



Journal of the Senate

Number 5—Special Session C

Friday, November 5, 1993

CALL TO ORDER

The Senate was called to order by the President at 10:28 a.m. A quorum present—33:

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

Excused: Senators Gutman and Kurth at 6:00 p.m.; Senator Jennings at 6:21 p.m.; periodically, Senators Bankhead, Beard, Childers, Dantzler, Grant, Holzendorf, Jenne, Jennings, Kirkpatrick, Kiser, Kurth, McKay, Meadows, Myers, Scott, Siegel, Silver and Wexler; conferees on CS for SB 12-C; CS for HB's 33-C and 43-C; CS for HB 31-C and CS for CS for HB 91-C.

PRAYER

The following prayer was offered by Dr. Robert M. McMillan, Pastor Emeritus, First Baptist Church, Tallahassee:

We pause, our God, at the beginning of our deliberations to openly admit our need of wisdom greater than our own vision and perspectives that reach beyond the moment and courage with conviction concerning the needs of the people of our beloved State of Florida.

We acknowledge, our God, that you have ordained government and these Senators sent here by the people have for that reason had an awesome task placed upon them. We are thankful as citizens that they have accepted this responsibility on our behalf. Grant them, then, the needed patience with each other in the exchange of ideas that their interaction will result in the best ultimate decisions for all of us.

Be pleased to bless them and their families in their personal lives as they share their separate skills with all of us. Amen.

PLEDGE

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

CONSIDERATION OF RESOLUTIONS

MOTION TO INTRODUCE RESOLUTION

On motion by Senator Hargrett, by the required constitutional two-thirds vote of the Senate the following resolution was admitted for introduction:

On motion by Senator Hargrett, by unanimous consent—

By Senators Hargrett and McKay—

SR 50-C—A resolution commending Sheriff Charles B. Wells and Commander Lee Vallier on the success of the Manatee County Sheriff's Office Boot Camp.

WHEREAS, in 1989, because the jails were full and because the programs to deal with repeat offenders were not effective, Sheriff Charles B. Wells, began to look for a new approach to solving Manatee County's problem of repeat offenders who were traveling through the revolving door of justice time after time, and

WHEREAS, after examining the State of Florida Adult Boot Camp at Sumpter, Florida, Sheriff Wells was duly impressed with the program and its success under the direction of Lee Vallier, and

WHEREAS, Sheriff Wells believed that a similar program could be effective in dealing with repeat offenders in Manatee County, and therefore offered Lee Vallier an opportunity to open a new boot program at the county level, and

WHEREAS, at the suggestion of Circuit Judge Durand Adams, it was decided that the program would concentrate on juvenile repeat offenders who had committed serious crimes and who had not responded to other juvenile programs, and

WHEREAS, Sheriff Wells and Lee Vallier in coordination with the Department of Health and Rehabilitative Services designed a program that is centered around a paramilitary environment and that instills in its recruits a sense of discipline and self-control, and

WHEREAS, the goal of the Manatee County Sheriff's Office Boot Camp is to alter the criminal values of its recruits by providing them the opportunity to learn by attending classes in the disciplined setting of a boot camp, and

WHEREAS, the program is unique because it includes three phases, the first phase being a 4-month stay at the Manatee County Boot Camp; the second phase requiring participation in an 8-month Associated Marine Institute program which requires attendance in school 7 days a week; and the third phase including assistance in obtaining military, vocational, or educational goals, and

WHEREAS, the Manatee County Sheriff's Office Boot Camp program has enjoyed extraordinary successes in retraining and reshaping the lives of its recruits, and

WHEREAS, the Manatee County Sheriff's Office Boot Camp program under the direction of Sheriff Charles Wells and Commander Lee Vallier has brought notoriety to Manatee County, NOW, THEREFORE,

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

That Sheriff Charles B. Wells and Commander Lee Vallier are commended for their creation and direction of the successful Manatee County Sheriff's Office Boot Camp,

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Sheriff Charles B. Wells and Commander Lee Vallier as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Hargrett, by two-thirds vote **SR 50-C** was read the second time in full and adopted.

MOTIONS

On motions by Senator Kirkpatrick, by two-thirds vote **Senate Bills 44-C, 36-C, 20-C, 26-C, 34-C** and **42-C** were established as the Special Order Calendar for this day.

On motion by Senator Kirkpatrick, the provisions of Rule 7.1 relating to two-hour notice of amendments to be considered by the Senate were waived for the session this day.

SPECIAL ORDER

On motion by Senator Beard, by two-thirds vote **HB 113-C** was withdrawn from the Committee on Corrections, Probation and Parole.

On motion by Senator Beard—

HB 113-C—A bill to be entitled An act relating to technical clarifications and statutory conformance to correctional issues contained in the "Safe Streets Initiative of 1994"; amending s. 921.001, F.S.; deleting a sentencing selection provision; adding conditional medical release and emergency control release to the listing of authorized release from incarceration for persons convicted of crimes committed on or after January 1, 1994; amending s. 921.0011, F.S.; clarifying that control release includes emergency control release; amending s. 921.188, F.S.; authorizing local detention facilities for certain offenders; amending s. 947.1405, F.S.; providing the conditional release program for inmates convicted of crimes committed on or after January 1, 1994; providing an effective date.

—a companion measure, was substituted for **SB 44-C** and read the second time by title. On motion by Senator Beard, by two-thirds vote **HB 113-C** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31 Nays—None

SB 36-C—A bill to be entitled An act relating to the State University System; creating the State University System Teaching and Departmental Incentive Program; providing legislative intent; providing procedures; providing for approval by the Board of Regents; providing for a report to the Legislature; providing for certain funds appropriated by chapter 93-184, Laws of Florida, to be used to fund the program; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendments which were moved by Senator Kirkpatrick and adopted:

Amendment 1—On page 2, lines 10 and 11, strike "of professor, associate professor, assistant professor, or instructor." and insert: of: professor, associate professor, assistant professor, instructor, or equivalent rank.

Amendment 2—On page 2, strike all of lines 21-23, and insert: for measuring instructional quality in selecting award recipients, which process includes faculty, students, and other appropriate evidence of quality;

Amendment 3 (with Title Amendment)—On page 3, line 13, following the period (.) insert: If the Supreme Court determines that the proviso referred to in this section is invalid, the sum of \$5,000,000 allocated by that proviso is appropriated to the Division of Universities of the Department of Education for the purpose of implementing this act.

And the title is amended as follows:

In title, on page 1, line 10, following the semicolon (;) insert: providing an appropriation;

On motion by Senator Kirkpatrick, by two-thirds vote **SB 36-C** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30 Nays—None

SB 20-C—A bill to be entitled An act relating to community health purchasing alliances; amending s. 408.705, F.S.; providing that the meetings and records of the board of directors of such an alliance are public unless otherwise specifically exempted by law; prohibiting specified ex parte communications respecting these alliances; requiring the Agency for Health Care Administration to study and report concerning the need for public record and public meeting exemptions for these alliances; providing an effective date.

—was read the second time by title.

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

Amendment 1 (with Title Amendment)—On page 1, line 16, through page 2, line 4, strike all of said lines and insert:

Section 1. Section 408.7021, Florida Statutes, is created to read:

408.7021 Alliances; compliance with public records and meetings requirements.

(1) A community health purchasing alliance is an "agency" for the purpose of the applicability of chapter 119, and all records of an alliance shall be public records in the same manner as if such records were made or received by the Agency for Health Care Administration.

(2) The board of directors of a community health purchasing alliance is governed by the provisions of section 286.011.

(3) Notwithstanding any other provision of law, nothing in this section shall be construed to make an alliance an agency for any other purpose than is specified by this section.

And the title is amended as follows:

In title, on page 1, strike all of lines 3-8, and insert: alliances; creating s. 408.7021, F.S.; providing that a community health purchasing alliance is an agency for the purpose of the applicability of ch. 119, F.S., and is governed by the provisions of s. 286.011, F.S.; requiring the

On motion by Senator Crenshaw, by two-thirds vote **SB 20-C** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31 Nays—None

Consideration of **Senate Bills 26-C** and **34-C** was deferred.

SENATOR GRANT PRESIDING

SB 42-C—A bill to be entitled An act relating to regulation of professions; amending s. 215.37, F.S.; requiring the Department of Business and Professional Regulation to request that professional boards within the department submit their proposed budgets prior to development of the department's legislative budget request; creating s. 455.2142, F.S.; revising continuing education requirements for certain health care practitioners; creating s. 455.2181, F.S.; providing for certain foreign-trained pharmacists to apply for licensure as a pharmacist; amending s. 455.2226, F.S.; requiring persons licensed or certified under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, to complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification; amending s. 458.311, F.S.; revising licensure requirements for medical physicians to allow certain applicants to complete a fellowship to partially satisfy medical physician licensure requirements; revising a restriction on the number of times an applicant for licensure to practice medicine may fail the examination to include remediation after a certain number; providing for certain foreign-trained physicians to pursue licensure notwithstanding the repeal of certain provisions; creating s. 458.326, F.S.; authorizing physicians to administer or prescribe controlled substances for the treatment of intractable pain and providing requirements thereof; prohibiting hospitals and other health care facilities from forbidding or restricting such treatment by physicians having staff privileges with such hospital or health care facility; prohibiting disciplinary action by the Board of Medicine for such treatment; prohibiting such treatment for chemically dependent and other substance-abusing persons; providing for revocation or suspension of license under certain circumstances; creating ss. 458.3312, 459.0152, F.S.; prohibiting physicians and osteopathic physicians from falsely representing that they are board-certified specialists; providing for the adoption of rules; amending ss. 458.331, 459.015, F.S.; providing additional grounds for disciplinary action; amending s. 458.347, F.S.; providing requirements for certification as a physician assistant under ch. 459, F.S.; deleting provisions relating to reactivation of an inactive certificate as a physician assistant and to automatic expiration of the certificate; amending s. 459.022, F.S., relating to physician assistants; providing requirements for certification under ch. 458, F.S.; amending s. 766.1115, F.S., to conform; creating s. 460.4061, F.S.; providing for a restricted license as a chiropractic physician; amending s. 460.408, F.S.; revising provisions relating to approval of continuing education courses for chiropractors; creating s. 461.011, F.S.; prohibiting

