



# Journal of the Senate

Number 16

Thursday, April 7, 1994

## CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—39:

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

Excused: Senators Childers, Diaz-Balart, Holzendorf, Jenne, Kirkpatrick, Kurth and Scott, periodically for the purpose of working on Appropriations.

## PRAYER

The following prayer was offered by the Rev. Joseph McAuliffe, Senior Pastor, Tampa Covenant Church, Tampa:

Dear Lord, as we assemble on this occasion to work on behalf of the people of Florida, we begin by acknowledging your rulership and grace.

Before we delve into these governmental matters, we pause to remember you and especially your rich mercies toward us. Lord, you truly have been good to us, better than we deserve.

Lastly, we ask that you would imbue each one here with your spirit—thy spirit of power, love and sound mind. We ask that our decisions would be wrought in light of your righteousness, your justice and your love. May the state and people of Florida be strengthened by the work we dedicate to you this day. Amen.

## PLEDGE

Senate Pages, Sarah Crenshaw and Suzanna Stowell of Jacksonville and Jason Moyer of Sarasota, led the Senate in the pledge of allegiance to the flag of the United States of America.

## CONSIDERATION OF RESOLUTIONS

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

By Senator McKay—

**SR 3160**—A resolution honoring the brave and gallant Medal of Honor recipients.

WHEREAS, many of the recipients of the Medal of Honor, the highest military award for bravery bestowed on an individual in the United States, are unknown to people in this state, and

WHEREAS, these courageous defenders of America's freedoms received the highest award that a grateful nation can bestow for valor on the battlefield, and

WHEREAS, Medal of Honor recipients demonstrate uncommon valor in actions that are above and beyond the call of duty in combat against an armed enemy, and

WHEREAS, there have been eighteen recipients of the Medal of Honor from this state, and

WHEREAS, the Florida Chapter of the Medal of Honor Museum Foundation, over the years, has been diligent in seeing that the brave recipients of the Medal of Honor who are residents of this state have not been forgotten, by conducting memorial ceremonies, by bringing about the naming of public buildings for certain Medal of Honor recipients, and by the planting of eighteen Heritage Oaks in memory of all eighteen of Florida's brave Medal of Honor recipients, and

WHEREAS, in 1989, Governor Martinez proclaimed May 6th as Medal of Honor Day in Florida, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to remember and pay tribute to these courageous Medal of Honor recipients who have acted so gallantly in the defense of their country and state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida Chapter of the Medal of Honor Museum Foundation as a tangible token of the sentiments of the Florida Senate.

On motion by Senator McKay, **SR 3160** was read by title and was read the second time in full and adopted.

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

By Senator Jennings—

**SR 3166**—A resolution in memory of Harry and Russell Hughes, founding brothers of Hughes Supply Inc.

WHEREAS, in 1928, Clarence Hughes and his son Russell, who were then engaged in the business of electrical contracting in the Orlando area, recognized the value of being able to obtain all the electrical supplies they needed from a single, local source, and they thus began an electrical supply business out of the family garage, and

WHEREAS, the Depression forced Clarence's younger son, Harry, to withdraw from college, whereupon he joined the fledgling supply business, and the electrical contracting business was eventually phased out, and

WHEREAS, the two brothers took this small family business and built it into the major economic force in this state that it is today, and

WHEREAS, the company that the Hughes brothers founded, Hughes Supply Inc., is now the second largest wholesale distributor of electrical, plumbing, heating, and air-conditioning materials in the nation, with last year's sales in excess of \$660.9 million, and

WHEREAS, the very opposite but complementary personalities of the founding brothers formed the perfect balance for running a successful business, for Russell, or "Mr. Inside," was distinguished for his tough-minded business acumen and ability to make the right decision instantaneously, and Harry, or "Mr. Outside," was distinguished as a super salesman and public relations genius, and

WHEREAS, despite their different personalities, Russell and Harry Hughes agreed on many things, particularly on providing their customers with service and with all the supplies they needed to do any job from start to finish, and on treating their employees like family members, and

WHEREAS, the two brothers remained on the company board of directors until 1986, and, although the company has lost these strong leaders, Hughes Supply remains in good hands with the next generation of the family, Harry's sons David and Vincent Hughes and Russell's son R. V. Hughes, who serve the company in various capacities, and

WHEREAS, under the direction of David Hughes, who served the company as president for the past 22 years, Hughes Supply has spread its operations from Florida into Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, Kentucky, Maryland, and Virginia and currently employs 2,500 persons, NOW, THEREFORE,

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

That this body pause in its deliberations to recognize the achievements and contributions to this state of Russell and Harry Hughes, founders of Hughes Supply Inc.

BE IT FURTHER RESOLVED that copies of this resolution, signed by the President of the Senate and affixed with the Seal of the Senate, be presented to the families of Russell Hughes and Harry Hughes as tangible tokens and everlasting symbols of the respect, admiration, and appreciation of the Florida Senate for these two men.

On motion by Senator Jennings, **SR 3166** was read by title and was read the second time in full and adopted.

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

By Senator Holzendorf—

**SR 3162**—A resolution recognizing Eric O. Simpson, founder of The Florida Star, as a champion of civil rights and a pioneer of the Black press in Florida.

WHEREAS, Eric O. Simpson was born in British Guiana, South America; he studied journalism at New York University; he worked with the U.S. Corps of Engineers as a statistician; and he traveled with the Merchant Marine before moving to Jacksonville, where he worked as a disc jockey and newscaster, and

WHEREAS, in the 1950's, Eric O. Simpson was a champion of civil rights and was extremely active in registering Blacks to vote, and

WHEREAS, in April of 1951, Mr. Simpson founded a weekly Jacksonville newspaper, The Florida Star, to report on news and developments relating to Blacks in Northeast Florida, in an era when other newspapers failed to report about Blacks, and

WHEREAS, Mr. Simpson was the only source of news about the 1960 Jacksonville Woolworth sit-ins, because the Florida Times-Union and the Jacksonville Journal imposed a news blackout and he was the only journalist present at the milestone event, and

WHEREAS, The Florida Star is the state's second-largest African-American newspaper, and

WHEREAS, Mr. Simpson, through his newspaper, was also at the forefront of movements to desegregate the bus company, the civil service, and the police and fire departments, and

WHEREAS, in 1960, he ran for the Duval County Civil Service Board and polled nearly 16,000 votes, which, according to a 1962 article in Jet Magazine, was more than any Black candidate in Florida's political history, and

WHEREAS, Eric O. Simpson died in Jacksonville, Florida, January 9, 1994, and

WHEREAS, the Florida Times-Union eulogized him in a front-page article written after his death, which read in part: "He used his paper to champion civil rights, desegregation, and equal educational opportunities for African-Americans," and

WHEREAS, Mr. Simpson is survived by his wife of 42 years, Mary Wooten Simpson, and two daughters, NOW, THEREFORE,

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

That the Florida Senate recognizes Eric O. Simpson as a champion of civil rights, as a pioneer of the Black press in Florida, and as an advocate on behalf of people who have suffered civil and social injustices.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be transmitted to Mrs. Mary Wooten Simpson, widow of Eric O. Simpson, as a tangible token of the respect for her late husband held by the Florida Senate.

On motion by Senator Holzendorf, **SR 3162** was read by title and was read the second time in full and adopted.

#### SPECIAL GUEST

Senator Holzendorf introduced the following member of Eric Simpson's family who was seated in the chamber: Elwyn Grimes, grandson.

Upon request of the President, Senator Holzendorf escorted the guest to the rostrum where he was presented a copy of the resolution.

On motion by Senator Turner, by two-thirds vote **SR 2718** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Turner—

**SR 2718**—A resolution commending We Will Rebuild, Inc., and its successor, We Will Rebuild Foundation, for helping individuals and businesses in Dade County recover and rebuild after the devastation caused by Hurricane Andrew.

WHEREAS, We Will Rebuild, Inc., was formed on September 3, 1992, in response to a call to service from President George Bush and Governor Lawton Chiles, and

WHEREAS, the organization took on a civic mission unlike any other in American history to help those individuals whose homes and businesses lay in ruins in the aftermath of Hurricane Andrew, and

WHEREAS, the organization was led by its Chairman, Mr. Alvah H. Chapman, Jr., along with Mr. Ray Goode, President, and 76 individuals who comprised its board of directors, and

WHEREAS, the organization began with 90 very dedicated and caring volunteers, without a manual or plan, and without a specific mission, and within a few weeks those 90 volunteers had grown to more than 800 volunteers, and

WHEREAS, the organization began laying the groundwork with 29 committees, each chaired and co-chaired by outstanding individuals who gave of their time and effort to ensure a smooth rebuilding effort, and

WHEREAS, these committees met numerous times and advised and provided the leadership to the board of directors in ensuring that the board made the right decisions in providing assistance to those in need, and

WHEREAS, the organization has received over \$27 million in contributions and has pledged over \$20 million in grants to assist Dade County in its rebuilding efforts, and

WHEREAS, the organization's most visible accomplishments were special events such as the joining of more than a thousand Dade Countians in Orlando for making the case to keep Homestead Air Force Base operational, the dedication of housing for more than 500 families, the \$7 million in funding provided for the Homestead Community and Youth Complex, the grant in the amount of \$2.1 million to the Children's Resource and Referral Center, and

WHEREAS, looking toward the future, the organization has now become the We Will Rebuild Foundation, under the leadership of a new chairman, Mr. Rod Petrey, and a new 21-member board of directors, and

WHEREAS, the new mission and focus of the foundation will be to ensure that all moneys pledged to the organization are collected, disbursed, and monitored in accordance with the original intent of the donations, and

WHEREAS, the new foundation will undertake a limited number of new initiatives and projects to aid in the recovery and rebuilding efforts for the good of Dade Community and its residents, and

WHEREAS, the organization has contributed to the spirit of rebuilding and has created inspiration that has assisted Dade County and its residents in the recovery and rebuilding efforts, and

WHEREAS, the organization credits the unyielding spirit of the individual residents, home owners, and business owners who, despite great odds and with little help, except for reliance on prayer, moved forward with building decisions, which have greatly benefited the entire south Dade community, NOW, THEREFORE,

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

That We Will Rebuild, Inc., and its successor, We Will Rebuild Foundation, be commended for helping individuals and businesses in Dade County recover and rebuild after the devastation caused by Hurricane Andrew.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the We Will Rebuild Foundation as a tangible token of the appreciation of the Florida Senate.

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

### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Kirkpatrick, by two-thirds vote **HB 1783** was withdrawn from the Committees on Natural Resources and Conservation; and Rules and Calendar.

On motions by Senator Crenshaw, by two-thirds vote **Senate Bills 376, 408, 1066, CS for SB 1338, Senate Bills 1358, 2278, 2312, 2810, CS for SB 182, CS for SB 1442, CS for SB 1864, CS for SB 1928, CS for SB 2038, CS for SB 2522, CS for SB 2628, CS for SB 2784, CS for SB 2878 and CS for SB 3048** were withdrawn from the Committee on Appropriations.

On motion by Senator Scott, by two-thirds vote **CS for CS for SB 3060** was withdrawn from the Committee on Appropriations.

On motions by Senator Wexler, by two-thirds vote **SB 2060 and CS for SB 2046** were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Kirkpatrick, by two-thirds vote **Senate Bills 2882, 2034, CS for SB 548 and SB 1438** were withdrawn from the Committee on Commerce; and **CS for SB 640** was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motions by Senator Dudley, by two-thirds vote **SB 1876** was withdrawn from the committees of reference and further consideration.

On motions by Senator Kirkpatrick, by two-thirds vote **CS for SB 1740** was withdrawn from the Committee on Community Affairs; **CS for SB 2408** was withdrawn from the Committee on Judiciary; **SB 2964** was withdrawn from the Committee on Transportation; and **CS for SB 2988** was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motion by Senator Jenne, by two-thirds vote **CS for SB 2740** was withdrawn from the Committee on Appropriations.

On motions by Senator Wexler, by two-thirds vote **CS for SB 1174, CS for CS for SB 1718 and SB 3018** were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Jenne, by two-thirds vote **CS for SB 460, CS for SB 534, CS for SB 1212, SB 1330, CS for SB 1534, SB 1672, CS for SB 1880, SB 1900, SB 2034, CS for SB 2070, SB 2096, CS for SB 2118, CS for CS for SB 2162, SB 2320, CS for SB 2478, CS for SB 2526, CS for SB 2776, HB 733 and CS for HB 1257** were withdrawn from the Committee on Appropriations.

On motion by Senator Jenne, by two-thirds vote **CS for SB 1442** was recommitted to the Committee on Appropriations.

### COMMITTEE MEETING CHANGE

On motions by Senator Kirkpatrick, the rules were waived and the Committee on Executive Business, Ethics and Elections was granted permission to meet this day at 1:30 p.m.; and the afternoon session was set for 2:00 p.m. in lieu of 1:30 p.m. as scheduled this day.

On motion by Senator Wexler, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider **CS for HB 1575** on the agenda this day.

### MOTIONS

Senator Hargrett moved that the House be requested to return **CS for HB 107**. The motion failed.

On motions by Senator Kirkpatrick, by two-thirds vote **House Bills 1783 and 2179** were placed on the Local Bill Calendar.

On motion by Senator Foley, the House was requested to return **CS for HB 749**.

On motions by Senator Kirkpatrick, the rules were waived and by two-thirds vote **HB 353, HB 573, CS for SB 2654, CS for SB 2132, CS for SB 2532, CS for HB 1949, CS for SB 1762, CS for SB 164, CS for SB 1756, SB 1648, CS for SB 1852, CS for SB 1920, SB 2288, SB 308, CS for SB 1776, CS for SB 2498, SB 2150, SB 1498, SB 1912, SB 2494, CS for SB 2324, CS for SB 640, SB 2636, CS for SB 3056, CS for SB 1478, CS for CS for SB 2420, SB 406, CS for CS for SB 1350, SB 1954, SB 2806, CS for CS for SB 1194, CS for SB 2752, SB 408, CS for SB 150, CS for SB 2156, SB 398, CS for SB 1474, CS for SB 2038, CS for SB 2740, CS for CS for SB 1424 and SB 1358** were placed on the Special Order Calendar.

On motion by Senator Kirkpatrick, provisions of Rule 2.39 relating to two-hour notice of amendments to be considered by a committee were waived.

On motions by Senator Grant, by two-thirds vote **SB 1828** was withdrawn from the Special Order Calendar; and **SB 1822** was withdrawn from the calendar.

On motions by Senator Grant, by two-thirds vote **Senate Bills 1828 and 1822** were indefinitely postponed.

### CONSIDERATION OF BILL OUT OF ORDER

On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 1383** was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Kirkpatrick, by unanimous consent—

**CS for HB 1383**—A bill to be entitled An act relating to long-term care; amending s. 651.118, F.S.; amending provisions that govern the allowable number and uses of sheltered nursing home beds in continuing care retirement communities; replacing the Department of Health and Rehabilitative Services with the Agency for Health Care Administration as the agency administering this section; amending s. 400.404, F.S.; exempting from regulation certain facilities where the residents nominate the board directors and certain facilities in existence for a specified period of time which are owned by a fraternal organization; amending s. 408.036, F.S.; exempting from regulation certain private retirement community facilities and certain increases in bed capacity for certain nursing home facilities; amending s. 400.051, F.S.; exempting specified facilities from regulation as nursing homes; providing effective dates.

—was taken up out of order and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 1383** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34      Nays—None

### LOCAL BILLS

**SB 3146**—A bill to be entitled An act relating to Sarasota County; amending ch. 71-904, Laws of Florida, the Manasota Key Conservation District Act; providing definitions; providing an effective date.

—was read the second time by title. On motion by Senator Boczar, by two-thirds vote **SB 3146** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

**SB 3148**—A bill to be entitled An act relating to Broward County and to Port Everglades District and to Port Everglades Authority in Broward County; providing definitions; specifying powers, duties, and obligations of Broward County as to Port Everglades; clarifying powers, duties, and

obligations of the Cities of Hollywood, Fort Lauderdale, and Dania as to the Port Everglades jurisdictional area within their respective municipal boundaries; providing for construction and implementation of Broward County's powers, duties, and obligations; incorporating by reference certain large user wastewater and potable water agreements between certain cities and the port authority; providing for compensation; providing for remedies; preserving municipal boundaries and powers to impose ad valorem taxes; providing severability; providing for future repeal; providing an effective date.

—was read the second time by title.

Senator Meadows moved the following amendment which was adopted:

**Amendment 1**—On page 8, line 8, after "refusal" insert: not less than

On motion by Senator Meadows, by two-thirds vote **SB 3148** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38      Nays—None

**HB 1043**—A bill to be entitled An act relating to the City of Jacksonville; amending s. 17.06 of chapter 92-341, Laws of Florida, as amended, being the Charter of the City of Jacksonville, so as to clarify the exemptions provided by the charter to designated employees; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 1043** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

**HB 1353**—A bill to be entitled An act relating to Acme Improvement District, Palm Beach County; amending chapter 28557, Laws of Florida, 1953, as amended; expanding the boundaries of said district, including transferring land from the Lake Worth Drainage District to the Acme Improvement District; amending Article III of chapter 61-1747, Laws of Florida, as amended; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 1353** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

**HB 1483**—A bill to be entitled An act relating to the Delray Beach Downtown Development Authority, Palm Beach County; amending ch. 71-604, Laws of Florida, as amended; correcting the Downtown Development Authority area description to provide for a contiguous area which includes properties eastward of the Intracoastal Waterway, northward of the current Downtown Development Authority area to include those properties lying south of N.E. 4th Street, southward of the current Downtown Development Authority area to include those properties lying north of S.E. 3rd Street, bounded generally on the west by N.E. 1st Avenue, all such properties lying within the municipal boundaries of the City of Delray Beach; providing for seven members on the board for the authority; providing an effective date.

—was read the second time by title. On motion by Senator Foley, by two-thirds vote **HB 1483** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

**HB 1595**—A bill to be entitled An act relating to Collier County; repealing chapter 69-616, Laws of Florida, which establishes a quota for issuing of alcoholic beverage licenses relating to social clubs; repealing chapter 9412, Laws of Florida, 1923, which authorizes the Board of County Commissioners of Collier County, Florida, to purchase, receive, and to hold title to lands for park and parkway purposes and to protect, improve, maintain, and beautify the same as well as public highways and which provides for a special tax not exceeding 1 mill for such purposes;

repealing chapter 61-2037, Laws of Florida, as amended, chapter 63-1239, Laws of Florida, and chapter 67-1242, Laws of Florida, which authorize the creation and establishment of water conservation districts in Collier County, provides a method whereby such creation and establishment may be effected, provides that the board of county commissioners may be the governing body of such districts, and provides for the powers and jurisdiction of such districts; repealing chapter 67-1238, Laws of Florida, relating to child care centers, kindergartens, schools and other similar establishments caring for children under the age of 7 years in Collier County, which describes minimum standards and regulations relative to sanitation, safety, welfare, and physical plant thereof, and which provides for the granting and revoking of permits for the operation of such establishments by the Collier County Health Department; repealing chapter 63-1238, Laws of Florida, which provides for the fixing, collection, and accounting of fees to be charged by the county health unit for certain services; repealing chapter 59-1189, Laws of Florida, which permits the transfer of property owned by the Board of Public Instruction of Collier County to the Board of County Commissioners of Collier County and from the Board of County Commissioners of Collier County to the Board of Public Instruction of Collier County by sale, lease, or otherwise; repealing chapter 70-641, Laws of Florida, which authorizes the board of county commissioners to appoint and employ a competent medical examiner and assistants, defines the responsibility, authority, and qualifications of such appointees, and fixes the terms of employment and compensation; repealing chapter 25734, Laws of Florida, 1949, which authorizes the board of county commissioners to establish and maintain a fire control unit and authorizes said board of county commissioners to enter into an agreement with the Florida Board of Forestry and Parks for the establishment and maintenance of such fire control unit; repealing chapter 65-677, Laws of Florida, which provides minimum and maximum compensation of employees and officers of the sheriff's office; repealing chapter 79-442, Laws of Florida, which authorizes the board of county commissioners to designate agents of the Collier County Department of Animal Control as animal control enforcement officers, and authorizes animal control enforcement officers to issue citations for violations of Collier County Ordinance 78-16 and amendments thereto; repealing chapter 61-2022, Laws of Florida, which authorizes the board of county commissioners to acquire, establish, equip, and maintain auxiliary county offices outside the county seat and to pay the cost thereof from the general revenue fund of the county; repealing chapter 61-2036, Laws of Florida, which prohibits shooting and discharging of firearms and other weapons on, off, from, or within one-half mile of certain county roads in Collier County; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 1595** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

Consideration of **HB 2089** was deferred.

**HB 2205**—A bill to be entitled An act relating to the Melbourne-Tillman Drainage District, Brevard County; renaming the district as the Melbourne-Tillman Water Control District; providing an effective date.

—was read the second time by title. On motion by Senator Kurth, by two-thirds vote **HB 2205** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

**HB 2235**—A bill to be entitled An act relating to the South Indian River Water Control District, Palm Beach County; amending chapter 71-820, Laws of Florida; authorizing the Board of Supervisors of the South Indian River Water Control District to receive real and personal property for recreational purposes for land within the District lying East of Canal 18 of the South Florida Water Management District only; authorizing the Board of Supervisors to lease or make available facilities or grounds owned by the District to public-spirited organizations; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 2235** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

**HB 2237**—A bill to be entitled An act relating to Collier County; amending chapter 78-494, Laws of Florida, as amended, relating to the Immokalee Water and Sewer District; deleting the requirement of appointment of board members upon recommendation of the board of county commissioners of Collier County; increasing the authority of the director to write checks up to and including \$1,500 without board approval; requiring that all disbursements of district funds over \$1,500 shall be made pursuant to warrants or checks signed by the chairman or vice chairman and countersigned by the treasurer or secretary of the board; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 2237** 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 Boczar, by two-thirds vote—

**HB 1783**—A bill to be entitled An act relating to the North Port Water Control District; providing for the dissolution of the water control district; providing for the transfer of the property, assets, rights, responsibilities, and obligations thereof to the North Port Road and Drainage District; providing that the road and drainage district is to replace the water control district as a party to contracts of the water control district; specifying conditions precedent for the dissolution of the water control district; specifying a date for the transfer of the powers and responsibilities of the water control district, subject to the satisfaction of the conditions precedent; providing for a referendum; providing effective dates.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—None

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

**HB 2179**—A bill to be entitled An act relating to Broward County and to Port Everglades District and to Port Everglades Authority in Broward County; providing definitions; specifying powers, duties, and obligations of Broward County as to Port Everglades; clarifying powers, duties, and obligations of the Cities of Hollywood, Fort Lauderdale, and Dania as to the Port Everglades jurisdictional area within their respective municipal boundaries; providing for construction and implementation of Broward County's powers, duties, and obligations; incorporating by reference certain large user wastewater and potable water agreements between certain cities and the port authority; providing for compensation; providing for remedies; preserving municipal boundaries and powers to impose ad valorem taxes; providing severability; providing for future repeal; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

### SPECIAL ORDER

Consideration of **CS for CS for SB 1422** and **CS for SB 480** was deferred.

### SENATOR SILVER PRESIDING

On motions by Senator Diaz-Balart, by two-thirds vote **CS for HB 677** was withdrawn from the Committees on Professional Regulation and Appropriations.

On motion by Senator Diaz-Balart—

**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.

—a companion measure, was substituted for **CS for CS for SB 1608** and read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote **CS for HB 677** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

**CS for SB 2704**—A bill to be entitled An act relating to commercial feed and feedstuff; amending s. 580.031, F.S.; revising definitions; creating s. 580.036, F.S.; providing powers and duties of the Department of Agriculture and Consumer Services; amending s. 580.041, F.S., relating to master registration for distributors; revising fees; providing requirements; amending s. 580.051, F.S.; revising label requirements; specifying contents of labels on medicated feed and customer-formula feed; increasing a fine; creating s. 580.065, F.S.; providing for laboratory certifications; providing fees; providing requirements for certification; providing penalties; amending s. 580.071, F.S.; expanding provisions relating to adulteration; amending s. 580.081, F.S.; revising provisions relating to misbranding; amending s. 580.091, F.S.; revising provisions relating to inspection, sampling, and analysis; providing for certain exemption; providing for fees; amending s. 580.111, F.S., relating to detained commercial feed and feedstuff; requiring compliance with stop-sale, stop-use, removal, or hold orders within a described period; amending s. 580.112, F.S.; revising prohibited acts; amending s. 580.121, F.S.; revising penalties; amending s. 580.131, F.S., relating to penalties payable to the consumer; amending s. 580.141, F.S.; requiring the department to report certain information; amending s. 580.151, F.S.; revising membership of the Commercial Feed Technical Council, repealing ss. 580.021, 580.061, and 580.101, F.S., relating to department administration, inspection fees, and rules for standards and definitions; repealing s. 6 of ch. 93-90, Laws of Florida, which provides for future repeal of ch. 580, F.S.; requiring positions and funds to be placed in reserve; providing an effective date.

—was read the second time by title.

Senator Dantzler moved the following amendment which was adopted:

**Amendment 1**—On page 33, strike all of lines 10-16 and insert: Representatives by October 1 of each year a report concerning the production, distribution, and regulation of commercial feed and feedstuff in the state. The report shall include, but not be limited to, information concerning the number of laboratories certified by the department, the results of the analyses reported by certified laboratories, the number of registrants exempt from the certified laboratory testing requirements, the number and subject matter of consumer complaints concerning commercial feed, the

On motion by Senator Dantzler, by two-thirds vote **CS for SB 2704** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37      Nays—None

**CS for SB 480**—A bill to be entitled An act relating to unemployment compensation; amending s. 443.101, F.S.; providing that a claimant will be disqualified for benefits if he is discharged for drug use as evidenced by a positive, confirmed drug test, or if he is rejected from offered employment because of a positive, confirmed drug test required as a condition of employment; providing that results of such a drug test are self authenticating and admissible in employment compensation hearings, and create a rebuttable presumption, when certain conditions are met; providing an effective date.

—was read the second time by title.

Two amendments were adopted to **CS for SB 480** to conform the bill to **CS for HB's 673 and 1405**.

Pending further consideration of **CS for SB 480** as amended, on motions by Senator Dudley, by two-thirds vote **CS for HB's 673 and 1405** was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Dudley, the rules were waived and—

**CS for HB's 673 and 1405**—A bill to be entitled An act relating to unemployment compensation; amending s. 443.101, F.S.; providing that a claimant will be disqualified for benefits if he is discharged for drug use as evidenced by a positive, confirmed drug test, or if he is rejected from offered employment because of a positive, confirmed drug test required as a condition of employment; deleting obsolete language; providing that results of such a drug test are self-authenticating and admissible in unemployment compensation hearings, and create a rebuttable presumption, when certain conditions are met; providing for limitations upon disclosure; providing an effective date.

—a companion measure, was substituted for **CS for SB 480** and read the second time by title. On motion by Senator Dudley, by two-thirds vote **CS for HB's 673 and 1405** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36      Nays—None

**SB 574**—A bill to be entitled An act relating to the military; repealing s. 250.10(6)(e), F.S., relating to limitation of the tuition waiver program for Florida National Guard members; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **SB 574** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36      Nays—None

**CS for SB 1914**—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 read the second time by title. On motion by Senator Sullivan, by two-thirds vote **CS for SB 1914** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

## RECONSIDERATION

On motion by Senator Sullivan, the Senate reconsidered the vote by which **CS for SB 1914** passed.

Pending further consideration of **CS for SB 1914**, on motions by Senator Sullivan, by two-thirds vote **CS for HB 1025** was withdrawn from the Committees on Professional Regulation and Health Care.

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

**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.

—a companion measure, was substituted for **CS for SB 1914** and by two-thirds vote read the second time by title. On motion by Senator Sullivan, by two-thirds vote **CS for HB 1025** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

**SB 1042**—A bill to be entitled An act relating to education; amending s. 232.2462, F.S.; providing student requirements relating to the awarding of credits for full-year courses; providing an effective date.

—was read the second time by title.

Senator Johnson moved the following amendment which was adopted:

**Amendment 1 (with Title Amendment)**—On page 1, between lines 30 and 31, insert:

Section 2. Subsection (26) of section 228.041, Florida Statutes, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(26) **EXPULSION**.—Expulsion is the removal of the right and obligation of a student to attend a public school under conditions set by the school board for a period of time until the student submits proof of rehabilitation that is satisfactory to the school board, ~~and for a period of time not to exceed the remainder of the term or school year and 1 additional year of attendance.~~

Section 3. Paragraph (c) of subsection (8) of section 230.33, Florida Statutes, is amended to read:

230.33 Duties and responsibilities of superintendent.—The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he shall advise and counsel with the school board. The recommendations, nominations, proposals, and reports required by law and rule to be made to the school board by the superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations, and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.

(8) **CHILD WELFARE**.—Recommend plans to the school board for the proper accounting for all children of school age, for the attendance and control of pupils at school, for the proper attention to health, safety, and other matters which will best promote the welfare of children in the following fields, as prescribed in chapter 232:

(c) **Control of pupils**.—Propose rules and regulations for the control, discipline, suspension, and expulsion of pupils and review and modify recommendations for suspension and expulsion of pupils and transmit to the school board for action recommendations for expulsion of pupils. When the superintendent makes a recommendation for expulsion to the school board, he shall give written notice to the pupil and his parent or guardian of the recommendation, setting forth the charges against the pupil and advising the pupil and his parent or guardian of his right to due process as prescribed by s. 120.57(2). When school board action on a recommendation for the expulsion of a pupil is pending, the superintendent may extend for up to 30 additional school days the suspension assigned by the principal beyond 10 school days if such suspension period expires before the ~~next regular or special meeting of the school board is ready to act on the recommendation for expulsion.~~

Section 4. Paragraph (d) of subsection (4) of section 230.2316, Florida Statutes, is amended to read:

230.2316 Dropout prevention.—

(4) **STUDENT ELIGIBILITY AND PROGRAM CRITERIA**.—All programs funded pursuant to the provisions of this section shall be positive and shall reflect strong parental and community involvement. In addition, specific programs shall meet the following criteria:

(d) **Disciplinary programs**.—

1. The student has a history of disruptive behavior in school or has committed an offense that which warrants suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, "disruptive behavior" is behavior that which:

a. Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or

b. Severely threatens the general welfare of students or others with whom the student comes into contact.

2. The program includes, but is not necessarily limited to, in-school suspension, alternatives to expulsion, counseling centers, and crisis intervention centers.

3. In-school suspension programs shall provide instruction and/or counseling leading to improved student behavior and the development of more effective interpersonal skills. Such programs shall be positive alternatives to regular suspension programs and shall emphasize, but not be limited to, the following: enhancement of student self-esteem; improved attendance; prevention of behavior *that which* might cause a student to enter a juvenile delinquency program; reduction in the number of discipline referrals; and reduction in the number of student dropouts.

4. A student who has been placed in detention or a court-adjudicated commitment program shall be evaluated by school district personnel upon completion of such program prior to placement of the student in an educational program. Such student shall not be automatically assigned to a disciplinary program upon reentering the school system.

5. Prior to assigning a student to a disciplinary program of more than 10 days' duration, the district shall attempt a continuum of education and student services to identify the causes of the disruptive behavior, to modify the behavior, or to provide more appropriate educational services to the student; however, a student who has committed an offense *that which* warrants expulsion according to the district code of student conduct may be assigned to a disciplinary program without attempting a continuum of services.

6. In-school suspension programs shall be funded at the dropout prevention program weight pursuant to s. 236.081(1)(c) if the school district program provides the following:

a. Individual and group counseling is included as an activity for a minimum of *one two class period periods* daily.

b. A parent conference is held while a student is in the in-school suspension program for all suspensions of 4 days or longer or whenever a student incurs a second suspension in the same school year.

c. The school district reports the specific misconduct for each student placed in in-school suspension.

If such criteria are not met, in-school suspension programs shall be funded at the basic program weight for the grade level at which the program is provided pursuant to s. 236.081(1)(c)1.a.-c.

7. The district school boards and the department may establish a summer inservice training program for teachers and administrators which may be provided by district school boards or individual schools and which shall include, but not be limited to, instruction focusing on treating students with respect and enhancing student self-esteem, developing positive in-school intervention methods for misbehaving students, establishing strategies to involve students in classroom and school management and in *the reduction of reducing* student misconduct, conducting student and parent conferences, and creating "student-friendly" environments at schools. Instructional personnel may use successful participation in a summer inservice training program established pursuant to this subparagraph for certification extension or for adding a new certification area if the district has an approved add-on certification program, pursuant to State Board of Education rules.

Section 5. Subsection (3) of section 232.2462, Florida Statutes, is amended to read:

232.2462 Attendance requirement for receipt of high school credit; definition of "credit".—

(3) In awarding credit for high school graduation, each school district shall maintain a one-half credit earned system, which shall include courses provided on a full-year basis. A student enrolled in a full-year course shall receive one-half credit if the student successfully completes either the first half or the second half of a full-year course but fails to successfully complete the other half of the course and the averaging of the grades obtained in each half would not result in a passing grade. A student enrolled in a full-year course shall receive a full credit if the student successfully completes either the first half or the second half of a full-year course but fails to successfully complete the other half of the course and the averaging of the grades obtained in each half would result in a

passing grade *and if he meets any additional requirements established by the district school board, including class attendance, homework assignments, participation, or other performance indicators consistent with Blueprint 2000.*

Section 6. Paragraph (c) of subsection (2) of section 236.013, Florida Statutes, is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms are defined as follows for the purposes of this act:

(2) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 236.081(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 236.081(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.; the difference between that fraction or sum of fractions and the maximum value as set forth in subsection (5) for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A student in the basic half-day kindergarten program of not less than 450 net hours shall earn one-half of a full-time equivalent membership.

(III) A half-day kindergarten student in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per school year for which he is a member divided by the number of hours set forth in sub-sub-subparagraph (II); the difference between that fraction and the number of hours set forth in sub-sub-subparagraph (II) for each full-time student in membership in a half-day kindergarten program is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(IV) A part-time student, except a postsecondary or adult student, is a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per school year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(V) A postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation is a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per fiscal year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(VI) A full-time student who is part of a program authorized by subparagraph (a)3. in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each regular or special program equal to the number of net hours per school year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(VII) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to:

a. Special programs for exceptional students;

b. Special vocational-technical programs;

c. Special adult general education programs;

d. Programs in English for speakers of other languages as defined in s. 233.058;

e.d. Dropout prevention programs provided for those students who were in membership in teenage parent, substance abuse, or youth services programs as defined in s. 230.2316 and are in need of such additional instruction;

f.e. The Florida Primary Education Program or an approved alternative, as provided in s. 230.2312, for those students who were receiving preventive instructional strategies for at least 45 days of the 180-day term and are in need of additional instruction ~~or kindergarten through fifth grade limited English proficient students enrolled in, or eligible for, English for speakers of other languages;~~

g.f. The Florida Progress in Middle Childhood Education Program for those students in grades 6 through 8 who have failed one or more subjects; and for those students in grade 4 or grade 5 who were receiving the preventive instructional strategies for at least 45 days of the 180-day term and are in need of such additional instruction;

h.g. Students-at-risk programs provided for those students who were in membership in an educational alternative or disciplinary program in dropout prevention programs as defined in s. 230.2316, ~~or those students who had been identified as eligible for these programs, or programs in English for speakers of other languages as defined in s. 233.058~~ for all of the last 15 days of the 180-day term or a total of 30 days within the 180-day term and are in need of such additional instruction;

i.h. Other basic programs offered for promotion or credit instruction as defined by rules of the state board; and

j.i. Programs that ~~which~~ modify the school year to accommodate the needs of children who have moved with their parents for the purpose of engaging in the farm labor or fish industries, provided such programs are approved by the commissioner.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department under the provisions of s. 228.041(13) to operate for less than the minimum school day.

Section 7. School boards are encouraged to implement programs that foster academic progress such as middle school buy-back programs that enable students to make up a year's academic progress if they have been retained in a previous grade.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 5, following the semicolon (;) insert: amending s. 228.041, F.S.; prescribing the period of expulsion; amending s. 230.33, F.S.; authorizing school superintendents to extend a pupil's suspension; amending s. 230.2316, F.S.; requiring each school district dropout prevention program to include individual and group counseling, for a minimum of one class period, not two class periods, daily; amending s. 232.2462, F.S.; providing that a district school board may establish additional requirements that a student must meet in order to receive full credit in a full-year course; amending s. 236.013, F.S.; amending the definition of the term "full-time equivalent student" for purposes of financing the public educational system; providing for school boards to implement academic buy-back programs;

Senator Hargrett moved the following amendment:

**Amendment 2 (with Title Amendment)**—On page 1, between lines 30 and 31, insert:

Section 2. Section 233.061, Florida Statutes, is amended to read:

233.061 Required instruction.—

(1) Members of the instructional staff of the public schools, subject to the rules and regulations of the state board and of the school board, shall teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved methods of instruction the following:

(a) The content of the Declaration of Independence and how it forms the philosophical foundation of our government;

(b) The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers;

(c) The essentials of the United States Constitution and how it provides the structure of our government;

(d) Flag education, including proper flag display and flag salute;

(e) The elements of civil government;

(f) *The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African Americans to society;*

(g) The elementary principles of agriculture;

(h) The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind;

(i) Kindness to animals;

(j) The history of the state;

(k) *The conservation of natural resources; and*

(l) Such additional materials, subjects, courses, or fields in such grades as may be prescribed by law or by ~~rules regulations~~ of the state board and the school board in fulfilling the requirements of law; ~~provided, that~~

(2) State and district school officials shall furnish and put into execution a system and method of teaching the true effects of alcohol and narcotics on the human body and mind, provide the necessary textbooks, literature, equipment, and directions, see that such subjects are efficiently taught by means of pictures, charts, oral instruction, and lectures and other approved methods, and require such reports as are deemed necessary to show the work which is being covered and the results being accomplished; ~~and provided further, that~~

(3) Any child whose parent ~~presents shall present~~ to the school principal a signed statement that the teaching of disease, its symptoms, development, and treatment, and the viewing of pictures or motion pictures ~~that teach about disease conflict of such subjects conflict~~ with the religious teachings of ~~the child's their~~ church, ~~is shall be~~ exempt from such instruction; and a ~~no~~ child so ~~exempted may not exempt shall~~ be penalized by reason of ~~that such~~ exemption.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 5, after the semicolon (;) insert: amending s. 233.061, F.S., relating to required instruction; requiring the teaching of African-American history;

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

**Amendment 2A**—On page 2, between lines 5 and 6, insert:

(g) The history of Native Americans including the contributions of Native Americans to society.

(Reletter subsequent paragraphs.)

**Amendment 2** as amended was adopted.

Senator Jennings moved the following amendment which was adopted:

**Amendment 3 (with Title Amendment)**—On page 1, between lines 30 and 31, insert:

Section 2. Section 450.161, Florida Statutes, is amended to read:

450.161 Chapter not to affect vocational education of children; other exceptions.—

(1) Nothing in this chapter shall prevent minors of any age from receiving vocational education furnished by the United States, this state, or any county or other political subdivision of this state and duly approved by the Department of Education or other duly constituted

authority, nor any apprentice indentured under a plan approved by the Division of Labor, Employment, and Training, or prevent the employment of any minor 14 years of age or older when such employment is authorized as an integral part of, or supplement to, such a course in vocational education and is authorized by regulations of the district school board of the district in which such minor is employed, provided the employment is in compliance with the provisions of ss. 450.021(4) and 450.061.

(2) For vocational education programs, the Department of Education is authorized to issue waivers from the provisions of s. 450.061 on an individual program basis and under the following conditions:

1. For those occupations which are considered hazardous occupations under the Fair Labor Standards Act, the program requesting the waiver must first obtain a waiver from the Federal Government and provide proof of waiver to the Department of Education prior to receiving waivers from the provisions of s. 450.061.

2. The granting of waivers from the provisions of s. 450.061 shall be based on factors established by rule by the Department of Education as determinative of whether such waiver is in the best interest of vocational education students.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 5, insert: amending s. 450.161, F.S.; authorizing the Department of Education to waive the provisions of s. 450.061, F.S., under specified conditions;

Senator Grant moved the following amendment which was adopted:

**Amendment 4 (with Title Amendment)**—On page 1, between lines 30 and 31, insert:

Section 2. Section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(1) Successful completion of a minimum of 22 ~~24~~ academic credits in grades 9 through 12 ~~are shall be~~ required for graduation, ~~the required credits to be determined by the district school board from the following. The 24 credits shall be distributed as follows:~~

(a) Four credits in English, with major concentration in composition and literature.

(b) Three credits in mathematics.

(c) Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the school board.

(d) One credit in American history.

(e) One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems.

(f) One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The Florida Council on Economic Education shall provide technical assistance to the department and local school boards in developing curriculum materials for the study of economics.

(g) One-half credit in American government.

(h)1. One credit in practical arts vocational education or exploratory vocational education. Any vocational course as defined in s. 228.041(22) may be taken to satisfy the high school graduation requirement for one credit in practical arts or exploratory vocational education provided in this subparagraph;

2. One credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture. A course in any art form, in addition to painting or sculpture, that requires manual dexterity, or a course in speech and debate, may be taken to satisfy the high school graduation requirement for one credit in performing arts pursuant to this subparagraph; or

3. One-half credit each in practical arts vocational education or exploratory vocational education and performing fine arts, as defined in this paragraph.

Such credit for practical arts vocational education or exploratory vocational education or for performing fine arts shall be made available in the 9th grade, and students shall be scheduled into a 9th grade course as a priority.

(i) One-half credit in life management skills to include consumer education, positive emotional development, nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

(j) One-half credit in physical education to include assessment, improvement, and maintenance of personal fitness.

(k) Nine elective credits.

School boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option shall complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. School boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of such credit and school principals shall be responsible for approving specific volunteer activities.

(2) Remedial and compensatory courses taken in grades 9 through 12 may only be counted as elective credit as provided in subsection (1).

(3) Credit for high school graduation may be earned for volunteer activities and nonacademic activities which have been approved for such credit by the *district school board* ~~State Board of Education~~.

(4)(a) A district school board may require specific courses and programs of study within the minimum credit requirements for high school graduation and shall modify basic courses, as necessary, to assure exceptional students the opportunity to meet the graduation requirements for a standard diploma, using one of the following strategies:

1. Assignment of the exceptional student to an exceptional education class for instruction in a basic course with the same student performance standards as those required of nonexceptional students in the district pupil progression plan; or

2. Assignment of the exceptional student to a basic education class for instruction which is modified to accommodate the student's exceptionality.

(b) The district shall determine which of these strategies to employ based upon an assessment of the student's needs and shall reflect this decision in the student's individual educational plan.

(c) District school boards are authorized and encouraged to establish requirements for high school graduation in excess of the minimum requirements; however, an increase in academic credit or minimum grade point average requirements shall not apply to those students enrolled in grades 9 through 12 at the time the district school board increases the requirements.

(5) Each district school board shall establish standards for graduation from its schools which ~~must shall~~ include:

(a) Earning passing scores on the high school competency test defined in s. 229.57(3)(c).

(b) Completion of all other applicable requirements prescribed by the district school board pursuant to s. 232.245.

(c) Effective for the 1988-1989 school year and each year thereafter, a cumulative grade point average of 1.5 on a 4.0 scale, or its equivalent, for required courses for graduation.

1. Each district shall adopt policies which are designed to assist students in meeting this requirement. Such policies may include, but shall not be limited to: forgiveness policies, summer school attendance, special counseling, volunteer and/or peer tutors, school-sponsored help sessions, homework hotlines, and study skills classes.

2. At the end of each semester, the parent or guardian of each student in grades 9, 10, 11, and 12 who has a cumulative grade point average of less than 2.0 shall be notified that the student is at risk of not meeting the requirements for graduation. The notice shall contain an explanation of the policies the district has put in place to assist the student in meeting the grade point average requirement.

3. Special assistance to obtain a high school equivalency diploma pursuant to s. 229.814 shall be given only in such cases where the student has completed all requirements for graduation except the attainment of a 1.5 cumulative grade point average.

The standards required in this subsection, and any subsequent modifications thereto, shall be reprinted in the Florida Administrative Code even though such standards are not defined as "rules."

(6) The Legislature recognizes that adult learners are unique in situation and needs. The following graduation requirements are therefore instituted for students enrolled in adult general education in accordance with s. 239.301 in pursuit of a high school diploma:

(a) The one-half credit in physical education ~~required for graduation~~, pursuant to subsection (1), is not required for graduation and shall be substituted with elective credit keeping the total credits needed for graduation consistent with subsection (1).

(b) Each school board may waive the laboratory component of the science requirement expressed in subsection (1) when such facilities are inaccessible or do not exist.

(c) Adult students enrolled in adult secondary education in pursuit of a high school diploma after the beginning of the 1978-1979 school year and before the 1984-1985 school year are required to meet only those requirements for graduation that were in effect at the time of their enrollment when such enrollment has been continuous except for summer terms. The State Board of Education shall adopt rules to implement this paragraph.

(d) Any course listed within the Department of Education Course Code Directory in the areas of art, dance, drama, or music may be undertaken by adult secondary education students. Enrollment and satisfactory completion of such a course shall satisfy the credit in performing fine arts ~~required for high school graduation~~ pursuant to subsection (1).

(7) No student may be granted credit toward high school graduation for enrollment in the following courses or programs:

(a) More than a total of nine elective credits in remedial programs as provided for in s. 236.0841 and compensatory and remedial programs as provided for in s. 236.088.

(b) More than one credit in exploratory vocational courses as defined in s. 228.041(22)(a)2.

(c) More than three credits in practical arts home economics classes as defined in s. 228.041(22)(a)4.

(8) The state board, after a public hearing and consideration, shall make provision for appropriate modification of testing instruments and procedures for students with identified handicaps or disabilities in order to ensure that the results of the testing represent the student's achievement, rather than reflecting the student's impaired sensory, manual, speaking, or psychological process skills.

(9) A student who meets all requirements prescribed in subsections (1), ~~(4)(5)~~, and ~~(5)(6)~~ shall be awarded a standard diploma in a form prescribed by the state board. A school board may attach the Florida gold seal vocational endorsement to a standard diploma pursuant to s. 239.217 or, in lieu of the standard diploma, award differentiated diplomas to those exceeding the prescribed minimums. A student who completes the minimum number of credits and other requirements prescribed by subsections (1) and ~~(4)(5)~~, but who is unable to meet the standards of ~~subsection (5) paragraph (6)(a), paragraph (6)(b), or paragraph (6)(d)~~, shall be awarded a certificate of completion in a form prescribed by the state board. However, any student who is otherwise entitled to a certificate of completion may elect to remain in the secondary school either as a full-time student or a part-time student for up to 1 additional year and receive special instruction designed to remedy his identified deficiencies. This special instruction shall be funded from the state compensatory education funds of the district.

(10) The public hearing and consideration required in *subsection (8)*

~~paragraphs (a) and (b) of subsection (6) and in subsection (9)~~ shall not be construed to amend or nullify the requirements of security relating to the contents of examinations or assessment instruments and related materials or data as prescribed in s. 232.248.

