Services Boards; revising duties of the district administrators; revising the composition of the Statewide Health and Human Services Board; revising provisions relating to the departmental budget; revising provisions relating to information systems; revising duties of the Children and Families Program Office; revising provisions relating to innovation zones; amending s. 39.025, F.S.; creating the “Community Juvenile Justice System Act of 1993”; providing legislative findings; providing intent that each county establish a comprehensive juvenile justice plan; revising definitions; providing for county juvenile justice councils, and providing membership, purpose, and duties; providing for district juvenile justice boards, and providing for membership, organization, purpose, duties, and reporting; deleting provisions relating to Juvenile Delinquency and Gang Prevention Councils; providing for district juvenile justice plans; revising provisions relating to grant application procedures and providing criteria for community juvenile justice partnership grants; creating s. 860.1545, F.S.; creating the interagency task force for community juvenile justice partnership grants and providing membership and purpose; amending s. 860.158, F.S.; authorizing certain use of funds in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 228.093, F.S.; providing for certain interagency agreements and information sharing; amending s. 39.045, F.S.; expanding provisions relating to confidentiality of information; repealing s. 39.001(1), F.S., relating to a short title; providing an appropriation and positions; providing an effective date.

—a companion measure, was substituted for **SB 2138** and read the second time by title.

Senator Bankhead moved the following amendments which were adopted:

Amendment 1—On page 68, line 26, after “district” insert: *or sub-district*

Amendment 2 (with Title Amendment)—On page 92, between lines 5 and 6, insert:

Section 7. Paragraph (d) of subsection (2) of section 385.103, Florida Statutes, 1992 Supplement, is amended to read:

385.103 Chronic disease control program.—

(2) OPERATION OF COMPREHENSIVE HEALTH IMPROVEMENT PROJECTS.—

(d) The department may contract for the provision of all or any portion of the services required by a program, and shall so contract whenever *the services so provided are more cost-efficient than those provided by the department requirements of s. 20.19(15) are met.*

Section 8. Subsection (2) of section 393.0641, Florida Statutes, is amended to read:

393.0641 Program for the prevention and treatment of severe self-injurious behavior.—

(2) This program shall adhere to the provisions of s. ~~ss. 20.19(10)(g) and 393.13.~~

Section 9. Subsection (3) of section 393.066, Florida Statutes, 1992 Supplement, is amended to read:

393.066 Community services and treatment for persons who are developmentally disabled.—

(3) All services needed shall be purchased instead of provided directly by the department, when such arrangement is more cost-efficient *than having those services provided by the department, in accordance with s. 20.19(15).*

Section 10. Subsection (4) of section 393.068, Florida Statutes, 1992 Supplement, is amended to read:

393.068 Family care program.—

(4) The department may contract for the provision of any portion of the services required by the program, except for in-home subsidies cited in paragraph (1)(d), which shall be provided pursuant to s. 393.0695. Otherwise, purchase of service contracts shall be used whenever *the services so provided are more cost-efficient than those provided by the department requirements of s. 20.19(15) exist.*

Section 11. Paragraph (g) of subsection (4) of section 393.13, Florida Statutes, is amended to read:

393.13 Personal treatment of persons who are developmentally disabled.—

(4) CLIENT RIGHTS.—For purposes of this subsection, the term “client,” as defined in s. 393.063(5), shall also include any person served in a facility licensed pursuant to s. 393.067.

(g) No client shall be subjected to a treatment program to eliminate bizarre or unusual behaviors without first being examined by a physician who in his best judgment determines that such behaviors are not organically caused.

1. Treatment programs involving the use of noxious or painful stimuli shall be prohibited.

2. All alleged violations of this paragraph shall be reported immediately to the chief administrative officer of the facility or the district administrator, the department head, and the district human rights advocacy committee. A thorough investigation of each incident shall be conducted and a written report of the finding and results of such investigation shall be submitted to the chief administrative officer of the facility or the district administrator and to the department head within 24 hours of the occurrence or discovery of the incident.

3. The department shall promulgate by rule a system for the oversight of behavioral programs. Such system shall establish guidelines and procedures governing the design, approval, implementation, and monitoring of all behavioral programs involving clients. The system shall ensure statewide and local review by committees of professionals certified as behavior analysts pursuant to s. 393.17. No behavioral program shall be implemented unless reviewed according to the rules established by the department *under pursuant to this section. Pursuant to the provisions of s. 20.19(10)(g),* Nothing stated in this section shall prohibit the review of programs by the district human rights advocacy committee.

Section 12. Subsection (11) of section 394.67, Florida Statutes, 1992 Supplement, is amended to read:

394.67 Definitions.—When used in this part, unless the context clearly requires otherwise, the term:

(11) "Service district" means a community service district as established by the department *under s. 20.19 pursuant to s. 20.19(6)* for the purpose of providing community alcohol, drug abuse, and mental health services.

Section 13. Subsection (11) of section 394.75, Florida Statutes, 1992 Supplement, is amended to read:

394.75 District alcohol, drug abuse, and mental health plans.—

(11) The district administrator shall report annually to the district planning council the status of funding for priorities established in the district plan. Each such report must include:

(a) A description of the district plan priorities that were included in the district legislative budget request;

(b) A description of the district plan priorities that were included in the departmental budget request prepared *under s. 20.19 pursuant to s. 20.19(11)*;

(c) A description of the programs and services included in the district plan priorities that were appropriated funds by the Legislature in the legislative session that preceded the report.

Section 14. Subsection (1) of section 396.1818, Florida Statutes, 1992 Supplement, is amended to read:

396.1818 Juvenile substance abuse prevention and early intervention councils.—

(1) Each judicial circuit as set forth in s. 26.021 may establish a juvenile substance abuse prevention and early intervention council composed of at least 12 members to include representatives from law enforcement, the Department of Health and Rehabilitative Services, school districts, state attorney and public defender offices, the circuit court, the religious community, alcohol and drug abuse treatment professionals, child advocates from the community, business leaders, parents, and a child attending high school. However, those circuits *that which* already have in operation a council of similar composition may designate the existing body as the juvenile substance abuse prevention and early intervention council for the purpose of this section. Each such council shall establish bylaws providing for the length of term of its members. The district administrator as defined in *s. 20.19 s. 20.19(9)* and the chief judge of the circuit court shall each appoint six members of the council. The district administrator shall appoint a representative from the Department of Health and Rehabilitative Services, a school district representative, an alcohol or drug abuse treatment professional, a child advocate, a parent, and a high school student. The chief judge of the circuit court shall appoint a business leader and representatives from the state attorney's office, the public defender's office, the religious community, the circuit court, and law enforcement.

Section 15. Subsection (1) of section 397.217, Florida Statutes, 1992 Supplement, is amended to read:

397.217 Juvenile substance abuse prevention and early intervention councils.—

(1) Each judicial circuit as set forth in s. 26.021 may establish a juvenile substance abuse prevention and early intervention council composed of at least 12 members to include representatives from law enforcement, the Department of Health and Rehabilitative Services, school districts, state attorney and public defender offices, the circuit court, the religious community, alcohol and drug abuse treatment professionals, child advocates from the community, business leaders, parents, and a child attending high school. However, those circuits *that which* already have in operation a council of similar composition may designate the existing body as the juvenile substance abuse prevention and early intervention council for the purpose of this section. Each such council shall establish bylaws providing for the length of term of its members. The district administrator as defined in *s. 20.19 s. 20.19(9)* and the chief judge of the circuit court shall each appoint six members of the council. The district administrator shall appoint a representative from the Department of Health and Rehabilitative Services, a school district representative, an alcohol or drug abuse treatment professional, a child advocate, a parent, and a high

school student. The chief judge of the circuit court shall appoint a business leader and representatives from the state attorney's office, the public defender's office, the religious community, the circuit court, and law enforcement.

Section 16. Subsection (3) of section 410.023, Florida Statutes, 1992 Supplement, is amended to read:

410.023 Definitions.—As used in this act:

(3) "District" means a specified, geographic service area, as defined in *s. 20.19 s. 20.19(6)*, in which the programs of the department are administered and services are delivered.

Section 17. Subsection (4) of section 410.024, Florida Statutes, is amended to read:

410.024 Community-care-for-the-elderly core services; powers and duties of the department.—

(4) The department or contracting agency shall contract for the provision of the core services required by a community care service system. However, the department may provide core services when such services cannot otherwise be purchased. Such purchase-of-service contracts *must shall* be entered *utilized* whenever the *services so provided are more cost-efficient than those provided by the department requirements of s. 20.19(15) exist*.

Section 18. Subsection (3) of section 410.603, Florida Statutes, 1992 Supplement, is amended to read:

410.603 Definitions.—As used in ss. 410.601-410.606:

(3) "District" means a specified geographic service area, as defined in *s. 20.19 s. 20.19(6)*, in which the programs of the department are administered and services are delivered.

Section 19. Subsection (2) of section 415.602, Florida Statutes, 1992 Supplement, is amended to read:

415.602 Definitions of terms used in ss. 415.601-415.608.—As used in ss. 415.601-415.608, the term:

(2) "District" means a service district of the department as created in *s. 20.19 s. 20.19(6)*.

Section 20. Subsection (3) of section 420.621, Florida Statutes, 1992 Supplement, is amended to read:

420.621 Definitions.—As used in ss. 420.621-420.627, the following terms shall have the following meanings, unless the context otherwise requires:

(3) "District" means a service district of the Department of Health and Rehabilitative Services, as set forth in *s. 20.19 s. 20.19(6)*.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2, line 28, after the semicolon (;) insert: revising ss. 385.103, 393.0641, 393.066, 393.068, 393.13, 394.67, 394.75, 396.1818, 397.217, 410.023, 410.024, 410.603, 415.602, and 420.621, F.S., as a consequence of the renumbering of the subsections of section 20.19, F.S.;

Amendment 3 (with Title Amendment)—On page 92, strike all of lines 9-13 and insert:

Section 8. The Department of Health and Rehabilitative Services is authorized to establish 2 positions in excess of the number authorized in the General Appropriations Act for Fiscal Year 1993-1994.

And the title is amended as follows:

In title, on page 2, strike line 30 and insert: providing for additional positions for the Department of Health and Rehabilitative Services;

Amendment 4 (with Title Amendment)—On page 92, between lines 5 and 6, insert:

Section 7. Subsection (2) of section 39.055, Florida Statutes, is amended to read:

39.055 Early delinquency intervention program.—

(2) The early delinquency intervention program shall consist of intensive residential treatment in a secure facility for 7 days 2 to 6 weeks, followed by 6 to 9 months of aftercare. An early delinquency intervention program facility shall be designed to accommodate the placement of a maximum of 10 children, *except that the facility may accommodate up to two children in excess of that maximum if the additional children have previously been released from the residential portion of the program and are later found to need additional residential treatment.*

Section 8. Section 39.056, Florida Statutes, 1992 Supplement, is amended to read:

39.056 Early delinquency intervention program criteria.

(1) A copy of the arrest report of any child 15 14 years of age or younger who is taken into custody for committing a delinquent act or any violation of law shall be forwarded to the local Delinquency Services Program Office of the department. Upon receiving the second arrest report of any such child from the judicial circuit in which the program is located, the department shall initiate an intensive review of the child's social and educational history to determine the likelihood of further significant delinquent behavior. In making this determination, the department shall consider, without limitation, the following factors:

- (a) Any prior allegation that the child is dependent or a child in need of services.
- (b) The physical, emotional, and intellectual status and developmental level of the child.
- (c) The child's academic history, including school attendance, school achievements, grade level, and involvement in school-sponsored activities.
- (d) The nature and quality of the child's peer group relationships.
- (e) The child's history of substance abuse or behavioral problems.
- (f) The child's family status, including the capability of the child's family members to participate in a family-centered intervention program.
- (g) The child's family history of substance abuse or criminal activity.
- (h) The supervision that is available in the child's home.
- (i) The nature of the relationship between the parents and the child and any siblings and the child.

(2) Upon determination that a child is likely to continue to exhibit significant delinquent behavior, the department may recommend to the court that the child be placed in an early delinquency intervention program, and the court may order the program as the dispositional placement for the child. *At the discretion of the department or its designee, or upon order of the court, a child who is 11 years of age or younger may be excused from the residential portion of treatment.*

(3) Not later than 18 months after the initiation of an early delinquency intervention program, the department shall prepare and submit a progress report to the chairs of the House and Senate Appropriations Committees and the appropriate House and Senate substantive committees on the development and implementation of the program, including:

- (a) Factors determining placement of a child in the program.
- (b) Services provided in each component of the program.
- (c) Costs associated with each component of the program.
- (d) Problems or difficulties encountered in the implementation and operation of the program.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2, line 28, after the semicolon (;) insert: amending s. 39.055, F.S.; amending provisions relating to the maximum number of children that an early delinquency intervention program facility must be designed to accommodate; amending s. 39.056, F.S.; amending provisions relating to alternatives for placing certain very young delinquent children in an early delinquency intervention program;

On motion by Senator Bankhead, by two-thirds vote **HB 1927** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

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 amended and read the third time March 29.

Senator Holzendorf moved the following amendment which was adopted by two-thirds vote:

Amendment 2—On page 1, strike all of lines 15 and 16 and insert: affirmation by any person, *and alleging that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact,* the commission shall

On motion by Senator Holzendorf, **SB 1648** as amended was read by title and failed to pass. The vote was:

Yeas—18 Nays—18

Reconsideration

On motion by Senator Boczar, the Senate reconsidered the vote by which—

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.

—failed to pass this day.

On motion by Senator Holzendorf, **SB 1648** as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—19 Nays—17

SENATOR CHILDERS PRESIDING

On motion by Senator Jennings, by two-thirds vote **CS for HB 1543** was withdrawn from the Committee on Appropriations.

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

CS for HB 1543—A bill to be entitled An act relating to ad valorem tax administration; amending s. 193.011, F.S.; requiring governmental bodies, agencies, and the Governor to notify property appraisers of limitations, regulations, or moratoriums affecting property; amending s. 193.114, F.S.; requiring that the real property assessment roll include certain codes; amending s. 193.1142, F.S.; authorizing the executive director to issue an administrative order when the assessment roll is disapproved under certain conditions; creating s. 195.0995, F.S.; requiring property appraisers to document certain sales transaction information; providing for review of such information by the department; providing for issuance of a review notice under certain conditions; amending s. 200.065, F.S.; authorizing area-specific information in advertisements for fixing millage; amending s. 193.075, F.S.; providing that mobile homes that are permanently affixed to the land shall not be taxed as real property if they are held for display by a licensed mobile home dealer or manufacturer; providing conditions; amending s. 195.096, F.S.; revising requirements for the review of assessment rolls by the Division of Ad Valorem Tax; revising requirements for the conduct of assessment ratio studies; revising requirements for publication of the results of such review; amending s. 195.022, F.S.; revising requirements relating to use of forms by county officers other than forms prescribed by the Department of Revenue; amending ss. 196.012 and 196.031, F.S.; requiring that title to homestead property be recorded in the official county records; amending s. 196.151, F.S.; removing a requirement that the property appraiser file a notice of disapproval of an application for homestead exemption with the value adjustment board, and providing for appeal to the board by the applicant; revising the definition of "cooperative apartment corporation"; amending s. 197.254, F.S.; revising the form of the notice to taxpayers of the right to defer payment of taxes and non-ad valorem assessments; amending s. 197.343, F.S.; revising requirements relating to mailing of the

notice of delinquent taxes on subsurface rights; amending s. 197.502, F.S.; authorizing a tax deed application fee for the tax collector; amending s. 200.065, F.S.; permitting newspaper advertisements for fixing millage in geographically limited inserts; requiring such inserts be published at least twice each week; amending s. 193.074, F.S.; providing for the confidentiality of tax returns under certain circumstances; amending s. 200.069, F.S.; permitting the notice of proposed property taxes to be printed only on one side in certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1052 and 1324** and by two-thirds vote read the second time by title. On motion by Senator Jennings, by two-thirds vote **CS for HB 1543** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

SB 1142—A bill to be entitled An act relating to public construction; amending s. 287.084, F.S.; including construction services within those services which may receive a preference in the competitive bidding process if the bidder is a Florida business; prohibiting any county, municipality, school district, or other political subdivision of the state from granting its local businesses bid preferences over other Florida businesses; providing an effective date.

