



Journal of the Senate

Number 12

Thursday, March 31, 1994

CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

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

Excused: Senator Turner

PRAYER

The following prayer was offered by the Rev. Robert H. Walker, Jr., Pastor, First Baptist Church, Crawfordville:

Hear us as we call, O God of our righteousness. Thou has granted courage when we have been distressed. Have mercy upon us and hear our prayer today. Grant us forgiveness for our shortcomings and our selfishness. Give us strength to serve selflessly today.

Pour out your holy love upon us, that we may in humility love all others today. Bless us with your ultimate wisdom, that we may make right decisions beyond our own understanding today. Send us your strength, that we may serve and protect your people today. Strengthen us from within by your spirit, that we may in courage vote our convictions without bending to others today.

Nurture us with your compassion, that we may earnestly strive that none within our charge shall suffer need today. Remind us of the delicate balance of your creation, that we may eliminate all excesses which create deficiencies.

We thank you and praise you for all the joys and blessings of our lives and pray that we may be good stewards and servants of your will. Amen.

PLEDGE

Senate Pages, Kenneth M. Beard of Tallahassee, Karen Pinckney of Longwood and Doug R. Cooke, Jr., of Jacksonville, led the Senate in the pledge of allegiance to the flag of the United States of America.

SPECIAL PERFORMANCE

The President presented singer and songwriter Charles Atkins and his wife Mary to the Senate. Mr. and Mrs. Atkins were accompanied by Nippi Eubanks and Charlsie Hughes. "Florida's Song", written and sung by Charles Atkins, was played for the Senate.

CONSIDERATION OF RESOLUTIONS

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

By Senator Diaz-Balart—

SR 3138—A resolution in memory of Don O'Neal.

WHEREAS, Don O'Neal was appointed to the Florida Highway Patrol in 1956 where, upon becoming First Sergeant in 1965, he served as assistant to the Troop Commander until he was assigned in 1967 to lobby for the patrol and to implement the motor vehicle inspection program, and

WHEREAS, in 1968, Don O'Neal joined the Florida Rural Electric Co-ops, serving as executive director of the association for that group from 1969 to 1975, and after taking a year to lobby for the Florida Chamber of Commerce, became chief lobbyist for Florida Power and Light, and in 1987 he joined the law firm of Bryant, Miller and Olive as governmental consultant, and continued to represent Florida Power and Light as his principal client until his death in 1993, and

WHEREAS, Don O'Neal never ended his association with the Florida Highway Patrol as he continued to lobby pro bono on behalf of the patrol, and in order to recognize Don for his years of service in and on behalf of the patrol, it recalled Don in 1987 and promoted him to the honorary rank of Captain, and

WHEREAS, Don O'Neal began his lobbying career in the old Capitol, and he will be remembered for his distinctive greeting of "howdy, partner" to so many, his keen desire to help his fellow lobbyists succeed, and his extraordinary ability to listen and counsel, and

WHEREAS, in addition to his wife, Faye, of 39 years and his five daughters and their families, Don O'Neal has left behind many friends whose days he made better by his ability to make them laugh and by sharing with them his expertise in the legislative process, and

WHEREAS, it is appropriate that the Florida Senate commemorate the passing of one so admired and respected as Don O'Neal, whose demise is marked by a sense of deep loss and sadness, NOW, THEREFORE,

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

That the Florida Senate pause in its deliberations to pay respect to Don O'Neal, beloved husband, father, friend, and lobbyist of the Legislature, who will be missed in the halls of the Senate.

On motion by Senator Diaz-Balart, **SR 3138** was read by title and was read the second time in full and adopted.

SPECIAL GUESTS

Senator Diaz-Balart introduced the following members of Don O'Neal's family, who were seated in the chamber: wife, Faye; daughter, Denise Cato; daughter, Dee Tabor; and son-in-law, Bill Tabor.

Upon request of the President, Senator Diaz-Balart escorted the guests to the rostrum where they were presented a copy of the resolution.

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

By Senator Casas—

SR 3140—A resolution in memory of Stephen John Fisher III.

WHEREAS, Stephen John Fisher III, better known as Steve, began his illustrious career in politics as a student at the University of Miami when he organized students to support Leroy Collins in his bid for Governor of Florida, and

WHEREAS, Steve Fisher also worked on behalf of the presidential campaigns of Presidents John F. Kennedy, Lyndon B. Johnson, and Jimmy Carter and for Governor Lawton Chiles in his bid for a United States Senate seat, and he was involved in more than 250 city and county and state legislative campaigns, and

WHEREAS, Mr. Fisher is recognized for maintaining the highest ethical standards during 33 years on Dade County's political scene and was regarded as a man of integrity who valued his good word over money, and

WHEREAS, The Honorable Dante Fascell credits Steve Fisher with using creativity to win the campaign to preserve South Biscayne Bay before ecology became a popular issue and attributes much of his own election success to Steve's style of creativity while avoiding overmanagement, and

WHEREAS, Steve Fisher had a sense of history that is unique to great politicians, an understanding that politics is a grand ongoing process, and the moral fiber that brought him great respect, and

WHEREAS, in recent years, Steve reduced his political campaign activities to that of fundraising while maintaining his primary position as lobbyist for Hialeah Park racecourse, ultimately relocating to Tallahassee as a full-time resident, and

WHEREAS, his family had moved to Miami when he was fifteen so that this young man with serious heart disease could thrive for a maximum of 10 years, and when he passed away at his Tallahassee home on October 20, 1993, he was 62 years old, and

WHEREAS, it is appropriate that the Florida Senate commemorate the passing of Steve Fisher whose demise is marked by a sense of deep loss and sadness, NOW, THEREFORE,

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

That the Florida Senate does pause in its deliberations to pay its respect to Steve Fisher, who will be remembered as a gentle man and a gentleman, whose reputation is beyond reproach, and whose expertise and example will be missed, and expresses its profound sympathy to his beloved wife, Theresa, of 38 years, and his sons, Robin and Tad.

On motion by Senator Casas, **SR 3140** was read by title and was read the second time in full and adopted.

SPECIAL GUESTS

Senator Casas introduced the following members of Steve Fisher's family, who were seated in the chamber: wife, Terry; son, Tad and daughter-in-law, Chris; son, Robin and daughter-in-law, Lisa.

Upon request of the President, Senator Casas escorted the guests to the rostrum where they were presented a copy of the resolution.

SENATOR MCKAY PRESIDING

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

By Senator Meadows—

SR 3142—A resolution in honor of the late Dr. Richard Vernon Moore, Sr.

WHEREAS, Dr. Richard Vernon Moore, Sr., who was born on November 20, 1906, in Quincy, Florida, and who died on January 2, 1994, in Daytona Beach, Florida, was a distinguished educator whose greatest satisfaction was providing educational opportunities for underprivileged young men and women, and

WHEREAS, Dr. Moore received an A.B. degree from Knoxville College and an M.A. degree from Atlanta University, studied for the Ph.D. degree at New York University, and was awarded honorary J.D. degrees from Edward Waters and Knoxville Colleges, and

WHEREAS, Dr. Moore began his career as a Social Studies instructor and coach at Pinellas High School; became principal of Union Academy in Tarpon Springs, Rosenwald High School in Panama City, and Booker T. Washington High School in Pensacola; served as the first black State Supervisor of Black Secondary Schools; and crowned his career as President of Bethune-Cookman College, serving from 1947 to 1975, and

WHEREAS, Dr. Moore was a member of the Florida Supreme Court Judicial Nominating Commission, the Florida Commission on Human Relations, Winn Dixie and African-American Insurance boards of directors, and many professional, civic, and fraternal organizations, including the National and Florida Education Associations, United Negro College Fund, Florida's Committee for Quality Education, Halifax Area Chamber of Commerce and Halifax Medical Center, Westside Business and Professional Association, Rotarians, Alpha Phi Alpha Fraternity, Alpha Kappa Mu Honor Society, Sigma Pi Phi Boule, Masons, Elks, Knights of Pythian, and Richard V. Moore Chapter of the Eastern Star, and

WHEREAS, Dr. Moore was a leader in the United Methodist Church, serving as a lay leader, board member, and delegate at the local, statewide, and national levels, and

WHEREAS, Dr. Moore, with the insight of broad education and experience, including extensive travel across the country and overseas, was a key figure in the desegregation of public accommodations in the 1960's and subsequently received an award from the OPEN FORUM of the City of Daytona Beach for community service related to interracial understanding, NOW, THEREFORE,

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

That the late Dr. Richard Vernon Moore, Sr., is hereby honored for his distinguished career as an educator and his incomparable services as a community leader.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. Moore's wife, Mrs. B. J. Moore, as a tangible token of the sentiments of the Florida Senate.

On motion by Senator Meadows, **SR 3142** was read by title and was read the second time in full and adopted.

On motion by Senator Dantzler, by two-thirds vote **SR 1634** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Dantzler—

SR 1634—A resolution recognizing the efforts and devotion of caregivers to the chronically ill and the terminally ill.

WHEREAS, an estimated 100 million of our neighbors, friends, family members, and workmates are the sole caregivers for their chronically or terminally ill spouses or other family members, and

WHEREAS, these spouse and family caregivers need our support, love, understanding, and help, and

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

WHEREAS, such devotion and love on the part of these caregivers, who may spend substantial portions of their lives caring for ill spouses or family members, are deserving of our attention and concern, NOW, THEREFORE,

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

That February 14, 1994, be recognized as "Spouse and Family Caregivers Day" by this body.

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

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

On motion by Senator Jones, by two-thirds vote **SR 2818** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Jones—

SR 2818—A resolution recognizing and expressing appreciation to Mr. Lucio Petrocelli.

WHEREAS, Mr. Lucio Petrocelli, 3-year chairman of the Key West Custom House Project Committee, has contributed \$1 million to the Key West Art and Historical Society to help restore the Key West Custom House, an 1891 brick, stone, and terra cotta style ornamental structure that is one of the finest surviving examples of Romanesque Revival architecture in Florida, and

WHEREAS, the Key West Custom House, the 1898 court of inquiry site following the sinking of the battleship "Maine" in Havana, Cuba, which event sparked the Spanish-American War, has also served as a post office, a Federal courthouse, and district headquarters for the lighthouse service, and

WHEREAS, the building is listed in the National Register of Historic Places and was recently acquired by the state through the Conservation and Recreation Lands program and then leased to the historical society, and it has received other state grants that will enable its restoration for use as a museum of art and history, and

WHEREAS, Mr. Petrocelli, a real estate developer from New York and the owner of Duval Square, a thriving shopping and restaurant complex in the Old Town portion of Key West, made his contribution to express his gratitude to the people of Key West for "making it such a wonderful place to live," that he has now made Key West his home, and

WHEREAS, Mr. Petrocelli has also given generously to the local hospital, library, and theaters and to the Key West Woman's Club, and has expressed his hope that his donation for the restoration of the Custom House will encourage other donations from members of the community, and

WHEREAS, it is appropriate for the Florida Senate to recognize Mr. Lucio Petrocelli for his generosity and service to his community, NOW, THEREFORE,

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

That Mr. Lucio Petrocelli is hereby recognized for his generous gift to the Key West Art and Historical Society to help restore the Key West Custom House, and the Florida Senate hereby expresses its gratitude for his assistance to the citizens of Key West and the citizens of the State of Florida on this project.

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

THE PRESIDENT PRESIDING

On motion by Senator Dyer, by two-thirds vote **SR 2252** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Dyer—

SR 2252—A resolution in memory of Joseph R. Julin, Dean Emeritus and Chesterfield Smith Professor of Law at the University of Florida College of Law.

WHEREAS, Joseph R. "Dick" Julin, who passed away August 3, 1993, was a preeminent state and national leader in legal education and in the legal profession and shaped the minds and futures of thousands of law students and lawyers, and

WHEREAS, Dick Julin was a graduate of Northwestern School of Law where he was inducted into the Order of the Coif, and

WHEREAS, before coming to the University of Florida College of Law, he served as Professor and Associate Dean at the University of Michigan Law School, a law school that had achieved greatness, and

WHEREAS, from 1971 to 1980, Dick Julin served as Dean of the University of Florida College of Law and helped build the college into the nationally prominent public law school that it is today, and

WHEREAS, during Dean Julin's tenure, the University of Florida College of Law established the Graduate Tax Program, which is ranked with the tax program at New York University as the best in the nation for the advanced study of tax law, and

WHEREAS, Dean Julin was a strong supporter of the Legal Information Center, which has become a nationally recognized academic law library distinguished for its innovations in electronic information retrieval and audiovisual resources, and

WHEREAS, Dean Julin is regarded by many observers throughout the country to have been the most successful dean of an American law school in his time, and

WHEREAS, after his tenure as dean, Dick Julin served as President of the Association of American Law Schools, Chair of the American Bar Association Section on Legal Education and Admissions to the Bar, and President of the National Conference of Bar Examiners, and

WHEREAS, since 1985, Dean Emeritus Julin had held the Chesterfield Smith Professorship of Law at the University of Florida, where he taught property and natural resources law, and

WHEREAS, in 1985, Dick Julin, well known for his exceptional negotiating skills, was appointed to serve as Special Master to the United States District Court to resolve the *Costello v. Wainwright* lawsuit over prison overcrowding and substandard medical care, and

WHEREAS, Dick Julin's creative solution to the health care issue raised by that protracted litigation was to establish the Correctional Medical Authority, an independent state board comprised of physicians, nurses, lawyers, hospital administrators, university professors, and others who voluntarily monitor the performance of the state in providing health care to prison inmates, and

WHEREAS, University of Florida law professor Francis Allen, a preeminent specialist in criminal law, called Dick Julin's solution "one of the finest examples of social engineering I have ever seen," and

WHEREAS, Dick Julin was a fellow of the American Bar Association and a member of the American Law Institute; served on the American Bar Association Commission on Professionalism and its Task Force on Lawyer Competency; served on the Florida Law Revision Council of 1978-1979, the Article V Constitution Review Commission of 1983-1984, and the 1978 Commission on the Florida Appellate Court Structure; and, from 1976 to 1979, served, pursuant to appointment by United States Supreme Court Justice Warren Burger, on the Judicial Conference Committee To Propose Standards for Admission To Practice in the Federal Courts, and

WHEREAS, Dick Julin was co-author of "Basic Property Law" and "The Goals and Missions of Law Schools," and

WHEREAS, Dean Julin has been described by a colleague, Michael Gannon, Distinguished Service Professor of History at the University of Florida, as "a person of consummate integrity, humane values, passion for justice, far-reaching vision, courageous leadership, and, what will probably linger longest in our hearts, care and compassion for others," NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to pay its respects to the late Joseph R. "Dick" Julin, Dean Emeritus and Chesterfield Smith Professor of Law at the University of Florida College of Law.

BE IT FURTHER RESOLVED that copies of this resolution, signed by the President of the Senate with the Seal of the Senate affixed, be presented to Dick Julin's cherished wife and lifelong companion, Dorothy, and to each of their children, Pamela Gossman of Pensacola, Thomas Julin of Miami, Diane Chavez of Los Angeles, and Linda McNamara of Tampa, as tangible tokens of the sentiments expressed herein and lasting symbols of the respect of the members of the Florida Senate.

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

SPECIAL GUESTS

Senator Dyer introduced the following members of Dick Julin's family, who were seated in the chamber: wife, Dorothy; son, Tom; and daughter, Linda Julin McNamara.

Upon request of the President, Senator Dyer escorted the guests to the rostrum where they were presented a copy of the resolution.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Kiser, by two-thirds vote **CS for CS for SB 2162, CS for CS for SB 624 and CS for SB 2844** were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Jenne, by two-thirds vote **CS for SB's 132 and 316, SB 244, CS for SB 1192, Senate Bills 1406, 1618, 1622, CS for SB 1806, SB 2062, CS for CS for SB 2270, Senate Bills 2494, 2636, 2640, CS for SB 2704, SB 2744, CS for SB 2770, SB 2806, CS for SB 2840 and CS for SB 1068** were withdrawn from the Committee on Appropriations.

On motion by Senator Kirkpatrick, by two-thirds vote **CS for SB 1174** was withdrawn from the Committee on Judiciary.

MOTIONS

On motion by Senator Grogan, by two-thirds vote **CS for SB 626** was ordered immediately certified to the House.

MATTERS ON RECONSIDERATION

The motion by Senator Hargrett that the Senate reconsider the vote by which—

CS for SB 1278—A bill to be entitled An act relating to organ and tissue donation; amending ss. 732.913, 732.914, F.S.; providing that invidious discriminatory restrictions on anatomical gifts are void and unenforceable; providing an effective date.

—passed March 30 was taken up and adopted.

On motion by Senator Hargrett, by two-thirds vote the Senate reconsidered the vote by which **CS for SB 1278** was read the third time.

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

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

Amendment 1A (with Title Amendment)—On page 1, strike all of lines 12-25 and renumber subsequent sections.

And the title is amended as follows:

In title, on page 12, strike all of lines 12-15 and insert: amending s. 381.0602, F.S.; relating

Amendment 1 as amended was adopted.

On motions by Senator Hargrett, by two-thirds vote **CS for SB 1278** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—35 Nays—None

SPECIAL ORDER

CS for SB 340—A bill to be entitled An act relating to the membership of statutorily created decisionmaking or regulatory boards, commissions, councils, and committees; providing intent; providing policy with respect to the appointment of members to such bodies to ensure proportionate minority representation; defining "minority"; requiring annual reports; requiring retention of certain information regarding applicants and disclosure of such information; providing applicability; providing for expiration; providing an effective date.