sexual misconduct in the practice of podiatric medicine, for which there are disciplinary actions; amending s. 461.013, F.S.; providing a ground for disciplinary action relating to notifying the Board of Podiatric Medicine of commencement or cessation of the practice of the profession of podiatric medicine under certain circumstances; revising penalties, including increasing the administrative fine; reenacting ss. 320.0848(7), 455.236(4)(g), 461.006(2)(c), 766.111(2), F.S., relating to disabled person parking permits, financial arrangements between referring health care providers and providers of health care services, applicants for licensure to practice podiatric medicine, and unnecessary diagnostic testing, to incorporate the amendments to ss. 461.013, 466.028, F.S., in references thereto; creating s. 461.018, F.S.; providing for limited scope of practice of podiatric medicine within a specified area of need; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.0196, F.S.; providing for the operation of certain non-profit pharmacies; amending s. 831.30, F.S., relating to the offense of fraudulently obtaining medicinal drugs; revising a cross-reference; amending s. 466.006, F.S.; adding a qualification for taking the examination for licensure as a dentist; amending s. 466.007, F.S.; revising requirements for taking the examination for licensure as a dental hygienist; amending s. 466.028, F.S.; providing an additional ground for disciplinary action by the Board of Dentistry; increasing the administrative fine; reenacting s. 466.011, F.S., relating to licensure, to incorporate the amendments to ss. 466.066, 466.007, 466.028, F.S., in references thereto; creating s. 466.0282, F.S.; providing requirements for a dentist in holding himself out as a specialist; amending s. 467.009, F.S.; revising requirements for midwifery educational programs; amending s. 468.1115, F.S.; revising and providing exemptions from regulation as a speech-language pathologist or audiologist; amending s. 468.1145, F.S.; eliminating examination and reexamination fees and increasing certain licensure and certification fees; amending s. 468.1155, F.S.; revising provisional licensure requirements, including increasing the hours of supervised clinical practice required; providing requirements relating to dual licensure in speech-language pathology and audiology; reenacting ss. 468.1185(2)(a), 468.1215(4), F.S., relating to licensure requirements and students, interns, and trainees, to incorporate the amendment to s. 468.1155, F.S., in references thereto; amending s. 468.1295, F.S.; providing penalties for practicing speech-language pathology or audiology with a delinquent license or failing to notify the board of a change in mailing address; amending s. 468.511, F.S.; revising procedures for temporary permits for certain dietitian/nutritionist applicants; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; amending s. 478.46, 478.47, F.S., relating to temporary permits and licensure by endorsement; correcting cross-references; amending s. 483.813, F.S.; revising requirements for temporary licensure of clinical laboratory personnel; amending s. 483.041, F.S.; including licensed optometrists within the definition of licensed practitioners for purposes of laws regulating clinical laboratories; amending ss. 486.031, 486.041, 486.103, F.S.; eliminating temporary permits for physical therapists and physical therapist assistants and providing for graduate status for each under certain circumstances; providing an alternative licensure examination; amending ss. 486.021, 486.081, 486.102, 486.107, F.S.; revising a definition and eliminating provisions relating to temporary permits, to conform; providing an alternative licensure examination; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.161, F.S.; providing an exemption for certain persons assisting a licensed physical therapist; amending s. 490.005, F.S., relating to licensure of psychologists; increasing the application fee; revising language; amending s. 456.32, F.S.; including other licensed professionals within the definition of "practitioner of the healing arts" for purposes of provisions regulating hypnosis; amending s. 491.005, F.S.; revising fees and costs applicable to applicants for licensure as marriage and family therapists; amending ss. 455.217, 455.2173, F.S.; authorizing additional procedures the Department of Business and Professional Regulation and the Agency for Health Care Administration may employ to maintain the security of professional examinations; amending s. 455.221, F.S.; providing that persons under contract with the department or agency to help investigate and resolve complaints and application checks shall be considered agents of the department for certain insurance and immunity protections; amending s. 455.227, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; reenacting ss. 468.1755(1)(a), 470.036(1)(a), 471.033(1), 473.323(1), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), 484.056(1)(a), F.S., relating to discipline of nursing home administrators, funeral directors, embalmers, direct disposers, engineers, land surveyors, public accountants, real estate brokers, real estate salespersons, and real estate schools, appraisers, barbers, cosmetologists, and hearing aid dispensers, to incorporate the

amendment to s. 455.227, F.S., in references thereto; amending s. 455.228, F.S.; authorizing the issuance of citations in addition to other cease and desist remedies related to the unlicensed practice of a profession; providing for establishment by rule of related penalties; providing for allocation to the various professions of the fines, fees, and other costs collected as a result of violations related to such unlicensed practice; creating s. 455.271, F.S.; providing for inactive and delinquent status; creating s. 455.273, F.S.; providing for renewal and cancellation notices; creating s. 455.275, F.S.; providing for maintenance of current address-of-record information; providing for reinstatement of certain chiropractor licenses; amending s. 468.1245, F.S.; directing purchasers to direct complaints concerning hearing aids to the Agency for Health Care Administration; amending s. 468.385, F.S.; revising a prohibition against licensure as an auctioneer or auctioneer's apprentice; reenacting s. 468.387(1), F.S., relating to licensing of nonresidents, to incorporate the amendment to s. 468.385, F.S., in a reference thereto; amending s. 468.389, F.S.; authorizing restitution to a consumer as a disciplinary action of the department against auctioneers; amending s. 468.401, F.S.; revising definitions applicable to regulation of talent agencies; amending s. 468.402, F.S.; providing disciplinary grounds and actions applicable to persons violating provisions related to talent agencies; amending s. 468.403, F.S.; providing additional licensure requirements; creating s. 468.4035, F.S.; providing requirements for registration as a talent agent; amending s. 468.404, F.S.; deleting provisions relating to rules for a procedure for a biennial renewal of talent agency licenses; substituting the term "delinquency fee" for the term "late renewal fee"; increasing the charge for recording name or location changes; amending s. 468.406, F.S.; requiring an itemized schedule of fees, charges, and commissions along with an application; amending s. 468.407, F.S.; eliminating a fine for failure to display talent agency license; amending s. 468.409, F.S.; revising recordkeeping requirements; amending s. 468.410, F.S.; prohibiting agencies from requiring applicants or artists to purchase certain things as a condition of registering or obtaining employment for that person; amending s. 468.412, F.S.; requiring a separate license at each location; amending s. 468.413, F.S.; providing applicability of habitual felony offender penalties to certain acts, including operating as a talent agent without being registered and properly employed; amending s. 468.520, F.S.; revising definitions and exemptions applicable to regulation of employee leasing companies; amending s. 468.521, F.S.; increasing membership of the Board of Employee Leasing Companies; amending s. 468.522, 468.531, 468.533, 468.534, F.S.; revising terminology; amending s. 468.523, F.S.; applying other provisions relating to activities of regulatory boards to regulations for employee leasing companies; amending s. 468.524, F.S.; revising license application requirements; creating s. 468.5245, F.S., related to change of ownership; amending s. 468.525, F.S.; revising license requirements; amending s. 468.526, F.S.; revising annual assessment provisions; amending s. 468.527, F.S.; providing an editorial change; creating s. 468.5275, F.S.; providing for registration and exemption of de minimus operations; establishing fees; amending s. 468.528, F.S.; revising provisions related to inactive status of licenses; amending s. 468.529, F.S.; revising various insurance and benefit requirements; amending s. 468.530, F.S.; providing identification requirements for advertisements; amending s. 468.532, F.S.; revising and providing disciplinary grounds and actions; creating s. 468.535, F.S.; providing for investigations, audits, and reviews; amending s. 471.003, F.S.; revising an exemption from registration as an engineer applicable to certain faculty members; reenacting s. 471.037(2), F.S., relating to the issuance of local building permits, to incorporate the amendment to s. 471.003, F.S., in a reference thereto; amending s. 471.015, F.S.; revising licensure qualifications of engineers; authorizing the requirement of a personal appearance, subject to prior notice; amending s. 472.005, F.S.; revising definitions relating to regulation of land surveying to eliminate reference to "land" and to include reference to "mapping"; defining "photogrammetric mapper"; amending s. 472.007, F.S.; increasing membership of the Board of Professional Surveyors and Mappers; amending s. 472.008, F.S.; deleting the requirement for board rules on financial responsibility; amending s. 472.011, F.S.; providing for board rule for delinquency fees rather than late renewal penalty fees; providing application fees for providers of continuing education; amending s. 472.013, F.S.; eliminating a qualifying prerequisite to taking the licensure examination and providing for future repeal of other qualifying prerequisites; amending s. 472.015, F.S.; providing requirements for professional liability insurance; amending ss. 472.001, 472.003, 472.021, 472.023, 472.027, 472.029, 472.031, 472.037, 472.039, F.S., relating to land surveying, to conform; amending s. 472.033, F.S., relating to grounds for disciplinary action related to licensure status; creating s. 472.041, F.S.; providing a savings clause to automatically license specified persons as surveyors and mappers on a specified date; amending ss. 177.031, 177.061, 177.071, 177.091, 177.141, 177.151, 177.36,