—was read the second time by title.

Senator McKay moved the following amendment which was adopted:

Amendment 1—On page 2, strike all of lines 7-13 and insert: *grants a bid preference to a bidder for construction services based upon a percentage of a bid because the bidder maintains a local business office, a local principal place of business, or pays local taxes, assessments, or duties. Except as provided in this subsection, nothing in this section prevents a county, municipality, school district, or other political subdivision of this state from awarding a contract to any bidder for construction services in*

On motion by Senator McKay, by two-thirds vote **SB 1142** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29 Nays—4

CS for SB 1780—A bill to be entitled An act relating to the Cross Florida Greenway; providing legislative intent; assigning the initial responsibility for managing that area to the Office of Greenway Management in the Office of the Executive Director of the Department of Natural Resources; establishing the initial boundary of the greenway area; authorizing a horsepark/agricultural center; authorizing the Board of Trustees of the Internal Improvement Trust Fund to modify the boundary under certain circumstances; providing authority for coordinated management of greenway lands and other lands; providing for the identification and sale or exchange of former barge canal lands; providing for the payment of funds due specified counties; providing priorities for the use of funds in the Cross Florida Barge Canal Trust Fund; authorizing the lease of former canal lands; providing for recreational uses of greenway lands; authorizing the generation of hydroelectric power on greenway lands; requiring the Department of Natural Resources to perform certain studies prior to making recommendations to the Governor and Cabinet regarding the disposition of water control structures at Rodman Reservoir and Inglis Lock; specifying information that must be obtained; authorizing transportation and utility crossings of greenway lands; providing legislative intent; amending s. 253.781, F.S.; deleting an obsolete provision related to the boundary of the greenway area; replacing a requirement that the Governor and Cabinet acquire the fee title to specified lands with an authorization to acquire that fee; amending s. 253.782, F.S.; replacing a requirement that the Governor and Cabinet acquire the fee title to specified lands, with authorization to do so; amending s. 253.7829, F.S.; deleting obsolete provisions related to the management plan for the greenway area; authorizing the Governor and Cabinet to exchange, to dispose of as surplus, or to acquire certain lands and easements for specified purposes; restricting the use of funds for these transfers; amending s. 253.783, F.S.; deleting a requirement that repayment of funds to specified counties is secondary to the costs of acquiring lands pursuant to s. 253.781(3), F.S.; requiring the sum of at least \$32 million in cash or surplus lands to be paid to the counties that were included in

the former Cross Florida Canal Navigation District; deleting a requirement that certain excess funds be used for maintenance of the greenway corridor; providing authorization for such use; deleting obsolete provisions pertaining to the former canal authority, the Department of Natural Resources, and the preparation of the management plan for the greenway area; providing appropriations and authorizing positions; transferring the Canal Authority of the State of Florida to the Department of Natural Resources by a type three transfer; providing an effective date.

—was read the second time by title.

Senator Dantzler moved the following amendments which were adopted:

Amendment 1—On page 25, between lines 14 and 15, insert:

(2) The sum of \$681,000 is appropriated from the Cross Florida Barge Canal Trust Fund to the Department of Natural Resources for the 1993-1994 fiscal year to enable the department to contract with the Southwest Florida Water Management District for up to 75 percent of the operating and maintenance costs of the Inglis Lock. In subsequent fiscal years the Legislature intends to phase out the sharing of these costs at the rate of 25 percent each year.

(3) The sum of \$100,000 is appropriated from the Cross Florida Barge Canal Trust Fund to the Department of Natural Resources for the 1993-1994 fiscal year for carrying out the studies and analysis required before a final decision is made on the disposition of the Inglis Lock, required by section 6 of this act. The department may contract with water management districts and public or private agency consultants to complete the requirements of this section.

(Renumber subsequent subsections.)

Amendment 2—On page 25, line 28, strike "\$361,892" and insert: \$672,511

Senator Kiser moved the following amendment which failed:

Amendment 3—On page 10, lines 1-29; on page 11, lines 1-31; on page 12, lines 1-31; and on page 13, lines 1-3, strike all of said lines and insert:

(1) It is the intent of the legislature to support the decision of the Governor and Cabinet to restore a free flowing Oklawaha River. Provided, however, that no action shall be taken by the department to remove any permanent structures on the Rodman Reservoir until the appropriate permitting agencies have determined the studies that will be required to obtain permits or impact statements, such studies have been completed, and appropriate permits issued. In addition, a study shall be prepared by the department to show the economic impacts of restoration of the Oklawaha River and drawdown of the Rodman Reservoir on affected persons and local governments. At any time after completion of the studies specified above,

Senator Dantzler moved the following amendment which failed:

Amendment 4—On page 13, line 3, after "1995." insert: The department shall convene a meeting with appropriate permitting agencies to discuss the various information requirements that may be needed for various options for restoration of the Oklawaha River and for maintaining Rodman Reservoir to assure that the information gathered pursuant to this subsection is prepared in a coordinated manner to maximize the availability of the information to avoid unnecessary delays in seeking permits that may be required.

Senator Johnson moved the following amendment which was adopted:

Amendment 5 (with Title Amendment)—On page 5, after line 31, insert:

(4) The Department of Natural Resources shall conduct a study of the options available to control the rhesus monkeys located within a 10-mile radius of the convergence of the Oklawaha and Silver Rivers. During the time the study is being conducted, the department may control monkeys that constitute a threat to visitors to such area. Control measures include, but are not limited to, the right to deny public access to any area where the monkeys are known to congregate. The department shall post adequate warning signs in areas to which the public is denied access. The department may consult with any other local or state agency while conducting the study and may subcontract with any such agency to complete

the study. The study of the options shall be delivered to the Board of Trustees of the Internal Improvement Trust Fund. Nothing in this subsection affects the signed agreement between the department and the Silver Springs Attraction regarding the relocation of rhesus monkeys from Silver River State Park to the attraction, and such agreement continues to be valid.

And the title is amended as follows:

In title, on page 1, line 8, after the semicolon (;) insert: providing requirements for the Department of Natural Resources to conduct a study of management options for rhesus monkeys on certain lands;

On motion by Senator Dantzler, by two-thirds vote **CS for SB 1780** 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

The Senate resumed consideration of—

CS for SB 2382—A bill to be entitled An act relating to economic development; creating s. 288.046, F.S.; providing legislative intent; creating s. 288.047, F.S.; creating the Quick-Response Training Program to be administered by the Department of Commerce in conjunction with the Department of Education; providing responsibilities; creating a Quick-Response Advisory Committee to assist in the administration of the program; providing for membership; providing for appointment; providing for duties; providing for allocation of funds; providing for written agreements; providing authority to accept certain grants and donations; providing for the procurement and maintenance of equipment; providing certain public records exemptions and for future review and repeal thereof; 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 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; creating s. 220.191, F.S.; providing legislative intent; creating s. 220.192, F.S.; providing a credit against the tax for businesses that incur expenses to relocate to, or retool in, Florida to fulfill requirements of a defense contract, or to convert existing defense-related jobs to civilian commercial jobs; providing limitations; providing for carryover of unused credits; requiring approval of the Secretary of Commerce; providing application procedures and requirements; requiring monitoring of businesses granted a credit; providing for assessment of amounts granted as credit if the business fails to create the required number of jobs; providing duties of the Department of Revenue; providing for expiration; amending s. 220.02, F.S.; providing order of credits against the tax; amending s. 120.54, F.S., relating to rulemaking; requiring that a state agency prepare an economic impact statement upon the written request of the Division of Economic Development of the Department of Commerce; deleting certain rulemaking requirements relating to small businesses; amending s. 288.063, F.S., relating to contracts for transportation projects of the Division of Economic Development of the Department of Commerce; deleting some obsolete dates; providing for the transfer of funds upon the commencement of the construction of the transportation project; providing for certain rules; providing an additional requirement in selecting projects; providing for monitoring of construction of the transportation project; amending s. 288.701, F.S.; revising and adding to the duties of the Division of Economic Development of the Department of Commerce; amending s. 288.703, F.S.; revising the definition of the term "ombudsman" for purposes of the duties of the Division of Economic Development; repealing s. 29, ch. 92-136, Laws of Florida, relating to the Sunshine State Skills Program; repealing s. 31, ch. 92-136, Laws of Florida, relating to the industry services training program; repealing s. 288.1161, F.S., relating to Sports Advisory Council; amending s. 288.03, F.S.; providing for the creating of the Florida State Rural Development Council; amending s. 20.17, F.S.; abolishing the Sports Advisory Council within the Department of Commerce; revising the membership of the direct-support organization that assists the department in promoting and developing the sports industry; providing an effective date.

—with pending **Amendment 1** as amended.

Amendment 1 as amended was adopted.

On motion by Senator Hargrett, by two-thirds vote **CS for SB 2382** 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

SB 662—A bill to be entitled An act relating to the removal of organic and detrital matter from soil; 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.; exempting limited dredging of plant material and sediment for aquatic plant management purposes; 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 read the second time by title.

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

Amendment 1—On page 2, line 18, after "facilities" insert: *or recreational docking facilities of local governmental entities*

Senator Dantzler moved the following amendment:

Amendment 2—On page 2, lines 1-31 through page 4, line 5, strike all of said lines and insert:

Section 2. Paragraphs (b) and (c) of subsection (2) of section 403.813, Florida Statutes, are amended and paragraph (r) is added to that subsection to read:

403.813 Permits issued at district centers; exceptions.—

(2) No permit under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, Laws of Florida, 1949, shall be required for activities associated with the following types of projects; however, nothing in this subsection relieves an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(a) The installation of overhead transmission lines, with support structures which are not constructed in waters of the state and which do not create a navigational hazard.

(b) The installation and repair of mooring pilings and dolphins associated with private docking facilities and the installation of private docks, *and recreational docking facilities of local governmental entities, any of which structures docks:*

1. Has 500 square feet or less of over-water surface area for a *structure dock* which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a *structure dock* which is located in an area which is not designated as Outstanding Florida Waters; *these square footage limitations are to include the coverage created by the construction of structures above the dock area, such as boat houses or gazebos that do not have enclosed sides, if the structures comply with local government construction requirements;*
2. Is constructed on or held in place by pilings or is a floating *structure dock* which is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Shall not substantially impede the flow of water or create a navigational hazard;
4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and
5. Is the sole *structure dock* constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel

of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt *structure dock* allowed per parcel or lot.

Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.

(c) The installation and maintenance to design specifications of boat ramps on artificial bodies of water where navigational access to the proposed ramp exists or the installation of boat ramps open to the public in any waters of the state where navigational access to the proposed ramp exists and where the construction of the proposed ramp will be less than 30 feet wide and will involve the removal of less than 25 cubic yards of material from the waters of the state, and the maintenance to design specifications of such ramps; *and the installation of courtesy docks, that do not exceed 500 square feet, that are associated with a boat ramp constructed pursuant to this exemption. however,* The material to be removed for the ramp construction and maintenance shall be placed upon a self-contained upland site so as to prevent the escape of the spoil material into the waters of the state. *This exemption shall not apply to the installation of docks and boat ramps in those waters where the state has regulated boat speed limits for the protection of manatees.*

(r) *The removal of aquatic plants, the planting of indigenous aquatic plants for restoration purposes, or the removal of organic detrital material that exists on the surface of the natural mineral soil necessary for the planting of indigenous aquatic plants for restoration purposes when such planting or removal is performed as a provision of a permit issued by the Department of Natural Resources under s. 369.20 or s. 369.25, if:*

1. *Only the organic detrital material is removed, not to exceed a depth of 3 feet of material;*

2. *All organic detrital material removed is deposited in an upland site that is located and designed to prevent the escape of the organic detrital material into the waters of the state; and*

3. *All activities are performed in a manner consistent with the state water quality standards.*

Senator Myers moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A—On page 3, strike all of lines 22, 23 and 24

Amendment 2 as amended was adopted.

Senator Dantzler moved the following amendment which was adopted:

Amendment 3—In title, on page 1, line 11, after “purposes,” insert: exempting certain docks and piers from dredge and fill permitting requirements; allowing construction of structures above dock areas in certain circumstances;

On motion by Senator Dantzler, by two-thirds vote **SB 662** 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

On motions by Senator Dudley, by two-thirds vote **CS for HB 407** was withdrawn from the Committees on Governmental Operations, Judiciary and Appropriations.

On motion by Senator Dudley—

CS for HB 407—A bill to be entitled An act relating to public construction projects; creating s. 255.071, F.S.; providing for payment of sub-contractors, sub-subcontractors, materialmen, and suppliers on public jobs; providing for an evidentiary hearing when undisputed payments are not made; providing remedies for nonpayment; providing an effective date.

—a companion measure, was substituted for **CS for SB 1216** and read the second time by title. On motion by Senator Dudley, by two-thirds vote **CS for HB 407** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for CS for SB 1244—A bill to be entitled An act relating to sudden infant death syndrome; providing legislative findings and intent; defining the term “Sudden Infant Death Syndrome,” or “SIDS”; requiring basic training programs for first responders to include instruction on sudden infant death syndrome; providing for the development and adoption as a rule of a sudden infant death syndrome curriculum; requiring medical examiners to perform autopsies in certain infant deaths; requiring the Medical Examiners Commission to develop and implement a protocol for those autopsies; providing an exemption from liability; providing for performance of autopsies; requiring visitation to parents or caretakers by certain county public health unit personnel; providing for training of the county public health unit personnel; creating the Sudden Infant Death Syndrome Advisory Council; providing for council membership, terms of office, meetings, and duties; requiring the State Health Office to administer and provide support staff to the council; providing for reimbursement; providing duties of the State Health Office; restricting implementation of the act; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Foley moved the following amendment which was adopted:

Amendment 1—On page 5, strike all of lines 11 and 12 and insert: enforcement officer, one is an emergency medical technician, and one is a paramedic. Either the emergency medical technician or the paramedic must also be a firefighter. Each member must

On motion by Senator Foley, by two-thirds vote **CS for CS for SB 1244** 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

On motions by Senator Foley, by two-thirds vote **CS for HB 569** was withdrawn from the Committees on Agriculture; Commerce; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Foley—

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.

—a companion measure, was substituted for **CS for SB 1260** and read the second time by title. On motion by Senator Foley, by two-thirds vote **CS for HB 569** 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 1336—A bill to be entitled An act relating to public adjusters; amending s. 626.854, F.S.; limiting authority of public adjusters to act on behalf of or aid an insured in negotiating or settling certain claims; providing an effective date.

—was read the second time by title. On motion by Senator Siegel, by two-thirds vote **CS for SB 1336** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

Motion

On motion by Senator Jennings, the rules were waived and time of recess was extended until final action on **CS for CS for CS for SB 528**.

Consideration of **SB 1330** was deferred.

CS for SB 1438—A bill to be entitled An act relating to handicapped persons; creating s. 553.501, F.S.; providing a short title; creating s. 553.502, F.S.; providing intent; creating s. 553.503, F.S.; adopting certain guidelines; creating s. 553.504, F.S.; providing exceptions to such guidelines; creating s. 553.505, F.S.; providing exceptions to applicability of the act; creating s. 553.506, F.S.; providing powers of the Board of Building Codes and Standards; creating s. 553.507, F.S.; providing exemptions; creating s. 553.508, F.S.; providing for architectural barrier removal; providing criteria; creating s. 553.509, F.S.; providing for clarification of existing law; transferring and renumbering ss. 553.49 and 553.495, F.S., as ss. 553.510 and 553.511, F.S., respectively; amending s. 320.0842, F.S.; providing an exemption for certain public airport parking facilities under certain circumstances; repealing ss. 553.45, 553.46, 553.47, 553.48, 553.481, 553.482, and 553.485, F.S., relating to accessibility by handicapped persons; amending s. 316.1955, F.S.; providing additional criteria for parking spaces provided by governmental agencies for certain disabled persons; providing an effective date.