Section 3. Paragraph (o) of subsection (1) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(o) Instruction in vocational education.—~~Effective for the 1985-1986 school year and thereafter~~, District pupil progression plans *must* ~~shall~~ provide for the substitution of vocational courses for the nonelective courses required for high school graduation pursuant to s. 232.246. A student in grades 9 through 12 who enrolls in and satisfactorily completes a job-preparatory program may substitute credit for a portion of the required ~~four~~ credits in English, ~~three credits in~~ mathematics, and ~~three credits in~~ science. The credit substituted for English, mathematics, or science earned through the vocational job-preparatory program shall be on a curriculum equivalency basis as provided for in the State Course Code Directory. Upon adoption of curriculum frameworks for vocational courses pursuant to s. 233.011, the State Board of Education shall authorize by rule vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science. School districts shall provide for vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science, upon adoption of vocational student performance standards by the school board pursuant to s. 232.2454. A vocational program which has been used as a substitute for a nonelective academic credit in one subject area may not be used as a substitute for any other subject area. ~~The~~ Credit in practical arts or exploratory vocational education required for high school graduation pursuant to s. 232.246 ~~or 233.246(1)~~ shall be funded as a vocational education course.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 5, following the semicolon (;) insert: amending s. 232.246, F.S.; decreasing the number of required credits for high school graduation; providing for determination by district school boards; conforming provisions; amending s. 236.081, F.S.; providing conforming provisions to the Florida Education Finance Program;

On motion by Senator Jones, by two-thirds vote **SB 1042** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35      Nays—None

#### MOTION TO RECONSIDER

On motion by Senator Jenne, the Senate reconsidered the vote by which **SB 1042** passed as amended.

Further consideration of **SB 1042** was deferred.

#### CONSIDERATION OF BILL OUT OF ORDER

On motions by Senator Beard, by two-thirds vote **HB 2301** was withdrawn from the Committees on Corrections, Probation and Parole; and Appropriations.

On motion by Senator Beard, by unanimous consent—

**HB 2301**—A bill to be entitled An act relating to conditional release, control release, and conditional medical release; amending s. 947.141, F.S.; requiring that a releasee arrested on a felony charge be detained without bond pending the initial probable cause determination and, upon a determination of probable cause, be detained without bond for a period of up to 72 hours pending issuance of a warrant charging violation of the conditions of release; reenacting ss. 947.1405(1), 947.146(12), and 947.149(5), F.S., relating to conditional release, control release, and conditional medical release, to incorporate said amendment in references thereto; providing an appropriation; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Beard, by two-thirds vote **HB 2301** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

**SB 1244**—A bill to be entitled An act relating to the education of exceptional students; amending ss. 228.041, 230.2303, 230.2305, 232.01, 233.056, 236.0835, 236.145, 242.332, F.S.; amending terminology used in the Florida School Code, by changing the term “handicapped” student or children to students or children “with disabilities,” by changing the term “hearing-impaired” to “deaf or hard-of-hearing,” and by including in the definition of the term “exceptional student” children of a specified age who have established conditions; amending s. 230.23, F.S.; amending the frequency with which the school boards must submit their proposed procedures to the Department of Education; deleting the provision that requires the department to operate the Marianna Sunland Center in Jackson County; amending s. 236.081, F.S.; providing for the allocation of funds for district programs for students who are deaf or hard-of-hearing; amending s. 240.405, F.S.; amending the description of eligibility requirements for certain teachers to receive grants for special training in the education of exceptional students; repealing s. 232.145, F.S., relating to requiring school districts to report about exceptional students to various state agencies; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Sullivan and adopted:

**Amendment 1 (with Title Amendment)**—On page 7, line 31 through page 8, line 1, strike all of said lines and insert: programs at the Arthur Dozier School for Boys, the Marianna Sunland Center in Jackson County, and the Florida School for

And the title is amended as follows:

In title, on page 1, strike all of lines 16-18 and insert: Department of Education;

**Amendment 2 (with Title Amendment)**—On page 15, lines 10-31 and on page 16, lines 1-6, 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 19-21

**Amendment 3 (with Title Amendment)**—On page 18, between lines 24 and 25, insert:

Section 13. Subsection (13) of section 233.25, Florida Statutes, is amended to read:

233.25 Duties, responsibilities, and requirements of publishers and manufacturers of instructional materials.—Publishers and manufacturers of instructional materials, or their representatives, shall:

(13) Grant, without prior written request, for any copyright held by the publisher or its agencies automatic permission to the Department of Education or its agencies for the reproduction of textbooks and supplementary materials in braille or large print or in the form of sound recordings, for use by visually handicapped students or other students with disabilities that would benefit from use of the materials.

And the title is amended as follows:

In title, on page 1, line 28, after the semicolon (;) insert: amending s. 233.25, F.S.; providing for use of certain instructional materials by students with disabilities;

On motion by Senator Sullivan, further consideration of **SB 1244** as amended was deferred.

On motions by Senator Diaz-Balart, by two-thirds vote **CS for HB 525** was withdrawn from the Committees on Criminal Justice, Judiciary and Appropriations.

On motion by Senator Diaz-Balart—

**CS for HB 525**—A bill to be entitled An act relating to domestic violence and repeat violence; creating s. 741.28, F.S.; providing definitions; amending s. 741.29, F.S.; revising guidelines with respect to investigation of domestic violence incidents; requiring that report furnished by a law enforcement agency to a domestic violence center include a narrative description of the incident; amending s. 741.2901, F.S.; providing intent that indirect criminal contempt may no longer be used to enforce compliance with injunctions for protection; conforming cross references; amending s. 741.2092, F.S.; providing intent that civil contempt be used to enforce compliance with an injunction unless injunction violation is criminal under s. 741.31, F.S.; amending s. 741.30, F.S.; providing for a system of statewide and circuitwide verification of injunctions for protection against domestic violence and repeat violence; providing for law enforcement officers to serve injunctions for protection against domestic violence under certain circumstances; revising the procedures under which the court may enforce an injunction for protection; deleting a provision that such enforcement may include imposition of a fine; providing that such enforcement may include imposition of a monetary assessment; providing for collection and transfer of such assessments; providing for a person who violates an injunction to be held in custody until admitted to bail; providing that an ex parte temporary injunction may not be effective for longer than 15 days; amending s. 741.31, F.S.; providing additional acts that constitute a criminal violation of an injunction for protection against domestic violence; providing a penalty; amending s. 784.046, F.S.; revising provisions relating to injunctions against repeat violence; providing for law enforcement officers to serve injunctions for protection against repeat violence under certain circumstances; providing for a statewide verification system; revising the procedures under which the court may enforce an injunction against repeat violence; deleting a provision that such enforcement may include imposition of a monetary assessment; providing for collection and transfer of such assessments; providing for a person who violates an injunction to be held in custody until admitted to bail; providing that an ex parte temporary injunction may not be effective for longer than 15 days; amending s. 943.05, F.S.; providing duties of the Division of Criminal Justice Information Systems with respect to the statewide verification system; amending s. 61.13, F.S.; providing that certain convictions for domestic violence shall be considered by the court as a rebuttable presumption of detriment to the child with respect to shared parental responsibility; providing for the effect of not rebutting such a presumption; reenacting s. 44.102(2)(b), F.S.; relating to court-ordered mediation, to incorporate the amendment to s. 61.13, F.S., in a reference thereto; creating a Commission on Minimum Standards for Batterers' Treatment within the Office of the Governor; providing for appointment; providing duties; providing for a report; amending s. 28.101, F.S.; imposing an additional charge upon petition for dissolution of marriage; providing for deposit and use of such funds; reenacting s. 410.30(5)(b), F.S., relating to Displaced Homemaker Trust Fund, to incorporate the amendment to s. 28.101, F.S., in a reference thereto; amending ss. 39.001, 39.076, 110.1127, 242.335, 393.0655, 394.457, 397.451, 400.512, 402.305, 409.175, 464.018, 787.03, and 944.705, F.S., to conform cross references; amending s. 901.15, F.S.; relating to arrests without warrants for injunctive violations to conform cross references and clarify language; reenacting s. 415.606, F.S., relating to referrals to domestic violence centers, to incorporate the amendments to s. 741.29, F.S., in a reference thereto; reenacting ss. 784.048(4), and 901.15(6) and (8), F.S., penalties for violations of injunctions for protection against repeat violence, and arrests without warrants for injunctive violations, to incorporate the amendments to ss. 741.30 and 784.046, F.S., in references thereto; amending s. 415.602, F.S.; amending definitions relating to ss. 415.601-415.608, F.S.; amending s. 415.603, F.S.; amending duties of the Department of Health and Rehabilitative Services relating to domestic violence, including directing the department to develop by rule criteria for the certification and funding of domestic violence centers and directing the department to contract with a statewide association to provide for specified services; amending s. 415.605, F.S.; expanding the list of services that a domestic violence center must offer in order to be certified; amending s. 415.608, F.S.; clarifying the circumstances in which confidential information may be released; reenacting ss. 282.502(5) and (6), F.S., relating to information system coordinating council, to incorporate the amendments to s. 415.608, F.S., in a reference thereto; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB's 1022 and 2404** and read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote **CS for HB 525** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36      Nays—None

### THE PRESIDENT PRESIDING

The Senate resumed consideration of—

**SB 1244**—A bill to be entitled An act relating to the education of exceptional students; amending ss. 228.041, 230.2303, 230.2305, 232.01, 233.056, 236.0835, 236.145, 242.332, F.S.; amending terminology used in the Florida School Code, by changing the term "handicapped" student or children to students or children "with disabilities," by changing the term "hearing-impaired" to "deaf or hard-of-hearing," and by including in the definition of the term "exceptional student" children of a specified age who have established conditions; amending s. 230.23, F.S.; amending the frequency with which the school boards must submit their proposed procedures to the Department of Education; deleting the provision that requires the department to operate the Marianna Sunland Center in Jackson County; amending s. 236.081, F.S.; providing for the allocation of funds for district programs for students who are deaf or hard-of-hearing; amending s. 240.405, F.S.; amending the description of eligibility requirements for certain teachers to receive grants for special training in the education of exceptional students; repealing s. 232.145, F.S., relating to requiring school districts to report about exceptional students to various state agencies; providing an effective date.

—which had been previously considered and amended this day.

On motion by Senator Sullivan, by two-thirds vote **SB 1244** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38      Nays—None

### SENATOR CRENSHAW PRESIDING

**CS for SB 30**—A bill to be entitled An act relating to public libraries; amending s. 24.121, F.S.; authorizing a maximum amount of lottery proceeds to be transferred annually to the Library Services Trust Fund from the Educational Enhancement Trust Fund for support of eligible public libraries; requiring agreements with local district school boards; requiring libraries to publicly acknowledge lottery support; amending s. 257.261, F.S.; providing an exception to the exemption of library registration and circulation records from the public records law; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **CS for SB 30** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37      Nays—None

On motions by Senator Kiser, by two-thirds vote **HB 487** was withdrawn from the Committees on Governmental Operations; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Kiser—

**HB 487**—A bill to be entitled An act relating to historic properties; amending s. 258.007, F.S., relating to the authority of the Division of Recreation and Parks of the Department of Environmental Protection for administering historical markers; amending s. 267.021, F.S.; defining the term "Official Florida Historical Marker"; amending s. 267.061, F.S.; providing for coordination and direction of the state historical marker program by the Division of Historical Resources of the Department of State; providing duties of the division; creating the State Historical Marker Council; providing for fees; amending s. 267.0612, F.S., relating to the powers and duties of the Historic Preservation Advisory Council; amending s. 267.0617, F.S.; clarifying those projects eligible for grants-in-aid; providing appropriations; providing an effective date.

—a companion measure, was substituted for **SB 386** and read the second time by title. On motion by Senator Kiser, by two-thirds vote **HB 487** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

On motion by Senator Boczar, by two-thirds vote **HB 1981** was withdrawn from the Committee on Judiciary.

On motion by Senator Boczar—

**HB 1981**—A bill to be entitled An act relating to administrative procedures; amending s. 120.58, F.S.; providing criteria for the admissibility of evidence in certain administrative hearings; requiring notice that certain evidence will be offered; reenacting s. 776.207(2), F.S., to incorporate a reference to s. 120.58(1)(a); providing an effective date.

—a companion measure, was substituted for **SB 2564** and read the second time by title. On motion by Senator Boczar, by two-thirds vote **HB 1981** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

**CS for SB 434**—A bill to be entitled An act relating to private investigative, security, and repossession services; amending s. 493.6100, F.S.; revising legislative findings and intent to expand the scope of regulations pertaining to the private security industry to cover the private investigative and recovery industries; amending s. 493.6102, F.S.; providing a limited exemption; amending s. 493.6104, F.S.; renaming the Private Security Advisory Council as the Private Investigation, Recovery, and Security Advisory Council; revising the council's responsibilities for making recommendations; amending s. 493.6106, F.S.; revising licensure requirements; amending s. 493.6107, F.S.; requiring certain applicants who are managers to pay fees upon application; amending s. 493.6108, F.S.; authorizing the Department of State to determine eligibility for licensure on the basis of a criminal history record check under the applicant's name when fingerprints are illegible due to a documented physical condition; amending s. 493.6115, F.S., relating to licenses to bear firearms and weapons; authorizing certain licensees to carry additional firearms provided that only certain ammunition be used; repealing the incremental increase in training requirements and revising the minimum training requirements; revising the documentation required to demonstrate mental and emotional stability; providing that certain proprietary security officers may obtain temporary firearms licenses; providing that licensure under s. 790.06, F.S., does not exempt a person from the requirements of s. 493.6115, F.S.; amending s. 493.6116, F.S.; requiring periodic reports on interns by their sponsors; amending s. 493.6118, F.S.; revising grounds for disciplinary action to include assisting, aiding, or abetting unlicensed activity and to include failure or refusal to report by intern sponsors; adding grounds for discipline relating to reporting violations and to wearing, presenting, or displaying badges; providing for the suspension of approvals pending the payment of certain fines; specifying that an agency license or approval or license of an individual is suspended if the owner is liable for an administrative fine; amending s. 493.6121, F.S.; revising the point at which the records of an investigation of a complaint become public records; specifying that the public records exemption is subject to s. 119.14, F.S., the Open Government Sunset Review Act; amending s. 493.6201, F.S.; requiring certain interns working for specified managers to have certain licenses; amending s. 493.6202, F.S., relating to fees for certain classes of licenses; requiring certain applicants who are managers to pay fees upon application; amending s. 493.6301, F.S.; changing references to "security guard school or training facilities" with respect to licensing of these facilities; amending s. 493.6302, F.S., relating to fees for certain classes of licenses; requiring certain applicants who are managers to pay fees upon application; amending s. 493.6303, F.S.; repealing the incremental increase in training requirements and revising the minimum training requirements; subjecting certain licensees to the training requirements; providing special requirements for certain licensees; amending s. 493.6306, F.S.; revising the requirements for renewal of certain licenses; revising the fee for renewal; amending s. 493.6402, F.S., relating to fees for certain classes of license; requiring certain applicants who are managers to pay fees upon application; amending s. 493.6403, F.S.; revising the minimum training requirements for certain licensees and establishing training requirements for other licensees; repealing the

incremental increase in training requirements; repealing s. 493.6125(3), F.S., which required a study concerning private investigators and repossessors; providing an effective date.

—was read the second time by title.

Two amendments were adopted to **CS for SB 434** to conform the bill to **CS for HB 711**.

Pending further consideration of **CS for SB 434** as amended, on motions by Senator Dyer, by two-thirds vote **CS for HB 711** was withdrawn from the Committees on Professional Regulation; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Dyer—

**CS for HB 711**—A bill to be entitled An act relating to private investigative, security, and repossession services; amending s. 493.6100, F.S.; revising legislative findings and intent to expand the scope of regulations pertaining to the private security industry to cover the private investigative and recovery industries; amending s. 493.6102, F.S.; providing additional exemptions; amending s. 493.6104, F.S.; renaming the Private Security Advisory Council as the Private Investigation, Recovery, and Security Advisory Council; revising the council's responsibilities for making recommendations; amending s. 493.6106, F.S.; revising licensure requirements; amending s. 493.6107, F.S.; requiring certain applicants who are managers to pay fees upon application; amending s. 493.6108, F.S.; authorizing the Department of State to determine eligibility for licensure on the basis of a criminal history record check under the applicant's name when fingerprints are illegible due to a documented physical condition; amending s. 493.6115, F.S., relating to licenses to bear firearms and weapons; authorizing certain licensees to carry additional firearms provided that only certain ammunition be used; deleting the incremental increase in training requirements and revising the minimum training requirements; revising the documentation required to demonstrate mental and emotional stability; providing that certain proprietary security officers may obtain temporary firearms licenses; providing that licensure under s. 790.06, F.S., does not exempt a person from the requirements of s. 493.6115, F.S.; amending s. 493.6116, F.S.; requiring periodic reports on interns by their sponsors; amending s. 493.6118, F.S.; revising grounds for disciplinary action to include assisting, aiding, or abetting unlicensed activity and to include failure or refusal to report by intern sponsors; adding grounds for discipline relating to reporting violations and to wearing, presenting, or displaying badges; providing for the suspension of approvals pending the payment of certain fines; specifying that an agency license or approval or license of an individual is suspended if the owner is liable for an administrative fine; amending s. 493.6121, F.S.; revising the point at which the records of an investigation of a complaint become public records; specifying that the public records exemption is subject to s. 119.14, F.S., the Open Government Sunset Review Act; amending s. 493.6201, F.S.; requiring certain interns working for specified managers to have certain licenses; amending s. 493.6202, F.S., relating to fees for certain classes of license; requiring certain applicants who are managers to pay fees upon application; amending s. 493.6301, F.S.; changing references to "security guard school or training facilities" with respect to licensing of these facilities; amending s. 493.6302, F.S., relating to fees for certain classes of license; requiring certain applicants who are managers to pay fees upon application; amending s. 493.6303, F.S.; deleting the incremental increase in training requirements and revising the minimum training requirements; subjecting certain licensees to the training requirements; providing special requirements for certain licensees; amending s. 493.6306, F.S.; revising the requirements for renewal of certain licensees; revising the fee for renewal; amending s. 493.6402, F.S., relating to fees for certain classes of license; requiring certain applicants who are managers to pay fees upon application; amending s. 493.6403, F.S.; revising the minimum training requirements for certain licensees and establishing training requirements for other licensees; deleting the incremental increase in training requirements; repealing s. 493.6125(3), F.S., which requires a study concerning private investigators and repossessors; providing an effective date.

—a companion measure, was substituted for **CS for SB 434** and read the second time by title. On motion by Senator Dyer, by two-thirds vote **CS for HB 711** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

**CS for SB 2350**—A bill to be entitled An act relating to public records and proceedings; providing for exempting certain proceedings and documents connected to such proceedings from ss. 119.07(1) and 286.011, F.S., and s. 24(a) and (b), Art. I of the State Constitution; providing penalties; providing for future review; providing legislative findings of public necessity; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for SB 2350** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

**CS for SB 2380**—A bill to be entitled An act relating to money transmitters; creating the "Money Transmitters' Code"; creating part I of chapter 560, F.S., consisting of ss. 560.101, 560.102, 560.103, 560.104, 560.105, 560.106, 560.107, 560.108, 560.109, 560.111, 560.112, 560.113, 560.114, 560.115, 560.116, 560.117, 560.118, 560.119, 560.121, 560.122, 560.123, 560.124, 560.125, 560.126, 560.127, and 560.128, F.S.; providing a short title; providing purpose, scope, and application of the Money Transmitters' Code; providing definitions; exempting certain entities from the provisions of the code; providing powers of the Department of Banking and Finance; authorizing the department to adopt rules; providing for construction; requiring the department to observe certain standards; providing for limited liability when acting upon certain rules, orders, or declaratory statements; providing guidelines for administrative enforcement; providing duties and powers of the department relating to investigations, subpoenas, hearings, and witnesses; prohibiting certain acts and practices; providing penalties; providing procedures for disciplinary actions; requiring disciplinary actions to be public; specifying certain actions as violations of the code; providing for injunctions; providing the grounds upon which the department may undertake disciplinary actions; providing for surrender of registrations; providing immunity to persons who provide information concerning violations of the code; authorizing the department to impose administrative fines under certain circumstances; authorizing the department to conduct examinations of money-transmitters, to recover costs of such examination, to require quarterly reporting, and to impose administrative fines; requiring fees and assessments to be deposited into the Financial Institutions' Regulatory Trust Fund; providing penalties; providing for submission of documents into evidence; providing fees for copies of documents; requiring registration of existing money transmitters; providing procedures for applications; creating the "Florida Control of Money Laundering in Money Transmitters Act"; providing purposes; providing application; requiring money transmitters to file certain reports with the department; requiring the department to maintain such reports for a certain time; providing additional enforcement powers of the department; providing penalties; providing for the reporting of certain financial transactions; providing immunity to persons who provide information concerning violations of the code; prohibiting operation of a money-transmitter business by unauthorized persons; providing penalties; providing for administrative fines; requiring notice of certain specified events; specifying conditions of control of a money transmitter; requiring notice of change in control; authorizing the department to disapprove changes in control under certain circumstances; requiring money transmitters to provide a toll-free telephone number for consumer contacts; creating part II of chapter 560, F.S., consisting of ss. 560.200, 560.202, 560.203, 560.204, 560.205, 560.206, 560.207, 560.208, 560.209, 560.210, 560.211, 560.212, and 560.213, F.S.; providing a short title; providing definitions; exempting vendors of registrants from registration requirements; requiring registration for engaging in specified activities; specifying qualifications of applicants for registration; providing application requirements; authorizing the department to investigate applicants; providing for registration renewal; providing for a renewal fee; providing for the conduct of business at more than one location; providing requirements for net worth, surety bonds, and collateral deposit in lieu of a bond; authorizing the department to waive or reduce such requirements under certain circumstances; specifying certain permissible investments; authorizing the department to waive certain requirements under certain circumstances; requiring money transmitters to maintain certain records for a certain time; providing for financial liability of registrants under certain circumstances; requiring payment instruments to contain certain information; creating part III of chapter 560, F.S., consisting of ss. 560.301, 560.302, 560.303, 560.304, 560.305, 560.306, 560.307, 560.308, 560.309, and 560.310, F.S.; providing a short title; providing definitions; providing for regis-

trant to engage in certain activities; restricting certain activities; providing exemptions; providing application procedures; providing standards for registration; providing powers of the department; providing for an application fee; providing for terms of registrations; providing for registration renewal and renewal fees; specifying conditions of operation of registrants; authorizing the department to adopt rules; providing limitations on certain fees and charges; requiring registrants to maintain certain records of transactions; providing an appropriation; repealing ss. 560.01, 560.02, 560.03, 560.04, 560.05, 560.06, 560.07, 560.08, 560.09, 560.10, 560.11, 560.12, 560.131, 560.133, 560.135, 560.151, 560.16, 560.17, and 560.201, F.S., relating to sale of money orders; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for SB 2380** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37      Nays—1

Consideration of **CS for SB 1826** and **SB 1828** was deferred.

#### SENATOR CHILDERS PRESIDING

**CS for SB 1540**—A bill to be entitled An act relating to education; establishing incentives for urban or socially and economically disadvantaged area internships for students at state universities; providing an effective date.

—was read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **CS for SB 1540** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

On motions by Senator Burt, by two-thirds vote **HB 2143** was withdrawn from the Committees on Finance, Taxation and Claims; and Appropriations.

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

**HB 2143**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.084, F.S.; providing for the issuance of temporary exemption certificates for newly organized charitable organizations; providing procedures for applying for the temporary certificate; providing for contingent liability for tax and interest payments in specified circumstances; providing for expiration and renewal of the certificates; providing for cancellation and retrospective liability for the tax and interest; providing for rulemaking by the Department of Revenue; providing an effective date.

—a companion measure, was substituted for **SB 1832** and by two-thirds vote read the second time by title. On motion by Senator Burt, by two-thirds vote **HB 2143** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37      Nays—None

On motions by Senator Dyer, by two-thirds vote **CS for HB 1789** was withdrawn from the Committees on Professional Regulation and Appropriations.

On motion by Senator Dyer, the rules were waived and—

**CS for HB 1789**—A bill to be entitled An act relating to real estate brokers, salespersons, and schools; 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.; providing an exemption from such regulation relating to the rental, for transient occupancy, of public lodging establishments; amending s. 475.25, F.S.; revising a ground for disciplinary and other action relating to certain required notice and consent with respect to a sale, exchange, purchase, or lease of real property or any interest in real property; reenacting ss. 475.181(2), 475.482(1)(b), and 475.483(1)(a), F.S., relating to licensure and the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 2042** and read the second time by title.

Senator Childers offered the following amendment which was moved by Senator Dyer and adopted:

**Amendment 1 (with Title Amendment)**—On page 7, between lines 5 and 6, insert:

Section 5. 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 1, line 19, 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;

On motion by Senator Dyer, by two-thirds vote **CS for HB 1789** was amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37      Nays—None

Consideration of **SB 1360** was deferred.

On motion by Senator Brown-Waite, by two-thirds vote **HB 2087** was withdrawn from the Committee on Judiciary.

On motion by Senator Brown-Waite, the rules were waived and—

**HB 2087**—A bill to be entitled An act relating to sheriffs; repealing ch. 71-462, Laws of Florida, relating to the employment and appointment of bailiffs in certain judicial circuits; providing an effective date.

—a companion measure, was substituted for **SB 352** and read the second time by title. On motion by Senator Brown-Waite, by two-thirds vote **HB 2087** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34      Nays—3

**CS for SB 576**—A bill to be entitled An act relating to courts-martial; amending s. 250.35, F.S.; providing that the commanding officer of each major command of the Florida National Guard or his superior commander may convene a special courts-martial empowered to adjudicate a bad conduct discharge for that command; providing for powers of punishment; providing a limitation on fines and confinement; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **CS for SB 576** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37      Nays—None

On motions by Senator Turner, by two-thirds vote **HB 2333** was withdrawn from the Committees on Agriculture, Commerce and Appropriations.

On motion by Senator Turner—

**HB 2333**—A bill to be entitled An act relating to farm labor contractors; amending s. 450.30, F.S.; extending the time for renewal of a certificate of registration; amending s. 450.31, F.S.; providing manner of payment of fees; revising requirements for issuance of a certificate of registration; amending s. 450.33, F.S.; modifying the duties of farm labor contractors; amending s. 450.38, F.S.; providing manner of payment of fines; providing powers relating to investigations or proceedings; providing an effective date.

—a companion measure, was substituted for **CS for SB 1992** and read the second time by title. On motion by Senator Turner, by two-thirds vote **HB 2333** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—None

**SB 2120**—A bill to be entitled An act relating to Lake Jesup restoration; providing for restoration and basin management of Lake Jesup in the St. Johns River system; creating the "Friends of Lake Jesup," a Lake Jesup restoration and basin management team; providing for membership; providing purpose and duties; providing for funding; providing for travel expenses and per diem; requiring a report to the Legislature; providing for agency participation and cooperation; requiring the St. Johns River Water Management District to provide administrative, technical, and fiscal support; providing an appropriation; providing for future repeal; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 7, strike all of lines 28 and 29 and insert: *Management District the total sum of \$750,000 for the fiscal years 1994-1995 and 1995-1996, to*

Senator Jennings moved the following amendment which was adopted:

**Amendment 2**—On page 7, strike all of lines 28 and 29 and insert: *Management District the sum of \$375,000 for fiscal year 1994-1995 to*

On motion by Senator Jennings, by two-thirds vote **SB 2120** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35      Nays—None

**CS for SB 1806**—A bill to be entitled An act relating to corrections; amending s. 947.146, F.S., relating to the Control Release Authority; revising the inmate population guidelines with respect to lawful capacity of the state prison system which are used for purposes of control release and emergency control release; amending s. 944.0231, F.S.; revising the inmate population guidelines with respect to the transfer of inmates with active detainees; providing an effective date.

—was read the second time by title.

Two amendments were adopted to **CS for SB 1806** to conform the bill to **HB 2441**.

Pending further consideration of **CS for SB 1806** as amended, on motions by Senator Dantzler, by two-thirds vote **HB 2441** was withdrawn from the Committees on Corrections, Probation and Parole; and Appropriations.

On motion by Senator Dantzler—

**HB 2441**—A bill to be entitled An act relating to corrections; amending s. 947.146, F.S., relating to the Control Release Authority; amending s. 944.0231, F.S., relating to reduction of capacity of the state correctional system; revising the inmate population guidelines with respect to lawful capacity of the state prison system which are used for purposes of control release and emergency control release; providing an effective date.

—a companion measure, was substituted for **CS for SB 1806** and read the second time by title. On motion by Senator Dantzler, by two-thirds vote **HB 2441** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

**SB 2188**—A bill to be entitled An act relating to contraband forfeiture; amending s. 932.703, F.S.; clarifying the protection of a lienholder's interest in certain collateral under specified circumstances; authorizing a lienholder to accelerate payments under specified loan instruments under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Silver and adopted:

**Amendment 1**—On page 1, lines 19-31 and on page 2, lines 1-12, strike all of said lines and insert:

(b) No bona fide lienholder's interest that has been perfected in the manner prescribed by law prior to such seizure shall be forfeited under the provisions of the Florida Contraband Forfeiture Act if such lienholder establishes by a preponderance of the evidence that he neither knew, nor should have known after a reasonable inquiry, that such property was being used or was likely to be used in criminal activity, that such use was without his expressed or implied consent, and that the lien had been perfected in the manner prescribed by law prior to such seizure. *If property has been seized pursuant to this act and released by the seizing agency, no lawfully perfected interest of a bona fide lienholder shall be forfeited under this act as a result of the subsequent use or intended use of the property in criminal activity unless the lienholder received, prior to the subsequent use or intended use of the property in criminal activity, service by certified mail, return receipt requested, a copy of an order containing a judicial determination of probable cause concerning such property pursuant to s. 932.703 or s. 943.704.* If a lienholder's interest satisfies the requirements of this section, such interest shall be preserved by the court by ordering the lienholder's interest to be paid as provided in s. 932.7055.

(e) Any lienholder whose loan instrument contains a provision permitting acceleration of payments or declaring a default on impairment of the lienholder's collateral shall be conclusively deemed justified in accelerating such payments or declaring a default if there has been a judicial determination under the Florida Contraband Forfeiture Act that seizure of the collateral was supported by probable cause, and the judicial determination of probable cause shall constitute a complete defense to any action against the lienholder as a result of the taking of the property. *Nothing in this subsection shall be construed to limit the ability of any lienholder to accelerate its payments or declare a default upon seizure of the collateral under the Florida Contraband Forfeiture Act, when the loan instrument contains a provision permitting acceleration or a declaration of default upon impairment of the collateral.*

On motion by Senator Silver, by two-thirds vote **SB 2188** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35      Nays—None

**HB 343**—A bill to be entitled An act relating to the confidentiality of records of the corporation created to operate correctional work programs; amending s. 946.517, F.S., which provides that reports of the corporation that would not be a public record if prepared by the Department of Corrections are not public records; providing an exemption from public records requirements for proprietary confidential business information in corporation records; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole recommended the following amendments which were moved by Senator Beard and adopted:

**Amendment 1**—On page 2, strike all of lines 2-14 and insert: *information regardless of form or characteristics, that is owned or controlled*

by the corporation; is intended to be and is treated by the corporation as private and the disclosure of the information would cause harm to the corporation's business operations; has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, a legislative proceeding pursuant to Section 5, Article III of the State Constitution, or a private agreement that provides that the information may be released to the public; and, which is information regarding:

- (1) Internal auditing controls and reports of internal auditors.
- (2) Matters reasonably encompassed in privileged attorney-client communications.
- (3) Security measures, systems, or procedures.
- (4) Information concerning bids or other contractual data, banking records, and credit agreements, the disclosure of which would impair the efforts of the corporation to contract for goods or services on favorable terms.
- (5) Information relating to private contractual data, the disclosure of which would impair the competitive interest of the provider of the information.
- (6) Corporate officer, employee personnel, or inmate worker information unrelated to compensation, duties, qualifications, or responsibilities.

**Amendment 2**—On page 2, strike line 29 and insert: *qualifications, or responsibilities be held*

On motion by Senator Beard, by two-thirds vote **HB 343** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**SB 2062**—A bill to be entitled An act relating to the State University System; creating the State University System Teaching and Departmental Incentive Program; providing legislative intent; providing procedures; providing for approval by the Board of Regents; providing for a report to the Legislature; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

**Amendment 1 (with Title Amendment)**—On page 2, line 29 through page 3, line 6, strike all of said lines and insert:

(f) A procedure for tracking and subsequently recycling the salary rate associated with the teaching incentive program awarded to faculty who subsequently leave or retire from a university.

(g) Such other criteria and guidelines the Board of Regents deems necessary.

Section 3. Report to the Legislature.—The Board of Regents shall provide a report to the Legislature, by February 15 of each year, regarding the elements of the plans approved under this act and their implementation status.

Section 4. Notwithstanding the provisions of s. 215.425, Florida Statutes, and any other law to the contrary, each university within the State University System is authorized to implement the individual salary incentives retroactively to the beginning of the academic year.

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 1, line 7, after the semicolon (;) insert: *providing for retroactive implementation of salary incentives;*

On motion by Senator Kirkpatrick, by two-thirds vote **SB 2062** 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

On motion by Senator Weinstein, by two-thirds vote **CS for HB 251** was withdrawn from the Committee on Governmental Operations.

On motion by Senator Weinstein—

**CS for HB 251**—A bill to be entitled An act relating to state buildings; requiring the Department of Management Services in conjunction with other appropriate state agencies to evaluate and develop procedures to improve indoor air quality in state buildings; requiring a report; providing an effective date.

—a companion measure, was substituted for **SB 198** and read the second time by title. On motion by Senator Weinstein, by two-thirds vote **CS for HB 251** 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 1068**—A bill to be entitled An act relating to water resources; creating the Water Management District Review Commission; prescribing its duties and responsibilities; repealing ss. 373.069-373.197, F.S., relating to water resources, and providing for legislative review of such sections; providing an appropriation; 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 McKay:

**Amendment 1 (with Title Amendment)**—On page 5, strike all of lines 1-3 and insert: 373.146, 373.149, 373.171, 373.1725, 373.175, and 373.185, Florida Statutes, are repealed effective October 1,

And the title is amended as follows:

In title, on page 1, line 6, strike "373.197" and insert: 373.185

Senator McKay moved the following substitute amendment which was adopted:

**Amendment 2 (with Title Amendment)**—On page 5, strike all of lines 3-5 and insert: 373.197, Florida Statutes, shall be reviewed by the Legislature before October 1, 1996.

And the title is amended as follows:

In title, on page 1, strike all of lines 5-8 and insert: *responsibilities; providing for legislative review of ss. 373.069-373.197, F.S., relating to water resources; providing an appropriation; providing*

Senator McKay moved the following amendments which were adopted:

**Amendment 3**—On page 3, strike line 11 and insert: *at least one at an easily accessible central location within each water*

**Amendment 4**—On page 3, line 25, after "land" insert: *owned by the water management districts*

**Amendment 5**—On page 4, between lines 4 and 5, insert:

(g) *Alternatives to water management district management of district lands, including the feasibility of land management by the Department of Environmental Protection, other state or federal agencies, local governments, and non-governmental entities, singly or in combination;*

(Reletter subsequent paragraphs.)

**Amendment 6**—On page 4, line 24, strike "December" and insert: *September*

**Amendment 7 (with Title Amendment)**—On page 5, strike all of lines 6-9 and renumber subsequent section.

And the title is amended as follows:

In title, on page 1, strike line 8 and insert: *providing*

On motion by Senator McKay, by two-thirds vote **CS for SB 1068** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38      Nays—1

## MOTION

On motions by Senator Kirkpatrick, the rules were waived and by two-thirds vote CS for CS for SB 2110 was placed on the Special Order Calendar and taken up instanter.

**CS for CS for SB 2110**—A bill to be entitled An act relating to Medicaid provider fraud; transferring responsibility for administering the state Medicaid fraud-control program from the Auditor General to the Department of Legal Affairs; creating s. 16.59, F.S.; establishing a Medicaid Fraud-Control office in the Department of Legal Affairs; amending ss. 409.907, 409.910, 409.913, F.S.; incorporating conforming revisions; amending s. 409.920, F.S.; conforming the transfer of duties and providing for assistance from any state attorney or law enforcement agency in investigating and prosecuting Medicaid fraud cases; providing an effective date.

—was read the second time by title.

Senators Jenne and Forman offered the following amendment which was moved by Senator Forman and adopted:

**Amendment 1 (with Title Amendment)**—On page 2, line 28 through page 4, line 9, strike all of said lines and insert:

Section 4. Section 409.910, Florida Statutes, is amended to read:

409.910 Responsibility for payments on behalf of Medicaid-eligible persons when other parties are liable.—

(1) It is the intent of the Legislature that Medicaid be the payer of last resort for medically necessary goods and services furnished to Medicaid recipients. All other sources of payment for medical care are primary to medical assistance provided by Medicaid. If benefits of a liable third party are ~~available discovered or become available after medical assistance has been provided by Medicaid~~, it is the intent of the Legislature that Medicaid be repaid in full and prior to any other person, program, or entity. Medicaid is to be repaid in full from, and to the extent of, any third-party benefits, regardless of whether a recipient is made whole or other creditors paid. Principles of common law and equity as to assignment, lien, and subrogation, *comparative negligence, assumption of risk, and all other affirmative defenses normally available to a liable third party*, are to be abrogated to the extent necessary to ensure full recovery by Medicaid from third-party resources; *such principles shall apply to a recipient's right to recovery against any third party, but shall not act to reduce the recovery of the agency pursuant to this section. The concept of joint and several liability applies to any recovery on the part of the agency.* It is intended that if the resources of a liable third party become available at any time, the public treasury should not bear the burden of medical assistance to the extent of such resources. *Common law theories of recovery shall be liberally construed to accomplish this intent.*

(2) This section may be cited as the "Medicaid Third-Party Liability Act."

(3) Third-party benefits for medical services shall be primary to medical assistance provided by Medicaid.

(4) After the department has provided medical assistance under the Medicaid program, it shall seek recovery of reimbursement from third-party benefits to the limit of legal liability and for the full amount of third-party benefits, but not in excess of the amount of medical assistance paid by Medicaid, as to:

(a) Claims for which the department has a waiver pursuant to federal law; or

(b) Situations in which *a third party is liable and the liability or benefits available are discovered either before or the department learns of the existence of a liable third party or in which third party benefits are discovered or become available after medical assistance has been provided by Medicaid.*

(5) An applicant, recipient, or legal representative shall inform the department of any rights the applicant or recipient has to third-party benefits and shall inform the department of the name and address of any person that is or may be liable to provide third-party benefits. When the department provides, pays for, or becomes liable for medical services provided by a hospital, the recipient receiving such medical services or his

legal representative shall also provide the information as to third-party benefits, as defined in this section, to the hospital, which shall provide notice thereof to the department in a manner specified by the department.

(6) When the department provides, pays for, or becomes liable for medical care under the Medicaid program, it has the following rights, as to which the department may assert independent principles of law, which shall nevertheless be construed together to provide the greatest recovery from third-party benefits:

(a) *The agency has a cause of action against a liable third party to recover the full amount of medical assistance provided by Medicaid, and such cause of action is independent of any rights or causes of action of the recipient.*

(b)(a) The department is automatically subrogated to any rights that an applicant, recipient, or legal representative has to any third-party benefit for the full amount of medical assistance provided by Medicaid. Recovery pursuant to the subrogation rights created hereby shall not be reduced, prorated, or applied to only a portion of a judgment, award, or settlement, but is to provide full recovery by the department from any and all third-party benefits. Equities of a recipient, his legal representative, a recipient's creditors, or health care providers shall not defeat, reduce, or prorate recovery by the department as to its subrogation rights granted under this paragraph.

(c)(b) By applying for or accepting medical assistance, an applicant, recipient, or legal representative automatically assigns to the department any right, title, and interest such person has to any third-party benefit, excluding any Medicare benefit to the extent required to be excluded by federal law.

1. The assignment granted under this paragraph is absolute, and vests legal and equitable title to any such right in the department, but not in excess of the amount of medical assistance provided by the department.

2. The department is a bona fide assignee for value in the assigned right, title, or interest, and takes vested legal and equitable title free and clear of latent equities in a third person. Equities of a recipient, his legal representative, his creditors, or health care providers shall not defeat or reduce recovery by the department as to the assignment granted under this paragraph.

3. By accepting medical assistance, the recipient grants to the department the limited power of attorney to act in his name, place, and stead to perform specific acts with regard to third-party benefits, his assent being deemed to have been given, including:

a. Endorsing any draft, check, money order, or other negotiable instrument representing third-party benefits that are received on behalf of the recipient as a third-party benefit.

b. Compromising claims to the extent of the rights assigned, ~~provided the recipient is not otherwise represented by an attorney as to the claim.~~

(c) The department is entitled to, and has, an automatic lien for the full amount of medical assistance provided by Medicaid to or on behalf of the recipient for medical care furnished as a result of any covered injury or illness for which a third party is or may be liable, upon the collateral, as defined in s. 409.901.

1. The lien attaches automatically when a recipient first receives treatment for which the department may be obligated to provide medical assistance under the Medicaid program. The lien is perfected automatically at the time of attachment.

2. The department is authorized to file a verified claim of lien. The claim of lien shall be signed by an authorized employee of the department, and shall be verified as to the employee's knowledge and belief. The claim of lien may be filed and recorded with the clerk of the circuit court in the recipient's last known county of residence or in any county deemed appropriate by the department. The claim of lien, to the extent known by the department, shall contain:

a. The name and last known address of the person to whom medical care was furnished.

b. The date of injury.

c. The period for which medical assistance was provided.

d. The amount of medical assistance provided or paid, or for which Medicaid is otherwise liable.

e. The names and addresses of all persons claimed by the recipient to be liable for the covered injuries or illness.

3. The filing of the claim of lien pursuant to this section shall be notice thereof to all persons.

4. If the claim of lien is filed within 1 year after the later of the date when the last item of medical care relative to a specific covered injury or illness was paid, or the date of discovery by the department of the liability of any third party, or the date of discovery of a cause of action against a third party brought by a recipient or his legal representative, record notice shall relate back to the time of attachment of the lien.

5. If the claim of lien is filed after 1 year after the later of the events specified in subparagraph 4., notice shall be effective as of the date of filing.

6. Only one claim of lien need be filed to provide notice as set forth in this paragraph and shall provide sufficient notice as to any additional or after-paid amount of medical assistance provided by Medicaid for any specific covered injury or illness. The department may, in its discretion, file additional, amended, or substitute claims of lien at any time after the initial filing, until the department has been repaid the full amount of medical assistance provided by Medicaid or otherwise has released the liable parties and recipient.

7. No release or satisfaction of any cause of action, suit, claim, counterclaim, demand, judgment, settlement, or settlement agreement shall be valid or effectual as against a lien created under this paragraph, unless the department joins in the release or satisfaction or executes a release of the lien. An acceptance of a release or satisfaction of any cause of action, suit, claim, counterclaim, demand, or judgment and any settlement of any of the foregoing in the absence of a release or satisfaction of a lien created under this paragraph shall prima facie constitute an impairment of the lien, and the department is entitled to recover damages on account of such impairment. In an action on account of impairment of a lien, the department may recover from the person accepting the release or satisfaction or making the settlement the full amount of medical assistance provided by Medicaid. Nothing in this section shall be construed as creating a lien or other obligation on the part of an insurer which in good faith has paid a claim pursuant to its contract without knowledge or actual notice that the department has provided medical assistance for the recipient related to a particular covered injury or illness. However, notice or knowledge that an insured is, or has been a Medicaid recipient within 1 year from the date of service for which a claim is being paid creates a duty to inquire on the part of the insurer as to any injury or illness for which the insurer intends or is otherwise required to pay benefits.

8. The lack of a properly filed claim of lien shall not affect the department's assignment or subrogation rights provided in this subsection, nor shall it affect the existence of the lien, but only the effective date of notice as provided in subparagraph 5.

9. The lien created by this paragraph is a first lien and superior to the liens and charges of any provider, and shall exist for a period of 7 years, if recorded, after the date of recording; and shall exist for a period of 7 years after the date of attachment, if not recorded. If recorded, the lien may be extended for one additional period of 7 years by rerecording the claim of lien within the 90-day period preceding the expiration of the lien.

10. The clerk of the circuit court for each county in the state shall endorse on a claim of lien filed under this paragraph the date and hour of filing and shall record the claim of lien in the official records of the county as for other records received for filing. The clerk shall receive as his fee for filing and recording any claim of lien or release of lien under this paragraph the total sum of \$2. Any fee required to be paid by the department shall not be required to be paid in advance of filing and recording, but may be billed to the department after filing and recording of the claim of lien or release of lien.

11. After satisfaction of any lien recorded under this paragraph, the department shall, within 60 days after satisfaction, either file with the appropriate clerk of the circuit court or mail to any appropriate party, or counsel representing such party, if represented, a satisfaction of lien in a form acceptable for filing in Florida.

(7) The department shall recover the full amount of all medical assistance provided by Medicaid on behalf of the recipient to the full extent of third-party benefits.

(a) Recovery of such benefits shall be collected directly from:

1. Any third party;

2. The recipient or legal representative, if he has received third-party benefits;

3. The provider of a recipient's medical services if third-party benefits have been recovered by the provider; notwithstanding any provision of this section, to the contrary, however, no provider shall be required to refund or pay to the department any amount in excess of the actual third-party benefits received by the provider from a third-party payor for medical services provided to the recipient; or

4. Any person who has received the third-party benefits.

(b) Upon receipt of any recovery or other collection pursuant to this section, the department shall distribute the amount collected as follows:

1. To itself, an amount equal to the state Medicaid expenditures for the recipient plus any incentive payment made in accordance with paragraph (14)(a).

2. To the Federal Government, the federal share of the state Medicaid expenditures minus any incentive payment made in accordance with paragraph (14)(a) and federal law, and minus any other amount permitted by federal law to be deducted.

3. To the recipient, after deducting any known amounts owed to the department for any related medical assistance or to health care providers, any remaining amount. This amount shall be treated as income or resources in determining eligibility for Medicaid.

(8) The department shall require an applicant or recipient, or the legal representative thereof, to cooperate in the recovery by the department of third-party benefits of a recipient and in establishing paternity and support of a recipient child born out of wedlock. As a minimal standard of cooperation, the recipient or person able to legally assign a recipient's rights shall:

(a) Appear at an office designated by the department to provide relevant information or evidence.

(b) Appear as a witness at a court or other proceeding.

(c) Provide information, or attest to lack of information, under penalty of perjury.

(d) Pay to the department any third-party benefit received.

(e) Take any additional steps to assist in establishing paternity or securing third-party benefits, or both.

(f) Paragraphs (a)-(e) notwithstanding, the department shall have the discretion to waive, in writing, the requirement of cooperation for good cause shown and as required by federal law.

(9) *In the event that medical assistance has been provided by Medicaid to more than one recipient, and the agency elects to seek recovery from liable third parties due to actions by the third parties or circumstances which involve common issues of fact or law, the agency may bring an action to recover sums paid to all such recipients in one proceeding. In any action brought under this subsection, the evidence code shall be liberally construed regarding the issues of causation and of aggregate damages. The issue of causation and damages in any such action may be proven by use of statistical analysis.*

(a) In any action under this subsection wherein the number of recipients for which medical assistance has been provided by Medicaid is so large as to cause it to be impracticable to join or identify each claim, the agency shall not be required to so identify the individual recipients for which payment has been made, but rather can proceed to seek recovery based upon payments made on behalf of an entire class of recipients.

(b) In any action brought pursuant to this subsection wherein a third party is liable due to its manufacture, sale, or distribution of a product, the agency shall be allowed to proceed under a market share theory, provided that the products involved are substantially interchangeable among brands, and that substantially similar factual or legal issues would be involved in seeking recovery against each liable third party individually.

(10)(9) The department shall deny or terminate eligibility for any applicant or recipient who refuses to cooperate as required in subsection (8), unless cooperation has been waived in writing by the department as provided in paragraph (8)(f). However, any denial or termination of eligibility shall not reduce medical assistance otherwise payable by the department to a provider for medical care provided to a recipient prior to denial or termination of eligibility.

(11)(10) An applicant or recipient shall be deemed to have provided to the department the authority to obtain and release medical information and other records with respect to such medical care, for the sole purpose of obtaining reimbursement for medical assistance provided by Medicaid.