177.503, 177.504, 177.507, 177.508, 177.509, 190.033, 287.055, 403.0877, 403.932, 440.02, 471.003, 481.219, 713.01, 713.03, 718.104, 810.12, F.S., to conform terminology; amending s. 28.222, F.S.; providing requirements for the recording of instruments relating to land surveying; amending s. 20.165, F.S.; establishing additional boards within the Division of Professions and the Division of Medical Quality Assurance; amending s. 473.302, F.S.; providing definitions with respect to the regulation of public accountancy; amending s. 473.308, F.S.; extending the waiver of certain educational requirements applicable to certain applicants for licensure as a public accountant; amending s. 474.2065, F.S.; increasing the initial application and examination fee for veterinarians; amending s. 474.207, F.S.; revising provisions relating to licensure of veterinarians by examination; amending s. 474.2125, F.S.; revising provisions relating to temporary licenses issued to licensed veterinarians of another state, including shortening the period of validity of such licenses; amending s. 474.214, F.S., relating to disciplinary proceedings; providing penalties for practicing veterinary medicine with a delinquent license; correcting terminology; amending s. 474.215, F.S.; requiring compliance with standards adopted pursuant to board rule; amending s. 475.01, F.S.; defining terms applicable to the regulation of real estate brokers, salespersons, and schools; amending s. 475.17, F.S.; revising qualifications for practice with respect to other states and jurisdictions; creating s. 475.180, F.S.; providing reciprocity provisions for nonresident licenses; amending s. 475.181, F.S., relating to licensure, to conform; amending s. 475.25, F.S.; revising a ground for disciplinary and other action relating to certain required notice relating to a sale, exchange, purchase, or lease of real property or any interest in real property; amending ss. 475.482, 475.483, 475.484, F.S., relating to the Real Estate Recovery Fund; revising conditions for receipt of a distribution from the fund; providing requirements for recovery when bankruptcy is a factor; providing additional conditions that constitute disqualification for a claim; providing for proration of claims under certain conditions; amending s. 475.5017, F.S.; providing for assignment of civil actions; providing for payment of expenses of receiver; amending s. 475.624, F.S., relating to grounds for discipline or other action against a real estate appraiser; providing clarification; amending s. 477.013, F.S.; providing a definition applicable to regulation of cosmetology; amending s. 477.0135, F.S.; exempting hair braiding from regulation under certain circumstances; amending s. 480.033, F.S.; providing a definition applicable to regulation of massage practice; amending s. 480.047, F.S.; prohibiting massage brokering under certain circumstances; amending s. 481.205, F.S.; providing for an interior design advisory body within the Board of Architecture and Interior Design; amending s. 481.213, F.S.; requiring certain internship for licensure as an architect; amending s. 481.215, F.S.; providing requirements relating to proof of continuing education applicable to architects; deleting provisions relating to automatic reverter to inactive status for a license to practice architecture or interior design; amending s. 481.329, F.S.; exempting golf course architects from regulation under part II of ch. 481, F.S., relating to landscape architecture; amending s. 484.051, F.S.; directing purchasers to direct complaints concerning hearing aids to the Department of Business and Professional Regulation; requiring the Board of Speech-Language Pathology and Audiology and the Board of Hearing Aid Specialists to adopt rules relating to informing hearing aid purchasers of telecoil, "t" coil, or "t" switch technology; amending s. 457.107, F.S.; deleting provisions relating to automatic reverter to inactive status of a certificate to practice acupuncture; amending s. 457.108, F.S.; deleting provisions relating to automatic expiration of a certificate to practice acupuncture; deleting provisions relating to amounts of certain fees; amending s. 458.319, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice medicine; amending s. 458.321, F.S.; deleting provisions relating to automatic expiration of a license to practice medicine; deleting provisions relating to the fee for reactivating an inactive license to practice medicine; amending s. 459.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice osteopathic medicine; amending s. 459.009, F.S.; deleting provisions relating to automatic expiration of a license to practice osteopathic medicine; deleting provisions relating to the amounts of certain fees; repealing s. 460.407(3)-(6), F.S.; deleting provisions relating to automatic expiration of a license to practice chiropractic; amending s. 461.007, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice podiatry; amending s. 461.008, F.S.; deleting provisions relating to reactivation and to automatic expiration of an inactive license to practice podiatry; deleting provisions relating to the amounts of certain fees; amending s. 462.08, F.S.; revising provisions governing the renewal of a license to practice naturopathy; amending s. 462.19, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice naturopathy and to reactivation of such license; amending s. 463.007, F.S.;

deleting provisions relating to automatic reverter to inactive status of a license to practice optometry; amending s. 463.008, F.S.; deleting provisions relating to reactivation of an inactive license to practice optometry; deleting provisions relating to the amount of certain fees; amending s. 463.016, F.S.; providing penalties for practicing optometry with a delinquent license; repealing s. 464.013(4), (5), F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice nursing; amending s. 464.014, F.S.; deleting provisions relating to reactivation of an inactive license to practice nursing; deleting the requirement for payment of an inactive application fee; amending s. 465.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice pharmacy; amending s. 465.012, F.S.; deleting provisions relating to reactivation of an inactive license to practice pharmacy; deleting provisions relating to the amount of certain fees; repealing s. 466.013(3), (4), F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice dentistry; amending s. 466.015, F.S.; deleting provisions relating to reactivation of an inactive license to practice dentistry; deleting provisions relating to the amount of certain fees; repealing s. 467.012(4), (5), F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice midwifery; amending s. 467.013, F.S.; deleting provisions relating to renewal or reactivation of an inactive license to practice midwifery; amending s. 467.0135, F.S.; deleting a late renewal fee; repealing s. 468.1195(4), (5), F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a speech-language pathologist or audiologist; amending s. 468.1205, F.S.; deleting provisions relating to reactivation of an inactive license as a speech-language pathologist or audiologist; amending s. 468.1715, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a nursing home administrator; amending s. 468.1725, F.S.; deleting provisions relating to reactivation of an inactive license as a nursing home administrator; deleting provisions relating to the amount of certain fees; amending s. 468.1755, F.S.; providing penalties for practicing nursing home administration with a delinquent license; amending s. 468.219, F.S.; deleting provisions relating to expiration of a license to practice occupational therapy; amending s. 468.221, F.S.; providing for fees with respect to the practice of occupational therapy; amending s. 468.361, F.S.; deleting provisions relating to automatic reverter to inactive status of a certificate or registration as a respiratory care practitioner or respiratory therapist; amending s. 468.363, F.S.; deleting provisions relating to reactivation of an inactive certificate or registration as a respiratory care practitioner or respiratory therapist; repealing s. 468.3851(3), (4), F.S.; deleting provisions relating to automatic reverter to inactive status of an auctioneer's license; amending s. 468.3852, F.S.; deleting provisions relating to automatic expiration of an auctioneer's license; repealing s. 468.514(3), (4), F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a dietitian/nutritionist; repealing s. 468.515(4), (5), F.S.; deleting provisions relating to automatic expiration of a license as a dietitian/nutritionist; amending s. 468.517, F.S.; providing penalties for practicing as a dietitian/nutritionist with a delinquent license; repealing s. 468.518(3), (4), F.S.; providing for disciplinary action against a person practicing as a dietitian/nutritionist with a delinquent license; repealing s. 468.549(3), (4), F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a wastewater treatment operator; repealing s. 468.550(3), (4), F.S.; deleting provisions relating to automatic expiration of a license as a wastewater treatment operator; amending s. 468.551, F.S.; providing penalties for acting as a wastewater treatment operator with a delinquent license; repealing s. 470.015(3), (4), F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a funeral director and embalmer; amending s. 470.016, F.S.; deleting provisions relating to automatic expiration of a license as a funeral director and embalmer; repealing s. 470.018(3), (4), F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a direct disposer; amending s. 470.019, F.S.; providing penalties for practicing direct disposing with a delinquent license; amending s. 470.036, F.S.; providing for disciplinary action against a person practicing funeral directing and embalming or a similar occupation with a delinquent license; amending s. 471.011, F.S.; changing the term "late renewal penalty" to "delinquency fee" for purposes of licensure as an engineer; repealing s. 471.017(3), (4), F.S.; deleting provisions relating to automatic reverter to inactive status of a license as an engineer; amending s. 471.019, F.S.; deleting provisions relating to reactivation of an inactive license as an engineer; amending s. 471.031, F.S.; providing penalties for practicing engineering with a delinquent license; amending s. 471.033, F.S.; providing for disciplinary action against a person practicing engineering with a delinquent license; amending s. 472.017, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice land surveying and clarifying terminology; amending s. 472.019,