—was read the second time by title.

Senator Jones moved the following amendment:

Amendment 1 (with Title Amendment)—On page 1, line 31, strike everything after the enacting clause and insert:

Section 1. Sections 553.501, 553.502, 553.503, 553.504, 553.505, 553.506, 553.507, 553.508, and 553.509, Florida Statutes, are created to read:

553.501 Short title.—Sections 553.501-553.513 may be cited as the "Florida Americans With Disabilities Accessibility Implementation Act."

553.502 Intent.—The purpose and intent of ss. 553.501-553.513 is to incorporate into the law of this state the accessibility requirements of the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42 U.S.C. ss. 12101 et seq.

553.503 Adoption of guidelines.—Subject to the exceptions in s. 553.504, the federal Americans with Disabilities Act Accessibility Guidelines, as adopted by reference in 28 C.F.R., Part 36, Subpart D, are hereby adopted and incorporated by reference as the law of this state.

553.504 Exceptions to applicability of the guidelines.—Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. 553.503, all buildings, structures, and facilities in this state shall meet the following additional requirements:

(1) All single-family dwellings, duplexes, and triplexes which are accessible at grade level shall provide not less than one bathroom when such rooms are located on the ground floor, with a door that has a clear opening not less than 29 inches wide. However, if only a toilet room is provided at grade level, such toilet room shall have a clear opening of not less than 29 inches. All walk through openings in occupancies not covered by the Americans with Disabilities Act of 1990 or the Fair Housing Act shall have at least 29 inches of clear width, except as exempt under ss. 553.501-553.513.

(2) In addition to the requirements in reference 4.8.4 of the guidelines, all landings on ramps shall be not less than 60 inches clear, and the bottom of each ramp shall have not less than 72 inches of straight and level clearance.

(3) All curb ramps shall be designed and constructed in accordance with the following requirements:

(a) In addition to the other requirements in reference 4.7.1 of the guidelines, curb ramps or curb cuts from parking areas that are privately owned, to the walkway level, shall be provided and, if more than one is provided, it shall be spaced along such walkways at intervals of no more than 100 feet and such ramps or curb cuts shall be located as close as practical to main entrances and exits to buildings.

(b) Notwithstanding the requirements of reference 4.8.5.2 of the guidelines, handrails on ramps which are not continuous shall extend not less than 18 inches beyond the sloped segment at both the top and bottom, and shall be parallel to the floor or ground surface.

(c) Notwithstanding the requirements of references 4.3.3 and 4.8.3 of the guidelines, curb ramps that are part of a required means of egress shall be not less than 44 inches wide.

(d) Notwithstanding the requirements of reference 4.7.5 of the guidelines, curb ramps located where pedestrians must use them and all curb ramps which are not protected by handrails or guardrails shall have flared sides with a slope not exceeding a ratio of 1 to 12.

(4) Notwithstanding the requirements in reference 4.13.11 of the guidelines, exterior hinged doors shall be so designed that such doors can be pushed or pulled open with a force not exceeding 8.5 foot pounds.

(5) Notwithstanding the requirements in reference 4.33.1 of the guidelines, all public food service establishments, all establishments licensed under the Beverage Law for consumption on the premises, and all facilities governed by reference 4.1 of the guidelines shall provide seating or spaces for seating in accordance with the following requirements:

(a) For the first 100 fixed seats, there shall be not less than one such accessible and usable space for each 25 fixed seats or fraction thereof.

(b) For all remaining fixed seats, there shall be not less than one such accessible and usable space for each 100 fixed seats or fraction thereof.

(6) Notwithstanding the requirements in references 4.32.1-4.32.4 of the guidelines, all fixed seating in public food service establishments, in establishments licensed under the Beverage Law for consumption on the premises, and in all other facilities governed by reference 4.1 of the guidelines shall be designed and constructed in accordance with the following requirements:

(a) All aisles adjacent to fixed seating shall provide clear space for wheelchairs.

(b) Where there are open positions along both sides of such aisles, the aisles shall be not less than 52 inches wide.

(7) In motels and hotels at least 5 percent of the guest rooms shall provide the following special accessibility features:

(a) Grab rails in bathrooms and toilet rooms shall be located 33 inches from and parallel to the finished floor, measured vertically to the top of the rail, with a variation not to exceed 1/2 inch.

(b) All beds in designed accessible guest rooms shall be open-frame type to permit passage of lift devices.

(c) All standard water closet seats shall be at a height of 15 inches, measured vertically from the finished floor to the top of the seat, with a variation of plus or minus 1/2 inch. A portable or attached raised toilet seat shall be provided in all designated handicapped accessible rooms.

All buildings, structures, or facilities licensed as a hotel, motel, or condominium pursuant to chapter 509 shall be subject to the provisions of this subsection.

(8) Notwithstanding the requirements in reference 4.29.2 of the guidelines, all detectable warning surfaces required by the guidelines shall be governed by the requirements of American National Standards Institute A117.1-1986.

(9) Notwithstanding the requirements in references 4.31.2 and 4.31.3 of the guidelines, the installation and placement of all public telephones shall be governed by the rules of the Florida Public Service Commission.

(10) Notwithstanding the requirements in references 4.1.3(11) and 4.16-4.23 of the guidelines, required restrooms and toilet rooms in new construction shall be designed and constructed in accordance with the following requirements:

(a) Each restroom and toilet room shall have a minimum clear passage of at least 36 inches to the accessible toilet stall. If turns of 45 degrees or more are required, such passageway shall be at least 44 inches wide.

(b) The accessible restroom stall shall be not less than 68 inches by 68 inches and shall contain an accessible lavatory within it, the size of such lavatory to be not less than 19 inches wide by 17 inches deep, nominal size, and wall-mounted.

(c) The accessible water closet shall be located in the corner, diagonal to the door.

(d) The stall door shall be located in the wall adjacent to the accessible lavatory, as far from the lavatory as possible, or the stall door shall be located in the wall opposite the accessible lavatory if a 60 inch diameter wheelchair turnaround can be accommodated within the stall. The accessible stall door shall swing outward, shall be not less than 32 inches wide, and shall be self-closing. Such lavatories shall be counted as part of the required fixture count for the building.

(e) Accessible lavatories shall have lever-operated faucets and narrow aprons which shall be mounted at a vertical distance of 28 inches, measured by the vertical distance from the finished surface of the floor to the bottom of the apron, and which shall allow for use of the lavatory by persons in wheelchairs.

(f) Accessible water closet seats shall be at a height of not less than 19 inches and not more than 20 inches, measured by the vertical distance from the finished surface of the floor to the top of the seat.

(g) A grab rail shall be installed at a height of 33 inches, measured by the vertical distance from the finished surface of the floor to the top of the rail, with an allowable variation of not more than 0.5 inches.

(h) Restroom vestibules in which doors are not in a series shall be not less than 52 inches wide, unobstructed, and not less than 72 inches deep, unobstructed, in inside dimensions, and the door shall swing inward.

(11) Notwithstanding the provisions of the guidelines, when the use of a building, structure, or facility is changed or is altered the following shall apply:

(a) Accessible water closet seats shall be at a height of not less than 19 inches and not more than 20 inches, measured by the vertical distance from the finished surface of the floor to the top of the seat.

(b) A grab rail shall be installed at a height of 33 inches, measured by the vertical distance from the finished surface of the floor to the top of the rail, with an allowable variation of not more than 0.5 inches.

(12) All customer checkout aisles not required by the guidelines to be handicapped accessible shall have at least 32 inches of clear passage.

(13) Turnstiles shall not be used in occupancies which serve fewer than 100 persons, but turnstiles may be used in occupancies which serve at least 100 persons if there is an unlocked alternate passageway affording not less than 32 inches of clearance, equipped with latching devices in accordance with the guidelines.

(14) Barriers at common or emergency entrances and exits of business establishments conducting business with the general public that are existing, under construction, or under contract for construction which would prevent a person from using such entrances or exits shall be removed.

553.505 Exceptions to applicability of the Americans with Disabilities Act.—Notwithstanding any provision of the Americans with Disabilities Act of 1990, churches and private clubs shall be governed by the requirements of ss. 553.501-553.513. Parking spaces, parking lots, and other parking facilities shall be governed by the requirements of s. 316.1956.

553.506 Powers of the board.—In addition to any other authority vested in the board by law, the Board of Building Codes and Standards, in implementing ss. 553.501-553.513, may, by rule, adopt revised and updated versions of the Americans with Disabilities Act Accessibility Guidelines in accordance with chapter 120.

553.507 Exemptions.—Sections 553.501-553.513 do not apply to any of the following:

(1) Buildings, structures, or facilities which were either under construction or under contract for construction on October 1, 1993.

(2) Buildings, structures, or facilities which were in existence on October 1, 1993, unless:

(a) The building, structure, or facility is being converted from residential to nonresidential or mixed use, as defined by local law;

(b) The proposed alteration or renovation of the building, structure, or facility will affect the usability or accessibility of routes of travel or primary functions to a degree which invokes the requirements of s. 303(a) of the Americans with Disabilities Act of 1990; or

(c) The original construction or any former alteration or renovation of the building, structure, or facility was carried out in violation of applicable permitting law.

Disproportionate cost as provided in reference 4.1.6(2) of the guidelines shall be defined as exceeding 20 percent of the cost of the alteration to the primary function area.

553.508 Architectural barrier removal.—Removal of architectural barriers, pursuant to 28 C.F.R. 36.304, from buildings, structures, or facilities to which this act applies shall comply with ss. 553.501-553.513 unless compliance would render the removal not readily achievable. In no instance shall the removal of an architectural barrier create a significant risk to the health or safety of an individual with a disability or others.

553.509 Vertical accessibility.—Nothing in sections 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure, or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the habitable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility.

Section 2. Sections 553.481, 553.482, 553.49, and 553.495, Florida Statutes, are transferred and renumbered as sections 553.510, 553.511, 553.512, and 553.513, Florida Statutes, respectively.

Section 3. Section 316.1964, Florida Statutes, is amended to read:

316.1964 Exemption of vehicles transporting certain disabled persons from payment of parking fees and penalties.—

(1) No state agency, county, municipality, or any agency thereof, shall exact any fee for parking on the public streets or highways or in any metered parking space from the driver of a vehicle which displays a parking permit or a license plate issued pursuant to s. 316.1958 or s. 320.0848 or a license plate issued pursuant to s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845 if such vehicle is transporting a person eligible for such parking permit or license plate; nor shall the driver of such a vehicle transporting such a person be penalized for parking, except in clearly defined bus loading zones, fire zones, or in areas posted as "No Parking" zones.

(2) *All paid public parking garages and lots at airports and similar uses operated by the state or its political subdivisions or any agency thereof, or any authority who has been subcontracted to administer public paid parking areas shall not exact any parking fees from permit-holders enumerated in this section except if the vehicle parking exceeds 16 consecutive days.*

Section 4. Paragraphs (d) and (e) are added to subsection (3) of section 316.1955, Florida Statutes, to read:

316.1955 Parking spaces provided by governmental agencies for certain disabled persons.—

(3) Such parking spaces shall be designed and located as follows:

(a) All spaces shall have accessible thereto a curb-ramp or curb-cut, when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles.

(b) Diagonal or perpendicular parking spaces shall be a minimum of 12 feet wide but no more than 13 feet wide.

(c) Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

(d) *Disabled parking spaces shall not exceed a cross-slope of 2 percent.*

(e) *Curb ramps shall be located outside of the disabled parking spaces.*

Section 5. Sections 553.45, 553.46, 553.47, 553.48, and 553.485, Florida Statutes, are repealed.

Section 6. This act shall take effect October 1, 1993.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to handicapped persons; creating s. 553.501,

F.S.; providing a short title; creating s. 553.502, F.S.; providing intent; creating s. 553.503, F.S.; adopting certain guidelines; creating s. 553.504, F.S.; providing exceptions to such guidelines; creating s. 553.505, F.S.; providing exceptions to applicability of the act; creating s. 553.506, F.S.; providing powers of the Board of Building Codes and Standards; creating s. 553.507, F.S.; providing exemptions; creating s. 553.508, F.S.; providing for architectural barrier removal; providing criteria; creating s. 553.509, F.S.; providing for clarification of existing law; transferring and renumbering ss. 553.481, 553.482, 553.49, and 553.495, F.S., as ss. 553.510, 553.511, 553.512, 553.513, 553.511, F.S., respectively; amending s. 316.1964, F.S.; providing an exemption for certain public airport parking facilities under certain circumstances; repealing ss. 553.45, 553.46, 553.47, 553.48, 553.485, F.S., relating to accessibility by handicapped persons; amending s. 316.1955, F.S.; providing additional criteria for parking spaces provided by governmental agencies for certain disabled persons; providing an effective date.

Senator Jones moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A—On page 1, strike line 27 and insert: reference in 28 C.F.R., Part 36, Subparts A and D, and Title II of Pub. L. No. 101-336, are hereby adopted

Amendment 1B—On page 2, line 3, insert:

(1) All new or altered buildings and facilities subject to ss. 553.501-553.513 which may be frequented in, lived in, or worked in by the public shall comply with ss. 553.501-553-513.

(Renumber subsequent paragraphs.)

Amendment 1C—On page 2, strike all of lines 3-7 and insert:

(1) Single-family houses, duplexes, triplexes, condominiums, and townhouses shall provide at least one bathroom, located with maximum possible privacy, where bathrooms are provided on habitable grade levels, with a door that has a 29-inch clear opening. However, if only a toilet room is

Amendment 1D—On page 6, strike line 18 and insert: or is altered the following shall apply in required restrooms:

Senator Hargrett moved the following amendment to **Amendment 1** which was adopted:

Amendment 1E—On page 9, strike all of lines 21-27 and insert:

(2) *The provisions of subsection (1) shall not apply to any public airport parking facilities owned by any state agency, county, municipality, or any agency thereof or any other governmental body, whether operated by the governmental body or by a contracting entity; provided that the transportation provided by such governmental body from any public airport parking facilities to the airport terminals is accessible to disabled persons in accordance with Title II of The Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101, et seq.*

Amendment 1 as amended was adopted.

On motion by Senator Jones, by two-thirds vote **CS for SB 1438** 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

SB 1330—A bill to be entitled An act relating to education; creating s. 231.263, F.S.; creating a recovery network program for educators who are impaired as a result of alcohol abuse, drug abuse, or a mental condition; providing an implementation date; providing eligibility for participation; providing for staff; providing for treatment contracts; providing procedures; providing an exemption from public records requirements for certain disclosed information and providing for review and repeal of the exemption; providing for determination of ineligibility for further assistance; providing for funds to implement this act; providing for rules; providing for review and repeal; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 4, line 21, after the period (.) insert: This exemption is necessary to promote the rehabilitation of impaired teachers and to protect the privacy of treatment program participants, and it shall be no broader than is necessary to accomplish the stated purpose of this act.

Senator Dudley moved the following amendment which was adopted:

Amendment 2—On page 7, strike all of lines 8-13 and renumber subsequent sections.

On motion by Senator Boczar, by two-thirds vote **SB 1330** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 1514—A bill to be entitled An act relating to education; creating an incentive award program for high schools; providing award criteria; providing for the determination of award amounts; providing for the use of awards; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **SB 1514** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

CS for CS for CS for SB 528—A bill to be entitled An act relating to solid waste; amending s. 125.01, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 166.021, F.S.; redesignating biohazardous 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; clari-

ifying 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 circumstances; 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 cer-

tain 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.

—was read the second time by title.

Senator Dantzler moved the following amendments which were adopted:

Amendment 1 (with Title Amendment)—On page 11, line 3 through page 15, line 20, strike all of said lines and insert:

(1)(a) The Division of Purchasing, in cooperation with the Department of Environmental Regulation, shall review and revise existing procurement procedures and specifications for the purchase of products and materials to eliminate any procedures and specifications that explicitly discriminate against products and materials with recycled content except where such procedures and specifications are necessary to protect the public health, safety, and welfare of the people of this state.