(12)(11) The department may, as a matter of right, in order to enforce its rights under this section, institute, intervene in, or join any legal or administrative proceeding in its own name in one or more of the following capacities: individually, as subrogee of the recipient, as assignee of the recipient, or as lienholder of the collateral.

(a) If either the recipient, or his legal representative, or the department brings an action against a third party, the recipient, or his legal representative, or the department, or their attorneys, shall, within 30 days after filing the action, provide to the other written notice, by personal delivery or registered mail, of the action, the name of the court in which the case is brought, the case number of such action, and a copy of the pleadings. If an action is brought by either the department, or the recipient or his legal representative, the other may, at any time before trial on the merits, become a party to, or shall consolidate his action with the other if brought independently. Unless waived by the other, the recipient, or his legal representative, or the department shall provide notice to the other of the intent to dismiss at least 21 days prior to voluntary dismissal of an action against a third party. Notice to the department shall be sent to an address set forth by rule. Notice to the recipient or his legal representative, if represented by an attorney, shall be sent to the attorney, and, if not represented, then to the last known address of the recipient or his legal representative. *The provisions of this subsection shall not apply to any actions brought pursuant to subsection (9), and in any such action, no notice to recipients is required, and the recipients shall have no right to become a party to any action brought under such subsection.*

(b) An action by the department to recover damages in tort under this subsection, which action is derivative of the rights of the recipient or his legal representative, shall not constitute a waiver of sovereign immunity pursuant to s. 768.14.

(c) In the event of judgment, award, or settlement in a claim or action against a third party, the court shall order the segregation of an amount sufficient to repay the department's expenditures for medical assistance, plus any other amounts permitted under this section, and shall order such amounts paid directly to the department.

(d) No judgment, award, or settlement in any action by a recipient or his legal representative to recover damages for injuries or other third-party benefits, when the department has an interest, shall be satisfied without first giving the department notice and a reasonable opportunity to file and satisfy its lien, and satisfy its assignment and subrogation rights or proceed with any action as permitted in this section.

(e) Except as otherwise provided in this section, notwithstanding any other provision of law, the entire amount of any settlement of the recipient's action or claim involving third-party benefits, with or without suit, is subject to the department's claims for reimbursement of the amount of medical assistance provided and any lien pursuant thereto.

(f) Notwithstanding any provision in this section to the contrary, in the event of an action in tort against a third party in which the recipient or his legal representative is a party and in which the amount of any judgment, award, or settlement from third-party benefits, excluding medical coverage as defined in subparagraph 4., after reasonable costs and expenses of litigation, is an amount equal to or less than 200 percent of the amount of medical assistance provided by Medicaid less any medical coverage paid or payable to the department, then distribution of the amount recovered shall be as follows:

1. Any fee for services of an attorney retained by the recipient or his legal representative shall not exceed an amount equal to 25 percent of the recovery, after reasonable costs and expenses of litigation, from the judgment, award, or settlement.

2. After attorney's fees, two-thirds of the remaining recovery shall be designated for past medical care and paid to the department for medical assistance provided by Medicaid.

3. The remaining amount from the recovery shall be paid to the recipient.

4. For purposes of this paragraph, "medical coverage" means any benefits under health insurance, a health maintenance organization, a preferred provider arrangement, or a prepaid health clinic, and the portion of benefits designated for medical payments under coverage for workers' compensation, personal injury protection, and casualty.

(g) In the event that the recipient, his legal representative, or his estate brings an action against a third party, notice of institution of legal proceedings, notice of settlement, and all other notices required by this section or by rule shall be given to the department, in Tallahassee, in a manner set forth by rule. All such notices shall be given by the attorney retained to assert the recipient's or legal representative's claim, or, if no attorney is retained, by the recipient, his legal representative, or his estate.

(h) Except as otherwise provided in this section, actions to enforce the rights of the department under this section shall be commenced within 5 years after the date a cause of action accrues, with the period running from the later of the date of discovery by the department of a case filed by a recipient or his legal representative, or of discovery of any judgment, award, or settlement contemplated in this section, or of the provision of medical assistance to a recipient. *Each item of expense provided by the agency shall be considered to constitute a separate cause of action for purposes of this subsection. The defense of statute of repose shall not apply to any action brought under this section by the agency or of discovery of facts giving rise to a cause of action under this section.* Nothing in this paragraph affects or prevents a proceeding to enforce a lien during the existence of the lien as set forth in subparagraph (6)(c)9.

(i) Upon the death of a recipient, and within the time prescribed by ss. 733.702 and 733.710, the department, in addition to any other available remedy, may file a claim against the estate of the recipient for the total amount of medical assistance provided by Medicaid for the benefit of the recipient. Claims so filed shall take priority as class 3 claims as provided by s. 733.707(1)(c). The filing of a claim pursuant to this paragraph shall neither reduce nor diminish the general claims of the department pursuant to s. 409.345, except that the department shall not receive double recovery for the same expenditure. Claims under this paragraph shall be superior to those under s. 409.345. The death of the recipient shall neither extinguish nor diminish any right of the department to recover third-party benefits from a third party or provider. Nothing in this paragraph affects or prevents a proceeding to enforce a lien created pursuant to this section or a proceeding to set aside a fraudulent conveyance as defined in subsection (16).

(13)(12) No action taken by the department shall operate to deny the recipient's recovery of that portion of benefits not assigned or subrogated to the department, or not secured by the department's lien. The department's rights of recovery created by this section, however, shall not be limited to some portion of recovery from a judgment, award, or settlement. Only the following benefits are not subject to the rights of the department: benefits not related in any way to a covered injury or illness; proceeds of life insurance coverage on the recipient; proceeds of insurance coverage, such as coverage for property damage, which by its terms and provisions cannot be construed to cover personal injury, death, or a covered injury or illness; proceeds of disability coverage for lost income; and recovery in excess of the amount of medical benefits provided by Medicaid after repayment in full to the department.

(14)(13) No action of the recipient shall prejudice the rights of the department under this section. No settlement, agreement, consent decree, trust agreement, annuity contract, pledge, security arrangement, or any other device, hereafter collectively referred to in this subsection as a "settlement agreement," entered into or consented to by the recipient or his legal representative shall impair the department's rights. However, in a structured settlement, no settlement agreement by the parties shall be effective or binding against the department for benefits accrued without the express written consent of the department or an appropriate order of a court having personal jurisdiction over the department.

(15)(14) The department is authorized to enter into agreements to enforce or collect medical support and other third-party benefits.

(a) If a cooperative agreement is entered into with any agency, program, or subdivision of the state, or any agency, program, or legal entity of or operated by a subdivision of the state, or with any other state, the department is authorized to make an incentive payment of up to 15 percent of the amount actually collected and reimbursed to the department, to the extent of medical assistance paid by Medicaid. Such incentive payment is to be deducted from the federal share of that amount, to the extent authorized by federal law. The department may pay such person an additional percentage of the amount actually collected and reimbursed to the department as a result of the efforts of the person, but no more than a maximum percentage established by the department. In no case shall the percentage exceed the lesser of a percentage determined to be commercially reasonable or 15 percent, in addition to the 15-percent incentive payment, of the amount actually collected and reimbursed to the department as a result of the efforts of the person under contract.

(b) If an agreement to enforce or collect third-party benefits is entered into by the department with any person other than those described in paragraph (a), including any attorney retained by the department who is not an employee or agent of any person named in paragraph (a), then the department may pay such person a percentage of the amount actually collected and reimbursed to the department as a result of the efforts of the person, to the extent of medical assistance paid by Medicaid. In no case shall the percentage exceed a maximum established by the department, which shall not exceed the lesser of a percentage determined to be commercially reasonable or 30 percent of the amount actually collected and reimbursed to the department as a result of the efforts of the person under contract.

(c) An agreement pursuant to this subsection may permit reasonable litigation costs or expenses to be paid from the department's recovery to a person under contract with the department.

(d) Contingency fees and costs incurred in recovery pursuant to an agreement under this subsection may, for purposes of determining state and federal share, be deemed to be administrative expenses of the state. To the extent permitted by federal law, such administrative expenses shall be shared with, or fully paid by, the Federal Government.

(16)(15) Insurance and other third-party benefits may not contain any term or provision which purports to limit or exclude payment or provisions of benefits for an individual if the individual is eligible for, or a recipient of, medical assistance from Medicaid, and any such term or provision shall be void as against public policy.

(17)(16) Any transfer or encumbrance of any right, title, or interest to which the department has a right pursuant to this section, with the intent, likelihood, or practical effect of defeating, hindering, or reducing recovery by the department for reimbursement of medical assistance provided by Medicaid, shall be deemed to be a fraudulent conveyance, and such transfer or encumbrance shall be void and of no effect against the claim of the department, unless the transfer was for adequate consideration and the proceeds of the transfer are reimbursed in full to the department, but not in excess of the amount of medical assistance provided by Medicaid.

(18)(17) A recipient or his legal representative or any person representing, or acting as agent for, a recipient or his legal representative, who has notice, excluding notice charged solely by reason of the recording of the lien pursuant to paragraph (6)(c), or who has actual knowledge of the department's rights to third-party benefits under this section, who receives any third-party benefit or proceeds therefrom for a covered illness or injury, is required either to pay the department the full amount of the third-party benefits, but not in excess of the total medical assistance provided by Medicaid, or to place the full amount of the third-party benefits in a trust account for the benefit of the department pending judicial or administrative determination of the department's right thereto. Proof that any such person had notice or knowledge that the recipient had received medical assistance from Medicaid, and that third-party benefits or proceeds therefrom were in any way related to a covered illness or injury for which Medicaid had provided medical assistance, and that any such person knowingly obtained possession or control of, or used, third-party benefits or proceeds and failed either to pay the department the full amount required by this section or to hold the full amount of third-party benefits or proceeds in trust pending judicial or administrative determination, unless adequately explained, gives rise to an inference that such person knowingly failed to credit the state or its agent for payments received from social security, insurance, or other sources, pursuant to s. 409.325(4)(b), and acted with the intent set forth in s. 812.014(1).

~~(a) In cases of suspected criminal violations or fraudulent activity, the department is authorized to take any civil action permitted at law or equity to recover the greatest possible amount, including, without limitation, treble damages under ss. 772.11 and 812.035(7).~~

(a)(b) The department is authorized to investigate and to request appropriate officers or agencies of the state to investigate suspected criminal violations or fraudulent activity related to third-party benefits, including, without limitation, ss. 409.325 and 812.014. Such requests may be directed, without limitation, to the Medicaid Fraud Control Unit of the Office of the Department of Legal Affairs Auditor General, to the Attorney General, or to any state attorney. Pursuant to s. 409.913, the Attorney Auditor General has primary responsibility to investigate and control Medicaid fraud.

(b)(e) In carrying out duties and responsibilities related to Medicaid fraud control, the department may subpoena witnesses or materials within or outside the state and, through any duly designated employee, administer oaths and affirmations and collect evidence for possible use in either civil or criminal judicial proceedings.

(c)(d) All information obtained and documents prepared pursuant to an investigation of a Medicaid recipient, the recipient's legal representative, or any other person relating to an allegation of recipient fraud or theft is confidential and exempt from the provisions of s. 119.07(1):

1. Until such time as the department takes final agency action;
2. Until such time as the Auditor General refers the case for criminal prosecution;
3. Until such time as an indictment or criminal information is filed by a state attorney in a criminal case; or
4. At all times if otherwise protected by law.

This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(19) *In cases of suspected criminal violations or fraudulent activity, on the part of any person including a liable third-party, the department is authorized to take any civil action permitted at law or equity to recover the greatest possible amount, including without limitation, treble damages under s. 772.73, F.S. In any action in which the recipient has no right to intervene, or does not exercise his right to intervene, any amounts recovered under this subsection shall be the property of the agency, and the recipient shall have no right or interest in such recovery.*

(20)(18) In recovering any payments in accordance with this section, the department is authorized to make appropriate settlements.

(21)(19) Notwithstanding any provision in this section to the contrary, the department shall not be required to seek reimbursement from a liable third party on claims for which the department determines that the amount it reasonably expects to recover will be less than the cost of recovery, or that recovery efforts will otherwise not be cost-effective.

(22)(20) Entities providing health insurance as defined in s. 624.603, and health maintenance organizations and prepaid health clinics as defined in chapter 641, shall provide such records and information as are necessary to accomplish the purpose of this section, unless such requirement results in an unreasonable burden.

(a) The secretary of the department and the Insurance Commissioner shall enter into a cooperative agreement for requesting and obtaining information necessary to effect the purpose and objective of this section.

1. The department shall request only that information necessary to determine whether health insurance as defined pursuant to s. 624.603, or those health services provided pursuant to chapter 641, could be, should be, or have been claimed and paid with respect to items of medical care and services furnished to any person eligible for services under this section.

2. All information obtained pursuant to subparagraph 1. is confidential and exempt from s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

3. The cooperative agreement or rules adopted under this subsection may include financial arrangements to reimburse the reporting entities for reasonable costs or a portion thereof incurred in furnishing the

requested information. Neither the cooperative agreement nor the rules shall require the automation of manual processes to provide the requested information.

(b) The department and the Department of Insurance jointly shall adopt rules for the development and administration of the cooperative agreement. The rules shall include the following:

1. A method for identifying those entities subject to furnishing information under the cooperative agreement.
2. A method for furnishing requested information.
3. Procedures for requesting exemption from the cooperative agreement based on an unreasonable burden to the reporting entity.

(23)(21) The department is authorized to adopt rules to implement the provisions of this section and federal requirements.

And the title is amended as follows:

In title, on page 1, line 10, after "revisions;" insert: broadening scope of liability for which Medicaid benefits must be repaid; expanding causes of action; providing for joint and severable liability; providing a cause of action for the agency; deleting limitations of attorney representation; allowing agency to consolidate causes into one proceeding, defense of statute of repose does not apply to actions brought by agency under this section; placing limitations on recipient's rights to recover when recipient fails to intervene;

On motion by Senator Forman, by two-thirds vote **CS for CS for SB 2110** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

**RECESS**

On motion by Senator Kirkpatrick, the Senate recessed at 12:03 p.m. to reconvene at 2:00 p.m.

**AFTERNOON SESSION**

The Senate was called to order by the President at 2:00 p.m. A quorum present—40:

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	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

**SPECIAL ORDER, continued**

**SENATOR CHILDERS PRESIDING**

**CS for SB 1228 and CS for SB 1910**—A bill to be entitled An act relating to financial transactions; creating s. 655.82, F.S.; providing for pay-on-death accounts; providing definitions; providing rights with respect to such accounts; providing for payments from such accounts; prohibiting payment for certain merchandise or services through unauthorized financial arrangements; specifying a form that may be used to select such an account; creating ss. 711.50-711.512, F.S.; adopting the Uniform TOD Security Registration Act, to establish a procedure to allow the owner of securities to register the title of the securities in transfer-on-death form and enable an issuer, transfer agent, broker, or other such intermediary to transfer the securities directly to the designated transferee on the owner's death; specifying applicability; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for SB 1228 and CS for SB 1910** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

**CS for SB 1320**—A bill to be entitled An act relating to correctional facilities; amending s. 944.10, F.S.; providing legislative intent to expedite the siting and construction of correctional facilities; prescribing additional powers of the Department of Corrections relating to the acquisition of lands for correctional facilities; exempting the department from specified guidelines relating to land appraisals; allowing the department to enter into an option contract before an appraisal is obtained; amending s. 945.27, F.S.; providing for acquisition of private property by eminent domain for construction of new correctional facilities; amending s. 253.025, F.S.; conforming provisions relating to land acquisition to the amendments by this act; amending s. 163.3187, F.S.; allowing a comprehensive plan to be amended to provide for the location of a state correctional facility without that amendment counting against the annual limit on plan amendments; providing an effective date.

—was read the second time by title.

Senator Crenshaw moved the following amendment which was adopted:

**Amendment 1 (with Title Amendment)**—On page 6, strike line 1 and insert:

Section 5. Subsection (1) of section 945.215, Florida Statutes, is amended to read:

945.215 Inmate welfare and employee benefit trust funds.—

(1)(a) All moneys held in any auxiliary, canteen, welfare, or similar fund in any state institution under the jurisdiction of the Department of Corrections shall be deposited in the Inmate Welfare Trust Fund of the department, which fund is created in the State Treasury, to be appropriated annually by the Legislature. However, moneys budgeted by the department for the purchase of items for resale at canteens or vending machines must be deposited into local bank accounts designated by the department. The department shall submit to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year a report that documents the receipts and expenditures from the Inmate Welfare Trust Fund for the previous fiscal year. The report must present this information by program, by institution, and by type of receipt. ~~or in a place which the department shall designate. The money in this fund is hereby appropriated for the benefit, education, and general welfare of inmates of any state institution under the jurisdiction of the department, including but not limited to the establishment of, maintenance of, employment of personnel for, and the purchase of items for resale at canteens or vending machines maintained at state institutions and for the establishment of, maintenance of, employment of personnel for, and necessary expenses in connection with the operation of hobby shops, recreational facilities, or other like facilities or programs at the institutions under the jurisdiction of the department.~~

(b) Effective for the expenditure of funds by the Department of Corrections for fiscal year 1994-1995 and, if required by subsection (1), beginning with the legislative appropriation for fiscal year 1995-1996 and thereafter, the money in the Inmate Welfare Trust Fund must be used exclusively:

1. To purchase items for resale at the inmate canteens or vending machines maintained at the correctional facilities;
2. To employ personnel and inmates to manage, supervise, and operate the canteens and vending machines at the correctional facilities;
3. For operating and fixed-capital expenses associated with the operation of inmate canteens and vending machines;
4. To employ personnel to manage and supervise the proceeds from telephone commissions;
5. To employ personnel of the Correctional Education School Authority to provide literacy programs, vocational training, and academic programs that comply with standards of the Department of Education under s. 242.68(4)(p);
6. For operating and fixed-capital expenses associated with the delivery to inmates of literacy programs, vocational training, and academic programs by the Correctional Education School Authority that comply with standards of the Department of Education under s. 242.68(4)(p);

7. For operating and fixed-capital expenses associated with the operation of inmate chapels, libraries, and visiting pavilions;

8. To employ personnel to operate the libraries, chapels, and visiting pavilions;

9. For expenses associated with various inmate clubs; and

10. For expenses associated with legal services for inmates.

Effective for fiscal year 1994-1995 and thereafter, the total annual expenditures for items listed in subparagraphs 5. and 6. must exceed the total annual expenditures for items listed in subparagraphs 7. through 10. Beginning in fiscal year 1994-1995, funds in the Inmate Welfare Trust Fund or any other fund may not be used to purchase cable television service, to rent or purchase video cassettes, or to purchase televisions, video cassette recorders, or other audio-visual or electronic equipment used primarily for recreation purposes. This paragraph does not preclude the purchase or rental of electronic or audio-visual equipment for inmate training or educational programs approved by the Board of Correctional Education.

(c)(b) There shall be deposited in the Inmate Welfare Trust Fund all net proceeds from the operation of canteens, vending machines, hobby shops, and other such facilities and any moneys which may be assigned by the inmates or donated to the department by the general public or an inmate service organization for deposit in the fund. However, the department shall refuse to accept any donations from or on behalf of any individual inmate. The moneys of the fund shall constitute a trust held by the department for the benefit and welfare of the inmates of the institutions under the jurisdiction of the department.

(d)(e) Any contraband found upon, or in the possession of, any inmate in any institution under the jurisdiction of the department shall be confiscated and liquidated, and the proceeds thereof shall be deposited in the Inmate Welfare Trust Fund of the department.

(e)(d) The secretary of the department or his designee may invest in the manner authorized by law for fiduciaries any money in the Inmate Welfare Trust Fund of the department that in his opinion is not necessary for immediate use, and the interest earned and other increments derived from such investments made pursuant to this section shall be deposited in the Inmate Welfare Trust Fund of the department.

Section 6. The Auditor General shall conduct a performance audit of the Inmate Welfare Trust Fund and its institution-based accounts and submit his findings to the Legislature by January 1, 1995.

Section 7. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 1, line 23, after the semicolon (;) insert: amending s. 945.215, F.S.; requiring moneys in the trust fund to be annually appropriated by the Legislature; requiring the Department of Corrections to submit a report; specifying the purposes for which the funds may be used; prohibiting the purchase of certain audio-visual and electronic equipment with the funds; requiring a performance audit by the Auditor General;

Senator Dantzler moved the following amendment which was adopted:

**Amendment 2 (with Title Amendment)**—On page 6, before line 1, insert:

Section 5. There is added to the Task Force for Review of the Criminal Justice and Corrections Systems one member who is a county commissioner. The county commissioner member shall be appointed by the Governor and shall have the same duties and responsibilities provided for the task force members under chapter 93-404, Laws of Florida.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 23, after the semicolon (;) insert: adding a county commissioner member to the Task Force for Review of the Criminal Justice and Corrections Systems; providing an effective date.

Senator Grogan moved the following amendment which was adopted:

**Amendment 3 (with Title Amendment)**—On page 5, line 31, insert:

Section 5. (1)(a) Effective October 1, 1994, for each nonemergency visit by an inmate to a health care provider which visit is initiated by the inmate, the inmate must make a copayment of not less than \$1 or more than \$5, as set by rule by the Department of Corrections. A copayment may not be charged for the required initial medical history and physical examination of the inmate.

(b) The copayment for an inmate's health care must be deducted from any existing balance in the inmate's bank account. If the account balance is insufficient to cover the copayment, 50 percent of each deposit to the account must be withheld until the total amount owed has been paid.

(c) The proceeds of each copayment must be deposited in the General Revenue Fund.

(d) The department may waive all or part of the copayment for an inmate's visit to a health care provider if the health care:

1. Is provided in connection with an extraordinary event that could not reasonably be foreseen, such as a disturbance or a natural disaster;

2. Is an institution-wide health-care measure that is necessary to address the spread of specific infectious or contagious diseases;

3. Is provided under a contractual obligation that is established under the Interstate Corrections Compact or under an agreement with another jurisdiction which precludes assessing such a copayment; or

4. Was initiated by the health care provider or consists of routine follow-up care.

(2) The department may provide by rule for a supplemental copayment for a medical consultation relating to an inmate's health care and occurring outside the prison or for a prosthetic device for an inmate. The supplemental copayment must be used to defray all or part of the security costs associated with the surveillance and transport of the inmate to the outside consultation or with the fitting and maintenance of the prosthetic device. The proceeds of each supplemental copayment must be deposited into the General Revenue Fund.

(3)(a) An inmate may not be denied access to health care as a result of not paying any copayment or supplemental copayment that is provided for in this section.

(b) An inmate must not be given preferential access to health care as a result of paying any copayment or supplemental copayment that is provided for in this section.

(c) The expenses and operating capital outlay required to develop, implement, and maintain the medical copayment accounting system must be appropriated from the Inmate Welfare Trust Fund. The fiscal assistants and accountants at the correctional facilities funded from the Inmate Welfare Trust Fund are, in addition to their duties relating to the inmate canteen and bank, responsible for managing the medical copayment system.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 23, following the semicolon (;) insert: requiring an inmate who initiates a nonemergency visit to a health care provider to make a copayment; providing procedures; providing exceptions; prescribing duties of the Department of Corrections; allowing the department to waive all or part of the copayment in specified circumstances; providing for the deposit of the proceeds from such copayments into the General Revenue Fund; providing for supplemental copayments for specified purposes; providing for the deposit of proceeds from such supplemental copayments into the General Revenue Fund; prohibiting the denial of health care in specified circumstances; prohibiting preferential access to health care in specified circumstances requiring appropriations from the Inmate Welfare Trust Fund and prescribing responsibilities for managing the medical copayment system;

On motion by Senator Burt, by two-thirds vote **CS for SB 1320** 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 PRESIDENT PRESIDING

On motions by Senator Grant, by two-thirds vote **HB 2447** was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Grant—

**HB 2447**—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; redefining the term “employee leasing company”; amending s. 443.041, F.S.; limiting attorneys’ fees paid by the Division of Unemployment Compensation; amending s. 443.091, F.S.; modifying benefit eligibility conditions to comply with federal law; requiring certain persons deemed likely to exhaust regular benefits to participate in reemployment services; amending s. 443.101, F.S.; clarifying provisions relating to disqualification for benefits; amending s. 443.111, F.S.; authorizing the Division of Unemployment Compensation to establish by rule the process for payment and reporting of unemployment claims; modifying the expiration date; providing for the reinstatement of in-person benefit payment and claims reporting if the provisions of s. 443.111(1), F.S., expire; providing exceptions; providing for limited projects; amending s. 443.131, F.S.; relating to computation of contribution rates based upon benefit experience; deleting obsolete language; revising dates; modifying provisions relating to transfer of employment records between predecessor and successor employers; repealing s. 3 of ch. 91-9, Laws of Florida, relating to reinstatement of mandatory in-person claims reporting; providing effective dates.

—a companion measure, was substituted for **CS for SB 1826** and read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 2447** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37      Nays—None

On motion by Senator Beard, by unanimous consent **SB 1358** was taken up out of order.

Pending further consideration of **SB 1358**, on motions by Senator Beard, by two-thirds vote **CS for HB 1093** was withdrawn from the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Beard—

**CS for HB 1093**—A bill to be entitled An act relating to taxes on severance and production of minerals; amending s. 211.06, F.S.; revising the distribution from the Oil and Gas Tax Trust Fund; amending s. 211.31, F.S.; increasing the tax on the severance of certain solid minerals over a specified period; revising the distribution of the proceeds of the tax; providing for use of moneys in the Land Reclamation Trust Fund and abolishing the fund in 1999; providing for use of moneys in a Minerals Trust Fund and for transfers from the fund; amending s. 211.3103, F.S.; revising the distribution of the proceeds of the tax on the severance of phosphate rock; amending s. 253.023, F.S.; correcting a reference; amending s. 211.3106, F.S.; revising the rate of the tax on the severance of heavy minerals; reenacting provisions relating to distribution of tax proceeds to incorporate the amendment to s. 211.31, F.S., in a reference thereto; directing the Department of Environmental Protection to examine the administration of state programs for mineral evaluations and mined land reclamation and to provide recommendations; providing a contingent effective date.

—a companion measure, was substituted for **SB 1358** and read the second time by title. On motion by Senator Beard, by two-thirds vote **CS for HB 1093** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

On motion by Senator Beard, by unanimous consent **SB 1360** was taken up out of order.

Pending further consideration of **SB 1360**, on motion by Senator Beard, by two-thirds vote **CS for HB 1095** was withdrawn from the Committee on Appropriations.

On motion by Senator Beard—

**CS for HB 1095**—A bill to be entitled An act relating to trust funds; creating the Minerals Trust Fund within the Department of Revenue; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—a companion measure, was substituted for **SB 1360** and read the second time by title. On motion by Senator Beard, by two-thirds vote **CS for HB 1095** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36      Nays—None

**CS for SB 1378**—A bill to be entitled An act relating to education; amending s. 230.23, F.S.; authorizing district school boards to honor an order of expulsion of a student by another school board; providing procedures; amending s. 230.335, F.S.; requiring a law enforcement agency to notify the superintendent of schools of the arrest of an employee of the school district for certain offenses; providing requirements relating to notification of superintendents of schools of certain convictions of students; amending s. 232.26, F.S.; providing for suspension proceedings for students charged with committing certain acts; providing for evening alternative education programs; providing an effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for SB 1378** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—None

On motions by Senator Williams, by two-thirds vote **HB 1143** was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Williams—

**HB 1143**—A bill to be entitled An act relating to the Florida Prepaid Postsecondary Education Expense Program; amending s. 240.551, F.S.; providing power to require purchasers of advance payment contracts to verify contract changes; specifying verification procedures; providing an effective date.

—a companion measure, was substituted for **SB 1536** and read the second time by title. On motion by Senator Williams, by two-thirds vote **HB 1143** 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 1944**—A bill to be entitled An act relating to community redevelopment; amending ss. 163.340, 163.345, 163.350, 163.355, 163.360, 163.362, 163.365, 163.370, and 163.387, F.S.; including the development and provision of affordable housing within provisions for establishing and developing community redevelopment areas; authorizing community redevelopment agencies to administer the disposition of certain real property under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendment which was adopted:

**Amendment 1 (with Title Amendment)**—On page 8, line 1, before “Section” insert:

Section 9. Subsection (1) of section 163.385, Florida Statutes, is amended to read:

163.385 Issuance of revenue bonds.—

(1)(a) When authorized or approved by resolution or ordinance of the governing body, a county, municipality, or community redevelopment agency has power in its corporate capacity, in its discretion, to issue redevelopment revenue bonds from time to time to finance the undertaking of any community redevelopment under this part, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and has power to issue refunding bonds for the payment or retirement of bonds or other obligations previously issued. Any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part shall mature within 60 years after the end of the fiscal year in which the initial community redevelopment plan was approved or adopted. However, in no event shall any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part mature later than the expiration of the plan in effect at the time such bonds or obligations were issued. The security for such bonds may be based upon the anticipated assessed valuation of the completed community redevelopment and such other revenues as are legally available. ~~In anticipation of the sale of such revenue bonds, the county, municipality, or community redevelopment agency may issue bond anticipation notes and may renew such notes from time to time, but the maximum maturity of any such note, including renewals thereof, may not exceed 5 years from the date of issue of the original note. Such notes shall be paid from any revenues of the county, municipality, or agency available therefor and not otherwise pledged or from the proceeds of sale of the revenue bonds in anticipation of which they were issued. Any bond, note, or other form of indebtedness pledging increment revenues to the repayment thereof shall mature no later than the end of the 30th fiscal year after the fiscal year in which increment revenues are first deposited into the redevelopment trust fund or the fiscal year in which the plan is subsequently amended. However, any refunding bonds issued pursuant to this paragraph section may not mature later than the final maturity date of any bonds or other obligations being paid or retired with the proceeds of such refunding bonds.~~

(b) ~~In anticipation of the sale of revenue bonds pursuant to paragraph (a), the county, municipality, or community redevelopment agency may issue bond anticipation notes and may renew such notes from time to time, but the maximum maturity of any such note, including renewals thereof, may not exceed 5 years from the date of issue of the original note. Such notes shall be paid from any revenues of the county, municipality, or community redevelopment agency available therefor and not otherwise pledged or from the proceeds of sale of the revenue bonds in anticipation of which they were issued.~~

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, strike all of lines 5-11 and insert: 163.385, and 163.387, F.S.; including the development and provision of affordable housing within provisions for establishing and developing community redevelopment areas; authorizing community redevelopment agencies to administer the disposition of certain real property under certain circumstances; revising provisions providing for issuance of bond anticipation notes; providing an effective

On motion by Senator Jones, by two-thirds vote **CS for SB 1944** 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

On motions by Senator Dudley, by two-thirds vote **HB 2545** was withdrawn from the Committees on Judiciary and Governmental Operations.

On motion by Senator Dudley—

**HB 2545**—A bill to be entitled An act relating to the distribution of Florida Cases; amending s. 25.311, F.S.; changing terminology in relation to Florida Cases; amending s. 25.321, F.S.; changing terminology to Supreme Court Librarian to specify with whom certain affidavits are to be filed; amending s. 25.331, F.S.; authorizing the provision of alternate forms of Florida Cases and the exchange of reports; amending s. 25.381, F.S.; providing for publication of Florida Cases in alternate formats; providing an effective date.

—a companion measure, was substituted for **SB 2658** and read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 2545** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

#### SENATOR CRENSHAW PRESIDING

**CS for SB 2536**—A bill to be entitled An act relating to the protection of children and vulnerable adults from abuse, neglect, and exploitation; amending s. 415.503, F.S.; redefining the term “harm” as used in provisions relating to abused and neglected children; providing for recommendations with respect to licensing of investigators of child abuse; providing minimum criteria; providing for a report to the Legislature; amending 415.504, F.S.; relating to mandatory reports of child abuse or neglect; eliminating anonymous reports; amending s. 119.07, F.S.; prescribing duties of the Department of Health and Rehabilitative Services in petitioning the court to release certain records relating to allegations of abuse, neglect, abandonment, or exploitation of children and vulnerable adults; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment:

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

Section 1. Subsection (2) of section 39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter:

(2) “Abuse” means any willful act that results in any physical, mental, or sexual injury that causes or is likely to cause the child’s physical, mental, or emotional health to be significantly impaired. *Corporal punishment of a child by a parent or guardian does not in itself constitute abuse when it does not result in physical injury or mental injury to the child as defined in s. 415.503.*

Section 2. Subsection (6) of section 415.50165, Florida Statutes, is amended to read:

415.50165 Definitions.—As used in this part:

(6) “Caregiver” means the biological or adoptive parent, adult household member, or other person responsible for a child’s welfare as defined in s. 415.503(13)(12).

Section 3. Subsections (8) through (17) of section 415.503, Florida Statutes, are renumbered as subsections (9) through (18), respectively, present subsection (9) is amended, and a new subsection (8) is added to said section, to read:

415.503 Definitions of terms used in ss. 415.502-415.514.—As used in ss. 415.502-415.514:

(8) “False report” means a report of abuse or neglect of a child to the central abuse registry and tracking system, which report is unfounded and is maliciously made for the purpose of:

(a) Harassing, embarrassing, or harming another person;

(b) Personal financial gain for the reporting person;

(c) Acquiring custody of a child; or

(d) Personal benefit for the reporting person in any other private dispute involving a child.

The term “false report” does not include an unfounded report of abuse or neglect of a child made in good faith to the central abuse registry and tracking system.

(10)(9) “Harm” to a child’s health or welfare can occur when the parent or other person responsible for the child’s welfare:

(a) Inflicts, or allows to be inflicted, upon the child physical, or mental, or emotional injury. *In determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental, or emotional injury to a child: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted.* Such injury includes, but is not limited to:

1. *Willful or intentional acts producing the following specific injuries:*

- a. Sprains, dislocations, or cartilage damage.
- b. Bone or skull fractures.
- c. Brain or spinal cord damage.
- d. Intracranial hemorrhage or injury to other internal organs.
- e. Asphyxiation, suffocation, or drowning.
- f. Injury resulting from the use of a deadly weapon.
- g. Burns or scalding.
- h. Cuts, lacerations, punctures, or bites.
- i. Permanent or temporary disfigurement.
- j. Permanent or temporary loss or impairment of a bodily part or function.

As used in this subparagraph, "willful" and "intentional" refer to the intent to perform an action, not the intent to achieve a result.

2. Purposely giving a child poison, alcohol, drugs, or other substances which substantially affect the child's behavior, motor coordination, or judgment or results in sickness or internal injury. For the purposes of this subparagraph, "drugs" means prescription drugs not prescribed for the child or not administered as prescribed, and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

3. Leaving a child without adult supervision or arrangement appropriate for the child's age or mental or physical condition, so that the child is unable to care for the child's own needs or another's basic needs or is unable to exercise good judgment in responding to any kind of physical or emotional crisis.

4. Inappropriate or excessively harsh disciplinary action that is likely to result in physical injury or significant mental or emotional injury. The significance of any injury shall be evaluated in light of the following factors: the age of the child, any prior history of injuries to the child, the location of the injury on the body of the child, the multiplicity of the injury, and the type of trauma inflicted. Corporal punishment of a child by a parent does not in itself constitute child abuse. Corporal punishment may be considered excessive or abusive when it results in any of the following or substantially similar injuries:

- a. Sprains, dislocations, or cartilage damage.
- b. Bone or skull fractures.
- c. Brain or spinal cord damage.
- d. Intracranial hemorrhage or injury to other internal organs.
- e. Asphyxiation, suffocation, or drowning.
- f. Injury resulting from the use of a deadly weapon.
- g. Burns or scalding.
- h. Cuts, lacerations, punctures, or bites.
- i. Permanent or temporary disfigurement.
- j. Permanent or temporary loss or impairment of a bodily part or function.
- k. Significant bruises or welts.

(b) Commits, or allows to be committed, sexual battery, as defined in chapter 794, against the child.

(c) Commits, or allows to be committed, sexual molestation of a child. "Sexual molestation of a child" means sexual conduct with a child when such contact, touching, or interaction is used for arousal or gratification of the sexual needs or desires of the person engaging in the conduct.

1. This term includes, but is not limited to:

a. The intentional touching of the genitals or intimate parts of the body, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering such areas, of the child by the person engaging in the conduct.

b. Encouraging, forcing, or permitting the child to inappropriately touch the genitals or intimate parts of the body of the person engaging in the conduct.

2. This term does not include:

a. Any act which may reasonable be construed to be a normal caretaker responsibility or expression of affection for a child.

b. Any act intended for a valid medical purpose.

(d) The sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:

1. Solicit for or engage in prostitution; or

2. Engage in a sexual performance, as defined by chapter 827.

(e) Exploits a child, or allows a child to be exploited, as provided in s. 450.151.

(f) Abandons the child. "Abandons" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligation. If the efforts of such parent or legal custodian or person primarily responsible for the child's welfare to support and communicate with the child are only marginal efforts that do not evince a settled purpose to assume all parental duties, the child may be determined to have been abandoned.

(g) Neglects the child. "Neglects" means that the parent or legal custodian fails to supply the child with adequate food, clothing, shelter, or health care, although financially able to do so or although offered financial or other means to do so. However, a parent or other person responsible for the child's welfare who, by reason of the legitimate practice of religious beliefs, does not provide specified medical treatment for a child may not be considered abusive or neglectful for that reason alone, but such an exception does not:

1. Eliminate the requirement that such a case be reported to the department;

2. Prevent the department from investigating such case; or

3. Preclude a court from ordering, when the health of the child requires it, the provision of medical services by a physician, as defined in this section, or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

(h) Exposes a child to a controlled substance or alcohol. Exposure to a controlled substance or alcohol is established by:

1. Use by the mother of a controlled substance or alcohol during pregnancy when the child, at birth, is demonstrably adversely affected by such usage; or

2. Continued chronic and severe use of a controlled substance or alcohol by a parent when the child is demonstrably adversely affected by such usage.

The parent of a newborn infant may not be subject to criminal investigation solely on the basis of the positive drug toxicology of a newborn infant.

(i) Uses mechanical devices, unreasonable restraints, or extended periods of isolation to control children.

(j) Engages in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child.

(k) Negligently fails to protect a child in their care from inflicted physical, mental, or sexual injury caused by the acts of another.

(l) Has allowed a child's sibling to die as a result of abuse or neglect.

~~1. Injury sustained as a result of excessive corporal punishment;~~  
~~2. Physical dependency of a newborn infant upon any drug controlled in Schedule I of s. 893.03, upon any drug controlled in Schedule II of s. 893.03 with the exception of drugs administered in conjunction with a~~

~~detoification program as defined in s. 397.021, or upon drugs administered in conjunction with medically approved treatment procedures; provided that no parent of such a newborn infant shall be subject to criminal investigation solely on the basis of such infant's drug dependency;~~

~~(b) Commits, or allows to be committed, sexual battery, as defined in chapter 794, against the child or commits, or allows to be committed, sexual abuse of a child;~~

~~(c) Exploits a child, or allows a child to be exploited, as provided in s. 450.151;~~

~~(d) Abandons the child;~~

~~(e) Fails to provide the child with supervision or guardianship by specific acts or omissions of a serious nature requiring the intervention of the department or the court;~~

~~(f) Fails to supply the child with adequate food, clothing, shelter, or health care, although financially able to do so or although offered financial or other means to do so; however, a parent or other person responsible for the child's welfare legitimately practicing his religious beliefs, who by reason thereof does not provide specified medical treatment for a child, may not be considered abusive or neglectful for that reason alone, but such an exception does not;~~

~~1. Eliminate the requirement that such a case be reported to the department;~~

~~2. Prevent the department from investigating such a case; or~~

~~3. Preclude a court from ordering, when the health of the child requires it, the provision of medical services by a physician, as defined herein, or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization; or~~

~~(g) Exposes a child from birth to 5 years of age to drugs. Exposure to drugs is established by a preponderance of evidence that the mother used a controlled substance during pregnancy or that the parent or parents demonstrate continued chronic and severe use of a controlled substance and as a result of such exposure the child exhibits any of the following:~~

~~1. Abnormal growth.~~

~~2. Abnormal neurological patterns.~~

~~3. Abnormal behavior problems.~~

~~4. Abnormal cognitive development.~~

~~For the purposes of this paragraph, "controlled substance" means any drug controlled in Schedule I or Schedule II of s. 893.03.~~

Section 4. Subsection (2) and paragraphs (a) and (c) of subsection (4) of section 415.504, Florida Statutes, are amended, and subsection (5) is added to said section, to read:

415.504 Mandatory reports of child abuse or neglect; mandatory reports of death; central abuse registry and tracking system.—

(2)(a) Each report of known or suspected child abuse or neglect pursuant to this section shall be made immediately to the department's central abuse registry and tracking system on the single statewide toll-free telephone number, and, if the report is of an instance of known or suspected child abuse by a noncaretaker, the call shall be immediately electronically transferred to the appropriate county sheriff's office by the central abuse registry and tracking system.

(b) Each report made by a person in an occupation designated in subsection (1) shall be confirmed in writing to the local office of the department designated by the central abuse registry and tracking system within 48 hours of the initial report.

(c) Reports involving known or suspected institutional child abuse or neglect shall be made and received in the same manner as all other reports made pursuant to this section.

(d) Reports involving known or suspected child-on-child sexual abuse shall be made and received by the department for reporting purposes. The department shall collect as much information as possible on the report before referring the report to an appropriate agency. If the department determines that the child-on-child sexual abuse report alleges caretaker neglect, it shall investigate the report.

(4)(a) The department shall establish and maintain a central abuse registry and tracking system which shall receive all reports made pursuant to this section in writing or through a single statewide toll-free telephone number which any person may use to report known or suspected child abuse or neglect at any hour of the day or night, any day of the week. The central abuse registry and tracking system shall be operated in such a manner as to enable the department to:

1. Immediately identify and locate prior reports or cases of child abuse or neglect through utilization of the department's automated tracking system.

2. Monitor and evaluate the effectiveness of the department's program for reporting, investigating, and classifying suspected abuse or neglect of children through the development and analysis of statistical and other information.

3. Track critical steps in the investigative process to ensure compliance with all requirements for any report of abuse or neglect.

4. Maintain and produce aggregate statistical reports monitoring patterns of both child abuse and child neglect. *The department shall collect and analyze child-on-child sexual abuse reports and include the information in aggregate statistical reports.*

5. Serve as a resource for the evaluation, management, and planning of preventive and remedial services for children who have been subject to abuse or neglect.

6. Initiate and enter into agreements with other states for the purpose of gathering and sharing information contained in confirmed reports on child maltreatment to further enhance programs for the protection of children.

(c)1. Upon commencing an investigation under this part, the child protective investigator shall inform any subject of the investigation of the following:

a. The names of the investigators and identifying credentials from the department.

b. The purpose of the investigation.

c. The possible consequences of the investigation.

d. How the information provided by the subject may be used.

e. The description of the risk assessment process and placement of a child.

f. That the child, the child's parent or guardian, the alleged perpetrator named in a proposed confirmed report, and legal counsel for the aforementioned persons have a right to a copy of any proposed confirmed or confirmed report at the conclusion of the investigation.

g. That persons who are entitled to receive a copy of the report also have the right to submit a written comment or rebuttal which may be made a part of the report.

h. That subjects may have additional appeal rights which will be explained in writing when appropriate and necessary at the conclusion of the investigation.

i. That the court will appoint a guardian ad litem to represent the interest of the child should dependency proceedings result from the investigation.

*j. That if the department removes the child from the home, an order will be entered for the financial support of the child while the child is in the care of the department, and that the parent or legal custodian will be obligated to pay the ordered child support and all other fees established by the department.*

*k.j.* The telephone number and name of a department employee available to answer questions.

2. Upon completion of its investigation, the department shall classify reports as "proposed confirmed" or "unfounded," unless the report is closed without classification, and *must* ~~shall~~ give notice of its classification as follows:

a. In the case of an unfounded report, notice of the classification shall be given to the parent or guardian of the child, the child if appropriate, and the alleged perpetrator.

b. In the case of a proposed confirmed classification, notice ~~must~~ shall be given to the parent or guardian of the child, the child if appropriate, the alleged perpetrator, and legal counsel for the aforementioned persons.

The department shall adopt rules prescribing the content of the notice to be provided and requiring uniformity of content and appearance of each notice of classification issued by the department.

(5) *Nothing in this section shall be construed to require a professional who is hired by or enters into a contract with the department for the purpose of treating or counseling an alleged perpetrator, perpetrator, or child, as a result of a report of child abuse or neglect, to again report to the central abuse registry and tracking system the abuse or neglect which was the subject of the referral for treatment.*

Section 5. Child-on-child sexual abuse report.—

(1) The Department of Health and Rehabilitative Services shall develop a report on child-on-child sexual abuse.

(2) The report shall address, at a minimum, the following issues:

(a) Delineation of the issues and concerns regarding the law, policy, procedures, and resources of the state designed to address this problem and examination of the merits of these issues and concerns.

(b) Definition of child-on-child sexual abuse for the purpose of treatment.

(c) Identification of the needs of the treatment system.

(d) Proposed recommended changes to statute, policy, programs, and funding to address the problem of child-on-child sexual abuse.

(e) Determination of the best methods to address diversion and intervention strategies.

(f) Identification of areas or issues lacking consensus regarding the appropriate state response.

(3) In developing the report, the department shall engage the viewpoints of a broad spectrum of individuals and groups, including child advocates, the judiciary, members of the legal community, members of the treatment and service provider community, and other interested parties.

(4) The department shall submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders in both the Senate and House, by no later than December 31, 1995.

Section 6. Paragraph (a) of subsection (2) of section 415.505, Florida Statutes, is amended to read:

415.505 Child protective investigations; institutional child abuse or neglect investigations.—

(2)(a) The department shall conduct a child protective investigation of each report of institutional child abuse or neglect. Upon receipt of a report which alleges that an employee or agent of the department, or any other entity or person covered by s. 415.503(11)(10) or (13)(12), acting in an official capacity, has committed an act of child abuse or neglect, the department shall immediately initiate a child protective investigation and orally notify the appropriate state attorney and law enforcement agency, which shall immediately conduct a joint criminal investigation, unless independent investigations are more feasible. In all cases, the department shall make a full written report to the state attorney within 3 days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. If the department, as a result of its investigation, determines that there is cause to classify the report of abuse or neglect as "proposed confirmed" rather than "unfounded," the department may recommend that criminal charges be filed against the alleged perpetrator. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of his investigation, the state attorney shall report his findings to the department and shall include in such report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

Section 7. Paragraph (a) of subsection (1) of section 415.5087, Florida Statutes, is amended to read:

415.5087 Grounds for appointment of a guardian advocate.—

(1) The court shall appoint the person named in the petition as a guardian advocate with all the powers and duties specified in s. 415.5088 for an initial term of 1 year upon a finding that:

(a) The child named in the petition is or was a drug dependent newborn as described in s. 415.503(10)(h)(9)(a)2;

Section 8. Paragraph (b) of subsection (1) of section 415.511, Florida Statutes, is amended to read:

415.511 Immunity from liability in cases of child abuse or neglect.—

(1)

(b) Except as provided in s. 415.503(10)(g)(9)(f), nothing contained in this section shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused or neglected a child, or committed any illegal act upon or against a child.

Section 9. Section 415.512, Florida Statutes, is amended to read:

415.512 Abrogation of privileged communications in cases involving child abuse or neglect.—The privileged quality of communication between husband and wife and between any professional person and his patient or client, and any other privileged communication except that between attorney and client or the privilege provided in s. 90.505, as such communication relates both to the competency of the witness and to the exclusion of confidential communications, shall not apply to any communication involving the perpetrator or alleged perpetrator in any situation involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required by s. 415.504 regardless of the source of the information requiring the report, failure to cooperate with the department in its activities pursuant to ss. 415.502-415.514, or failure to give evidence in any judicial proceeding relating to child abuse or neglect.