F.S.; deleting provisions relating to automatic expiration of a license to practice land surveying; repealing s. 473.311(3), (4), F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice public accountancy; repealing s. 473.313(3), (4), F.S.; deleting provisions relating to automatic expiration of a license to practice public accountancy; amending s. 473.322, F.S.; providing penalties for practicing public accountancy with a delinquent license; amending s. 473.323, F.S.; providing for disciplinary proceedings against a person practicing public accountancy with a delinquent license; amending s. 474.211, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice veterinary medicine; amending s. 474.212, F.S.; deleting provisions relating to renewal and reactivation of an inactive license to practice veterinary medicine; amending s. 476.155, F.S.; deleting provisions relating to automatic expiration of a barber's license; amending s. 477.0212, F.S.; deleting provisions relating to automatic expiration of a cosmetologist's license; amending s. 478.50, F.S.; deleting provisions relating to automatic expiration of a license to practice electrolysis; amending s. 480.0415, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice massage; amending s. 480.0425, F.S.; deleting provisions relating to automatic expiration of a license to practice massage; amending s. 481.207, F.S.; deleting a late renewal fee for licensure as an architect or interior designer; amending s. 481.217, F.S.; deleting provisions relating to reactivation and to automatic expiration of an inactive license as an architect or interior designer; amending s. 481.223, F.S.; providing penalties for practicing architecture or interior design with a delinquent license; amending s. 481.225, F.S.; providing for disciplinary action for practicing architecture with a delinquent license; amending s. 481.307, F.S.; deleting a late renewal fee for licensure as a landscape architect; repealing s. 481.313(3), (4), F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice landscape architecture; amending s. 481.315, F.S.; deleting provisions relating to automatic expiration of a license as a landscape architect; amending s. 481.323, F.S.; providing penalties for practicing landscape architecture with a delinquent license; amending s. 481.325, F.S.; providing for disciplinary action against a person practicing landscape architecture with a delinquent license; amending s. 483.807, F.S.; changing the term "late renewal penalty" to "delinquency fee" for purposes of licensure of clinical laboratory personnel; repealing s. 483.817(3), (4), F.S.; deleting provisions relating to automatic reverter to inactive status of a license as clinical laboratory personnel; amending s. 483.819, F.S.; deleting provisions relating to renewal of an inactive license as clinical laboratory personnel and to automatic suspension of such license; amending s. 484.009, F.S.; deleting provisions relating to automatic expiration of an optician's license; amending s. 484.014, F.S.; providing penalties for practicing opticianry with a delinquent license; amending s. 484.047, F.S.; deleting provisions relating to automatic expiration of a license as a dispenser of hearing aids and to reinstatement of such license; amending s. 484.053, F.S.; providing penalties for dispensing hearing aids with a delinquent license; amending s. 484.056, F.S.; providing for disciplinary action against a person dispensing hearing aids with a delinquent license; amending s. 486.085, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a physical therapist; deleting provisions relating to the amount of certain fees; deleting requirements for payment of an inactive application fee; amending s. 486.108, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a physical therapist assistant; deleting provisions relating to the amount of certain fees; deleting requirements for payment of an inactive application fee; amending s. 489.109, F.S.; changing the term "penalty fee" to "delinquency fee" with respect to licensure as a contractor; amending s. 489.509, F.S.; changing the term "penalty fee" to "delinquency fee" with respect to licensure as an electrical and alarm system contractor; repealing s. 489.517(3), (4), F.S.; deleting provisions relating to automatic reverter to inactive status of a license as an electrical and alarm system contractor; amending s. 489.519, F.S.; deleting provisions relating to automatic expiration of a license as an electrical and alarm system contractor; amending s. 489.531, F.S.; providing penalties for electrical and alarm system contracting with a delinquent license; amending s. 489.533, F.S.; providing for disciplinary action against a person engaging in electrical or alarm system contracting with a delinquent license; repealing s. 490.007(3), F.S., and amending s. 490.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a psychologist and reactivation of such license; repealing s. 491.007, F.S., and amending 491.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license or certificate as a clinical social worker, marriage and family therapist, or mental health counselor and to reactivation of such license or certificate; amending s. 492.109, F.S.; deleting provisions relating to automatic reverter to inactive status of a geolo-

gist's license; amending s. 492.1101, F.S.; deleting provisions relating to automatic expiration of a license as a geologist; amending s. 492.112, F.S.; providing penalties for practicing geology with a delinquent license; amending s. 492.113, F.S., relating to disciplinary proceedings by the Board of Professional Geologists; clarifying provisions; providing effective dates.

—was read the second time by title.

The Committee on Professional Regulation recommended the following amendments which were moved by Senator Dyer and adopted:

Amendment 1 (with Title Amendment)—On page 53, line 17, through page 54, line 22, strike all of said lines.

And the title is amended as follows:

In title, on page 4, lines 4-7, strike "amending s. 466.007, F.S.; revising requirements for taking the examination for licensure as a dental hygienist."

Amendment 2—On page 132, line 1, strike "is shall be" and insert: is

Amendment 3—On page 153, line 31, through page 154, line 4, strike all of said lines and insert: *professional liability insurance. The notice must consist of a sign prominently displayed in the reception area and written statements provided in a form and frequency as required by rule of the Board of Professional Surveyors and Mappers.*

Amendment 4—On page 161, strike all of lines 6-31, and insert:

472.041 Savings clause.—Effective March 1, 1994, the following persons shall automatically be licensed as surveyors and mappers:

(1) All persons licensed as land surveyors in the state as of February 28, 1994.

(2) All persons 18 years of age or older who, by February 1, 1994, have paid a registration fee of \$350 and have submitted the following information to the department:

- (a) Certified proof of age.
- (b) Certified proof of graduation from high school.

(c) Proof of employment in responsible charge as a photogrammetric mapper in the state for 24 months as of January 31, 1994, such proof to consist of five topographic or planimetric maps of areas in the state, which maps were prepared by or under the supervision of the applicant using photogrammetric techniques, along with a verified, itemized report detailing methods, procedures, and amount of the applicant's personal involvement in the preparation of each map.

(d) A sworn affidavit including the following:

1. The name and address of the applicant.
2. Certification that the applicant has been in responsible charge of photogrammetric mapping in the state for at least 24 months as of January 31, 1994, which mapping meets National Map Accuracy Standards.

Amendment 5—On page 204, between lines 14 and 15, insert:

Section 165. Subsections (1) and (2) of section 475.482, Florida Statutes, as amended by section 19 of chapter 93-261, Laws of Florida, are amended to read:

475.482 Real Estate Recovery Fund.—There is created the Florida Real Estate Recovery Fund as a separate account in the Professional Regulation Trust Fund.

(1) The Florida Real Estate Recovery Fund shall be disbursed as provided in s. 475.484, on order of the commission, as reimbursement to any person, *partnership*, or corporation adjudged by a court of competent civil jurisdiction in this state to have suffered monetary damages by reason of any ~~act of the following acts~~ committed, as a part of any real estate brokerage transaction involving real property in this state, by any broker or salesperson who:

(a) Was, at the time the alleged act was committed, the holder of a current, valid, active real estate license issued under this par;

(b) Was neither the seller, buyer, landlord, or tenant in the transaction nor an officer or a director of a corporation or a member of a partnership which was the seller, buyer, landlord, or tenant in the transaction; and

(Renumber subsequent sections.)

Amendment 6 (with Title Amendment)—On page 286, between lines 2 and 3, insert:

Section 276. Subsection (15) of section 489.503, Florida Statutes, is amended to read:

489.503 Exemptions.—This part does not apply to:

(15) The installation of, repair of, alteration of, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof, when those items are for the purpose of transmitting data, voice communications, or commands as part of:

1.(a) A system of telecommunications, including computers, telephone customer premises equipment, or premises wiring; or

2.(b) A community antenna television or radio distribution system.

The scope of this exemption is limited to electrical circuits and equipment governed by the applicable provisions of Articles 725 (Classes 2 and 3 circuits only), 770, 800, 810, and 820 of the National Electrical Code, 1987 Edition, or 47 C.F.R. part 68.

(b) *A company certified under chapter 364 is not subject to any local ordinance that requires a permit for work performed by its employees related to low-voltage electrical and related technical codes and regulations.*

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 24, line 2, after the semicolon (;) insert: amending s. 489.403, F.S.; providing an exemption for certain companies from local permitting requirements relating to low voltage electrical codes and regulations;

Senator Dyer moved the following amendment which was adopted:

Amendment 7—On page 24, lines 6-31, and on page 25, lines 1-20, strike all of said lines and insert:

Section 1. Subsection (4) of Section 215.37, Florida Statutes, is amended to read:

215.37 Department of Professional Regulation and the boards to be financed from fees collected; moneys deposited in trust fund; service charge imposed and deposited into the General Revenue Fund; appropriation.—

(4) The department shall submit a balanced legislative budget by division and operating budgets as required of all governmental subdivisions in chapters 215 and 216, to be based upon anticipated revenues. *Prior to development of the department's budget request to the Legislature, the department shall request that each board submit its proposed budget for the operation of the board, the board's office, and other activities or expanded programs of the board for possible inclusion in the department's budget request. Prior to submission of the department's budget request to the Legislature, each board, at a regularly scheduled board meeting, shall review the proposed request and either approve the proposed request or submit to the secretary written exceptions to the department's proposed budget. Any board making such exceptions must specify its objections, the reasons for such exceptions, and proposed alternatives to the department's request. The secretary shall consider all exceptions. When a majority of boards agree on an exception, the secretary shall make adjustments to the department's budget request to reflect the majority position. If appropriate, the secretary shall file an exception exemption on behalf of the department. The secretary shall submit to the Legislature the department's amended budget request along with any unresolved exceptions.*

Senator Siegel moved the following amendment which was adopted:

Amendment 8 (with Title Amendment)—On page 85, line 29, through page 96, line 17, strike all of said lines and renumber subsequent sections.