(b) Each state agency shall review and revise its procurement procedures and specifications for the purchase of products and materials to eliminate any procedures and specifications that explicitly discriminate against products and materials with recycled content, except if such procedures and specifications are necessary to protect the public health, safety, and welfare.

(2)(a) The division and each state agency shall review and revise its procurement procedures and specifications for the purchase of products and materials to ensure to the maximum extent economically feasible that each agency uses state contracts to purchase it—purchases products or materials that may be recycled or reused when these products or materials are discarded. The division shall complete an initial review and revision by September 1, 1989.

(b) The division shall establish procurement goals for state agencies in procuring products with recycled content and postconsumer content. In order to establish these goals, the department shall contract for a technical study to determine what minimum recycled content and postconsumer content levels should be established, on a commodity-by-commodity basis, for those commodities purchased by the state. The study shall be completed no later than October 1, 1994. The established levels should be consistent with orderly market development.

1. At a minimum, the study must include plastic, glass, paper, and steel and aluminum cans.

2. The division shall propose minimum content levels for products made from the commodities studied and procurement goals no later than November 1, 1994. The division shall use accepted national standards when defining terms, especially post-consumer recovered material.

(c) Notwithstanding the division's rulemaking efforts, recycled content printing and fine writing grades of paper shall contain at least 10 percent "postconsumer recovered materials." "Postconsumer recovered materials" means any product generated by a business or a consumer which has served its intended end use, and which has been separated from solid waste for the purpose of collection, recycling, and disposition. The purchase of such recycled content paper with postconsumer recovered materials shall be phased in over a 4-year period as follows:

1. By January 1, 1995, not less than 30 percent of the paper purchased by the division and all state agencies shall be recycled content paper;

2. By January 1, 1996, not less than 40 percent of the paper purchased by the division and all state agencies shall be recycled content paper;

3. By January 1, 1997, not less than 50 percent of the paper purchased by the division and all state agencies shall be recycled content paper; and

4. By January 1, 1998, not less than 65 percent of the paper purchased by the division and all state agencies shall be recycled content paper.

(d) The Auditor General shall assist in monitoring and enforcing the product procurement requirements.

(3) As part of the review and revision required in subsection (2), the division and each agency shall review its procurement provisions and specifications for the purchase of products and materials to determine which products or materials with recycled content could be procured by the division or other agencies and the amount of recycled content that can economically and technologically be contained in such products or materials. The division and other agencies must shall use the amounts of recycled content and postconsumer recovered material determined by the division in issuing invitations to bid for contracts for the purchase of such products or materials. ~~The review shall be completed by September 1, 1989, and the amounts of recycled content determined by the division shall be used by the division and other agencies thereafter.~~

(4) Upon completion of the review required in subsection (3), the division or an agency shall require that a person who submits a bid for a contract for the purchase of products or materials identified in subsection (3) and who wishes to be considered for the price preference described in subsection (5) shall certify in writing the percentage of recycled content in the product or material that is subject to the bid. A person may certify that the product or material contains no recycled content.

(5) Upon evaluation of bids for every public contract that involves the purchase of products or materials identified in subsection (3), the division or an agency shall identify the lowest responsive bidder and other responsive bidders who have certified that the products or materials contain at least the minimum percentage of recycled content and postconsumer recovered material ~~or degradable material content as defined by the Department of Environmental Regulation~~ that is set forth in the invitation for the bids. ~~The division or agency may consider life-cycle costing when evaluating a bid on a product that consists of recycled materials. The division shall adopt rules that specify the criteria to be used when considering life-cycle costing in evaluating bids. The rules must take into consideration the specified warranty periods for products and the comparative expected service life relative to the cost of the products.~~ In awarding a contract for the purchase of products or materials, the division or an agency may allow up to a 10-percent price preference to a responsive bidder who has certified that the products or materials contain at least the minimum percentage of recycled content and postconsumer recovered material and up to an additional 5-percent price preference to a responsive bidder who has certified that the products or material are made of materials recovered in this state. ~~The amount of the price preference must be commensurate with the certified amounts of recycled material and postconsumer recovered material and materials recycled from products in this state, contained in the product or materials on a sliding scale as established by division rule, which rule shall not become effective prior to November 1, 1994. Reusable or degradable material content as defined by the Department of Environmental Regulation. Degradable materials and products shall be used where economically and technically feasible, particularly in situations where materials are likely to become litter, such as in food services provided by state agencies.~~ If no bidders offer products or materials with measurable life-cycle costing factors or the minimum prescribed recycled and postconsumer ~~or degradable~~ content, the contract must shall be awarded to the lowest qualified responsive bidder.

(6) For the purposes of this section, "recycled content" means materials that have been recycled that are contained in the products or materials to be procured, including, but not limited to, paper, aluminum, steel, glass, plastics, and composted material. The term does not include the virgin component of internally generated scrap that is commonly used in industrial or manufacturing processes or such waste or scrap purchased from another manufacturer who manufactures the same or a closely related product. Recycled content printing and fine writing grades of paper shall contain at least 10 percent postconsumer recovered materials.

(7) Any person who believes that a particular product or material with recycled content may be beneficially used instead of another product or material may request the division to evaluate a that product or material with recycled content if the product or material is eligible for inclusion under state contracts. The division shall review each reasonable proposal to determine its merit and, if it finds that the product or material may be used beneficially, it may incorporate that product or material into its procurement procedures.

(8) The division and each state agency shall review and revise its procedures and specifications on a continuing basis to encourage the use of products and materials with recycled content and postconsumer recovered material and shall, in developing new procedures and specifications, encourage the use of products and materials with recycled content and postconsumer recovered material.

(9) After November 1, 1994, the division may discontinue contracting for products or materials the recycled content of which does not meet the requirements of subsection (3) if it determines that products or materials meeting those requirements are available at a cost not to exceed an additional 10 percent of comparable virgin products.

(10) A state agency, or a person contracting with such agency with respect to work performed under contract, must procure products or materials with recycled content if the division determines that those products or materials are available pursuant to subsection (5). Notwithstanding any other provision to the contrary, for the purpose of this section, the term "agency" means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch including the Department of the Lottery, the legislative branch, the judicial branch, and the State University System. A decision not to procure such items must be based on the division's determination that such procurement is not reasonably available within an acceptable period of time or fails to meet the performance standards set forth in the applicable specifications or fails to meet the performance standards of the agency.

(11) Each state agency shall report annually to the division its total expenditures on, and use of, products with recycled content and the percentage of its budget that represents purchases of similar products made from virgin materials. The division shall design a uniform reporting mechanism and prepare annual summaries of statewide purchases delineating those with recycled content to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

~~(9) All agencies shall cooperate with the division in carrying out the provisions of this section.~~

Section 5. (1) The sum of \$300,000 is appropriated from the Solid Waste Management Trust Fund to the Division of Purchasing of the Department of General Services to undertake the study.

(2) Two positions are authorized to the division to implement the provisions of section 4 of this act.

And the title is amended as follows:

In title, on page 1, strike all of lines 10-22 and insert: requiring state agencies to eliminate procedures and specifications with respect to procurement that discriminate against products and materials with recycled content; requiring the Division of Purchasing to establish procurement goals for procuring products with recycled content; providing for a study; authorizing the use of life-cycle costing when evaluating certain bids; requiring the division to adopt rules; providing a price preference for products or materials that contain materials recovered in this state; amending the definition of the term "recycled content"; requiring the division to evaluate products and materials for recycled content upon request; providing for discontinuation of certain contracts; requiring state agencies and others to procure products with recycled content, except as provided; requiring reports; providing an appropriation and authorizing positions; amending ss. 316.003, 377.709, F.S.;

Amendment 2—On page 68, strike all of lines 11-25 and insert: plastic bottle or rigid container product intended for single use unless such container the product has a molded label indicating the plastic resin used to produce the plastic container product. The label must appear on or near the bottom of the plastic container product and be clearly visible. This label must consist of a number placed inside a triangle and letters placed below the triangle. The triangle must be equilateral and must be formed by three arrows, and, in the middle of each arrow, there must be a rounded bend that forms one apex of the triangle. The pointer, or arrowhead, of each arrow must be at the midpoint of a side of the triangle, and a short gap must separate each pointer from the base of the adjacent arrow. The three curved arrows that form the triangle must depict a clockwise path around the code number. All Plastic bottles beverage containers and all nonsolid food liquid containers of less than 16 ounces,

Amendment 3—On page 113, lines 20-31; on page 114, lines 1-30; and on page 115, lines 1-5, strike all of said lines and insert:

(2) REGULATORY PROGRAM.—

(a) It is the intent of the Legislature that the Department of Environmental Regulation develop a program for the sound and effective regulation of phosphogypsum stack systems in the state. It is further the intent of the Legislature that such regulatory program include the imposition of an annual registration fee on stacks that have not been closed and that such fees be used for the purpose of paying the costs of the department's review of applications to permit the closure of stack systems or the construction of new or expanded stack systems and of the department's review of requests for deferral of mandatory closure requirements.

(b) The department shall adopt rules that prescribe acceptable construction designs for new or expanded phosphogypsum stack systems and that prescribe permitting criteria for operation, closure criteria, long-term care requirements, and closure financial responsibility requirements for phosphogypsum stack systems.

(3)(a) The total annual registration fees for all existing stacks shall be the amount required by the department to accomplish the following activities:

1. Review and processing of a request by a owner of a phosphogypsum stack system that it be relieved of any mandatory obligation to close the system, or any portion thereof, prior to using the system for its entire remaining useful life.

2. Review and processing of an application to construct a new or expanded phosphogypsum stack system.

3. Review and processing of an application to close a phosphogypsum stack system, or portion thereof.

(b) On or before August 1 of each fiscal year following the effective date of this section, the department shall provide written notice to each owner of an existing stack of the annual registration fee payable for that fiscal year. Each owner shall remit the annual registration fee to the department within 30 days after receipt of the notice. The notice required by this section shall be accompanied by a report prepared by the department presenting the expenditures using annual registration fees required by this section made by the department during the immediately preceding fiscal year and indicating the amount of any unexpended funds.

(c) The total registration fees for all existing stacks for the fiscal year beginning on July 1, 1993, shall not exceed \$590,000. For all subsequent fiscal years, the total registration fees for all existing stacks shall not exceed \$500,000. The annual registration fee for each existing stack shall be the amount calculated by dividing the maximum total registration fees collectible in a particular fiscal year by the total number of existing stacks as of June 30 of the immediately preceding fiscal year.

Amendment 4 (with Title Amendment)—On page 117, between lines 26 and 27, insert:

Section 44. Toxic materials in packaging.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that the presence of heavy metals in packaging can pose hazards to the public health and safety and to the environment, through emissions or ash when packaging is incinerated, or in leachate when packaging is landfilled, and that scientific and medical evidence indicates that lead, mercury, cadmium, and hexavalent chromium are particularly toxic. The Legislature further finds that it is desirable to reduce the toxicity of packaging waste and to eliminate these heavy metals from packaging. The Legislature seeks to achieve this reduction in toxicity without impeding or discouraging the expanded use of post-consumer materials in the production of packaging and its components.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Package" means a container that provides a means of marketing, protecting, or handling a product. The term includes a unit package, an intermediate package, and a shipping container as defined in the American Society for Testing and Materials (ASTM) standard D-996. The term also includes such unsealed receptacles as carrying cases, crates, cups, pails, rigid foil trays and other trays, wrappers and wrapping films, bags, and tubs.

(b) "Distributor" means any person, firm, or corporation that takes title to goods purchased for resale.

(c) "Packaging component" means any individual assembled part of a package, including, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closure, ink, or label. Tin-plated steel that meets ASTM specification A-623 constitutes a single package component. "Packaging component" shall not include an industrial packaging component intended to protect, secure, close, unitize, and provide pilferage protection for any product destined for commercial use.

(3) PROHIBITIONS.—Except as provided in subsection (4), a manufacturer or distributor may not sell a package or packaging component and a manufacturer or distributor of products in the State of Florida shall not offer for sale or promotional purposes any package or any packaging component with a total concentration of lead, cadmium, mercury and hexavalent chromium that exceeds:

1. Effective January 1, 1994, 600 parts per million (0.06 percent) by weight;

2. Effective January 1, 1995, 250 parts per million (0.025 percent) by weight; and

3. Effective January 1, 1996, 100 parts per million (0.01 percent) by weight.

(4) EXEMPTIONS.—All packages and packaging components are subject to this section except:

(a) A package or packaging component:

1. That bears a code indicating that it was manufactured before July 1, 1993; or

2. That contains lead, cadmium, mercury, or hexavalent chromium that was added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of federal law; or

3. For which the lead, cadmium, mercury, or hexavalent chromium is essential for the protection, safe handling, or function of the contents of the package or packaging component.

To receive an exemption for a package or packaging component under this paragraph, the manufacturer of the package or packaging component must petition the Department of Environmental Regulation. The Department of Environmental Regulation may grant a 2-year exemption for a package or packaging component that meets one of the criteria in this paragraph, and may renew the exemption for 2 additional years.

(b) A package containing an alcoholic beverage that was bottled before July 1, 1993.

Section 45. Environmental representations.—

(1) Any person who manufactures or distributes a consumer product and who represents in advertising or on the product's label or container that the product is not harmful to, or is beneficial to, the environment, through the use of such terms as "environmentally friendly," "ecologically sound," "environmentally safe," "recyclable," "recycled," "biodegradable," "photodegradable," "ozone friendly," or any other like term, must maintain records documenting and supporting the validity of the representation. The Department of Legal Affairs may request copies of those records at any time. For purposes of this section, a wholesaler or retailer makes a representation only if he initiates the advertising containing the representation or causes the representation to be placed on the product's label or container.

(2) Any person who makes a false representation in violation of subsection (1) is guilty of a misdemeanor of the first degree, punishable by a fine as provided in section 775.083, Florida Statutes.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 7, line 30, after "report;" insert: providing legislative findings and intent; providing definitions; prohibiting the use of certain toxic materials in packaging; prohibiting the use of certain packaging materials; providing exceptions; allowing the Department of Environmental Regulation to grant exemptions; prohibiting certain false representations about the effects of consumer products on the environment;

Amendment 5 (with Title Amendment)—On page 117, between lines 26 and 27, insert:

Section 44. Environmentally sound management of mercury-containing devices and lamps.—

(1) **DEFINITIONS.**—For the purposes of this section, unless the context otherwise requires, the term:

(a) “Department” means the Department of Environmental Regulation.

(b) “Mercury-containing device” means any electrical product, or other device, excluding batteries and lamps, that is determined by the department as proven to release mercury into the environment.

(c) “Reclamation facility” means a site where equipment is used to recapture mercury from mercury-containing devices and lamps for the purpose of recycling the mercury. The term does not include those facilities that process mercury-containing devices and lamps that are manufactured at the facility and that have not been sold or distributed.

(d) “Lamp” means any type of high or low pressure lighting device which contains mercury and generates light through the discharge of electricity either directly or through a fluorescing coating. The term lamp includes, but is not limited to, fluorescent lamps, mercury lamps, metal halide lamps, and high pressure sodium lamps. The term excludes mercury-containing lamps used in residential applications and disposed of as part of ordinary household waste.

(e) “Spent mercury-containing lamp” or “spent lamp” means a lamp for which mercury is required for its operation that has been used and removed from service and that is to be discarded.

(2) **PROHIBITION ON INCINERATION OR DISPOSAL OF MERCURY-CONTAINING DEVICES.**—Mercury-containing devices may not be disposed of or incinerated in any manner prohibited by this section or by the rules of the department promulgated under this section. After July 1, 1994, if the secretary of the department determines that sufficient recycling capacity exists to recycle mercury-containing devices generated in the state, the secretary may, by rule, designate regions of the state in which a person shall not place such a device that was purchased for use or used by a government agency or an industrial or commercial facility in a mixed solid waste stream. After January 1, 1996, a mercury-containing device shall not knowingly be incinerated or disposed of in a landfill.