—was read the second time by title.

Senator Boczar moved the following amendment:

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

Section 1. (1) It is the intent of the Legislature to recognize the importance of balance in the appointment of minority and nonminority persons to membership on statutorily created decisionmaking and regulatory boards, commissions, councils, and committees, and to promote that balance through the provisions of this section. In addition, the Legislature recognizes the importance of including persons with physical disabilities on such panels. Furthermore, the Legislature recognizes that statutorily created decisionmaking and regulatory boards, commissions, councils, and committees play a vital role in shaping public policy for Florida, and the selection of the best-qualified candidates is the paramount obligation of the appointing authority.

(2) As used in this section, "minority person" means:

(a) An African American; that is, a person having origins in any of the racial groups of the African Diaspora.

(b) A Hispanic American; that is, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race.

(c) An Asian American; that is, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands prior to 1778.

(d) A native American; that is, a person who has origins in any of the Indian Tribes of North America prior to 1835.

(e) An American woman.

(3) In appointing members to any statutorily created decisionmaking or regulatory board, commission, council, or committee of the state, the appointing authority should select, from among the best-qualified persons, those persons whose appointment would ensure that the membership of the board, commission, council, or committee accurately reflects the proportion that each group of minority persons specified in subsection (2) represents in the population of the state as a whole or, in the case of a local board, commission, council, or committee, in the population of the area represented by the board, commission, council, or committee, as determined pursuant to the most recent federal decennial census, unless the law regulating such appointment requires otherwise, or persons of the underrepresented minority group cannot be recruited. When appointing members to a statutorily created decisionmaking or regulatory board, commission, council or committee which was created to address a specific issue relating to minority persons, the appointing authority should give weight to the minority group that the board, commission, council or committee was created to serve. If the size of the board, commission, council, or committee precludes an accurate representation of all minority groups, appointments should be made which conform to the requirements of this section insofar as possible. If there are multiple appointing authorities for the board, commission, council, or committee, they shall consult with each other to ensure compliance with this section.

(4) Each appointing authority described in subsection (3) shall submit a report to the Secretary of State annually by December 1 which discloses the number of appointments made during the preceding year from each minority group and the number of nonminority appointments made, expressed both in numerical terms and as a percentage of the total membership of the board, commission, council, or committee. In addition, information shall be included in the report detailing the number of physically disabled persons appointed to boards, commissions, councils, and committees in the previous calendar year. A copy of the report shall be submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate. In addition, each appointing authority shall designate a person responsible for retaining all applications for appointment, who shall ensure that information describing each applicant's race, ethnicity, gender, physical disability, if applicable, and qualifications is available for public inspection during reasonable hours. Nothing in this section requires disclosure of an applicant's identity or of any other information made confidential by law.

(5) This section applies to appointments and reappointments made after the effective date of this act. It does not prohibit a member of a decisionmaking or regulatory board, commission, council, or committee from completing a term being served as such member when this act takes effect. A person appointed to a decisionmaking or regulatory board, commission, council, or committee before the effective date of this act may not be removed from office solely for the purpose of meeting the requirements of this section.

Section 2. This act shall take effect January 1, 1995.

And the title is amended as follows:

In title, on page 1, line 14, strike everything before the enacting clause and insert: A bill to be entitled An act relating to statutorily created decisionmaking or regulatory boards, commissions, councils, and committees; providing intent; defining "minority person"; providing policy with respect to the appointment of members to such bodies to ensure proportionate minority representation; requiring annual reports; requiring retention of certain information regarding applicants and disclosure of such information; providing applicability; providing an effective date.

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

Amendment 1A—On page 2, between lines 8 and 9, insert:

(f) A person with a physical disability, including visual or hearing impairment.

Amendment 1 as amended was adopted.

On motions by Senator Boczar, by two-thirds vote **CS for SB 340** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—36 Nays—1

SENATOR HOLZENDORF PRESIDING

Consideration of **SB 1344** and **CS for SB 1334** was deferred.

CS for SB 304—A bill to be entitled An act relating to the Local Government Code Enforcement Boards Act; amending s. 162.05, F.S.; revising the process of appointment of board members; amending s. 162.06, F.S.; revising the conditions under which a code inspector may immediately notify the enforcement board and request a hearing; amending s. 162.07, F.S.; authorizing local governing bodies to recover costs incurred in prosecuting cases before the boards; amending ss. 162.09 and 162.10, F.S.; revising the time period for imposition of a fine for repeat violations; authorizing the local governing body to make repairs if an order of the board is not complied with for certain violations and to assess the cost of repairs along with the fine imposed on the violator; authorizing suits to recover a money judgment for the lien amount plus interest and providing for recovery of costs; authorizing the local governing body to collect costs of recording and satisfying the lien; amending s. 162.12, F.S.; revising requirements relating to notice to the violator by posting; amending s. 162.21, F.S.; providing for citations for repeat violations; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Meadows and adopted:

Amendment 1 (with Title Amendment)—On page 5, line 16, after the period (.) insert: *A lien arising from a fine imposed pursuant to this section runs in favor of the local governing body and the local governing body may execute a satisfaction or release of lien entered pursuant to this section.*

And the title is amended as follows:

In title, on page 1, line 18, after the semicolon (;) insert: providing authority of the local governing body with respect to liens for fines imposed;

On motion by Senator Meadows, further consideration of **CS for SB 304** as amended was deferred.

CS for SB 1334—A bill to be entitled An act relating to the Department of Environmental Protection; amending ss. 125.563, 159.705, 161.021, 161.031, 161.041, 161.042, 161.052, 161.053, 161.061, 161.071, 161.081, 161.082, 161.091, 161.101, 161.111, 161.141, 161.161, 161.33, 161.35, 161.36, 161.54, 163.3184, 177.27, 177.29, 177.502, 177.503, 186.021, 186.504, 186.801, 192.001, 193.015, 193.501, 193.621, 201.022, 201.15, 206.9935, 211.31, 211.32, 212.055, 212.08, 212.69, 213.053, 215.3208, 216.0165, 220.184, 229.8058, 229.8064, 240.155, 240.5161, 240.5325, 240.5326, 252.87, 253.02, 253.022, 253.023, 253.025, 253.03, 253.0325, 253.037, 253.04, 253.05, 253.12, 253.1241, 253.126, 253.45, 253.67, 253.74, 253.75, 253.77, 253.781, 253.782, 253.7821, 253.7823, 253.7825, 253.7826, 253.7829, 253.783, 253.784, 255.259, 255.565, 258.004, 258.015, 258.024, 258.09, 258.10, 258.15, 258.155, 258.397, 258.42, 258.43, 258.501, 259.035, 259.045, 259.101, 260.012, 260.013, 260.0161, 267.061, 270.22, 272.18, 282.1095, 282.402, 282.403, 287.045, 287.0595, 288.021, 288.063, 288.1185, 288.811, 298.07, 298.11, 298.12, 298.15, 298.16, 298.22, 298.26, 298.33, 298.34, 298.467, 298.55, F.S.; conforming provisions to the transfer of the duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; conforming provisions to reflect the authority of the Secretary of Environmental Protection to take certain actions that were within the purview of the Governor and Cabinet as head of the former Department of Natural Resources or that were the responsibility of the executive director; conforming provisions to changes made by the act; revising the membership of the Land Management Advisory Council; repealing ss. 298.70, 298.71, 298.72, 298.73, F.S., relating to the authority of the former Department of Natural Resources to borrow money and

issue notes; deleting obsolete provisions; amending ss. 309.01, 316.272, 316.293, 316.2935, 316.640, 320.03, 320.08065, 320.08066, 325.202, 325.203, 325.206, 325.207, 325.209, 325.212, 325.213, 325.217, 325.218, 325.223, F.S.; conforming provisions to the transfer of the duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; repealing ss. 327.01, 327.28(3)(e), F.S., relating to a short title and obsolete provisions; amending ss. 327.02, 327.03, 327.04, 327.11, 327.12, 327.13, 327.15, 327.16, 327.18, 327.19, 327.25, 327.26, 327.29, F.S.; providing for the Department of Highway Safety and Motor Vehicles rather than the former Department of Natural Resources to administer the vessel registration and titling laws; creating s. 327.296, F.S.; providing definitions; creating s. 327.297, F.S.; authorizing the Department of Environmental Protection to adopt rules with respect to waterway and navigation safety; 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376.3077, 376.321, 376.40, 376.60, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; repealing s. 377.07, F.S., relating to the Division of Resource Management; deleting obsolete provisions; amending s. 377.075, F.S.; providing requirements of the Department of Environmental Protection in carrying out a geological survey of the state; deleting a penalty imposed for failing to notify a land owner of mineral deposits; repealing s. 377.10, F.S., relating to a prohibition on the employment of certain persons by the former Division of Resource Management of the Department of Natural Resources; amending ss. 377.19, 377.21, 377.22, 377.23, 377.24, 377.2408, 377.2409, 377.241, 377.242, 377.2421, 377.2425, 377.243, 377.244, 377.245, 377.25, 377.26, 377.27, 377.28, 377.29, 377.30, 377.31, 377.32, 377.33, 377.34, 377.36, 377.37, 377.371, 377.38, 377.39, 377.40, 377.703, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 378.032, 378.033, 378.034, 378.036, 378.203, 378.205, 378.206, 378.208, 378.212, 378.403, 378.404, 378.405, 378.406, 378.407, 378.408, 378.409, 378.411, 378.501, 378.502, 378.503, 378.601, 378.701, 378.703, 378.801, 378.803, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; conforming provisions to reflect the authority of the Secretary of Environmental Protection to take certain actions that were within the purview of the Governor and Cabinet as head of the former Department of Natural Resources or that were the responsibility of the executive director of the former Department of Natural Resources; amending ss. 380.05, 380.051, 380.055, 380.0555, 380.0558, 380.06, 380.061, 380.0651, 380.0685, 380.31, 380.33, 380.504, 381.006, 381.0065, 381.0098, 388.45, 388.46, 403.031, 403.061, 403.0615, 403.0625, 403.081, 403.085, 403.086, 403.0871, 403.0873, 403.0876, 403.088, 403.0885, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; revising the membership on the Coordinating Council on Mosquito Control; repealing s. 403.0891(4), F.S., relating to an inventory of stormwater management systems by the Department of Transportation; deleting obsolete provisions; amending ss. 403.092, 403.135, 403.141, 403.182, 403.1822, 403.1823, 403.1834, 403.1835, 403.1838, 403.281, 403.413, 403.4131, 403.4135, 403.415, 403.4154, 403.503, 403.504, 403.507, 403.508, 403.518, 403.522, 403.523, 403.526, 403.527, 403.5271, 403.5365, 403.703, 403.705, 403.7061, 403.707, 403.708, 403.7084, 403.709, 403.714, 403.716, 403.7165, 403.717, 403.7186, 403.7195, 403.7197, 403.7199, 403.722, 403.7222, 403.7226, 403.725, 403.7255, 403.7264, 403.727, 403.74, 403.75, 403.7721, 403.783, 403.7841, 403.786, 403.787, 403.803, 403.8051, 403.8163, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; amending ss. 403.851, 403.852, 403.862, 403.8635, 403.9311, 403.935, 403.9403, 403.9404, 403.941, 403.9411, 403.9412, 403.951, 403.952, 403.955, 403.957, 403.958, 403.959, 403.961, 403.962, 403.963, 403.964, 403.966, 403.967, 403.968, 403.969, 403.971, 403.972, 404.031, 404.0614, F.S., conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; amending ss. 418.12, 420.608, 470.025, 487.0615, 489.133, 492.103, 493.6101, 493.6403, 501.122, 526.01, 553.79, 570.07, 581.083, 581.145, 581.186, 589.26, 597.003, 597.006, 617.0122, 705.101, 705.103, 784.07, 823.11, 832.06, 843.08, 860.20, 870.04, 895.09, 932.7055, 943.1728, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; revising the membership on the Pesticide Review Council; providing effective dates.

—was read the second time by title.

Senator Dantzler moved the following amendments which were adopted:

Amendment 1—On page 28, lines 12 and 20, strike “Secretary board of trustees” and insert: board of trustees

Amendment 2—On page 28, line 18, strike “the board of trustees” and insert: the board of trustees

Amendment 3—On page 386, lines 15-31 and on page 387, lines 1-8, strike all of said lines and insert:

(17) “Wetlands” means any area having dominant vegetation as defined and listed in Department of Environmental Protection Regulation rule 17-4.022, Florida Administrative Code, regardless of whether the area is within the Department of Environmental Protection’s Regulation’s jurisdiction or whether the water bodies are connected.

Senator Kiser moved the following amendment which was adopted:

Amendment 4—On page 412, strike all of lines 1-12 and insert: In addition to the foregoing, in order for any exception from requirements for development-of-regional-impact review to apply to a particular waterport or marina development, the Department of Environmental Protection Natural Resources must determine through the issuance of an order that the marina is located so that it will not adversely impact Outstanding Florida Waters or Class II waters pursuant to rules adopted to administer s. 373.414 and s. 403.061 and will not contribute boat traffic in a manner that will have an adverse impact on an area known to be, or likely to be, frequented by manatees pursuant to rules adopted to administer s. 370.12. Any department of Environmental Protection Natural Resources order shall constitute final agency action pursuant to chapter 120.

Senator Dudley moved the following amendment:

Amendment 5 (with Title Amendment)—On page 551, between lines 6 and 7, insert:

Section 529. Section 388.141, Florida Statutes, is amended to read:

388.141 Commissioners, compensation.—

(4) Members of the board of commissioners of independent special tax districts may each be paid a salary to be determined by unanimous vote of the board which shall not exceed \$4,800 for each commissioner during any one year; however, this section shall not be construed to limit compensation of district commissioners where higher amounts have otherwise been authorized by special act or general act of local application. Said members may be reimbursed for expenses incurred in the performance of their duties as provided in s. 112.061.

(2) ~~No board member of a mosquito control district shall receive compensation except for per diem and travel expenses authorized pursuant to s. 112.061, for serving on more than one special district board in this state. All special districts, regardless of the existence of other specific provisions of law, shall comply with this subsection.~~

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 9, line 17, after the semicolon (;) insert: amending s. 388.141, F.S.; removing prohibition against Mosquito Control special district board members from receiving a salary for also serving on the board of another special district;

Senator Dudley moved the following amendment to **Amendment 5** which was adopted:

Amendment 5A—On page 1, line 31, insert:

Section 530. Subsection (2) of section 388.021, Florida Statutes, is amended to read:

388.021 Creation of mosquito control districts.—

(2) It is the legislative intent that those mosquito control districts established prior to July 1, 1980, pursuant to the petition process formerly contained in s. 388.031, may continue to operate as outlined in this chapter. However, on or after that date, no mosquito control districts may be created except pursuant to s. 125.01 or s. 189.404.

(Renumber subsequent sections.)

Amendment 5 as amended was adopted.