Section 10. Section 415.5131, Florida Statutes, is created to read:

415.5131 Administrative fines for false report of abuse or neglect of a child.—

(1) In addition to any other penalty authorized by this section, chapter 120, or other law, the department may impose a fine, not to exceed \$1,000 for each violation, upon a person who knowingly and willfully makes a false report of abuse or neglect of a child, or a person who counsels another to make a false report.

(2) If the department alleges that a person has filed a false report with the central abuse registry and tracking system, the department must file a Notice of Intent which alleges the name, age, and address of the individual, the facts constituting the allegation that the individual made a false report, and the administrative fine the department proposes to impose on the person. Each time that a false report is made constitutes a separate violation.

(3) The Notice of Intent to impose the administrative fine must be served upon the person alleged to have filed the false report and the person's legal counsel, if any. Such Notice of Intent must be given by certified mail, return receipt requested.

(4) Any person alleged to have filed the false report is entitled to an administrative hearing, pursuant to chapter 120, before the imposition of the fine becomes final. The person must request an administrative hearing within 60 days after receipt of the Notice of Intent by filing a request with the department. Failure to request an administrative hearing within 60 days after receipt of the Notice of Intent constitutes a waiver of the right to a hearing, making the administrative fine final.

(5) At the hearing, the department must prove by clear and convincing evidence that the person filed a false report with the central abuse registry and tracking system. The court shall advise any person against whom a fine may be imposed of that person's right to be represented by counsel at the hearing.

(6) In determining the amount of fine to be imposed, if any, the following factors shall be considered:

(a) The gravity of the violation, including the probability that serious physical or emotional harm to any person will result or has resulted, the severity of the actual or potential harm, and the nature of the false allegation.

(b) Actions taken by the false reporter to retract the false report as an element of mitigation, or, in contrast, to encourage an investigation on the basis of false information.

(c) Any previous false reports filed by the same individual.

(7) A decision by the department, following the administrative hearing, to impose an administrative fine for filing a false report constitutes final agency action within the meaning of chapter 120. Notice of the imposition of the administrative fine must be served upon the person and the person's legal counsel, by certified mail, return receipt requested, and must state that the person may seek judicial review of the administrative fine pursuant to s. 120.68.

(8) All amounts collected under this section shall be deposited into an appropriate trust fund of the department.

(9) A person who is determined to have filed a false report of abuse or neglect is not entitled to confidentiality. Subsequent to the conclusion of all administrative or other judicial proceedings concerning the filing of a false report, the name of the false reporter and the nature of the false report shall be made public, pursuant to s. 119.01(1). Such information shall be admissible in any civil or criminal proceeding.

(10) Any person making a report who is acting in good faith is immune from any liability under this section and shall continue to be entitled to have the confidentiality of their identity maintained.

Section 11. Section 415.515, Florida Statutes, is amended to read:

415.515 Establishment of Family Builders Program.—

(1) Any Family Builders Program that is established by the Department of Health and Rehabilitative Services shall provide family preservation services to families whose children are at risk of imminent out-of-home placement because they are dependent or delinquent; or are children in need of services, and to reunite families whose children have been removed and placed in foster care, and to maintain adoptive families intact who are at risk of fragmentation for a period of 30 days or less. The Family Builders Program shall provide programs to achieve long-term changes within families that will allow children to remain with their families as an alternative to the more expensive and potentially psychologically damaging program of out-of-home placement.

(2) The department may adopt rules to implement the Family Builders Program.

Section 12. (1) The Department of Health and Rehabilitative Services and the Department of Business and Professional Regulation must recommend standards and procedures to prepare, train, and license protective investigators responsible for investigating alleged reports of child abuse and neglect under chapter 415, Florida Statutes. At a minimum, in making the recommendations, the departments must consider licensing criteria for staff qualifications and training; procedures for licensure application, issuance, renewal, and revocation; licensing fees; and the fiscal impact of licensure on the public and private sectors.

(2) The recommendations must be completed by October 1, 1994, and a legislative report with recommendations for proposed licensing criteria and procedures for protective investigators must be submitted to the President of the Senate, the Speaker of the House of Representatives, and appropriate substantive committees of each house of the Legislature on or before December 15, 1994.

Section 13. In order to better protect families from malicious and false reports of child abuse or neglect, the department shall, no later than July 1, 1994, design and implement a training system for telephone counselors and other staff to improve the information gathered when a report of child abuse or neglect is being made and to specifically reduce the number of anonymous calls and the number of malicious reports. In addition, upon the implementation of this section, the department shall track the number of calls that begin as anonymous reports in which the callers subsequently give their identity, the number of calls that remain anonymous, and, for each of these categories, the percentage that are classified unfounded and the percentage classified proposed confirmed or confirmed. A report on the new system and the tracking, the results thereof, and any recommendations shall be made to the Legislature no later than 60 days prior to the 1996 regular session.

Section 14. Subsection (7) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(7)(a) Notwithstanding the provisions of paragraph (3)(a), any person or organization, including the Department of Health and Rehabilitative Services, may petition the court for an order making public the records of the Department of Health and Rehabilitative Services that pertain to investigations of alleged *vulnerable* adult or child abuse, neglect, abandonment, or exploitation. The court shall determine if good cause exists for public access to the records sought or a portion thereof. In making this determination, the court shall balance the best interest of the *vulnerable* adult or child who is the focus of the investigation, and in the case of the child, the interest of that child's siblings, together with the privacy right of other persons identified in the reports against the public interest. The public interest in access to such records is reflected in s. 119.01(1), and includes the need for citizens to know of and adequately evaluate the actions of the Department of Health and Rehabilitative Services and the court system in providing *vulnerable* ~~aged persons, disabled~~ adults, and children of this state with the protections enumerated in ss. 415.101 and 415.502. However, nothing in this subsection shall contravene the provisions of s. 415.51(9), which protect the name of any person reporting *vulnerable* adult or child abuse, neglect, or exploitation.

(b)1. In cases involving the death of a *vulnerable* ~~an aged person or disabled~~ adult as the result of abuse, neglect, or exploitation, there shall be a presumption that the best interest of the *vulnerable* ~~aged person or disabled~~ adult and the public interest will be served by full public disclosure of the circumstances of the investigation of the death and any other investigation concerning the *vulnerable* ~~aged person or disabled~~ adult.

2. In cases involving the death of a child as the result of abuse, neglect, or abandonment, there shall be a presumption that the best interest of the child and the child's siblings and the public interest will be served by full public disclosure of the circumstances of the investigation of the death of the child and any other investigation concerning the child and the child's siblings.

(c) In cases involving serious bodily injury to a child or *vulnerable* adult, the Department of Health and Rehabilitative Services may petition the court for an order for the immediate public release of records of the department which pertain to the investigation of abuse, neglect, abandonment, or exploitation of the child or *vulnerable* adult who suffered serious bodily injury. The petition must be personally served upon the child or *vulnerable* adult, the child's parents or guardian, the legal guardian of the *vulnerable* adult, if any, and any person named as an alleged perpetrator in the report of abuse, neglect, abandonment, or exploitation. The court must determine if good cause exists for the public release of the records sought no later than 24 hours, excluding Saturdays, Sundays, and legal holidays, from the date the department filed the petition with the court. If the court has neither granted nor denied the petition within the 24-hour time period, the department may release to the public summary information including:

1. A confirmation that an investigation has been conducted concerning the alleged victim.

2. The dates and brief description of procedural activities undertaken during the department's investigation.

3. The date of each judicial proceeding, a summary of each participant's recommendations made at the judicial proceedings, and the rulings of the court.

The summary information may not include the name of, or other identifying information with respect to, any person identified in any investigation. In making a determination to release confidential information, the court shall balance the best interests of the *vulnerable* adult or child who is the focus of the investigation and, in the case of the child, the interests of that child's siblings, together with the privacy rights of other persons identified in the reports against the public interest for access to public records. However, nothing in this paragraph shall contravene the provisions of s. 415.51(9), which protect the name of any person reporting *vulnerable* adult or child abuse, neglect, or exploitation.

(d) In cases involving the death of a child or *vulnerable* adult, the Department of Health and Rehabilitative Services may petition the court for an order for the immediate public release of records of the department which pertain to the investigation of abuse, neglect, abandonment, or exploitation of the child or *vulnerable* adult who died. The department must personally serve the petition upon the child's parents or guardian, the legal guardian of the *vulnerable* adult, if any, and any person named as an alleged perpetrator in the report of abuse, neglect, abandonment, or exploitation. The court must determine if good cause

exists for the public release of the records sought no later than 24 hours, excluding Saturdays, Sundays, and legal holidays, from the date the department filed the petition with the court. If the court has neither granted nor denied the petition within the 24-hour time period, the department may release to the public summary information including:

1. A confirmation that an investigation has been conducted concerning the alleged victim.

2. The dates and brief description of procedural activities undertaken during the department's investigation.

3. The date of each judicial proceeding, a summary of each participant's recommendations made at the judicial proceedings, and the ruling of the court.

In making a determination to release confidential information, the court shall balance the best interests of the vulnerable adult or child who is the focus of the investigation and, in the case of the child, the interest of that child's siblings, together with the privacy right of other persons identified in the reports against the public interest. However, nothing in this paragraph shall contravene the provisions of s. 415.51(9), which protect the name of any person reporting vulnerable adult or child abuse, neglect, or exploitation.

(e)(e) When the court determines that good cause for public access exists, the court shall direct that the department redact the name of and other identifying information with respect to any person identified in any unfounded report or proposed confirmed report or report closed without classification, or in any report which has not yet been classified pursuant to s. 415.103(3) or s. 415.504(4), until such time as the court finds that there is probable cause to believe that the person identified committed an act of alleged abuse, neglect, or abandonment.

Section 15. This act shall take effect October 1, 1994.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the protection of children and vulnerable adults from abuse, neglect, and exploitation; amending s. 39.01, F.S., relating to the definition of "abuse"; amending s. 415.503, F.S.; defining "false report" and redefining "harm"; amending s. 415.504, F.S.; providing for report and investigation of child-on-child sexual abuse; requiring certain notice to the subject of an investigation of child abuse or neglect, regarding obligation to pay child support and fees; clarifying responsibility of a professional providing treatment or counseling pursuant to reported child abuse or neglect; directing the Department of Health and Rehabilitative Services to develop a report on child-on-child sexual abuse; amending s. 415.512, F.S.; clarifying provisions relating to abrogation of privileged communication; creating s. 415.5131, F.S.; providing an administrative fine for false report; providing for notice and hearing; amending s. 415.515, F.S.; authorizing family preservation services to adoptive families, under the Family Builders Program; amending ss. 415.50165, 415.505, 415.5087, and 415.511, F.S.; correcting cross references; requiring the department and the Department of Business and Professional Regulation to recommend standards and procedures for the training and licensing of child protective investigators; requiring a report; directing the department to implement training of persons receiving reports of child abuse or neglect; requiring a report; amending s. 119.07, F.S.; revising provisions which provide requirements for disclosure of records of the department pertaining to investigations of abuse, neglect, abandonment, or exploitation; revising terminology with respect to application of such provisions to vulnerable adults; authorizing the department to petition the court for an order for immediate public release of such records when the child or vulnerable adult suffers serious injury or dies; authorizing the department to release summary information if the court does not make a determination within a specified period; providing requirements and conditions; providing an effective date.

Senator Hargrett moved the following amendment to **Amendment 1**:

**Amendment 1A (with Title Amendment)**—On page 24, between lines 10 and 11, insert:

Section 15. No governmental body shall make rules, policy, or ordinances that prohibit a parent or guardian from administering corporal punishment on a child which does not result in physical injury or mental injury to the child as delineated in section 415.503, Florida Statutes, in the ordinary course of disciplining a child on governmental property, except that this section shall not be construed to prohibit an agency from promulgating rules pursuant to specific statutory authority.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 26, strike line 11 and insert: forbidding a governmental body from establishing policies that prohibit a parent from administering corporal punishment on a child; providing an effective date.

Senator Dudley moved the following substitute amendment which was adopted:

**Amendment 1B (with Title Amendment)**—On page 24, between lines 10 and 11, insert:

Section 15. No governmental body shall make rules, policy, or ordinances that prohibit a parent or guardian from administering corporal punishment on his or her own child which does not result in physical injury or mental injury to the child as delineated in section 415.503, Florida Statutes, in the ordinary course of disciplining a child on governmental property, except that this section shall not be construed to prohibit an agency from promulgating rules pursuant to specific statutory authority.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 26, strike line 11 and insert: forbidding a governmental body from establishing policies that prohibit a parent from administering corporal punishment on a child; providing an effective date.

**Amendment 1** as amended was adopted.

On motion by Senator Hargrett, by two-thirds vote **CS for SB 2536** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28      Nays—7

## LOCAL BILLS

On motions by Senator Kirkpatrick, by two-thirds vote the following bills were placed on the Local Bill Calendar: **SB 3168, House Bills 2091, 1829, 2275 and 1039.**

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

**SB 3168**—A bill to be entitled An act relating to Broward County; amending chapter 57-1183, Laws of Florida, as amended, which created and incorporated a special tax district in Broward County, Florida, known as the Hillsboro Inlet Improvement and Maintenance District; providing for an extension of the life of said district until June 22, 2004; providing for a referendum.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

On motions by Senator Kirkpatrick, by two-thirds vote **HB 2091** was withdrawn from the Committees on Community Affairs; and Rules and Calendar.

**HB 2091**—A bill to be entitled An act relating to Alachua County; authorizing the board of county commissioners of Alachua County and each of the governing boards of the municipalities within the county to use the proceeds of the local government infrastructure surtax for the operation and maintenance of parks and recreation programs and facilities established with the proceeds of the surtax; authorizing establishment of trust funds; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **HB 2091** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

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

**HB 1829**—A bill to be entitled An act relating to the City of Milton, Santa Rosa County; repealing chapter 73-551, Laws of Florida, as amended, relating to the Civil Service System; providing for the provisions of chapter 73-551, Laws of Florida, as amended, to become an ordinance of the City of Milton subject to modification or repeal as any other ordinance of the city; providing ballot language for a referendum election; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

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

**HB 2275**—A bill to be entitled An act relating to Santa Rosa County; amending ch. 79-561, Laws of Florida, as amended; revising provisions relating to the civil service system for certain employees of Santa Rosa County; revising and adding definitions; amending provisions relating to the civil service board; exempting elections from the Florida Election Code; changing date of election or appointment and date to take office; revising provisions relating to organization, administration, funding, powers, and duties of the board and the system; authorizing a minimum allowance for board members; revising qualifications for board members; revising provisions relating to a classified pay plan, payrolls, efficiency standards, rules, registers, filling vacancies in the classified service, appointments, transfers, disciplinary matters, staff reductions, and confidentiality; deleting a penalty provision and an exemption to the act; providing conforming amendments; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

#### SENATOR CHILDERS PRESIDING

On motion by Senator Bankhead, by two-thirds vote **HB 1039** was withdrawn from the Committee on Rules and Calendar.

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

**HB 1039**—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended, relating to the Jacksonville Police and Fire Pension Board of Trustees; providing that the board shall have the power to issue subpoenas to compel attendance of witnesses, production of documents, and to administer oaths to witnesses; providing that the board shall have the power to invest in the stocks of corporations listed on national stock exchanges and the bonds of corporations with the three (3) highest classifications by a major rating service; providing an effective date.

—was read the second time by title.

Senator Bankhead moved the following amendment which was adopted:

**Amendment 1**—On page 1, lines 18-30 and on page 2, lines 1-26, strike all of said lines and insert:

Section 1. Paragraph (4) of subsection (b) of section 22.04 of article 22 of section 1 of chapter 92-341, Laws of Florida, is amended, and subsection (p) is added to that section, to read:

#### ARTICLE 22 JACKSONVILLE POLICE AND FIRE PENSION BOARD OF TRUSTEES

Section 22.04 General powers.—The board shall have the power to:

(b) Invest and reinvest the assets of the pension fund in:

(4) Bonds, stocks, or other evidences of indebtedness issued or guaranteed by a corporation organized under the laws of the United States,

any state or organized territory of the United States, or the District of Columbia, provided the stock of the corporation is listed on any one or more of the national stock exchanges and the bonds hold holds a rating in one of the three highest classifications by a major rating service; and the board of trustees shall not invest more than 5 percent of its assets in the common stock or capital stock of any one issuing company, nor shall the aggregate investment in any one issuing company exceed 5 percent of the outstanding capital stock of the company, nor shall the aggregate of its investments under this paragraph exceed 50 percent of the fund's assets in bonds, or 50 percent of the fund's assets in common stocks.

(p) Issue subpoenas to compel the attendance of witnesses and the production of books, papers, and records pertinent to any investigation or hearing concerning any application for membership or benefits, and to administer oaths to witnesses.

The foregoing list of expressed powers is not intended to be either complete or exclusive, and the board shall, in addition, have all such powers as it may reasonably determine to be necessary or appropriate to the performance of its duties under the retirement system. Any decision or judgment of the board in good faith on any questions arising hereunder in connection with the exercise of its powers shall be final, binding, and conclusive upon all parties concerned.

(Renumber subsequent sections.)

On motion by Senator Bankhead, by two-thirds vote **HB 1039** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

#### SPECIAL ORDER, continued

On motion by Senator Dantzler, by two-thirds vote **HB 2371** was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Dantzler—

**HB 2371**—A bill to be entitled An act relating to the Marine Fisheries Commission; repealing s. 18, ch. 93-213, Laws of Florida; abrogating the repeal of ss. 370.025-370.029, F.S.; providing for future repeal of said sections; providing for legislative review; providing an effective date.

—a companion measure, was substituted for **CS for SB 140** and read the second time by title. On motion by Senator Dantzler, by two-thirds vote **HB 2371** 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 176**—A bill to be entitled An act relating to resource protection; amending s. 193.441, F.S.; providing legislative findings and declaration; amending s. 193.461, F.S.; providing for classification and assessment of high-water recharge lands; providing procedures and requirements; providing for appeals to the value adjustment board; specifying the factors applicable to such classification; providing for determination of assessment of such land; providing for adoption of local ordinances; amending ss. 193.052, 194.011, 194.032, 194.037, 195.073, 195.096, F.S., relating to filing of returns, procedures of the value adjustment boards, and classification of real property, to conform; providing intent regarding application; providing an effective date.

—was read the second time by title.

Senator Dyer moved the following amendments which were adopted:

**Amendment 1**—On page 2, line 9, strike "ground water protection programs, including"

**Amendment 2**—On page 6, strike all of lines 1-4 and insert:

(4) It is the intent of the legislature that the provisions of this section shall in no way be implied or used as the basis for future zoning restrictions.

On motion by Senator Dyer, by two-thirds vote **CS for SB 176** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36      Nays—1

**CONSIDERATION OF BILL OUT OF ORDER**

On motion by Senator Kurth, by two-thirds vote **CS for HB 1387** was withdrawn from the Committee on Transportation.

On motion by Senator Kurth, by unanimous consent—

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

Senator Kurth moved the following amendment which was adopted:

**Amendment 1**—On page 2, strike all of lines 1-3 and insert: control of the State University System, except that traffic laws may be enforced off campus when hot pursuit originates on campus. *Community college police officers shall have the*

On motion by Senator Kurth, by two-thirds vote **CS for HB 1387** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

**RECONSIDERATION**

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

**CS for SB 1944**—A bill to be entitled An act relating to community redevelopment; amending ss. 163.340, 163.345, 163.350, 163.355, 163.360, 163.362, 163.365, 163.370, and 163.387, F.S.; including the development and provision of affordable housing within provisions for establishing and developing community redevelopment areas; authorizing community redevelopment agencies to administer the disposition of certain real property under certain circumstances; providing an effective date.

—passed as amended this day.

Senator Jones moved the following amendment which was adopted by two-thirds vote:

**Amendment 2**—On page 4, strike line 10 and insert: *coordinate with each housing authority or other affordable housing entities functioning within the*

On motion by Senator Jones, by two-thirds vote **CS for SB 1944** as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35      Nays—None

On motions by Senator Dantzler, by two-thirds vote **CS for HB 1305** was withdrawn from the Committees on Natural Resources and Conservation; and Agriculture.

On motion by Senator Dantzler, the rules were waived and by two-thirds vote—

**CS for HB 1305**—A bill to be entitled An act relating to water and wastewater systems; creating s. 367.0817, F.S.; providing for water reuse projects to be approved by the Public Service Commission; providing that prudent and reasonable costs of reuse shall be recovered in rates approved by the commission; providing for escrow of revenues attributed to such rates, subject to refund; providing for true-up of reuse costs and such rates; creating s. 373.250, F.S.; providing for the encouragement of reuse of reclaimed water; providing a definition; requiring the water management districts to adopt rules to allocate reclaimed water and to provide for emergency situations; providing for application; amending s. 403.064, F.S.; providing requirements for the use of reclaimed water; providing permit requirements for wastewater treatment facilities in water resource caution areas; providing for feasibility studies for reuse of reclaimed water; providing that permits issued by the Department of Environmental Protection for domestic wastewater treatment facilities must be consistent with requirements for reuse in applicable consump-

tive use permits; limiting disposal of effluent by deep well injection; amending s. 403.1838, F.S.; expanding the scope of the Small Community Sewer Construction Assistance Act; authorizing grants by the Department of Environmental Protection to financially disadvantaged small communities in accordance with rules adopted by the Environmental Regulation Commission; prescribing criteria for the commission's rules; requiring the department to review each grant; providing for grant funds to be used to pay the costs of program administration; providing for a continuation of current department rules for grants previously awarded; authorizing the Department of Environmental Protection to expend federal drinking water funds to make grants and loans; directing the Department of Environmental Protection to report on the status of any federally authorized drinking water state revolving fund program; providing an effective date.

—a companion measure, was substituted for **CS for SB 552** and by two-thirds vote read the second time by title.

Senator Kiser moved the following amendment which was adopted:

**Amendment 1**—On page 11, between lines 4 and 5, insert:

*(14) Unless otherwise agreed to by a non-owner of real property in a prior written agreement, only the owner of real property receiving the benefits of actual direct costs of impact and hook-up fees shall bear a proportionate share of a governmentally mandated improvement serving the real property.*

Senator Dantzler moved the following amendment:

**Amendment 2**—On page 5, line 18 through page 6, line 15, strike all of said lines and insert:

*(3) The water management district shall, in consultation with the department, adopt rules to implement this section. Such rules shall include, but not be limited to:*

*(a) Provisions to permit use of water from other sources in emergency situations or if reclaimed water becomes unavailable, for the duration of the emergency or the unavailability of reclaimed water. These provisions shall also specify the method for establishing the quantity of water to be set aside for use in emergencies or when reclaimed water becomes unavailable. The amount set aside is subject to periodic review and revision. The methodology shall take into account the risk that reclaimed water may not be available in the future, the risk that other sources may be fully allocated to other uses in the future, the nature of the uses served with reclaimed water, the extent to which the applicant intends to rely upon reclaimed water and the extent of economic harm which may result if other sources are not available to replace the reclaimed water. It is the intent of this paragraph to ensure that users of reclaimed water have the same access to ground or surface water and will otherwise be treated in the same manner as other users of the same class not relying on reclaimed water.*

*(b) A water management district shall not adopt any rule which gives preference to users within any class of use established under s. 373.246 who do not use reclaimed water over users within the same class who use reclaimed water.*

*(4) Nothing in this section shall impair a water management district's authority to plan for and regulate consumptive uses of water under this chapter.*

(Renumber subsequent sections.)

On motion by Senator Dantzler, further consideration of **CS for HB 1305** with pending **Amendment 2** was deferred.

**CS for SB 690**—A bill to be entitled An act relating to ad valorem tax administration; amending s. 193.075, F.S.; exempting certain mobile homes from ad valorem taxation; amending ss. 193.085, 194.171, F.S.; revising provisions relating to assessment of railroad property; authorizing the sharing of information; providing for venue in actions relating to such property; providing for suspension of collection of taxes in certain circumstances; amending s. 196.031, F.S.; prescribing requirements to be eligible for a homestead exemption; amending s. 196.101, F.S.; removing an award letter from the Social Security Administration to certify total and permanent disability for receiving an ad valorem tax exemption; permitting osteopathic physicians, in addition to physicians, to certify total and permanent disability; requiring the address of the physician on the

physician's certificate certifying disability; amending ss. 196.101, 196.131, F.S.; requiring willfulness, in addition to knowledge, to be guilty of a misdemeanor and revising the penalty for giving false information to claim disability; amending s. 200.065, F.S.; deleting a requirement that the resolution or ordinance adopted by a taxing authority stating its millage rate be sent to the Department of Revenue; amending ss. 193.1142 and 196.011, F.S.; requiring the inclusion of the social security numbers of an applicant for specified ad valorem tax exemptions, and of the applicant's spouse, if any, in exemption applications and assessment rolls; providing procedures for refiling of applications that omit the social security numbers; providing for implementation; providing a contingent effective date; providing that only property owned by persons not entitled to an exemption is subject to a tax lien; amending s. 196.041, F.S.; allowing lessees owning the leasehold interest in a bona fide lease having an original term of 98 years or more in a parcel in a residential subdivision to be deemed to have legal or beneficial and equitable title to property, thus qualifying them for a homestead exemption; amending s. 196.161, F.S.; requiring the property appraiser to serve a notice of intent to record a notice of tax lien against property that improperly received homestead exemption and allow the owner 30 days to pay taxes, penalties, and interest; clarifying that only property owned by the person improperly receiving the homestead exemption is subject to tax lien; providing effective dates.

— was read the second time by title.

Senator Wexler moved the following amendment which was adopted:

**Amendment 1 (with Title Amendment)**—On page 5, line 1, insert:

Section 4. Subsection (11) is added to section 196.011, Florida Statutes, to read:

196.011 Annual application required for exemption.—

(11) *Notwithstanding subsection (1), when the owner of property otherwise entitled to a religious exemption from ad valorem taxation fails to timely file an application for exemption, and because of a misidentification of property ownership on the property tax roll the owner is not properly notified of the tax obligation by the property appraiser and the tax collector, the owner of the property may file an application for exemption with the property appraiser. The property appraiser must consider the application, and if he determines the owner of the property would have been entitled to the exemption had the property owner timely applied, the property appraiser must grant the exemption. Any taxes assessed on such property shall be cancelled, and if paid, refunded. Any tax certificates outstanding on such property shall be cancelled and refund made pursuant to s. 197.432(10).*

Section 5. The amendment to section 196.011, Florida Statutes, made by section 4 of this act applies to the 1992 property tax year and thereafter.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 11, after "circumstances" insert: amending s. 196.011, F.S.; providing that under certain conditions religious organizations may refile for a tax exemption;

Senators Kirkpatrick and Forman offered the following amendment which was moved by Senator Kirkpatrick and adopted:

**Amendment 2 (with Title Amendment)**—On page 2, line 28, insert:

Section 1. Effective January 1, 1995, section 212.0515, Florida Statutes, is amended to read:

212.0515 Sales from vending machines; sales to vending machine operators; special provisions; registration; quarterly reports; penalties.—

(1) As used in this section:

(a) "Vending machine" means a machine, operated by coin, currency, credit card, slug, token, coupon, or similar device, which dispenses food or beverage items.

(b) "Operator" means any person who possesses a vending machine for the purpose of generating sales through that machine and who maintains the inventory in and removes the receipts from that vending machine.

(2) Notwithstanding any other provision of law, the amount of the tax to be paid on food and beverage items that are sold in vending machines shall be calculated by dividing the gross receipts from such sales for the applicable reporting period by a divisor, determined as provided in this subsection, to compute gross taxable sales, and then subtracting gross taxable sales from gross receipts to arrive at the amount of tax due. The divisor shall be equal to the sum of 1.0665 for beverage items, or 1.0645 for food items, *except that, for counties having a 6.5-percent sales tax rate, the divisor must be equal to the sum of 1.0689 for beverage items or 1.0682 for food items, and, for counties having a 7-percent sales tax rate, the divisor must be equal to the sum of 1.0743 for beverage items or 1.0735 for food items plus any applicable local option tax authorized by this part, expressed as a decimal.* However, the amount of the tax to be paid on natural fluid milk, homogenized milk, pasteurized milk, whole milk, chocolate milk, or similar milk products, natural fruit juices, or natural vegetable juices shall be calculated using the divisor that is specified for food items.

(3)(a) An operator of a vending machine may not operate or cause to be operated in this state any vending machine until the operator has registered with the department and has affixed an identifying device issued by the department ~~a notice~~ to each vending machine operated in this state. The identifying device shall be issued by the department upon application by the operator. An application must contain a listing of the vending-machine serial numbers and types of machine to which the identifying devices must be affixed. The identifying device must include a unique decal number and other information as required by the department. The operator shall permanently mark the device with the operator's name, the operator's sales tax number, and the vending-machine serial number of the vending machine to which it is to be affixed. An identifying device may not be transferred from one machine to another or from one operator to another. In the event the machine is transferred, the selling operator must remove the decal and report such removal from inventory annually to the department by December 31 of each year ~~which states the operator's name, address, and Federal Employer Identification (FEI) number. If the operator is not required to have an FEI number, the notice shall include his sales tax registration number.~~ The identifying device notices must be conspicuously displayed on the vending machine when it is being operated in this state and ~~shall~~ contain language providing notice to customers of the requirement that an identifying device must be affixed to the machine and that a machine without an identifying device may be reported to the department for a possible reward. ~~the following language in conspicuous type: NOTICE TO CUSTOMER: FLORIDA LAW REQUIRES THIS NOTICE TO BE POSTED ON ALL FOOD AND BEVERAGE VENDING MACHINES. REPORT ANY MACHINE WITHOUT A NOTICE TO (TOLL FREE NUMBER). YOU MAY BE ELIGIBLE FOR A CASH REWARD.~~

(b) There shall be no fee for an identifying device.

(c) An identifying device issued by the department must be displayed on any vending machine operated in this state on or after January 1, 1995.

(d)(b) The department shall establish a toll-free number to report any violations of this section. Upon a determination that a violation has occurred, the department shall pay the informant a reward of up to 10 percent of previously unpaid taxes recovered as a result of the information provided.

(4)(a) ~~Each operator shall submit to the department on or before the 30th day of the month following the close of each calendar quarter a report in a format prescribed by the department which provides the number of vending machines being operated by that operator in this state, which number is coded to indicate whether the machines are food or beverage machines; separate statements for food machines and for beverage machines which indicate the gross receipts from the operation of the machines during the quarterly period; and the amount of tax remitted pursuant to this part with respect to such receipts. All information shall be broken down by county.~~

(b) A penalty of \$250 per machine is imposed on an operator who fails to properly obtain and display the required identifying device notice on any machine. A penalty of \$250 is imposed on an operator who fails to provide the annual inventory report as required under subsection (3) ~~timely file a quarterly report or who files false information.~~ Penalties accrue interest as provided for delinquent taxes under this part and apply in addition to all other applicable taxes, interest, and penalties.

~~(c) The department is authorized to adopt rules regarding the form in which the quarterly report required by this subsection is to be submitted, which form may include magnetic tape or other means of electronic transmission.~~

(5)(a) Any person who sells food or beverages to an operator for resale through vending machines shall submit to the department on or before the 20th day of the month following the close of each calendar quarter a report which identifies by dealer registration number each operator described in paragraph (b) who has purchased such items from said person and states the net dollar amount of purchases made by each operator from said person. In addition, the report shall also include the purchaser's name, dealer registration number, and sales price for any tax-free sale for resale of canned soft drinks of 25 cases or more.

(b) Each operator who purchases food or beverages for resale in vending machines shall annually provide to the dealer from whom the items are purchased a certificate on a form prescribed and issued by the department. The certificate must affirmatively state that the purchaser is a vending machine operator. The certificate shall initially be provided upon the first transaction between the parties and by November 1 of each year thereafter.

(c) A penalty of \$250 is imposed on any person who is required to file the quarterly report required by this subsection who fails to do so or who files false information. A penalty of \$250 is imposed on any operator who fails to comply with the requirements of this subsection or who provides the dealer with false information. Penalties accrue interest as provided for delinquent taxes under this part and apply in addition to all other applicable taxes, interest, and penalties.

(d) The department is authorized to adopt rules regarding the form in which the quarterly report required by this subsection is to be submitted, which form may include magnetic tape or other means of electronic transmission.

(6) The provisions of this section do not apply to vending machines owned and operated by churches or synagogues.

(7) *Operators of small bulk vending machines that are placed on a single stand are required to display one identifying device for each stand.*

~~(8)(7)~~ In addition to any other penalties imposed by this part, a person who knowingly and willfully violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

~~(9)(8)~~ The department may adopt rules necessary to administer the provisions of this section, *including the application for, and the issuance of, identifying devices*, and may establish a schedule for phasing in the requirement that existing notices be replaced with revised *identifying devices notices* displayed on vending machines.

Section 2. Effective January 1, 1995, paragraph (b) of subsection (1) of section 212.12, Florida Statutes, is amended to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(1) Notwithstanding any other provision of law and for the purpose of compensating persons granting licenses for and the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property, for the purpose of compensating dealers providing communication services and taxable services, for the purpose of compensating owners of places where admissions are collected, and for the purpose of compensating remitters of any taxes or fees reported on the same documents utilized for the sales and use tax, as compensation for the keeping of prescribed records and the proper accounting and remitting of taxes by them, such seller, person, lessor, dealer, owner, and remitter (except dealers who make mail order sales) shall be allowed 2.5 percent of the amount of the tax due and accounted for and remitted to the department, in the form of a deduction in submitting his report and paying the amount due by him; the department shall allow such deduction of 2.5 percent of the amount of the tax to the person paying the same for remitting the tax in the manner herein provided, for paying the amount due to be paid by him, and as further compensation to dealers in tangible personal property for the keeping of prescribed records and for collection of taxes and remitting the same. However, if the amount of the tax due and remitted to the department for the reporting

period exceeds \$1,200, no allowance shall be allowed for all amounts in excess of \$1,200. The executive director of the department is authorized to negotiate a collection allowance, pursuant to rules promulgated by the department, with a dealer who makes mail order sales. The rules of the department shall provide guidelines for establishing the collection allowance based upon the dealer's estimated costs of collecting the tax, the volume and value of the dealer's mail order sales to purchasers in this state, and the administrative and legal costs and likelihood of achieving collection of the tax absent the cooperation of the dealer. However, in no event shall the collection allowance negotiated by the executive director exceed 10 percent of the tax remitted for a reporting period.

(b) The Department of Revenue may reduce the collection allowance by 10 percent or \$50, whichever is less, if a taxpayer files an incomplete return.

1. An "incomplete return" is, for purposes of this chapter, a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return may not be readily accomplished.

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify. The department shall require that transient rentals and agricultural equipment transactions be separately shown.

a. For returns remitted on or after February 1, 1992, the department shall also require that sales made through vending machines as defined in s. 212.0515 be separately shown.

b. *For returns remitted on taxes due on or after February 1, 1995, the number of coin-operated amusement and coin-operated vending machines that dispense food, beverages, or other items of tangible personal property operated in this state and the sales made through each type of those machines must be separately shown on the return or on a form prescribed by the department. If a separate form is required, the same provisions regarding the dealer's collection allowance, estimated taxes, penalties, and interest for late filing, incomplete filing, or failure to file as are provided for the sales tax return shall apply to that form. In addition to other penalties imposed under this part, a \$50 penalty is imposed for misrepresenting the number of vending machines that dispense food or beverage items required to be reported on the return or form, plus \$5 for each unreported machine in excess of 10 unreported machines.*

Section 3. Effective July 1, 1994, there is appropriated to the Department of Revenue, for fiscal year 1994-1995, the sum of \$550,000 from the General Revenue Fund, which sum shall be transferred into the department's Administrative Trust Fund to implement the provisions of this act.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, strike all of lines 2 and 3 and insert: An act relating to tax administration; amending s. 212.0515, F.S.; revising the requirements for calculating the tax on sales of foods and beverages through vending machines in counties levying a local option tax; requiring that identifying devices rather than notices be affixed to such vending machines; providing requirements relating to identifying devices; requiring certain reports on inventory; providing penalties for failure to display such devices or make such reports; removing requirements relating to the quarterly report required to be filed by operators of such machines; amending s. 212.12, F.S.; requiring that information relating to such vending machines and coin-operated amusement machines and sales made through such machines be separately shown on returns or a separate form; providing penalties; providing an appropriation;

Senators Grogan and Gutman offered the following amendment which was moved by Senator Grogan and adopted:

**Amendment 3 (with Title Amendment)**—On page 2, line 29, insert:

Section 1. Effective upon this act becoming law, and applying retroactively to January 1, 1994, section 196.1994, Florida Statutes, is created to read:

196.1994 Space laboratories exemption.—

(1) Notwithstanding other provisions of this chapter, modules, racks, lockers and their necessary subsystems owned by any person and intended for use as space laboratories launched into space aboard the space shuttle for the primary purpose of conducting scientific research in space are deemed to carry out a scientific purpose and are exempt from ad valorem taxation.

(2) This section is repealed July 1, 2004.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, strike all of lines 2 and 3 and insert: creating s. 196.1994, F.S.; providing an exemption from ad valorem taxes for certain space laboratories;

On motion by Senator Wexler, further consideration of **CS for SB 690** as amended was deferred.

On motions by Senator Sullivan, by two-thirds vote **HB 499** was withdrawn from the Committees on Health Care, Commerce and Appropriations.

On motion by Senator Sullivan—

**HB 499**—A bill to be entitled An act relating to perinatal, neonatal, infant, and toddler health care; amending s. 383.15, F.S.; revising legislative intent relating to perinatal care services; amending s. 383.16, F.S.; revising definitions; amending s. 383.17, F.S.; providing for a regional perinatal intensive care centers program; deleting reference to grants to health care providers; amending s. 383.18, F.S.; providing for contracts with the Department of Health and Rehabilitative Services; providing for medical and financial eligibility; amending s. 383.19, F.S.; providing for transportation services; increasing the maximum number of centers in the state; providing for Medicaid reimbursement; revising priority consideration for establishment of centers; amending s. 383.21, F.S.; revising requirements for program review; dividing, transferring, renumbering, and amending s. 383.215, F.S.; providing for developmental evaluation and intervention programs for high-risk and disabled newborn infants; providing definitions; specifying program requirements and services; requiring the department to coordinate with specified agencies; requiring the Department of Education to develop specified programs; creating s. 391.305, F.S.; providing for standards and rulemaking; creating s. 391.306, F.S.; providing for program funding; authorizing the Department of Health and Rehabilitative Services to contract with providers; creating s. 391.307, F.S.; requiring annual program review; repealing s. 383.144, F.S., relating to the infant hearing impairment program; repealing s. 383.171, F.S., relating to grants to neonatal intensive care centers; repealing s. 383.212, F.S., relating to program review, evaluations, and projections for neonatal intensive care centers; providing an effective date.

—a companion measure, was substituted for **SB 1612** and read the second time by title. On motion by Senator Sullivan, by two-thirds vote **HB 499** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

On motion by Senator Siegel, by two-thirds vote **HB 581** was withdrawn from the Committee on Judiciary.

On motion by Senator Siegel—

**HB 581**—A bill to be entitled An act relating to attorney's fees in domestic cases; amending s. 61.16, F.S.; providing that the court may award attorney's fees in the prosecution or defense of an appeal in domestic cases; providing an effective date.

—a companion measure, was substituted for **SB 1726** and read the second time by title. On motion by Senator Siegel, by two-thirds vote **HB 581** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—None

On motions by Senator Siegel, by two-thirds vote **CS for HB 1195** was withdrawn from the Committees on Transportation and Community Affairs.

On motion by Senator Siegel, the rules were waived and—

**CS for HB 1195**—A bill to be entitled An act relating to civil traffic infractions; creating s. 318.325, F.S.; providing jurisdiction and procedures for parking infractions for a county or municipality adopting the Civil Traffic Infraction Hearing Officer Program; amending ss. 318.30-318.38, F.S.; revising provisions governing the Civil Traffic Infraction Hearing Officer Program to make it an ongoing rather than a pilot program, to eliminate a caseload threshold necessary to establish the program, to revise terminology and eliminate obsolete provisions, and to reduce continuing education requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 1728** and read the second time by title. On motion by Senator Siegel, by two-thirds vote **CS for HB 1195** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motions by Senator Jones, by two-thirds vote **CS for HB 1147** was withdrawn from the Committees on Education and Transportation.

On motion by Senator Jones—

**CS for HB 1147**—A bill to be entitled An act relating to airport zoning regulations; amending s. 333.03, F.S.; revising regulations with respect to location of educational facilities within an area contiguous to an airport; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1750** and read the second time by title. On motion by Senator Jones, by two-thirds vote **CS for HB 1147** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—1

On motion by Senator McKay, by two-thirds vote **CS for HB 2409** was withdrawn from the Committee on Rules and Calendar.

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

**CS for HB 2409**—A bill to be entitled An act relating to the children; amending s. 39.01, F.S., relating to definitions; revising definitions and adding new definitions; directing the Division of Statutory Revision to alphabetize the definitions and update cross references; amending s. 39.40, F.S., relating to dependency proceedings; revising procedures; amending s. 39.402, F.S., relating to placement in a shelter; revising procedures and time periods; creating s. 39.4031, F.S.; providing case plan requirements; creating s. 39.4032, F.S.; providing for multidisciplinary case staffings; creating s. 39.4033, F.S.; providing for referral of a dependency case to court mediation; amending s. 39.404, F.S.; revising procedures relating to petitions for dependency; amending s. 39.405, F.S.; providing notice requirements and revising requirements relating to process and service in dependency proceedings; creating s. 39.4051, F.S.; providing special procedures in dependency cases when the identity or location of a parent is unknown; creating s. 39.4057, F.S.; providing for designation of permanent mailing address and use for notice purposes; amending s. 39.408, F.S., relating to hearings for dependency cases; revising disposition hearing provisions; amending s. 39.41, F.S.; revising powers of disposition in dependency cases; amending s. 39.427, F.S.; deleting reference to arbitration and providing for diversion mediation; amending s. 39.428, F.S.; providing for the establishment of a diversion mediation program; amending s. 39.429, F.S.; providing for diversion mediation disposition; repealing s. 39.43, F.S., relating to family arbitration; repealing s. 39.431, F.S., relating to family arbitrators; repealing s. 39.432, F.S., relating to family arbitration procedure; repealing s. 39.433, F.S., relating to family arbitration hearings; repealing s. 39.434, F.S., relating to family arbitration disposition; repealing s. 39.435, F.S., relating to family arbitration review; creating s. 39.4365, F.S.; providing for referral to in need of services mediation; amending s. 39.45, F.S.; revising legislative intent relat-

ing to children in foster care; amending s. 39.451, F.S.; deleting reference to performance agreements and providing for case planning for children in foster care; amending s. 39.452, F.S.; providing for case planning for children in foster care when parents do not participate; amending s. 39.453, F.S.; revising provisions relating to judicial review for children in foster care; amending s. 39.454, F.S.; deleting reference to performance agreements and providing for case planning relating to termination of parental rights proceedings; amending s. 39.461, F.S.; revising requirements for petitions for termination of parental rights; creating s. 39.4611, F.S.; providing required elements of petitions for termination of parental rights; creating s. 39.4612, F.S.; providing requirements for determining the manifest best interest of the child; amending s. 39.462, F.S.; revising requirements relating to process and service in termination of parental rights proceedings; creating s. 39.4625, F.S.; providing special procedures when the identity or location of a parent is unknown in termination of parental rights proceedings; creating s. 39.4627, F.S.; providing penalties for false statements of paternity in conjunction with termination of parental rights proceedings in certain circumstances; amending s. 39.464, F.S.; revising provisions relating to grounds for termination of parental rights; amending s. 39.465, F.S.; revising provisions relating to guardians ad litem in termination of parental rights proceedings; amending s. 39.466, F.S.; revising advisory hearing procedure in termination of parental rights proceedings; amending s. 39.467, F.S.; revising adjudicatory hearing procedure in termination of parental rights proceedings; amending s. 39.469, F.S.; revising disposition powers and procedure in termination of parental rights proceedings; repealing s. 39.468, F.S., relating to orders of adjudication; amending s. 39.47, F.S., relating to subsequent adoption proceedings and notification of parents; amending s. 39.473, F.S.; revising appeal procedure in termination of parental rights proceedings; amending s. 44.1011, F.S., relating to mediation alternatives; adding a definition; amending s. 44.102, F.S., relating to court-ordered mediation; authorizing dependency and in need of services mediation; amending s. 49.011, F.S.; providing for service of process by publication for termination of parental rights proceedings; amending ss. 409.145 and 409.167, F.S.; deleting reference to permanent commitment; amending s. 409.165, F.S.; revising provisions relating to alternate care for children; creating s. 409.1671, F.S.; providing foster care program contract options; creating s. 409.1672, F.S.; providing for monetary performance incentives for Department of Health and Rehabilitative Services employees with respect to the child welfare system; requiring case plan conversion by the department; creating s. 409.1673, F.S.; establishing legislative findings and intent; requiring plans for an objective assessment and case planning process for dependent children requiring placement in alternate care under chapters 39 and 409; requiring the department and other child welfare professionals to develop and implement a district plan for alternate care; creating s. 409.1674, F.S.; providing financial incentives to districts to develop a continuum of alternate care services to meet the needs of dependent children requiring placement outside of their own homes; providing for the review and selection of district plans; establishing a task force; providing for task force membership, terms, and duties; providing for financial incentives; providing an appropriation; requiring a contract with an independent agency; requiring legislative reports; reenacting and amending s. 409.165(4), F.S.; providing that foster care payments may be made directly to children under direct supervision of a case worker; requiring the Department of Health and Rehabilitative Services to provide certain information to the operators of residential placement facilities; requiring the department to make records of interrogations; requiring the department to develop a district organizational plan and to submit the plan to the Legislature; amending s. 415.503, F.S., relating to child abuse and neglect; defining "false report"; amending s. 415.504, F.S.; providing for report of child-on-child sexual abuse; requiring certain notice to the subject of an investigation of child abuse or neglect, regarding obligation to pay child support and fees; clarifying responsibility of a professional providing treatment or counseling pursuant to reported child abuse or neglect; directing the Department of Health and Rehabilitative Services to develop a report on child-on-child sexual abuse; amending s. 415.512, F.S.; clarifying provisions relating to abrogation of privileged communication; creating s. 415.5131, F.S.; providing an administrative fine for false report; providing for notice and hearing; amending s. 415.515, F.S.; authorizing family preservation services to adoptive families, under the Family Builders Program; amending ss. 415.50165, 415.505, 415.5087, and 415.511, F.S.; correcting cross references; amending s. 119.07, F.S.; revising provisions which provide requirements for disclosure of records of the department pertaining to investigations of abuse, neglect, abandonment, or exploitation; revising terminology with respect to application of such provisions to vulnerable adults; authorizing the department to petition the court for an order for

immediate public release of such records when the child or vulnerable adult suffers serious injury or dies; authorizing the department to release summary information if the court does not make a determination within a specified period; providing requirements and conditions; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1858** and by two-thirds vote read the second time by title. On motion by Senator McKay, by two-thirds vote **CS for HB 2409** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37      Nays—None

The Senate resumed consideration of—

**CS for SB 690**—A bill to be entitled An act relating to ad valorem tax administration; amending s. 193.075, F.S.; exempting certain mobile homes from ad valorem taxation; amending ss. 193.085, 194.171, F.S.; revising provisions relating to assessment of railroad property; authorizing the sharing of information; providing for venue in actions relating to such property; providing for suspension of collection of taxes in certain circumstances; amending s. 196.031, F.S.; prescribing requirements to be eligible for a homestead exemption; amending s. 196.101, F.S.; removing an award letter from the Social Security Administration to certify total and permanent disability for receiving an ad valorem tax exemption; permitting osteopathic physicians, in addition to physicians, to certify total and permanent disability; requiring the address of the physician on the physician's certificate certifying disability; amending ss. 196.101, 196.131, F.S.; requiring willfulness, in addition to knowledge, to be guilty of a misdemeanor and revising the penalty for giving false information to claim disability; amending s. 200.065, F.S.; deleting a requirement that the resolution or ordinance adopted by a taxing authority stating its millage rate be sent to the Department of Revenue; amending ss. 193.1142 and 196.011, F.S.; requiring the inclusion of the social security numbers of an applicant for specified ad valorem tax exemptions, and of the applicant's spouse, if any, in exemption applications and assessment rolls; providing procedures for refiling of applications that omit the social security numbers; providing for implementation; providing a contingent effective date; providing that only property owned by persons not entitled to an exemption is subject to a tax lien; amending s. 196.041, F.S.; allowing lessees owning the leasehold interest in a bona fide lease having an original term of 98 years or more in a parcel in a residential subdivision to be deemed to have legal or beneficial and equitable title to property, thus qualifying them for a homestead exemption; amending s. 196.161, F.S.; requiring the property appraiser to serve a notice of intent to record a notice of tax lien against property that improperly received homestead exemption and allow the owner 30 days to pay taxes, penalties, and interest; clarifying that only property owned by the person improperly receiving the homestead exemption is subject to tax lien; providing effective dates.