(3) **PROHIBITION ON INCINERATION OF SPENT LAMPS.**—After July 1, 1994, spent mercury-containing lamps shall not knowingly be incinerated in any municipal or other incinerator. This subsection shall not apply to incinerators that are permitted to operate under state or federal hazardous waste regulations.

(4) **WASTE MANAGEMENT REQUIREMENT FOR SPENT LAMPS.**—

(a) Effective July 1, 1994, any person owning or operating an industrial, institutional, or commercial facility in this state or providing outdoor lighting for public places in this state, including streets and highways, that disposes of more than 10 spent lamps per month shall arrange for disposal of such lamps in permitted lined landfills or at appropriately permitted reclamation facilities.

(b) After July 1, 1994, the department may, by rule, designate regions of the state wherein any person owning or operating an industrial, institutional, or commercial facility in such a designated region, or providing lighting for public places in such designated region, including streets and highways, that disposes of more than 10 spent lamps per month shall arrange for disposal of such lamps at appropriately permitted reclamation facilities; provided, however, that before such rule is adopted, the secretary of the department first determines that appropriately permitted reclamation facilities are reasonably available and afford sufficient recycling capacity.

(5) **MERCURY RECYCLING PROGRAM FUNDS.**—

(a) Moneys received, as provided in this section, shall be deposited into the Solid Waste Management Trust Fund and shall be accounted for separately within the fund, to be used upon appropriation in the following manner:

1. To provide grants to local governments and other public and private entities to develop and operate mercury recycling programs. It is the intent of the Legislature that adequate funding continue to be available for such programs.

2. To fund the research of mercury in the environment by the Governor’s Mercury Task Force.

3. To provide funding for the public service information and other requirements of subsection (7).

4. For administrative costs and other authorized expenses necessary to carry out the responsibilities of this section.

(b) Grants, moneys, or gifts from public or private agencies or entities shall be deposited into the fund and used for activities related to mercury or mercury recycling as specified in paragraph (a).

(6) **DEPARTMENT RULES.**—The department shall adopt rules to carry out the provisions of this section. Such rules shall:

(a) Provide the criteria and procedures for obtaining a reclamation facility permit, the fee for which may not exceed \$2,000 annually.

(b) Set standards for reclamation facilities and associated collection centers and set standards for the storage of mercury-containing devices and spent lamps at collection centers.

(7) **PUBLIC SERVICE INFORMATION AND WARNING SIGNS.**—As funds become available, the department shall inform the public about the provisions of this section and about the dangers of mercury contamination in game and fish by:

(a) Posting warning signs at contaminated areas and wherever boaters or hunters regularly embark to reach such areas.

(b) Distributing informational materials at tackle shops and other places where fishing and hunting licenses are sold.

(c) Distributing, in primary and secondary schools within the state, informational materials relating to recycling of mercury-containing devices and spent lamps.

(d) Informational materials discussing either the use of mercury in lamps or the provisions of this act concerning reclamation and disposal of spent lamps, including the prohibition on incineration. The materials shall also disclose that the energy efficiency of lamps, compared to other types of lighting, results in reduced emissions of sulfur dioxide, carbon dioxide, and other pollutants, including mercury, from fossil fuel fired generating facilities and results in benefits recognized by the state in its Green Lights relamping project.

(8) **CIVIL PENALTY.**—A person who engages in any act or practice declared in this section to be prohibited or unlawful, or who violates any of the rules of the department promulgated under this section, is liable to the state for any damage caused and for civil penalties in accordance with s. 403.141, Florida Statutes. The provisions of s. 403.161, Florida Statutes, are not applicable to this section. The penalty may be waived if the person previously has taken appropriate corrective action to remedy the actual damages, if any, caused by the unlawful act or practice or rule violation. A civil penalty so collected shall accrue to the state and shall be deposited as received into the Solid Waste Management Trust Fund for the purposes specified in paragraph (5)(a).

(9) **DEMONSTRATION PROJECT.**—

(a) The Department of Environmental Regulation shall organize and coordinate a cooperative, public-private demonstration project, to be initiated in fiscal year 1993-1994, to evaluate the feasibility of collecting and recycling mercury-containing devices and spent lamps. The department is encouraged to seek funding and other assistance for the project from the Federal Government, local governments, private industries and industry associations, recyclers, electrical device suppliers, and other interests. The Department of Management Services and the Florida Energy Office shall participate in the project as part of the state Green Lights relamping project. The Department of Environmental Regulation shall provide a report by January 1, 1994, to the Governor, the President of the Senate, and the Speaker of the House of Representatives that describes the progress of the demonstration project and provides recommendations for further action.

(b) The sum of \$200,000 is hereby appropriated from the Solid Waste Management Trust Fund to the Department of Environmental Regulation for fiscal year 1993-1994 to carry out the provisions of this subsection.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 7, line 30, after "report;" insert: prohibiting incineration or disposing of certain mercury-containing devices; prohibiting incineration of spent lamps; specifying uses of the Solid Waste Management Trust Fund; specifying money to be deposited into the trust fund; requiring the department to adopt rules; requiring certain public information and warning signs related to mercury contamination; providing a penalty; requiring the department to organize and coordinate a public-private demonstration project for collecting and recycling mercury-containing devices and spent lamps; providing an appropriation;

Senators Dantzler and Hargrett offered the following amendment which was moved by Senator Dantzler:

Amendment 6 (with Title Amendment)—On page 117, between lines 26 and 27, insert:

Section 44. Requirements for review of new incinerator capacity by the Department of Environmental Regulation.—

(1) The Legislature recognizes the need to use an integrated approach to the management of solid waste. Legislation adopted in 1988 was intended to foster the integrated management of solid waste by using waste reduction, recycling, waste-to-energy facilities, and landfills. Progress is being made in this state using this integrated approach in the management of solid waste, and this approach should be continued. Waste-to-energy facilities will continue to be an integral part of the state's management of solid waste. However, the state is committed to achieving its recycling and waste reduction goals and must ensure that waste-to-energy facilities are fully integrated with the state's waste management goals. Therefore, the Legislature finds that the Department of Environmental Regulation should evaluate applications for waste-to-energy facilities in accordance with the new criteria in subsection (3) to confirm that the facilities are part of an integrated waste management plan.

(2) Notwithstanding any other provisions of state law, the department may not issue a construction permit or certification to build a waste-to-energy facility or expand an existing waste-to-energy facility unless the facility meets the requirements set forth in subsection (3). Any construction permit issued by the department between January 1, 1993, and the effective date of this section which does not address these new requirements is invalid. These new requirements do not apply to the issuance of permits or permit modifications to retrofit existing facilities with new or improved pollution control equipment to comply with state or federal law. The department shall initiate rulemaking to incorporate the criteria in subsection (3) into its permit-review process.

(3) An applicant must provide reasonable assurance that a new waste-to-energy facility complies with paragraphs (a) through (h), and that the expansion of an existing waste-to-energy facility complies with paragraphs (a) through (i).

(a) The facility or expansion must be a necessary part of the integrated solid-waste management program of the local government where the facility is located and cannot be avoided through feasible and practicable efforts to use recycling or waste reduction.

(b)1. The use of capacity at existing waste-to-energy facilities within reasonable transportation distance of the proposed facility has been evaluated and found to be not feasible when compared to the use of the proposed facility for the expected life of the proposed facility. In determining feasibility, the department shall consider, at a minimum, whether the capacity at an existing facility is available on a sufficient, continual, and reliable basis for the life of the proposed facility, and whether the use of capacity at an existing facility reduces the ability of the county in which the proposed facility will be located to fund the county's required disposal capacity.

2. If the use of capacity at existing waste-to-energy facilities has been found to be feasible under subparagraph 1., the use of a new or expanded facility may be permitted if the applicant demonstrates that the capacity should not be used because it would more adversely affect the environment than the use of the proposed facility.

(c) The county in which the facility is located will achieve the waste reduction goal set forth in section 403.706(4), Florida Statutes, by the time the new or expanded facility begins operation. For the purposes of this section, the provisions of section 403.706(4)(d), Florida Statutes, for counties with populations of 50,000 or less do not apply.

(d) The local government in which the facility is located must have implemented a mulching, composting, or other waste-reduction program for yard trash.

(e) The local governments served by the facility must have implemented or participated in a separation program designed to remove small-quantity generator and household hazardous waste, mercury-containing devices, and mercuric-oxide batteries from the waste stream before incineration, by the time the facility begins operation.

(f) The local government in which the facility is located must have implemented a program to procure products or materials with recycled content pursuant to section 403.7065, Florida Statutes.

(g) The local government in which the facility is located will have a program for collecting and recycling recovered material from the institutional, commercial, and industrial sectors, by the time the facility begins operation.

(h) The facility must be in compliance with applicable local zoning ordinances and with the approved state and local comprehensive plans required by chapter 163, Florida Statutes.

(i) The facility must be in substantial compliance with its permit, conditions of certification, and any agreements or orders resulting from environmental enforcement actions by state agencies.

(4) As used in this section, the term "waste-to-energy facility" means a facility that uses an enclosed device using controlled combustion to thermally break down solid, liquid, or gaseous combustible solid waste to an ash residue that contains little or no combustible material, and that as a result produces electricity, steam, or other energy for beneficial use off site. The term does not include facilities that primarily burn fuels other than solid waste, even if the facilities also burn solid waste as a fuel supplement. The term also does not include facilities that burn vegetative, agricultural, biomedical, hazardous, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with supplemental fossil fuels.

(5)(a) The Department of Environmental Regulation shall fund a pilot project designed to evaluate the effectiveness of efforts to reduce emissions from waste-to-energy facilities through front-end separation or waste cleaning programs. The pilot project must:

1. Be conducted in a local government jurisdiction or jurisdictions served by a waste-to-energy facility;

2. Include design and implementation of one or more programs for removing toxic materials from the waste stream or treating such wastes before they are incinerated, considering existing recycling, composting, and pollution prevention programs, existing or anticipated pollution control equipment, and existing or anticipated hazardous waste collection programs; and

3. Include methodologies for evaluating the effectiveness of the pilot program, including analyses of air emissions from the waste-to-energy facility before, during, and after the implementation of the pilot program.

(b) The pilot project must be concluded by October 1, 1995. By December 1, 1995, the department shall provide a final report.

(c) The sum of \$100,000 is appropriated to the department from the Solid Waste Management Trust Fund to conduct pilot projects. The department shall seek matching in-kind or cash contributions from local governments and the waste-to-energy industry for the purpose of conducting pilot projects.

Section 45. Section 403.7895, Florida Statutes, is created to read:

403.7895 Requirements for the permitting and certification of commercial hazardous waste incinerators.—

(1) INTENT.—The Legislature finds that the state should determine its need to develop an integrated hazardous waste management program, with sufficient capacity to treat the hazardous waste generated within the

state, or adequately deal with such waste through regional and national solutions. However, it is not in the state's best interest to develop excess capacity, which would be built at great expense and could have significant adverse effects on public health and safety and the environmental quality of the state. The Legislature has previously provided funding to carefully evaluate alternative site locations, and the Environmental Regulation Commission approved a site on state lands for a multipurpose hazardous waste treatment facility in 1986. In recognition of these efforts, the Legislature again expresses its intent for the previous site designated for the multipurpose hazardous waste treatment facility to be the location for meeting most of the state's treatment needs. The state is experiencing a significant mercury-contamination problem, which is posing a serious threat to public health and the environment. The long-term, cumulative effects on public health and the environment have not been sufficiently evaluated for hazardous waste incinerator sites in this state. Technological developments and pollution-prevention efforts are reducing the need for hazardous waste treatment capacity, and there is reported to be excess national commercial hazardous waste incinerator capacity, particularly in the southeastern United States. There could be sufficient capacity in existing state and national boilers and industrial furnaces that burn hazardous waste. Federal hazardous waste policies and regulations have recently changed, and are expected to continue to change, in ways that significantly affect the amounts of waste to be treated in the future. Therefore, it is the intent of the Legislature to establish additional permitting criteria for hazardous waste incinerators, to establish a need-evaluation process for such incinerators, and to thoroughly study the current and projected capacity needed to adequately treat hazardous waste generated in the state. Further, it is the intent of the Legislature that the state consider and pursue the treatment of hazardous waste on a regional basis with other southeastern states.

(2) HAZARDOUS WASTE NEEDS AND CAPACITY STUDY.—

(a) The department shall conduct, as expeditiously as possible, an independent, comprehensive study of the current and future need for hazardous waste incineration in the state. The study must evaluate the projected statewide capacity needs for a 20-year period. The study must be updated at least every 5 years.

(b) The department shall consult with state and nationally recognized experts in the field of hazardous waste management, including representatives from state and federal agencies, industry, local government, environmental groups, universities, and other interested parties.

(c) The study components must include, but are not limited to:

1. A study of existing and projected sources, amounts, and types of hazardous waste in this state for which incineration is an appropriate treatment alternative, taking into account all applicable federal regulations on the disposal, storage and treatment or definition of hazardous waste.

2. A study of existing and projected hazardous waste incinerator capacity in this state and the nation.

3. A study of existing and projected hazardous waste incineration capacity in boilers and industrial furnaces in this state and the nation.

4. A study of existing and projected hazardous waste incineration needs, specifically taking into account the impacts of pollution prevention, recycling, and other waste-reduction strategies.

5. An evaluation of the feasibility of centralizing at least 85 percent of the state's hazardous waste treatment capacity, especially incineration capacity, at the site previously approved by the Environmental Regulation Commission for a multipurpose hazardous waste treatment facility. If centralization at that level is not feasible, the study should recommend the degree to which centralization of treatment capacity could be accomplished at the previously approved site.

6. A study of any other impacts associated with construction of excess hazardous waste incineration capacity in this state.

(d) Upon completion of the study, the department shall present the findings and make recommendations to the board and the Legislature regarding changes in state hazardous waste policies and management strategies.

(3) CERTIFICATION OF NEED.—

(a) A commercial hazardous waste incinerator may not be permitted or certified in this state without a certification of need, issued by the Governor and Cabinet, sitting as the Statewide Multipurpose Hazardous Waste Facility Siting Board.

(b) The board shall determine the need for hazardous waste incinerators, based upon the best available evidence of existing and projected need and available capacity, as presented by the applicant, and as determined by the study required by subsection (2).

(c) A hazardous waste incinerator may not be certified for a capacity that is larger than that determined to be needed by the board.

(d) The board shall not make a determination of need for any hazardous waste incinerator until the study required by subsection (2) is completed.

(e) The board may allow commercial hazardous waste incinerators to be permitted or certified for sites other than the site approved by the Environmental Regulation Commission if it can be demonstrated to the satisfaction of the board by a preponderance of evidence that additional sites and capacity are needed and hazardous waste incineration cannot be reasonably handled at the site approved by the Environmental Regulation Commission.

(4) APPLICABILITY.—Notwithstanding the provisions of ss. 120.60(2), 403.722(10), and 403.78-403.7893, the requirements of this section apply to all applications for a commercial hazardous waste incinerator received by the department for which a permit or certification was not issued before the effective date of this act. As used in this section, the term "commercial hazardous waste incinerator" means a hazardous waste incinerator that accepts waste generated off-site.

(5) ADDITIONAL PERMITTING CONDITIONS.—In addition to the requirements of s. 403.722 and ss. 403.78-403.7893, the following permitting conditions apply to commercial hazardous waste incinerators:

(a) The department shall, in the review of an application for certification or a permit to construct a commercial hazardous waste incinerator, consider cumulative impacts upon human health and the environment which would result from toxic air emissions from stationary air pollution sources that are existing or under construction, or for which a permit, certification or determination of need by the Public Service Commission has been sought, in the area in which the proposed facility is to be built. The department shall require the submission of information concerning cumulative health and environmental impacts in a permit or certification application.