Senator Silver moved the following amendment which was adopted:

Amendment 6 (with Title Amendment)—On page 551, between lines 6 and 7, insert:

Section 529. Effective upon this act becoming a law, Subsection (10) of section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.; creation; membership; organization; meetings; disclosure.—

(10) Each member of the Board of Directors of Enterprise Florida, Inc., who was appointed after June 30, 1992, is not otherwise required to do so, shall file full and public disclosure of financial interests pursuant to s. 112.3145 at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 9, line 17, after the semicolon (;) insert: amending s. 288.901, F.S.; revising provisions relating to disclosure of financial interests by members of the Board of Directors of Enterprise Florida;

On motion by Senator Dantzler, by two-thirds vote **CS for SB 1334** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

RECONSIDERATION

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

CS for SB 1334—A bill to be entitled An act relating to the Department of Environmental Protection; amending ss. 125.563, 159.705, 161.021, 161.031, 161.041, 161.042, 161.052, 161.053, 161.061, 161.071, 161.081, 161.082, 161.091, 161.101, 161.111, 161.141, 161.161, 161.33, 161.35, 161.36, 161.54, 163.3184, 177.27, 177.29, 177.502, 177.503, 186.021, 186.504, 186.801, 192.001, 193.015, 193.501, 193.621, 201.022, 201.15, 206.9935, 211.31, 211.32, 212.055, 212.08, 212.69, 213.053, 215.3208, 216.0165, 220.184, 229.8058, 229.8064, 240.155, 240.5161, 240.5325, 240.5326, 252.87, 253.02, 253.022, 253.023, 253.025, 253.03, 253.0325, 253.037, 253.04, 253.05, 253.12, 253.1241, 253.126, 253.45, 253.67, 253.74, 253.75, 253.77, 253.781, 253.782, 253.7821, 253.7823, 253.7825, 253.7826, 253.7829, 253.783, 253.784, 255.259, 255.565, 258.004, 258.015, 258.024, 258.09, 258.10, 258.15, 258.155, 258.397, 258.42, 258.43, 258.501, 259.035, 259.045, 259.101, 260.012, 260.013, 260.0161, 267.061, 270.22, 272.18, 282.1095, 282.402, 282.403, 287.045, 287.0595, 288.021, 288.063, 288.1185, 288.811, 298.07, 298.11, 298.12, 298.15, 298.16, 298.22, 298.26, 298.33, 298.34, 298.467, 298.55, F.S.; conforming provisions to the transfer of the duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; conforming provisions to reflect the authority of the Secretary of Environmental Protection to take certain actions that were within the purview of the Governor and Cabinet as head of the former Department of Natural Resources or that were the responsibility of the executive director; conforming provisions to changes made by the act; revising the membership of the Land Management Advisory Council; repealing ss. 298.70, 298.71, 298.72, 298.73, F.S., relating to the authority of the former Department of Natural Resources to borrow money and issue notes; deleting obsolete provisions; amending ss. 309.01, 316.272, 316.293, 316.2935, 316.640, 320.03, 320.08065, 320.08066, 325.202, 325.203, 325.206, 325.207, 325.209, 325.212, 325.213, 325.217, 325.218, 325.223, F.S.; conforming provisions to the transfer of the duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; repealing ss. 327.01, 327.28(3)(e), F.S., relating to a short title and obsolete provisions; amending ss. 327.02, 327.03, 327.04, 327.11, 327.12, 327.13, 327.15, 327.16, 327.18, 327.19, 327.25, 327.26, 327.29, F.S.; providing for the Department of Highway Safety and Motor Vehicles rather than the former Department of Natural Resources to administer the vessel registration and titling laws; creating s. 327.296, F.S.; providing definitions; creating s. 327.297, F.S.; authorizing the Department of Environmental Protection to adopt rules with respect to waterway and navigation safety; amending ss. 327.41, 327.46, 327.56, 327.58, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; repealing s. 327.59(2), F.S., relating to a report by the Department of Insurance; deleting obsolete provisions; amending ss. 327.60, 327.70, 327.71, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; creating s. 328.001, F.S.; providing definitions; providing for the Department of Highway Safety and Motor Vehicles rather than the former Department of Natural Resources to administer the laws governing the issuance of certificates of title for vessels; amending ss. 328.01, 328.07, 328.15, 328.20, F.S.; conforming provisions; repealing s. 328.195, F.S., relating to legislative intent; amending ss. 334.065, 335.065, 337.108, 337.242, 337.27, 338.221, 338.223, 338.250, 341.3332, 341.336, 341.342, 341.343, 341.348, 341.352, 341.405, 341.407, 341.408, 348.0008, 348.759, 348.957, 366.825, 367.031, 367.081, 367.111, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection;

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amending ss. 378.032, 378.033, 378.034, 378.036, 378.203, 378.205, 378.206, 378.208, 378.212, 378.403, 378.404, 378.405, 378.406, 378.407, 378.408, 378.409, 378.411, 378.501, 378.502, 378.503, 378.601, 378.701, 378.703, 378.801, 378.803, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; conforming provisions to reflect the authority of the Secretary of Environmental Protection to take certain actions that were within the purview of the Governor and Cabinet as head of the former Department of Natural Resources or that were the responsibility of the executive director of the former Department of Natural Resources; amending ss. 380.05, 380.051, 380.055, 380.0555, 380.0558, 380.06, 380.061, 380.0651, 380.0685, 380.31, 380.33, 380.504, 381.006, 381.0065, 381.0098, 388.45, 388.46, 403.031, 403.061, 403.0615, 403.0625, 403.081, 403.085, 403.086, 403.0871, 403.0873, 403.0876, 403.088, 403.0885, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; revising the membership on the Coordinating

Council on Mosquito Control; repealing s. 403.0891(4), F.S., relating to an inventory of stormwater management systems by the Department of Transportation; deleting obsolete provisions; amending ss. 403.092, 403.135, 403.141, 403.182, 403.1822, 403.1823, 403.1834, 403.1835, 403.1838, 403.281, 403.413, 403.4131, 403.4135, 403.415, 403.4154, 403.503, 403.504, 403.507, 403.508, 403.518, 403.522, 403.523, 403.526, 403.527, 403.5271, 403.5365, 403.703, 403.705, 403.7061, 403.707, 403.708, 403.7084, 403.709, 403.714, 403.716, 403.7165, 403.717, 403.7186, 403.7195, 403.7197, 403.7199, 403.722, 403.7222, 403.7226, 403.725, 403.7255, 403.7264, 403.727, 403.74, 403.75, 403.7721, 403.783, 403.7841, 403.786, 403.787, 403.803, 403.8051, 403.8163, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; amending ss. 403.851, 403.852, 403.862, 403.8635, 403.9311, 403.935, 403.9403, 403.9404, 403.941, 403.9411, 403.9412, 403.951, 403.952, 403.955, 403.957, 403.958, 403.959, 403.961, 403.962, 403.963, 403.964, 403.966, 403.967, 403.968, 403.969, 403.971, 403.972, 404.031, 404.0614, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; amending ss. 418.12, 420.608, 470.025, 487.0615, 489.133, 492.103, 493.6101, 493.6403, 501.122, 526.01, 553.79, 570.07, 581.083, 581.145, 581.186, 589.26, 597.003, 597.006, 617.0122, 705.101, 705.103, 784.07, 823.11, 832.06, 843.08, 860.20, 870.04, 895.09, 932.7055, 943.1728, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; revising the membership on the Pesticide Review Council; providing effective dates.

—passed as amended.

On motion by Senator Dantzler, by two-thirds vote the Senate reconsidered the vote by which **CS for SB 1334** was read the third time.

On motion by Senator Dantzler, the Senate reconsidered the vote by which **Amendment 6** was adopted. **Amendment 6** was withdrawn.

On motion by Senator Silver, by two-thirds vote **CS for SB 1334** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

HB 317—A bill to be entitled An act relating to confidentiality of information relating to certain currency transactions; amending s. 896.102, F.S., which provides an exemption from public records requirements for information filed with the Department of Revenue regarding receipt of more than \$10,000 in currency in one transaction or two or more related transactions; saving such exemption from repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

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

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

Section 1. Notwithstanding the October 1, 1994, repeal provided in section 119.14(3)(a), Florida Statutes, section 896.102, Florida Statutes, is reenacted and amended to read:

896.102 Currency more than \$10,000 received in trade or business; report required; noncompliance penalties.—

(1) All persons engaged in a trade or business, except for those financial institutions that report to the Comptroller pursuant to s. 655.50, who receive more than \$10,000 in currency, including foreign currency, in one transaction, or who receive this amount through two or more related transactions, must complete and file with the Department of Revenue the information required pursuant to 26 U.S.C. s. 60501, concerning returns relating to currency received in trade or business. Any person who willfully fails to comply with the reporting requirements of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, or by a fine not exceeding \$250,000 or twice the value of the amount of the currency transaction involved, whichever is greater, or by both such imprisonment and fine. For a second or subsequent conviction of a violation of the provisions of this subsection, the maximum fine that which may be imposed is \$500,000 or quintuple the value of the amount of the currency transaction involved, whichever is greater.

(2) The Department of Revenue shall ~~have the duty to~~ enforce compliance with the provisions of subsection (1) and ~~is to shall~~ be the custodian of all information and documents filed pursuant to subsection (1). Such information and documents ~~are shall be~~ confidential and ~~exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution~~; however, the department must provide any report filed under this section, or information contained therein, to federal, state, and local law enforcement and prosecutorial agencies and to the Department of Banking and Finance, and the information is ~~shall be~~ subject to disclosure pursuant to subpoena as provided in s. 213.053(8). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 2. Subsections (1) and (13) of section 213.053, Florida Statutes, and paragraphs (c), (d), (h), (i), and (k) of subsection (7) of that section, are amended to read:

213.053 Confidentiality and information sharing.—

(1) The provisions of this section apply to s. 125.0104, county government; s. 125.0108, tourist impact tax; chapter 198, estate taxes; chapter 199, intangible personal property taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 211, tax on severance and production of minerals; part I of chapter 212, tax on sales, use, and other transactions; chapter 220, income tax code; chapter 221, emergency excise tax; s. 370.07(3), Apalachicola Bay oyster surcharge; chapter 376, pollutant spill prevention and control; s. 403.718, waste tire fees; s. 403.7185, lead-acid battery fees; s. 403.7195, waste newsprint disposal fees; s. 403.7197, advance disposal fees; s. 538.09, registration of second-hand dealers; s. 538.25, registration of secondary metals recyclers; ss. 624.509-624.514, insurance code: administration and general provisions; ~~and~~ s. 681.117, motor vehicle warranty enforcement; ~~and~~ s. 896.102, reports of financial transactions in trade or business.

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

(c) Information relative to chapter 212 and chapters 561 through 568 to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation in the conduct of its official duties.

(d) Names, addresses, and sales tax registration information to the Division of Hotels and Restaurants of the Department of Business and Professional Regulation in the conduct of its official duties.

(h) Names and addresses of persons paying taxes pursuant to part IV of chapter 206 to the Department of Environmental Protection Regulation in the conduct of its official duties.

(i) Information relative to chapters 212 and 326 to the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation in the conduct of its official duties.

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

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.

(13) Notwithstanding the provisions of s. 896.102(2), the department may allow full access to the information and documents required to be filed with it under s. 896.102(1) to federal, state, and local law enforcement and prosecutorial agencies, and to the Department of Banking and Finance ~~and the Department of Law Enforcement during joint investigations of large currency transactions by those two departments and the Department of Revenue~~, and any of those agencies departments may use the information and documents in any civil or criminal investigation and in any court proceedings.

Section 3. This act shall take effect October 1, 1994.

And the title is amended as follows:

In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to public records; reenacting and amending s. 896.102, F.S., which provides for the confidentiality of

information and documents received by the Department of Revenue which relate to certain businesses receiving more than \$10,000 in currency in one transaction or in related transactions; providing for continuing confidentiality of certain records and information; providing for future legislative review; requiring the department to provide specified information to law enforcement and prosecutorial agencies; amending s. 213.053, F.S.; requiring the department to provide law enforcement and prosecutorial agencies with access to information received under s. 896.102, F.S.; conforming provisions to reflect the merger of the Department of Business Regulation into the Department of Business and Professional Regulation and the merger of the Department of Environmental Regulation into the Department of Environmental Protection; providing an effective date.

On motion by Senator Wexler, by two-thirds vote **HB 317** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

HB 341—A bill to be entitled An act relating to application information received by the State Fire Marshal; amending s. 633.527, F.S.; removing the exemption from public records requirements for certain information required of applicants for licensure, certification, or permitting; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **HB 341** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motions by Senator Silver, by two-thirds vote **HB 2403** was withdrawn from the Committees on Commerce and Professional Regulation.

On motion by Senator Silver—

HB 2403—A bill to be entitled An act relating to consumer finance; amending s. 516.031, F.S.; authorizing certain additional finance charges for consumer loans; amending s. 516.11, F.S.; requiring a licensee to pay travel and per diem expenses under certain circumstances; amending s. 516.12, F.S.; authorizing licensees to maintain certain records in certain locations under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1476** and read the second time by title. On motion by Senator Silver, by two-thirds vote **HB 2403** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

THE PRESIDENT PRESIDING

Consideration of **SB 3098** was deferred.

SB 2244—A bill to be entitled An act relating to constitutional amendments; creating the Citizen Initiative Alternative Task Force to recommend ways to amend the State Constitution; providing for membership and duties; requiring a report; providing an effective date.

—was read the second time by title.

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

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

Section 1. (1) There is created the Citizen Initiative Alternative Task Force to study alternative methods for citizens to directly impact the course of government.

(2) The task force shall be housed in the Department of State for the administrative purposes and shall be composed of seven members, two to be appointed by the Governor, one to be appointed by the President of

the Senate, one to be appointed by the Speaker of the House of Representatives, one to be appointed by the Chief Justice of the Supreme Court, one to be appointed by the Secretary of State and one to be appointed by the Attorney General.

(3) The task force shall meet as soon as possible after the members are appointed and shall elect a chairman, and shall meet as often as necessary at the call of the chairman. The task force shall submit a report and recommendations concerning alternative citizen initiatives before December 31, 1994, to the Governor, the Speaker of the House of Representatives and the President of the Senate, the Chief Justice of the Supreme Court, the Secretary of State and the Attorney General.

Section 2. This act shall take effect July 1, 1994.

And the title is amended as follows:

In title, on page 1, line 8, insert:

WHEREAS, the citizens of Florida have begun taking a more active role in the direct influence of their government, and

WHEREAS, citizens are limited in their ability to directly influence government to amendments to the Florida Constitution, and

WHEREAS, many proposals by citizens with legitimate desire to change state policy are worthy of public debate and citizen initiative, but may be more appropriately addressed in statute than by amendment to the Constitution, and

WHEREAS, the Florida Supreme Court has expressed concern that some proposals to amend the Constitution are more appropriately addressed in statutory law, NOW, THEREFORE,

On motion by Senator Bankhead, by two-thirds vote **SB 2244** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

Consideration of **SB 2448** was deferred.

On motions by Senator Grant, by two-thirds vote **CS for HB 239** was withdrawn from the Committees on Criminal Justice and Judiciary.

On motion by Senator Grant—

CS for HB 239—A bill to be entitled An act relating to jury selection in criminal cases; amending s. 910.03, F.S.; authorizing a court under specified circumstances to select a jury from a county other than where the offense was committed; providing guidelines for selection of the alternative county; amending s. 26.021, F.S., relating to judicial circuits, to provide conforming language; authorizing the expansion of circuit court jurisdiction in cases of jury selection in an alternative county; providing applicability to pending cases; providing an effective date.

—a companion measure, was substituted for **SB 246** and read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for HB 239** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for SB 1176—A bill to be entitled An act relating to violent crime; amending s. 943.031, F.S.; specifying duties of the Florida Violent Crime Council; amending s. 943.04, F.S.; providing expanded functions for regional violent crime investigation teams; amending s. 943.042, F.S.; revising provisions relating to use of the Violent Crime Investigative Emergency Account within the Department of Law Enforcement Operating Trust Fund; amending s. 943.32, F.S.; establishing a state-operated criminal analysis laboratory in Key West; amending s. 943.35, F.S.; deleting the eligibility of the Monroe County Sheriff's Crime Laboratory to receive state funding; amending s. 943.355, F.S.; revising the number of members on the Florida Crime Laboratory Council; amending s. 943.37, F.S.; providing for the transfer of sick and annual leave credits by an employee becoming a member of the state-operated laboratories; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 7, line 3 through page 9, line 3, 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 10-22 and insert: Enforcement Operating Trust Fund; providing an effective date.

Senator Silver moved the following amendment:

Amendment 2 (with Title Amendment)—On page 9, between lines 3 and 4, insert:

Section 9. Subsection (3) is added to section 285.18, Florida Statutes, to read:

285.18 Tribal council as governing body; powers and duties.—

(3) *The law enforcement agencies of the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida shall have the authority of "criminal justice agencies" as defined in s. 943.045(10)(c) and shall have the specific authority to negotiate agreements with the Florida Department of Law Enforcement, the United States Department of Justice, and other federal law enforcement agencies for access to criminal history records for ongoing criminal investigations and for the following governmental purposes:*

(a) *Background investigations, which are required for employment by a tribal education program, tribal Head Start program, or tribal day-care program as may be required by state or federal law.*

(b) *Background investigations, which are required for employment by tribal law enforcement agencies.*

(c) *Background investigations, which are required for employment by a tribal government.*

(d) *Background investigations with respect to all employees, primary management officials, and all persons having a financial interest in a class II Indian tribal gaming enterprise to ensure eligibility as provided in the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et al.*

With regard to those investigations authorized in paragraphs (a), (c), and (d), each such individual shall file a complete set of his or her fingerprints that have been taken by an authorized law enforcement officer, which set of fingerprints shall be submitted to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing. The cost of processing shall be borne by the applicant.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, strike all of lines 2-22 and insert: An act relating to investigations; amending s. 943.031, F.S.; specifying duties of the Florida Violent Crime Council; amending s. 943.04, F.S.; providing expanded functions for regional violent crime investigation teams; amending s. 943.042, F.S.; revising provisions relating to use of the Violent Crime Investigative Emergency Account within the Department of Law Enforcement Operating Trust Fund; amending s. 943.32, F.S.; establishing a state-operated criminal analysis laboratory in Key West; amending s. 943.35, F.S.; deleting the eligibility of the Monroe County Sheriff's Crime Laboratory to receive state funding; amending s. 943.355, F.S.; revising the number of members on the Florida Crime Laboratory Council; amending s. 943.37, F.S.; providing for the transfer of sick and annual leave credits by an employee becoming a member of the state-operated laboratories; providing an appropriation; amending s. 285.18, F.S.; providing that the law enforcement agencies of the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida shall have the authority of "criminal justice agencies" for certain purposes; providing for specific authority; providing an effective date.

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

Amendment 2A—On page 1, line 23, after "for" insert: *the purpose of conducting*

Amendment 2 as amended was adopted.

On motions by Senator Gutman, by two-thirds vote **CS for SB 1176** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38 Nays—None

MOTION

On motion by Senator Kirkpatrick, the rules were waived and time of recess was extended until final action on **SB 304**.

