



Journal of the Senate

Number 4

Tuesday, March 14, 1995

CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

PRAYER

The following prayer was offered by the Rev. Paul Johansen, Pastor, St. Stephens Episcopal Church, New Port Richey:

Lord, you have called us all to be one whether we say Shalom, Selah or Peace. Let us constantly search for that peace and in that searching, help us always to know the difference between wants and needs. For though we try to be one, sometimes when we listen we don't always hear. We ask that you give us the strength to hear.

In honor of this coming Friday, may I ask also, probably with a little accent, Lord, to bestow upon these, the members of the Senate of the great State of Florida, a blessing—"May the road rise to meet you; may the wind be always at your back; may the sun shine warm upon your face; the rains fall soft upon your fields and until we meet again, may God hold you in the palm of his hand". And the greatest one we ask, Lord, is may these members be in heaven at least a half hour before the devil knows they're dead. Amen.

PLEDGE

Senate Pages, Kevin Chambers of Tallahassee and Fadonia Reed of Havana, led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF RESOLUTIONS

On motion by Senator Sullivan—

By Senators Sullivan, Weinstein, McKay, Kirkpatrick and Dudley—

SR 1832—A resolution commemorating the celebration of Saint Patrick's Day on March 17, 1995.

WHEREAS, there are over forty million Americans, including over three million Floridians and a significant number of members of the Florida Legislature, of Irish ancestry, and

WHEREAS, Americans and Floridians of Irish birth or Irish descent have played a significant role in the building of America and Florida, especially in military and government service, business, politics, and the arts, and

WHEREAS, the 1988 Florida Legislature adopted the MacBride Principles, providing that state retirement funds not be invested in companies operating in Northern Ireland which discriminate in their hiring practices, and

WHEREAS, 1995 is the sesquicentennial anniversary of the onset of Ireland's "Great Famine," which resulted in the starvation of over one and a half million people and the emigration of another million people, and

WHEREAS, Florida's Capital City will formally complete establishment of a Sister City Program with Sligo Town, Ireland, on June 29, 1995, as a highlight of Sligo Town's celebration of the 750th anniversary of its founding, and

WHEREAS, prospects for peace in all of Ireland are growing brighter through the efforts of decent people in many areas of the world, NOW, THEREFORE,

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

That the Senate joins with the Irish-American Caucus and all Floridians of good heart on this Saint Patrick's Day, March 17, in commemorating the Great Famine and the 750th anniversary of the founding of Sligo Town, Ireland, and in celebrating the continuing contributions of Irish Americans, their spirit, and their dreams for peace and brotherhood.

—was introduced out of order and read by title. On motion by Senator Sullivan, **SR 1832** was read the second time in full and adopted.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Diaz-Balart, by two-thirds vote **SB 1086** was also referred to the Committee on Ways and Means.

On motion by Senator Williams, by two-thirds vote **SJR 218** was withdrawn from the committees of reference and further consideration.

On motion by Senator Latvala, by two-thirds vote **SB 344** was withdrawn from the committees of reference and further consideration.

On motion by Senator Jones, by two-thirds vote **SB 1678** was withdrawn from further consideration.

On motion by Senator Beard, by two-thirds vote **SR 1750** was withdrawn from further consideration.

MOTIONS

On motion by Senator Jennings, by two-thirds vote **CS for SB 1290**, **CS for SB 420**, **SB 1176** and **SB 1278** were placed on the Special Order Calendar for Thursday, March 16.

INTRODUCTION OF FORMER SENATOR

The President recognized former Senator Bruce Smathers of Jacksonville who was present in the chamber.

SPECIAL ORDER

CS for SJR 124—A joint resolution proposing an amendment to Section 1 of Article VII of the State Constitution to limit legislative authority with respect to taxes.

—was read the second time by title.