(b) The department shall require, as conditions in any permit or certification for the construction or operation of a commercial hazardous waste incinerator, that:

1. The facility not knowingly accept for treatment by incineration wastes classified by the U.S. Environmental Protection Agency as containing organic mercury. The permit or certification must require the establishment of procedures to ensure that wastes containing organic mercury are not accepted by the proposed facility; and

2. The facility be constructed with maximum achievable control technology (MACT) for control of mercury emissions.

Section 46. Subsection (2) of section 403.7215, Florida Statutes, is amended to read:

403.7215 Tax on gross receipts of commercial hazardous waste facilities.—

(2) A ~~6-percent~~ ~~3-percent~~ tax is hereby levied on the annual gross receipts of a privately owned, permitted, commercial hazardous waste transfer, storage, treatment, or disposal facility, which tax is payable annually on or before July 1 by the owner of the facility to the primary host local government.

Section 47. The sum of \$500,000 is appropriated from the Solid Waste Management Trust Fund to the Department of Environmental Regulation to be used to conduct the study required by section 403.7895(2), Florida Statutes.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 7, line 30, after "report;" insert: providing requirements for review of new waste-to-energy facility capacity by the Department of Environmental Regulation; providing a more stringent permitting and certification process for certain incinerator facilities; requiring the department to fund a pilot project to evaluate the effectiveness of efforts to reduce emissions from waste-to-energy facilities; providing for a report to the Department of Environmental Regulation; providing an appropriation; creating s. 403.7895, F.S.; providing legislative intent relating to hazardous waste management; establishing additional permitting criteria for hazardous waste incinerators; providing for a hazardous waste needs and capacity study; providing an appropriation; providing for a certificate of need; amending s. 403.7215, F.S.; increasing the gross receipts tax on commercial hazardous waste facilities; providing an appropriation;

Senator Dantzer moved the following amendment to **Amendment 6** which was adopted:

Amendment 6A—On page 2, lines 24-31 and on page 3, lines 1-10, strike all of said lines and insert:

(b) The use of capacity at existing waste-to-energy facilities within reasonable transportation distance of the proposed facility must have been evaluated and found not to be economically feasible when compared to the use of the proposed facility for the expected life of the proposed facility. This paragraph does not apply to:

1. Applications to build or expand waste-to-energy facilities received by the department before March 1, 1993, or amendments to such applications that do not increase combustion capacity beyond that requested as of March 1, 1993; or

2. Any modification to waste-to-energy facility construction or operating permits or certifications, or conditions thereto, including certifications under ss. 403.501-403.518, F.S., that do not increase combustion capacity above that amount applied for before March 1, 1993.

Senator Kirkpatrick moved the following amendment to **Amendment 6** which was adopted:

Amendment 6B—On page 10, line 27, after "facility" insert: *constructed subsequent to the effective date of this act*, which tax is payable annually on or before July 1 by the owner of the facility to the primary host local government. *The tax shall continue to be imposed at the rate of 3 percent on all such existing facilities.*

Senator Brown-Waite moved the following amendment to **Amendment 6** which was adopted:

Amendment 6C—On page 4, between lines 8 and 9, insert:

(3) This section does not apply to recycling instructions placed on a product's label or container,

Amendment 6 as amended was adopted.

Reconsideration of Amendment

On motion by Senator Dantzer, the Senate reconsidered the vote by which **Amendment 6** as amended was adopted.

Senator Bankhead moved the following amendment to **Amendment 6** which failed:

Amendment 6D—On page 10, strike all of lines 20-29 and renumber subsequent sections.

Amendment 6 as amended was adopted.

Senator Silver moved the following amendments which were adopted:

Amendment 7—On page 50, line 15 through page 51, line 30, strike all of said lines

Amendment 8—On page 56, strike all of lines 25-30 and renumber subsequent sections.

Amendment 9—On page 50, line 9, strike "(1),"

Senator Forman moved the following amendment which was adopted:

Amendment 10—On page 104, line 20, insert:

(3) *A party liable for a violation of s. 403.727 shall have a right to contribution from other parties identified in s. 403.727(4) as liable for the pollution conditions.*

(Renumber subsequent subsections.)

Senator Kiser moved the following amendments which were adopted:

Amendment 11—On page 19, line 22, insert: *Acute care hospitals, licensed under chapter 395, which utilize a certified on-site treatment process involving grinding and sterilization may dispose of such treated biomedical waste in the normal municipal solid waste stream upon notifying the local governments responsible for solid waste collection and disposal.*

Vote Recorded

Senator Crist requested that he be recorded as voting "nay" on **Amendment 11**.

Amendment 12—On page 19, line 22, after the period (.) insert: *Rules shall also be adopted to implement the provisions of s. 381.0098(3) as amended by this act.*

Vote Recorded

Senator Crist requested that he be recorded as voting "nay" on **Amendment 12**.

On motion by Senator Dantzer, by two-thirds vote **CS for CS for CS for SB 528** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

THE PRESIDENT PRESIDING

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, March 30, 1993: CS for SB 1024, CS for SB 592, SB 662, CS for CS for SB 402, CS for SB 758, SB 1648, CS for SB 1904, CS for CS for SB 156, CS for SB 1672, SB 1654, CS for SB 1084, CS for SB 1090, SB 646, SB 1912, CS for SB 1426, CS for SB 1484, CS for SB 548, CS for SB 1780, CS for CS for SB 1186, SB 1014, SB 2138, SB 848, SB 850, SB 852, SB 854, CS for SB 144, CS for SB 1820, SB 230, CS for CS for SB 344, CS for SB 540, SB 680, CS for SB 1038, CS for SB 1092, CS for SB 1818, SB 2258, CS for SB 2382, SB 740, CS for SB 1030, CS for SB's 1052 and 1324, SB 1142, CS for SB 1216, CS for CS for SB 1244, CS for SB 1260, CS for SB 1336, SB 1330, CS for SB 1438, SB 1514, CS for CS for CS for SB 528, CS for SB 1954, CS for SB 50, SB 74, SB 614, SB 670, CS for SB 790, SB 794, SB 816, SB 820, SB 1204, SB 1214, SB 1238, CS for SB 1442, SB 1424, CS for SB 1554, CS for SB 1658, CS for SB 1764, SB 1760, CS for SB 1710, SB 1872, CS for SB 1982, SB 2084, CS for SB 2082, CS for SB 1988, SB 698, CS for SB 952, SB 978, SB 974, SB 1856, SB 716, 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, CS for SB 1666, CS for SB 1668, CS for SB 1018, CS for SB 1844, CS for SB's 1914, 2006, 1784 and 406

Respectfully submitted,
Toni Jennings, Chairman

The Special Master on Claims recommends the following pass: CS for HB 277, CS for HB 281, CS for HB 477, HB 1001, SB 2406

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

The Committee on Health Care recommends a committee substitute for the following: Senate Bills 1914, 2006, 1784 and 406

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Forman—

SB 2406—A bill to be entitled An act relating to North Broward Hospital District; providing for the relief of Troy Brown, a minor, by and through his mother and next friend, Patricia Ware, to compensate him for a verdict rendered which is in excess of the limits of the waiver of sovereign immunity; providing for payment by North Broward Hospital District; 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.

SB 2414 was introduced out of order and passed March 29.

By Senator Childers—

SB 2416—A bill to be entitled An act to validate all acts and proceedings taken in connection with the election held in Santa Rosa County, Florida, on January 26, 1993, including the publication of the notice of such election; declaring the election legal and valid; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2418 was introduced out of order and adopted this day.

SR 2420 was introduced out of order and adopted this day.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Health Care and Senators Gutman, Jenne, McKay, Forman, Kirkpatrick, Bankhead, Kiser, Siegel, Grant, Foley, Brown-Waite, Casas, Jennings, Diaz-Balart, Dudley, Scott, Crist and Beard—

CS for SB's 1914, 2006, 1784 and 406—A bill to be entitled An act relating to health care; amending s. 20.42, F.S., relating to organization of the Agency for Health Care Administration; modifying the organization and responsibilities of the agency; delaying transfer to the agency of certain responsibilities relating to the regulation of health care professionals; creating the Health Care Advisory Commission within the agency; providing for membership of the commission; providing duties of the commission; renaming the Division of Health Policy and Planning as the Division of Health Policy and Cost Control; providing additional responsibilities relating to state and local health planning, certificate-of-need review, hospital budget review, and the administration of specified contracts; providing duties of the Division Director for State Health Purchasing; redesignating the Agency for Health Care Administration as the Department of Health Care Administration on a specified date; amending s. 20.30, F.S.; reinstating the Division of Medical Quality Assurance within the Department of Professional Regulation; reestablishing the Board of Nursing Home Administrators and the Board of Opticianry within the Division of Professions of the Department of Professional Regulation; reestablishing the Board of Medicine, the Board of Osteopathic Medicine, the Board of Acupuncture, the Board of Chiropractic, the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, the Board of Dentistry, the Board of Nursing, the Board of Optometry, the Board of Pharmacy, the Board of Physical Therapy Practice, the Board of Podiatric Medicine, the Board of Psychological Examiners, the Board of Speech-Language Pathology and Audiology, and the Board of Clinical Laboratory Personnel within the Division of Medical Quality Assurance; providing for future transfer of the Division of Medical Quality Assurance within the Department of Professional Regulation to the Division of Health Quality Assurance within

the Department of Health Care Administration; amending s. 33, ch. 92-33, Laws of Florida; delaying the transfer of powers, duties, and funds of the Division of Medical Quality Assurance of the Department of Professional Regulation to the Department of Health Care Administration; amending s. 110.123, F.S., relating to the state group insurance program; providing legislative intent; providing agency responsibilities; transferring powers, duties, records, property, and unexpended allocations of funds associated with positions in the State Employees Health Insurance Program to the Division of State Health Purchasing of the Agency for Health Care Administration; transferring powers, duties, records, property, and unexpended allocations of funds of the Medicaid program within the Department of Health and Rehabilitative Services to the Division of State Health Purchasing of the Agency for Health Care Administration; amending s. 20.19, F.S.; conforming provisions to such transfer; amending s. 112.0455, F.S.; providing duties of the agency under the Drug-Free Workplace Act; providing for regulation of drug testing laboratories by the agency; amending ss. 154.011, 154.205, 154.245, 154.304, 154.306, 154.308, 154.309, 154.31, 154.3105, 154.312, F.S., relating to certificates of need and the Health Care Responsibility Act of 1988; conforming provisions and references to the transfer of responsibilities from the Department of Health and Rehabilitative Services to the agency; amending ss. 159.27, 186.003, F.S.; conforming cross-references; amending ss. 189.415, 196.1975, 205.1965, F.S., relating to certificate-of-need review and agency licensure of homes for the aged and adult congregate living facilities; amending s. 215.20, F.S.; conforming terminology relating to the name of a trust fund; amending s. 240.4067, F.S., relating to the Medical Education Reimbursement and Loan Repayment Program; providing for penalties for noncompliance; deleting a limitation on the payment period; providing additional categories of eligibility; amending s. 240.4075, F.S.; adding birth centers, community mental health centers, and alcohol and drug abuse programs to the list of eligible employing institutions for the Nursing Student Loan Forgiveness Program; amending s. 381.026, F.S., relating to the Florida Patient's Bill of Rights and Responsibilities; providing a penalty; amending s. 381.0261, F.S., relating to the distribution of summaries of health care information; conforming provisions to changes made by the act; amending s. 381.0302, F.S.; providing additional membership in the Florida Health Services Corps; authorizing the Department of Health and Rehabilitative Services to provide certain financial assistance to students in additional medical programs; providing additional requirements for corps members; authorizing use of certain appropriated funds as federal matching funds; creating s. 381.0406, F.S., relating to rural health networks; providing legislative findings and intent; providing definitions; providing for organization, administration, and nonprofit corporate status; specifying services to be provided; requiring participation of certain trauma agencies; providing for public and private financing; providing for phased-in implementation; specifying responsibilities of the agency and the State Health Office relating to establishment and certification of rural health networks; providing for rules; creating s. 381.0407, F.S.; authorizing special consideration under the certificate-of-need program for certain rural regional hospital systems; authorizing rural regional hospital systems to establish tax districts that cross county boundaries; creating s. 381.0408, F.S.; providing for designation of rural health care innovation zones by the Agency for Health Care Administration; providing special consideration of certificate-of-need applicants located in rural health care innovation zones; authorizing the Department of Health and Rehabilitative Services to seek funding to support health care facilities and providers in rural health care innovation zones; amending s. 381.045, F.S., relating to procedures and services for certain health care professionals infected with hepatitis B or human immunodeficiency virus; amending s. 381.0602, F.S., relating to the Organ Transplant Advisory Council; amending and renumbering s. 381.0605, F.S., relating to a survey of state hospital facilities; amending ss. 381.6021, 381.6022, 381.6023, 381.6024, 381.6025, F.S., relating to organ and tissue procurement; conforming provisions and references to the transfer of responsibilities from the Department of Health and Rehabilitative Services to the agency; amending and renumbering s. 381.695, F.S., relating to certificate-of-need exemption for health care facilities within the Department of Corrections; amending and renumbering s. 381.698, F.S., relating to the Florida Blood Transfusion Act; amending ss. 383.302, 383.305, 383.307, 383.308, 383.309, 383.31, 383.312, 383.313, 383.318, 383.32, 383.324, 383.325, 383.327, 383.33, 383.331, 383.335, F.S., relating to regulation and licensure of birth centers; amending ss. 390.001, 390.002, 390.011, 390.012, 390.014, 390.015, 390.016, 390.017, 390.018, 390.019, 390.021, F.S., relating to termination of pregnancies; conforming provisions and references to the transfer of responsibilities from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; amending s. 395.1055, F.S.; providing for

separate standards for statutory rural hospitals; amending s. 395.403, F.S.; conforming provisions to changes made by the act; creating s. 395.606, F.S., relating to rural health network cooperative agreements; providing legislative intent with respect to antitrust laws; specifying conditions under which health care providers who are members of rural health networks may consolidate services or enter into cooperative agreements; requiring approval and oversight by the agency; providing for administrative and judicial review; amending s. 408.001, F.S.; revising requirements for the bylaws of the board of directors of the Florida Health Care Purchasing Cooperative; providing additional membership requirements for the board of directors; revising the membership of the board; conforming provisions to changes made by the act; amending s. 408.002, F.S., relating to the Florida Health Plan; amending s. 408.003, F.S., relating to appointment of the Health Care Board; providing for ethnic, geographic, and gender composition; providing for removal of members; providing for meetings, notice, and a quorum; providing for per diem and travel expenses; amending s. 408.01, F.S.; providing for a council advising the agency on health insurance and cost containment to include group health care purchasing organizations; amending s. 408.02, F.S.; revising requirements for the agency in establishing practice parameters; amending ss. 408.032, 408.033, 408.034, 408.035, 408.036, 408.037, 408.038, 408.039, 408.040, 408.041, 408.043, 408.044, 408.045, F.S., relating to certificate of need and authority to license health care facilities and health service providers; conforming provisions and references to the transfer of responsibilities from the Department of Health and Rehabilitative Services and the Health Care Board to the agency; providing an additional exemption from certificate-of-need review; providing for preference in certificate-of-need awards to rural health networks under certain conditions; amending s. 408.05, F.S., relating to the State Center for Health Statistics; amending s. 408.061, F.S., relating to health care data collection; providing additional data to be collected from health care facilities by the Agency for Health Care Administration; requiring nursing homes to submit to the agency audited actual experience and statistical profiles of nursing home residents; requiring the agency and the Department of Health and Rehabilitative Services to review the statistical profiles and include findings in the Florida Health Plan; requiring the agency to collect information on certain drugs and medical equipment and supplies; deleting a requirement with respect to the establishment of a health care data base; amending s. 408.062, F.S.; revising requirements of the Health Care Board in evaluating data from nursing home financial reports; amending s. 408.063, F.S.; requiring the agency to collect data on retail prices of certain drugs and medical equipment and supplies; requiring the agency to distribute brochures to pharmacies and retail sellers of medical equipment and supplies; amending s. 408.07, F.S.; redefining the term "banked points" for purposes of agency review of hospital budgets; amending ss. 408.072, 408.08, F.S.; modifying provisions relating to review of hospital budgets; amending s. 408.09, F.S., relating to assistance on cost containment strategies; clarifying provisions; amending s. 408.20, F.S.; conforming terminology relating to the name of a trust fund; creating s. 408.70, F.S.; providing legislative intent regarding the need to reform the state'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 the merger of certain alliances; providing for alliance standards; providing for voluntary membership; providing duties, powers, and responsibilities; providing for membership fees; creating s. 408.703, F.S.; providing community health purchasing alliance membership requirements for small employers; creating s. 408.704, F.S.; providing agency responsibilities with respect to community health purchasing alliances; authorizing the agency to contract with alliances and provide startup funds; requiring an annual review; requiring alliances to submit certain data to the agency; establishing an advisory data committee and specifying membership; requiring a report to the Legislature; requiring the submission of data by health care providers; requiring the agency to adopt and implement recommendations of the advisory data committee; establishing an appeals process for grievances; exempting certain records from public disclosure requirements; providing for future legislative review of this exemption under the Open Government Sunset Review Act; creating s. 408.7045, F.S.; establishing community health purchasing alliance marketing requirements; creating s. 408.705, F.S.; providing for boards of directors for community health purchasing alliances; providing for membership, appointment, and terms; providing for staff; creating s. 408.706, F.S.; establishing standards for accountable health partnerships; providing for designation of accountable health partnerships by the agency; specifying standards and requirements; creating s. 408.90, F.S.; providing legislative findings and intent;