On motion by Senator Dyer, by unanimous consent—

CS for CS for SB 2076—A bill to be entitled An act relating to regulation of professions; amending s. 20.165, F.S.; renaming the Division of Technology, Testing, and Training of the Department of Business and Professional Regulation as the Division of Technology, Licensure, and Testing; establishing additional boards within the Division of Professions and the Division of Medical Quality Assurance; amending s. 215.37, F.S.; requiring the department to request that professional boards within the department submit their proposed budgets prior to development of the department's legislative budget request; clarifying that the requirements for depositing fees into the Professional Regulation Trust Fund and the payment of service charges with respect thereto apply only with respect to professional regulation by the department and the boards within the department; creating s. 455.2121, F.S.; providing for continued accreditation of programs and institutions under certain circumstances; amending s. 455.217, F.S.; authorizing additional procedures the department may employ to maintain the security of professional examinations; conforming terminology; creating s. 455.2171, F.S.; authorizing the department to use professional testing services for computerized examinations; amending s. 455.221, F.S.; revising provisions relating to legal and investigative services of the department and the boards; providing that persons under contract with the department to help investigate and resolve complaints and application checks shall be considered agents of the department for certain insurance and immunity protections; amending s. 455.2235, F.S.; requiring each board, or the department when there is no board, to adopt rules designating which violations of the applicable professional practice act are appropriate for mediation; providing a timetable for the boards to act, after which the department shall have exclusive authority to adopt such rules; amending s. 455.227, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; reenacting ss. 455.232(2), 468.1755(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), and 489.116(1), F.S., relating to disclosure of confidential information, to discipline of nursing home administrators, real estate brokers, salespersons, schools, and appraisers, barbers, and cosmetologists, and to inactive and delinquent status of construction contractors, to incorporate the amendment to s. 455.227, F.S., in references thereto; amending s. 455.228, F.S.; authorizing the issuance of citations for unlicensed practice of a profession; providing 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; amending s. 455.2281, F.S.; providing that the department alone is to impose the special fee per license to cover enforcement costs of regulating the professions; amending s. 455.229, F.S.; clarifying provisions applicable to public inspection of information required from applicants; 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; amending s. 468.385, F.S.; revising a prohibition against licensure as an auctioneer or auctioneer's apprentice; amending s. 468.387, F.S., relating to licensing of nonresidents; eliminating an irrevocable written consent relating to certain service of process; 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.; revising and providing disciplinary grounds and actions applicable to persons violating provisions related to talent agencies; amending s. 468.403, F.S.; revising talent agency licensure requirements; amending s. 468.404, F.S.; deleting provisions relating to rules for a procedure for biennial renewal of talent agency licenses; revising fee terminology; 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 record-

keeping requirements; amending s. 468.410, F.S.; prohibiting agencies from requiring applicants or artists to purchase certain things or attend certain schools or workshops as a condition of registering or obtaining employment for that person; providing penalties; amending s. 468.412, F.S.; providing that a talent agency may not divide fees with any venue that uses entertainment; amending s. 468.413, F.S.; providing applicability of habitual felony offender penalties to certain acts; amending s. 468.452, F.S.; redefining "athlete agent"; 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 ss. 468.522, 468.533, and 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. 468.531, F.S.; prohibiting practice as an employee leasing company or company group unless all controlling persons thereof are licensed, for which there are penalties; 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. 468.602, F.S.; providing exemptions from provisions regulating building code administrators and inspectors; amending s. 468.603, F.S.; revising definitions; amending s. 468.605, F.S.; increasing membership on the Florida Building Code Administrators and Inspectors Board; amending s. 468.609, F.S.; revising the requirements to take the examination for certification as a building code administrator, plans examiner, or inspector; revising requirements with respect to persons holding such an office on a specified date; authorizing the board to create additional certification categories and providing restrictions on those categories; creating ch. 469, F.S.; providing regulation of asbestos abatement and related work; providing definitions; providing exemptions; requiring licensure and providing licensure requirements, including categories of licensure; providing requirements and responsibilities of business organizations and qualifying agents; providing fees; providing grounds for license revocation or suspension and for denial of licensure or license renewal; providing rulemaking authority to the Department of Business and Professional Regulation; requiring certain course requirements of onsite supervisors, asbestos abatement workers, and asbestos surveyors, management planners, and project monitors; providing for approval of asbestos training courses and providers; providing for seals; repealing ss. 455.301-455.310, F.S., relating to asbestos abatement; amending ss. 255.553 and 553.79, F.S.; correcting cross references; providing an appropriation; amending s. 470.002, F.S.; defining the term "disinterment"; amending s. 470.006, F.S.; providing a fee for provisional licensure as an embalmer; revising embalmer internship provisions; amending s. 470.007, F.S.; revising certain examination requirements for licensure as an embalmer by endorsement; prohibiting registration as a temporary embalmer under certain circumstances; providing a fee for renewal of registration as a temporary embalmer; amending s. 470.008, F.S.; including centralized embalming facilities in the embalmer internship program; revising requirements of the program; amending s. 470.009, F.S.; providing a fee for provisional licensure as a funeral director; revising funeral director internship provisions; amending s. 470.011, F.S.; revising certain examination requirements for licensure as a funeral director by endorsement; prohibiting registration as a temporary funeral director under certain circumstances; providing a fee for renewal of registration as a temporary funeral director; amending s. 470.012, F.S.; revising requirements of the funeral director internship program; amending s. 470.013, F.S.; requiring licensed funeral directors and embalmers to affix to their displayed licenses a recent photograph of themselves; amending s. 470.0165, F.S.; prohibiting direct disposers or funeral directors functioning as direct disposers from selling, conducting, or arranging for burials; amending s. 470.017, F.S.; revising educational requirements for registration as a direct disposer; requiring registered direct disposers to affix to their displayed registrations a recent photograph of themselves; amending s. 470.019, F.S.; revising and providing grounds for disciplinary action against direct disposers and direct disposal establishments; increasing the administrative fine that may be imposed; amending s. 470.0201, F.S.; revising provisions relating to educational requirements relating to communicable diseases for nonlicensed individuals intending

to be employed as operational personnel affiliated with a direct disposal establishment, cinerator facility, removal service, refrigeration service, or centralized embalming facility; amending s. 470.021, F.S.; including licensed funeral directors acting as direct disposers in provisions relating to registration of direct disposal establishments; amending s. 470.024, F.S.; providing additional requirements of funeral directors in charge of licensed funeral establishments; amending s. 470.025, F.S.; prohibiting a direct disposer from being in charge of a cinerator facility that is located at the same address as a funeral establishment; amending s. 470.029, F.S.; revising reporting requirements relating to bodies embalmed or otherwise handled or to disinterments; creating s. 470.0295, F.S.; providing requirements relating to disinterment; amending s. 470.0301, F.S.; revising registration and other requirements of removal services, refrigeration facilities, and centralized embalming facilities; amending s. 470.034, F.S.; eliminating a ground for disciplinary action relating to certain disclosures in response to a general telephone inquiry; amending s. 470.036, F.S.; revising certain grounds for disciplinary action to apply to removal services and refrigeration services and others to provide additional requirements with respect to oral permission for certain actions; reenacting s. 497.305(1)(f), F.S., relating to the cremation of human remains by a cemetery company, to incorporate the amendment to s. 470.025, F.S., in a reference thereto; 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. 473.302, F.S.; revising and providing definitions with respect to the regulation of public accountancy; amending s. 473.306, F.S.; authorizing the Board of Accountancy to adopt an alternative licensure examination for Canadian chartered accountants; 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. 474.202, F.S.; providing a definition for limited veterinary medical practice; amending s. 474.2065, F.S.; increasing the initial application and examination fee for veterinarians; eliminating reference to a fee cap for reactivation or renewal of an inactive license; 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. 474.213, F.S.; providing additional grounds for discipline; 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.; prescribing standards for the operation of limited service facilities; requiring a permit and providing for a fee; amending s. 475.01, F.S.; defining terms applicable to the regulation of real estate brokers, salespersons, and schools; amending s. 475.011, F.S.; exempting from regulation as a real estate broker, salesperson, or school certain persons or entities involved in the renting of public lodging establishments for transient occupancy; amending s. 475.15, F.S.; clarifying a provision relating to cancellation of registration of a partnership; amending s. 475.17, F.S.; revising qualifications for practice with respect to other 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 grounds for disciplinary and other action relating to criminal convictions and related confinement and to certain required notice relating to a sale, exchange, purchase, or lease of real property or any interest in real property; providing grounds for disciplinary and other action relating to action against a license or registration; creating s. 475.255, F.S.; providing that the mere payment or promise to pay compensation to a licensee does not determine whether an agency or transactional brokerage relationship exists between the licensee and a seller, landlord, buyer, or tenant; amending s. 475.455, F.S.; eliminating a provision relating to certain notice by the Florida Real Estate Commission to licensees regarding discipline by other state agencies; amending ss. 475.482, 475.483, and 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. 475.611, F.S.; providing a definition for purposes of service on a probable cause panel; 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; requiring registration; providing for a fee; creating s. 477.0132, F.S.; exempting hair braiding from regulation under certain circumstances; amending s. 480.041, F.S.; increasing the minimum age required to qualify for licensure as a massage therapist; providing licensing procedures for certain out-of-state practitioners; amending s. 480.042, F.S.; eliminating the practical examination for licensure to practice massage; 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. 484.0445, F.S.; providing for certain certification of sponsors and their designees under the hearing aid specialist training program; amending s. 484.045, F.S.; revising requirements for certain persons seeking licensure as a hearing aid specialist; amending s. 492.107, F.S., relating to seals to be used by licensed geologists; amending s. 457.107, F.S.; deleting provisions relating to automatic reverter to inactive status of a certificate to practice acupuncture; revising continuing education requirements; amending s. 457.108, F.S.; deleting provisions relating to automatic expiration of a certificate to practice acupuncture; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive status application fee for reactivation of a certificate; 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. 458.327, F.S.; providing penalties for practicing medicine with a delinquent license; amending s. 459.008, F.S.; revising requirements for renewal of licenses and certificates to practice osteopathic medicine; 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; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 489.103, F.S.; clarifying an exemption; repealing s. 460.407(3)-(6), F.S., 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; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; 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; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 463.016, F.S.; providing penalties for practicing optometry

with a delinquent license; repealing s. 464.013(4) and (5), F.S., 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; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; 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; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; repealing s. 466.013(3) and (4), F.S., 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; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; repealing s. 467.012(4) and (5), F.S., 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.; revising and providing fees relating to the practice of midwifery; providing a limit for those fees; repealing s. 468.1195(4) and (5), F.S., 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. 468.1225, F.S.; revising provisions relating to the fitting and selling of hearing aids, to include reference to the conducting of hearing assessments; amending s. 468.1285, F.S.; providing penalties for practicing speech-language pathology or audiology with a delinquent license; amending s. 468.1295, F.S.; conforming a cross reference; revising and providing grounds for disciplinary action; 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; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive status application fee for reactivation of a license; amending s. 468.1755, F.S.; providing penalties for practicing nursing home administration with a delinquent license; reenacting ss. 468.1695(3), 468.1735, and 468.1756, F.S., relating to licensure by examination, provisional licensure, and statute of limitations to incorporate the amendment to s. 468.1755, F.S., in references thereto; amending s. 468.219, F.S.; providing for continuing education requirements for renewal of licensure to practice occupational therapy; 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; providing penalties for practicing as an occupational therapist with a delinquent license; 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 automatic reverter to inactive status and to reactivation of an inactive certificate or registration as a respiratory care practitioner or respiratory therapist; amending s. 468.383, F.S.; exempting sales of the contents of self-contained storage units from provisions regulating auctioneers; repealing s. 468.3851(3) and (4), F.S., 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) and (4), F.S., relating to automatic reverter to inactive status of a dietitian/nutritionist's license; repealing s. 468.515(4) and (5), F.S., relating to automatic expiration of a dietitian/nutritionist's license; amending s. 468.517, F.S.; providing penalties for practicing as a dietitian/nutritionist with a delinquent license; amending s. 468.518, F.S.; providing for disciplinary action against a person practicing as a dietitian/nutritionist with a delinquent license; repealing s. 463.549(3) and (4), F.S., relating to automatic reverter to inactive status of a license as a wastewater treatment operator; repealing s. 468.550(3) and (4), F.S., 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) and (4), F.S., 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; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; repealing s. 470.018(3) and (4), F.S., relating to automatic reverter to inactive status of a registration as a direct disposer; amending

s. 471.011, F.S.; revising fee terminology applicable to licensure as an engineer; repealing s. 471.017(3) and (4), F.S., 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; reenacting s. 471.015(2), F.S., relating to licensure, to incorporate the amendment to s. 471.031, F.S., in a reference thereto; 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 surveying and mapping; amending s. 472.019, F.S.; deleting provisions relating to automatic expiration of a license to practice surveying and mapping; repealing s. 473.311(3) and (4), F.S., relating to automatic reverter to inactive status of a license to practice public accountancy; amending s. 473.313, 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; reenacting s. 473.308(2), F.S., relating to licensure, to incorporate the amendment to s. 473.322, F.S., in a reference thereto; 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; repealing s. 474.212, F.S., relating to inactive status and 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.; providing for a delinquency fee and deleting a late renewal fee for licensure as an architect or interior designer; providing a limit for the delinquency fee; 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; reenacting s. 481.213(4), F.S., relating to licensure, to incorporate the amendments to ss. 481.223 and 481.225, F.S., in references thereto; amending s. 481.307, F.S.; providing for a delinquency fee and deleting a late renewal fee for licensure as a landscape architect; providing a limit for the delinquency fee; repealing s. 481.313(3) and (4), F.S., 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; providing for a delinquency fee; deleting the inactive status application fee for reactivation of a license; 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; reenacting s. 481.311(6), F.S., relating to licensure, to incorporate the amendment to s. 481.325, F.S., in a reference thereto; amending s. 483.807, F.S.; revising fee terminology applicable to licensure of clinical laboratory personnel; repealing s. 483.817(3) and (4), F.S., 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. 484.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as an optician; amending s. 484.009, F.S.; deleting provisions relating to automatic expiration of an optician's license; amending s. 484.014, F.S.; conforming a cross reference; 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. 484.0501, F.S.; revising provisions relating to the fitting and selling of hearing aids, to include reference to the conducting of hearing assessments; amending s. 484.053, F.S.; providing penalties for dispensing hearing aids with a delinquent license; amending s. 484.056, F.S.; conforming a cross reference; 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; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting

the inactive application fee for reactivation of a license; amending s. 486.108, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a physical therapist assistant; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 489.103, F.S.; clarifying an exemption; amending s. 489.105, F.S.; defining "demolish" for purposes of the definition of "contractor"; revising the term "underground utility and excavation contractor"; amending s. 489.107, F.S.; correcting a cross reference; providing for jurisdiction; amending s. 489.109, F.S.; revising fee terminology applicable to certification or registration as a contractor; providing limits to voluntary inactive fees; amending s. 489.116, F.S.; revising provisions relating to inactive and delinquent status; amending s. 489.117, F.S.; clarifying requirements for registration; amending s. 489.127, F.S., relating to prohibitions and penalties applicable to construction contracting; conforming a cross reference; providing applicability with respect to an inactive or suspended certificate or registration; providing that the penalties are not exclusive of other applicable penalties; amending s. 489.131, F.S.; extending the period for filing a challenge to a local jurisdiction enforcement body's recommended penalty to the Construction Industry Licensing Board; amending s. 489.141, F.S.; providing applicability to registrants of provisions relating to claims for recovery from the Construction Industries Recovery Fund; repealing s. 489.143(6), F.S., which requires payments and disbursements from the Construction Industries Recovery Fund to be made by voucher and which exempts amounts transferred from that fund from limitations imposed by an appropriations act of the Legislature; amending s. 489.501, F.S.; revising legislative purpose relating to provisions regulating electrical and alarm system contracting; amending s. 489.503, F.S., relating to exemptions from regulation of electrical and alarm system contracting; revising an exemption relating to telecommunications, television, and radio systems; amending s. 489.505, F.S.; revising and providing definitions; clarifying an exemption; amending s. 489.509, F.S.; revising fee terminology applicable to licensure as an electrical and alarm system contractor; amending s. 489.511, F.S.; revising certification requirements; providing a definition; clarifying provisions relating to specialty contractors; amending s. 489.513, F.S.; revising registration requirements; providing registration requirements for alarm system contractors; amending s. 489.515, F.S.; requiring evidence of obtaining workers' compensation insurance or a specified exemption certificate prior to certification or registration; amending s. 489.516, F.S.; authorizing counties and municipalities to suspend or deny locally issued permits when the contractor involved has failed to obtain the required workers' compensation insurance or exemption certificate and public liability and property damage insurance; amending s. 489.517, F.S.; providing continuing education requirements for renewal of a certificate or registration; amending s. 489.519, F.S.; deleting provisions relating to automatic expiration of a license as an electrical and alarm system contractor; providing for continuing education requirements for certain voluntary inactive certificateholders; creating s. 489.520, F.S.; requiring the department to implement an automated system of licensure status information for electrical and alarm system contracting; amending s. 489.521, F.S.; correcting terminology; amending s. 489.522, F.S.; providing that primary qualifying agents have approval authority for checks, payments, drafts, and contracts of the business organization; amending s. 489.531, F.S.; providing penalties for electrical and alarm system contracting with a delinquent license; extending the period for filing a challenge to a local jurisdiction enforcement body's recommended penalty to the Electrical Contractors' Licensing Board; providing for the issuance of stop-work orders for unlicensed work; amending s. 489.533, F.S.; providing for disciplinary action against a person engaging in electrical or alarm system contracting with a delinquent certificate or registration; including applicants in provisions relating to disciplinary proceedings; reenacting ss. 489.515(2) and (4) and 489.521(9), F.S., relating to issuance of certificates and business organizations, to incorporate the amendments to ss. 489.513, 489.533, and 489.537, F.S., in references thereto; amending s. 489.537, F.S.; providing a time limit for certain registration as an alarm system contractor; revising a requirement for that registration; 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(3), F.S., and amending s. 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 geologist'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.; pro-

viding 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; reenacting ss. 492.105(3), 492.108(2), and 492.111(6), F.S., relating to licensure by examination or endorsement and practice of geology by firms, corporations, or partnerships, to incorporate the amendment to s. 492.113, F.S., in a reference thereto; repealing s. 1(5), ch. 86-286, Laws of Florida, relating to regulation of elevators; abrogating an obsolete Sunset repeal of a provision relating to reporting of elevator accidents; amending s. 481.201, F.S., relating to legislative purpose; amending s. 481.203, F.S.; revising the definition of interior design; amending s. 481.205, F.S.; revising membership of the Board of Architecture and Interior Design; amending s. 481.209, F.S.; revising requirements for interior design licensure; amending s. 481.213, F.S., relating to requirements for licensure; amending s. 481.2131, F.S.; revising practice requirements related to interior design; amending s. 481.219, F.S.; relating to certification of business entities, amending s. 481.2251, F.S.; relating to interior design discipline; amending s. 481.229, F.S.; revising exemptions; providing a grandfather clause; providing for future review and repeal; amending s. 455.218, F.S., relating to foreign-trained professionals; amending s. 455.224, F.S., relating to the authority to issue citations; amending s. 455.225, F.S., relating to disciplinary proceedings; amending s. 455.241, F.S., relating to patient records; amending s. 455.26, F.S.; reconciling certain differences arising from 1992 amendatory laws; providing appropriations; providing effective dates.