And the title is amended as follows:

In title, on page 6, line 26, through page 7, line 9, strike all of said lines and insert: ; amending s. 455.228, F.S.; authorizing

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

Amendment 9 (with Title Amendment)—On page 286, between lines 2 and 3, insert:

Section 276. Section 460.4061, Florida Statutes, as created by section 15 of this act, and section 465.0196(2), Florida Statutes, as created by Section 25 of this act, are repealed effective October 1, 1994.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 24, line 2, after the semicolon (;) insert: effective October 1, 1994, repealing s. 460.4061, F.S., as created by Section 15 of this act, relating to restricted chiropractic licenses; effective October 1, 1994, repealing s. 465.0196(2), F.S., as created by Section 25 of this act; relating to special pharmacy permits;

On motion by Senator Dyer, by two-thirds vote **SB 42-C** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31 Nays—3

MOTION

Senator Dudley moved that a bill relating to annexation of enclaves be introduced outside the call of the Special Session. The motion failed. The vote was:

Yeas—11 Nays—20

THE PRESIDENT PRESIDING

SENATOR WILLIAMS PRESIDING

SB 26-C—A bill to be entitled An act relating to motor vehicle license plates; providing for a Super Bowl XXIX license plate; providing for applications; providing for collection and distribution of license plate use fees; providing for transfer of license plates; providing for a license plate design; providing an effective date.

—was read the second time by title.

Senator Jenne moved the following amendments which were adopted:

Amendment 1—On page 2, line 27, through page 3, line 2, strike all of said lines and insert: plate; thereafter, the fees shall be distributed to the South Florida Super Bowl XXIX Host Committee to be used to support the Super Bowl game.

Amendment 2 (with Title Amendment)—On page 4, before line 1, insert:

Section 2. Notwithstanding section 320.08062, Florida Statutes, the South Florida Super Bowl XXIX Host Committee may use the proceeds of the use fee for the Super Bowl XXIX license plate to pay general administrative expenses.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 8, after the semicolon (;) insert: providing an exemption to restrictions on using the use fee to pay general administrative expenses;

On motion by Senator Jenne, by two-thirds vote **SB 26-C** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28 Nays—None

SB 34-C—A bill to be entitled An act relating to motor vehicles; amending s. 320.06, F.S.; deleting a requirement that license plates bear the name of the county where sold; amending s. 320.1325, F.S.; providing for the issuance of certain temporary license plates; providing for fees; providing for the sale of existing license plates bearing county names; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Forman:

Amendment 1—On page 3, strike all of lines 1 through 12, and insert:

(2) *The owner of a motor vehicle that is in this state temporarily and that is exempt from registration under s. 320.37 may register that vehicle for a period of 180 days and be issued a temporary license plate for that vehicle, upon submission of an application that includes the name of the jurisdiction where the motor vehicle is registered, the number of the license plate, proof of insurance, and any other information that the department considers necessary and upon payment of a \$50 license plate fee and any other applicable fee or service charge. After the expiration of the 180-day period, a temporary license plate may not be issued under this subsection for that motor vehicle until 180 days after the date of expiration. The proceeds of the license plate fees collected under this subsection must be deposited in the Highway Safety Operating Trust Fund. Subsequent permanent registration and titling of a vehicle registered under this subsection subjects the applicant to the fees required by ss. 319.231 and 320.072, in addition to all other taxes and fees required.*

Senator Forman moved the following substitute amendment which was adopted:

Amendment 2 (with Title Amendment)—On page 3, strike all of lines 1-12, and insert:

(2) *The owner of a motor vehicle that is in this state temporarily and that is exempt from registration under s. 320.37 may register that vehicle for a period of 180 days and be issued a temporary license plate for that vehicle, upon submission of an application that includes the name of the jurisdiction where the motor vehicle is registered, the number of the license plate, proof of insurance, and any other information that the department considers necessary and upon payment of a \$50 license plate fee and any other applicable fee or service charge. The applicant may not be employed in the State of Florida, receive a Florida homestead exemption, be a registered Florida voter, or have a child enrolled in a Florida elementary or secondary school. If at any time during the 180 day period the applicant becomes employed in the state, applies for and receives a Florida homestead exemption, registers to vote in Florida, or enrolls a child in a Florida elementary or secondary school, the temporary tag issued pursuant to this subsection shall become void and the provisions of s. 320.02 shall apply. After the expiration of the 180-day period, a temporary license plate may not be issued under this subsection for that motor vehicle until 180 days after the date of expiration. Subsequent permanent registration and titling of a vehicle registered under this subsection subjects the applicant to the fees required by ss. 319.231 and 320.072, in addition to all other taxes and fees required. The proceeds of the license plate fees collected under this subsection must be deposited as follows:*

(a) *For fiscal year 1993-94:*

1. *Fifty percent shall be deposited into the Motor Vehicle License Plate Replacement Trust Fund.*
2. *Twelve and one-half percent shall be deposited into the State Transportation Trust Fund.*
3. *Thirty-seven and one-half percent shall be deposited into the General Revenue Fund.*

(b) *Effective July 1, 1994:*

1. *Fifty percent shall be deposited into the Highway Safety Operating Trust Fund.*
2. *Eight and three-quarters percent shall be deposited into the State Transportation Trust Fund.*
3. *Forty-one and one-quarter percent shall be deposited into the General Revenue Fund.*

And the title is amended as follows:

In title, on page 1, line 7, after "fees," insert: providing for the distribution of revenues;

The Committee on Transportation recommended the following amendments which were moved by Senator Forman and adopted:

Amendment 3 (with Title Amendment)—On page 1, line 13, through page 2, line 10, strike all of said lines and renumber subsequent sections.

And the title is amended as follows:

In title, on page 1, strike all of lines 2-5 and insert: An act relating to motor vehicles; amending s. 320.1325, F.S.;

Amendment 4 (with Title Amendment)—On page 3, strike all of lines 13-17, and renumber subsequent section.

And the title is amended as follows:

In title, on page 1, strike all of lines 7-9, and insert: license plates; providing for fees; providing an effective date.

On motion by Senator Forman, by two-thirds vote **SB 34-C** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32 Nays—2

THE PRESIDENT PRESIDING

RECESS

On motion by Senator Kirkpatrick, the Senate recessed at 11:38 a.m. to reconvene upon call of the President, but no earlier than 2:00 p.m.

EVENING SESSION

The Senate was called to order by the President at 6:07 p.m. A quorum present—36:

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

By direction of the President, the Secretary read the following proclamation:

PROCLAMATION
State of Florida
Executive Department
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE FLORIDA HOUSE OF REPRESENTATIVES:

WHEREAS, the Thirteenth Legislature of the State of Florida, under the Florida Constitution, 1968 Revision, convened in regular session on Tuesday, February 2, 1993, and adjourned sine die on Sunday, April 4, 1993, and

WHEREAS, by proclamation dated October 11, 1993, and amended November 1, 1993, and November 3, 1993, the Governor called the Florida Legislature into special session to convene on November 1, 1993, and to end at 11:59 p.m. Friday, November 5, 1993, and

WHEREAS, the Florida Legislature has failed to completely consider all the issues set out in the October 11, 1993, proclamation, as amended, within the time provided by those earlier Proclamations of the Governor, thus requiring an amendment to provide additional time for consideration of those issues.

NOW, THEREFORE, I, LAWTON CHILES, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

Section 1 of the Proclamation of the Governor dated October 11, 1993, as amended November 1, 1993, and November 3, 1993, is hereby amended to read:

Section 1.

The Legislature of the State of Florida remains convened in Special Session pursuant to the Proclamation of the Governor which commenced on Monday, November 1, 1993, at 2:00 p.m.; this Special Session of the Legislature shall remain convened until Wednesday, November 10, 1993, at 11:59 p.m.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 5th day of November, 1993.

Lawton Chiles
GOVERNOR

ATTEST:
Jim Smith
SECRETARY OF STATE

RECESS

The President declared the Senate recessed at 6:20 p.m.

CALL TO ORDER

The Senate was called to order by the President at 6:27 p.m. A quorum present.

CONSIDERATION OF BILL OUT OF ORDER

On motion by Senator Beard, by two-thirds vote **HB 125-C** was withdrawn from the Committee on Corrections, Probation and Parole.

On motion by Senator Beard, by unanimous consent—

HB 125-C—A bill to be entitled An act relating to firearms; amending s. 790.001, F.S.; revising the “antique firearm” exception applicable to the definition of “firearm”; providing that antique firearms are not included in the meaning of “firearm” unless used in the commission of a crime; providing an effective date.

—was taken up out of order. On motions by Senator Beard, by two-thirds vote **HB 125-C** was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—None

On motions by Senator Kirkpatrick—

HCR 129-C—A concurrent resolution providing for adjournment of the special session of the Legislature for more than 72 hours in accordance with the provisions of Art. III, s. 3(e) of the Florida Constitution.

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That in accordance with the provisions of subsection (e) of Section 3 of Article III of the Florida Constitution, the special session of the Legislature convened on Monday, November 1, 1993, is hereby adjourned on Friday, November 5, 1993, to reconvene at 2:00 p.m., Tuesday, November 9, 1993.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed **HB 125-C**; has adopted **HCR 129-C** and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Trammell—

HB 125-C—A bill to be entitled An act relating to correctional facilities; setting forth legislative intent with respect to Specific Appropriation 1934C contained in section 2B of chapter 91-193, Laws of Florida; ratifying and affirming the selection process for obtaining construction and operational services in the establishment of a privately built and operated correctional facility; providing an effective date.

—was referred to the Committee on Corrections, Probation and Parole.

By Representative Wallace—

HCR 129-C—A concurrent resolution providing for adjournment of the special session of the Legislature for more than 72 hours in accordance with the provisions of Art. III, s. 3(e) of the Florida Constitution.

—was introduced out of order and adopted this day.