Senators Jenne and Kurth offered the following amendment which was moved by Senator Jenne and failed:

Amendment 1—On page 1, strike line 9 and insert: The following amendment to Section 1 and Section 9 of Article

The vote was:

Yeas—15 Nays—25

Senator Harden moved the following amendment which was adopted:

Amendment 2—On page 2, line 4, after “impose,” insert: *expand the base of,*

On motion by Senator Burt, by two-thirds vote **CS for SJR 124** as amended was read the third time in full as follows:

CS for SJR 124—A joint resolution proposing an amendment to Section 1 of Article VII of the State Constitution to limit legislative authority with respect to taxes.

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

That the following amendment to Section 1 of Article VII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose and that, if approved, it shall take effect January 1, 1997:

ARTICLE VII
FINANCE AND TAXATION

SECTION 1. Taxation; appropriations; state expenses; state revenue limitation.—

(a) No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

(b) Motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.

(c) No money shall be drawn from the treasury except in pursuance of appropriation made by law.

(d) Provision shall be made by law for raising sufficient revenue to defray the expenses of the state for each fiscal period. *However, a law enacted after January 1, 1997, may not impose, expand the base of, increase the rate of, or repeal an exemption from a tax unless the law is enacted in a separate bill for that purpose only by a two-thirds vote of the membership of each house of the legislature.*

(e) Except as provided herein, state revenues collected for any fiscal year shall be limited to state revenues allowed under this subsection for the prior fiscal year plus an adjustment for growth. As used in this subsection, “growth” means an amount equal to the average annual rate of growth in Florida personal income over the most recent twenty quarters times the state revenues allowed under this subsection for the prior fiscal year. For the 1995-1996 fiscal year, the state revenues allowed under this subsection for the prior fiscal year shall equal the state revenues collected for the 1994-1995 fiscal year. Florida personal income shall be determined by the legislature, from information available from the United States Department of Commerce or its successor on the first day of February prior to the beginning of the fiscal year. State revenues collected for any fiscal year in excess of this limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III, and thereafter shall be refunded to taxpayers as provided by general law. State revenues allowed under this subsection for any fiscal year may be increased by a two-thirds vote of the membership of each house of the legislature in a separate bill that contains no other subject and that sets forth the dollar amount by which the state revenues allowed will be increased. The vote may not be taken less than seventy-two hours after the third reading of the bill. For purposes of this subsection, “state revenues” means taxes, fees, licenses, and charges for services imposed by the legislature on individuals, businesses, or agencies outside state government. However, “state revenues” does not include: revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds by the state; revenues that are used to provide matching funds for the federal Medicaid program with the exception of the revenues used to support the Public Medical Assistance Trust Fund or its successor program and with the exception of state matching funds used to fund elective expansions made after July 1, 1994; proceeds from the state lottery returned as prizes; receipts of the Florida Hurricane Catastrophe Fund; balances carried forward from prior fiscal years; taxes, licenses, fees, and charges for services imposed by local, regional, or school district governing bodies; or revenue from taxes, licenses, fees, and charges for services required to be imposed

by any amendment or revision to this constitution after July 1, 1994. An adjustment to the revenue limitation shall be made by general law to reflect the fiscal impact of transfers of responsibility for the funding of governmental functions between the state and other levels of government. The legislature shall, by general law, prescribe procedures necessary to administer this subsection.

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

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 1

LIMITATION ON IMPOSITION OF TAXES, INCREASES IN TAX RATES, AND REPEAL OF TAX EXEMPTIONS.—Proposing an amendment to the State Constitution, effective January 1, 1997, requiring that a law that imposes new or increased taxes or repeals exemptions from a tax be enacted in a bill for that purpose only by a two-thirds vote of the membership of each house of the Legislature.