—which had been previously considered and amended this day.

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

**Amendment 4 (with Title Amendment)**—On page 2, line 29, insert:

Section 1. Paragraph (a) of subsection (1) of section 212.031, Florida Statutes, is amended to read:

212.031 Lease or rental of or license in real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.
2. Used exclusively as dwelling units.
3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).
4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium

units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way occupied or used by a utility for utility purposes.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft or, for the period July 1, 1990, through June 30, 1991, property used at an airport to operate advertising displays in any county as defined in s. 125.011(1).

8. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

10. Leased, subleased, or rented to a person providing food and drink concessionaire services within the premises of a movie theater, a business operated under a permit issued pursuant to chapter 550, or any publicly owned arena, sports stadium, convention hall, exhibition hall, auditorium, or recreational facility. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property or providing motor vehicle rentals within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, strike all of lines 2 and 3 and insert: amending s. 212.031; providing an exemption; amending s. 193.075, F.S.;

Senator Silver moved the following amendment which was adopted:

**Amendment 5**—On page 4, line 31, insert:

Section 4. Subsection (5) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(5) "Educational institution" means a federal, state, parochial, church, or private school, college, or university conducting regular classes and courses of study required for eligibility to certification by, accredita-

tion to, or membership in the State Department of Education of Florida, Southern Association of Colleges and Schools, or the Florida Council of Independent Schools; nonprofit private schools whose principal activity is conducting regular classes and courses of study accepted for continuing postgraduate dental education credit by a Board of the Division of Medical Quality Assurance or the Department of Business and Professional Regulation of the State of Florida; educational direct-support organizations created pursuant to ss. 229.8021, 240.299, and 240.331; and facilities located on the property of eligible entities which will become owned by those entities on a date certain.

#### RECONSIDERATION OF AMENDMENT

On motion by Senator Dyer, the Senate reconsidered the vote by which **Amendment 2** was adopted.

Senator Dyer moved the following amendments to **Amendment 2** which were adopted:

**Amendment 2A**—On page 8, between lines 28 and 29, insert:

Section 3. Effective July 1, 1994, there shall be established a commission to review and report to the legislature concerning the advisability of adopting a per-machine fee to replace the sales tax on sales of food and beverage items through vending machines. The commission shall consist of 12 members, six of whom shall be appointed by the Speaker and six of whom shall be appointed by the President. Each group of six appointees shall consist of two representatives of the food and beverage vending industry, two representatives of the beverage-only vending industry and two representatives from companies having 25 employees or less and which operate food and/or beverage machines but which are not primarily engaged in the sale of food or beverages through vending machines. Employees of the Department of Revenue together with staff from the appropriate committees of the Florida Legislature shall cooperate and work with the commission in its study and report. The commission's report shall be submitted to the Legislature no later than July 1, 1995. Members of the commission shall not be entitled to any compensation for expenses or otherwise for their participation in commission proceedings.

(Renumber subsequent section.)

**Amendment 2B**—On page 3, line 19, strike "January 1" and insert: March 1

**Amendment 2** as amended was adopted.

On motion by Senator Wexler, by two-thirds vote **CS for SB 690** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33      Nays—None

On motions by Senator Silver, by two-thirds vote **HB 2493** was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Silver—

**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.

—a companion measure, was substituted for CS for SB 1936 and read the second time by title.

Senators Silver and Johnson offered the following amendment which was moved by Senator Silver and adopted:

**Amendment 1 (with Title Amendment)**—On page 54, between lines 8 and 9, insert:

Section 22. The Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation is directed to conduct a study of the laws governing mandatory homeowners' associations and residential subdivisions and report to the President of the Senate and the Speaker of the House of Representatives concerning the same, on or before January 15, 1995. The study must evaluate the changes and additions, if any, to those laws which may be appropriate to protect the interests of consumers and property owners on matters including, but not limited to, control of the association's operations; agreements for recreational amenities, management, and maintenance; and disclosure of covenants governing the real property. The division is encouraged to accept input from the public, including organizations representing individuals affected by those laws.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 27, after the semicolon (;) insert: directing the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to conduct a study of laws governing homeowners' associations and residential subdivisions;

Senators Wexler, Silver, Forman and Scott offered the following amendment which was moved by Senator Wexler and adopted:

**Amendment 2**—On page 54, between lines 8 and 9, insert:

Section . For the purpose of property and casualty insurance risk classification, condominiums shall be classed as residential property.

(Renumber subsequent sections.)

Senator Weinstein moved the following amendment which was adopted:

**Amendment 3 (with Title Amendment)**—On page 54, strike all of lines 9 and 10 and insert:

Section 22. Section 418.21, Florida Statutes, is amended to read:

418.21 Governing body.—

(1) The governing body of a recreation district shall be determined by ordinance of the municipality or county that ~~which~~ created the district and ~~must shall~~ be either:

(a) A five-member or larger board of supervisors elected from among the residents of the district, or

(b) The governing body of the municipality or county that ~~which~~ created the district.

(2)(a) If the governing body is a board of supervisors, the ordinance ~~must creating the district shall~~ specify the date of the election and ~~must shall~~ provide that each property owner or resident in the district ~~has shall~~ have the right to vote in the election. The ordinance may also provide for the staggering of terms of the supervisors. *The ordinance may also provide for the establishment of designated geographic areas within the*

*district from each of which are elected one or more members of the board of supervisors to represent that area, provided the ordinance is made contingent on approval by a majority vote of the electors in each designated area.*

(b) Members of the board of supervisors shall serve without compensation.

(3) If the governing body is the governing body of the municipality or county that ~~which~~ created the district, that body may appoint a district advisory board to advise it on all matters relating to the district. Members of the advisory board shall serve without compensation.

Section 23. Subsection (3) of section 418.22, Florida Statutes, is amended to read:

418.22 Powers of recreation districts.—The charter of a recreation district may grant to the recreation district the following powers and all further or additional powers as the governing body of the municipality or county establishing the district may deem necessary or useful in order to exercise the powers for which provision is hereinafter made. The powers which may be granted by such charter include the following:

(3) To acquire, purchase, construct, improve, and equip recreational facilities of all types, including real and personal property, within the boundaries of the district; such acquisition may be by purchase, lease, gift, or exercise of the power of eminent domain. *If the governing body of the municipality or county that created the recreation district for exclusive use by a condominium established under chapter 718 or a cooperative established under chapter 719 makes the finding described in s. 418.24(4), the governing body of the district may make the recreational facilities available exclusively for district residents and property owners, and may restrict any access to recreational facilities by nonresidents by rules adopted by the governing body of the district. Prior to any vote of the electors in the district adopting or amending a charter pursuant to s. 418.20, the governing body shall decide whether the criteria in s. 418.24(4) apply and whether the recreation district shall be available exclusively for the district residents. The recreation district may construct and maintain security buildings and other structures needed to regulate access to, and provide security for, the recreational facilities.*

Section 24. Section 418.24, Florida Statutes, is amended to read:

418.24 Filing of ordinance.—Any ordinance creating or amending the charter of a recreation district, upon being finally adopted, shall be filed in the minutes of the governing body of the municipality or county, and certified copies thereof shall be filed with the county clerk of the county in which said district is located and with the property appraiser of said county. The charter of a recreation district may contain findings by the governing body of the municipality or county:

(1) That the creation of such district is the best alternative available for delivering recreational service.

(2) That such district is amenable to separate special district government.

(3) That all of the territory in the district will be benefited by proposed improvements to be made by said district.

(4) *That, for recreation districts created for exclusive use by a condominium established pursuant to chapter 718 or a cooperative established under chapter 719, based upon the number of residents, potential for proliferation of crime, automobile traffic flow, district development, availability of other recreational facilities outside the district, excessive noise levels, or other factors applicable to the particular district, a valid and paramount public purpose will be served by making the recreational facilities available exclusively for district residents and property owners.*

If such charter contains any one or more such findings, each such finding may be reviewed by a court only as part of any review of the ordinance making such finding.

Section 25. Except for this section and sections 22, 23, and 24 of this act, which shall take effect upon becoming a law, this act shall take effect October 1, 1994.

And the title is amended as follows:

In title, on page 2, strike all of lines 27 and 28 and insert: reserve accounts and warranties; amending s. 418.21, F.S.; providing that the board of supervisors of a recreation district may have more than five members; providing for the establishment of designated geographical areas and for representation of those areas; amending s. 418.22, F.S.; providing that recreational facilities may be made available exclusively for district residents and property owners under certain circumstances; providing for restricting access; providing for determination of applicability of certain criteria prior to adoption or amendment of a charter; providing for security buildings and other structures; amending s. 418.24, F.S.; providing for an additional finding in a charter of a recreation district regarding availability of recreational facilities; providing effective dates.

Senator Silver moved the following amendments which were adopted:

**Amendment 4**—On page 12, line 10, strike “post in a conspicuous place on the condominium property” and insert: mail or deliver, whether by separate association mailing or included in another association mailing or delivery including regularly published newsletters, to each unit owners entitled to a vote,

**Amendment 5**—On page 39, between lines 11 and 12, insert:

(3) Unless other procedures are provided in the cooperative documents or such action is expressly prohibited by the Articles of Incorporation or bylaws of the cooperative, the association may change the configuration or size of any unit in a mobile home cooperative in a material fashion, or materially alter or modify the common areas or appurtenances of such unit if the action is approved by 75 percent of the total voting interests of the cooperative.

On motion by Senator Silver, by two-thirds vote **HB 2493** as amended 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 Turner, by two-thirds vote **CS for HB 2587** was withdrawn from the Committees on International Trade, Economic Development and Tourism; Education; Governmental Operations; and Appropriations.

On motion by Senator Turner—

**CS for HB 2587**—A bill to be entitled An act relating to small and minority business enterprises; amending s. 11.42, F.S.; revising requirements for audit by the Auditor General; amending s. 17.11, F.S.; clarifying certain financial disbursement reporting requirements of the Comptroller; amending s. 240.209, F.S.; requiring certain rules of the Board of Regents to provide for compliance with certain minority business enterprise utilization provisions for certain purposes; amending ss. 255.05, 288.063, 288.701, and 288.803, F.S.; conforming references to the Commission on Minority Economic and Business Development; creating s. 255.101, F.S.; specifying criteria for use of minority business enterprises in certain public construction contracts; creating s. 255.102, F.S.; establishing guidelines for rules for assessing use of minority business enterprises by contractors; amending s. 287.012, F.S.; providing a definition; amending s. 287.042, F.S.; allowing the Minority Business Advocacy and Assistance Office to monitor and consult with agencies for certain purposes; excluding protests filed by the Minority Business Advocacy and Assistance Office from application of provisions providing for award of attorney's fees and costs; providing for monitoring by the Minority Business Advocacy and Assistance Office in certain bid responses; amending s. 287.057, F.S.; imposing new requirements with respect to procurement of commodities or contractual services; requiring agencies to consider use of price preferences under certain circumstances; requiring contractors to report certain information; creating s. 287.0931, F.S.; encouraging government entities issuing bonds through underwriters to offer certain participation to minority firms; specifying requirements for minority firms; amending s. 287.094, F.S.; clarifying provisions relating to penalty for false representation in the minority business enterprise programs; amending s. 287.0943, F.S.; directing the office to convene the “Minority Business Certification Task Force”; providing for membership; providing duties; providing powers; requiring certification of businesses as minority business enterprises eligible to participate in state and local government minority purchasing programs; specifying criteria for certification; providing procedures; providing review and challenge procedures; requiring the office to maintain certain records; requiring the office to establish

and administer a computerized data bank for certain purposes; requiring the office to adopt rules; creating s. 287.09431, F.S.; providing for a state-wide and interlocal agreement on certification of business concerns for certain purposes; specifying the form and contents of such agreement; providing for transfer of functions, duties, accounts and other administrative details from the Department of Management Services to the Commission on Minority Economic and Business Development; amending s. 287.0945, F.S.; creating the Commission on Minority Business Economic and Business Development; providing for membership; providing for an executive administrator; providing duties of the commission; establishing the Minority Business Advocacy and Assistance Office within the commission; providing additional authority and duties; providing for authority to contract and to receive and accept gifts; providing requirements of agencies with respect to procurements; providing procedures; providing for guidelines for use of price preferences under certain circumstances; requiring agencies to furnish certain information to the Minority Business Advocacy and Assistance Office; clarifying duties of the Minority Business Advocacy and Assistance Office; amending s. 287.0947, F.S.; creating the Florida Council on Small and Minority Business Development; providing for membership; providing powers and duties of the council; amending ss. 24.113, 287.055, 288.1167 and 325.207, F.S.; correcting a cross reference; amending s. 288.703, F.S.; revising certain definitions; amending s. 288.705, F.S.; requiring the Small Business Development Center to coordinate with Minority Business Development Centers; providing for review and repeal of minority business enterprise provisions; repealing s. 288.704, F.S., relating to the Small and Minority Business Advisory Council; reviving and readopting ss. 288.707-288.714, s. 657.042(4)(b), and s. 658.67(4)(g), F.S., relating to the Black Business Investment Board; providing an effective date.

—a companion measure, was substituted for **CS for SB 426** and read the second time by title.

Senator Harden moved the following amendment which failed:

**Amendment 1**—On page 20, lines 26-31, and on page 21, line 1 strike all of said lines and insert:

(c) All agencies shall avoid any undue concentration

The vote was:

Yeas—12      Nays—16

On motion by Senator Turner, by two-thirds vote **CS for HB 2587** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23      Nays—8

On motions by Senator Jenne, by two-thirds vote **HB 2199** was withdrawn from the Committees on Judiciary and Appropriations.

On motion by Senator Jenne—

**HB 2199**—A bill to be entitled An act relating to trust funds; creating the Family Courts Trust Fund within the Supreme Court; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—a companion measure, was substituted for **SB 2322** and read the second time by title. On motion by Senator Jenne, by two-thirds vote **HB 2199** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37      Nays—None

Consideration of **CS for SB 242** and **CS for SB's 136 and 1716** was deferred.

On motions by Senator Grant, by two-thirds vote **CS for HB 307** was withdrawn from the Committees on Education; Community Affairs; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Grant—

**CS for HB 307**—A bill to be entitled An act relating to educational institutions; amending s. 212.08, F.S.; revising the definition of “educational institutions” for purposes of exemption from the tax on sales, use, and other transactions to include certain nonprofit educational cable consortia; providing an effective date.

—a companion measure, was substituted for **SB 244** and read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for HB 307** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29      Nays—None

**CS for SB 2044**—A bill to be entitled An act relating to governmental communication ethics; creating the Truth in Budgeting Act; providing legislative intent; requiring state agencies to furnish information to the Division of Economic and Demographic Research for use in monitoring estimates made by consensus estimating conferences; requiring public officers and employees to communicate certain information to specified officers and employees; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for SB 2044** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32      Nays—None

Consideration of **CS for SB's 302 and 196** was deferred.

**SB 1450**—A bill to be entitled An act relating to worker safety with respect to agricultural pesticides; designating ss. 487.011-487.175, F.S., as Part I of chapter 487, F.S., entitled “Pesticides”; amending ss. 487.011, 487.012, 487.021, 487.025, 487.031, 487.041, 487.0435, 487.045, 487.046, 487.047, 487.049, 487.051, 487.0615, 487.071, 487.081, 487.091, 487.101, 487.111, 487.13, 487.156, 487.159, 487.161, 487.163, 487.171, and 487.175, F.S.; changing the term “chapter” to “part” to conform; creating s. 487.201, F.S.; creating the “Florida Agricultural Worker Safety Act”; creating s. 487.202, F.S.; providing legislative intent; creating s. 487.203, F.S.; providing definitions; creating s. 487.204, F.S.; providing for the enforcement of federal worker protection regulations; creating s. 487.205, F.S.; providing for the availability of agricultural pesticide information to workers, designated representatives, and physicians; creating s. 487.206, F.S.; providing for prohibited acts; creating s. 487.207, F.S.; providing penalties; providing for relief against retaliation; providing for monitoring of complaints of retaliation; amending s. 448.103, F.S.; expanding general labor regulations provisions relating to employees' rights of recovery in specified actions to include rights protected under the Florida Agricultural Worker Safety Act; providing for future repeal; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendment which was moved by Senator Foley and adopted:

**Amendment 1 (with Title Amendment)**—On page 23, strike all of lines 16-18 and insert:

Section 14. Paragraph (b) of subsection (1), and Subsection (4) of section 487.0615, Florida Statutes, are amended to read:

487.0615 Pesticide Review Council.—

(1)

(b) The council shall consist of 11 scientific members as follows: a scientific representative from the department, a scientific representative from the Department of Environmental Protection Regulation, ~~a scientific representative from the Department of Natural Resources~~, a scientific representative from the Department of Health and Rehabilitative

Services, and a scientific representative from the Game and Fresh Water Fish Commission, each to be appointed by the respective agency; the dean of research of the Institute of Food and Agricultural Sciences of the University of Florida; and ~~six five~~ members to be appointed by the Governor. The ~~six five~~ members to be appointed by the Governor must be a pesticide industry representative, a representative of an environmental group, a hydrologist, a toxicologist, a scientific representative from one of the water management districts rotated among the five districts, and a grower representative from a list of three persons nominated by the statewide grower associations ~~and an independent scientific research consultant with experience in both government and industry~~. Each member shall be appointed for a term of 4 years and shall serve until a successor is appointed. A vacancy shall be filled for the remainder of the unexpired term.

And the title is amended as follows:

In title, on page 1, line 12, after “conform;” insert: amending the membership of the Pesticide Review Council;

Senator Foley moved the following amendment which was adopted:

**Amendment 2 (with Title Amendment)**—Strike everything after the enacting clause and insert:

Section 1. Sections 487.011 through 487.175, Florida Statutes, are hereby designated as part I of chapter 487, Florida Statutes, entitled:

#### PART I PESTICIDES

Section 2. Section 487.011, Florida Statutes, is amended to read:

487.011 Short title; administration.—This *part law* may be cited as the “Florida Pesticide Law” and shall be administered by the Department of Agriculture and Consumer Services.

Section 3. Section 487.012, Florida Statutes, is amended to read:

487.012 Declaration of purpose.—The purpose of this *part chapter* is to regulate the distribution, sale, and use of pesticides, except as provided in chapters 388 and 482, and to protect people and the environment from the adverse effects of pesticides.

Section 4. The introductory paragraph, subsections (31) and (45), paragraph (c) of subsection (49), and subsection (57) of section 487.021, Florida Statutes, are amended to read:

487.021 Definitions.—For the purpose of this *part chapter*:

(31) “Highly toxic” means any highly poisonous pesticide as determined by the rules promulgated pursuant to this *part chapter*.

(45) “Official sample” means any sample of a pesticide taken by the department in accordance with the provisions of this *part chapter* or rules adopted under this *part chapter*, and designated as official by the department.

(49) “Pesticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses, bacteria, or fungi on or in living man or other animals, which the department by rule declares to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; however, the term “pesticide” does not include any article that:

(c) Is an animal feed within the meaning of s. 201(x) of the Federal Food, Drug, and Cosmetic Act bearing or containing an article covered *in this subsection by paragraph (a) or paragraph (b)*.

(57) “Registrant” means the person registering any pesticide pursuant to the provisions of this *part chapter*.

Section 5. Paragraph (f) of subsection (2) of section 487.025, Florida Statutes, is amended to read:

487.025 Misbranding.—

(2) A pesticide is misbranded if:

(f) Any word, statement, or other information required by or under authority of this *part chapter* to appear on the labeling is not prominently placed thereon with such conspicuousness, as compared with other

words, statements, designs, or graphic matter in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

Section 6. Subsections (2), (4), and (5) and paragraphs (b), (g), (h), (l), (n), (p), (q), and (r) of subsection (13) of section 487.031, Florida Statutes, are amended to read:

487.031 Prohibited acts.—It is unlawful:

(2) To distribute, sell, or offer for sale within this state any pesticide or product which has not been registered pursuant to the provisions of *this part* ~~§ 487.041~~, except pesticides distributed, sold, offered for sale, or used in accordance with the provisions of federal or state restriction, supervision, or cancellation orders or other existing stock agreements.

(4) To detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in *this part chapter* or rules promulgated under *this part chapter*, or to add any substance to, or take any substance from, any pesticide in a manner that may defeat the purpose of *this part chapter*.

(5) For any person to use for his own advantage or to reveal any information relative to formulas of products acquired by authority of *this part* ~~§ 487.041~~, other than to: the department, proper officials, or employees of the state; the courts of this state in response to a subpoena; physicians, pharmacists, and other qualified persons, in an emergency, for use in the preparation of antidotes. The information relative to formulas of products is confidential and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(13) For any person to:

(b) Make a pesticide recommendation or application not in accordance with the label, except as provided in *this section* ~~subsection (10)~~, or not in accordance with recommendations of the United States Environmental Protection Agency or not in accordance with the specifications of a special local need registration;

(g) Refuse or, after notice, neglect to comply with the provisions of *this part chapter*, the rules adopted under *this part chapter*, or any lawful order of the department;

(h) Refuse or neglect to keep and maintain the records required by *this part chapter* or to submit reports when and as required;

(l) Aid or abet a licensed or unlicensed person to evade the provisions of *this part chapter*, or combine or conspire with a licensed or unlicensed person to evade the provisions of *this part chapter*, or allow a license to be used by an unlicensed person;

(n) Make false or misleading statements, or fail to report, pursuant to *this part* ~~§ 487.150(2)~~, any suspected or known damage to property or illness or injury to persons caused by the application of pesticides;

(p) Fail to maintain a current liability insurance policy or surety bond as provided for in *this part* ~~§ 487.046~~;

(q) Fail to adequately train, as provided for in *this part* ~~§ 487.1585~~, unlicensed applicators or mixer-loaders applying restricted-use pesticides under the direct supervision of a licensed applicator; or

(r) Fail to provide authorized representatives of the department with records required by *this part chapter* or with free access for inspection and sampling of any pesticide, areas treated with or impacted by these materials, and equipment used in their application.

Section 7. Subsections (1), (2), (3), and (8) of section 487.041, Florida Statutes, are amended to read:

487.041 Registration.—

(1) Every pesticide which is distributed, sold, or offered for sale, except as provided in *this section* ~~subsection (9)~~, within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered in the office of the department, and such registration shall be renewed annually. Emergency exemptions from registration may be authorized in accordance with the rules of the department. The registrant shall file with the department a statement including:

(a) The name and street address of the registrant.

(b) The name of the pesticide.

(c) An ingredient statement and a complete copy of the labeling accompanying the pesticide which shall conform to the registration, and a statement of all claims to be made for it, including directions for use and a guaranteed analysis showing the names and percentages by weight of each active ingredient, the total percentage of inert ingredients, and the names and percentages by weight of each "added ingredient."

(2) For the purpose of defraying expenses of the department in connection with carrying out the provisions of *this part chapter*, each person shall pay an annual registration fee of \$225 for each registered pesticide. The annual registration fee for each special local need label and experimental use permit shall be \$100. All registrations expire on December 31 of each year. Nothing in this section shall be construed as applying to distributors or retail dealers selling pesticides when such pesticides are registered by another person.

(3) The department shall adopt rules governing the procedures for pesticide registration and for the review of data submitted by an applicant for registration of a pesticide. The department shall determine whether a pesticide should be registered, registered with conditions, or tested under field conditions in this state. The department shall determine that all requests for pesticide registrations meet the requirements of current state and federal law. The department, whenever it deems it necessary in the administration of *this part chapter*, may require the manufacturer or registrant to submit the complete formula, quantities shipped into or manufactured in the state for distribution and sale, evidence of the efficacy and the safety of any pesticide, and other relevant data. The department, for reasons of adulteration, misbranding, or other good cause, may refuse or revoke the registration of any pesticide, after notice to the applicant or registrant giving the reason for the decision. The applicant may then request a hearing, pursuant to chapter 120, on the intention of the department to refuse or revoke registration, and, upon his failure to do so, the refusal or revocation shall become final without further procedure. In no event shall registration of a pesticide be construed as a defense for the commission of any offense prohibited under *this part chapter*.

(8) Nothing in this section affects the authority of the department to administer the pesticide registration program under *this part chapter* or the authority of the Commissioner of Agriculture to approve the registration of a pesticide.

Section 8. Section 487.0435, Florida Statutes, is amended to read:

487.0435 License classification.—The department shall issue certified applicator licenses in the following classifications: certified public applicator; certified private applicator; and certified commercial applicator. In addition, separate classifications and subclassifications may be specified by the department in rule as deemed necessary to carry out the provisions of *this part chapter*. Each classification shall be subject to requirements or testing procedures to be set forth by rule of the department and shall be restricted to the activities within the scope of the respective classification as established in statute or by rule. In specifying classifications, the department may consider, but is not limited to, the following:

(1) Whether the license sought is for commercial, public, or private applicator status.

(2) The method of applying the restricted-use pesticide.

(3) The specific crops upon which restricted-use pesticides are applied.

(4) The proximity of populated areas to the land upon which restricted-use pesticides are applied.

(5) The acreage under the control of the licensee.

(6) The pounds of technical restricted toxicant applied per acre per year by the licensee.

Section 9. Section 487.045, Florida Statutes, is amended to read:

487.045 Fees.—

(1) The department shall establish applicable fees by rule. The fees shall not exceed \$250 for commercial applicators or \$100 for private applicators and public applicators, for initial licensing and for each subsequent license renewal. The fees shall be determined annually and shall represent department costs associated with enforcement of the provisions of *this part section* ~~and §§ 487.031 and 487.175~~.

(2) Fees collected under the provisions of this *part chapter* shall be deposited into the General Inspection Trust Fund and shall be used to defray expenses in the administration of this chapter.

Section 10. Subsection (2) of section 487.046, Florida Statutes, is amended to read:

487.046 Application; licensure.—

(2) If the department finds the applicant qualified in the classification for which the applicant has applied, and if the applicant applying for a license to engage in aerial application of pesticides has met all of the requirements of the Federal Aviation Agency and the Department of Transportation of this state to operate the equipment described in the application and has shown proof of liability insurance or posted a surety bond in an amount to be set forth by rule of the department, the department shall issue a certified applicator's license, limited to the classifications for which the applicant is qualified. The license shall expire as required by rules promulgated under this *part chapter*, unless it has been revoked or suspended by the department prior to expiration, for cause as provided in this *part chapter*. The license or authorization card issued by the department verifying licensure shall be kept on the person of the licensee while performing work as a licensed applicator.

Section 11. Section 487.047, Florida Statutes, is amended to read:

487.047 Nonresident license; reciprocal agreement; authorized purchase.—

(1) The department may waive all or part of the examination requirements provided for in this *part chapter* on a reciprocal basis with any other state or agency, or an Indian tribe, that has substantially the same or better standards.

(2) Any nonresident applying for a license under this *part chapter* to operate in the state shall file a Designation of Registered Agent naming the Secretary of State as the agent of the nonresident, upon whom process may be served in the event of any suit against the nonresident. The designation shall be prepared on a form provided by the department and shall render effective the jurisdiction of the courts of this state over the nonresident applicant. However, any nonresident who has a duly appointed registered agent upon whom process may be served as provided by law shall not be required to designate the Secretary of State as registered agent. The Secretary of State shall be allowed the registered-agent fees as provided by law for designating registered agents. The department shall be furnished with a copy of the designation of the Secretary of State or of a registered agent which is certified by the Secretary of State. The Secretary of State shall notify the department of any service of process it receives as registered agent for persons licensed under this *part chapter*.

(3) Restricted-use pesticides may be purchased by any person who holds a valid applicator's license or who holds a valid purchase authorization card issued by the department or by a licensee under chapter 482 or chapter 388. A nonlicensed person may apply restricted-use pesticides under the direct supervision of a licensed applicator. An applicator's license shall be issued by the department on a form supplied by it in accordance with the requirements of this *part chapter*.

Section 12. Subsection (1) of section 487.049, Florida Statutes, is amended to read:

487.049 Renewal; late fee; recertification.—

(1) The department shall require renewal of a certified applicator's license at 4-year intervals from the date of issuance. If the application for renewal of any license provided for in this *part chapter* is not filed on time, a late fee shall be assessed not to exceed \$50. However, the penalty shall not apply if the renewal application is filed within 60 days after the renewal date, provided the applicant furnishes an affidavit certifying that he has not engaged in business subsequent to the expiration of his license for a period not exceeding 60 days. A license may be renewed without taking another examination unless the department determines that new knowledge related to the classification for which the applicant has applied makes a new examination necessary; however, the department may require the applicant to provide evidence of continued competency, as determined by rule. If the license is not renewed within 60 days of the expiration date, then the licensee may again be required to take another examination, unless there is some unavoidable circumstance which results in the delay of the renewal of any license issued under this *part chapter* which was not under the applicant's control.

Section 13. Paragraph (b) of subsection (1), and subsection (2) of section 487.051, Florida Statutes, are amended to read:

487.051 Administration; rules; procedure.—

(1) The department may by rule:

(b) Establish procedures for the taking and handling of samples and establish tolerances and deficiencies where not specifically provided for in this *part chapter*; assess penalties; and prohibit the sale or use of pesticides or devices shown to be detrimental to human beings, the environment, or agriculture or to be otherwise of questionable value.

(2) The department is authorized to adopt by rule the primary standards established by the United States Environmental Protection Agency with respect to pesticides. If the provisions of this *part chapter* are preempted in part by federal law, those provisions not preempted shall apply. This *part chapter* is intended as comprehensive and exclusive regulation of pesticides in this state. Except as provided in chapters 373, 376, 388, 403, and 482, or as otherwise provided by law, no agency, commission, department, county, municipality, or other political subdivision of the state may adopt laws, regulations, rules, or policies pertaining to pesticides, including their registration, packaging, labeling, distribution, sale, or use, except that local jurisdictions may adopt or enforce an ordinance pertaining to pesticides if that ordinance is in the area of occupational license taxes, building and zoning regulations, disposal or spillage of pesticides within a water well zone, or pesticide safety regulations relating to containment at the storage site.

Section 14. Paragraph (b) of subsection (1) and subsection (4) of section 487.0615, Florida Statutes, are amended to read:

487.0615 Pesticide Review Council.—

(1)

(b) The council shall consist of 11 scientific members as follows: a scientific representative from the Department of Agriculture and Consumer Services, a scientific representative from the Department of Environmental Protection Regulation, ~~a scientific representative from the Department of Natural Resources~~, a scientific representative from the Department of Health and Rehabilitative Services, and a scientific representative from the Game and Fresh Water Fish Commission, each to be appointed by the respective agency; the dean of research of the Institute of Food and Agricultural Sciences of the University of Florida; and ~~six five~~ six members to be appointed by the Governor. The ~~six five~~ six members to be appointed by the Governor must be a pesticide industry representative, a representative of an environmental group, a hydrologist, a toxicologist, ~~a scientific representative from one of the water management districts rotated among the five districts, and a grower from a list of three persons nominated by the statewide grower associations and an independent scientific research consultant with experience in both government and industry~~. Each member shall be appointed for a term of 4 years and shall serve until a successor is appointed. A vacancy shall be filled for the remainder of the unexpired term.

(4) The council is defined as a "substantially interested person" and has standing under chapter 120 in any proceeding conducted by the department relating to the registration of a pesticide under this *part chapter*. The standing of the council shall in no way prevent individual members of the council from exercising standing in these matters.

Section 15. Subsections (1), (2), (3), (4), and (6) and paragraphs (a) and (e) of subsection (7) of section 487.071, Florida Statutes, are amended to read:

487.071 Enforcement, inspection, sampling, and analysis.—

(1) The department is authorized to enter upon any public or private premises or carrier where pesticides are known or thought to be distributed, sold, offered for sale, held, stored, or applied, during regular business hours in the performance of its duties relating to pesticides and records pertaining to pesticides. No person shall deny or refuse access to the department when it seeks to enter upon any public or private premises or carrier during business hours in performance of its duties under this *part chapter*.

(2) The department is authorized and directed to sample, test, inspect, and make analyses of pesticides sold, offered for sale, distributed, or used within this state, at a time and place and to such an extent as it may deem necessary, to determine whether the pesticides or persons

exercising control over the pesticides are in compliance with the provisions of this *part chapter*, the rules adopted under this *part chapter*, and the provisions of the pesticide label or labeling.

(3) The official analysis shall be made from the official sample. A sealed and identified sample, herein called "official check sample" shall be kept until the analysis on the official sample is completed. However, the registrant may obtain upon request a portion of the official sample. Upon completion of the analysis of the official sample, a true copy of the certificate of analysis shall be mailed to the registrant of the pesticide from whom the official sample was taken and also to the dealer or agent, if any, and consumer, if known. If the official analysis conforms with the provisions of this *part chapter*, the official check sample may be destroyed. If the official analysis does not conform with the provisions of this *part chapter*, the rules adopted under this *part chapter*, and the provisions of the pesticide label or labeling, the official check sample shall be retained for a period of 90 days from the date of the certificate of analysis of the official sample. If within that time the registrant of the pesticide from whom the official sample was taken makes demand for analysis by a referee chemist, a portion of the official check sample sufficient for analysis shall be sent to a referee chemist who is mutually acceptable to the department and the registrant for analysis at the expense of the registrant. Upon completion of the analysis, the referee chemist shall forward to the department and to the registrant a certificate of analysis bearing a proper identification mark or number; and such certificate of analysis shall be verified by an affidavit of the person or laboratory making the analysis. If the certificate of analysis checks within 3 percent of the department's analysis on each active ingredient for which analysis was made, the mean average of the two analyses shall be accepted as final and binding on all concerned. However, if the referee's certificate of analysis shows a variation of greater than 3 percent from the department's analysis in any one or more of the active ingredients for which an analysis was made, upon demand of either the department or the registrant from whom the official sample was taken, a portion of the official check sample sufficient for analysis shall be submitted to a second referee chemist who is mutually acceptable to the department and the registrant, at the expense of the party or parties requesting the referee analysis. Upon completion of the analysis, the second referee chemist shall make a certificate and report as provided in this subsection for the first referee chemist. The mean average of the two analyses nearest in conformity shall be accepted as final and binding on all concerned. If no demand is made for an analysis by a second referee chemist, the department's certificate of analysis shall be accepted as final and binding on all concerned.

(4) If a pesticide or device fails to comply with the provisions of this *part chapter* with reference to the ingredient statement reflecting the composition of the product, as required on the registration and labeling, and the department contemplates possible criminal proceedings against the person responsible because of this violation, the department shall, after due notice, accord the person an informal hearing or an opportunity to present evidence and opinions, either orally or in writing, with regard to such contemplated proceedings. If in the opinion of the department the facts warrant, the department may refer the facts to the state attorney for the county in which the violation occurred, with a copy of the results of the analysis or the examination of such article; provided that nothing in this *part chapter* shall be construed as requiring the department to report for prosecution minor violations whenever it believes that the public interest will be subserved by a suitable notice of warning in writing.

(6) The department shall, by publication in such manner as it may prescribe, give notice of all judgments entered in actions instituted under the authority of this *part chapter*.

(7)

(a) The department may analyze pesticide samples upon request in a manner consistent with this *part chapter*.

(e) In addition to any other penalty provided by this *part chapter*, the registrant of any pesticide found to be adulterated, misbranded, or otherwise deficient shall reimburse the person requesting the pesticide analysis under this subsection for all fees assessed by and paid to the department.

Section 16. Subsections (2), (3), and (4) of section 487.081, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

487.081 Exemptions.—

(2) No article shall be deemed in violation of this *part chapter* when intended solely for export to a foreign country and when prepared or packed according to the specifications or directions of the purchaser.

(3) Notwithstanding any other provision of this *part chapter*, registration required under ~~this part s. 487.041~~ is not required in the case of a pesticide stored or shipped from one manufacturing plant within this state to another manufacturing plant within this state operated by the same person.

(4) Nothing in this *part chapter* shall be construed to apply to persons duly licensed or certified under chapter 388 or chapter 482 performing any pest control or other operation for which they are licensed or certified under those chapters.

(5) *The agricultural employer may provide coveralls, chemical-resistant gloves, and chemical-resistant footwear, instead of the personal protective equipment specified on the label, for any worker doing irrigation work for which the only contact with treated surfaces is to the feet, lower legs, hands, and arms.*

Section 17. Subsection (2) of section 487.091, Florida Statutes, is amended to read:

487.091 Tolerances, deficiencies, and penalties.—

(2) If a pesticide is found by analysis to be deficient in an active ingredient beyond the tolerance as provided in this *part chapter*, the registrant is subject to a penalty for the deficiency, not to exceed \$10,000 per violation. However, no penalty shall be assessed when the official sample was taken from a pesticide that was in the possession of a consumer for more than 45 days from the date of purchase by that consumer, or when the product label specifies that the product should be used by an expiration date that has passed. Procedures for assessing penalties shall be established by rule, based on the degree of the deficiency. Penalties assessed shall be paid to the consumer or, in the absence of a known consumer, the department. If the penalty is not paid within the prescribed period of time as established by rule, the department may deny, suspend, or revoke the registration of any pesticide.

Section 18. Section 487.101, Florida Statutes, is amended to read:

487.101 Stop-sale, stop-use, removal, or hold orders.—

(1) When a pesticide or device is being offered or exposed for sale, used, or held in violation of any of the provisions of this *part chapter*, the department may issue and enforce a stop-sale, stop-use, removal, or hold order, in writing, to the owner or custodian of the pesticide or device, ordering that the pesticide or device be held at a designated place until the *part chapter* has been complied with and the pesticide or device is released, in writing, by the department or the violation has been disposed of by court order.

(2) The written notice is warning to all persons, including, but not limited to, the owner or custodian of the pesticide or the owner's or custodian's agents or employees, to scrupulously refrain from moving, bothering, altering, or interfering with the pesticide or device or from altering, defacing, or in any way interfering with the written notice or permitting the same to be done. The willful violation of these provisions is a misdemeanor, subjecting the violator to the penalty provisions of *this part s. 487.175*.

(3) The department shall release the pesticide or device under a stop-sale, stop-use, removal, or hold order when the owner or custodian complies with the provisions of this *part chapter*.

(4) The owner or custodian, with authorization and supervision of the department, may relabel the pesticide or device so that the label will conform to the product, or transfer and return the product to the manufacturer or supplier for the purpose of bringing the product in compliance with the provisions of this *part chapter*.

Section 19. Subsection (1) of section 487.111, Florida Statutes, is amended to read:

487.111 Seizure, condemnation, and sale.—

(1) Any lot of pesticide or device not in compliance with the provisions of this *part chapter* is subject to seizure on complaint of the department to the circuit court in the county in which the pesticide or device

is located. In the event the court finds the pesticide or device in violation of this *part chapter* and orders it condemned, it shall be disposed of as the court may direct; provided that in no instance shall the disposition of the pesticide or device be ordered by the court without first giving the owner or custodian an opportunity to apply to the court for release of the pesticide or device or for permission to process or relabel it to bring it into compliance with this *part chapter*.

Section 20. Section 487.13, Florida Statutes, is amended to read:

487.13 Cooperation.—The department is authorized and empowered to cooperate with and enter into agreements with any other agency of this state, the United States Department of Agriculture, the United States Environmental Protection Agency, and any other state or federal agency for the purpose of carrying out the provisions of this *part chapter* and securing uniformity of regulations.

Section 21. Section 487.156, Florida Statutes, is amended to read:

487.156 Governmental agencies.—All governmental agencies shall be subject to the provisions of this chapter and rules adopted under this *part chapter*. Public applicators using or supervising the use of restricted-use pesticides shall be subject to examination as provided in s. 487.044.

Section 22. Subsection (1) of section 487.159, Florida Statutes, is amended to read:

487.159 Damage or injury to property, animal, or person; mandatory report of damage or injury; time for filing; failure to file.—

(1) The person claiming damage or injury to property, animal, or human beings from application of a pesticide shall file with the department a written statement claiming damages, on a form prescribed by the department, within 48 hours after the damage or injury becomes apparent. The statement shall contain, but shall not be limited to, the name of the person responsible for the application of the pesticide, the name of the owner or lessee of the land on which the crop is grown and for which the damages are claimed, and the date on which it is alleged that the damages occurred. The department shall investigate the alleged damages and notify all concerned parties of its findings. If the findings reveal a violation of the provisions of this *part chapter*, the department shall determine an appropriate penalty, as provided in *this part s. 487.175*. The filing of a statement or the failure to file such a statement need not be alleged in any complaint which might be filed in a court of law, and the failure to file the statement shall not be considered any bar to the maintenance of any criminal or civil action.

Section 23. Section 487.161, Florida Statutes, is amended to read:

487.161 Exemptions, nonagricultural pest control and research.—

(1) Any person duly licensed or certified under chapter 482, or under the supervision of chapter 388, is exempted from the licensing provisions of this *part chapter*.

(2) The use of the antibiotic oxytetracycline hydrochloride for the purpose of controlling lethal yellowing is exempted from the licensing provisions of this *part chapter*.

(3) The personnel of governmental, university, or industrial research agencies are exempted from the provisions of this *part chapter* when doing applied research within a laboratory, but shall comply with all the provisions of this *part chapter* when applying restricted-use pesticides to experimental or demonstration plots.

Section 24. Section 487.163, Florida Statutes, is amended to read:

487.163 Information; interagency cooperation.—

(1) The department may, in cooperation with the University of Florida or other agencies of government, publish information and conduct short courses of instruction in the safe use and application of pesticides for the purpose of carrying out the provisions of this *part chapter*.

(2) The department may cooperate or enter into formal agreements with any other agency or educational institution of this state or its subdivisions or with any agency of any other state or of the Federal Government for the purpose of carrying out the provisions of this *part chapter* and of securing uniformity of regulations.

Section 25. Subsections (1), (2), and (3) of section 487.171, Florida Statutes, are amended to read:

487.171 Classification of antifouling paint containing organotin compounds as restricted-use pesticides; prohibition of distribution and sale.—

(1) The department shall classify antifouling paints containing organotin compounds having an acceptable release rate as restricted-use pesticides subject to the requirements of this *part chapter*. Antifouling paints containing organotin having acceptable release rates and sold in spray cans of 16 ounces avoirdupois weight or less for outboard motor or lower unit use are exempt from the restricted-use pesticide classification requirement.

(2) The department shall initiate action under chapter 120, to deny or cancel the registration of antifouling paints containing organotin compounds which do not have an acceptable release rate or do not meet other criteria established by the department in accordance with this *part chapter*.

(3) Distribution, sale, and use of antifouling paints containing organotin compounds with acceptable release rates shall be limited to dealers and applicators licensed by the department in accordance with this *part chapter*, to distribute, sell, or use restricted-use pesticides. Such paint may be applied only by licensed applicators and may be applied only to vessels which exceed 25 meters in length or which have aluminum hulls.

Section 26. Section 487.175, Florida Statutes, is amended to read:

487.175 Penalties; administrative fine; injunction.—

(1) In addition to any other penalty provided in this *part chapter*, when the department finds any person, applicant, or licensee has violated any provision of this *part chapter* or rule adopted under this *part chapter*, it may enter an order imposing any one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Issuance of a warning letter.

(d) Placement of the licensee on probation for a specified period of time and subject to conditions the department may specify by rule, including requiring the licensee to attend continuing education courses, to demonstrate competency through a written or practical examination, or to work under the direct supervision of another licensee.

(e) Imposition of an administrative fine not to exceed \$10,000 for each violation. When imposing any fine under this paragraph, the department shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of money the violator benefited from by noncompliance, whether the violation was committed willfully, and the compliance record of the violator.

(2) Any person who violates any provision of *this part s. 487.031* or rules adopted pursuant thereto commits a misdemeanor of the second degree and upon conviction is punishable as provided in ss. 775.082 and 775.083. For a subsequent violation, such person commits a misdemeanor of the first degree and upon conviction is punishable as provided in ss. 775.082 and 775.083.

(3) In addition to the remedies provided in this *part chapter* and notwithstanding the existence of any adequate remedy at law, the department may bring an action to enjoin the violation or threatened violation of any provision of this *part chapter*, or rule adopted under this *part chapter*, in the circuit court of the county in which the violation occurred or is about to occur. Upon the department's presentation of competent and substantial evidence to the court of the violation or threatened violation, the court shall immediately issue the temporary or permanent injunction sought by the department. The injunction shall be issued without bond. A single act in violation of any provision of this *part chapter* shall be sufficient to authorize the issuance of an injunction.

Section 27. Part II of chapter 487, Florida Statutes, consisting of ss. 487.201, 487.202, 487.203, 487.204, 487.205, 487.206, and 487.207, Florida Statutes, is created to read:

PART II  
FLORIDA AGRICULTURAL WORKER  
SAFETY ACT

487.201 Short title.—This part may be cited as the “Florida Agricultural Worker Safety Act” and shall be administered by the Department of Agriculture and Consumer Services.

487.202 Legislative intent.—It is the intent of the Legislature, by this part, to ensure that agricultural workers employed in the state receive protection from agricultural pesticides. The Legislature intends to assure that agricultural workers be given information concerning agricultural pesticides.

487.203 Definitions.—For purposes of this part:

(1) “Agricultural employer” means any person who hires or contracts for the services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is an owner of or is responsible for the management or condition of an agricultural establishment that uses such workers.

(2) “Agricultural establishment” means any farm, forest, nursery, or greenhouse.

(3) “Agricultural plant” means any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants, trees, turfgrass, flowers, shrubs, ornamentals, and seedlings.

(4) “Department” means the Department of Agriculture and Consumer Services or its authorized representative.

(5) “Designated representative” means any person or organization to whom a worker gives written authorization to exercise the right to request the agricultural pesticide information pursuant to this part.

(6) “Fact sheet” means any state or federally approved fact sheet.

(7) “Material safety data sheet” means written or printed material concerning an agricultural pesticide which sets forth the following information:

(a) The chemical name and the common name of the agricultural pesticide.

(b) The hazards or other risks in the use of the agricultural pesticide, including:

1. The potential for fire, explosions, corrosivity, and reactivity.
2. The known acute health effects and chronic health effects of risks from exposure to the agricultural pesticide, including those medical conditions which are generally recognized as being aggravated by exposure to the agricultural pesticide.
3. The primary routes of entry and symptoms of overexposure.

(c) The proper precautions, handling practices, necessary personal protective equipment, and other safety precautions in the use of or exposure to the agricultural pesticide, including appropriate emergency treatment in case of overexposure.

(d) The emergency procedures for spills, fire, disposal, and first aid.