RETURNING MESSAGES ON SENATE BILL

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment **CS** for **SB 32-C** and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 32-C—A bill to be entitled An act relating to federal defense contracts; providing legislative findings; providing for the establishment of a Defense Reinvestment Incentive Program within the Department of Commerce; providing for the issuance of vouchers to reimburse federal defense contractors or subcontractors for certain costs; providing definitions; providing requirements for applications for vouchers; requiring the Division of Economic Development of the Department of Commerce to review applications and adopt related rules; providing for the division to forward evaluations of applications to the Defense Reinvestment Incentive Advisory Committee of the department, which is established by the act; providing for membership, terms of appointment, meetings, and reimbursement of members for travel and per diem; providing for the expenditure of the funds in the Economic Development Trust Fund; amending s. 213.053, F.S., relating to confidentiality and information sharing; providing that the Department of Revenue may furnish certain information to the Department of Commerce in its administration of the program; providing a penalty for a breach of confidentiality; amending s. 288.095, F.S., relating to the Economic Development Trust Fund; providing for the deposit of moneys into that trust fund; amending s. 443.171, F.S., relating to the powers and duties of the Division of Unemployment Compensation of the Department of Labor and Employment Security; providing for that division to release certain information to the Department of Commerce in its administration of the Defense Reinvestment Incentive Program; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 3, line 18, strike everything after the enacting clause and insert:

Section 1. *The Legislature finds that over half of all high-technology jobs created in Florida are created by defense contractors. These high-wage, high-technology jobs are threatened by federal defense budget downsizing and the national economic recession. It is the policy of this state to encourage the growth and revitalization of Florida's high-wage, high-technology employment and economic base by providing tax refunds to qualified defense contractors to consolidate Department of Defense contracts, obtain new Department of Defense production contracts, or to convert defense production to non-defense production. The Legislature declares that providing tax refunds and other tax incentives to these employers is vital to the public purpose of employing Florida's citizens and ensuring the economic vitality of this state. This section shall expire and be void on June 30, 1998.*

Section 2. Section 288.104, Florida Statutes, is created to read:

288.104 Qualified defense contractor tax refund program.—

(1) DEFINITIONS.—As used in this section:

(a) "Consolidation of a Department of Defense contract" means the consolidation of one or more of a defense contractor's facilities under one or more Department of Defense contracts either from outside this state or from inside and outside this state, into one or more of the defense contractor's facilities inside this state.

(b) "Average wage in the area" means the average of all wages and salaries in the county or in the standard metropolitan area in which the business unit is located.

(c) "Defense contractor" means any business entity that holds a valid Department of Defense contract or any business entity that is a subcontractor under a valid Department of Defense contract, including all members of an affiliated group of corporations as defined in s. 220.03(1)(b).

(d) "Division" means the Division of Economic Development of the Department of Commerce.

(e) "Department of Defense contract" means a competitively bid Department of Defense contract or a competitively bid federal agency contract issued on behalf of the Department of Defense for manufacturing, assembling, fabricating, research, development, or design with a duration of 2 or more years, but excluding any contract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state.

(f) "New Department of Defense contract" means a Department of Defense contract entered into after January 1, 1994.

(g) "Jobs" means full-time equivalent positions, as such terms are defined by the Department of Labor and Employment Security for the purpose of unemployment compensation tax, resulting directly from a project in Florida. This number shall not include temporary construction jobs involved with the construction of facilities for the project.

(h) "Non-defense production jobs" means employment exclusively for private commercial activities which, directly or indirectly, are unrelated to the Department of Defense.

(i) "Project" means any business undertaking in Florida under a new Department of Defense contract, consolidation of a Department of Defense contract, or conversion of defense production jobs over to non-defense production jobs.

(j) "Qualified defense contractor" means a defense contractor that has been approved by the secretary to be eligible for tax refunds pursuant to this section.

(k) "Secretary" means the Secretary of the Florida Department of Commerce.

(l) "Taxable year" means the same as in s. 220.03(1)(z).

(m) "Fiscal year" means the fiscal year of the state.

(n) "Business unit" means an employing unit, as defined in s. 443.036, which is registered with the Department of Labor and Employment Security for unemployment compensation purposes or means a subcategory or division of an employing unit which is accepted by the Department of Labor and Employment Security as a reporting unit.

(o) "Local financial support" means funding from local sources, public or private, which is paid to the Economic Development Trust Fund and which is equal to 20 percent of the annual tax refund for a qualified defense contractor. A qualified defense contractor may not provide, directly or indirectly, more than five percent of such funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the Economic Development Trust Fund, a refund to a qualified defense contractor for the amount of eligible taxes certified by the secretary which were paid by such qualified defense contractor. The total amount of refunds for all fiscal years for each qualified defense contractor shall be determined pursuant to subsection (3). The annual amount of a refund to a qualified defense contractor shall be determined pursuant to subsection (5).

(b) No qualified defense contractor may receive more than \$5,000 times the number of jobs provided in the tax refund agreement pursuant

to subparagraph (4)(a)1. in any fiscal year, provided that no qualified defense contractor may receive more than \$2.5 million in tax refunds pursuant to the provisions of this section in any fiscal year.

(c) No qualified defense contractor may receive more than \$7.5 million in tax refunds pursuant to this section in all fiscal years.

(d) Contingent upon an annual appropriation by the Legislature, the secretary may approve not more than the lesser of \$10 million in tax refunds or the amount appropriated to the Economic Development Trust Fund for tax refunds, for a fiscal year pursuant to subsection (5).

(e) For the first 6 months of each fiscal year, the secretary shall set aside 30 percent of the amount appropriated for refunds pursuant to this section by the Legislature to provide tax refunds only to qualified defense contractors who employ 500 or fewer full-time employees in Florida. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide tax refunds for any qualified defense contractors pursuant to the provisions of this section.

(f) After entering into a tax refund agreement pursuant to subsection (4), a qualified defense contractor may receive refunds from the Economic Development Trust Fund for the following taxes paid by the qualified defense contractor beginning with the contractor's first taxable year which begins after entering into the agreement:

1. Taxes on sales, use, and other transactions paid pursuant to part I of chapter 212.
2. Corporate income taxes paid pursuant to chapter 220.
3. Intangible personal property taxes paid pursuant to chapter 199.
4. Emergency excise taxes paid pursuant to chapter 221.
5. Excise taxes paid on documents pursuant to chapter 201.
6. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on the effective date of this act.

However, no qualified defense contractor may receive a tax refund pursuant to this section for any amount of credit, refund, or exemption granted such contractor for any of such taxes. In the event a refund for such taxes is provided by the Department of Commerce, which are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified defense contractor other than that provided in this section, the qualified defense contractor shall reimburse the Economic Development Trust Fund for the amount of such credit, refund, or exemption. A qualified defense contractor must notify and tender payment to the Department of Commerce within 20 days after receiving a credit, refund or exemption, other than that provided in this section.

(g) Any qualified defense contractor who fraudulently claims this refund is liable for repayment of the refund to the Economic Development Trust Fund plus a mandatory penalty of 200 percent of the tax refund which shall be deposited into the General Revenue Fund. Any qualified defense contractor who fraudulently claims this refund commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) APPLICATION PROCESS; REQUIREMENTS; AGENCY DETERMINATION.—

(a) To apply for certification as a qualified defense contractor pursuant to this section, a defense contractor shall file an application with the division which satisfies the requirements of paragraphs (b) and (d) or paragraphs (c) and (d). A defense contractor may not apply for certification pursuant to this section after a proposal has been submitted for a new Department of Defense contract, after the defense contractor has made the decision to consolidate an existing Department of Defense contract in this state for which such defense contractor is seeking certification, or after the defense contractor has made the decision to convert defense production jobs to non-defense production jobs for which such defense contractor is seeking certification.

(b) Applications for certification based on the consolidation of a Department of Defense contract or a new Department of Defense contract shall be submitted to the division as prescribed by the Department of Commerce which includes, but is not limited to, the following information:

1. The applicant's federal employer identification number and the applicant's Florida sales tax registration number.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in Florida at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract to be consolidated, the new Department of Defense contract number, or the "RFP" number of a proposed Department of Defense contract.

4. The date the contract was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

5. The commencement date for project operations under the contract in Florida.

6. The number of full-time equivalent jobs in Florida that are or will be dedicated to the project during the year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in Florida.

8. The percentage of the defense contractor's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to part I of chapter 212;

b. Corporate income taxes paid pursuant to chapter 220;

c. Intangible personal property taxes paid pursuant to chapter 199;

d. Emergency excise taxes paid pursuant to chapter 221;

e. Excise taxes paid on documents pursuant to chapter 201; and

f. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed in each fiscal year.

11. A brief statement concerning the defense contractor's need for tax refunds, and the proposed uses of such refunds by the defense contractor.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the defense contractor be approved as a qualified defense contractor, and which indicates that the necessary commitments of local financial support for the contractor exists. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided.

13. Any additional information requested by the division.

(c) Applications for certification based on the conversion of defense production jobs to non-defense production jobs shall be submitted to the division as prescribed by the Department of Commerce which includes, but is not limited to, the following information:

1. The applicant's federal employer identification number and the applicant's Florida sales tax registration number.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in Florida at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract under which the defense production jobs will be converted to non-defense production jobs.

4. The date the contract was executed, and the date the contract is due to expire or is expected to expire, or was canceled.

5. The commencement date for the non-defense production operations in Florida.

6. The number of full-time equivalent jobs in Florida that are or will be dedicated to the non-defense production project during the year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in Florida.

8. The percentage of the defense contractor's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to part I of chapter 212;

b. Corporate income taxes paid pursuant to chapter 220;

c. Intangible personal property taxes paid pursuant to chapter 199;

d. Emergency excise taxes paid pursuant to chapter 221;

e. Excise taxes paid on documents pursuant to chapter 201; and

f. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed in each fiscal year.