—and as amended **CS for SJR 124** passed by the required constitutional three-fifths vote of the membership, and was immediately certified to the House. The vote on passage was:

Yeas—29 Nays—11

SB 368—A bill to be entitled An act re-creating the Administrative Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 368** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 370—A bill to be entitled An act re-creating the Air Pollution Control Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 370** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 372—A bill to be entitled An act re-creating the Aquatic Plant Control Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 372** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 374—A bill to be entitled An act re-creating the Environmental Laboratory Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 374** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 376—A bill to be entitled An act re-creating the Coastal Protection Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 376** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 378—A bill to be entitled An act re-creating the Conservation and Recreation Lands Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 378** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 380—A bill to be entitled An act re-creating the Cross-Florida Barge Canal Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 380** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 382—A bill to be entitled An act re-creating the Forfeited Property Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 382** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 384—A bill to be entitled An act re-creating the Grants and Donations Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 384** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 386—A bill to be entitled An act re-creating the Inland Protection Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 386** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 388—A bill to be entitled An act re-creating the Internal Improvement Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 388** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 390—A bill to be entitled An act re-creating the Nonmandatory Land Reclamation Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 390** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 392—A bill to be entitled An act re-creating the Marine Resources Conservation Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 392** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 394—A bill to be entitled An act re-creating the Permit Fee Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 394** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 398—A bill to be entitled An act re-creating the Save the Manatee Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 398** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 402—A bill to be entitled An act re-creating the State Parks Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 402** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 404—A bill to be entitled An act re-creating the Sewage Treatment Revolving Loan Fund Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 404** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 406—A bill to be entitled An act re-creating the Working Capital Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 406** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 408—A bill to be entitled An act re-creating the Youth Conservation Corps Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 408** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 410—A bill to be entitled An act re-creating the Water Quality Assurance Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 410** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 414—A bill to be entitled An act re-creating the Minerals Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 414** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 416—A bill to be entitled An act re-creating the Solid Waste Management Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 416** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 418—A bill to be entitled An act relating to trust funds; declaring the findings of the Legislature that specified trust funds within the Department of Environmental Protection are exempt from the automatic-termination requirements of s. 19(f), Art. III of the State Constitution; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 418** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