(e) A description of the known specific potential health risks posed by the agricultural pesticide, which description is written in lay terms and is intended to alert any person who reads the information.

(f) The year and the month, if available, that the information was compiled and the name, address, and emergency telephone number of the manufacturer responsible for preparing the information.

(8) “Retaliation” means actions, such as dismissal, demotion, harassment, blacklisting with other employers, reducing pay or work hours, or taking away company housing, by any agricultural employer against any worker who exercises any right under the United States Environmental Protection Agency Worker Protection Standard, 40 C.F.R. s. 170.7(b) (August 21, 1992) or this part.

(9) “Trainer” means any person who qualifies to train workers under the pesticide safety training requirements of the United States Environmental Protection Agency Worker Protection Standard, 40 C.F.R. s. 170.130 (August 21, 1992).

(10) “Worker” means any person, including a farmworker or a self-employed person, who is employed for any type of compensation and who is performing activities relating to the production of agricultural plants on an agricultural establishment. The term “worker” does not include any person employed by a commercial pesticide handling establishment to perform tasks as crop advisors.

487.204 Enforcement of federal worker protection regulations.—The department shall adopt by rule the regulations established by the United States Environmental Protection Agency Labeling Requirement for Pesticides and Devices, 40 C.F.R. part 156, and the Worker Protection Standard, 40 C.F.R. part 170, adopted August 21, 1992. If the provisions of this part are preempted in part by federal law, those provisions not preempted shall apply.

487.205 Availability of agricultural pesticide information to workers and physicians.—

(1)(a) The agricultural employer shall make available agricultural pesticide information concerning any agricultural pesticide to any worker who enters an agricultural pesticide treated area on an agricultural establishment where, within the last 30 days, an agricultural pesticide has been applied or a restricted-entry interval has been in effect, or to any worker who may be exposed to the agricultural pesticide during normal conditions of use or in a foreseeable emergency.

(b) The agricultural pesticide information shall be in the form of a material safety data sheet, or a state or federally approved fact sheet. The agricultural employer shall provide a written copy of the information specified in this section, within 2 working days of a request for the information by a worker, a designated representative of the worker, or medical personnel treating the worker.

(c) The distributor, manufacturer, or importer of agricultural pesticides shall prepare and provide each direct purchaser of agricultural pesticides with a material safety data sheet. If the material safety data sheet or fact sheet for the agricultural pesticide is not available at the time the agricultural pesticide is purchased, the agricultural employer shall take appropriate and timely steps to obtain the material safety data sheet or fact sheet from the distributor, the manufacturer, the department, a federal agency, or another distribution source.

(2) The department shall design and make available to the trainer a one-page general agricultural pesticide safety sheet, hereafter referred to as “safety sheet.” This safety sheet shall be in a language understood by the worker and shall include, but is not limited to, illustrated instructions on prevention of agricultural pesticide exposure and toll-free numbers to the Florida Poison Control Centers so that workers may call for additional agricultural pesticide exposure information. The trainer shall provide to the worker the safety sheet at the time of training pursuant to the United States Environmental Protection Agency Worker Protection Standard, 40 C.F.R. s. 170.130 (August 21, 1992).

487.206 Prohibited acts.—It is unlawful for any agricultural employer to:

(1) Fail to provide agricultural pesticide information as provided for in this part.

(2) Take any retaliatory action against any worker for exercising any right under the provisions of the United States Environmental Protection Agency Worker Protection Standard, 40 C.F.R. s. 170.7(b) (August 21, 1992), or this part.

487.207 Penalties against agricultural employer violators; worker relief; monitoring complaints of retaliation.—

(1) Penalties set forth in part I of this chapter shall be applied to any agricultural employer who violates any provision in this part. Agricultural employers who violate the provisions of this part also shall be subject to the federal penalties in the United States Environmental Protection Agency Worker Protection Standard, 40 C.F.R. s. 170.9(b).

(2)(a) Any worker who has been retaliated against by any agricultural employer for exercising any right under the United States Environmental Protection Agency Worker Protection Standard, 40 C.F.R. s. 170.7(b) (August 21, 1992) or this part, may seek relief under ss. 448.102-448.104.

(b) Any worker who has been retaliated against by any agricultural employer for exercising any right under the United States Environmental Protection Agency Worker Protection Standard, 40 C.F.R. s. 170.7(b)

(August 21, 1992) or this part and seeks relief pursuant to this section, or the worker's designated representative, shall file a complaint with the department of such retaliation.

(c) In any action brought pursuant to this section where the retaliatory personnel action is predicated upon the disclosure of an illegal activity, policy, or practice to an appropriate governmental agency, the worker shall not be required to show that the disclosure to the government agency was under oath or in writing or that the notification to the employer concerning the illegal activity, policy, or practice was in writing as provided in s. 448.102(1).

(3) The department shall monitor all complaints of retaliation, hereinafter referred to as "complaints," that it receives and report its findings to the President of the Senate and the Speaker of the House of Representatives on October 1, 1996. The report shall include the number of complaints received, the circumstances surrounding the complaints, and the action taken concerning the complaints.

Section 28. Sections 487.201, 487.202, 487.203, 487.204, 487.205, 487.206, and 487.207, Florida Statutes, expire January 1, 1998.

Section 29. This act shall take effect January 1, 1995.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to worker safety with respect to agricultural pesticides; designating ss. 487.011-487.175, F.S., as Part I of chapter 487, F.S., entitled "Pesticides"; amending ss. 487.011, 487.012, 487.021, 487.025, 487.031, 487.041, 487.0435, 487.045, 487.046, 487.047, 487.049, 487.051, 487.0615, 487.071, 487.081, 487.091, 487.101, 487.111, 487.13, 487.156, 487.159, 487.161, 487.163, 487.171, and 487.175, F.S.; changing terms in the chapter to "part" to conform to the act; amending the membership of the Pesticide Review Council; amending exemptions to the Florida Pesticide Law; creating s. 487.201, F.S.; creating the "Florida Agricultural Worker Safety Act"; creating s. 487.202, F.S.; providing legislative intent; creating s. 487.203, F.S.; providing definitions; creating s. 487.204, F.S.; providing for the enforcement of federal worker protection regulations; creating s. 487.205, F.S.; providing for the availability of agricultural pesticide information to workers, designated representatives, and physicians; creating s. 487.206, F.S.; providing for prohibited acts; creating s. 487.207, F.S.; providing penalties; providing for relief against retaliation; providing for monitoring of complaints of retaliation; providing for future repeal; providing an effective date.

On motion by Senator Foley, further consideration of **SB 1450** as amended was deferred.

On motions by Senator Jenne, by two-thirds vote **CS for HB 2103** was withdrawn from the Committees on Judiciary; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Jenne—

**CS for HB 2103**—A bill to be entitled An act relating to funding family courts; creating s. 25.388, F.S.; providing for the implementation of family court plans in all judicial courts of the state through a trust fund within the Supreme Court; amending s. 741.01, F.S., to provide for a fee to be collected by the clerk of the circuit court; creating s. 741.011, F.S., to provide for installment payments; providing an effective date.

—a companion measure, was substituted for **SB 2806** and read the second time by title.

Senator Jenne moved the following amendment which was adopted:

**Amendment 1**—On page 2, strike lines 10-19 and insert:

Section 2. Subsection (4) is added to section 741.01, Florida Statutes, to read:

741.01 County court judge or clerk of the circuit court to issue marriage license; fee.—

(4) *An additional fee of \$25 shall be paid to the clerk upon receipt of the application for issuance of a marriage license. The moneys collected shall be forwarded by the clerk to the Supreme Court, monthly, for deposit in the Family Courts Trust Fund or in the Grants and Donations Trust Fund, if the Family Courts Trust Fund is not created by general law.*

On motion by Senator Jenne, by two-thirds vote **CS for HB 2103** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32      Nays—None

**CS for SB's 302 and 196**—A bill to be entitled An act relating to benefits for public employees; repealing s. 2, ch. 89-13, Laws of Florida, which provides for the review and repeal of ss. 110.401-110.407, F.S., relating to the Senior Management Service System, and of ss. 110.601-110.607, F.S., relating to the Selected Exempt Service System; amending s. 112.363, F.S.; providing for changes to the Health Insurance Subsidy Trust Fund; amending s. 112.61, F.S.; modifying legislative intent; amending s. 121.021, F.S.; redefining the term "creditable service"; amending s. 121.051, F.S.; providing membership status of regular receiver employees of the Division of Rehabilitation and Liquidation; amending ss. 121.052, 121.055, 121.071, and 121.40, F.S.; revising contribution rates applicable to members of the Elected State and County Officers' Class, the Senior Management Service Class, and the Regular, Special Risk, and Special Risk Administrative Support Classes of the Florida Retirement System and the contribution rate applicable to the supplemental retirement plan for the Institute of Food and Agricultural Sciences of the University of Florida; creating s. 121.1115, F.S.; providing for the purchase of creditable service for periods of employment as public employees in other states, subject to certain limitations and conditions; providing for payment of costs; amending ss. 175.121, 175.401, 185.10, and 185.50, F.S.; providing for compliance with part VII, chapter 112, F.S.; providing legislative intent with respect to contribution rates; providing legislative findings; repealing s. 121.056, F.S., relating to contribution rate adjustments; providing an effective date.

—was read the second time by title.

Senator Meadows moved the following amendment which was adopted:

**Amendment 1**—On page 15, line 25, strike "A" and insert: Effective January 1, 1995, a

#### THE PRESIDENT PRESIDING

Senator Childers moved the following amendments which were adopted:

**Amendment 2 (with Title Amendment)**—On page 3, line 18, through page 4, line 3, strike all of said lines and insert:

Section 4. Paragraph (a) of subsection (17) and subsection (30) of section 121.021, Florida Statutes, are amended to read:

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

(17)(a) "Creditable service" of any member means the sum of his past service, prior service, military service, *out-of-state service*, workers' compensation credit, and future service allowed within the provisions of this chapter if all required contributions have been paid and all other requirements of this chapter have been met. However, in no case shall a member receive credit for more than a year's service during any 12-month period. Service as applied to a teacher or a nonacademic employee of a school board shall be based on contract years of employment or school term years of employment, as provided in chapters 122 and 238, rather than 12-month periods of employment.

(30) "Early retirement date" means the first day of the month following the date a member completes 10 years of creditable service and elects to receive retirement benefits in accordance with this chapter. Such benefits shall be ~~calculated based on average monthly compensation and creditable service as of the member's early retirement date, and the benefit so computed shall be reduced by five twelfths of 1 percent for each complete month by which the early retirement date precedes his normal retirement date~~ as provided in s. 121.091(3).

And the title is amended as follows:

In title, on page 1, lines 12 and 13, strike "term 'creditable service'" and insert: terms "creditable service" and "early retirement date"

**Amendment 3 (with Title Amendment)**—Between page 14, line 30, and page 15, line 1, insert:

Section 9. Subsection (3) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—No benefits shall be paid under this section unless the member has terminated employment as provided in s. 121.021(39) and a proper application has been filed in the manner prescribed by the division.

(3) **EARLY RETIREMENT BENEFIT.**—Upon retirement on his early retirement date, the member shall receive an immediate monthly benefit which shall begin to accrue on the first day of the month of his retirement date and be payable on the last day of that month and each month thereafter during his lifetime. The amount of each monthly payment shall be computed in the same manner as for a normal retirement benefit, in accordance with subsection (1), and with ss. 121.052(10) and 121.055(4), as applicable, but based on average monthly compensation and creditable service as of the member's early retirement date. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which the early retirement precedes the normal retirement date of age 62 for a regular member, a member of the Senior Management Service Class, or a member of the Elected State and County Officers' Class, and age 55 for a special risk member or age 52 if a special risk member has completed 25 years of creditable service in accordance with s. 121.021(29)(c)3. However, if the employment of a member is terminated by reason of death subsequent to the completion of 20 years of creditable service, the monthly benefit payable to the member's beneficiary shall be calculated in accordance with subsection (1), and with ss. 121.052(10) and 121.055(4), as applicable, but based on average monthly compensation and creditable service as of the date of death. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which death precedes the normal retirement date specified above or the date on which the member would have attained 30 years of creditable service had he survived and continued his employment, whichever provides a higher benefit. *Effective January 1, 1995, if the employment of a member of the Senior Management Service Class is terminated subsequent to the completion of 20 years of creditable service, the monthly retirement benefit payable shall be calculated in accordance with subsection (1), and with ss. 121.052(10) and 121.055(4), as applicable, but based on average monthly compensation and creditable service as of the date of termination. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which termination of employment precedes the normal retirement date at age 62 or the date on which the member would have attained 30 years of creditable service if the member's employment had continued, whichever provides a greater benefit.*

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 27, after the semicolon (;) insert: amending s. 121.091, F.S.; providing for calculating the early retirement benefit for a member of the Senior Management Service Class;

Senator Harden moved the following amendment which failed:

**Amendment 4 (with Title Amendment)**—On page 20, lines 25-31 and on page 21, lines 1-5, strike all of said lines and renumber subsequent sections.

And the title is amended to read:

In title, on page 2, strike all of lines 4-6, and insert: F.S.; repealing s. 121.056, F.S., relating

Senator Scott moved the following amendment which was adopted:

**Amendment 5 (with Title Amendment)**—On page 21, between lines 5 and 6, insert:

Section 17. Paragraph (d) of subsection (4) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of elected state and county officers.—

(4) **PARTICIPATION BY ELECTED OFFICERS SERVING A SHORTENED TERM DUE TO APPORTIONMENT, FEDERAL INTERVENTION, ETC.**—

(d)1. Any justice or judge, or any retired justice or judge who retired before July 1, 1993, who has attained the age of 70 years and who is prevented under s. 8, Art. V of the State Constitution from completing his

term of office because of his age may elect to purchase credit for all or a portion of the months he would have served during the remainder of his term of office, but he may claim those months only after the date the service would have occurred. The justice or judge must pay into the System Trust Fund the amount of contributions that would have been made by his employer on his behalf for the period of time being claimed, plus 6.5 percent interest thereon compounded each June 30 from the date he left office, in order to receive service credit in this class for the period of time being claimed. *After the date the service would have occurred, and upon payment of the required contributions, the retirement benefit of a retired justice or judge will be adjusted prospectively to include this additional creditable service; however, such adjustment may be made only once.*

2. Any justice or judge who does not seek election to a subsequent term of office because he would be prevented under s. 8, Art. V of the State Constitution from completing such term of office upon attaining the age of 70 years may elect to purchase service credit for service as a temporary judge as assigned by the court if the temporary assignment follows immediately the last full term of office served and the purchase is limited to the number of months of service needed to vest retirement benefits. To receive retirement credit for such temporary service beyond termination, the justice or judge must pay into the System Trust Fund the amount of contributions that would have been made by his employer on his behalf had he continued in office for the period of time being claimed, plus 6.5 percent interest thereon compounded each June 30 from the date he left office.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2, line 7, after the semicolon (;) insert: amending s. 121.052, F.S.; allowing a retired justice or judge who retired at the age of 70 years because he was prevented under the State Constitution from completing his term of office by reason of his age to purchase additional service credit under the Elected State and County Officers' Class of the system and thereby have his retirement benefit adjusted to include this service; allowing a justice or judge who does not seek election to a subsequent term of office because he would be required to terminate his service during the subsequent term upon attaining the age of 70 years to purchase service credit in the Elected State and County Officers' Class of the system for service as a temporary judge under certain conditions and limitations; providing for payment of the necessary contributions and interest;

On motion by Senator Meadows, by two-thirds vote **CS for SB's 302 and 196** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33 Nays—4

## MATTERS ON RECONSIDERATION

**SB 1042**—A bill to be entitled An act relating to education; amending s. 232.2462, F.S.; providing student requirements relating to the awarding of credits for full-year courses; providing an effective date.

—was taken up, having been previously reconsidered this day.

On motion by Senator Jones, by two-thirds vote the Senate reconsidered the vote by which **SB 1042** was read the third time.

On motion by Senator Jones, the Senate reconsidered the vote by which **Amendment 4** was adopted. Further consideration of **SB 1042** with pending **Amendment 4** was deferred.

The Senate resumed consideration of—

**SB 1450**—A bill to be entitled An act relating to worker safety with respect to agricultural pesticides; designating ss. 487.011-487.175, F.S., as Part I of chapter 487, F.S., entitled "Pesticides"; amending ss. 487.011, 487.012, 487.021, 487.025, 487.031, 487.041, 487.0435, 487.045, 487.046, 487.047, 487.049, 487.051, 487.0615, 487.071, 487.081, 487.091, 487.101, 487.111, 487.13, 487.156, 487.159, 487.161, 487.163, 487.171, and 487.175, F.S.; changing the term "chapter" to "part" to conform; creating s. 487.201, F.S.; creating the "Florida Agricultural Worker Safety Act"; creating s. 487.202, F.S.; providing legislative intent; creating s. 487.203, F.S.; providing definitions; creating s. 487.204, F.S.; providing for the

enforcement of federal worker protection regulations; creating s. 487.205, F.S.; providing for the availability of agricultural pesticide information to workers, designated representatives, and physicians; creating s. 487.206, F.S.; providing for prohibited acts; creating s. 487.207, F.S.; providing penalties; providing for relief against retaliation; providing for monitoring of complaints of retaliation; amending s. 448.103, F.S.; expanding general labor regulations provisions relating to employees' rights of recovery in specified actions to include rights protected under the Florida Agricultural Worker Safety Act; providing for future repeal; providing an effective date.

—which had been previously considered and amended this day.

**RECONSIDERATION OF AMENDMENT**

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

On motion by Senator Foley, by two-thirds vote **SB 1450** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35      Nays—None

**SENATOR SCOTT PRESIDING**

**HB 353**—A bill to be entitled An act relating to confidentiality of information relating to executioners; amending s. 922.10, F.S., which provides an exemption from public records requirements for information which would identify an executioner; revising the exemption and saving it from repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote **HB 353** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36      Nays—None

**SB 1618**—A bill to be entitled An act relating to fleeing and eluding law enforcement officers; creating s. 901.1501, F.S.; providing penalties for the crime of aggravated fleeing and eluding; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Diaz-Balart:

**Amendment 1**—On page 1, strike line 15 and insert: accident in violation of s. 316.027 or s. 316.061, having

On motion by Senator Diaz-Balart, further consideration of **SB 1618** with pending **Amendment 1** was deferred.

**HB 573**—A bill to be entitled An act relating to the furnishing of criminal history information to private contractors operating correctional facilities; amending s. 943.053, F.S.; authorizing sheriffs and the Department of Corrections to provide criminal history records to private entities operating county detention facilities or correctional facilities; repealing s. 951.062(9), F.S., which authorizes the Division of Criminal Justice Information Systems, the Department of Corrections, the county, and the sheriff to furnish such information to contractors operating county detention facilities pursuant to law unless legally impermissible; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote **HB 573** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32      Nays—None

On motions by Senator Boczar, by two-thirds vote **CS for HB 101** was withdrawn from the Committees on Judiciary and Appropriations.

On motion by Senator Boczar—

**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.

—a companion measure, was substituted for **CS for SB 242** and read the second time by title.

Senator Boczar moved the following amendment which was adopted:

**Amendment 1**—On page 4, strike line 1 and insert: name, the residential address, the date of birth, and either a physical description or the social security number of the parent or legal guardian must be

On motion by Senator Boczar, by two-thirds vote **CS for HB 101** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37      Nays—None

The Senate resumed consideration of—

**SB 1618**—A bill to be entitled An act relating to fleeing and eluding law enforcement officers; creating s. 901.1501, F.S.; providing penalties for the crime of aggravated fleeing and eluding; providing an effective date.

—with pending **Amendment 1** which failed.

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

**Amendment 2 (with Title Amendment)**—Strike everything after the enacting clause and insert:

Section 1. Section 316.1935, Florida Statutes, is amended to read:

316.1935 Fleeing or attempting to elude a law enforcement police officer; aggravated fleeing and eluding.—

(1) It is unlawful for the operator of any vehicle, having knowledge that he has been directed to stop such vehicle by a duly authorized law enforcement police officer, willfully to refuse or fail to stop the such vehicle in compliance with such directive or, having stopped in knowing compliance with the such a directive, willfully to flee in an attempt to elude the such officer, and a any person who violates violating this subsection shall, upon conviction, be punished by imprisonment in the county jail for a period not to exceed 1 year, or by fine not to exceed \$1,000, or by both such fine and imprisonment.

(2) Any person who, in the course of unlawfully fleeing or attempting to elude a law enforcement officer in an authorized law enforcement patrol vehicle with agency insignia and other jurisdictional markings prominently displayed on the vehicle with siren and lights activated pursuant to subsection (1), having knowledge of an order to stop by a duly authorized law enforcement officer, causes the law enforcement officer to engage in a high-speed vehicle pursuit commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who, in the course of unlawfully leaving or attempting to leave the scene of an accident in violation of s. 316.027 or s. 316.061, having knowledge of an order to stop by a duly authorized law enforcement officer:

(a) Willfully refuses or fails to stop in compliance with such an order, or having stopped in knowing compliance with such order, willfully flees in an attempt to elude such officer; and

(b) As a result of such fleeing or eluding, causes injury to another person or causes damage to any property belonging to another person

commits aggravated fleeing or eluding, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The felony of aggravated fleeing or eluding constitutes a separate offense for which a person may be charged, in addition to the offense of unlawfully leaving the scene of an accident which the person had been in the course of committing or attempting to commit when the order to stop was given.

(4)(2) The court may revoke, for a period not to exceed 1 year, the driver's license of any operator of a motor vehicle convicted of a violation of subsection (1), subsection (2), or subsection (3) ~~for a period not to exceed 1 year.~~

Section 2. For the purpose of incorporating the amendment to section 316.1935, Florida Statutes, in a reference thereto, subsection (1) of section 322.61, Florida Statutes, is reenacted to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(1) A person who, within a 3-year period, is convicted of two of the following serious traffic violations or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days:

(a) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, a weight violation, or a vehicle equipment violation, arising in connection with an accident resulting in death or personal injury to any person;

(b) Reckless driving, as defined in s. 316.192;

(c) Careless driving, as defined in s. 316.1925;

(d) Fleeing or attempting to elude a law enforcement officer, as defined in s. 316.1935;

(e) Unlawful speed of 15 miles per hour or more above the posted speed limit;

(f) Driving a commercial motor vehicle, owned by such person, which is not properly insured;

(g) Improper lane change, as defined in s. 316.085; or

(h) Following too closely, as defined in s. 316.0895.

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

And the title is amended as follows:

Strike everything before the enacting clause and insert: A bill to be entitled An act relating to fleeing or attempting to elude a law enforcement officer; amending s. 316.1935, F.S.; providing for an enhanced penalty to be imposed against the operator of a vehicle who, after having been directed to stop the vehicle by a law enforcement officer, fails to stop or attempts to elude the officer; providing penalties for the crime of aggravated fleeing and eluding; reenacting s. 322.61(1), F.S., to incorporate said amendment in a reference; providing an effective date.

On motion by Senator Diaz-Balart, by two-thirds vote **SB 1618** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

**CS for SB 2654**—A bill to be entitled An act relating to business, professional, and occupational regulation; amending s. 11.62, F.S., relating to legislative review of proposed regulation of unregulated functions; providing that the proponents of legislation that provides for regulation of a profession or occupation not already subject to state regulation must furnish specified information to the state agency that is proposed to have jurisdiction over the regulation; amending s. 20.165, F.S.; revising the organizational structure of the Department of Business and Professional Regulation; amending s. 120.57, F.S.; clarifying that the requirements for formal administrative proceedings for the department and boards within the department apply only with respect to professional regulation; amending s. 215.37, F.S.; 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. 455.017, F.S.; providing for applicability of ch. 455, F.S., only to the regulation of professions by the department; amending ss. 20.42, 24.108, 83.49, 110.205, 154.04, 190.009, 192.037, 205.065, 205.194, 210.01, 210.021, 210.151, 210.20, 210.25, 210.31, 210.405, 210.75, 212.08, 213.053, 216.0165, 229.8075, 231.262, 240.4075, 253.025, 255.565, 282.1095, 309.01, 310.002, 310.011, 326.002, 337.162, 370.07, 381.0036, 381.0039, 381.004, 381.0065, 381.0072, 386.203, 394.907, 395.3025, 397.419, 397.451, 399.01, 400.211, 400.414, 400.506, 402.48, 403.0877, 403.708, 403.7197, 409.905, 415.107, 415.51, 440.02, 455.11, 455.201, 455.203, 455.205, 455.208, 455.209, 455.211, 455.217, 455.2175, 455.218, 455.219, 455.221, 455.2224, 455.223, 455.224, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.241, 455.243, 455.245, 455.26, 455.303, 455.304, 455.306, 455.307, 455.309, 457.102, 457.103, 458.305, 458.307, 458.3125, 458.320, 458.346, 458.347, 459.003, 459.004, 459.0085, 459.022, 460.403, 460.404, 460.4104, 461.003, 461.004, 462.01, 463.002, 463.003, 464.003, 464.004, 465.003, 465.004, 465.017, 466.003, 466.004, 467.003, 467.004, 468.1125, 468.1135, 468.1315, 468.1655, 468.1665, 468.352, 468.382, 468.384, 468.385, 468.392, 468.401, 468.413, 468.431, 468.453, 468.503, 468.520, 468.521, 468.530, 468.542, 468.603, 468.605, 471.005, 471.007, 472.005, 472.007, 473.302, 473.303, 474.202, 474.204, 475.01, 475.02, 475.045, 475.455, 475.611, 476.034, 476.054, 477.013, 477.015, 478.42, 480.033, 480.035, 481.203, 481.205, 481.303, 481.305, 483.803, 483.805, 484.002, 484.003, 484.041, 484.042, 486.021, 486.023, 487.0437, 489.105, 489.107, 489.113, 489.505, 489.507, 489.516, 490.003, 490.004, 491.003, 491.004, 492.101, 492.102, 492.103, 498.005, 499.028, 499.051, 500.10, 500.12, 509.013, 509.2112, 509.291, 548.003, 550.002, 550.0251, 550.135, 559.79, 559.791, 559.927, 561.02, 561.025, 561.111, 561.17, 561.29, 561.42, 561.68, 561.703, 562.44, 565.02, 569.002, 616.265, 626.989, 627.7842, 627.912, 633.70, 641.55, 713.06, 713.135, 718.111, 718.1255, 718.501, 718.5019, 718.508, 719.104, 719.1255, 719.501, 719.508, 721.05, 721.13, 723.003, 765.110, 766.101, 766.106, 766.1115, 766.308, 766.314, 828.055, 832.06, 849.094, 859.061, 865.09, 877.06, 893.035, F.S.; repealing s. 455.236(3)(c), F.S.; conforming these provisions to the merger of the Department of Professional Regulation and the Department of Business Regulation into a single department by a 1993 law; reconciling certain differences arising from 1992 amendatory laws; deleting obsolete provisions; revising cross-references; requiring a study and report by the department related to specified divisions within the department; providing effective dates.

—was read the second time by title.

Senator Dyer moved the following amendments which were adopted:

**Amendment 1 (with Title Amendment)**—On page 52, between lines 14 and 15, insert:

Section 48. Subsection (2) of section 399.035, Florida Statutes, is amended to read:

399.035 Elevator accessibility requirements for the physically handicapped.—

(2) Any building that is ~~three or more~~ *more than three* stories high or in which the vertical distance between the bottom terminal landing and the top terminal landing exceeds 25 feet must be constructed to contain at least one passenger elevator that is operational and will accommodate an ambulance stretcher 76 inches long and 24 inches wide in the horizontal position.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 3, line 15, after the semicolon (;) insert: amending s. 399.035, revising the application of the provision;

**Amendment 2**—On page 200, line 6, after the period (.) through line 10, after the period (.), strike all of said lines

On motion by Senator Dyer, by two-thirds vote **CS for SB 2654** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

Consideration of CS for SB 2132 and CS for SB 2532 was deferred.

**CS for CS for SB 1422**—A bill to be entitled An act relating to state lands; amending s. 253.002, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate to the Department of Environmental Protection certain statutory duties or obligations related to the acquisition, administration, or disposition of lands; providing that no such delegation may occur for determinations involving petroleum product pipelines; amending s. 253.025, F.S.; revising provisions with respect to the acquisition of state lands to authorize the board of trustees to accept the conveyance of certain lands when the title is nonmarketable; providing for the confidentiality of certain appraisal reports; authorizing the state to reimburse landowners for certain expenses; providing for the filing of a notice of acceptance in the public records; amending s. 253.03, F.S.; providing for a discount on annual lease fees for leases that are open to the public on a first-come-first-served basis; providing criteria for classification of open to the public on a first-come-first-served basis for certain marinas; providing certain requirements for discount eligibility; providing that users of state lands may not discriminate against others in the use of those lands; providing for revocation of approval to use state lands if discrimination occurs; amending s. 253.111, F.S.; revising provisions with respect to notice to the board of county commissioners prior to a sale; providing for sale or disposition when no certified copy of a required resolution is received; providing that the failure of the board of trustees to comply with the requirements of the section shall not invalidate certain sales or conveyances; amending s. 259.101, F.S.; revising provisions with respect to the Florida Preservation 2000 Act to provide for the disposition of certain lands and to provide for the alternate governmental use of acquired lands; providing for retroactive application; amending s. 372.074, F.S.; requiring that title to certain land be vested in the Board of Trustees of the Internal Improvement Trust Fund; specifying that certain moneys must not be deposited in the Fish and Wildlife Habitat Trust Fund; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

**Amendment 1 (with Title Amendment)**—On page 13, between lines 16 and 17, insert:

Section 7. Subsection (2) of section 286.23, Florida Statutes, is amended to read:

286.23 Real property conveyed to public agency; disclosure of beneficial interests; notice; exemptions.—

(2) The state or local governmental unit, or an agency of either, shall send written notice by registered mail to the person required to make disclosures under this section, prior to the time when such disclosures are required to be made, which written request shall also inform the person required to make such disclosure that such disclosure must be made under oath, subject to the penalties prescribed for perjury. *This requirement is satisfied if the notice is made a part of the land acquisition contract.*

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 19, after the semicolon (;) insert: amending s. 286.23, F.S.; providing that certain notice requirements with respect to disclosing a beneficial interest may be made a part of a land acquisition contract;

Senator Kirkpatrick moved the following amendment:

**Amendment 2**—On page 5, line 29, after “resources,” insert: *which is not a public agency,*

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

**Amendment 2A**—On page 5, line 29, after “agency,” insert: *or acting on behalf of a public agency,*

**Amendment 2** as amended was adopted.

Senator Boczar moved the following amendment which was adopted:

**Amendment 3**—On page 3, line 6, after “pipelines” insert: *other than natural gas pipelines*

Senator Williams moved the following amendment which was adopted:

**Amendment 4**—On page 8, between lines 15 and 16, insert:

(16) *The Board of Trustees of the Internal Trust Fund, or, in the case of water management district lands, the owning water management district, may authorize the granting of a lease, easement, or license for the use of state lands, including lands acquired pursuant to this chapter or chapter 259, for electric, telecommunication and water and sewer transmission facilities providing such use complies with applicable environmental standards and are determined by the board or the owning water management district to not interfere with the purposes for which the land was acquired.*

#### THE PRESIDENT PRESIDING

Senator Holzendorf moved the following amendment which was adopted:

**Amendment 5 (with Title Amendment)**—On page 13, between lines 16 and 17, insert:

Section 7. Subsection (3) of section 259.101, Florida Statutes, is amended to read:

259.101 Florida Preservation 2000 Act.—

(3) **LAND ACQUISITION PROGRAMS SUPPLEMENTED.**—Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued pursuant to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. The proceeds of any bonds deposited into the Preservation 2000 Trust Fund shall be distributed by the Department of Natural Resources in the following manner:

(a) Fifty percent to the Department of Natural Resources for the purchase of public lands as described in s. 253.023. Of this 50 percent, at least one-fifth shall be used for the acquisition of coastal lands.

(b) Thirty percent to the Department of Environmental Regulation for the purchase of water management lands pursuant to s. 373.59, to be distributed among the water management districts as provided in that section. Funds received by each district may also be used for acquisition of lands necessary to implement surface water improvement and management plans approved in accordance with s. 373.456 or s. 373.4592.

(c) Ten percent to the Department of Community Affairs to provide land acquisition grants and loans to local governments through the Florida Communities Trust pursuant to part III of chapter 380. Of this 10 percent, one-half shall be matched by local governments on a dollar-for-dollar basis. An additional one-tenth shall be used specifically for matching grants, also on a dollar-for-dollar basis, to counties which submit projects for acquisitions within areas of critical state concern. To the extent allowed by federal requirements for the use of bond proceeds, the trust shall expend Preservation 2000 funds to carry out the purposes of part III of chapter 380.

(d) Two and nine-tenths percent to the Department of Natural Resources for the purchase of inholdings and additions to state parks. For the purposes of this paragraph, “state park” means all real property in the state under the jurisdiction of the Division of Recreation and Parks of the Department of Natural Resources, or which may come under its jurisdiction.

(e) Two and nine-tenths percent to the Division of Forestry of the Department of Agriculture and Consumer Services to fund the acquisition of state forest inholdings and additions pursuant to s. 589.07.

(f) Two and nine-tenths percent to the Game and Fresh Water Fish Commission to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife.

(g) One and three-tenths percent to the Department of Natural Resources for the Florida Rails to Trails Program, to acquire abandoned railroad rights-of-way and to assist in the acquisition of the Florida National Scenic Trail for use as public recreational trails.

However, from the proceeds of bonds issued after 1994 and before 1997, the department shall pay amounts up to or equal to the refunds, with accrued interest, provided for in s. 253.783(2)(e) to the counties of the Cross Florida Canal Navigation District to acquire lands, water areas, and related resources and to construct, improve, enlarge, and extend capital improvements and facilities thereon in furtherance of outdoor recreation, natural resources conservation, and related facilities in this state. The governing body of each county, shall certify that all amounts received will be utilized exclusively to implement the elements of the comprehensive plan provided in s. 163.3177(6), (d), (e), and (g), and paragraph (a) as it relates to paragraphs (d), (e), and (g) of each county receiving payment. The governing body of each county entitled to refunds under s. 153.783(2)(e) must apply to the department for any refund prior to January 1 of the year in which the bonds from which the payment is to be made are to be issued. The application must designate the amounts from payments to be made for use in accordance with specific elements of the then current comprehensive plan, and each county must certify that the payment made pursuant to that application will be used exclusively for the purposes provided herein. Payment of the refunds may not be subject to any other conditions or criteria of this section. Any payment received shall satisfy in whole or in part the obligations to refund moneys specified in s. 253.783(2)(e). Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for the purposes described in this subsection. Bond proceeds allocated pursuant to paragraph (c) may be used to purchase lands on the priority lists developed pursuant to s. 259.035. Title to lands purchased pursuant to paragraphs (a), (d), (e), (f), and (g) shall be vested in the Board of Trustees of the Internal Improvement Trust Fund. Title to lands purchased pursuant to paragraph (c) may be vested in the Board of Trustees of the Internal Improvement Trust Fund. Paragraphs (a) and (b) are repealed effective October 1, 2000, and paragraphs (c), (d), (e), (f), and (g) are repealed effective October 1, 1996. Prior to repeal, the Legislature shall review the provisions scheduled for repeal and shall determine whether to reenact or modify the provisions or to take no action.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 19, after the semicolon (;) insert: amending s. 259.101, F.S.; providing for the use of certain funds derived from bond proceeds to pay for specific refunds;

Senators Silver and Gutman offered the following amendment which was moved by Senator Gutman and adopted:

**Amendment 6 (with Title Amendment)**—On page 13, between 16 and 17, insert:

Section 7. The approximately 15 acre parcel located in the southwest corner of the intersection of Crandon Boulevard and Waterway No. 1 in Cape Florida State Park is hereby ceded to the Village of Key Biscayne for use as athletic and playing fields. The land shall be maintained in perpetuity by the Village and the perimeter shall be fully landscaped in such a manner as to shield the fields from view. The Village shall be permitted to erect lighting standards in order to light evening activities on the land however, no commercial use shall be made of the land. No permanent structures shall be permitted to be erected on the land with the exception of athletic equipment and facilities.

(Renumber subsequent section.)

And the title is amended to read:

In title, on page 2, line 19, after the semicolon (;) insert: ceding ownership of a portion of Cape Florida State Park to the Village of Key Biscayne for use as athletic fields; specifying permitted uses; providing for limitations on permitted uses;

On motion by Senator Kirkpatrick, by two-thirds vote **CS for CS for SB 1422** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38      Nays—None

On motion by Senator Dantzler, by unanimous consent—

**CS for CS for SB 1350**—A bill to be entitled An act relating to Everglades restoration; amending s. 373.4592, F.S.; providing legislative findings and intent with respect to restoring the Everglades; providing definitions; exempting the Everglades Protection Area and the Everglades Agricultural Area from the Everglades SWIM Plan during the term of the Everglades Program; providing that the district is not prohibited from adopting a SWIM for Florida Bay and C-111 Basin; deleting provisions requiring the adoption of an Everglades SWIM Plan directing the South Florida Water Management District to implement the Everglades Construction Project; limiting ad valorem expenditures in the Okeechobee Basin for the project; providing a preference for displaced workers; providing milestones for completion of the project; requiring the district to improve the hydroperiod of the Everglades Protection Area; reducing wasteful discharge to tide and requiring water conservation and reuse; requiring a specified increased flow to the Everglades Protection Area; requiring the district to develop a model for quantifying the amount of water to be replaced; requiring coordination with the Federal Government; removing certain tracts from STA 3/4; requiring a monitoring program to evaluate effectiveness of the stormwater treatment areas and best management practices for these areas; requiring the district to submit certain reports to the Governor and Legislature; requiring the Department of Environmental Protection and the district to determine long-term water quality standards and criteria; providing for evaluation of water quality standards; providing for permittees in compliance with best-management practices permit conditions to be exempted from other water-quality improvement measures until December 31, 2006; providing exceptions; providing for water-supply and hydroperiod improvement; providing that certain landowners may not exceed a specified phosphorous loading; requiring the department and the district to implement a water-quality monitoring program; requiring the implementation of BMP's for certain areas; requiring monitoring and control of exotic species; providing for farmers adversely impacted by land acquisition to have priority in leasing state and water management district lands; providing for a specified lease renewal by the Department of Corrections; providing for an Everglades agricultural privilege tax and a C-139 agricultural privilege tax; providing for tax deferments; requiring the Department of Agriculture and Consumer Services to prepare a report; providing procedures for challenging these taxes; providing for special assessments; deleting provisions providing for the creation of stormwater utilities; allowing the district to levy special assessments within stormwater management system benefit areas; allowing the district to begin construction and operation of the Everglades Construction Project prior to receiving a department permit; requiring the district to apply for a permit to construct, operate, and maintain the Everglades Construction Project; authorizing stormwater-treatment-area discharges into the Everglades Protection Area under certain conditions; allowing the district to apply for permit modifications; providing criteria for stormwater-treatment-area compliance; providing for long-term compliance permits; requiring the district to submit to the department certain permit modifications; specifying what the permit application must include; providing that certain water-quality standards are not altered; providing that certain relief mechanisms may not be granted for certain discharges except under certain circumstances; providing that certain landowners or permittees must meet a specified phosphorous-discharge limit; preserving the rights of the Seminole Tribe of Florida under the Water Rights Compact; directing the district to establish an Everglades Fund; providing uses for the fund; amending s. 298.22, F.S.; authorizing the condemnation or acquisition of land to implement s. 373.4592, F.S.; repealing s. 1 of ch. 91-80, Laws of Florida, which prescribes a short title for ch. 91-80, Laws of Florida; providing an appropriation; providing an effective date.

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

#### MOTION

On motion by Senator Kirkpatrick, the rules were waived and time of recess was extended until final action on **CS for CS for SB 1350**.

Senator Dantzler moved the following amendments which were adopted:

**Amendment 1**—On page 18, lines 5-7, strike "*The inclusion of these public lands as part of the project is for the purpose of treating waters not coming from the EAA for hydroperiod restoration.*"

**Amendment 2**—On page 31, lines 22-31 and on page 32, lines 1-10, strike all of said lines and insert: *property: beginning at the intersection of the North line of Section 2, Township 41 South, Range 37 East, with the Easterly right-of-way line of U.S. Army Corps of Engineers; Levee D-9, in Palm Beach County, Florida; thence, easterly along said North line of said Section 2 to the Northeast corner of said Section 2; thence, northerly along the West line of Section 36, Township 40 South, Range 37 East, to the West one-quarter corner of said Section 36; thence, easterly along the East-West half section line of said Section 36 to the center of said Section 36; thence, northerly along the North-South half section line of said Section 36 to the North one-quarter corner of said Section 36, said point being on the line between Palm Beach and Martin Counties; thence, easterly along said North line of said Section 36 and said line between Palm Beach and Martin Counties to the Westerly right-of-way line of the South Florida Water Management District's Levee 8 North Tieback; thence, southerly along said Westerly right-of-way line of said Levee 8 North Tieback to the Southerly right-of-way line of South Florida Water Management District's Levee 8 at a point near the Northeast corner of Section 12, Township 41 South, Range 37 East; thence, easterly along said Southerly right-of-way line of said Levee 8 to a point in Section 7, Township 41 South, Range 38 East, where said right-of-way line turns southeasterly; thence, southeasterly along the*

*ad valorem taxes in excess of 0.1 mill within the Okeechobee Basin for the purposes of the design, construction and acquisition of the Everglades Construction Project. The ad valorem tax proceeds not exceeding 0.1 mill levied within the Okeechobee Basin for such purposes shall be the sole direct district contribution from district ad valorem taxes appropriated or expended for the design, construction and acquisition of the Everglades Construction Project unless the Legislature by specific amendment to this section increases the 0.1 mill ad valorem tax contribution, increases the agricultural privilege taxes, or otherwise reallocates the relative contribution by ad valorem taxpayers and taxpayers paying the agricultural privilege taxes toward the funding of the design, construction and acquisition of the Everglades Construction Project. Notwithstanding the provisions of s. 200.069 to the contrary, any millage levied under the 0.1 mill limitation in this paragraph shall be included as a separate entry on the Notice of Proposed Property Taxes pursuant to s. 200.069 Once the stormwater*

Senators Kirkpatrick, Kiser, Jones, Diaz-Balart and Jenne offered the following amendment which was moved by Senator Kiser and adopted:

**Amendment 10 (with Title Amendment)**—On page 76, between lines 4 and 5, insert:

Section 3. Alligator Alley toll road.—

(1) The Legislature finds that the construction of Alligator Alley, designated as State Highway 84 and federal Interstate Highway 75, has provided a convenient and necessary connection of the east and west coasts of Florida for commerce and other purposes. However, this state highway has contributed to the alteration of water flows in the Everglades and affected ecological patterns of the historical southern Everglades. The Legislature has determined that it is appropriate and in the public interest to establish a system of tolls for use of Alligator Alley to produce needed financial resources to help restore the natural resource values lost by construction of this highway.

(2) The Department of Transportation is directed to continue the system of tolls on this highway. Notwithstanding the provisions of section 338.165(2), Florida Statutes, to the contrary, such toll collections shall be used for the purposes of this section.

(3) Fees generated from tolls shall be deposited in the State Transportation Trust Fund, and any amount of funds generated annually in excess of that required to reimburse outstanding contractual obligations, to operate and maintain the highway and toll facilities, including reconstruction and restoration, and to pay for those projects that are funded with Alligator Alley toll revenues and that are contained in the 1993-1994 adopted work program or the 1994-1995 tentative work program submitted to the Legislature on February 22, 1994, may be transferred to the Everglades Fund of the South Florida Water Management District for environmental projects to restore the natural values of the Everglades, subject to compliance with any applicable federal laws and regulations. Projects shall be limited to:

(a) Highway redesign to allow for improved sheet flow of water across the southern Everglades.

(b) Water conveyance projects to enable more water resources to reach Florida Bay to replenish marine estuary functions.

(c) Engineering design plans for waste water treatment facilities as recommended in the Water Quality Protection Program Document for the Florida Keys National Marine Sanctuary.

(d) Acquisition of lands to move STA 3/4 out of the Toe of the Boot, provided such lands are located within 1 mile of the northern border of STA 3/4.

(e) Other Everglades Construction Projects as described in the February 15, 1994 conceptual design document.

(4) The district may issue revenue bonds or notes under section 373.584, Florida Statutes, and pledge the revenue from the transfers from the Alligator Alley toll revenues as security for such bonds or notes. The proceeds from such revenue bonds or notes shall be used for environmental projects; at least 50 percent of said proceeds must be used for projects that benefit Florida Bay, as described in this section subject to resolutions approving such activity by the Board of Trustees of the Internal Improvement Trust Fund and the governing board of the South Florida Water Management District and the remaining proceeds must be used for restoration activities in the Everglades Protection Area.

**Amendment 3**—On page 50, line 4, strike "32" and insert: 31

**Amendment 4**—On page 67, line 31, after the period (.) insert: *The district may comply with this subsection by amending its pending permit application.*

**Amendment 5**—On page 68, strike line 19 and insert: *the district's demonstration of reasonable assurance that those elements identified in subsection (k) will provide compliance with water quality standards to the maximum extent practicable and otherwise comply with the provisions of ss. 373.413 and 373.416. The*

**Amendment 6**—On page 75, strike all of lines 14-16 and insert: *regarding the implementation of this section plan. The annual report will include a summary of the water conditions in the EPA, the status of the impacted areas, the status of the construction of the stormwater treatment areas, the implementation of the BMPs, and actions taken to monitor and control exotic species. The district must prepare the report in coordination with federal and state agencies.*

**Amendment 7**—On page 76, strike all of lines 7-12 and insert:

Section 4. The sum of \$2,000,000 is appropriated from the Pollution Recovery Fund for fiscal year 1994-1995 to the Department of Environmental Protection and 10 positions are authorized to carry out the provisions of this act. Of this amount, \$1,500,000 shall be transferred to the Everglades Fund of the South Florida Water Management District.

Senators Wexler, Jenne, Casas, Crenshaw, Diaz-Balart, Foley, Forman, Grogan, McKay, Meadows, Myers, Scott, Siegel, Silver, Turner and Weinstein offered the following amendment which was moved by Senator Wexler:

**Amendment 8**—On page 13, strike all of lines 10-13 and insert: *and conditions that prevent timely performance. The district shall not levy ad valorem taxes in excess of 0.1 mill within the Okeechobee Basin for the purposes of the design, construction and acquisition of the Everglades Construction Project. The ad valorem tax proceeds not exceeding 0.1 mill levied within the Okeechobee Basin for such purposes shall be the sole direct district contribution from district ad valorem taxes appropriated or expended for the design, construction and acquisition of the Everglades Construction Project unless the Legislature by specific amendment to this section increases the 0.1 mill ad valorem tax contribution, increases the agricultural privilege taxes, or otherwise reallocates the relative contribution by ad valorem taxpayers and taxpayers paying the agricultural privilege taxes toward the funding of the design, construction and acquisition of the Everglades Construction Project. Once the stormwater*

Senators Wexler, Jenne, Casas, Crenshaw, Diaz-Balart, Foley, Forman, Grogan, McKay, Meadows, Myers, Scott, Siegel, Silver, Turner and Weinstein offered the following substitute amendment which was moved by Senator Wexler and adopted:

**Amendment 9**—On page 13, strike all of lines 10-13 and insert: *and conditions that prevent timely performance. The district shall not levy*

Section 4. Section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(1) The department, any transportation or expressway authority or, in the absence of an authority, a county or counties may continue to collect the toll on a revenue-producing project after the discharge of any bond indebtedness related to such project and may increase such toll. All tolls so collected shall first be used to pay the annual cost of the operation, maintenance, and improvement of the toll project.

(2) If the revenue-producing project is on the State Highway System, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the revenue-producing project is located.