11. A brief statement concerning the defense contractor's need for tax refunds, and the proposed uses of such refunds by the defense contractor.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the defense contractor be approved as a qualified defense contractor, and which indicates that the necessary commitments of local financial support for the contractor exists. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided.

13. Any additional information requested by the division.

(d) To qualify for review by the division, the application of a defense contractor must, at a minimum, establish the following to the satisfaction of the division:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (b)6. or (c)6., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the project is to be located.

2. The consolidation of a Department of Defense contract must result in a net increase of at least 25 percent in the number of jobs at the defense contractor's facilities in Florida or the addition of at least 80 jobs at the defense contractor's facilities in Florida.

3. The conversion of defense production jobs to non-defense production jobs must result in net increases in private commercial employment at the defense contractor's facilities in Florida.

4. The Department of Defense contract cannot allow the business to include the costs of relocation or retooling in its base as allowable costs under a cost plus, or similar, contract.

5. The defense contractor or a business unit of the contractor must have derived not less than 70 percent of its gross receipts in this state from Department of Defense contracts over the defense contractor's last fiscal year, and must have derived not less than 80 percent of its gross receipts in this state from Department of Defense contracts over the 5 years preceding the date an application is submitted pursuant to this section.

(e) Each application meeting the requirements of paragraphs (b) and (d) or paragraphs (c) and (d) shall be submitted to the division for a determination of eligibility. The division shall review, evaluate, and score each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the extent to which the project contributes to the state's high-technology

base, and the long-term impact of the project and the applicant on the state's economy.

2. The economic benefit of the jobs created or retained by the project in Florida, taking into account the cost and average wage of each job created or retained, and the potential risk to existing Florida jobs.

3. The amount of capital investment to be made by the applicant in Florida.

4. The local commitment and support for the project and defense contractor.

5. The impact of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The dependence of the local community on the defense industry.

7. The impact of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will occur in Florida if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in Florida.

8. The length of the project, or the expected long-term commitment to Florida resulting from the project.

(f) The division shall forward its written findings and evaluation on each application meeting the requirements of paragraphs (b) and (d) or paragraphs (c) and (d) to the secretary within 60 calendar days of receipt of a complete application. The division shall notify each defense contractor when its application is complete, and when the 60-day period begins. In its written report to the secretary, the division shall specifically address each of the factors specified in paragraph (e), and shall make a specific assessment with respect to the minimum requirements established in paragraph (d). The division shall include in its report projections of the tax refund claims that will be sought by the defense contractor in each fiscal year based on the information submitted in the application.

(g) Within 30 days of receipt of the division's findings and evaluation, the secretary shall enter a final order which shall either approve or disapprove a defense contractor's application. The decision shall be in writing, and shall provide the justifications for either approval or disapproval. If appropriate, the secretary shall enter into a written agreement with the qualified defense contractor pursuant to subsection (4).

(h) The secretary shall not enter any final order which certifies any defense contractor as a qualified defense contractor when the aggregate amount of tax refunds for all qualified defense contractors projected by the division in any fiscal year exceeds \$10 million. A final order which approves a defense contractor's application shall specify the maximum amount of a tax refund that is to be available to the contractor in each fiscal year and the total amount of tax refunds for all fiscal years.

(i) Nothing in this section shall create a presumption that an applicant should receive any tax refunds under this section.

(4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND AGREEMENT.—

(a) A qualified defense contractor shall enter into a written agreement with the department containing, but not limited to, the following:

1. The total number of full-time equivalent jobs in Florida that are or will be dedicated to the qualified defense contractor's project, the average wage of such jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in Florida. This information shall be the same as the information contained in the application submitted by the contractor pursuant to subsection (3).

2. The maximum amount of a refund that the qualified defense contractor is eligible to receive in each fiscal year.

3. An agreement with the department allowing the department to review and verify the financial and personnel records of the qualified defense contractor to ascertain whether the qualified defense contractor is complying with the requirements of this section.

4. The date after which, each fiscal year, the qualified defense contractor may file an annual claim pursuant to subsection (5).

5. That local financial support shall be annually available and will be paid to the Economic Development Trust Fund.

(b) Compliance with the terms and conditions of the agreement shall be a condition precedent for receipt of tax refunds each year. The failure to comply with the terms and conditions of the agreement shall result in the loss of eligibility for receipt of all tax refunds previously authorized pursuant to this section, and the revocation of the certification as a qualified defense contractor by the secretary.

(c) The agreement shall be signed by the secretary and the authorized officer of the qualified defense contractor within 30 days of the entry of a final order certifying the qualified defense contractor pursuant to subsection (3).

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points:

"This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of funds sufficient to pay amounts authorized in s. 288.104, Florida Statutes."

(5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE CONTRACTOR.—

(a) Qualified defense contractors who have entered into a written agreement with the department pursuant to subsection (4) and who have entered into a valid new Department of Defense contract, commenced the consolidation of a Department of Defense contract, or commenced the conversion of defense production jobs to non-defense production jobs may apply once each fiscal year to the Department of Commerce for tax refunds. The application shall be made on or after the date contained in the agreement entered into pursuant to subsection (4).

(b) The claim for refund by the qualified defense contractor shall include a copy of all receipts pertaining to the payment of taxes for which a refund is sought, and data related to achieving each performance item contained in the tax refund agreement pursuant to subsection (4). The amount requested as a tax refund shall not exceed the amount for the fiscal year in the written agreement entered pursuant to subsection (4).

(c) No tax refund may be approved for any qualified defense contractor unless local financial support has been paid to the Economic Development Trust Fund in that fiscal year. If the local financial support is less than 20% of the approved tax refund, the tax refund shall be reduced. In no event shall the tax refund paid exceed five times the local financial support received. Further, funding from local sources includes tax abatement under s. 196.1995 provided to a qualified defense contractor; and the amount of any tax refund for such contractor approved under this section shall be reduced by the amount of any such tax abatement; and the limitations in subsection (2) and paragraph (3)(h) shall be reduced by the amount of any such tax abatement. A report listing all sources of the local financial support shall be provided to the division when such support is paid to the Economic Development Trust Fund.

(d) The secretary, with such assistance as may be required from the division, the Department of Revenue, or the Department of Labor and Employment Security, shall make a determination as to the amount of the tax refund that shall be authorized for the qualified defense contractor for the fiscal year in a written final order within 30 days of the date the claim for the annual tax refund is received by the Department of Commerce.

(e) The total amount of tax refunds approved by the secretary under this section in any fiscal year shall not exceed the amount appropriated to the Economic Development Trust Fund for such purposes for the fiscal year. In the event the Legislature does not appropriate an amount sufficient to satisfy projections by the division for tax refunds in a fiscal year, the secretary shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total amount of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Trust Fund for tax refunds, the secretary shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(f) Upon approval of the tax refund pursuant to paragraphs (c) and (d), the Comptroller shall issue a warrant for the amount included in the final order. In the event of any appeal of the final order, the Comptroller shall not issue a warrant for a refund to the qualified defense contractor until the conclusion of all appeals of the final order.

(6) ADMINISTRATION.—

(a) The department shall adopt rules pursuant to chapter 120 for the administration of this section.

(b) The department is authorized to verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes with the appropriate agency or authority including the Department of Revenue, the Department of Labor and Employment Security, or any local government or authority.

(c) To facilitate the process of monitoring and auditing applications made under this program, the department may provide a list of qualified defense contractors to the Department of Revenue, the Department of Labor and Employment Security, or to any local government or authority. The department may request the assistance of said entities with respect to monitoring the payment of the taxes listed in subsection (2).

(d) By September 30 of each year, the department shall submit a complete and detailed report to the Defense Transition and Conversion Commission, created under Executive Order 93-118, of all tax refunds paid under this section, including analyses of benefits and costs, types of projects supported, employment and investment created, geographic distribution of tax refunds granted, and minority business participation. The report must indicate whether the moneys appropriated by the Legislature to the qualified defense contractor tax refund program were expended in a prudent, fiducially sound manner. By December 1 of each year, the Defense Transition and Conversion Commission shall review and comment on the report, and shall submit the report together with the commission's comments to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(7) EXPIRATION.—This section shall expire and be void on June 30, 1998.

Section 3. Paragraph (1) is added to subsection (7) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

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

(1) *Payment information relative to chapters 199, 201, 212, 220, and 221 to the Department of Commerce in its administration of the qualified defense contractor tax refund program authorized by s. 288.104.*

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 4. Section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(1) The Economic Development Trust Fund is created within the Division of Economic Development of the Department of Commerce. Moneys deposited into the fund must be used only to support the authorized activities and operations of the division.

(2) *Moneys appropriated for or reimbursed to the qualified defense contractor tax refund program and local financial support must be deposited in the Economic Development Trust Fund. Funds appropriated for or reimbursed to the qualified defense contractor trust refund program shall be subject to the provisions of s. 216.301(1)(a). This subsection expires December 31, 1998.*

Section 5. Subsection (7) of section 443.171, Florida Statutes, is amended to read:

443.171 Division and commission; powers and duties; rules; advisory council; records and reports.—

(7) RECORDS AND REPORTS.—Each employing unit shall keep true and accurate work records, containing such information as the division may prescribe. Such records shall be open to inspection and be subject to being copied by the division at any reasonable time and as often as may be necessary. The division or an appeals referee may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, deemed necessary for the effective administration of this chapter. Information revealing the employing unit's or individual's identity thus obtained from the employing unit or from any individual pursuant to the administration of this chapter, shall, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending, be held confidential and exempt from the provisions of s. 119.07(1). Such information shall be available only to public employees in the performance of their public duties, including employees of the Department of Education in obtaining information for the Florida Education and Training Placement Information Program and the Department of Commerce in its administration of the qualified defense contractor tax refund program authorized by s. 288.104. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Any claimant (or his legal representative) at a hearing before an appeals referee or the commission shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee or member of the commission or any employee of the division, or any other person receiving confidential information, who violates any provision of this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, the division may furnish to any employer copies of any report previously submitted by such employer, upon the request of such employer, and the division is authorized to charge therefor such reasonable fee as the division may by rule prescribe not to exceed the actual reasonable cost of the preparation of such copies. Fees received by the division for copies as herein provided shall be deposited to the credit of the Employment Security Administration Trust Fund.