CS for SB 422—A bill to be entitled An act relating to the Ecosystem Management and Restoration Trust Fund; creating s. 403.1654, F.S.; providing for the creation of the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection; providing the purposes of the fund; providing for deposits into the fund; providing for investment of unobligated funds; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **CS for SB 422** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1088—A bill to be entitled An act relating to the re-creation of the Administrative Trust Fund within the Department of Agriculture and Consumer Services without modification; re-creating the Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1088** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1090—A bill to be entitled An act relating to the re-creation of the Agricultural Law Enforcement Trust Fund without modification; re-creating the Agricultural Law Enforcement Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1090** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1092—A bill to be entitled An act relating to the re-creation of the Citrus Inspection Trust Fund without modification; re-creating the Citrus Inspection Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1092** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1096—A bill to be entitled An act relating to the re-creation of the Hurricane Andrew Disaster Relief Trust Fund within the Department of Agriculture and Consumer Services without modification; re-creating the Hurricane Andrew Disaster Relief Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1096** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1098—A bill to be entitled An act relating to the re-creation of the General Inspection Trust Fund within the Department of Agriculture and Consumer Services without modification; re-creating the General Inspection Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1098** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1100—A bill to be entitled An act relating to the re-creation of the Incidental Trust Fund within the Department of Agriculture and Consumer Services without modification; re-creating the Incidental Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1100** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1102—A bill to be entitled An act relating to the re-creation of the Market Trade Show Trust Fund without modification; re-creating the Market Trade Show Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1102** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1104—A bill to be entitled An act relating to the re-creation of the Market Improvements Working Capital Trust Fund without modification; re-creating the Market Improvements Working Capital Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1104** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1106—A bill to be entitled An act relating to the re-creation of the Plant Industry Trust Fund without modification; re-creating the Plant Industry Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1106** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1108—A bill to be entitled An act relating to the re-creation of the Pest Control Trust Fund without modification; re-creating the Pest Control Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1108** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1110—A bill to be entitled An act relating to the re-creation of the Florida Quarter Horse Racing Promotion Trust Fund without modification; re-creating the Florida Quarter Horse Racing Promotion Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1110** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1112—A bill to be entitled An act relating to the re-creation of the Relocation and Construction Trust Fund without modification; re-creating the Relocation and Construction Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1112** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1114—A bill to be entitled An act relating to the re-creation of the Florida Saltwater Products Promotion Trust Fund without modification; re-creating the Florida Saltwater Products Promotion Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1114** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1116—A bill to be entitled An act relating to the re-creation of the Solicitation of Contributions Trust Fund without modification; re-creating the Solicitation of Contributions Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1116** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1118—A bill to be entitled An act relating to the re-creation of the Viticulture Trust Fund without modification; re-creating the Viticulture Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1118** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1120—A bill to be entitled An act relating to the re-creation of the Working Capital Trust Fund within the Department of Agriculture and Consumer Services without modification; re-creating the Working Capital Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1120** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1122—A bill to be entitled An act relating to the re-creation of the Florida Agricultural Promotional Campaign Trust Fund without modification; re-creating the Florida Agricultural Promotional Campaign Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1122** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1124—A bill to be entitled An act relating to the re-creation of the Abandoned Property Trust Fund without modification; re-creating the Abandoned Property Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1124** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1126—A bill to be entitled An act relating to the re-creation of the Administrative Trust Fund without modification; re-creating the Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1126** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1128—A bill to be entitled An act relating to the re-creation of the Anti-Fraud Trust Fund without modification; re-creating the Anti-Fraud Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1128** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1130—A bill to be entitled An act relating to the re-creation of the Financial Institutions' Regulatory Trust Fund without modification; re-creating the Financial Institutions' Regulatory Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1130** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1132—A bill to be entitled An act relating to the re-creation of the National Forest Trust Fund without modification; re-creating the National Forest Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1132** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1134—A bill to be entitled An act relating to the re-creation of the Mortgage Brokerage Guaranty Fund without modification; re-creating the Mortgage Brokerage Guaranty Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1134** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1136—A bill to be entitled An act relating to the re-creation of the Regulatory Trust Fund without modification; re-creating the Regulatory Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1136** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1138—A bill to be entitled An act relating to the re-creation of the Miscellaneous Deduction Restoration Trust Fund without modification; re-creating the Miscellaneous Deduction Restoration Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1138** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1140—A bill to be entitled An act relating to the re-creation of the Securities Guaranty Fund without modification; re-creating the Securities Guaranty Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1140** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1142—A bill to be entitled An act relating to the re-creation of the "Trust Funds—no title" Trust Fund, SAMAS account number 442732, within the Department of Banking and Finance without modification; re-creating the "Trust Funds—no title" Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1142** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1144—A bill to be entitled An act relating to the re-creation of the Working Capital Trust Fund within the Department of Banking and Finance without modification; re-creating the Working Capital Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1144** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1146—A bill to be entitled An act relating to the re-creation of the Child Support Depository Trust Fund without modification; re-creating the Child Support Depository Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1146** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1148—A bill to be entitled An act relating to the re-creation of the Consolidated Payment Trust Fund without modification; re-creating the Consolidated Payment Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1148** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1150—A bill to be entitled An act relating to the re-creation of the Preneed Funeral Contract Consumer Protection Trust Fund without modification; re-creating the Preneed Funeral Contract Consumer Protection Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1150** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1152—A bill to be entitled An act relating to the re-creation of the Florida Citrus Advertising Trust Fund without modification; re-creating the Florida Citrus Advertising Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1152** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1154—A bill to be entitled An act relating to the re-creation of the Grants and Donations Trust Fund within the Executive Office of the Governor without modification; re-creating the Grants and Donations Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1154** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1156—A