creating s. 408.901, F.S.; providing definitions; creating s. 408.902, F.S.; creating the MedAccess program within the Agency for Health Care Administration; providing for a report; creating s. 408.903, F.S.; providing eligibility requirements; creating s. 408.904, F.S.; providing health care benefits; creating s. 408.905, F.S.; providing limitations and exclusions; creating s. 408.906, F.S.; providing for the payment of claims; creating s. 408.907, F.S.; providing for the collection of premiums; creating s. 408.908, F.S.; providing agency responsibilities for the administration of the MedAccess program; amending s. 409.335, F.S.; conforming provisions to changes made by the act; amending s. 409.701, F.S.; authorizing the Florida Health Access Corporation to provide subsidized or nonsubsidized coverage to small employers; expanding the program statewide; authorizing the corporation to serve businesses with fewer than a specified number of employees; changing the composition of the board of directors of the Florida Health Access Corporation; deleting a requirement that the Department of Insurance provide certain assistance to the corporation; amending s. 409.7015, F.S.; delaying the repeal of the corporation's access to certain data from the Department of Labor and Employment Security; amending ss. 409.901, 409.902, 409.903, 409.904, F.S.; conforming provisions and references to the transfer of responsibilities for the Medicaid program to the agency; amending s. 409.905, F.S.; providing for Medicaid nursing facility services for recipients in rural hospitals; amending ss. 409.906, 409.907, 409.910, F.S.; conforming provisions; amending s. 409.908, F.S.; revising the methodology for reimbursing providers for physician services under Medicaid; amending s. 409.911, F.S.; providing additional requirements for hospitals that receive distributions under the disproportionate share program; amending s. 409.9113, F.S.; providing an additional requirement for teaching hospitals that receive distributions under the disproportionate share program; amending ss. 409.9112, 409.9115, F.S., and s. 2, ch. 92-33, Laws of Florida; conforming provisions; creating s. 409.9116, F.S.; establishing a disproportionate share program for rural hospitals; providing requirements for rural hospitals that receive distributions under the program; amending s. 409.912, F.S.; providing for inclusion of health maintenance organizations and prepaid health plans in the agency's definition of a managed care provider; creating s. 409.9121, F.S.; providing legislative findings and intent; creating s. 409.9122, F.S.; providing for the expansion of the Medi-Pass program; directing the agency to encourage the enrollment of Medicaid recipients in managed care plans; providing for a study of the feasibility of managed care programs for Medicaid recipients with special needs; providing for funds for technical assistance in developing Medicaid prepaid health plans; requiring state agencies to provide access to managed health care providers to market their benefit plans in buildings owned, rented, or leased by the agencies; amending s. 409.913, F.S.; authorizing the agency to conduct certain investigations of Medicaid providers; providing circumstances under which the agency may withhold payments to a provider under the Medicaid program; providing for notice to the provider; providing that certain payments are due to the agency upon demand; amending ss. 409.914, 409.915, 409.916, 409.919, 409.920, 411.222, F.S.; conforming provisions; amending ss. 415.107, 415.51, F.S.; providing duties of the Agency for Health Care Administration with respect to the confidentiality of reports and records in cases of abuse, neglect, or exploitation of aged persons, disabled adults, and children; amending ss. 419.001, 419.002, F.S.; providing duties of the agency with respect to the regulation of community residential homes; amending s. 440.102, F.S., relating to requirements for the drug-free workplace program; conforming provisions to the transfer of certain duties and functions to the agency; amending ss. 455.201, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, F.S.; conforming provisions to changes made by the act; amending s. 43, ch. 92-33, Laws of Florida, relating to license renewal for certain medical professions; delaying the repeal of s. 455.213(6) and (7), F.S.; amending ss. 44 and 46, ch. 92-33, Laws of Florida, delaying the creation of ss. 455.2141, 455.2173, F.S., relating to duties of the Agency for Health Care Administration with respect to licensing; amending ss. 455.2175, 455.218, F.S.; conforming provisions to changes made by the act; revising licensure requirements for certain foreign-trained professionals; amending ss. 49 and 50, ch. 92-33, Laws of Florida, delaying the creation of ss. 455.220, 455.2205, F.S., relating to the Health Care Trust Fund; amending ss. 455.221, 455.223, 455.224, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.241, 455.243, 455.245, 455.26, F.S.; conforming provisions to changes made by the act; amending s. 455.25, F.S.; providing exceptions to the prohibition against an entity's providing items or services to a patient without making a specified written disclosure of certain financial relationships and fees and other matters; amending s. 464.009, F.S.; revising the requirements for applicants for licensure as a professional or practical nurse with respect to licensure by endorsement; amending s. 483.610,

483.613, 483.614, 483.615, 483.616, 483.619, 483.620, 483.621, 483.622, 483.624, F.S., relating to the Cholesterol Screening Center Licensure Act; conforming provisions and references to the transfer of responsibilities from the Department of Health and Rehabilitative Services to the agency; amending s. 624.91, F.S.; increasing the membership of the board of directors of the Florida Healthy Kids Corporation; transferring the Florida Healthy Kids Trust Fund to the Agency for Health Care Administration; amending s. 626.9545, F.S.; requiring insurers to establish a financial incentive program for policy holders to report errors or overcharges; amending s. 627.613, F.S.; increasing the amount an insurer must pay to an insured for reporting improper billings that result in a reduction in the amount paid to a provider; amending ss. 641.21, 641.225, F.S.; conforming cross-references to changes made by the act; amending ss. 641.47, 641.48, 641.49, 641.495, 641.511, 641.512, 641.515, 641.52, 641.54, 641.55, 641.56, 641.57, 641.58, F.S., relating to health maintenance organizations and prepaid health clinics; conforming provisions and references to the transfer of responsibilities from the Department of Health and Rehabilitative Services to the agency; providing an exemption from the health maintenance organization and prepaid health clinic regulatory assessment; amending s. 651.118, F.S.; transferring responsibilities of the Department of Health and Rehabilitative Services with respect to certificates of need for sheltered beds and community beds to the Agency for Health Care Administration; amending s. 743.0645, F.S.; providing for consent for medical care of a minor in a facility licensed by the agency; amending s. 766.1115, F.S.; expanding the definition of the term "health care provider" under the Access to Health Care Act; amending s. 768.28, F.S.; conforming a cross-reference to changes made by the act; amending s. 15, ch. 91-178, Laws of Florida; revising the date that the prohibition against referrals by certain investors in designated health services applies; amending s. 627.410, F.S.; providing for filing certificates for certain groups for information purposes; 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 Department of Insurance specification of geographic regions for rating purposes; 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; amending s. 641.30, F.S.; specifying applicability for certain health maintenance organization contracts; requiring the Agency for Health Care Administration to develop a standardized claims form and an electronic claims format; requiring health care payers, insurers, and providers to use such claims form or claims format by a specified date; requiring the agency to develop an electronic medical information and billing system; providing for a pilot project; providing circumstances under which a participant in a health care program may use an alternate provider for the purpose of providing prescribed medicine services; requiring the agency to form a work group to examine licensing and training issues with respect to rural hospitals and health care professional shortages; providing membership of the work group; requiring the agency to establish an Interagency Work Group on Health Care Fraud and Abuse; providing for membership and duties; requiring a report; requiring the agency to conduct an assessment and a participation study of community health purchasing alliances; requiring the agency, in consultation with the Department of Legal Affairs, to assess the effects of antitrust laws on community health purchasing alliances and accountable health partnerships; requiring the agency to develop and implement a UB-92 based system; requiring the Governor to establish an interagency task force to study the most appropriate structure of governmental agencies for the delivery of health care and children's services; requiring a report; providing appropriations; repealing s. 409.9114, F.S., relating to the extraordinary disproportionate share program; repealing s. 407.60, F.S., relating to the Health Care Cost Containment Board; repealing s. 3, ch. 92-304, F.S., relating to directions for preparing a reviser's bill; repealing s. 455.238, F.S., relating to markup provisions; repealing s. 627.4106, F.S., relating to small group health insurance; providing effective dates.

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 as amended CS for HB 1543 and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

CS for HB 1543—A bill to be entitled An act relating to ad valorem tax administration; amending s. 193.011, F.S.; requiring governmental bodies, agencies, and the Governor to notify property appraisers of limitations, regulations, or moratoriums affecting property; amending s. 193.114, F.S.; requiring that the real property assessment roll include certain codes; amending s. 193.1142, F.S.; authorizing the executive director to issue an administrative order when the assessment roll is disapproved under certain conditions; creating s. 195.0995, F.S.; requiring property appraisers to document certain sales transaction information; providing for review of such information by the department; providing for issuance of a review notice under certain conditions; amending s. 200.065, F.S.; authorizing area-specific information in advertisements for fixing millage; amending s. 193.075, F.S.; providing that mobile homes that are permanently affixed to the land shall not be taxed as real property if they are held for display by a licensed mobile home dealer or manufacturer; providing conditions; amending s. 195.096, F.S.; revising requirements for the review of assessment rolls by the Division of Ad Valorem Tax; revising requirements for the conduct of assessment ratio studies; revising requirements for publication of the results of such review; amending s. 195.022, F.S.; revising requirements relating to use of forms by county officers other than forms prescribed by the Department of Revenue; amending ss. 196.012 and 196.031, F.S.; requiring that title to homestead property be recorded in the official county records; amending s. 196.151, F.S.; removing a requirement that the property appraiser file a notice of disapproval of an application for homestead exemption with the value adjustment board, and providing for appeal to the board by the applicant; revising the definition of "cooperative apartment corporation"; amending s. 197.254, F.S.; revising the form of the notice to taxpayers of the right to defer payment of taxes and non-ad valorem assessments; amending s. 197.343, F.S.; revising requirements relating to mailing of the notice of delinquent taxes on subsurface rights; amending s. 197.502, F.S.; authorizing a tax deed application fee for the tax collector; amending s. 200.065, F.S.; permitting newspaper advertisements for fixing millage in geographically limited inserts; requiring such inserts be published at least twice each week; amending s. 193.074, F.S.; providing for the confidentiality of tax returns under certain circumstances; amending s. 200.069, F.S.; permitting the notice of proposed property taxes to be printed only on one side in certain circumstances; providing an effective date.

—was referred to the Committee on Appropriations.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Ander Crenshaw, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 44 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 44—A bill to be entitled An act relating to the Nongame Wildlife Advisory Council; reviving and readopting s. 372.992, F.S.; notwithstanding its repeal under the Sundown Act; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 1, line 9, strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 372.992, Florida Statutes, is amended to read:

372.992 Nongame Wildlife Advisory Council.—

(1) There is created the Nongame Wildlife Advisory Council, which shall consist of the following ~~eleven~~ ^{nine} members appointed by the Governor: one representative each from the Game and Fresh Water Fish Commission, the Department of Natural Resources, and the United States Fish and Wildlife Services; the director of the Florida Museum of Natural History or his designee; one representative from a professional wildlife organization; one representative from a private wildlife institution; one representative from a Florida university or college who has expertise in nongame biology; *one representative of business interests from a private consulting firm who has expertise in nongame biology; one representative of a statewide organization of landowner interests;* and two members from conservation organizations. As soon as practicable after July 1, 1983, four members shall be appointed for terms ending August 1, 1985; and, thereafter, all appointments shall be for 4-year terms. Members shall be eligible for reappointment.

Section 2. Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with s. 11.611, Florida Statutes, section 372.992, Florida Statutes, shall not stand repealed on October 1, 1993, and shall continue in full force and effect.

Section 3. This act shall take effect October 1, 1993.

And the title is amended as follows:

On page 1, line 3, after the semicolon insert: amending s. 372.992, F.S.; increasing membership on the Nongame Wildlife Advisory Council;

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

SB 44 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—None

The Honorable Ander Crenshaw, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 210 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 210—A bill to be entitled An act relating to the City of Sebastian, Indian River County; authorizing the acquisition of an alcoholic beverage license by the city to be used in connection with the city's municipal recreational complex, including the city's golf course, and improvements connected with the use of the same; providing for terms and privileges of renewal; providing that such license may be transferred to a lessee or permittee who is a qualified applicant therefor, for the operation of a business by said lessee or permittee under such license in or at any clubhouse, restaurant, and cocktail lounge, and similar premises at said complex; providing that said license shall remain the exclusive property of the city, and upon termination of the contract with any such lessee or permittee said license shall revert to the city by operation of law; providing that said license shall not be subject to any quota or limitation but shall be an exception to such restrictions; providing for severability; providing an effective date.

House Amendment 1—On page 3, line 5, after "ss." insert: 561.15,

House Amendment 2 (with Title Amendment)—On page 2, line 8, after the period (.) insert: However, no special license issued pursuant to this act shall permit the city or its lessee or permittee to sell alcoholic beverages by the package for off-premises consumption.

And the title is amended as follows:

On page 1, line 9, following the semicolon (;) insert: prohibiting the package sale of alcoholic beverages;

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

SB 210 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

The Honorable Ander Crenshaw, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 216 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 216—A bill to be entitled An act relating to frozen deserts; amending s. 503.011, F.S.; revising definitions; amending s. 503.031, F.S.; providing powers of the Department of Agriculture and Consumer Services with respect to the regulation of the manufacture of frozen deserts; amending s. 503.041, F.S.; providing license requirements for frozen dessert manufacturing plants; providing reporting requirements; creating s. 503.0415, F.S.; providing for deposit of license fees and fines into the General Inspection Trust Fund; amending s. 503.071, F.S.; providing penalties; repealing s. 6, ch. 83-12, Laws of Florida; abrogating the repeal of ch. 503, F.S., under the Regulatory Sunset Act; providing an effective date.

House Amendment 1—On page 6, between lines 22-23, insert a new section 7:

Section 7. Effective July 1, 1994, sections 503.051 and 503.081, Florida Statutes, sections 503.021 and 503.091, Florida Statutes, as amended by chapter 91-190, Laws of Florida, section 503.011, 503.031, 503.041, and 503.071, Florida Statutes, as amended by chapter 91-190, Laws of Florida, and this act, and section 503.0415, Florida Statutes, as created by this act, are hereby repealed.

(Renumber subsequent sections.)