—was taken up out of order and read the second time by title.

Senator Dyer moved the following amendments which were adopted:

Amendment 1—On page 158, line 23, strike “4 years prior to the date of the application”

Amendment 2—On page 161, between lines 15 and 16, insert:

(4) *Persons employed by county property appraisers, as defined in s. 192.001(3), and persons who are employed by the Department of Revenue to prepare maps for property appraisal purposes only, but only to the extent that they perform mapping services which do not include any surveying activities as described in s. 472.005(4)(a) and (b).*

Amendment 3—On page 351, line 11, after the period (.) insert: *No interior design member shall be an employee or officer of, or have an ownership interest in, an architectural entity. No architect member shall be an employee or officer of, or have an ownership interest in, an interior design entity.*

Amendment 4—On page 373, lines 28-31 through page 374, lines 1-3, strike all of said lines and insert: *each board under the jurisdiction of the Division of Medical Quality Assurance, of one addictionologist, and one lay member having an appropriate background in the area of impairment, each to be appointed by the agency head of the agency having jurisdiction over the professions; one representative of the Agency for Health Care Administration, to be appointed by the Director of Health Care Administration; and of one representative of the department appointed by the secretary of the department.*

Amendment 5 (with Title Amendment)—On page 374, between lines 16 and 17, insert:

Section 306. Legislative findings and intent.—The Legislature finds that the full regulation of athletic training and athletic trainers is in the public interest and that without such regulation there is substantial threat to the public welfare. It is the intent of the Legislature that athletes be assisted by persons adequately trained to recognize, prevent, and treat physical injuries sustained during athletic activities. It is the intent of the Legislature to protect the interest of athletes by immediately registering athletic trainers and fully regulating athletic trainers based on the regulatory recommendations of the task force created by this act.

Section 307. Definitions.—As used in this act, the term:

(1) “Athlete” means a natural person who participates in an athletic activity.

(2) “Athletic activity” means the participation in an activity conducted by an educational institution, a professional athletic organization, or an amateur organization, involving exercises, sports, games, or recreation requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

(3) “Athletic injury” means an injury sustained by an athlete which affects the athlete’s participation or performance in athletic activity.

(4) “Athletic trainer” means a natural person registered under this act.

(5) “Athletic training” means the recognition, prevention, and treatment of athletic injuries by an athletic trainer for compensation.

(6) “Department” means the Department of Business and Professional Regulation.

Section 308. Registration.—Any person practicing athletic training shall register with the department on forms provided by the department, pay a registration fee not to exceed \$200, and provide evidence satisfactory to the department that the applicant has:

(1)(a) Obtained a baccalaureate degree from a college or university and has completed coursework in each of the following areas: health; human anatomy; kinesiology/biomechanics; human physiology; physiology of exercise; basic athletic training; and advanced athletic training;

(b) Maintained standard first aid and cardiovascular pulmonary resuscitation certification from the American Red Cross or an equivalent certification as determined by the department; and

(c) Within a 2-year period, attained a minimum of 800 hours of athletic training experience under the direct supervision of a registered athletic trainer, or an athletic trainer certified by the National Athletic Trainers’ Association Board of Certification, or an athletic trainer certified by a national athletic training standards organization with comparable certification standards as determined by the department; or

(2) Practiced athletic training for at least 3 years of the 5 years preceding application. The department may not register an applicant under this subsection after October 1, 1996.

Section 309. The department is authorized to make such rules not inconsistent with law as may be necessary to carry out the provisions of this act and chapter 455, Florida Statutes, and to protect the health, safety, and welfare of the public.

Section 310. Athletic Training Regulatory Task Force.—

(1) There is created within the Department of Business and Professional Regulation the Athletic Training Regulatory Task Force to assist the department in developing the proper regulatory scheme for athletic trainers. The department shall make its regulatory recommendations to the Legislature by December 31, 1994. The secretary shall appoint members of the task force. The task force shall have five members. Members shall serve at the pleasure of the secretary.

(2) The task force shall elect from its appointed members a chairperson and a vice chairperson.

(3) The task force shall meet at least once annually and may meet as often as is necessary. The chairperson, a quorum of the task force or the department shall have the authority to call other meetings. A quorum shall be necessary for the purpose of conducting official business of the task force. Fifty-one percent or more of the appointed members of the task force shall constitute a quorum.

(4) The task force shall use accepted rules of procedure to conduct its meetings. The department shall keep on file a complete record of each meeting.

(5) Members of the task force shall receive no compensation for their services, except that they shall receive per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(6) The task force may hold public meetings and may request that the department use its power to obtain information or evidence for consideration by the task force.

(7) The department shall provide administrative and staff support services relating to the functions of the task force.

Section 311. Exemptions.—Nothing in this act shall be construed as preventing or restricting:

(1) The professional practice of a licensee of the department who is acting within the scope of such practice.

(2) A student athletic trainer acting under the direct supervision of a registered athletic trainer.

(3) A person employed as a teacher apprentice trainer under s. 232.435, Florida Statutes.

(4) A person licensed under chapter 548, Florida Statutes.

Section 312. Subsection (3) is added to section 486.161, Florida Statutes, to read:

486.161 Exemptions.—

(3) *No provision of this chapter prohibits a licensed physical therapist from delegating, to a person qualified by training, experience, or education, specific patient care activities, as defined and limited by board rule, to assist the licensed physical therapist in performing duties in compliance with the standards of the practice of physical therapy. Specific patient care activities, as defined and limited by board rule, must be performed under the direct supervision of the licensed physical therapist or physical therapist assistant in the immediate area, if the person is not a licensed physical therapist assistant.*

Section 313. Sections 304, 305, 306, 307, 308, 309 and 310 of this act shall take effect upon becoming a law.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 30, line 8, after the semicolon (;) insert: providing for the registration of athletic trainers who meet specified criteria; providing legislative intent; providing definitions; providing rulemaking authority of the Department of Business and Professional Regulation; creating the Athletic Training Regulatory Task Force; providing exemptions; amending s. 486.161, F.S.; providing an exemption for certain persons assisting a licensed physical therapist;

Senator Hargrett moved the following amendment which was adopted:

Amendment 6 (with Title Amendment)—On page 30, line 14, insert:

Section 1. Paragraphs (d) and (m) of subsection (3) of section 455.236, Florida Statutes, are amended to read:

455.236 Financial arrangements between referring health care providers and providers of health care services.—

(3) DEFINITIONS.—For the purpose of this section, the word, phrase, or term:

(d) “Designated health services” means, for purposes of this section, clinical laboratory services, physical therapy services, *pharmacy services*, comprehensive rehabilitative services, diagnostic imaging services, and radiation therapy services.

(m) “Referral” means any referral of a patient by a health care provider for health care services, including, without limitation:

1. The forwarding of a patient by a health care provider to another health care provider or to an entity *that which* provides or supplies designated health services or any other health care item or service; or

2. The request or establishment of a plan of care by a health care provider, which includes the provision of designated health services or other health care item or service.

3. Except for the purposes of s. 455.239, the following orders, recommendations, or plans of care *do shall* not constitute a referral by a health care provider:

- a. By a radiologist for diagnostic imaging services.
- b. By a physician specializing in the provision of radiation therapy services for such services.
- c. By a medical oncologist for drugs and solutions to be prepared and administered intravenously to such oncologist’s patient, as well as for the supplies and equipment used in connection therewith to treat such patient for cancer and the complications thereof.
- d. By a cardiologist for cardiac catheterization services.

e. By a pathologist for diagnostic clinical laboratory tests and pathological examination services, if furnished by or under the supervision of such pathologist pursuant to a consultation requested by another physician.

f. By a health care provider who is the sole provider or member of a group practice for designated health services or other health care items or services that are prescribed or provided solely for such referring health care provider’s or group practice’s own patients, and that are provided or performed by or under the direct supervision of such referring health care provider or group practice.

g. By a health care provider for services provided by an ambulatory surgical center licensed under chapter 395.

h. By a health care provider for diagnostic clinical laboratory services where such services are directly related to renal dialysis.

i. By a urologist for lithotripsy services.

j. By a dentist for dental services performed by an employee of or health care provider who is an independent contractor with the dentist or group practice of which the dentist is a member.

k. By a physician for infusion therapy services to a patient of that physician or a member of that physician’s group practice.

l. By a nephrologist for renal dialysis services and supplies.

m. *By a radiologist for radio-pharmaceuticals consumed at his office.*

n. *By a physician providing pharmaceuticals to his patients, if the pharmaceuticals are valued at less than \$100 per prescription or the pharmaceuticals are consumed at his office.*

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 2, after the semicolon (;) insert: amending s. 455.236, F.S.; including pharmacy services as designated health services for purposes of restrictions on referrals; providing exclusions for certain pharmacy services;

RECONSIDERATION OF AMENDMENT

On motion by Senator Dyer, the Senate reconsidered the vote by which **Amendment 6** was adopted. **Amendment 6** was withdrawn.

Senator Hargrett moved the following amendment which was adopted:

Amendment 7—On page 80, line 29 through page 81, line 4, strike all of said lines and insert:

(e) *Each employee leasing company or employee leasing company group shall submit annual financial statements, audited by an independent certified public accountant, with the application and within 120 days after the end of each fiscal year, in a manner and time prescribed by the board. However, any employee leasing company or employee leasing company group with gross Florida payroll of less than \$2,500,000 during any fiscal year may submit financial statements reviewed by an independent certified public accountant for that year.*

Senator Sullivan moved the following amendments which were adopted:

Amendment 8—On page 104, line 30 through page 105, line 21, strike all of said lines and renumber subsequent subsection.

Amendment 9 (with Title Amendment)—On page 213, between lines 22 and 23, insert:

Section 132. Section 474.2175, Florida Statutes, is created to read:

474.2175 Veterinarians permitted to perform tests for equine infectious anemia.—

(1) Notwithstanding the provisions of chapter 585, the Department of Agriculture and Consumer Services shall provide appropriate permits and certification, as required by state and federal law, to any veterinarian licensed under this chapter who applies for permission to perform testing for equine infectious anemia. Such permit allows the veterinarian to take blood samples, perform approved diagnostic testing of samples, and report the test results when determined necessary by the Department of Agriculture and Consumer Services.

(2) An application to perform testing under this section must be made on forms provided by the Department of Agriculture and Consumer Services. The Department of Agriculture and Consumer Services may impose a fee of not more than \$50 for each such application.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 12, line 1, following the first semicolon (;) insert: creating s. 474.2175, F.S.; providing for veterinarians to perform tests for equine infectious anemia; prescribing duties of the Department of Agriculture and Consumer Services with respect to such tests; providing for fees;

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 10 (with Title Amendment)—On page 220, between lines 14 and 15, insert:

Section 139. Subsection (1) of section 475.182, Florida Statutes, is amended to read:

475.182 Renewal of license; continuing education.—

(1) The department shall renew a license upon receipt of the renewal application and fee. The renewal application for an active license as broker, broker-salesperson, or salesperson shall include proof satisfactory to the commission that the licensee has, since the issuance or renewal of his current license, satisfactorily completed at least 14 classroom hours of 50 minutes each of a continuing education course during each biennium, as prescribed by the commission. The commission may accept as a substitute for such continuing education course, on a classroom-hour-for-classroom-hour basis, any satisfactorily completed education course that the commission finds is adequate to educate licensees within the intent of this section. *However, the commission may not require, for the purpose of satisfactorily completing an approved correspondence course, a written examination that is to be taken at a centralized location and is to be monitored.*

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 30, line 9, after the semicolon (;) insert: amending s. 475.182, F.S.; modifying continuing education requirements for renewal of a license as a real estate broker, broker-salesperson, or salesperson;

Amendment 11—On page 374, between lines 26 and 27, insert:

Section 306. The sum of \$1,200,000 is appropriated from the Professional Regulation Trust Fund to the Department of Business and Professional Regulation to be used for payment of claims against the Construction Industries Recovery Fund as provided in s. 489.140-489.144, Florida Statutes.

(Renumber subsequent sections.)

On motions by Senator Dyer, by two-thirds vote **CS for CS for SB 2076** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—37 Nays—1

SB 2448—A bill to be entitled An act relating to transportation; creating s. 320.0657, F.S.; providing for fleet license plates and permanent tags; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Meadows and adopted:

Amendment 1—On page 1, strike all of lines 14 and 15 and insert: nonapportioned commercial motor vehicles licensed under s. 320.08(2), (3), (4), (5)(a) and (b), and (7), who has posted bond

On motion by Senator Meadows, by two-thirds vote **SB 2448** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Senate resumed consideration of—

CS for SB 304—A bill to be entitled An act relating to the Local Government Code Enforcement Boards Act; amending s. 162.05, F.S.; revising the process of appointment of board members; amending s. 162.06, F.S.; revising the conditions under which a code inspector may immediately notify the enforcement board and request a hearing; amending s. 162.07, F.S.; authorizing local governing bodies to recover costs incurred in prosecuting cases before the boards; amending ss. 162.09 and 162.10, F.S.; revising the time period for imposition of a fine for repeat violations; authorizing the local governing body to make repairs if an order of the board is not complied with for certain violations and to assess the cost of repairs along with the fine imposed on the violator; authorizing suits to recover a money judgment for the lien amount plus interest and providing for recovery of costs; authorizing the local governing body to collect costs of recording and satisfying the lien; amending s. 162.12, F.S.; revising requirements relating to notice to the violator by posting; amending s. 162.21, F.S.; providing for citations for repeat violations; providing an effective date.

—which had been previously considered and amended this day.

Senator Meadows moved the following amendment which was adopted:

Amendment 2 (with Title Amendment)—On page 5, line 19 through page 6, line 1, strike all of said lines and insert: foreclose on the lien. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution.

Section 5. Section 162.10, Florida Statutes, is amended to read:

162.10 Duration of lien.—No lien provided under the Local Government Code Enforcement Boards Act shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is

And the title is amended as follows:

In title, on page 1, strike all of lines 18-20 and insert: fine imposed on the violator; providing for recovery

On motions by Senator Meadows, by two-thirds vote **CS for SB 304** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38 Nays—None

REPORTS OF COMMITTEES

The Committee on Corrections, Probation and Parole recommends the following pass: **CS for SB 2398**

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

The Committee on Health Care recommends the following pass: **SB 3052**

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

The Special Master on Claims recommends the following pass: **CS for HB 445, HB 567, HB 585, HB 1057, HB 1097, CS for HB 1391, CS for HB 1487, CS for HB 2195, CS for HB 2197, CS for HB 2201, SB 22, SB 1324, SB 2776**

The bills were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Corrections, Probation and Parole recommends the following pass: HB 343 with 2 amendments

The bill was placed on the calendar.

The Committee on Corrections, Probation and Parole recommends the following not pass: CS for SB 252

The bill was laid on the table.

The Committee on Education recommends a committee substitute for the following: SB 1642

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: SB 1808, CS for SB 2420

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 2848

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

The Committee on Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: SB 2722

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

The Committee on Judiciary recommends a committee substitute for the following: SB 1204

The bill with committee substitute attached was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: SB 1304

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

The Committee on Judiciary recommends a committee substitute for the following: SB 358

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

The Committee on Education recommends a committee substitute for the following: Senate Bills 2988 and 2922

The bills with committee substitute attached were referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Honorable Pat Thomas
President
The Florida Senate
408, The Capitol
Tallahassee, Florida 32399-1100

March 25, 1994

Re: Removal of Diane B. Rowden
Member, School Board of
Hernando County

Dear Mr. President:

The Rules and Calendar Committee submits this final report on the matter of the suspension of Diane B. Rowden.

As required by Senate Rule 12.7(a), the Rules and Calendar Committee conducted an inquiry into the suspension of Diane B. Rowden as a member of the School Board of Hernando County. The issue was referred to a select subcommittee for hearing. The select subcommittee held a full and complete hearing on January 24, 1994 and January 28, 1994.