bill to be entitled An act relating to the re-creation of the Planning and Budgeting System Trust Fund without modification; re-creating the Planning and Budgeting System Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1156** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1158—A bill to be entitled An act relating to the re-creation of the Florida International Trade and Promotion Trust Fund without modification; re-creating the Florida International Trade and Promotion Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1158** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1160—A bill to be entitled An act relating to the re-creation of the State-Federal Relations Trust Fund without modification; re-creating the State-Federal Relations Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1160** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1162—A bill to be entitled An act relating to the re-creation of the “Administered Funds” Trust Fund, SAMAS account number 312732, within the Executive Office of the Governor without modification; re-creating the “Administered Funds” Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1162** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1164—A bill to be entitled An act relating to the re-creation of the Florida Public Service Regulatory Trust Fund without modification; re-creating the Florida Public Service Regulatory Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1164** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1166—A bill to be entitled An act relating to the re-creation of the Firefighters' Supplemental Compensation Trust Fund without modification; re-creating the Firefighters' Supplemental Compensation Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1166** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1168—A bill to be entitled An act relating to the re-creation of the Sales Tax Security Deposit Trust Fund without modification; re-creating the Sales Tax Security Deposit Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1168** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1170—A bill to be entitled An act relating to the re-creation of the Administrative Trust Fund within the Department of Revenue without modification; re-creating the Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1170** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1172—A bill to be entitled An act relating to the re-creation of the Certification Program Trust Fund without modification; re-creating the Certification Program Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1172** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1174—A bill to be entitled An act relating to the re-creation of the Child Support Enforcement Application Fee Trust Fund without modification; re-creating the Child Support Enforcement Application Fee Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1174** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1178—A bill to be entitled An act relating to the re-creation of the Corporation Tax Administration Trust Fund without modification; re-creating the Corporation Tax Administration Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1178** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1180—A bill to be entitled An act relating to the re-creation of the Drug Enforcement Trust Fund without modification; re-creating the Drug Enforcement Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1180** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1182—A bill to be entitled An act relating to the re-creation of the Fuel Tax Refund Payments Trust Fund without modification; re-creating the Fuel Tax Refund Payments Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1182** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1184—A bill to be entitled An act relating to the re-creation of the Intangible Tax Trust Fund without modification; re-creating the Intangible Tax Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1184** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1186—A bill to be entitled An act relating to the re-creation of the Land Reclamation Trust Fund without modification; re-creating the Land Reclamation Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1186** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1188—A bill to be entitled An act relating to the re-creation of the Secondhand Dealer and Secondary Metals Recycler Clearing Trust Fund without modification; re-creating the Secondhand Dealer and Secondary Metals Recycler Clearing Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1188** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1190—A bill to be entitled An act relating to the re-creation of the Working Capital Trust Fund within the Department of Revenue without modification; re-creating the Working Capital Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1190** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1194—A bill to be entitled An act relating to trust funds; creating the Child Support Clearing 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.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1194** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1196—A bill to be entitled An act relating to trust funds; creating the Child Support Incentive 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.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1196** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1198—A bill to be entitled An act relating to the re-creation of the Educational Certification and Service Trust Fund without modification; re-creating the Educational Certification and Service Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1198** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1200—A bill to be entitled An act relating to the re-creation of the Educational Aids Trust Fund without modification; re-creating the Division of Public Schools Educational Aids Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1200** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1202—A bill to be entitled An act relating to the re-creation of the Educational Media and Technology Trust Fund without modification; re-creating the Educational Media and Technology Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1202** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1204—A bill to be entitled An act relating to the re-creation of the Food and Nutrition Services Trust Fund without modification; re-creating the Food and Nutrition Services Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1204** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1206—A bill to be entitled An act relating to the re-creation of the Sophomore Level Test Trust Fund without modification; re-creating the Sophomore Level Test Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1206** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1208—A bill to be entitled An act relating to the re-creation of the Institutional Assessment Trust Fund without modification; re-creating the Institutional Assessment Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1208** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1210—A bill to be entitled An act relating to the re-creation of the Teacher Certification Examination Trust Fund without modification; re-creating the Teacher Certification Examination Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1210** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1212—A bill to be entitled An act relating to the re-creation of the Textbook Bid Trust Fund without modification; re-creating the Textbook Bid Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1212** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1214—A bill to be entitled An act relating to the re-creation of the Division of Administration Knott Data Center Working Capital Trust Fund within the Department of Education without modification; re-creating the Division of Administration Knott Data Center Working Capital Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1214** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1216—A bill to be entitled An act relating to the re-creation of the Challenger Astronauts Memorial Undergraduate Scholarship Trust Fund without modification; re-creating the Challenger Astronauts Memorial Undergraduate Scholarship Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1216** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1218—A bill to be entitled An act relating to the re-creation of the Facility Construction Administrative Trust Fund without modification; re-creating the Facility Construction Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1218** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1220—A bill to be entitled An act relating to the re-creation of the Federal Rehabilitation Trust Fund without modification; re-creating the Federal Rehabilitation Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1220** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1222—A bill to be entitled An act relating to the re-creation of the Florida Academic Improvement Trust Fund for Community Colleges without modification; re-creating the Florida Academic Improvement Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1222** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1224—A bill to be entitled An act relating to the re-creation of the Grants and Donations Trust Fund within the Department of Education without modification; re-creating the Grants and Donations Trust Fund carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1224** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1226—A bill to be entitled An act relating to the re-creation of the Projects, Contracts, and Grants Trust Fund without modification; re-creating the Projects, Contracts, and Grants Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1226** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1228—A