House Amendment 2—

In title, on page 1, line 17, after the semicolon (;) insert: repealing ch. 503, F.S.; relating to frozen desserts;

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

CS for SB 216 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Honorable Ander Crenshaw, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 218 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 218—A bill to be entitled An act relating to milk and milk products; amending s. 502.171, F.S.; requiring the Department of Agriculture and Consumer Services to charge a fee for a milk-fat tester's permit; providing for deposit of proceeds of the fee into the General Inspection Trust Fund; amending s. 502.231, F.S.; revising penalty provisions with respect to compliance with department rules; repealing s. 2, ch. 83-11, Laws of Florida; abrogating the repeal of s. 502.032, F.S., under the Regulatory Sunset Act; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 3, between lines 23-24, insert a new section 5:

Section 5. Effective July 1, 1994, sections 502.012, 502.021, 502.032, 502.042, 502.055, 502.121, 502.181, 502.201, 502.211, and 502.232, Florida Statutes, sections 502.091 and 502.165, Florida Statutes, as amended by chapter 92-180, Laws of Florida, section 502.222, Florida Statutes, as amended by chapter 92-4, Laws of Florida, section 502.171, Florida Statutes, as amended by this act, section 502.231, Florida Statutes, as amended by chapter 92-180, Laws of Florida, and this act, and section 502.191, Florida Statutes, as amended by chapters 91-64 and 92-180, Laws of Florida, are hereby repealed.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: repealing chapter 502, F.S., relating to milk and milk products;

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

CS for SB 218 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable Ander Crenshaw, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 228 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 228—A bill to be entitled An act relating to reduction of salary or wages; amending s. 61.1301, F.S.; increasing deduction for reimbursement for administrative costs of income deduction orders; amending s. 77.0305, F.S.; increasing reimbursement for administrative costs of writs of garnishment; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 4, line 21, insert:

Section 3. Paragraph (b) of subsection (12) of section 775.089, Florida Statutes, 1992 Supplement, is amended to read:

775.089 Restitution.—

(12)

(b) Enforcement of income deduction orders.—

1. The clerk of court or probation officer shall serve an income deduction order and the notice to payor on the defendant's payor unless the defendant has applied for a hearing to contest the enforcement of the income deduction order.

2.a. Service by or upon any person who is a party to a proceeding under this subsection shall be made in the manner prescribed in the Florida Rules of Civil Procedure for service upon parties.

b. Service upon the defendant's payor or successor payor under this subsection shall be made by prepaid certified mail, return receipt requested, or in the manner prescribed in chapter 48.

3. The defendant, within 15 days after having an income deduction order entered against him, may apply for a hearing to contest the enforcement of the income deduction order on the ground of mistake of fact regarding the amount of restitution owed. The timely request for a hearing shall stay the service of an income deduction order on all payors of the defendant until a hearing is held and a determination is made as to whether the enforcement of the income deduction order is proper.

4. The notice to payor shall contain only information necessary for the payor to comply with the income deduction order. The notice shall:

a. Require the payor to deduct from the defendant's income the amount specified in the income deduction order and to pay that amount to the clerk of court.

b. Instruct the payor to implement the income deduction order no later than the first payment date which occurs more than 14 days after the date the income deduction order was served on the payor.

c. Instruct the payor to forward within 2 days after each payment date to the clerk of court the amount deducted from the defendant's income and a statement as to whether the amount totally or partially satisfies the periodic amount specified in the income deduction order.

d. Specify that, if a payor fails to deduct the proper amount from the defendant's income, the payor is liable for the amount the payor should have deducted plus costs, interest, and reasonable attorney's fees.

e. Provide that the payor may collect up to \$5 against the defendant's income to reimburse the payor for administrative costs for the first income deduction and up to \$2 \$1 for each deduction thereafter.

f. State that the income deduction order and the notice to payor are binding on the payor until further notice by the court or until the payor no longer provides income to the defendant.

g. Instruct the payor that, when he no longer provides income to the defendant, he shall notify the clerk of court and shall also provide the defendant's last known address and the name and address of the defendant's new payor, if known, and that, if the payor violates this provision, the payor is subject to a civil penalty not to exceed \$250 for the first violation or \$500 for any subsequent violation.

h. State that the payor shall not discharge, refuse to employ, or take disciplinary action against the defendant because of an income deduction order and shall state that a violation of this provision subjects the payor to a civil penalty not to exceed \$250 for the first violation or \$500 for any subsequent violation.

i. Inform the payor that, when he receives income deduction orders requiring that the income of two or more defendants be deducted and sent to the same clerk of court, he may combine the amounts that are to be paid to the depository in a single payment as long as he identifies that portion of the payment attributable to each defendant.

j. Inform the payor that if the payor receives more than one income deduction order against the same defendant, he shall contact the court for further instructions.

5. The clerk of court shall enforce income deduction orders against the defendant's successor payor who is located in this state in the same manner prescribed in this subsection for the enforcement of an income deduction order against a payor.

6. A person may not discharge, refuse to employ, or take disciplinary action against an employee because of the enforcement of an income deduction order. An employer who violates this provision is subject to a civil penalty not to exceed \$250 for the first violation or \$500 for any subsequent violation.

7. When a payor no longer provides income to a defendant, he shall notify the clerk of court and shall provide the defendant's last known address and the name and address of the defendant's new payor, if known. A payor who violates this provision is subject to a civil penalty not to exceed \$250 for the first violation or \$500 for a subsequent violation.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 8, strike all of said line and insert: amending s. 775.089, F.S.; increasing deduction for reimbursement for administrative costs of income deduction orders with orders for restitution; providing an effective date.

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

SB 228 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

The Honorable Ander Crenshaw, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 352 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 352—A bill to be entitled An act relating to the constitutional gas tax; amending s. 206.47, F.S.; amending the allowable uses of surplus gas tax funds distributed to the counties pursuant to the State Constitution; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 2, line 1, insert:

Section 2. Effective October 1, 1993, section 206.61, Florida Statutes, is amended to read:—

206.61 Municipal taxes, limited.—No municipality or other political subdivision shall levy or collect any gas tax or other tax measured or computed by the sale, purchase, storage, distribution, use, consumption, or other disposition of motor fuel ~~except such municipalities as are now levying such a tax under authorization of special laws~~. However, nothing herein shall prevent the levying by municipalities or other political subdivisions of reasonable flat license fees or taxes upon the business of selling gasoline at wholesale or retail.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending s. 206.61; deleting an exemption for certain municipalities from a limitation on levying municipal gas taxes;

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

SB 352 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—2

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 104, CS for SB 168, SB 580, SB 658, SB 980, CS for SB 1572 and CS for SB 1730.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ROLL CALLS ON SENATE BILLS

SB 44

Yeas—36

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

Nays—None

SB 210

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 SB 216

Yeas—37

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

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

Nays—None

CS for SB 218

Yeas—38

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	
Diaz-Balart	Jenne	Scott	

Nays—None

SB 228

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

SB 230

Yeas—37

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	Myers	
Diaz-Balart	Jenne	Siegel	

Nays—None

SB 352

Yeas—37

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

Nays—2

Childers Harden

SB 680

Yeas—37

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	Myers	
Diaz-Balart	Jenne	Siegel	

Nays—None

SB 848

Yeas—37

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	Myers	
Diaz-Balart	Jenne	Siegel	

Nays—None

SB 850

Yeas—36

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

Nays—None

SB 852

Yeas—36

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

Nays—None

SB 854

Yeas—36

Bankhead	Brown-Waite	Childers	Diaz-Balart
Beard	Burt	Crist	Dudley
Boczar	Casas	Dantzler	Dyer

CS for CS for CS for SB 528

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 SB 540

Yeas—36

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

Nays—None

CS for SB 592

Yeas—36

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

Nays—None

SB 662

Yeas—37

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	Myers	
Diaz-Balart	Jenne	Siegel	

Nays—None

Foley	Holzendorf	Kurth	Sullivan
Forman	Jenne	McKay	Thomas
Grant	Johnson	Meadows	Turner
Gutman	Jones	Myers	Weinstein
Harden	Kirkpatrick	Siegel	Wexler
Hargrett	Kiser	Silver	Williams

Vote after roll call:

Yea—Gutman

Nays—None

CS for SB 1090

Yeas—37

CS for SB 1024

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

Nays—None

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

Nays—None

Vote after roll call:

Yea—Burt, Gutman

CS for SB 1092

Yeas—36

CS for SB 1030

Mr. President	Foley	Jones	Silver
Boczar	Forman	Kirkpatrick	Sullivan
Casas	Hargrett	Kiser	Thomas
Dantzler	Holzendorf	Meadows	Weinstein
Diaz-Balart	Jennings	Myers	Wexler
Dyer	Johnson	Scott	Williams

Nays—13

Bankhead	Childers	Gutman	Siegel
Beard	Crist	Harden	
Brown-Waite	Dudley	Kurth	
Burt	Grant	McKay	

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

Nays—None

SB 1142

Yeas—29

CS for SB 1038

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

Nays—None

Beard	Foley	Kirkpatrick	Sullivan
Boczar	Grant	Kiser	Thomas
Brown-Waite	Harden	Kurth	Weinstein
Casas	Hargrett	McKay	Wexler
Childers	Holzendorf	Meadows	Williams
Crist	Jennings	Myers	
Dantzler	Johnson	Siegel	
Dyer	Jones	Silver	

Nays—4

Diaz-Balart	Dudley	Forman	Turner
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CS for CS for SB 1244

Yeas—37

CS for SB 1084

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

Nays—None

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	Myers	
Dantzler	Holzendorf	Scott	
Diaz-Balart	Jenne	Siegel	

Nays—None

SB 1330

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	Meadows	Williams
Crist	Hargrett	Myers	
Dantzler	Holzendorf	Scott	

Nays—None

CS for SB 1336

Yeas—33

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

Nays—None

CS for SB 1438

Yeas—37

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	Meadows	Williams
Crist	Hargrett	Myers	
Dantzler	Holzendorf	Scott	
Diaz-Balart	Jenne	Siegel	

Nays—None

SB 1514

Yeas—35

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

Nays—None

SB 1648

Yeas—18

Beard	Gutman	Kirkpatrick	Weinstein
Casas	Hargrett	Meadows	Wexler
Dyer	Holzendorf	Silver	Williams
Forman	Johnson	Thomas	
Grant	Jones	Turner	

Nays—18

Mr. President	Childers	Foley	McKay
Bankhead	Crist	Harden	Myers
Boczar	Dantzler	Jennings	Sullivan
Brown-Waite	Diaz-Balart	Kiser	
Burt	Dudley	Kurth	

SB 1648—After Reconsideration

Yeas—19

Beard	Gutman	Kirkpatrick	Turner
Casas	Hargrett	Meadows	Weinstein
Dyer	Holzendorf	Siegel	Wexler
Forman	Johnson	Silver	Williams
Grant	Jones	Thomas	

Nays—17

Mr. President	Crist	Harden	Myers
Bankhead	Dantzler	Jennings	Sullivan
Boczar	Diaz-Balart	Kiser	
Brown-Waite	Dudley	Kurth	
Childers	Foley	McKay	

SB 1654

Yeas—37

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	Myers	
Diaz-Balart	Jenne	Siegel	

Nays—None

CS for SB 1780

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	Meadows	Williams
Childers	Harden	Myers	
Crist	Hargrett	Scott	
Dantzler	Holzendorf	Siegel	

Nays—None

CS for SB 1818

Yeas—29

Beard	Dyer	Jones	Silver
Boczar	Foley	Kiser	Sullivan
Brown-Waite	Forman	Kurth	Turner
Casas	Grant	McKay	Weinstein
Crist	Hargrett	Meadows	Wexler
Dantzler	Jenne	Myers	
Diaz-Balart	Jennings	Scott	
Dudley	Johnson	Siegel	

Nays—9

Bankhead	Gutman	Kirkpatrick	
Burt	Harden	Thomas	
Childers	Holzendorf	Williams	

CS for SB 1824—Motion

Yeas—17

Childers	Holzendorf	Meadows	Weinstein
Dantzler	Jenne	Siegel	Wexler
Dyer	Johnson	Silver	
Forman	Jones	Thomas	
Hargrett	Kurth	Turner	

Nays—21

Mr. President	Crist	Harden	Scott
Bankhead	Diaz-Balart	Jennings	Sullivan
Beard	Dudley	Kirkpatrick	Williams
Brown-Waite	Foley	Kiser	
Burt	Grant	McKay	
Casas	Gutman	Myers	

Vote after roll call:

Yea—Boczar

CS for SB 1904

Yeas—35

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	Harden	Kurth	Wexler
Childers	Hargrett	McKay	Williams
Dantzler	Holzendorf	Meadows	

Nays—2

Crist Myers

Vote after roll call:

Yea—Gutman

SB 1912

Yeas—38

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	
Diaz-Balart	Jenne	Scott	

Nays—None

SB 2258

Yeas—37

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	Myers	
Dantzler	Holzendorf	Scott	
Diaz-Balart	Jenne	Siegel	

Nays—None

CS for SB 2382

Yeas—36

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

Nays—None

SR 2420

Yeas—38

Mr. President	Diaz-Balart	Jenne	Scott
Bankhead	Dudley	Jennings	Siegel
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	Myers	

Nays—None

All Senators voting were recorded as co-sponsors of SR 2420.

ROLL CALLS ON HOUSE BILLS

CS for HB 407

Yeas—37

Bankhead	Dudley	Johnson	Silver
Beard	Dyer	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	
Diaz-Balart	Jennings	Siegel	

Nays—None

CS for HB 453

Yeas—36

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

Nays—None

CS for HB 469

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Gutman

CS for HB 569

Yeas—35

Bankhead	Dudley	Jenne	Siegel
Beard	Dyer	Jennings	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
Diaz-Balart	Holzendorf	Myers	

Nays—None

CS for HB 707

Yeas—38

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
Dantzer	Holzendorf	Myers	
Diaz-Balart	Jenne	Scott	

Nays—None

CS for HB 831

Yeas—36

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

Nays—None

CS for HB 843

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Gutman

CS for HB 885

Yeas—37

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

Nays—None

HB 1047

Yeas—36

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

Nays—None

HB 1047—After Reconsideration

Yeas—37

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	
Dantzer	Holzendorf	Myers	
Diaz-Balart	Jenne	Siegel	

Nays—None

CS for HB 1499

Yeas—36

Bankhead	Boczar	Casas	Crist
Beard	Burt	Childers	Dantzer

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

Nays—None

CS for HB 1543

Yeas—36

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

Nays—None

CS for HB 1689

Yeas—37

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

Nays—None

CS for HB 1703

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Burt, Gutman

HB 1927

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	
Dantzer	Holzendorf	Siegel	

Nays—None

HB 2115

Yeas—34

Bankhead	Dyer	Johnson	Silver
Beard	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Thomas
Casas	Grant	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzer	Hargrett	Meadows	Williams
Diaz-Balart	Jenne	Myers	
Dudley	Jennings	Siegel	

Nays—None

VOTES RECORDED AFTER ROLL CALL

On motion by Senator Burt, by unanimous consent of the Senate, he was recorded as voting "yea" on **CS for SB 1024** and **CS for HB 1703**.

On motion by Senator Gutman, by unanimous consent of the Senate, he was recorded as voting "yea" on **CS for SB 1084**, **CS for HB 469**, **CS for HB 843**, **CS for SB 1904**, **CS for HB 1703** and **CS for SB 1024**.

On motion by Senator Boczar, by unanimous consent of the Senate, he was recorded as voting "yea" on the motion on **CS for SB 1824**.

On motion by Senator Harden, by unanimous consent of the Senate, he was recorded as voting "nay" in the original roll call on **SB 352**.

On motion by Senator Childers, by unanimous consent of the Senate, he was recorded as voting "nay" in the original roll call on **CS for SB 1030**.

ENROLLING REPORTS

CS for SB's 582 and 584 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 30, 1993.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 29 was corrected and approved.

RECESS

On motion by Senator Jennings, the Senate recessed at 6:23 p.m. to reconvene at 9:00 a.m., Wednesday, March 31.