(3) *Notwithstanding any other law to the contrary, pursuant to Article VII, Section 11 of the Constitution of the State of Florida, and subject to the requirements of subsection 2 of this section, the Department of Transportation may request the Division of Bond Finance to issue bonds secured by toll revenues collected on the Alligator Alley to fund transportation projects contained in the 1993-1994 Adopted Work Program or in any subsequent adopted work program of the department.*

(4)(3) If the revenue-producing project is on the county road system, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any other state or county road within the county or counties in which the revenue-producing project is located.

(5)(4) Selection of projects on the State Highway System for construction, maintenance, or improvement with toll revenues shall be, with the concurrence of the department, consistent with the Florida Transportation Plan.

(6)(5) Notwithstanding the provisions of subsection (1), in order to facilitate expeditious completion of the Interstate System, the department is authorized to continue to collect the toll on a revenue-producing project currently designated as part of the Interstate System.

(7)(6) This section does not apply to the turnpike system as defined under the Florida Turnpike Law.

Section 5. Section 373.4593, Florida Statutes, is created to read:

373.4593 Florida Bay Restoration.—

(1) The Legislature declares that an emergency exists regarding Florida Bay due to an environmental crisis manifested in widespread dieoff of sea grasses, algae blooms and resulting decreases in marine life. These conditions threaten the ecological integrity of Florida Bay and surrounding areas and the economic viability of Monroe County and the State of Florida. The Legislature further finds that an increase in freshwater flow will assist in the restoration of Florida Bay.

(2) The South Florida Water Management District shall take all actions within its authority to implement an emergency interim plan. The emergency interim plan shall be designed to provide for the release of water into Taylor Slough and Florida Bay by up to 800 cfs, in order to optimize the quantity, timing, distribution and quality of fresh water, and promote sheet flow into Taylor Slough.

(a) By June 1, 1994, the South Florida Water Management District shall request the federal government to become a joint sponsor of the emergency interim plan.

(b) By June 1, 1994, the South Florida Water Management District shall request the federal government to take all action within its authority to expedite or waive any necessary federal approvals.

(c) By July 1, 1994, the South Florida Water Management District shall file for any necessary federal approvals.

(d) Within 60 days of the issuance of the final federal approvals, the South Florida Water Management District shall complete the installation of the necessary facilities required by the emergency interim plan.

(e) By July 1, 1994, the South Florida Water Management District shall file an eminent domain action pursuant to chapter 74, F.S., to acquire the western 3 sections of the Frog Pond. The value of the property and any damages to the remainder caused by the taking shall be determined consistent with procedures in s. 73.071. Because of this emergency situation the Legislature has determined the rapid acquisition of

these specific lands to be necessary, however, the Legislature does not intend for the methods used to determine the value of property and any damages for these particular sections of lands to be considered as normal precedence for other similar situations.

(f) Within 30 days of the acquisition of the property referred to above and the completion of the actions in (d) above, the South Florida Water Management District shall implement the emergency interim plan.

The above measures are emergency interim actions intended to enhance the quantity, timing, and distribution of freshwater to Taylor Slough and Florida Bay. These measures will benefit the water resources of the South Florida Water Management District and are consistent with the public interest.

(3) The district shall not be required to obtain a permit which may otherwise be required under this chapter or chapter 403 prior to the construction, installation, and operation of the pumping facilities and related facilities required to implement the emergency interim plan. The district is directed to provide information on the emergency interim plan to the department. The district shall minimize environmental impacts which may occur during construction, and shall submit a construction plan to the department. In the event that the emergency interim plan continues beyond July 1, 1996, the district shall apply to the department for a permit to continue to operate these facilities.

(4) The Legislature recognizes that the U.S. Army Corps of Engineers is developing a comprehensive plan for restoring freshwater flow into Taylor Slough and Florida Bay over the next several years. The emergency interim plan is not a substitute for or in conflict with the provisions of the U.S. Army Corps of Engineers currently under development. Further, the Legislature directs that the department and the South Florida Water Management District shall request the federal government complete and fund the ongoing restoration efforts so as to increase the quantity, quality, timing, and distribution of water delivered to the Bay. The department and the district shall also request the federal government to evaluate the release of freshwater under the demonstration project, consistent with applicable law.

(5) The Legislature declares that it is necessary for the public health and welfare that the Florida Bay and the Everglades National Park waters and water resources be conserved and protected. The Legislature further declares that certain lands are needed for the completion of these restoration efforts. The acquisition of real property for this objective constitutes a public purpose for which public funds may be expended. In addition to other authority pursuant to this chapter to acquire real property, the governing board of the district is empowered and authorized to acquire fee title or easements by eminent domain for the lands within the western three sections of the area known as the Frog Pond. The South Florida Water Management District is granted the specific power to exercise eminent domain to condemn the lands in these areas.

Section 6. The Legislature finds that certain lands are appropriate for acquisition with funds from the Conservation and Recreation Lands Trust Fund in order to restore the historic hydrology of Florida Bay. Notwithstanding chapter 259, F.S., sums not to exceed the total of \$25 million in funds appropriated to the Department of Environmental Protection from the Conservation and Recreation Lands Trust Fund shall be allocated, as necessary, to the South Florida Water Management District, on a dollar-for-dollar matching basis to be used for the acquisition of such lands. The funds are intended to supplement, but not replace, any federal or district funds that may be available for such purposes. In addition, the amount to be allocated will be decreased by the amount provided by any other state sources for the acquisition of such land.

Section 7. The South Florida Water Management District is authorized to expend funds from Alligator Alley tolls which have been deposited in the Everglades Fund of the South Florida Water Management District to fund restoration activities for the Everglades and Florida Bay.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 3, line 31, after the semicolon (;) insert: continuing the collection of tolls on Alligator Alley; providing uses for tolls; authorizing the South Florida Water Management District to issue revenue bonds or notes using toll revenues as security; providing uses for the proceeds from said lands or notes; amending s. 338.165, F.S.; authorizing the Department of Transportation to request the issuance of bonds secured

by toll revenues collected on Alligator Alley to fund specified transportation projects; creating s. 373.4593, F.S.; providing legislative intent regarding the restoration of the Florida Bay; directing the district to implement an emergency interim plan; providing elements of said plan; authorizing the South Florida Water Management District to acquire specified lands by eminent domain; directing the district to take certain actions to promote the restoration of the Florida Bay; waiving certain permit requirements; authorizing the acquisition of certain lands needed to restore the historical hydrology of Florida Bay using funds from the Conservation and Recreation Lands Trust Fund; allocating not more than \$25 million in said funds to be used by the South Florida Water Management District for said purpose;

Senator Kiser moved the following amendments which failed:

**Amendment 11**—On page 17, lines 22-31 and on page 18, lines 1-10, strike all of said lines and insert:

(c) 1. STA 3/4 modification.—The Everglades Program will contribute to the restoration of the Rotenberger and Holey Land tracts. The Everglades Construction Project provides a first step toward restoration by improving hydroperiod with treated water for the Rotenberger Tract and by providing a source of treated water for the Holey Land. It is further the intent of the Legislature that the easternmost tract of the Holey Land known as the "Toe of the Boot" be removed from STA 3/4. ~~under the circumstances set forth in this paragraph.~~ The district shall proceed to modify the Everglades Construction Project, *which modification shall achieve provided that the redesign achieves at least as many water quality environmental and hydrological benefits as are included in the original design, including treatment of waters from sources other than the EAA, and does not delay construction of STA 3/4. The inclusion of these public lands as part of the project is for the purpose of treating waters not coming from the EAA for hydroperiod restoration.* The District is authorized to use eminent domain to acquire alternative lands, only if such lands are located within one mile of the northern border of STA 3/4.

2. *Holey Land and the Rotenberger Wildlife Areas.—It is the intent of the Legislature that natural Everglades flora and fauna of the Holey Land and the Rotenberger Wildlife Management areas should be restored and maintained. By December 31, 2003, the department shall file a notice of rulemaking in the Florida Administrative Weekly to numerically interpret for phosphorus the Class III narrative nutrient criterion necessary to meet water quality standards in the Rotenberger and Holey Land areas. Until completion of the portions of the Everglades Construction Project that provide clean water to these two tracts, water will be pumped onto these tracts only if the district and the Florida Game and Freshwater Fish Commission mutually agree that the pumping will result in restoration of these tracts.*

**Amendment 12**—On page 21, line 13 through page 22, line 17, strike all of said lines and insert:

(e) Evaluation of water quality standards.

1. The department and the district shall, ~~employ all practicable means to~~ complete by December 31, 1998, any ~~additional~~ research necessary to:

a. Numerically interpret for phosphorus the class III narrative nutrient criterion necessary to meet water quality standards in the Everglades Protection Area; and

b. Evaluate existing water quality standards applicable to the Everglades Protection Area and EAA canals. ~~This research must be completed no later than December 31, 2001.~~

2. ~~By December 31, 2001, February 2, 1999,~~ the department shall file a notice of rulemaking in the Florida Administrative Weekly to establish a phosphorus criterion in the Everglades Protection Area. The phosphorus criterion, ~~which applies only in the Everglades Protection Area,~~ must not allow waters in the Everglades Protection Area to be altered so as to cause an imbalance in the natural populations of aquatic flora or fauna: *in the Everglades Protection Area, and shall provide net improvement in the areas already impacted.* The phosphorus criterion ~~applies only in the Everglades Protection Area and is~~ shall be 10 parts per billion (ppb) if the department does not adopt by rule a phosphorus criterion ~~by December 31, 2003, December 31, 2000.~~ However, if the department fails to adopt a phosphorus criterion on or before ~~December 31, 2002 1999,~~ any person whose substantial interests would be affected by the rulemaking has a right, on or before ~~February 28, 2003,~~

*December 1, 1999* to petition for a writ of mandamus to compel the department to adopt by rule such criterion. The court may stay the implementation of the 10ppb criterion during the pendency of the proceeding upon a demonstration by the petitioner of irreparable harm in the absence of such relief, *and upon a determination that the stay will not cause in any imbalance in the natural flora and fauna of any part of the Everglades Protection Area. Venue for the mandamus action must be Leon County.* The department's phosphorus criterion, whenever adopted, is to supersede the criterion of 10ppb which is otherwise established by this section, but must not be lower than the natural conditions of the Everglades Protection Area, and must take into account spatial and temporal variability.

#### MOTION TO RECONSIDER AMENDMENT

Senator Boczar moved that the Senate reconsider the vote by which **Amendment 12** failed. The motion failed.

Senator Kiser moved the following amendment which was adopted:

**Amendment 13**—On page 22, line 13, after "relief" insert: *Venue for the mandamus action must be Leon County.*

Senator Kiser moved the following amendment which failed:

**Amendment 14**—On page 38, strike all of lines 15-19 and insert: *is \$35.00 per acre for the tax notices mailed November 1994, through 1997 2013. \$27.00 per acre for the tax notices mailed in November 1998 through 2001, \$31.00 per acre for the tax notices mailed November 2002 through November 2005, and \$35.00 per acre for the tax notices mailed in November 2006 through 2013.*

The vote was:

Yeas—10 Nays—29

On motion by Senator Dantzler, by two-thirds vote **CS for CS for SB 1350** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31 Nays—9

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 7, 1994: CS for CS for SB 1422, CS for SB 480, CS for CS for SB 1608, CS for SB 2704, SB 574, CS for SB 1914, SB 1042, SB 1244, CS for CS for CS for SB's 1022 and 2404, CS for SB 30, SB 386, SB 2564, CS for SB 434, CS for SB 2350, CS for SB 2380, CS for SB 1826, SB 1828, CS for SB 1540, SB 1832, CS for SB 2042, SB 1360, SB 352, CS for SB 576, CS for SB 1992, SB 2120, CS for SB 1806, SB 2188, HB 343, SB 2062, SB 198, CS for SB 1068, CS for SB 1228 and CS for SB 1910, CS for SB 1320, CS for SB 1378, SB 1536, CS for SB 1944, SB 2658, CS for SB 2536, CS for SB 140, CS for SB 176, CS for SB 552, CS for SB 690, SB 1612, SB 1726, CS for SB 1728, CS for CS for SB 1750, CS for CS for SB 1858, CS for SB 1936, CS for SB 426, SB 2322, CS for SB 242, CS for SB's 136 and 1716, SB 244, CS for SB 2044, CS for SB's 302 and 196, SB 1450, SB 1618

Respectfully submitted,  
George Kirkpatrick, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Thursday, April 7, 1994: SB 3146, SB 3148, HB 1043, HB 1353, HB 1483, HB 1595, HB 2089, HB 2205, HB 2235, HB 2237

Respectfully submitted,  
George Kirkpatrick, Chairman

The Committee on Commerce recommends the following pass: SB 152

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

## COMMITTEE SUBSTITUTES

The Special Master on Claims recommends the following pass: CS for HB 1575

**The bill was referred to the Committee on Finance, Taxation and Claims under the original reference.**

The Committee on Commerce recommends the following pass: SB 1008

**The bill was placed on the calendar.**

The Committee on Commerce recommends the following not pass: CS for SB 1236

**The bill was laid on the table.**

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 2776

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

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 680, CS for SB 1194, CS for SB 1352, CS for SB 1424, CS for SB's 1636, 1850, 2240 and 2568, CS for SB 2924

**The bills with committee substitutes attached were placed on the calendar.**

## INTRODUCTION AND REFERENCE OF BILLS

## FIRST READING

**SR 3160** was introduced out of order and adopted this day.

**SR 3162** was introduced out of order and adopted this day.

## MOTION

On motion by Senator McKay, the rules were waived and by unanimous consent the following bill was introduced:

By Senator McKay—

**SB 3164**—A bill to be entitled An act relating to the district school system; amending s. 230.232, F.S.; revising provisions relating to pupil enrollment; providing for application procedures; providing an effective date.

—was read by title and referred to the Committee on Education.

**SR 3166** was introduced out of order and adopted this day.

## MOTION

On motion by Senator Scott, the rules were waived and by unanimous consent the following bill was introduced:

By Senators Meadows, Scott, Jenne and Forman—

**SB 3168**—A bill to be entitled An act relating to Broward County; amending chapter 57-1183, Laws of Florida, as amended, which created and incorporated a special tax district in Broward County, Florida, known as the Hillsboro Inlet Improvement and Maintenance District; providing for an extension of the life of said district until June 22, 2004; providing for a referendum.

(Passed on the Local Bill Calendar this day.)

## FIRST READING

By the Committees on Appropriations; and Natural Resources and Conservation—

**CS for CS for SB 680**—A bill to be entitled An act relating to the Department of Environmental Protection; amending s. 20.255, F.S.; providing for two deputy secretaries; authorizing the assignment of their responsibilities; providing for special offices and for managers of the special offices; exempting the managers from Part II, ch. 110, F.S.; providing for an executive coordinator for ecosystems management; authorizing assistant and deputy division directors; prohibiting the creation of deputy secretaries or senior management positions, except as specified; providing for six administrative districts; deleting provisions for two assistant secretaries of the department; requiring the director of the Division of State Lands to be confirmed by the Board of Trustees of the Internal Improvement Trust Fund; specifying the divisions of the department; repealing subsection (7) of section 3 of chapter 93-213, Laws of Florida, abrogating the repeal of s. 20.2655(5), F.S., which grants specified review authority to the Governor and Cabinet; repealing s. 370.02, F.S., which relates to the powers and duties of the Department of Natural Resources; providing an effective date.

By the Committees on Appropriations and Agriculture and Senators Foley, Johnson, Bankhead, Williams and Kirkpatrick—

**CS for CS for SB 1194**—A bill to be entitled An act relating to creation of the Florida Agriculture Center and Horse Park Authority; creating s. 570.951, F.S.; providing legislative findings; creating s. 570.952, F.S., establishing the Florida Agriculture Center and Horse Park Authority; providing for membership, powers and duties, meetings and procedures, and official action; requiring annual reporting; providing an effective date.

By the Committees on Appropriations and Education and Senator Dyer—

**CS for CS for SB 1352**—A bill to be entitled An act relating to the State University System; amending s. 240.2093, F.S.; authorizing the Board of Regents to issue bonds and refinance existing bonds; authorizing the Board of Regents to approve a direct-support organization or other approved entity to issue bonds on its behalf; amending ss. 240.223, 240.295, F.S.; conforming language; amending s. 240.296, F.S.; creating the State University System Facilities Loan and Debt Surety Program to replace the State University Housing Loan Fund; amending s. 240.299, F.S.; authorizing the direct-support organizations to enter into agreements for financing, constructing, or purchasing facilities; amending s. 243.01, F.S.; revising definitions; amending s. 243.02, F.S.; revising powers of the Board of Regents relating to issuing and managing debt; amending s. 243.03, F.S.; revising provisions relating to the issuance of revenue certificates; amending s. 243.04, F.S.; revising powers of the Board of Regents to secure debt service; amending s. 243.06, F.S.; revising remedies for the holders of revenue certificates; amending s. 243.09, F.S.; revising provisions relating to prohibitions against obligating the state; amending s. 243.10, F.S., relating to revenue certificates as obligations of the Board of Regents; creating s. 243.105, F.S.; providing tax-exempt status; providing the exercise of powers for public purpose; providing that debt of the Board of Regents constitutes legal public investments; amending s. 243.11, F.S.; revising provisions relating to supplemental nature of law; amending s. 243.141, F.S.; providing duties of the State Board of Administration; amending s. 243.151, F.S.; revising provisions relating to lease agreements; amending s. 240.301, F.S.; prescribing the mission and responsibilities of public community colleges; amending s. 240.209, F.S.; requiring the Board of Regents to develop standards for the role of student advocate at each university; requiring review of plans; repealing s. 235.222(2), F.S., relating to repayment of loans; repealing s. 240.294, F.S., relating to insurance on lease-purchase agreements; repealing ss. 243.07, 243.12, 243.131, F.S., relating to deposit of proceeds from the sale of revenue certificates, short title, and federal aid; providing an effective date.

By the Committees on Appropriations and Judiciary and Senator Kurth—

**CS for CS for SB 1424**—A bill to be entitled An act relating to child support enforcement; transferring the child support enforcement program from the Department of Health and Rehabilitative Services to the Department of Revenue; providing for existing rules and pending proceedings; requiring the Department of Health and Rehabilitative Services to provide certain services to the Department of Revenue; authorizing the Department of Revenue to enter into contracts for services; providing for consideration of certain employees by firms under privatization contract; transferring the Clerk of the Court Child Support Enforcement Collection System Trust Fund and the Child Support Enforcement Application and User Fee Trust Fund to the Department of Revenue; amending s. 20.19, F.S.; abolishing the Child Support Enforcement Program Office within the Department of Health and Rehabilitative Services; amending s. 20.21, F.S.; creating a Division of Child Support Enforcement within the Department of Revenue; amending ss. 409.2554, 409.2561, 409.2567, F.S.; designating the Department of Revenue as the state agency responsible for the administration of the child support enforcement program under Title IV-D of the Social Security Act; amending ss. 61.046 and 61.16, F.S.; redefining "department" as the Department of Revenue for purposes of provisions relating to child support enforcement; amending ss. 88.031 and 88.171, F.S.; redefining "department" as the Department of Revenue under the Revised Uniform Reciprocal Enforcement of Support Act; amending ss. 90.502, 213.053, 287.059, 411.222, F.S., to conform; authorizing the Department of Health and Rehabilitative Services to contract with the Department of Revenue for services prior to the transfer; granting the Department of Revenue specified budget flexibility for fiscal year 1994-1995; directing the Division of Statutory Revision to prepare a reviser's bill; providing appropriations and authorizing additional positions; providing effective dates.

By the Committees on Appropriations and Governmental Operations and Senators Forman, Jones, Bankhead, Crenshaw, Diaz-Balart, Williams, Sullivan and Boczar—

**CS for CS for SB's 1636, 1850, 2240 and 2568**—A bill to be entitled An act relating to information resources management; amending s. 20.055, F.S.; encouraging inclusion of electronic data processing auditors on agency internal audit staffs; amending s. 20.22, F.S.; changing the name of the Administrative Management Information Center of the Department of Management Services; amending s. 112.3145, F.S.; providing that members of the Information Technology Resource Procurement Advisory Council are specified state employees for the purpose of financial disclosure; amending s. 186.021, F.S.; requiring state agency strategic plans to identify information resources management needs associated with agency programs; amending s. 186.022, F.S.; requiring the Executive Office of the Governor to consider in its review of state agency strategic plans the findings of the Information Resource Commission with respect to the strategic information resources management issues; amending s. 216.0445, F.S.; requiring the Information Resource Commission to make recommendations on projects to be designated for special monitoring; amending s. 216.163, F.S.; requiring the Governor's recommended budget to include recommendations, including proviso language, designating information resource management projects for special monitoring and designation of the project monitor; amending s. 282.004, F.S.; amending legislative intent with respect to information resources management; creating s. 282.20, F.S.; designating the Technology Resource Center of the Department of Management Services as an information system utility; assigning duties; creating a data processing policy board for the center; specifying members; amending s. 282.303, F.S.; redefining the term "information resources management"; amending s. 282.304, F.S.; providing that the executive administrator of the Information Resource Commission shall be subject to an annual performance contract by the commission; clarifying the independence of the commission; specifying duties of the executive administrator; repealing s. 282.306, F.S., relating to the executive administrator of the Information Resource Commission; amending s. 282.305, F.S.; adding to the duties of the Information Resource Commission; directing the commission to work in conjunction with the Information Resources Management Advisory Council and the Department of Management Services when agencies request assistance with specified projects; changing the date for submitting information resources management issues for inclusion in the legislative budget instructions; requiring the Information Resource Commission to prepare

a list of the projects designated for special monitoring in the General Appropriations Act and submitting the list to designated recipients; requiring the Information Resource Commission to develop recommendations on streamlining data centers; correcting a cross reference; amending s. 282.3061, F.S.; requiring the State Strategic Plan for Information Resources Management to include a description of the projects designated for special monitoring; requiring the executive administrator to provide quarterly progress reports to the commission on the implementation of such plan; amending s. 282.3062, F.S.; changing the date for submission by the Board of Regents of its annual report on information resources management; amending s. 282.307, F.S.; making agency information resources management plans consistent with agency strategic plans; amending s. 282.308, F.S.; correcting terminology to conform; amending s. 282.312, F.S.; requiring agency annual performance reports to include an explanation of notable difficulties incurred during the course of an information resource management project; requiring the reports to also include an assessment of information resources management issues relating to personnel; amending s. 282.313, F.S.; authorizing data processing boards to expend funds for specified research and development projects; authorizing specified agreements; amending s. 282.314, F.S.; authorizing the Information Resources Management Advisory Council to provide assistance to state agencies upon request; requiring the council to advise the Department of Management Services; amending s. 282.318, F.S.; relating to security of data and information technology resources; requiring agencies to note the percentage of critical applications that have contingency plans; creating s. 282.322, F.S.; creating a special monitoring process for designated information resources management projects; providing for contracting for project monitors; providing for reports; amending s. 287.073, F.S.; requiring the Information Technology Resource Procurement Advisory Council to review certain additional contracts; requiring major changes to projects subject to the council's review to be considered by the council and other original approval authorities; providing a definition; requiring council review of certain project contracts and contract dissolutions before their execution; prescribing duties of the council relating to contract review and inclusion of specified provisions; modifying the membership of the council, requiring council action to be a majority of those present; amending ss. 6 and 8, ch. 93-278, L.O.F., extending the date for the Department of Management Services to develop criteria for delegating varying levels of purchasing authority to agencies; extending the date for the Department of Management Services to develop model contracts for information technology resources acquisitions; specifying certain requirements for the model contracts; requiring the Department of Management Services to develop model procurement documents for information technology resources; requiring a report by the Department of Management Services; requiring the Department of Management Services to establish a negotiating team for information technology resources; requiring the Information Resource Commission to contract for a baseline assessment of all state data centers; specifying contract requirements; providing for an effective date.

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

**CS for SB 2776**—A bill to be entitled An act for the relief of Randall Gibson; directing the South Florida Water Management District to appropriate moneys to compensate him for personal injuries sustained as a result of the negligence of the district; providing an effective date.

By the Committees on Appropriations; Executive Business, Ethics and Elections; and Senators Turner and Weinstein—

**CS for CS for SB 2924**—A bill to be entitled An act relating to implementation of the National Voter Registration Act of 1993 for federal and state elections; creating part I of chapter 97, F.S.; providing general provisions of the election code; amending s. 97.012, F.S.; providing responsibilities of the Secretary of State as chief election officer; amending s. 97.021, F.S.; providing definitions; creating s. 97.023, F.S., relating to complaint procedures; transferring and renumbering s. 98.251, F.S., relating to the availability of Election Code reprints; creating part II of chapter 97, F.S., relating to the "Florida Voter Registration Act"; creating s. 97.032, F.S.; providing a short title; amending s. 97.041, F.S.; revising qualifications to register or vote; amending s. 97.051, F.S.; eliminating an identification requirement for registration and the requirement of a written statement under oath relating to previous registration or lack thereof; amending, transferring, and renumbering s. 98.111, F.S.; revising the reg-

istration application and requirements relating thereto to provide for a uniform statewide voter registration application and other voter registration forms in conformance therewith; creating s. 97.053, F.S., relating to acceptance of voter registration applications; amending, transferring, and renumbering s. 98.051, F.S.; revising the registration book-closing period; creating s. 97.057, F.S.; authorizing voter registration by the Department of Highway Safety and Motor Vehicles in conjunction with applications for, renewals of, and changes of address on drivers' licenses or identification cards and providing requirements therefor; creating s. 97.058, F.S.; authorizing voter registration at specified voter registration agencies and providing requirements therefor; amending s. 97.061, F.S.; revising provisions relating to registration of persons needing assistance in voting; transferring and renumbering s. 97.0631, F.S., relating to overseas voters; transferring and renumbering s. 97.065, F.S., relating to the administration of oaths to overseas voters; amending s. 97.071, F.S.; revising the contents of the registration identification card and providing for replacement of defaced, lost, or stolen cards and for issuance of a new card upon change of name, address, or party affiliation; creating s. 97.073, F.S.; providing for disposition of voter registration applications; providing for notice to cancel former registration; amending, transferring, and renumbering s. 97.091, F.S., relating to registration in precinct and provisions for residence and name change at the polls; replacing an affidavit under oath with a signed statement subject to specified false swearing penalties; amending s. 97.1031, F.S., relating to notice of change of residence within the same county or change of name, to conform; transferring and renumbering s. 97.102, F.S., relating to change of residence; transferring and renumbering s. 98.041, F.S., relating to the permanent single registration system established for all elections in the state, to conform; amending, transferring, and renumbering s. 98.031, F.S., relating to registration and election districts, precincts, and polling places, to conform a cross-reference; amending, transferring, and renumbering s. 98.161, F.S.; revising provisions relating to duties of the supervisor of elections, to include provisions on office hours and the appointment of deputy supervisors; creating s. 98.045, F.S.; providing for administration of voter registration; creating s. 98.055, F.S.; providing for registration list maintenance forms; creating s. 98.065, F.S.; providing for registration list maintenance programs; creating s. 98.075, F.S.; providing other registration list maintenance activities; amending s. 98.081, F.S., relating to removal of names from the registration books, to conform; transferring and renumbering s. 98.091, F.S., relating to municipalities' use of election systems; amending, transferring, and renumbering s. 98.301, F.S., relating to duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated with respect to voting, and persons convicted of a felony, to conform; amending, transferring, and renumbering s. 98.211, F.S., relating to public inspection of registration books, to conform a cross-reference; amending s. 98.212, F.S.; requiring supervisors to furnish information to the Department of State for federal reporting purposes; transferring and renumbering s. 98.321, F.S., relating to certificates of elections; amending s. 98.461, F.S., relating to filing of the registration form, to conform a cross-reference; amending s. 101.694, F.S., relating to mailing of absentee ballot upon receipt of federal postcard application, to conform; amending s. 104.011, F.S., relating to false swearing, to conform; prohibiting willful submission of false voter registration information; providing penalties; amending s. 104.012, F.S., relating to consideration for registration; prohibiting interference with registration and soliciting registration for compensation; providing penalties; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter registration identification card, to conform; amending s. 125.01, F.S., relating to powers and duties of county government, to conform a cross-reference; repealing ss. 97.063, 97.064, 97.072, 98.201, 98.271, 101.692, and 125.9505, F.S., relating to eligibility for absentee registration, registration of citizens residing overseas, federal employees, and military personnel when previously registered, replacement of registration identification card, removal of names of disqualified electors, appointment of deputy supervisors and volunteer deputy voter registrars, the federal postcard application for absentee ballots, and an exemption relating to volunteer deputy voter registrars, respectively, to conform; providing an appropriation; creating the Central Voter File Study Committee; providing for membership, officers, organization, per diem, and staffing; providing duties; providing for a report and for termination of the committee upon submission of the report; providing effective dates.

## MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

### APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Directors, Enterprise Florida, Inc. Appointee: Weaver, Dorothy C., Coral Gables	01/07/96

**Referred to the Committee on Executive Business, Ethics and Elections.**

## 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 1575, CS for HB 1667, HB 2143, HB 2275, HB 2483; has passed as amended CS for HB 273, HB 1039, CS for HB 1305, CS for HB 1369, CS for HB 1505, CS for HB 1639, CS for HB 1733, HB 1771, CS for HB 1813, HB 1815, HB 1829, HB 1931, HB 2179, HB 2225, CS for HB 2409, HB 2413, HB 2463, HB 2471, HB 2503, HB 2547, HB 2653, HB 2673, HB 2875 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committee on Judiciary and Representative Long—

**CS for HB 1575**—A bill to be entitled An act relating to Hernando County; providing for the relief of Teresa Elaine Murdock; providing an appropriation to compensate her for personal injuries and related medical expenses resulting from a collision involving county vehicles and payment of a verdict rendered by a jury in Hernando County; providing for payment by insurance companies on behalf of Hernando County; 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 Criminal Justice and Representative McMahan and others—

**CS for HB 1667**—A bill to be entitled An act relating to horticulture products; amending s. 810.011, F.S.; defining the term "commercial horticulture property" for purposes of ch. 810, F.S., relating to trespass; amending s. 810.09, F.S.; providing an enhanced penalty for the offense of trespass on commercial horticulture property that is properly posted; amending s. 921.0012, F.S., relating to the offense severity ranking chart; revising the level 2 offense level to include trespass on posted commercial horticulture property; providing an effective date.

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

By Representative McMahan—

**HB 2143**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.084, F.S.; providing for the issuance of temporary exemption certificates for newly organized charitable organizations; providing procedures for applying for the temporary certificate; providing for contingent liability for tax and interest payments in specified circumstances; providing for expiration and renewal of the certificates; providing for cancellation and retrospective liability for the tax and interest; providing for rulemaking by the Department of Revenue; providing an effective date.

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

By Representative Bo Johnson—

**HB 2275**—A bill to be entitled An act relating to Santa Rosa County; amending ch. 79-561, Laws of Florida, as amended; revising provisions relating to the civil service system for certain employees of Santa Rosa County; revising and adding definitions; amending provisions relating to the civil service board; exempting elections from the Florida Election Code; changing date of election or appointment and date to take office; revising provisions relating to organization, administration, funding, powers, and duties of the board and the system; authorizing a minimum allowance for board members; revising qualifications for board members; revising provisions relating to a classified pay plan, payrolls, efficiency standards, rules, registers, filling vacancies in the classified service, appointments, transfers, disciplinary matters, staff reductions, and confidentiality; deleting a penalty provision and an exemption to the act; providing conforming amendments; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar this day.)

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

**HB 2483**—A bill to be entitled An act relating to confidentiality of records relating to investigation and treatment of impaired harbor pilots; amending s. 310.102, F.S.; providing exemptions from public records requirements for information obtained from probable cause investigations of and treatment programs for impaired practitioners; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committee on Commerce.

By the Committee on Health Care and Representative Rayson and others—

**CS for HB 273**—A bill to be entitled An act relating to managed health care; creating s. 641.60, F.S.; providing definitions; creating the Statewide Managed Care Ombudsman Committee; providing for membership, powers, duties, staffing, and funding of the committee; requiring reports; creating s. 641.65, F.S.; creating district managed care ombudsman committees; providing for membership, powers, duties, staffing, and funding of the committees; creating s. 641.70, F.S.; providing duties of the Agency for Health Care Administration relating to the statewide and district committees; creating s. 641.75, F.S.; providing committee members immunity from liability for good faith action on behalf of an enrollee in a managed care program; providing for public records and meetings; providing that committee members shall not be required to testify on certain matters; providing an appropriation; amending s. 641.31, F.S.; providing conditions for referral of continuing care or retirement facility residents to skilled nursing or home health agency services, by the subscriber's primary care physician; providing an effective date.

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

By Representative Arnall and others—

**HB 1039**—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended, relating to the Jacksonville Police and Fire Pension Board of Trustees; providing that the board shall have the power to issue subpoenas to compel attendance of witnesses, production of documents, and to administer oaths to witnesses; providing that the board shall have the power to invest in the stocks of corporations listed on national stock exchanges and the bonds of corporations with the three (3) highest classifications by a major rating service; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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

**CS for HB 1305**—A bill to be entitled An act relating to water and wastewater systems; creating s. 367.0817, F.S.; providing for water reuse projects to be approved by the Public Service Commission; providing that prudent and reasonable costs of reuse shall be recovered in rates approved by the commission; providing for escrow of revenues attributed to such rates, subject to refund; providing for true-up of reuse costs and such rates; creating s. 373.250, F.S.; providing for the encouragement of reuse of reclaimed water; providing a definition; requiring the water management districts to adopt rules to allocate reclaimed water and to provide for emergency situations; providing for application; amending s. 403.064, F.S.; providing requirements for the use of reclaimed water; providing permit requirements for wastewater treatment facilities in water resource caution areas; providing for feasibility studies for reuse of reclaimed water; providing that permits issued by the Department of Environmental Protection for domestic wastewater treatment facilities must be consistent with requirements for reuse in applicable consumptive use permits; limiting disposal of effluent by deep well injection; amending s. 403.1838, F.S.; expanding the scope of the Small Community Sewer Construction Assistance Act; authorizing grants by the Department of Environmental Protection to financially disadvantaged small communities in accordance with rules adopted by the Environmental Regulation Commission; prescribing criteria for the commission's rules; requiring the department to review each grant; providing for grant funds to be used to pay the costs of program administration; providing for a continuation of current department rules for grants previously awarded; authorizing the Department of Environmental Protection to expend federal drinking water funds to make grants and loans; directing the Department of Environmental Protection to report on the status of any federally authorized drinking water state revolving fund program; providing an effective date.

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

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

**CS for HB 1369**—A bill to be entitled An act relating to environmental equity and justice; creating the Environmental Equity and Justice Commission; providing for the appointment of members to the commission; providing for a report; providing for the contents of the report; providing for public hearings; providing for location of public hearings; providing for access to records; providing an appropriation; providing an effective date.

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

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

**CS for HB 1505**—A bill to be entitled An act relating to business investments; providing legislative findings; requiring a study by the Florida Institute of Government regarding access to capital by Hispanic-owned businesses; requiring the institute to conduct a study of the economic development needs of certain groups for certain purposes; providing an appropriation; providing an effective date.

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

By the Committee on Governmental Operations and Representative Tedder—

**CS for HB 1639**—A bill to be entitled An act relating to innovation investments; creating s. 216.235, F.S.; creating the "Innovation Investment Program Act"; providing legislative intent; providing definitions; creating the State Innovation Committee; providing responsibilities of the Department of Management Services, the Information Resource Commission, and review board; providing contents of, procedures for submission of, and criteria for evaluating proposals; providing for distribu-

tion of funds; providing accounting requirements; requiring reports; providing rulemaking authority; providing an effective date.

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

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

**CS for HB 1733**—A bill to be entitled An act relating to drawings by chance and commercial game promotions; amending s. 849.0931, F.S.; providing conditions under which bingo may be conducted by a group of residents of a mobile home park or recreational vehicle park as defined in chapter 513, F.S.; amending s. 849.0935, F.S.; specifying who may conduct; requiring additional disclosure relating to drawings by chance; specifying additional activities as unlawful; amending s. 849.094, F.S.; requiring registration of game promotions; requiring a filing fee; providing procedures; providing additional definitions; providing application; revising specifications of unlawful activities; requiring notification of winners; requiring the Department of State to maintain a list of winners; providing revised powers of the department and the Attorney General; revising criminal penalties; providing an effective date.

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

By Representative Brennan—

**HB 1771**—A bill to be entitled An act relating to financial affairs of local governments; amending s. 11.45, F.S.; revising definitions; requiring additional audit reports; requiring the Auditor General to notify the Governor and Legislative Auditing Committee when a local governmental entity is in, or is about to enter, a state of financial emergency; providing goals and objectives for the local government financial reporting system; amending s. 189.4035, F.S.; reducing the distribution of the official list of special districts; amending s. 189.4085, F.S.; requiring that special districts submit bond information to the Division of Bond Finance of the State Board of Administration; amending s. 189.412, F.S.; revising duties of the Special District Information Program of the Department of Community Affairs; amending s. 189.418, F.S.; revising the implementing and reporting requirements applicable to a special district; amending s. 189.419, F.S.; requiring that special districts submit additional reports and providing for action to be taken against special districts for noncompliance; amending s. 215.322, F.S., relating to acceptance of credit cards by state agencies, units of local government, and the judicial branch; defining the term "unit of local government"; amending s. 218.31, F.S.; defining and redefining terms for purposes of local governmental financial management and reporting; amending s. 218.32, F.S.; revising financial reporting requirements for local governmental entities; creating s. 218.321, F.S.; providing for preparation of financial statements by local governmental entities; amending s. 218.33, F.S., relating to uniform fiscal years and accounting practices; conforming terminology; amending s. 218.335, F.S.; providing for local governmental entities to charge interest; amending s. 218.34, F.S.; providing that special districts may consider carry-over funds when making special district appropriations; amending s. 218.37, F.S.; revising and providing duties of the Division of Bond Finance; amending s. 218.38, F.S.; revising the information required relating to bond issues; amending s. 218.501, F.S.; revising the purpose of the Local Government Financial Emergency Act; amending s. 218.502, F.S.; providing for a definition of the term "local governmental entity"; amending s. 218.503, F.S.; revising procedures for determining and handling financial emergencies of a local governmental entity; amending s. 218.504, F.S., relating to cessation of state action; conforming terminology; authorizing the Department of Transportation to collect program data from counties and municipalities; authorizing the Comptroller to collect information from entities that submit annual financial reports to meet secondary market disclosure standards for municipal securities; amending s. 186.901, F.S.; transferring responsibility for determination of local government population estimates from the Executive Office of the Governor to the Joint Legislative Management Committee; expanding the period through which population changes resulting from municipal annexations or consolidations may be counted for inclusion in the annual revenue sharing calculation; requiring that property valuation estimates of annexed or consolidated properties be forwarded to the Executive Office of the Governor; amending ss. 145.021, 163.3191, and 380.06, F.S., to conform; amending s. 236.081, F.S.; transferring responsibility for

preparation of the Florida Price Level Index from the Executive Office of the Governor to the Commissioner of Education; amending s. 213.053, F.S.; authorizing the Department of Revenue to share information with the Department of Education for preparation of the index; authorizing certain municipalities to increase certain tax rates in a financial emergency; amending s. 189.405, F.S.; providing for qualification of candidates for governing boards of certain special districts; requiring a filing fee; providing for conducting elections for commissioners of certain mosquito control districts; providing effective dates.

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

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

**CS for HB 1813**—A bill to be entitled An act relating to child care at community colleges; amending s. 240.382, F.S.; providing legislative intent; authorizing community college district boards of trustees to establish child development training centers at community colleges and providing for operation thereof; providing for a board of directors and a director for each center; authorizing the centers to charge fees; providing for adoption of rules by the State Board of Community Colleges; providing for funding of the centers; specifying that these provisions do not affect existing community college child care centers; providing an effective date.

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

By Representative Roberts—

**HB 1815**—A bill to be entitled An act relating to Brevard County; amending chapter 87-455, Laws of Florida; limiting the use of funds received by the Technological Research and Development Authority to those programs that further the objectives and purposes of the authority; repealing chapter 89-500, Laws of Florida, and transferring any remaining indebtedness or liabilities; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bo Johnson—

**HB 1829**—A bill to be entitled An act relating to the City of Milton, Santa Rosa County; repealing chapter 73-551, Laws of Florida, as amended, relating to the Civil Service System; providing for the provisions of chapter 73-551, Laws of Florida, as amended, to become an ordinance of the City of Milton subject to modification or repeal as any other ordinance of the city; providing ballot language for a referendum election; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar this day.)

By Representative Sanderson and others—

**HB 1931**—A bill to be entitled An act relating to firesafety standards; amending s. 633.025, F.S.; providing that the South Florida Fire Prevention Code shall not be deemed a part of the South Florida Building Code; prohibiting retroactive application; providing an exception; providing for application; providing an effective date.

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

By Representative Geller—

**HB 2179**—A bill to be entitled An act relating to Broward County and to Port Everglades District and to Port Everglades Authority in Broward County; providing definitions; specifying powers, duties, and obligations of Broward County as to Port Everglades; clarifying powers,

duties, and obligations of the Cities of Hollywood, Fort Lauderdale, and Dania as to the Port Everglades jurisdictional area within their respective municipal boundaries; providing for construction and implementation of Broward County's powers, duties, and obligations; incorporating by reference certain large user wastewater and potable water agreements between certain cities and the port authority; providing for compensation; providing for remedies; preserving municipal boundaries and powers to impose ad valorem taxes; providing severability; providing for future repeal; providing an effective date.

Proof of publication of the required notice was attached.

(Passed on the Local Bill Calendar this day.)

By the Committee on Criminal Justice and Representative Martinez—

**HB 2225**—A bill to be entitled An act relating to the "Safe Streets Initiative of 1994"; designating s. 1 of ch. 93-406 as s. 921.0001, F.S.; amending s. 921.0012, F.S.; placing the offense severity ranking chart into text format for statutory citation purposes; correcting numerical references for certain criminal offenses; specifically ranking certain first degree felony offenses in the offense severity ranking chart; specifically ranking aggravated stalking offenses in the offense severity ranking chart; amending s. 921.0016, F.S.; reducing the number of days for filing departure sentences; amending ss. 810.02 and 812.014, F.S., relating to burglary and theft, to technically restructure for purpose of clarifying placement in the offense severity ranking chart; amending ss. 39.044, 538.23, and 812.015, F.S., relating to detention, secondary metals, and retail and farm theft, to conform to the amendments to ss. 810.02 and 812.014, F.S.; amending s. 893.135, F.S.; revising penalties for trafficking in phencyclidine; amending s. 947.146, F.S., relating to control release, to clarify a statutory cross reference; providing effective dates.

—was referred to the Committees on Criminal Justice; Corrections, Probation and Parole; and Appropriations.

By the Committees on Appropriations; and Aging and Human Services; and Representative Glickman and others—

**CS for HB 2409**—A bill to be entitled An act relating to the children; amending s. 39.01, F.S., relating to definitions; revising definitions and adding new definitions; directing the Division of Statutory Revision to alphabetize the definitions and update cross references; amending s. 39.40, F.S., relating to dependency proceedings; revising procedures; amending s. 39.402, F.S., relating to placement in a shelter; revising procedures and time periods; creating s. 39.4031, F.S.; providing case plan requirements; creating s. 39.4032, F.S.; providing for multidisciplinary case staffings; creating s. 39.4033, F.S.; providing for referral of a dependency case to court mediation; amending s. 39.404, F.S.; revising procedures relating to petitions for dependency; amending s. 39.405, F.S.; providing notice requirements and revising requirements relating to process and service in dependency proceedings; creating s. 39.4051, F.S.; providing special procedures in dependency cases when the identity or location of a parent is unknown; creating s. 39.4057, F.S.; providing for designation of permanent mailing address and use for notice purposes; amending s. 39.408, F.S., relating to hearings for dependency cases; revising disposition hearing provisions; amending s. 39.41, F.S.; revising powers of disposition in dependency cases; amending s. 39.427, F.S.; deleting reference to arbitration and providing for diversion mediation; amending s. 39.428, F.S.; providing for the establishment of a diversion mediation program; amending s. 39.429, F.S.; providing for diversion mediation disposition; repealing s. 39.43, F.S., relating to family arbitration; repealing s. 39.431, F.S., relating to family arbitrators; repealing s. 39.432, F.S., relating to family arbitration procedure; repealing s. 39.433, F.S., relating to family arbitration hearings; repealing s. 39.434, F.S., relating to family arbitration disposition; repealing s. 39.435, F.S., relating to family arbitration review; creating s. 39.4365, F.S.; providing for referral to in need of services mediation; amending s. 39.45, F.S.; revising legislative intent relating to children in foster care; amending s. 39.451, F.S.; deleting reference to performance agreements and providing for case planning for children in foster care; amending s. 39.452, F.S.; providing for case planning for children in foster care when parents do not participate; amending s. 39.453, F.S.; revising provisions relating to judicial review for children in foster care; amending s. 39.454, F.S.; deleting reference to performance agreements and providing for case planning relating to termination of parental rights proceedings; amending s. 39.461, F.S.; revising require-

ments for petitions for termination of parental rights; creating s. 39.4611, F.S.; providing required elements of petitions for termination of parental rights; creating s. 39.4612, F.S.; providing requirements for determining the manifest best interest of the child; amending s. 39.462, F.S.; revising requirements relating to process and service in termination of parental rights proceedings; creating s. 39.4625, F.S.; providing special procedures when the identity or location of a parent is unknown in termination of parental rights proceedings; creating s. 39.4627, F.S.; providing penalties for false statements of paternity in conjunction with termination of parental rights proceedings in certain circumstances; amending s. 39.464, F.S.; revising provisions relating to grounds for termination of parental rights; amending s. 39.465, F.S.; revising provisions relating to guardians ad litem in termination of parental rights proceedings; amending s. 39.466, F.S.; revising advisory hearing procedure in termination of parental rights proceedings; amending s. 39.467, F.S.; revising adjudicatory hearing procedure in termination of parental rights proceedings; amending s. 39.469, F.S.; revising disposition powers and procedure in termination of parental rights proceedings; repealing s. 39.468, F.S., relating to subsequent adoption proceedings and notification of parents; amending s. 39.473, F.S.; revising appeal procedure in termination of parental rights proceedings; amending s. 44.1011, F.S., relating to mediation alternatives; adding a definition; amending s. 44.102, F.S., relating to court-ordered mediation; authorizing dependency and in need of services mediation; amending s. 49.011, F.S.; providing for service of process by publication for termination of parental rights proceedings; amending ss. 409.145 and 409.167, F.S.; deleting reference to permanent commitment; amending s. 409.165, F.S.; revising provisions relating to alternate care for children; creating s. 409.1671, F.S.; providing foster care program contract options; creating s. 409.1672, F.S.; providing for monetary performance incentives for Department of Health and Rehabilitative Services employees with respect to the child welfare system; requiring case plan conversion by the department; creating s. 409.1673, F.S.; establishing legislative findings and intent; requiring plans for an objective assessment and case planning process for dependent children requiring placement in alternate care under chapters 39 and 409; requiring the department and other child welfare professionals to develop and implement a district plan for alternate care; creating s. 409.1674, F.S.; providing financial incentives to districts to develop a continuum of alternate care services to meet the needs of dependent children requiring placement outside of their own homes; providing for the review and selection of district plans; establishing a task force; providing for task force membership, terms, and duties; providing for financial incentives; providing an appropriation; requiring a contract with an independent agency; requiring legislative reports; reenacting and amending s. 409.165(4), F.S.; providing that foster care payments may be made directly to children under direct supervision of a case worker; requiring the Department of Health and Rehabilitative Services to provide certain information to the operators of residential placement facilities; requiring the department to make records of interrogations; requiring the department to develop a district organizational plan and to submit the plan to the Legislature; amending s. 415.503, F.S., relating to child abuse and neglect; defining "false report"; amending s. 415.504, F.S.; providing for report of child-on-child sexual abuse; requiring certain notice to the subject of an investigation of child abuse or neglect, regarding obligation to pay child support and fees; clarifying responsibility of a professional providing treatment or counseling pursuant to reported child abuse or neglect; directing the Department of Health and Rehabilitative Services to develop a report on child-on-child sexual abuse; amending s. 415.512, F.S.; clarifying provisions relating to abrogation of privileged communication; creating s. 415.5131, F.S.; providing an administrative fine for false report; providing for notice and hearing; amending s. 415.515, F.S.; authorizing family preservation services to adoptive families, under the Family Builders Program; amending ss. 415.50165, 415.505, 415.5087, and 415.511, F.S.; correcting cross references; amending s. 119.07, F.S.; revising provisions which provide requirements for disclosure of records of the department pertaining to investigations of abuse, neglect, abandonment, or exploitation; revising terminology with respect to application of such provisions to vulnerable adults; authorizing the department to petition the court for an order for immediate public release of such records when the child or vulnerable adult suffers serious injury or dies; authorizing the department to release summary information if the court does not make a determination within a specified period; providing requirements and conditions; providing effective dates.