bill to be entitled An act relating to the re-creation of the Student Loan Guaranty Reserve Fund without modification; re-creating the Student Loan Guaranty Reserve Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1228** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1230—A bill to be entitled An act relating to trust funds; amending s. 240.209, F.S.; creating the Education and General Student and Other Fees Trust Fund within the Department of Education; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1230** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1232—A bill to be entitled An act relating to trust funds; amending s. 240.513, F.S.; creating the University of Florida Health Center Operations and Maintenance Trust Fund within the Department of Education; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1232** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1236—A bill to be entitled An act relating to the re-creation of the University of Florida Health Center Incidental Trust Fund without modification; re-creating the University of Florida Health Center Incidental Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1236** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1238—A bill to be entitled An act relating to the re-creation of the University of Florida Agricultural Experiment Station Federal Grant Trust Fund without modification; re-creating the University of Florida Agricultural Experiment Station Federal Grant Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1238** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1240—A bill to be entitled An act relating to the re-creation of the University of Florida Agricultural Extension Service Federal Grant Trust Fund without modification; re-creating the University of Florida Agricultural Extension Service Federal Grant Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1240** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1242—A bill to be entitled An act relating to the re-creation of the University of Florida Agricultural Experiment Station Incidental Trust Fund without modification; re-creating the University of Florida Agricultural Experiment Station Incidental Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1242** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1244—A bill to be entitled An act relating to the re-creation of the University of Florida Agricultural Extension Service Incidental Trust Fund without modification; re-creating the University of Florida Agricultural Extension Service Incidental Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1244** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1246—A bill to be entitled An act relating to the re-creation of the University of South Florida Medical Center Student Fee Trust Fund without modification; re-creating the University of South Florida Medical Center Student Fee Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1246** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1248—A bill to be entitled An act relating to the re-creation of the University of Florida Institute of Food and Agricultural Sciences Student Fee Trust Fund without modification; re-creating the University of Florida Institute of Food and Agricultural Sciences Student Fee Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1248** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1250—A bill to be entitled An act relating to the re-creation of the University of Florida Health Center Student Fee Trust Fund without modification; re-creating the University of Florida Health Center Student Fee Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1250** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1252—A bill to be entitled An act relating to the re-creation of the University of Florida Health Center Liability Insurance Trust Fund without modification; re-creating the University of Florida Health Center Liability Insurance Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1252** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1254—A bill to be entitled An act relating to the re-creation of the University of South Florida Medical Center Professional Medical Liability Self-Insurance Trust Fund without modification; re-creating the University of South Florida Medical Center Professional Medical Liability Self-Insurance Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1254** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1256—A bill to be entitled An act relating to the re-creation of the Board of Regents Operations and Maintenance Trust Fund without modification; re-creating the Board of Regents Operations and Maintenance Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1256** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1258—A bill to be entitled An act relating to the re-creation of the University of Florida Health Center at Jacksonville Liability Insurance Trust Fund without modification; re-creating the University of Florida Health Center at Jacksonville Liability Insurance Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1258** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1260—A bill to be entitled An act relating to the re-creation of the Phosphate Research Trust Fund without modification; re-creating the Phosphate Research Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1260** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1262—A bill to be entitled An act relating to the re-creation of the State University System Concurrency Trust Fund without modification; re-creating the State University System Concurrency Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1262** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1264—A bill to be entitled An act relating to the re-creation of the Division of Universities Facility Construction Administrative Trust Fund without modification; re-creating the Division of Universities Facility Construction Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1264** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1266—A bill to be entitled An act relating to the re-creation of the Trust Fund for Major Gifts without modification; re-creating the Trust Fund for Major Gifts; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1266** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1268—A bill to be entitled An act relating to the re-creation of the Hurricane Andrew Disaster Relief Trust Fund within the Department of Education without modification; re-creating the Hurricane Andrew Disaster Relief Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1268** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1270—A bill to be entitled An act relating to the re-creation of the Hurricane Andrew Recovery and Rebuilding Trust Fund within the Department of Education, Division of Universities, without modification; re-creating the Hurricane Andrew Recovery and Rebuilding Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1270** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1272—A bill to be entitled An act relating to the re-creation of the University of Florida Institute of Food and Agricultural Sciences Relocation and Construction Trust Fund without modification; re-creating the University of Florida Institute of Food and Agricultural Sciences Relocation and Construction Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1272** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1274—A bill to be entitled An act relating to the re-creation of the State University System Replacement Trust Fund without modification; re-creating the State University System Replacement Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1274** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1276—A bill to be entitled An act relating to the re-creation of the Capital Facilities Matching Trust Fund without modification; re-creating the Capital Facilities Matching Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1276** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1280—A bill to be entitled An act relating to trust funds; creating s. 240.28035, F.S.; creating the Education—Contracts, Grants, and Donations Trust Fund within the Department of Education; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1280** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1284—A bill to be entitled An act relating to trust funds; declaring the findings of the Legislature that specified trust funds in the Department of Agriculture and Consumer Services, the Department of Banking and Finance, the Department of Revenue, and the Department of Education are exempt from the automatic-termination requirements of Section 19(f), Article III of the State Constitution; creating s. 240.2803, F.S.; defining the terms “auxiliary enterprises” and “contracts, grants, and donations” for purposes of exemptions from specified constitutional requirements for trust funds; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1284** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1286—A bill to be entitled An act relating to the re-creation of the Hurricane Andrew Recovery and Rebuilding Trust Fund within the Department of Environmental Protection; re-creating the fund without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1286** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1288—A bill to be entitled An act relating to the re-creation of the Hurricane Andrew Disaster Relief Trust Fund within the Department of Environmental Protection; re-creating the fund without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Diaz-Balart, by two-thirds vote **SB 1288** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 400—A bill to be entitled An act the re-creating the Save Our State Environmental Education Trust Fund of the Department of Environmental Protection without modifications; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title.