Section 6. *In the event that a court of competent jurisdiction determines any of the provisions of this act to be unconstitutional, it is the intent of the Legislature that the provisions contained in this act shall be null and void. To this end, the Legislature declares that it would not have enacted any of the provisions of this act individually and, to that end, expressly finds them not to be severable.*

Section 7. This act shall take effect upon becoming a law. This act shall be repealed on April 15, 1994, if no qualified defense contractor, as defined in section 2 of this act, has entered into a valid new Department of Defense contract or commenced the consolidation of a Department of Defense contract, which will result in the employment of at least 1,000 full-time employees. A qualified defense contractor which enters such a contract shall notify the Secretary of the Department of Commerce in writing no later than April 14, 1994.

And the title is amended as follows:

On page 1, line 1, strike the entire title and insert: A bill to be entitled An act relating to federal defense contractors; providing legislative findings; creating s. 288.104, F.S.; establishing a qualified defense contractor tax refund program; providing definitions; authorizing refunds from the Economic Development Trust Fund of specified taxes paid by a qualified defense contractor engaged in a new Department of Defense contract, consolidation of a Department of Defense contract, or conversion of defense production jobs to non-defense production jobs; providing limitations; providing penalties for fraudulent claims; providing application procedures and requirements; providing for review and evaluation by the Division of Economic Development; providing for certification by the Secretary of Commerce; requiring such contractors to enter into a written agreement with the Department of Commerce; requiring annual application for tax refunds; providing for administration by the department; requiring annual reports to the Defense Transition and Conversion Commission and the Governor and Legislature; providing for expiration; amending s. 213.053, F.S.; authorizing the Department of Revenue to furnish certain information to the Department of Commerce in its administration of the program; providing a penalty for breach of confidentiality; amending s. 288.095, F.S., relating to the Economic Development Trust Fund; providing for the deposit of moneys into that trust fund; amending s. 443.171, F.S.; authorizing the Division of Unemployment Compensation to release certain information to the Department of Commerce in its administration of the program; providing a penalty for breach of confidentiality; providing nonseverability; providing an effective date; providing for repeal.

MOTION

On motion by Senator Grogan, the Senate concurred in the House amendment.

CS for SB 32-C passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35 Nays—None

RETURNING MESSAGES ON HOUSE BILL

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to CS for CS for HB 91-C and accedes to the request for a conference committee. The Speaker has appointed the following Representatives to the conference committee: Representative Martinez, Chair; Representatives Ritchie, Long, Logan, Mortham and Valdes.

John B. Phelps, Clerk

CS for CS for HB 91-C—A bill to be entitled An act relating to weapons and firearms; amending s. 790.17, F.S.; prohibiting certain transfer to a minor of a weapon, or electric weapon or device; prohibiting sale or transfer to a minor of a firearm and providing that a violation constitutes a third-degree felony; amending s. 790.175, F.S.; redefining the term “minor”; requiring that the purchaser of a firearm be informed that it is unlawful to store or leave a firearm within access of a minor or to knowingly sell or transfer a firearm to a minor or a person of unsound mind; amending s. 790.18, F.S.; prohibiting an arms dealer from selling or transferring a firearm or certain other weapons to a minor; increasing the penalty for a violation from a misdemeanor to a felony; amending s. 790.22, F.S.; prohibiting a minor from possessing a firearm; providing certain exceptions; prohibiting adults responsible for a minor from knowingly permitting the minor to unlawfully possess a firearm; providing penalties for a violation by an adult, including community service in certain circumstances, and requiring the Department of Health and Rehabilitative Services to provide a community service plan; providing penalties for a violation by a minor; requiring that a minor charged with certain offenses involving the use or possession of a firearm be detained in secure detention unless the state attorney authorizes the minor’s release; providing for a hearing within a specified period; requiring the court to order a minimum mandatory period of secure detention in addition to other punishments provided by law if the minor is found to have committed certain offenses involving the use or possession of a firearm and is not committed to a residential commitment program of the Department of Health and Rehabilitative Services; providing for mandatory revocation or suspension of the driving privilege if a minor is found to have committed certain offenses involving the use or possession of a firearm; providing for enhanced penalties; providing for the seizure and disposal of a firearm used or possessed unlawfully by a minor; providing that such provisions are supplemental to certain other criminal sanctions; providing for the secure detention of a minor charged with a violation of certain provisions of ch. 790, F.S., pending a court hearing; amending s. 790.23, F.S.; prohibiting felons, and juveniles found to have committed a delinquent act that would be a felony if committed by an adult, from using or possessing a firearm under certain conditions; providing exceptions; providing penalties; amending s. 790.25, F.S.; limiting authorization for possession in private conveyance to persons over 18; providing appropriations; providing effective dates.

CONFEREES ON CS for CS for HB 91-C APPOINTED

The President had previously appointed Senator Silver, Chairman; Senators Beard, Siegel, Wexler, Meadows and Myers; and alternates, Senators Bankhead and Kurth as conferees on CS for CS for HB 91-C. The action of the Senate was certified to the House.

ROLL CALLS ON SENATE BILLS

SB 20-C

Yeas—31

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

Crist	Grant	Jones	Siegel
Diaz-Balart	Grogan	Kirkpatrick	Sullivan
Dudley	Gutman	Kurth	Turner
Dyer	Harden	McKay	Weinstein
Foley	Hargrett	Meadows	Wexler
Forman	Jenne	Myers	

Nays—None

SB 26-C

Yeas—28

Bankhead	Crist	Harden	Myers
Beard	Diaz-Balart	Hargrett	Siegel
Boczar	Dudley	Jenne	Silver
Brown-Waite	Dyer	Jones	Sullivan
Burt	Foley	Kirkpatrick	Turner
Casas	Forman	Kurth	Weinstein
Crenshaw	Gutman	Meadows	Williams

Nays—None

CS for SB 32-C

Yeas—35

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

Nays—None

SB 34-C

Yeas—32

Bankhead	Diaz-Balart	Jenne	Scott
Boczar	Dudley	Jennings	Siegel
Brown-Waite	Dyer	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grogan	Kirkpatrick	Turner
Crenshaw	Gutman	Kurth	Weinstein
Crist	Harden	Meadows	Wexler
Dantzler	Hargrett	Myers	Williams

Nays—2

Beard Foley

Vote after roll call:
Nay to Yea—Foley

SB 36-C

Yeas—30

Mr. President	Crist	Gutman	Myers
Bankhead	Diaz-Balart	Harden	Siegel
Beard	Dudley	Jenne	Sullivan
Boczar	Dyer	Jones	Turner
Brown-Waite	Foley	Kirkpatrick	Weinstein
Burt	Forman	Kurth	Wexler
Casas	Grant	McKay	
Crenshaw	Grogan	Meadows	

Nays—None

Nays—None

SB 42-C

Yeas—31

Bankhead	Dyer	Jenne	Siegel
Beard	Foley	Jones	Silver
Boczar	Forman	Kirkpatrick	Sullivan
Burt	Grant	Kiser	Turner
Casas	Gutman	Kurth	Weinstein
Crenshaw	Harden	McKay	Wexler
Diaz-Balart	Hargrett	Meadows	Williams
Dudley	Holzendorf	Myers	

Nays—3

Brown-Waite	Crist	Grogan
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ROLL CALLS ON HOUSE BILLS

HB 113-C

Yeas—31

Mr. President	Crist	Jenne	Siegel
Bankhead	Diaz-Balart	Johnson	Silver
Beard	Dudley	Jones	Sullivan
Boczar	Dyer	Kirkpatrick	Turner
Brown-Waite	Forman	Kurth	Weinstein
Burt	Gutman	McKay	Wexler
Casas	Harden	Meadows	Williams
Crenshaw	Hargrett	Myers	

Nays—None

HB 125-C

Yeas—32

Mr. President	Crist	Harden	Meadows
Bankhead	Diaz-Balart	Hargrett	Myers
Beard	Dudley	Holzendorf	Scott
Boczar	Dyer	Jenne	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Childers	Grogan	Kirkpatrick	Weinstein
Crenshaw	Gutman	Kiser	Williams

ROLL CALLS ON MOTIONS

Motion to Introduce Bill

Yeas—11

Bankhead	Crenshaw	Foley	Myers
Burt	Diaz-Balart	Grant	Sullivan
Casas	Dudley	Harden	

Nays—20

Beard	Forman	Kirkpatrick	Silver
Boczar	Grogan	Kurth	Turner
Brown-Waite	Gutman	McKay	Weinstein
Crist	Hargrett	Meadows	Wexler
Dyer	Jones	Siegel	Williams

VOTES RECORDED AFTER ROLL CALL

On motion by Senator Foley, by unanimous consent of the Senate, he was recorded as changing his vote from "nay" to "yea" on **SB 34-C**.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 4 was corrected and approved.

RECESS

On motion by Senator Kirkpatrick, pursuant to **HCR 129-C** the Senate recessed at 6:31 p.m. for the purpose of holding committee meetings and conducting other Senate business until 2:00 p.m., Tuesday, November 9.