The select subcommittee concluded that Diane B. Rowden has committed misfeasance in office. However, the select subcommittee further concluded that, primarily because of mitigating circumstances, Diane B. Rowden should be reinstated to the School Board of Hernando County and formally and publicly reprimanded and censured by the Florida Senate.

The full Rules and Calendar Committee met on March 13, 1994 and March 23, 1994 to consider the select subcommittee report. The Rules and Calendar Committee voted to adopt and recommend approval of the select subcommittee report and recommendations. The report of the select subcommittee as adopted by the Rules and Calendar Committee is attached hereto. The vote on adoption was:

Yeas—9: Beard, Casas, Dantzer, Dudley, Kirkpatrick, McKay, Silver, Weinstein, Wexler

Nays—7: Grant, Jenne, Jennings, Jones, Kiser, Kurth, Scott

February 9, 1994

Senator George Kirkpatrick, Chairman
Rules and Calendar Committee

Re: Suspension of
Diane B. Rowden, Member
School Board of Hernando Co.

Dear Mr. Chairman:

The Select Subcommittee on the Executive Suspension of Diane B. Rowden submits this final report on the matter of the suspension of Diane B. Rowden. On January 24, 1994 and January 28, 1994, a full evidentiary hearing was held in this suspension case. All parties were afforded the opportunity to appear, submit evidence, cross-examine witnesses, and participate fully in the proceeding.

STATEMENT OF THE CASE:

Diane B. Rowden, duly elected member of the School Board of Hernando County was indicted by the Grand Jury of Hernando County on August 17, 1990 on thirteen misdemeanor charges and two non-criminal infractions. All counts were based on violations of s. 286.011, Florida Statutes, the Public Meetings Law. Mrs. Rowden pled nolo contendere to all counts. On December 1, 1992, Mrs. Rowden was adjudicated guilty of one misdemeanor charge in the County Court of Hernando County, Florida. Adjudication of guilt and imposition of sentence were withheld on the remaining charges. Mrs. Rowden was fined approximately \$750.00 and required to read the 1992 Sunshine Manual.

On February 18, 1993, Governor Lawton Chiles, in Executive Order 93-60, suspended Diane B. Rowden from the School Board of Hernando County and removed her from office. Mrs. Rowden filed for relief in the circuit court contending that school board members are county officers as defined by the Constitution and that the Governor lacked authority under s. 112.52, Florida Statutes, to remove her from office. Governor Chiles sought an opinion from the Florida Supreme Court regarding the status of school board members. On November 4, 1993 IN RE: ADVISORY OPINION TO THE GOVERNOR - SCHOOL BOARD MEMBER - SUSPENSION AUTHORITY, the Florida Supreme Court ruled that a county school board member is "... a county officer for purposes of your suspension authority under Article IV, Section 7(a) of the Florida Constitution".

On November 9, 1993, the Governor, in Executive Order 93-301, dissolved that portion of Executive Order 93-60 which removed Mrs. Rowden from office but continued the suspension. On November 9, 1993, in Executive Order 93-302, the Governor amended Executive Order 93-301 specifying

the grounds for the suspension, i.e. that Diane B. Rowden's actions constituted misfeasance, malfeasance and neglect of duty. On January 25, 1994, in Executive Order 94-18, the suspension was further amended to correct scribes' errors to specify that the grounds for the suspension were misfeasance, malfeasance or neglect of duty.

The suspension of Diane B. Rowden is within the jurisdiction of the Florida Senate. On December 16, 1993, President Pat Thomas referred the matter of the suspension of Diane B. Rowden to the Rules and Calendar Committee for hearing. Senator George Kirkpatrick, Chairman, referred the suspension matter to a select subcommittee for purposes of holding the hearing.

On January 24, 1994 and January 28, 1994, the select subcommittee held a full and complete hearing on the suspension matter. Senators on the select subcommittee were as follows: Senator Daryl Jones, Chairman; Senator John McKay, Vice Chairman; Senator Rick Dantzler, Senator Fred Dudley, Senator Roberto Casas, and Senator Patsy Ann Kurth. The Governor was represented by Brad King, State Attorney for the Fifth Judicial Circuit. Mrs. Rowden was represented by Mr. Jackson Brownlee, of Brownlee, Hoffman and Jacobs, P.A.

ISSUES and VOTES:

The select subcommittee addressed the following issues during the suspension hearing:

a. Whether Mrs. Rowden in fact committed one or more acts that constitute a violation of s. 286.011, Florida Statutes.

b. Whether, if Mrs. Rowden's violations of s. 286.011, Florida Statutes, are established, they constitute the constitutional offenses of malfeasance, misfeasance or neglect of duty.

c. Whether, if (a) and (b) are established, Mrs. Rowden's malfeasance, misfeasance or neglect of duty warrant her removal from office considering any mitigating or aggravating circumstances.

The select subcommittee heard testimony regarding issues (a) and (b) on January 24, 1994 and on January 28, 1994. At the end of the presentation of testimony the select subcommittee took three separate votes to determine whether Mrs. Rowden was guilty of one or more acts which constituted malfeasance, misfeasance or neglect of duty. By a tie vote the committee did not find that Mrs. Rowden was guilty of either malfeasance or neglect of duty. By an affirmative vote of four to two the select subcommittee did conclude that Mrs. Rowden's actions in violating s. 286.011, Florida Statutes, constituted misfeasance in office.

After voting on the three separate charges the select subcommittee took testimony from the parties and heard arguments regarding aggravating and mitigating circumstances. The select subcommittee then voted on the issue of whether Mrs. Rowden's acts of misfeasance warranted her removal from office. The committee determined, by a vote of four to two, not to recommend that Mrs. Rowden be removed from office. Following this vote, and after lengthy discussion by the members, the select subcommittee affirmatively voted, by a vote of four to two, to recommend that Mrs. Rowden be reinstated as a member of the School Board of Hernando County, but that she be publicly and formally reprimanded and censured by the Florida Senate for her repeated and intentional violations of the law.

FACTS:

1. Diane B. Rowden was duly elected to the School Board of Hernando County on November 6, 1990. Her term expires on November 21, 1994.

2. At the same election, November 6, 1990, Nancy Gordon and Susan Cooper were elected to the School Board of Hernando County. Both of their terms expire November 21, 1994. Both are still serving on the school board at this time.

3. Dr. Paul Clemons and Leland McKeown were elected to the School Board of Hernando County on November 8, 1988. Their terms expired on November 16, 1992. Neither is serving on the school board at this time.

4. On August 17, 1992, Mrs. Rowden was indicted by the Hernando County Grand Jury on thirteen misdemeanor charges and two non-criminal infractions, all relating to violations of s. 286.011, Florida Statutes, the Public Meetings law. Mrs. Rowden pled nolo contendere on all charges and was adjudicated guilty of one misdemeanor charge. Adjudication was withheld on all of the other charges.

5. Susan Cooper was indicted by the Hernando County Grand Jury on five misdemeanor charges and one non-criminal infraction. All charges were for violations of s. 286.011, Florida Statutes. Mrs. Rowden had also been charged with the same events or transactions. Mrs. Cooper pled nolo contendere on all charges. Adjudication was withheld on all charges.

6. The Hernando County Grand Jury recommended that both Diane B. Rowden and Susan Cooper be suspended from office.

7. Dr. Paul Clemons was indicted on one misdemeanor charge and two non-criminal infractions. He pled nolo contendere on all charges. Dr. Clemons' misdemeanor charge involved all six of the incidents with which Mrs. Rowden had been separately charged. The misdemeanor charge was reduced to an infraction and adjudication was withheld on all charges.

8. Nancy Gordon was charged with two non-criminal infractions. She pled nolo contendere on all charges. Adjudication was withheld on all charges.

9. Leland McKeown was charged with two non-criminal infractions. He pled nolo contendere to all charges. Adjudication was withheld on all charges.

10. On February 18, 1993, Governor Chiles suspended Diane B. Rowden from the School Board of Hernando County and removed her from office. On November 9, 1993, the removal from office was dissolved but the suspension was continued.

11. On February 18, 1993, Governor Chiles reprimanded Susan Cooper. Mrs. Cooper is now serving on the School Board of Hernando County.

12. The offenses for which Diane B. Rowden was charged involve the following meetings or conversations with Susan Cooper:

a. Meeting on 6/30/92—SUBJECT: Appointment of school board superintendent.

b. Meeting on 1/7/92 TO 6/30/92—SUBJECT: When to appoint interim and permanent school board superintendent.

c. Meeting on 7/27/91 to 11/19/91—SUBJECT: Contract for construction of maintenance building.

d. Meeting on 1/17/91 to 3/17/92—SUBJECT: Custodial management contract with Service Master Corp.

e. Meeting on 12/10/90 to 7/23/91—SUBJECT: Computer services contract with Unisys Computer Corp.

f. Meeting on 11/20/90 TO 2/18/91—SUBJECT: Principals' meeting time policy.

g. Meeting with Susan Cooper, Paul Clemons, Nancy Gordon or Leland McKeown (7/1/92 to 7/29/92)—SUBJECT: Contract with Harold Winkler as appointed school superintendent. INFRACTION

13. The offenses for which Diane B. Rowden was charged involve the following meetings or conversations with Dr. Paul Clemons:

a. Meeting on 6/30/92—SUBJECT: Appointment of school board superintendent.

b. Meeting on 7/23/91 to 11/19/91—SUBJECT: Contract for construction of maintenance building.

c. Meeting on 4/9/91—SUBJECT: Expulsion of John Savili.

d. Meeting on 5/13/91 to 5/29/91—SUBJECT: Dismissal of Dellcina Sykes.

e. Meeting on 1/17/91 to 3/17/92—SUBJECT: Custodial management contract with Service Master Corp.

f. Meeting on 12/10/90 to 7/23/91—SUBJECT: Computer services contract with Unisys Computer Corporation.

g. Meeting on 11/20/90 to 2/19/91—SUBJECT: Principals' meeting time policy.

h. Meeting with Dr. Paul Clemons, Susan Cooper, Nancy Gordon or Leland McKeown (7/1/92 to 7/29/92)—SUBJECT: Contract with Harold Winkler as appointed superintendent. INFRACTION

i. Meeting with Dr. Paul Clemons, Nancy Gordon or Leland McKeown (6/30/92 at the Fireside Inn)—SUBJECT: Appointment of superintendent of school district. INFRACTION

DISCUSSION:

The select subcommittee met in this case for two full days. The members were deeply troubled by the events which had occurred in Hernando County.

The scope of the Grand Jury investigation involved more than the alleged violations of the Public Meetings law. The Grand Jury presentment covered various concerns such as the calling of special school board meetings by someone (either the Superintendent or the Chairman of the School

Board) without proper notice and the validity of actions taken at these meetings. Further concerns involved the selection of a school superintendent by the school board on June 30, 1992, and the subsequent loss of the written ballots. In fact, the Grand Jury concluded that there "...appears to be there has been no formal procedure instituted for the collection, maintenance or storage of records." The Grand Jury also expressed concern about certain expenditures by the school board. In particular, the Grand Jury noted that there was never any board approval or written contract for a consulting contract.

It was apparent that there had been numerous problems with the functioning of the School Board of Hernando County for some time. Compliance with legal requirements involving notice of meetings, record keeping, bidding procedures, documentation of expenditures and compliance with the public records and public meetings laws was sporadic at best. The suspension of Mrs. Rowden was viewed in context with the general turmoil, internal hostility and sporadic compliance with law of the school board in general.

DISTINCTION BETWEEN CHARGES:

DR. PAUL CLEMONS: Dr. Clemons had been on the school board for more than twenty five years and for many years had been chairman. His written records disclosed that Mrs. Rowden frequently called him at his church office. She also called him at his home. Dr. Clemons testified that he did not return calls from his office but did talk to Mrs. Rowden when she called his home. His uncontroverted testimony was that he always refused to talk to Mrs. Rowden about school board business outside board meetings and frequently admonished her regarding the sunshine law. However, he did admit to private discussions with other school board members regarding the continued employment of the outgoing school superintendent. The distinction between Dr. Clemons being charged with one offense and Mrs. Rowden being charged with six offenses for the same incidents can best be explained by the Grand Jury which stated:

"...the quantity of charges as to each Board member is a reflection of their level of participation-including who initiated the communication and to what extent discussion ensued-was determined by us on an active/passive scale. The active participants were charged with each provable instance of such conduct while passive participants were charged based upon their overall pattern of conduct."

SUSAN COOPER: The select subcommittee could not find any significant distinction between the violations committed by Mrs. Cooper and Mrs. Rowden. Mrs. Cooper testified that after being elected to the school board she and Mrs. Rowden frequently had discussions of school board business over the telephone or in private. Both parties initiated the conversations and both parties were aware that they were violating the law. The grand jury recommended that both be suspended from office for "flagrant abuse of the Sunshine Law."

The state attorney introduced evidence that Mrs. Cooper was the "whistle blower" in this case. What caused this change in Mrs. Cooper's perspective is unknown. However, the grand jury viewed Mrs. Cooper's violations as seriously as Mrs. Rowden's and recommended suspension for both school board members.

ISSUE OF INTENT:

The select subcommittee found that Mrs. Rowden had committed misfeasance in office. Misfeasance was defined by the Florida Supreme Court in the case of *State ex rel. Hardee v. Coleman*, 115 So. 129, 134, (1934) as:

"MISFEASANCE...has reference to the performance by an officer in his official capacity of a legal act in an improper or illegal manner...Misfeasance is literally a misdeed or a trespass..."

At no time did anyone assert that Mrs. Rowden was motivated by anything but her concern for the well being of the school children of Hernando County and the efficient functioning of the school board. Tainted conversations involved her concerns about the expenditures and bidding procedures of the school board, the selection process for an appointed school superintendent, actions regarding school personnel, students being disciplined by the school board, and the best use of school resources.

It is clear that Mrs. Rowden knew that her actions were improper. However, she seemed to be motivated by her frustration with the existing system. She was refused access to documents to which she was legally

entitled by the outgoing elected school superintendent. She was frustrated in her attempts to get certain school board contracts bid out or even to get full school board discussion on the bidding procedure. Mrs. Rowden was trying to do what she understood that she was elected to do. She went about it in an improper and illegal manner.

AGGRAVATING CIRCUMSTANCES:

The Governor presented testimony that Mrs. Rowden clearly knew the requirements of the sunshine law and deliberately and knowingly circumvented that law. The Governor attempted to introduce evidence of other alleged violations by Mrs. Rowden. However, the select subcommittee felt that it was required under due process of law requirements and the requirements of the Supreme Court case of *State ex rel. Myerson v. Ashew*, Fla. 269, So.2d 671 (1972) to exclude this evidence. In that executive suspension case the Florida Supreme Court stated:

"We feel constrained to agree with Relator that the Senate is bound to restrict its findings to the specific executive charges in the suspension order and cannot depart therefrom."

The due process issue before the Senate was whether Relator committed any of the specific acts charged...the Senate was limited by principals of due process in its findings to the specific criminal acts charged in the Executive Suspension Order."

Mrs. Rowden was charged with thirteen misdemeanor counts and two non-criminal infractions stemming from specific conversations on specific subjects. She was suspended by the language of the Executive Order for these specific charges. If the Governor has knowledge of other illegal acts, he is free to bring these charges before the Grand Jury or before the Senate in yet another, subsequent suspension order.

MITIGATING CIRCUMSTANCES:

Mrs. Rowden's defense centered on the issues of selective prosecution and disparate treatment. It was clear that Dr. Clemons, Mrs. Cooper and Mrs. Rowden all had conversations regarding school board business which were not open to the public, without notice and without minutes, the elements of a sunshine law violation. In the case of Dr. Clemons, not all of these conversations involved Mrs. Rowden. However, it was particularly troubling to some subcommittee members that the only charges filed were those involving conversations with Mrs. Rowden.

Further, the select subcommittee could find no justifiable reason for suspending Mrs. Rowden from office and not Mrs. Cooper. Both knew the requirements of law and violated that law. The Grand Jury recommended that both be suspended from office. The essence of the defense of disparate treatment, which frequently occurs in career service cases, is that somehow there be consistency in the disciplinary action taken for the same or similar conduct.

RIGHT AGAINST SELF INCRIMINATION:

The right to remain silent applies in proceedings which, while not criminal, are penal in nature or involve forfeiture. *State ex rel. Vining v. Fla. Real Estate Commission*, 281 So.2d 487 (1978). The suspension/removal procedure in Article II, s. 7 is such a proceeding. Thus a suspended public officer properly may assert the privilege against self-incrimination before the Florida Senate and neither the Senate, nor a committee, nor the Special Master, should enter a default against a Respondent because of his assertion of this constitutional right, or try to force the suspended officer to testify in his own defense. Additionally, federal case law makes it impermissible to penalize one's assertion of the privilege by making its exercise "costly". *Griffin v. California*, 380, U.S. 609, 85 S.Ct. 1229, 14 L.Ed.2d 206 (1965).

Mrs. Rowden elected not to appear before the Grand Jury or the select subcommittee. She should in no way be penalized for exercising this constitutional privilege. However, it appears that the Grand Jury may have regarded Mrs. Rowden's assertion of her right against self-incrimination unfavorably and that it might have played some part in the charges brought against her. The Grand Jury presentment states:

"Mrs. Rowden's conduct before this Body was especially troubling to us. Her demanding attitude and demeanor while making a "statement" to us was not in keeping with our expectations of elected officials. Her refusal to answer any questions or say anything except in her prepared state-

ment hindered the Grand Jury's efforts to find the whole truth of this matter. Board members Clemons, Cooper, Gordon and McKeown are to be noted for their cooperation with the investigation to the extent of answering difficult questions concerning their own activities on the Board."