Senator Dantzler moved the following amendment which was adopted:

Amendment 1—In title, on page 1, strike line 2 and insert: An act re-creating the Save Our State

On motions by Senator Diaz-Balart, by two-thirds vote **SB 400** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

CS for SB 420—A bill to be entitled An act relating to trust funds; abolishing the Apalachicola Bay Protection Trust Fund, the Apalachicola Bay Conservation Trust Fund, the Coastal Zone Management Trust Fund, the Conservation and Recreation Bond Project Trust Fund, the Florida Areas of Critical State Concern Restoration Trust Fund, the Beach Management Trust Fund, the Federal Land and Water Conservation Trust Fund, the Natural Resource Law Division Grants and Donations Trust Fund, the Hazardous Waste Management Trust Fund, the Industrial Siting Trust Fund, the Lake Hancock Restoration Trust Fund, the Natural Resources - Resource Management Division Reclamation Administration Trust Fund, the Marine Turtle Protection Trust Fund, the Marine Fisheries Commission Trust Fund, the Marine Biological Research Trust Fund, the Motorboat Revolving Trust Fund, the Environmental Regulation - Operating Trust Fund, the Petroleum Exploration and Production Bond Trust Fund, the Pollution Recovery Trust Fund, the Saltwater Products Promotion Trust Fund, the Natural Resources Parks Division - Save Our Coast Project Trust Fund, the Small Community Sewer Construction Assistance Trust Fund, the Surface Water Improvement and Management Trust Fund, the Oyster and Clam Rehabilitation Trust Fund, the Phosphate Research Trust Fund, the Restoration of Kissimmee River Trust Fund, the Hurricane Andrew Disaster Relief Trust Fund, the Hurricane Andrew Recovery and Rebuilding Trust Fund, the Replacement Trust Fund, the State Water Pollution Control Trust Fund, and the Spoil Site Trust Fund; providing for the transfer of current balances and for paying for obligations of the abolished trust funds and providing for the removal of the abolished trust funds from the various state accounting systems; amending ss. 161.0535, 161.054, 161.091, 211.31, 211.3103, 270.22, 327.25, 327.28, 370.021, 370.06,