—was referred to the Committee on Rules and Calendar.

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

**HB 2413**—A bill to be entitled An act relating to regulation of professions; creating s. 455.2185, F.S.; exempting from state licensure requirements out-of-state or foreign professionals who are employed or designated by a sports entity visiting the state for a specific sporting event; providing limits on the practice permitted such professionals; repealing ss. 458.3095 and 459.0051, F.S., relating to exemption from state licensure requirements for physicians licensed in another state who are employed or designated by a sports entity visiting the state for a specific sporting event, to conform; creating s. 455.2142, F.S.; revising continuing education requirements for health care practitioners serving in the Legislature; amending s. 455.2226, F.S.; requiring persons licensed or certified under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, to complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification; amending s. 455.261, F.S.; providing that certain information obtained by impaired practitioner consultants and the Department of Business and Professional Regulation is immune from discovery in civil actions; amending s. 458.307, F.S., relating to the Board of Medicine; eliminating a provision relating to probable cause panels; amending s. 455.206, F.S.; correcting a cross-reference; amending s. 458.311, F.S.; revising licensure requirements for medical physicians; revising an educational and postgraduate training requirement; allowing certain applicants to complete a fellowship to partially satisfy the licensure requirements; requiring applicants to provide sufficient information and fingerprints; revising a restriction on the number of times an applicant may fail the examination to include remediation after a certain number; eliminating a provision relating to restricted licensure of foreign-trained physicians, which provision was repealed on October 1, 1993; providing for those foreign-trained physicians to pursue licensure notwithstanding the repeal of that provision; reenacting s. 458.310(2)(a), F.S., relating to restricted licenses, to incorporate the amendment to s. 458.311, F.S., in a reference thereto; amending s. 458.313, F.S.; revising requirements for licensure by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; correcting a cross-reference; amending s. 458.3145, F.S., relating to medical faculty certificates; revising renewal requirements; removing provisions relating to extent of practice; revising a provision relating to the maximum number of certificateholders authorized at specified institutions and facilities; amending ss. 458.316, 458.3165, 458.317, F.S.; correcting cross-references; amending s. 458.319, F.S.; clarifying requirements for renewal of license; creating s. 458.326, F.S.; authorizing physicians to prescribe or administer controlled substances for the treatment of intractable pain and providing requirements thereof; creating ss. 458.3312 and 459.0152, F.S.; prohibiting physicians and osteopathic physicians from falsely representing that they are board-certified specialists; providing for the adoption of rules; amending ss. 458.331 and 459.015, F.S.; revising and providing grounds for disciplinary action; reenacting ss. 458.311(1)(d) and (5), 458.313(7), and 458.345(1)(b), F.S., relating to licensure by examination, licensure by endorsement, and registration of resident physicians, interns, and fellows, to incorporate the amendment to s. 458.331, F.S., in references thereto; amending s. 458.347, F.S.; revising requirements for certification of physician assistants certified under ch. 459, F.S.; defining the term "continuing medical education"; allowing physician assistants to show by affidavit evidence of compliance with statutory academic requirements; revising certain other requirements for certification; deleting provisions relating to reactivation of an inactive certificate as a physician assistant and to automatic expiration of the certificate; amending s. 459.022, F.S.; revising requirements for certification of physician assistants certified under ch. 458, F.S.; defining the term "continuing medical education"; allowing physician assistants to show by affidavit evidence of compliance with statutory academic requirements; amending s. 766.1115, F.S., to conform; correcting a definition; amending s. 459.007, F.S.; revising requirements for licensure as an osteopathic physician by endorsement; amending s. 459.011, F.S.; providing that it is state policy that physicians licensed under chapter 458 and osteopathic physicians licensed under chapter 459 be accorded equal professional status and privileges and providing requirements with respect thereto; 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; amending s. 460.408, F.S.; revising provisions relating to approval of continuing education courses for chiropractors; providing for reinstatement of certain

chiropractor licenses; creating s. 461.0055, F.S.; providing for investigation of the qualifications of applicants for licensure as a podiatrist; creating s. 461.011, F.S.; prohibiting sexual misconduct in the practice of podiatric medicine, for which there are disciplinary actions; amending s. 461.013, F.S.; revising and providing grounds for disciplinary action; revising penalties, including increasing the administrative fine; reenacting ss. 320.0848(7), 455.236(4)(g), 461.006(2)(c), and 766.111(2), F.S., relating to disabled person parking permits, financial arrangements between referring health care providers and providers of health care services, applicants for licensure to practice podiatric medicine, and unnecessary diagnostic testing, to incorporate the amendments to ss. 461.013 and 466.028, F.S., in references thereto; creating s. 461.018, F.S.; providing for limited scope of practice of podiatric medicine within a specified area of need; creating s. 461.019, F.S.; providing for a podiatric medical faculty certificate; amending s. 463.006, F.S.; revising accreditation provisions relating to licensure as an optometrist; amending s. 464.004, F.S.; increasing the membership of the Board of Nursing; amending s. 464.005, F.S.; requiring the board's executive director to be a registered nurse; amending s. 464.008, F.S.; providing that applicants for licensure as a registered or licensed practical nurse are responsible for the fee required by the Department of Law Enforcement for background checks; amending s. 464.015, F.S.; revising the period during which the terms "Graduate Nurse" and "Graduate Practical Nurse" and their corresponding abbreviations may be used; amending s. 464.022, F.S.; revising and providing exemptions from regulation under ch. 464, F.S., relating to nursing; amending s. 465.003, F.S.; revising the definition of "practice of the profession of pharmacy"; providing the definition of "kidney dialysis home health care system"; amending ss. 465.014, 465.015, and 499.003, F.S.; correcting cross-references; creating s. 465.0075, F.S.; providing for licensure of certain foreign-trained pharmacists; providing for future repeal of the section; creating s. 465.0105, F.S.; providing for a pharmacy specialist certificate; amending s. 465.0125, F.S.; providing responsibilities of consultant pharmacists and Doctors of Pharmacy; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.0196, F.S.; providing requirements for issuance of special pharmacy permits to operators of kidney dialysis home health care systems; providing for the operation of certain nonprofit pharmacies; correcting a cross-reference; amending s. 465.186, F.S.; increasing the membership of the committee responsible for establishing the formulary of medicinal drug products and dispensing procedures; amending s. 831.30, F.S., relating to the offense of fraudulently obtaining medicinal drugs; revising a cross-reference; amending s. 466.003, F.S.; defining "oral and maxillofacial surgery"; amending s. 466.004, F.S.; revising purpose of the Council on Dental Hygiene; amending s. 466.006, F.S.; adding a qualification for taking the examination for licensure as a dentist; amending s. 466.028, F.S.; providing an additional ground for disciplinary action by the Board of Dentistry; increasing the administrative fine; reenacting s. 466.011, F.S., relating to licensure, to incorporate the amendments to ss. 466.006 and 466.028, F.S., in references thereto; creating s. 466.0282, F.S.; providing requirements for dentists holding themselves out as specialists; creating s. 466.045, F.S.; providing for annual accountings of various licensure fees collected under ch. 466, F.S., relating to dentistry, dental hygiene, and dental laboratories; amending s. 467.009, F.S.; revising and providing requirements for midwifery educational programs; reenacting s. 467.205(1), (3), and (4), F.S., relating to approval of midwifery programs, to incorporate the amendment to s. 467.009, F.S., in references thereto; amending s. 468.1115, F.S.; providing an exemption from regulation as a speech-language pathologist or audiologist; amending s. 468.1145, F.S.; increasing certain licensure, certification, and inactive status fees; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing that applicants for dual licensure in speech-language pathology and audiology are not required to hold a second master's degree; amending s. 468.1215, F.S.; revising accreditation provisions relating to certification as a speech-language pathology assistant or as an audiology assistant; amending s. 468.1295, F.S.; providing penalties for practicing speech-language pathology or audiology with a delinquent license or failing to notify the board of a change in mailing address within a specified time; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.209, F.S.; revising licensure requirements for licensure as an occupational therapist or occupational therapist assistant; providing for certain temporary permits; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending s. 468.301, F.S.; defining "mammographer"; amending s. 468.302, F.S.; adding the certification category of mammographer; specifying which certificateholders may perform mammography and brachyth-

erapy; revising the supervision required for hospital residents and students; amending s. 468.304, F.S.; modifying qualifications for certification; specifying qualifications for certification as a mammographer; amending s. 468.306, F.S.; modifying examination qualifications; amending s. 468.3065, F.S.; specifying a nonrefundable fee; amending s. 468.307, F.S.; conforming qualifications for temporary certification; modifying requirements for the display of certificates; creating s. 468.3071, F.S.; providing for mammographer certification based on prior experience; providing for future repeal; amending s. 468.309, F.S.; revising the expiration date of certificates; amending s. 468.3095, F.S.; specifying a nonrefundable fee; amending s. 468.311, F.S.; revising an offense for which a penalty is provided; amending s. 468.314, F.S.; increasing the membership of the Advisory Council on Radiation Protection by adding a certified radiologic technologist-mammography and a representative of the Department of Education; deleting obsolete provisions relating to staggered terms; providing for appointment of replacement members under specified circumstances; specifying source of reimbursement for travel expenses; redefining the scope of the advisory council; deleting obsolete Sundown provisions; amending s. 468.509, F.S.; revising accreditation provisions relating to licensure as a dietitian/nutritionist; amending s. 468.511, F.S.; revising procedures for temporary permits for certain dietitian/nutritionist applicants; amending s. 478.42, F.S.; revising the definition of "electrolysis or electrology"; amending s. 478.44, F.S.; increasing membership of the Electrolysis Council; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; providing for the approval of an electrology licensure examination; amending ss. 478.46 and 478.47, F.S., relating to temporary permits and licensure by endorsement; correcting cross-references; creating s. 478.475, F.S.; providing for licensure without examination; amending s. 483.035, F.S.; providing responsibility of the Agency for Health Care Administration for personnel standards for exclusive use laboratories; amending s. 483.041, F.S.; including licensed optometrists within the definition of "licensed practitioner" for purposes of laws regulating clinical laboratories; amending s. 483.051, F.S.; revising provisions relating to alternate-site testing; providing responsibility of the agency; providing certain responsibilities of clinical laboratory directors; deleting requirement for consultation with the Board of Clinical Laboratory Personnel; directing the agency to solicit certain comments; specifying a testing protocol; specifying minimum training and education for those who perform testing; amending ss. 483.23, 483.800, 483.801, 483.803, and 483.813, F.S.; providing that provisions governing the regulation and licensure of clinical laboratory personnel do not apply to persons engaged in alternate-site testing or in testing performed at practitioners' exclusive use laboratories or laboratories that perform only waived tests; revising the definition of "clinical laboratory personnel"; revising requirements for temporary licensure of clinical laboratory personnel; amending s. 483.26, F.S.; requiring establishment of a technical advisory panel; providing composition; amending s. 483.811, F.S.; deleting reference to board responsibility for regulation of personnel in laboratories operated under s. 483.035, F.S.; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; amending s. 483.827, F.S.; revising administrative penalties; creating s. 483.828, F.S.; providing criminal penalties for specified violations; 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; providing requirements when there is a change in ownership; 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 to implement the permitting of optical establishments; amending ss. 486.031, 486.041, 486.103, F.S.; eliminating temporary permits for physical therapists and physical therapist assistants and providing for graduate status for each under certain circumstances; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending ss. 486.021, 486.081, 486.102, 486.107, F.S.; revising a definition and eliminating provisions relating to temporary permits, to conform; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.161, F.S.; providing an exemption for certain persons assisting a licensed physical therapist; amending s. 490.005, F.S., relating to licensure of psychologists and school psychologists; increasing application

fees; revising accreditation and other educational requirements; amending s. 490.006, F.S.; revising psychology licensure by endorsement requirements; amending s. 456.32, F.S.; including other licensed professionals within the definition of "practitioner of the healing arts" for purposes of provisions regulating hypnosis; amending s. 491.005, F.S.; revising fees and costs applicable to applicants for licensure as marriage and family therapists; revising accreditation provisions relating to licensure as a marriage and family therapist or as a mental health counselor; creating s. 491.0055, F.S.; providing for licensure of certain persons as mental health counselors under special conditions involving a district court order; providing for future repeal of the section; amending ss. 468.1245 and 484.051, F.S.; directing purchasers to direct complaints concerning hearing aids to the Department of Business and Professional Regulation; requiring the Board of Speech-Language Pathology and Audiology and the Board of Hearing Aid Specialists to adopt rules relating to informing hearing aid purchasers of telecoil, "t" coil, or "t" switch technology; amending s. 400.211, F.S.; revising certification requirements for nursing assistants; authorizing the Department of Business and Professional Regulation to perform, provide, contract for, or grant approval for others to perform or provide nursing assistant certification services and commodities; providing for the registration of athletic trainers who meet specified criteria; providing legislative intent; providing definitions; providing rule-making authority of the Department of Business and Professional Regulation; creating the Athletic Training Regulatory Task Force; providing exemptions; providing an appropriation to implement the regulation of athletic trainers; amending s. 466.007, F.S.; revising requirements for examination of dental hygienists; creating s. 455.2222, F.S.; requiring persons licensed or certified to provide certain medical, dental, social, or counseling services to take a course on domestic violence as part of their continuing education requirements; requiring applicants for initial licensure to take such a course; providing duties of the affected professional boards relating to such requirements and granting rulemaking authority therefor; requiring each affected professional board to submit an annual report to the Legislature; amending s. 455.2226, F.S., to correct a cross-reference; amending s. 455.227, F.S.; making failure to comply with such educational course requirements a ground for disciplinary action; providing penalties; requiring the Department of Business and Professional Regulation to provide recommendations to the Legislature for a uniform licensing system for foreign-trained and foreign-licensed professionals; providing for issuance of restricted medical licenses without examination to a specified group; providing guidelines for issuance of such restricted license; amending s. 404.051, F.S.; directing the Department of Health and Rehabilitative Services to develop certain healing arts self-referral programs for mammography and bone densitometry; creating part XIV of chapter 468, F.S., relating to invasive cardiovascular technology; providing for regulation of the practice of invasive cardiovascular technology under the Department of Business and Professional Regulation; providing a short title, purpose, and definitions; requiring invasive cardiovascular technologists to register with the State of Florida; establishing qualifications for Florida registration; providing application, initial registration, and renewal fees; providing for biennial renewal; providing rulemaking authority; amending ss. 455.214 and 458.317, F.S.; allowing limited licensees to work for certain agencies or institutions; amending s. 455.207, F.S.; providing that the membership of committees established by boards within the Department of Business and Professional Regulation must consist of currently appointed members of the appointing board unless otherwise specified by law; amending s. 490.014, F.S.; expanding exemptions to include certain school psychologists; amending s. 458.317, F.S.; providing for fees if a person receives monetary compensation for the practice of medicine; providing an applicant need not provide a copy of medical degree; creating s. 458.115, F.S.; providing for examination and licensure of foreign-trained physicians; providing effective dates.

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

By the Committee on Natural Resources and Representative Rudd—

**HB 2463**—A bill to be entitled An act relating to federally delegated environmental permit programs; amending s. 403.061, F.S.; providing additional powers and duties of the Department of Environmental Protection relating to the federal Clean Air Act and to training requirements for persons making visible air emissions determinations; amending s. 403.0872, F.S.; providing that certain state operation permits for major sources of air pollution are contingent on federal program approval; providing that state annual license fees terminate upon imposition of federal

program annual fees; reducing annual fees for sources permitted through general permits; providing a fee exception for certain revised construction permits; requiring certain persons to certify applications, submittals, and reports of a major source of air pollution; requiring permits to include applicable federal requirements; amending s. 403.0873, F.S.; correcting references; prohibiting local air pollution programs from duplicating fees for services delegated to them or performed by them which are substantially similar to those performed by the state; amending s. 403.509, F.S.; providing that any conflicting state or local requirements superseded under the certification process for an electrical power plant shall continue to be superseded under the major source air-operation permitting process for that plant; amending s. 403.781, F.S.; providing that nothing in the "Statewide Multipurpose Hazardous Waste Facility Siting Act" supersedes the department's authority to administer federally delegated or approved permit programs; amending s. 403.782, F.S.; providing a definition; amending s. 403.787, F.S.; providing procedures for permit processing under said act in the event of certain conflict; amending ss. 403.789, 403.7891, and 403.7893, F.S.; revising an exemption from certification; providing that provisions of a permit issued pursuant to a federally delegated or approved permit program control over the conditions of a site certification under said act, in the event of conflict; amending s. 403.9402, F.S.; providing that nothing in the "Natural Gas Transmission Pipeline Siting Act" supersedes the department's authority to administer federally delegated or approved permit programs; amending s. 403.9403, F.S.; providing a definition; amending ss. 403.9416, 403.9418, and 403.942, F.S.; providing that provisions of a permit issued pursuant to a federally delegated or approved permit program control over the conditions of a site certification under said act, in the event of conflict; amending ss. 403.951, 403.952, 403.965, and 403.966, F.S.; providing that provisions of a permit issued pursuant to a federally delegated or approved permit program control over the conditions of a site certification under the "Florida Jobs Siting Act," in the event of conflict; amending s. 377.709(6), F.S.; granting exemptions for certain solid waste facilities from need determination process; amending s. 768.28, F.S.; authorizing municipalities to indemnify employees who are exposed to liability under the federal Clean Air Act; providing exceptions; providing legislative intent; amending s. 288.041, F.S.; authorizing the Department of Commerce to make expenditures for certain purposes; providing for transfer of certain moneys to the Economic Development Trust Fund from the Petroleum Violation Escrow Trust Fund for certain purposes; authorizing the department to accept certain contributions, gifts, and grants; requiring the department to submit an annual report; amending s. 377.703, F.S.; requiring the Department of Community Affairs to include solar energy technology in the energy emergency contingency plan and in the state model energy efficiency building code for certain purposes; requiring the Executive Office of the Governor to make recommendations to the Legislature regarding energy efficiency in governmental facilities and fleet vehicles; requiring a report to the Legislature; providing severability; providing an effective date.

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

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

**HB 2471**—A bill to be entitled An act relating to public records; creating s. 499.051(5), F.S.; providing an exemption from public records requirements for trade secret information obtained by the Department of Health and Rehabilitative Services pursuant to investigations under the Florida Drug and Cosmetic Act; providing an exception to such confidentiality; providing a finding of public necessity; creating s. 381.83, F.S.; providing an exemption from public records requirements for trade secrets obtained by the Department of Health and Rehabilitative Services under chapter 381, F.S.; providing requirements for determination of whether information is a trade secret; authorizing disclosure to certain persons and entities and requiring that such persons and entities maintain confidentiality; amending s. 403.73, F.S.; revising provisions which provide an exemption from public records requirements for trade secrets obtained by the Department of Environmental Protection; authorizing disclosure to certain persons and entities and requiring that such persons and entities maintain confidentiality; providing for future review and repeal; providing a finding of public necessity; providing for retroactive effect; providing an effective date.

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

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

**HB 2503**—A bill to be entitled An act relating to pilots, piloting, and pilotage; creating s. 310.0015, F.S.; providing general provisions with respect to the regulation of piloting; amending s. 310.002, F.S.; revising and providing definitions; merging and amending ss. 310.011 and 310.021, F.S.; revising the composition of the Board of Pilot Commissioners; correcting terminology and cross references; amending s. 310.071, F.S.; revising requirements for certification as a deputy pilot; providing an additional path for qualification to take the deputy pilot examination; requiring the adoption of rules establishing physical examination requirements for deputy pilots; extending the period of validity of such certificates and limiting renewal thereof; amending ss. 310.073 and 310.081, F.S.; requiring the adoption of rules establishing physical examination requirements for pilots; restricting the number of applicants who may be certified as qualified to be a deputy pilot; amending s. 310.101, F.S.; revising and providing grounds for disciplinary action; increasing the administrative fine; providing penalties; creating s. 310.102, F.S.; providing for a treatment program for impaired pilots and deputy pilots; creating s. 310.1112, F.S.; requiring that pilots and deputy pilots report certain actions against their motor vehicle licenses; amending s. 310.121, F.S.; requiring specified application and examination fees; amending s. 310.131, F.S.; authorizing the Department of Business and Professional Regulation to audit the financial records of pilots and deputy pilots relating to pilotage; amending s. 310.141, F.S.; revising provisions relating to vessels subject to pilotage; amending s. 310.146, F.S.; exempting from regulation certain vessels transiting the Miami River; amending s. 310.151, F.S.; revising provisions regulating rates of pilotage; creating the Pilotage Rate Review Board within the department and providing for membership thereof; providing rulemaking authority to such board; providing requirements relating to funds received and expenses incurred; providing for rate hearings upon petition to such board; providing notice requirements; providing for rate review application fees; providing applicability to current rates; creating s. 310.183, F.S.; providing for immediate inactivation of a pilot's license or deputy pilot's certificate for a serious marine incident; providing for rules; amending s. 310.185, F.S.; correcting terminology; requiring the Legislative Information Technology Resource Committee to undertake a study and submit a report to the Governor and leaders of the Legislature relating to tracking systems that use integrated radar, satellites, or related technology; providing an appropriation; providing a contingent effective date.

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

By the Committee on Judiciary and Representative Cosgrove—

**HB 2547**—A bill to be entitled An act relating to jurisdiction of circuit and county courts; amending ss. 34.01 and 26.012, F.S.; clarifying guidelines for actions involving the title to real property; amending s. 741.07, F.S.; authorizing retired justices or judges to marry persons; validating certain existing marriages; providing effective dates.

—was referred to the Committee on Judiciary.

By the Committee on Commerce and Representative Lippman and others—

**HB 2653**—A bill to be entitled An act relating to money transmitters; creating the "Money Transmitters Code"; creating part I of chapter 560, F.S., consisting of ss. 560.101, 560.102, 560.103, 560.104, 560.105, 560.106, 560.107, 560.108, 560.109, 560.111, 560.112, 560.113, 560.114, 560.115, 560.116, 560.117, 560.118, 560.119, 560.121, 560.122, 560.123, 560.124, 560.125, 560.126, 560.127, and 560.128, F.S.; providing a short title; providing purpose, scope, and application of the Money Transmitters Code; providing definitions; exempting certain entities from the provisions of the code; providing powers of the Department of Banking and Finance; authorizing the department to adopt rules; providing for construction; requiring the department to observe certain standards; providing for limited liability when acting upon certain rules, orders, or declaratory statements; providing guidelines for administrative enforcement; providing duties and powers of the department relating to investigations, subpoenas, hearings, and witnesses; prohibiting certain acts and practices; pro-

viding penalties; providing procedures for disciplinary actions; requiring disciplinary actions to be public; specifying certain actions as violations of the code; providing for injunctions; providing the grounds upon which the department may undertake disciplinary actions; providing for surrender of registrations; providing immunity to persons who provide information concerning violations of the code; authorizing the department to impose administrative fines under certain circumstances; authorizing the department to conduct examinations of money transmitters, to recover costs of such examination, to require quarterly reporting, and to impose administrative fines; requiring fees and assessments to be deposited into the Financial Institutions' Regulatory Trust Fund; providing penalties; requiring registration of existing money transmitters; providing procedures for applications; creating the "Florida Control of Money Laundering in Money Transmitters Act"; providing purposes; providing application; requiring money transmitters to file certain reports with the department; requiring the department to maintain such reports for a certain time; providing additional enforcement powers of the department; providing penalties; providing for the reporting of certain financial transactions; providing immunity to persons who provide information concerning violations of the code; prohibiting operation of a money transmitter business by unauthorized persons; providing penalties; providing for administrative fines; requiring notice of certain specified events; specifying conditions of control of a money transmitter; requiring notice of change in control; authorizing the department to disapprove changes in control under certain circumstances; requiring money transmitters to provide a toll-free telephone number for consumer contacts; creating part II of chapter 560, F.S., consisting of ss. 560.200, 560.202, 560.203, 560.204, 560.205, 560.206, 560.207, 560.208, 560.209, 560.210, 560.211, 560.212, and 560.213, F.S.; providing a short title; providing definitions; exempting vendors of registrants from registration requirements; requiring registration for engaging in specified activities; specifying qualifications of applicants for registration; providing application requirements; authorizing the department to investigate applicants; providing for registration renewal; providing for a renewal fee; providing for the conduct of business at more than one location; providing requirements for net worth, surety bonds, and collateral deposit in lieu of a bond; authorizing the department to waive or reduce such requirements under certain circumstances; specifying certain permissible investments; authorizing the department to waive certain requirements under certain circumstances; requiring money transmitters to maintain certain records for a certain time; providing for financial liability of registrants under certain circumstances; requiring payment instruments to contain certain information; creating part III of chapter 560, F.S., consisting of ss. 560.301, 560.302, 560.303, 560.304, 560.305, 560.306, 560.307, 560.308, 560.309, and 560.310, F.S.; providing a short title; providing definitions; providing for registrant to engage in certain activities; restricting certain activities; providing exemptions; providing application procedures; providing standards for registration; providing powers of the department; providing for an application fee; providing for terms of registrations; providing for registration renewal and renewal fees; specifying conditions of operation of registrants; authorizing the department to adopt rules; providing limitations on certain fees and charges; requiring registrants to maintain certain records of transactions; amending 658.295(2)(j); providing an appropriation; repealing ss. 560.01, 560.02, 560.03, 560.04, 560.05, 560.06, 560.07, 560.08, 560.09, 560.10, 560.11, 560.12, 560.131, 560.133, 560.135, 560.151, 560.16, 560.17, and 560.201, F.S., relating to sale of money orders; providing severability; providing an effective date.

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

By Representative Bradley and others—

**HB 2673**—A bill to be entitled An act relating to disadvantaged youth; creating the Florida Adopt-A-Kid Corporation Act; providing legislative intent; creating a nonprofit corporation; providing for a board of directors; providing responsibilities; providing an effective date.

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

By the Committee on Natural Resources and Representative Rudd—

**HB 2875**—A bill to be entitled An act relating to wetlands; creating s. 373.4211, F.S.; ratifying Rule 17-340, Florida Administrative Code, with changes; providing a uniform methodology for delineation of the

landward extent of wetlands and surface waters; directing the Department of Environmental Protection to file an amended rule to conform; providing for review; amending s. 193.501(6), F.S.; revising delineation methodology to be used for definition of "qualified as environmentally endangered" lands; amending s. 373.414, F.S.; exempting certain permitted activities from the rule; amending section 21 of ch. 92-132, Laws of Florida; continuing the Northwest Dade County Freshwater Lake Plan Implementation Committee; providing additional duties; extending the study area; directing the South Florida Water Management District and the Department of Commerce to carry out certain studies; amending s. 373.421, F.S.; providing for formal and informal determinations under the rule; providing a fee; providing procedures and requirements; creating s. 373.4142, F.S.; providing for water quality standards within certain stormwater management systems; creating s. 373.4145, F.S.; providing an interim permitting program for the Northwest Florida Water Management District; requesting the Governor to pursue regulatory delegation or a statewide programmatic general permit under section 404 of the federal Clean Water Act for certain activities; amending s. 380.061, F.S.; revising delineation methodology to be used for the Florida Quality Developments programs; amending s. 380.24, F.S.; to revise plant species list to be used in the preparation of coastal zone protection elements; revising distribution of water management district matching funds under the Surface Water Improvement and Management Trust Fund; amending s. 403.031(13), F.S.; revising the methodology used in delineating waters of the state; repealing ss. 403.817 and 403.8171, F.S., relating to determination of the natural landward extent of waters for regulatory purposes; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Agriculture; and Rules and Calendar.

#### RETURNING MESSAGES ON SENATE BILLS

*The Honorable Pat Thomas, President*

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 234 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 234**—A bill to be entitled An act relating to probation and community control; amending s. 948.09, F.S.; assessing felony offenders a monthly surcharge on costs of specified supervision programs; requiring the Department of Corrections to use surcharge moneys to pay for correctional probation officers' training and equipment; providing for applicability; providing an effective date.

**House Amendment 1 (with Title Amendment)**—On page 1, line 12, strike everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1) of section 948.09, Florida Statutes, is amended to read:

948.09 Payment for cost of supervision and rehabilitation.—

(1)(a)1. Any person ordered by the court, the Department of Corrections, or the parole commission, to be placed on probation, drug offender probation, community control, parole, control release, provisional release supervision, or conditional release supervision under chapter 944, chapter 945, chapter 947, chapter 948, or chapter 958, or in a pretrial intervention program, must, as a condition of any placement, pay the department a total sum of money equal to the total month or portion of a month of supervision times the court-ordered amount, but not to exceed the actual per diem cost of the supervision. The department shall adopt rules by which an offender who pays in full and in advance of regular termination of supervision may receive a reduction in the amount due. The rules shall incorporate provisions by which the offender's ability to pay is linked to an established written payment plan. Funds collected from felony offenders may be used to offset costs of the Department of Corrections associated with community supervision programs, subject to appropriation by the Legislature.

2. In addition to any other contribution or surcharge imposed by this section, each felony offender assessed under this paragraph shall pay a \$2-per-month surcharge to the department. The surcharge shall be deemed to be paid only after the full amount of the contribution required by subparagraph 1. has been collected by the department. These funds shall be used by the department to pay for correctional probation officers' training and equipment, including radios, and fire-

arms training, firearms, and attendant equipment necessary to train and equip officers who choose to carry a concealed firearm while on duty. Nothing in this subparagraph shall be construed to limit the department's authority to determine who shall be authorized to carry a concealed firearm while on duty, or to limit the right of a correctional probation officer to carry a personal firearm approved by the department.

Section 2. This act shall take effect upon becoming a law, and shall be applicable to any offender under supervision after June 30, 1994.

And the title is amended as follows:

In title, on page 1, line 10, strike everything before the enacting clause and insert: A bill to be entitled An act relating to probation and community control; amending s. 948.09, F.S.; assessing felony offenders a monthly surcharge on costs of specified supervision programs; authorizing the Department of Corrections to use surcharge moneys to pay for correctional probation officers' training and equipment; providing for applicability; providing an effective date.

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

**CS for SB 234** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39      Nays—None

*The Honorable Pat Thomas, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1140 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 1140**—A bill to be entitled An act relating to the City of Temple Terrace; repealing miscellaneous obsolete laws pertaining to the city; repealing ch. 22496, Laws of Florida, 1943, which provided a limit on the tax on property in the city; repealing ch. 61-2237, Laws of Florida, which provided for the conveyance of certain land to the city; repealing ch. 61-2238, Laws of Florida, which conveyed title to all streets, roads, alleys, and rights-of-way in the city to the city; repealing ch. 63-1999, Laws of Florida, which provided for the conveyance of certain land to the city; repealing ch. 67-2133, Laws of Florida, which authorized the city to abate weeds, grass, and underbrush as nuisances and which provided a procedure for such abatement; repealing ch. 67-2134, Laws of Florida, which authorizes the city zoning board of appeal to transfer all duties and responsibilities to the zoning board of adjustment and which provides for zoning appeals; repealing ch. 67-2135, Laws of Florida, which ratified certain actions of the zoning board of appeal and the zoning board of adjustment of the city; repealing ch. 72-705, Laws of Florida, which prescribed the maximum rate of interest on bonds, notes, certificates, and other obligations of the city; providing an effective date.

**House Amendment 1 (with Title Amendment)**—On page 2, strike line 3 and insert: 63-1999, Laws of Florida; ch. 65-2325, Laws of Florida; ch. 67-2133, Laws of Florida; ch.

And the title is amended as follows:

In title, on page 1, strike line 14 and insert: the city; repealing ch. 65-2325, Laws of Florida, which created a city zoning board of appeals and the position of zoning director with the city; repealing ch. 67-2133, Laws of

**House Amendment 2 (with Title Amendment)**—On page 2, strike line 4 and insert: 67-2134, Laws of Florida; ch. 67-2135, Laws of Florida; ch. 69-1685, Laws of Florida; and

And the title is amended as follows:

In title, on page 1, strike line 25 and insert: of adjustment of the city; repealing ch. 69-1685, Laws of Florida, relating to the duties and responsibilities of the zoning board of adjustment; repealing ch. 72-

On motions by Senator Beard, the Senate concurred in the House amendments.

**SB 1140** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34      Nays—None

*The Honorable Pat Thomas, President*

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 1158 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 1158**—A bill to be entitled An act relating to black business enterprises; requiring rules; providing limitations on direct loans to black business enterprises; providing an effective date.

**House Amendment 1 (with Title Amendment)**—On page 1, strike all of lines 9 and 10 and insert:

Section 1. Section 288.7091, Florida Statutes, is created to read:

288.7091 Duties of the Florida Black Business Investment Board.—The Florida Black Business Investment Board shall:

And the title is amended as follows:

In title, on page 1, strike lines 3 and 4 and insert: creating s. 288.7091, F.S.; providing duties of the Florida Black Business Investment Board; amending s. 288.71, F.S.; requiring the board to adopt rules that prescribe criteria to evaluate applications for financial assistance to black business enterprises; amending s. 288.711, F.S.; providing limitations on direct loans from the Florida Investment Incentive Trust Fund to black business enterprises;

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

**CS for SB 1158** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40      Nays—None

## RETURNING MESSAGES ON HOUSE BILLS

*The Honorable Pat Thomas, President*

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1, 2, 3, 4, 5 and 6 to CS for HB's 1705 and 1781 and requests the Senate to recede.

*John B. Phelps, Clerk*

**CS for HB's 1705 and 1781**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 525.01, F.S., relating to the sale of petroleum fuel; deleting requirement to file the name, brand, or trademark with the department; amending s. 525.035, F.S., to conform; amending s. 525.07, F.S.; providing requirements relating to operation and adjustment of petroleum fuel measuring devices; amending s. 525.08, F.S.; revising provisions relating to department access; amending s. 525.16, F.S.; revising penalties; amending ss. 527.02, 527.021, 527.06, 527.13, and 527.15, F.S., relating to regulation of the sale of liquefied petroleum gas; providing for deposit of moneys in the General Inspection Trust Fund; amending s. 570.02, F.S.; including seafood in the definition of "agriculture" for certain purposes; amending s. 570.07, F.S.; providing department responsibility for issuing information concerning food safety and for food recovery programs; renumbering provisions relating to advisory committees; creating s. 570.0725, F.S.; providing legislative intent and department functions relative to food recovery; amending s. 570.36, F.S., relating to animal disease diagnostic laboratories; amending ss. 570.23, 570.34, 570.38, 570.42, 570.541, 570.543, 571.28, 576.091, 580.151, 581.186, 582.06, 586.161, and 599.002, F.S.; correcting cross references; deleting obsolete language; amending s. 573.114, F.S.; providing for mitigation of problems of agricultural commodity producers; amending s. 578.08, F.S.; revising provisions relating to application of the Florida Seed Law; providing an effective date; providing for retroactive effect.

On motions by Senator Foley, the Senate receded from the Senate amendments.

Vote after roll call:

CS for HB's 1705 and 1781 passed and the action of the Senate was certified to the House. The vote on passage was:

Nay to Yea—Weinstein

Yeas—37 Nays—None

CS for SB 234

RETURNING MESSAGES—FINAL ACTION

Yeas—39

The Honorable Pat Thomas, President

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

I am directed to inform the Senate that the House of Representatives has passed SB 96, CS for CS for SB 200, CS for SB 576, SB 580, SB 660, SB 670, CS for SB 1748, CS for SB 1784, SB 1820, CS for SB 2704 and SB 2948; has receded from House Amendment 1 and has passed SB 62.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

Nays—None

The Honorable Pat Thomas, President

CS for SB's 302 and 196

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments to SB 114 and passed as further amended; has concurred in Senate Amendments 2 and 3 to House Amendments to SB 400 and passed as further amended; has concurred in Senate Amendments to House Amendments to SB 1738 and passed as further amended.

John B. Phelps, Clerk

Yeas—33

The bills contained in the foregoing message were ordered engrossed and then enrolled.

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

Nays—4

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended CS for HB 753.

John B. Phelps, Clerk

Boczar	Harden	McKay	Sullivan
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ROLL CALLS ON SENATE BILLS

CS for SB 30

SB 574

Yeas—37

Yeas—36

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

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

Nays—None

Nays—None

Vote after roll call:

Vote after roll call:

Yea—Holzendorf

Yea—Foley, Holzendorf

CS for SB 176

CS for SB 576

Yeas—36

Yeas—37

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

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

Nays—1

Nays—None

Weinstein

## CS for SB 690

Yeas—33

Beard	Dudley	Jenne
Brown-Waite	Dyer	Jennings
Burt	Foley	Johnson
Casas	Forman	Jones
Childers	Grant	Kirkpatrick
Crenshaw	Grogan	McKay
Crist	Gutman	Meadows
Dantzler	Harden	Myers
Diaz-Balart	Hargrett	Scott

Nays—None

Vote after roll call:

Yea—Holzendorf

## CS for SB 1158

Yeas—40

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	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

## SB 1042

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Holzendorf

## CS for SB 1228 and CS for SB 1910

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kurth

## CS for SB 1068

Yeas—38

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

Nays—1

Myers

## SB 1244

Yeas—38

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

Nays—None

## SB 1140

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Holzendorf

## CS for SB 1320

Yeas—37

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

Nays—None

**CS for CS for SB 1350  
Amendment 14**

Yeas—10

Boczar	Crist	Forman
Brown-Waite	Diaz-Balart	Jennings
Burt	Dyer	Jones

Nays—29

Mr. President	Grant	Kirkpatrick
Bankhead	Grogan	Kurth
Beard	Gutman	McKay
Casas	Harden	Meadows
Crenshaw	Hargrett	Myers
Dantzler	Holzendorf	Scott
Dudley	Jenne	Siegel
Foley	Johnson	Silver

**CS for CS for SB 1350**

Yeas—31

Mr. President	Diaz-Balart	Holzendorf
Bankhead	Dudley	Jenne
Beard	Foley	Johnson
Burt	Grant	Kirkpatrick
Casas	Grogan	Kurth
Childers	Gutman	McKay
Crenshaw	Harden	Meadows
Dantzler	Hargrett	Myers

Nays—9

Boczar	Dyer	Jones
Brown-Waite	Forman	Kiser
Crist	Jennings	Turner

**CS for SB 1378**

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Forman, Kirkpatrick, Meadows

**CS for CS for SB 1422**

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Kurth

**SB 1450**

Yeas—35

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

Nays—None

**CS for SB 1540**

Yeas—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	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kiser	Wexler
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	McKay	

Nays—None

**SB 1618**

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Myers

**CS for SB 1914**

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Holzendorf

**CS for SB 1944**

Yeas—39

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

Nays—None

**CS for SB 1944  
After Reconsideration**

Yeas—35

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

Nays—None

Vote after roll call:

Yea—McKay

**CS for SB 2044**

Yeas—32

Beard	Dudley	Holzendorf	Myers
Brown-Waite	Dyer	Jenne	Scott
Burt	Foley	Jennings	Siegel
Casas	Forman	Johnson	Silver
Childers	Grogan	Jones	Turner
Crist	Gutman	Kiser	Weinstein
Dantzler	Harden	McKay	Wexler
Diaz-Balart	Hargrett	Meadows	Williams

Nays—None

**SB 2062**

Yeas—39

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

Nays—None

**CS for CS for SB 2110**

Yeas—38

Bankhead	Boczar	Burt	Childers
Beard	Brown-Waite	Casas	Crenshaw

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

Nays—None

**SB 2120**

Yeas—35

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

Nays—None

**SB 2188**

Yeas—35

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

Nays—None

**CS for SB 2350**

Yeas—39

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

Nays—None

**CS for SB 2380**

Yeas—37

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

Nays—1

Crist

**CS for SB 2536**

Yeas—28

Mr. President	Crenshaw	Grant	Kiser
Bankhead	Crist	Harden	McKay
Beard	Dantzler	Hargrett	Meadows
Brown-Waite	Diaz-Balart	Holzendorf	Myers
Burt	Dudley	Jennings	Siegel
Casas	Dyer	Jones	Sullivan
Childers	Foley	Kirkpatrick	Williams

Nays—7

Boczar	Grogan	Turner	Wexler
Forman	Kurth	Weinstein	

Vote after roll call:

Yea—Silver

**CS for SB 2654**

Yeas—38

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

Nays—None

**CS for SB 2704**

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Holzendorf

**ROLL CALLS ON HOUSE BILLS**

**CS for HB 101**

Yeas—37

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

Nays—None

**CS for HB 251**

Yeas—37

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

Nays—None

**CS for HB 307**

Yeas—29

Beard	Dudley	Jenne	Siegel
Brown-Waite	Foley	Jennings	Silver
Burt	Forman	Johnson	Weinstein
Casas	Grant	Kiser	Wexler
Childers	Grogan	Kurth	Williams
Crist	Gutman	McKay	
Dantzler	Harden	Meadows	
Diaz-Balart	Hargrett	Myers	

Nays—None

Vote after roll call:

Yea—Holzendorf

**HB 343**

Yeas—40

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	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

**HB 353**

Yeas—36

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

Nays—None

**HB 487**

Yeas—38

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

Nays—None

**HB 499**

Yeas—34

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

Nays—None

Vote after roll call:

Yea—McKay

**CS for HB 525**

Yeas—36

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

Nays—None

**HB 573**

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Holzendorf

**HB 581**

Yeas—32

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

Nays—None

**CS for HB's 673 and 1405**

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Holzendorf

**CS for HB 677**

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Holzendorf

**CS for HB 711**

Yeas—39

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

Nays—None

CS for HB 1025

Yeas—38

Mr. President	Dantzler	Holzendorf
Bankhead	Diaz-Balart	Jenne
Beard	Dudley	Jennings
Boczar	Dyer	Johnson
Brown-Waite	Foley	Jones
Burt	Forman	Kirkpatrick
Casas	Grant	Kiser
Childers	Grogan	Kurth
Crenshaw	Harden	McKay
Crist	Hargrett	Meadows

Nays—None

CS for HB 1093

Yeas—38

Mr. President	Dantzler	Hargrett
Bankhead	Diaz-Balart	Holzendorf
Beard	Dudley	Jennings
Boczar	Dyer	Johnson
Brown-Waite	Foley	Jones
Burt	Forman	Kirkpatrick
Casas	Grant	Kiser
Childers	Grogan	Kurth
Crenshaw	Gutman	McKay
Crist	Harden	Meadows

Nays—None

CS for HB 1095

Yeas—36

Mr. President	Dantzler	Holzendorf
Beard	Diaz-Balart	Jennings
Boczar	Dudley	Johnson
Brown-Waite	Dyer	Jones
Burt	Foley	Kirkpatrick
Casas	Grant	Kiser
Childers	Grogan	Kurth
Crenshaw	Harden	McKay
Crist	Hargrett	Meadows

Nays—None

Vote after roll call:

Yea—Bankhead, Forman

HB 1143

Yeas—37

Mr. President	Dantzler	Hargrett
Bankhead	Diaz-Balart	Holzendorf
Beard	Dudley	Jenne
Boczar	Dyer	Jennings
Brown-Waite	Foley	Jones
Burt	Forman	Kiser
Casas	Grant	Kurth
Childers	Grogan	McKay
Crenshaw	Gutman	Meadows
Crist	Harden	Myers

Nays—None

Vote after roll call:

Yea—Johnson, Silver

CS for HB 1147

Yeas—34

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

Nays—1

Dudley

Vote after roll call:

Yea—Holzendorf

CS for HB 1195

Yeas—36

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

Nays—None

CS for HB 1383

Yeas—34

Bankhead	Dyer	Jennings	Siegel
Beard	Foley	Johnson	Silver
Boczar	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Grogan	Kurth	Weinstein
Childers	Harden	McKay	Wexler
Crenshaw	Hargrett	Meadows	Williams
Crist	Holzendorf	Myers	
Dudley	Jenne	Scott	

Nays—None

CS for HB 1387

Yeas—39

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

Nays—None

**CS for HB's 1705 and 1781**

Yeas—37

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

Nays—None

**HB 1783**

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Dantzler, Hargrett, Holzendorf

**CS for HB 1789**

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Holzendorf

**HB 1981**

Yeas—39

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

Nays—None

**HB 2087**

Yeas—34

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

Nays—3

Boczar                      Johnson                      Meadows

**CS for HB 2103**

Yeas—32

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

Nays—None

Vote after roll call:

Yea—McKay

**HB 2143**

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Bankhead

**HB 2179**

Yeas—40

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

Nays—None

**HB 2199**

Yeas—37

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

Nays—None

**HB 2301**

Yeas—38

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

Nays—None

**HB 2333**

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Johnson

**HB 2371**

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Forman, McKay

**CS for HB 2409**

Yeas—37

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

Nays—None

**HB 2441**

Yeas—39

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

Nays—None

**HB 2447**

Yeas—37

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

Nays—None

**HB 2493**

Yeas—38

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

Nays—None

**HB 2545**

Yeas—39

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

Nays—None

**CS for HB 2587—Amendment 1**

Yeas—12

Beard	Diaz-Balart	Grant	McKay
Burt	Dudley	Harden	Myers
Crenshaw	Foley	Jennings	Williams

Nays—16

Casas	Forman	Johnson	Silver
Childers	Grogan	Jones	Turner
Crist	Gutman	Meadows	Weinstein
Dyer	Jenne	Siegel	Wexler

Vote after roll call:

Yea to Nay—Diaz-Balart

**CS for HB 2587**

Yeas—23

Casas	Forman	Johnson	Siegel
Childers	Grogan	Jones	Silver
Crist	Gutman	Kiser	Turner
Dantzler	Hargrett	Meadows	Weinstein
Diaz-Balart	Holzendorf	Myers	Wexler
Dyer	Jenne	Scott	

Nays—8

Beard	Dudley	Grant	McKay
Brown-Waite	Foley	Harden	Williams

**ROLL CALL ON LOCAL BILLS**

The following roll call was taken on **Senate Bills 3146 and 3148; House Bills 1043, 1353, 1483, 1595, 2205, 2235 and 2237** which passed this day:

Yeas—38

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

Nays—None

The following roll call was taken on **SB 3168; House Bills 2091, 1829, 2275 and 1039** which passed this day:

Yeas—39

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

Nays—None

**ENROLLING REPORTS**

CS for SB 70 and SB 3120 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 7, 1994.

*Joe Brown, Secretary*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 6 was corrected and approved.

**CO-SPONSORS**

Senator Boczar—CS for SB 470; Senator Kurth—CS for CS for CS for SB's 1022 and 2404; Senator Hargrett—CS for SB 1442

**RECESS**

On motion by Senator Kirkpatrick, the Senate recessed at 7:19 p.m. to reconvene at 9:30 a.m., Friday, April 8 or upon call of the President.