CONCLUSIONS AND RECOMMENDATIONS:

1. Mrs. Diane B. Rowden knowingly and willfully committed violations of s. 286.011, Florida Statutes. Her conduct rises to the level of misfeasance in office.
2. Susan Cooper knowingly and willfully committed violations of s. 286.011, Florida Statutes.
3. Dr. Paul Clemons committed violations of s. 286.011, Florida Statutes.
4. The pervasive atmosphere of hostility, antagonism, frustration and disarray in multiple instances during the years in question may have contributed to the actions and demeanor of all of the school board members.
5. There is no justifiable reason for the suspension of Diane B. Rowden from office and not the suspension of Susan Cooper from office when both school board members were engaged in identical conduct.
6. Mrs. Rowden is entitled to due process of law. She further has the constitutional right against self-incrimination and her exercise of this right cannot be held against her.
7. Considering all aggravating and mitigating circumstances, Diane B. Rowden's conduct does not warrant her removal from office by the Florida Senate.
8. Mrs. Rowden's term expires November 24, 1994. If she decides to run for the school board again, she will face the ultimate referendum. The people with the most at stake are the voters of Hernando County and they will weigh all the factors and decide to what extent Mrs. Rowden should be held accountable for her actions.

THE SELECT SUBCOMMITTEE RECOMMENDS:

1. THAT DIANE B. ROWDEN BE REINSTATED TO THE SCHOOL BOARD OF HERNANDO COUNTY.
2. THAT DIANE B. ROWDEN BE PUBLICLY AND FORMALLY REPRIMANDED AND CENSURED BY THE FLORIDA SENATE FOR HER CONDUCT IN REPEATEDLY AND INTENTIONALLY VIOLATING THE PROVISIONS OF S. 286.011, FLORIDA STATUTES. The vote on adoption was:

Yeas—4: Casas, Dantzler, Dudley, McKay

Nays—2: Jones, Kurth

Respectfully submitted,
Daryl L. Jones
 Chairman, Select Subcommittee

The Rules and Calendar Committee respectfully advises and recommends that the select subcommittee report, including the following two recommendations be adopted by the Florida Senate.

1. That Diane B. Rowden be reinstated to the School Board of Hernando County.
2. That Diane B. Rowden be publicly and formally reprimanded and censured by the Florida Senate for her conduct in repeatedly and intentionally violating the provisions of s. 286.011, Florida Statutes.

Respectfully submitted,
George G. Kirkpatrick, Chairman

SENATOR CHILDERS PRESIDING

Senator Kirkpatrick moved that the foregoing report recommending the reinstatement of Diane B. Rowden, member, School Board of Hernando County, be adopted. The motion failed and therefore the Senate took no action. The vote was:

Yeas—12 Nays—26

THE PRESIDENT PRESIDING

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

SR 3138 was introduced out of order and adopted this day.

SR 3140 was introduced out of order and adopted this day.

SR 3142 was introduced out of order and adopted this day.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary and Senators Boczar, Johnson and Brown-Waite—

CS for SB 358—A bill to be entitled An act relating to child support; creating s. 61.161, F.S.; providing a short title; creating s. 61.162, F.S.; providing for legislative intent; creating s. 61.163, F.S.; providing obligor's duty to seek modification; creating s. 61.164, F.S.; providing obligor's duty to notify depository; creating s. 61.165, F.S.; providing for arrest of obligor delinquent in child-support payments; creating s. 61.166, F.S.; providing procedures for bond after arrest for contempt; creating s. 61.167, F.S.; providing for felony in third degree for and flight to avoid paying delinquent child-support payments; amending s. 61.30, F.S.; providing for a minimum payment for noncustodial parents of children born out of wedlock; providing that notice is to be given to parties to actions involving child support of the obligations relating to the child support order and the consequences of nonpayment; providing an effective date.

By the Committee on Judiciary and Senator Brown-Waite—

CS for SB 1204—A bill to be entitled An act relating to noncriminal traffic infractions; amending s. 318.14, F.S.; increasing the maximum number of times that a person who is cited for certain infractions may elect to attend a basic driver-improvement course in lieu of a court appearance; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senator Grant—

CS for SB 1304—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.051, F.S., relating to optional participation for cities and special districts; authorizing public hospital special districts in the Florida Retirement System to partially withdraw from the system and establish an alternative retirement plan for future employees only; providing for public hearing; providing for publication of notice; providing for an actuarial report; providing for presentation of the plan and report to each certified bargaining unit; requiring negotiation; providing for adoption of a resolution; providing conditions; providing a declaration of important state interest; providing for increase of retirement contributions; providing an effective date.

By the Committee on Education and Senators Kirkpatrick, Holzen-dorf, Williams, Brown-Waite, Dyer, Jones, Sullivan and Burt—

CS for SB 1642—A bill to be entitled An act relating to access to undergraduate postsecondary education; amending s. 240.115, F.S.; revising provisions relating to transfer of credit; amending s. 240.147, F.S.; requiring certain reports to be considered when making recommendations for contracts with independent institutions; providing additional duties of the Postsecondary Education Planning Commission relating to an accountability process and funding; amending s. 240.209, F.S.; revising provisions relating to the powers and duties of the Board of Regents; authorizing approval of certain alternative fee schedules; requiring the board to maintain access; amending s. 240.2094, F.S.; revising provisions relating to positions and salary rate; amending s. 240.214, F.S.; revising provisions of the State University System accountability process; provid-

ing additional plan and report requirements; amending s. 240.2145, F.S.; conforming provisions; amending s. 240.235, F.S.; authorizing the waiver of certain fees; amending s. 240.271, F.S.; revising provisions relating to categorical programs and allocations based on planned enrollments; amending s. 240.272, F.S.; revising provisions relating to the carryforward and expenditure of funds; amending s. 240.605, F.S.; changing the state tuition voucher program to the Florida resident access grant program and revising funding provisions; amending ss. 240.4085, 240.4093, 240.414, 240.4145, 246.041, F.S.; conforming provisions; amending s. 246.013, F.S.; revising requirements for participation in common course designation and numbering system by nonpublic schools; creating the Limited Access Competitive Grant Program, providing procedures; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senators Williams, Kirkpatrick, Johnson, Brown-Waite, Kurth, Meadows and Myers—

CS for SB 1808—A bill to be entitled An act relating to school financing; amending s. 236.081, F.S.; requiring the reallocation of estimated unexpended state funds for school funding purposes; creating the Commission on Public School Discretionary Local Effort Equity; providing for membership and administration; requiring a report; providing an effective date.

By the Committees on Finance, Taxation and Claims; Agriculture; and Senator Dantzler—

CS for CS for SB 2420—A bill to be entitled An act relating to nitrates; amending s. 576.011, F.S.; providing a definition of the term "best-management practices"; creating s. 576.045, F.S.; providing intent relating to nitrate contamination; providing for fees and deposit thereof; providing for use of funds; providing for waiver of liability; providing for compliance with state nitrate ground water quality standards; providing for rules; requiring a report; providing authority of the Department of Environmental Protection; requiring the department to adopt best-management practices and grant liability waiver for certain activities; providing for expiration; amending s. 373.309, F.S.; providing for rules relating to procedures for implementing well-location, construction, testing, permitting, and clearance requirements; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senator Jones—

CS for SB 2722—A bill to be entitled An act relating to veterans' preference in employment; transferring and renumbering s. 295.15, F.S.; relating to legislative intent; amending s. 295.07, F.S.; providing that a veteran must have served at least 1 day during a wartime period to qualify for veterans' preference; providing for rules; amending s. 295.08, F.S.; revising provisions with respect to positions for which a numerically based selection process is used; removing a monetary limitation with respect to certain classes of positions; amending s. 295.085, F.S.; revising provisions with respect to positions for which a numerically based selection process is not used; providing for preference for certain veterans with service-connected disabilities; deleting provisions for rules; amending s. 295.101, F.S.; revising provisions with respect to the expiration of employment preference; amending s. 295.11, F.S.; revising provisions with respect to investigative findings; deleting reference to the Department of Management Services and providing reference to the Department of Veterans Affairs; amending s. 295.14, F.S.; revising provisions with respect to penalties; repealing s. 295.151, F.S., relating to the application of chapter 78-372, Laws of Florida, with respect to point preference to certain persons in applying for employment; creating s. 295.155, F.S.; providing that military retirement on the basis of longevity does not disqualify a person from veterans' employment preference; providing an effective date.

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

CS for SB 2848—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.06, F.S.; providing for an application review fee for certain saltwater product licenses; providing for the issuance of cer-

tain endorsements to charitable corporations; providing a penalty; amending s. 370.07, F.S.; authorizing the sharing of fishing reports with certain other states; amending s. 370.13, F.S.; providing restrictions on the renewal or reissuance of certain stone crab trap numbers; providing that stone crabs shall be designated as a restricted species; amending s. 370.14, F.S.; providing an increase in crawfish trap fees; providing for distribution of the fee revenues; amending s. 370.142, F.S.; amending the fee structure for spiny lobster trap certificates; providing for disposition of fees; amending s. 370.153, F.S.; providing additional requirements with respect to live shrimp production; revising language with respect to dead shrimp production; renaming certain licenses; providing hardship criteria under which a restricted species endorsement may be issued; providing an appropriation; providing an effective date.

By the Committee on Education and Senators Johnson and Hargrett—

CS for SB's 2988 and 2922—A bill to be entitled An act relating to education; amending s. 239.117, F.S., relating to postsecondary student fees; deleting provisions relating to college-preparatory programs, to the Community College Program Fund, and to community colleges; deleting the requirement that the State Board of Community Colleges review the cost of adult programs and postsecondary adult programs; deleting the provision for increasing fees for those programs; amending s. 240.1201, F.S.; revising provisions relating to the loss of resident tuition status; amending s. 240.307, F.S.; allowing members of the State Board of Community Colleges to participate in health insurance plans; amending s. 240.311, F.S.; eliminating a duty of the State Board of Community Colleges to publish an annual report from each community college on progress towards meeting state and institutional quality goals; amending s. 240.313, F.S.; allowing members of boards of trustees to participate in health insurance plans; amending s. 240.319, F.S.; authorizing the community college district boards of trustees to contract for the purchase, lease, or acquisition of equipment by a lease, lease-purchase contract, or installment contract if the lease or contract is approved by the executive director of the community college system appointed by the State Board of Community Colleges; amending s. 240.331, F.S., relating to community college direct-support organizations; deleting a reference to an annual report that is eliminated by this act; amending s. 240.3315, F.S., relating to statewide community college direct-support organizations; deleting a reference to an annual report that is eliminated by this act; amending s. 240.335, F.S.; eliminating a report by a community college district board of trustees concerning programs to eradicate discrimination in the granting of salaries to employees; amending s. 240.347, F.S.; eliminating salary information in the legislative budget request; amending s. 240.35, F.S.; revising provisions relating to the establishment of community college fees; providing requirements for a student activity and service fee, an athletic fee, and a financial aid fee; providing for fee committees, adoption of fees, use of fees, and reporting; revising provisions relating to the capital improvement fee; providing purpose of fees; amending s. 240.36, F.S., relating to the Florida Academic Improvement Trust Fund for Community Colleges; revising the provisions relating to academic improvement trust funds in order to improve clarity and to revise a cross-reference to the financial aid moneys that a community college must collect; amending s. 240.367, F.S., relating to current loan requests by the community college district boards of trustees; providing that the boards may request extensions of repayments of loans authorized for the purpose of meeting budget obligations and subject to approval by the executive director of the community college system appointed by the State Board of Community Colleges; amending s. 242.65, F.S.; revising provisions relating to the Council for the Florida School of the Arts; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 26, CS for SB's 220 and 348, and SB 2360, which he approved on March 30, 1994.

The Governor advised that he had filed with the Secretary of State CS for SB 290, SB 562, SB 594, CS for SB 600, SB 672, SB 1510, SB 2958, SB 2962 and SB 2970, which became law without his signature on March 31, 1994.

The Governor advised that he had filed with the Secretary of State SB 1078, SB 1080, SB 1084, SB 1086, SB 1088, SB 1090, SB 1092, SB 1094, SB 1096, SB 1098, SB 1108, SB 1122, SB 1124, SB 1128, SB 1130, SB 1132 and SB 1138, which became law without his signature on April 1, 1994.

**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 CS for HB 445, HB 567, HB 585, HB 1057, HB 1097, CS for HB 1391, CS for HB 1487, CS for HB 1873, CS for HB 2189, CS for HB 2195, CS for HB 2197, CS for HB 2201; has passed as amended CS for HB 101, CS for HB 161, CS for HB 677, HB 707, CS for HB 749, CS for HB 1025, CS for HB 1247, CS for HB 1387, CS for HB 1401, HB 1589, HB 2277, HB 2493 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Judiciary and Representative Cosgrove—

CS for HB 445—A bill to be entitled An act relating to Dade County; providing for the relief of Rene Perez, to compensate him for serious and permanent personal injuries sustained as a result of the negligence of an employee of Dade County; providing for payment by the Board of County Commissioners of Dade County; providing an effective date.

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

By Representative Thrasher and others—

HB 567—A bill to be entitled An act for the relief of Barbara E. A. Smith, widow of Lyman Michael Raymond Smith, deceased; providing an appropriation to compensate her for the death of Lyman Michael Raymond Smith; providing an effective date.

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

By Representative Rayson—

HB 585—A bill to be entitled An act relating to Dade County; providing for the relief of Ana Kirman; providing an appropriation to compensate her for injuries sustained as a result of the negligence of Dade County and the Miami Transit Authority; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Logan—

HB 1057—A bill to be entitled An act relating to Dade County; providing for the relief of Ardena R. Newry, as personal representative of the estate of Cyprian Newry, deceased, and Kijana Newry, Toyelle Newry, Cypriana Newry, Cyprian Newry, and Tryon Newry, children of Cyprian Newry, deceased, for injuries sustained as a result of the negligence of Public Health Trust of Dade County, d.b.a. Jackson Memorial Hospital; providing for payment by the Public Health Trust of Dade County, d.b.a. Jackson Memorial Hospital; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Feren—

HB 1097—A bill to be entitled An act for the relief of Jerry Bronstein; providing an appropriation to compensate him for payments owed him by the Department of Health and Rehabilitative Services; providing an effective date.

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

By the Committee on Judiciary and Representative Charles—

CS for HB 1391—A bill to be entitled An act relating to the City of Port Orange, Volusia County, Florida; providing for the relief of Bettye Jo Arnold; providing an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the Port Orange Police Department; providing an effective date.

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

By the Committee on Judiciary and Representative McAndrews—

CS for HB 1487—A bill to be entitled An act providing for the relief of Luisa Amanda Roblero, as surviving parent of Jorge Enrique Roblero; providing an appropriation to compensate her for the death of her son due to the negligence of a Miami-Dade Community College security guard; providing an effective date.

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

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

CS for HB 1873—A bill to be entitled An act relating to developmental disabilities; amending s. 393.001, F.S.; renaming the Florida Developmental Disabilities Planning Council; deleting obsolete language; amending ss. 320.0896 and 411.221, F.S., to conform; amending s. 393.063, F.S.; revising definitions; replacing the term "caretaker" with "direct service provider"; replacing "diagnosis and evaluation" with "comprehensive assessment"; defining "personal services" and "support coordinator"; amending s. 393.064, F.S.; revising provisions relating to prevention services; providing for interface with certain responsibilities of the children's medical service program; amending s. 393.065, F.S.; clarifying procedures and timeframes for eligibility determinations; amending s. 393.0651, F.S.; providing for family or individual support plans in place of habilitation plans; providing responsibilities of the support planning team and support coordinator; amending s. 393.0655, F.S.; providing for screening of direct service providers; revising requirements; providing penalties for failure of a direct service provider of employer to comply; amending s. 393.067, F.S.; providing for training of facility staff in the detection and prevention of sexual abuse of facility residents and clients; amending s. 393.13, F.S.; providing the right of residents to be free from sexual abuse; amending s. 393.11, F.S.; providing responsibilities of the developmental services program with respect to involuntary admission to residential services; amending ss. 393.0657, 393.066, 393.0674, 393.0675, 393.068, 393.12, and 916.11, F.S.; conforming language and references to changes made in the act; amending ss. 943.0585 and 943.059, F.S.; correcting cross references; providing an effective date.

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

By the Committee on Commerce and Representative Dennis and others—

CS for HB 2189—A bill to be entitled An act relating to local occupational licenses; creating s. 205.023, F.S.; providing a prerequisite to obtaining a license to engage in or manage any business, occupation, or profession or to transferring a business license; providing an effective date.

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

By the Committee on Judiciary and Representative Cosgrove—

CS for HB 2195—A bill to be entitled An act for the relief of Dolores DeLucia; providing an appropriation to compensate her for damages sustained while traveling on a Metropolitan Dade County bus, resulting from the negligence of employees of Metropolitan Dade County, a political subdivision of the State of Florida; providing an effective date.

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

By the Committee on Judiciary and Representative Arnold—

CS for HB 2197—A bill to be entitled An act for the relief of Robin Driggers Williams and Kenneth E. McFarlin; providing an appropriation to compensate them for damages sustained as a result of the wrongful death of their daughter, Jennifer Driggers, due to the negligence of the Department of Education and the Florida School for the Deaf and the Blind; providing an effective date.

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

By the Committee on Judiciary and Representative Crady—

CS for HB 2201—A bill to be entitled An act relating to Duval County; providing for the relief of James H. Dukes, to compensate him for injuries and damages sustained as a result of the negligence of the Jacksonville Transit Authority; providing for payment by the Jacksonville Transit Authority; providing an effective date.

Proof of publication of the required notice was attached.

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

By the Committee on Judiciary and Representative McClure and others—

CS for HB 101—A bill to be entitled An act relating to attorney's fees and costs in certain proceedings relating to juveniles; creating s. 39.017, F.S.; requiring that attorneys to represent parents or legal guardians in proceedings under part III, IV, V, or VI of ch. 39, F.S., be appointed only upon a finding that the parent or legal guardian is indigent; providing procedures for determining indigency; providing for continuing jurisdiction to assess attorney's fees and costs against nonindigent parents and legal guardians; creating a lien on the real and personal property of parents and legal guardians who have had court-appointed attorneys and providing for enforceability of the lien; authorizing boards of county commissioners to contract with collection agencies under certain circumstances; providing an effective date.

—was referred to the Committees on Judiciary and Appropriations.

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

CS for HB 161—A bill to be entitled An act relating to the purchase and management of state lands; renumbering and amending s. 253.023, F.S.; transferring to ch. 259, F.S., provisions relating to the Conservation and Recreation Lands Trust Fund; providing for application of rules relating to acquisition procedures; authorizing use of funds for environmental audits; specifying requirements for management of acquired lands; requiring evaluation of the management policy statement; requiring adoption of a management prospectus; requiring adoption of a management plan within a specified period, modifying required plan contents; requiring certain review of management plans; requiring annual land management reports; requiring annual agency budget requests for land management; providing procedure for use of funds for long-term management and associated contractual services; revising procedure for payment of funds to qualifying counties in lieu of taxes lost as a result of state acquisitions; providing for reversion and use of unused funds; amending s. 253.025, F.S.; deleting time requirements for negotiation and conveyance of title for CARL or Land Acquisition Trust Fund acquisitions; revising provisions relating to determination of the value of parcels sought to be acquired; providing that the filing of a deed to donate lands to the Board of Trustees of the Internal Improvement Trust Fund shall not transfer title unless a document indicating acceptance of title has also been filed in the public records; deleting provisions relating to vote by the board of trustees to direct the department to exercise condemnation authority or to purchase lands on an immediate basis; amending s. 259.035, F.S.; requiring the Land Acquisition Advisory Council to iden-

tify essential parcels and to prepare management policy statements and acquisition work plans for certain acquisition projects; creating s. 259.041, F.S.; providing for acquisition of lands for preservation, conservation, and recreation purposes; providing powers, duties, and procedures of the board of trustees, the department, and the Division of State Lands of the department; specifying requirements and procedures with respect to appraisals, negotiations, acquisition services, contracts and agreements, documentation of offers and counteroffers, and audits; providing restrictions relating to marketability and state sovereign lands; providing that the filing of a deed to donate lands to the Board of Trustees of the Internal Improvement Trust Fund shall not transfer title unless a document indicating acceptance of title has also been filed; amending s. 373.089, F.S.; deleting requirements relating to time and place of sale of lands owned by a water management district; deleting exemption from public sale requirements for certain district lands and buildings; amending s. 373.139, F.S.; authorizing water management districts to use eminent domain powers in certain additional circumstances and to purchase certain tax certificates or deeds; amending s. 373.1395, F.S.; redefining the term "outdoor recreational purposes"; amending ss. 125.355, 166.045, 201.15, 216.331, 235.054, 253.027, 255.25001, 259.04, 259.101, and 375.045, F.S.; conforming references and cross references; amending s. 260.015, F.S.; conforming cross references; authorizing agreements with nonprofit corporations to assume responsibility for acquisition of lands under the Florida Rails to Trails program; amending s. 372.074, F.S.; requiring that title to certain lands be vested in the Board of Trustees of the Internal Improvement Trust Fund; prohibiting certain moneys from being deposited in the Fish and Wildlife Habitat Trust Fund; providing effective dates.

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

By the Committee on Business and Professional Regulation; and Representative Morse and others—

CS for HB 677—A bill to be entitled An act relating to opticianry; amending ss. 484.002 and 484.003, F.S.; correcting a reference; amending s. 484.007, F.S.; revising requirements for licensure as an optician; requiring the permitting of optical establishments; providing application and fee requirements for such a permit; requiring notice of change in ownership of an optical establishment; amending s. 484.013, F.S.; prohibiting the opening or operating of unpermitted optical establishments; providing penalties; amending s. 484.014, F.S.; applying grounds for disciplinary actions and the disciplinary actions themselves to optical establishment permitholders; amending s. 484.018, F.S.; providing additional exceptions to regulation under part I of chapter 484, F.S., relating to preparing and dispensing of eyeglasses and other optical devices; providing an appropriation; providing an effective date.

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

By the Committee on Ethics and Elections; and Representative Ascherl and others—

HB 707—A bill to be entitled An act relating to the code of ethics for public officers and employees; amending s. 112.312, F.S.; defining the term "affiliate"; amending s. 112.313, F.S.; defining the terms "local government attorney" and "unit of local government"; providing standards of conduct for local government attorneys; modifying the prohibition on conflicting employment or contractual relationships with respect to the delivery of legal services by attorneys to units of local government under certain circumstances; applying the prohibition on conflicting employment or contractual relationships to relationships of the public officer or employee with affiliates of business entities; including provisions related to prior relationships with affiliates; defining "appointed state officer"; including appointed state officers, certain legislative employees, specified employees of the State University System, and elected officers of school districts in provisions restricting postemployment representation of others before their former agencies; clarifying intent; providing applicability; authorizing school districts to adopt resolutions regulating postemployment representation of others by former employees before their former agencies; providing penalties; amending s. 112.3135, F.S.; defining the term "collegial body"; prohibiting the appointment, employment, promotion, or advancement of any individual if such appointment, employment, promotion, or advancement is made by a collegial body of which a

relative of the individual is a member; amending s. 112.3143, F.S., revising a definition and modifying the prohibition on voting conflicts; amending s. 112.3144, F.S.; changing deadlines for the Commission on Ethics to prepare and submit to the Secretary of State the list of names, addresses, and offices held by every person required to file full and public disclosure of financial interests; amending s. 112.3145, F.S.; requiring local officers who do not permanently reside in any county in the state to file their statement of financial interests with the supervisor of elections of the county in which their agency maintains its headquarters; changing deadlines for the Commission on Ethics to prepare and submit to the Secretary of State and the supervisors of elections the list of names, addresses, and offices or positions held by every state officer, local officer, or specified employee required to disclose financial interests and clients represented before certain agencies, as applicable; amending ss. 112.3148 and 112.3149, F.S., relating to requirements for gift receipt and reporting and for honoraria; revising the definitions of "lobbyist" to provide applicability with respect to agency registration systems; allowing water management districts to give certain gifts if a public purpose can be shown; revising the definition of "honorarium" to exclude event or meeting registration fees; amending s. 112.317, F.S.; increasing the cap on civil penalties applicable to ethics and financial disclosure violations; modifying the standard for assessing costs and attorney's fees against a complainant; amending s. 112.3185, F.S.; including the Public Service Commission under provisions applying restrictions on employees and former employees of agencies who participate or participated in the procurement of contractual services for their agencies; providing applicability; amending s. 112.3231, F.S.; deleting the requirement for confidentiality of complaints for which the period of limitation has run; providing for dismissal of such complaints and the issuance of a public report with respect thereto; amending s. 112.324, F.S., relating to procedures on complaints of violations; requiring the public report on a dismissed complaint to state with particularity the reasons for dismissal; revising provisions relating to disciplinary officials or bodies and the public officers and employees subject to their disciplinary action; amending s. 112.326, F.S., relating to additional requirements; authorizing agencies and political subdivisions to adopt more stringent standards of conduct and disclosure requirements under certain circumstances; reenacting ss. 24.105(20)(b) and (c), 112.3145(6)(c) and (e), 112.322(2)(b), 286.012, 287.175, and 350.043, F.S., relating to powers and duties of the Department of the Lottery, financial disclosure notice, powers and duties of the Commission on Ethics, voting requirement at meetings of governmental bodies, penalties applicable to violations of provisions regulating state officer and employee transportation, and enforcement of provisions relating to the Public Service Commission, to incorporate the amendments to s. 112.313, 112.3143, and s. 112.317, F.S., in references thereto; providing an effective date.

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

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

CS for HB 749—A bill to be entitled An act relating to pest control; amending s. 482.051, F.S.; requiring additional rules relating to use of pesticides; amending s. 482.061, F.S.; revising provisions relating to the qualifications of inspectors; amending s. 482.071, F.S.; revising the prohibition against unlawful activity relating to a licensee's contractual obligations upon dissolution or transfer of a pest control business; providing penalties; amending s. 482.132, F.S.; revising the provisions relating to qualifications of pest control operators; amending s. 482.155, F.S.; requiring certain recordkeeping; specifying an exemption from regulation under ch. 482, F.S.; amending s. 482.156, F.S., relating to commercial landscape maintenance personnel; clarifying language; amending s. 482.161, F.S.; revising disciplinary actions; amending s. 482.163, F.S., relating to responsibility for pest control activities of employees; strengthening the department's enforcement powers; creating the Subterranean Termite Treatment Study Committee, providing for composition and meeting procedures; requiring a report; providing an effective date.

—was referred to the Committee on Agriculture.

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

CS for HB 1025—A bill to be entitled An act relating to chiropractic; amending s. 460.406, F.S.; revising requirements for licensure as a chiropractor by examination; creating s. 460.4061, F.S.; providing for a restricted license as a chiropractic physician; providing licensure requirements and practice restrictions; providing circumstances required for full licensure; providing for reinstatement of certain chiropractor licenses; providing an effective date.

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

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

CS for HB 1247—A bill to be entitled An act relating to emergency coastal armoring; creating s. 161.085, F.S.; providing for emergency installation of rigid coastal structures for certain purposes; authorizing the Department of Environmental Protection to issue permits for such structures; providing procedures; providing an exception; requiring the department to adopt rules for permitting such structures; providing a definition; providing an effective date.

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

By the Committee on Transportation and Representative Goode—

CS for HB 1387—A bill to be entitled An act relating to traffic enforcement; amending s. 316.640, F.S.; revising authority of university police to enforce traffic laws; authorizing airport authority police and community college police to enforce traffic laws; defining traffic enforcement agencies for purposes of receiving traffic citations; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Corrections and Representative Hawkes—

CS for HB 1401—A bill to be entitled An act relating to private correctional facilities; amending s. 957.03, F.S.; authorizing the Correctional Privatization Commission to adopt rules; amending s. 957.04, F.S.; providing circumstances under which a lease-purchase agreement negotiated by the commission need not be approved by the Board of Trustees of the Internal Improvement Trust Fund; exempting appraisals obtained by the commission from competitive-bid requirements; amending s. 957.06, F.S.; specifying certain powers and duties that are not delegated to the contractor under ch. 957, F.S.; amending s. 944.716, F.S.; revising guidelines and providing responsibilities of the commission with respect to terminations of contracts with private vendors; amending s. 957.07, F.S.; revising provisions relating to cost-saving requirements for specified contracts entered into by the commission; amending s. 957.12, F.S.; revising provisions relating to prohibitions on contacts between commission employees or consultants and bidders regarding proposals for a private correctional facility; creating s. 957.13, F.S.; creating provisions relating to background checks; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; Governmental Operations; and Appropriations.

By Representative Logan and others—

HB 1589—A bill to be entitled An act relating to education; creating a juvenile education planning committee; establishing a purpose; providing for membership and duties; requiring submission of findings and recommendations; providing an effective date.

—was referred to the Committees on Education; Governmental Operations; Rules and Calendar; and Appropriations.

ROLL CALLS ON SENATE BILLS

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

HB 2277—A bill to be entitled An act relating to child labor; amending s. 450.021, F.S.; providing for minors to work in domestic or farm work under certain circumstances; amending s. 450.045, F.S.; providing additional means to show proof of age of minor; amending s. 450.081, F.S.; conforming provisions to federal requirements; providing clarification for minors to work on non-school days; amending s. 450.141, F.S.; authorizing the Department of Labor and Employment Security to levy fines against persons alleged to be in violation of the Child Labor Law; providing an exception; amending s. 450.161, F.S.; authorizing the Department of Education to waive the provisions of s. 450.061, F.S., under specified conditions; providing an effective date.

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

By the Committee on Judiciary and Representative Feren—

HB 2493—A bill to be entitled An act relating to community associations, condominiums, and cooperatives; amending s. 468.431, F.S.; redefining the term “community association management”; amending s. 468.433, F.S.; revising language with respect to licensure as a community association manager; amending s. 468.434, F.S.; revising language with respect to the membership of the advisory council on community association managers; amending s. 468.436, F.S.; deleting reference to certification; authorizing the division to issue certain orders and assess costs; providing for probation of license under certain circumstances; amending s. 718.106, F.S.; providing for waiver of use rights by a tenant in certain circumstances; creating s. 468.438, F.S.; providing for community association management performed by time-share managing entities; amending ss. 718.112 and 719.106, F.S.; revising language with respect to certain required provisions in the condominium bylaws, and with respect to certain required provisions in the cooperative documents; amending s. 718.113, F.S.; authorizing the board to install, maintain, repair, or replace hurricane shutters; providing for the operation of such shutters by the board; amending s. 718.115, F.S.; including the expense of installation, replacement, operation, repair, and maintenance of hurricane shutters as common expenses; amending s. 718.116, F.S.; revising language with respect to assessments and liens; amending ss. 718.122 and 719.112, F.S.; revising language with respect to unconscionability of certain leases and rebuttable presumption for unit owners of condominiums and cooperatives; providing for maintenance of causes of action by unit owners under certain circumstances; amending s. 718.1255, F.S.; redefining the term “dispute” with respect to alternative dispute resolution under the condominium law; directing the division to employ attorneys as arbitrators; amending s. 719.1055, F.S.; revising language with respect to amendment of cooperative documents; amending ss. 718.614 and 719.614, F.S.; deleting certain required economic information to be provided by developers of condominiums and cooperatives to tenants having a right of first refusal; amending ss. 718.616 and 719.616, F.S.; revising language with respect to disclosure of the condition of the building and estimated replacement costs by developers of condominiums and cooperatives; amending ss. 718.618 and 719.618, F.S.; revising language with respect to converter reserve accounts and warranties; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

RETURNING MESSAGES—FINAL ACTION

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed SB 190, SB 364, SB 546, SB 1016, CS for SB 1202, CS for SB 1296 and CS for SB 2900.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CS for SB 304

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Jones

CS for SB 340

Yeas—36

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

Nays—1

Harden

Vote after roll call:

Yea—Wexler

CS for SB 1176

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Jones

CS for SB 1278

Yeas—35

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

Nays—None

CS for SB 1334

Yeas—39

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

Nays—None

CS for SB 1334—After Reconsideration

Yeas—36

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

Nays—None

CS for CS for SB 2076

Yeas—37

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

Nays—1

Crist

SB 2244

Yeas—37

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

Nays—None

SB 2448

Yeas—37

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

Crenshaw	Grant	Johnson	Silver
Crist	Grogan	Kirkpatrick	Sullivan
Dantzler	Gutman	Kiser	Weinstein
Diaz-Balart	Harden	Kurth	Wexler
Dudley	Hargrett	McKay	Williams
Dyer	Holzen-dorf	Meadows	
Foley	Jenne	Myers	
Forman	Jennings	Siegel	

Nays—None

Vote after roll call:

Yea—Jones

ROLL CALLS ON HOUSE BILLS

CS for HB 239

Yeas—37

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

Nays—None

HB 317

Yeas—38

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

Nays—None

HB 341

Yeas—38

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

Nays—None

HB 2403

Yeas—38

Mr. President	Brown-Waite	Crenshaw	Dudley
Bankhead	Burt	Crist	Dyer
Beard	Casas	Dantzler	Foley
Boczar	Childers	Diaz-Balart	Forman

Grant	Jenne	Kurth	Sullivan	Forman	Holzendorf	Kiser	Siegel
Grogan	Jennings	McKay	Weinstein	Grant	Jenne	Kurth	Sullivan
Gutman	Johnson	Meadows	Wexler	Grogan	Jennings	Meadows	Williams
Harden	Jones	Myers	Williams	Gutman	Johnson	Myers	
Hargrett	Kirkpatrick	Scott		Harden	Jones	Scott	
Holzendorf	Kiser	Silver					

Nays—None

ROLL CALLS ON EXECUTIVE BUSINESS

**Reinstatement
Diane B. Rowden**

Yeas—12

Mr. President	Dantzler	Hargrett	Silver
Beard	Diaz-Balart	Kirkpatrick	Weinstein
Casas	Dudley	McKay	Wexler

Nays—26

Bankhead	Brown-Waite	Crenshaw	Dyer
Boczar	Burt	Crist	Foley

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 30 was corrected and approved.

CO-SPONSORS

Senator Diaz-Balart withdrew as a co-sponsor of SB 134.

RECESS

On motion by Senator Kirkpatrick, the Senate recessed at 12:17 p.m. to reconvene at 2:00 p.m., Monday, April 4.