370.062, 370.063, 370.0608, 370.0609, 370.07, 370.12, 370.14, 370.142, 370.16, 373.430, 373.459, 376.121, 376.30, 376.303, 376.307, 376.3078, 376.3079, 376.40, 376.70, 376.75, 377.2425, 377.41, 380.0555, 380.0558, 403.0871, 403.121, 403.1832, 403.518, 403.5365, 403.709, 403.9421, F.S., to conform to the abolition of these trust funds; repealing s. 370.029, F.S., relating to the Marine Fisheries Commission Trust Fund; repealing s. 373.495, F.S., relating to the Water Resources Development Account; repealing s. 403.0615, F.S., relating to water resources restoration and preservation; repealing s. 403.165, F.S., relating to the Pollution Recovery Fund; repealing s. 403.1824, F.S., relating to the State Water Pollution Control Trust Fund; repealing s. 403.1838, F.S., relating to the Small Community Sewer Construction Assistance Act; repealing s. 403.725, F.S., relating to the Hazardous Waste Management Trust Fund; providing an effective date.

—was read the second time by title.

Senator Dantzler moved the following amendments which were adopted:

Amendment 1—On page 3, lines 23 and 24, strike “Marine Resources Conservation” and insert: Ecosystem Management and Restoration

Amendment 2—On pages 5 and 6, strike lines 27-29 and lines 1-3 respectively

(Renumber subsequent paragraphs.)

Amendment 3 (with Title Amendment)—On page 12, between lines 10 and 11, insert:

Section 7. Section 212.69, Florida Statutes, is amended to read:

212.69 Distribution of proceeds.—

(1) Moneys collected pursuant to this part shall be deposited in the Gas Tax Collection Trust Fund created by s. 206.875. Such moneys, exclusive of the service charges imposed by s. 215.20, and exclusive of refunds granted pursuant to s. 212.67, shall be distributed monthly to the State Transportation Trust Fund, except that:

(a) \$7,550,000 shall be transferred to the Department of Environmental Protection in each fiscal year. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. \$1,250,000 of the amount transferred shall be deposited annually in the *Marine Resources Conservation Motorboat Revolving Trust Fund* and must be used by the department to fund special projects to provide recreational channel marking, public launching facilities, and other boating-related activities. The department shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, insufficient financial resources are available to meet total water resource needs. The remaining proceeds of the annual transfer shall be deposited in the Aquatic Plant Control Trust Fund and must be used for aquatic plant management, including nonchemical control of aquatic weeds, research into nonchemical controls, and enforcement activities. Beginning in fiscal year 1993-1994, the department shall allocate at least \$1 million of such funds to the eradication of melaleuca.

(b) \$1,250,000 shall be transferred to the State Game Trust Fund in the Game and Fresh Water Fish Commission in each fiscal year. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year, and must be used for recreational boating activities of a type consistent with projects eligible for funding under the Florida Boating Improvement Program administered by the Department of Environmental Protection, and freshwater fisheries management and research.

(c) \$1.5 million per year shall be transferred to the Board of Regents and shall be spent solely for purposes of s. 334.065.

(2) Not less than 10 percent of the moneys deposited in the State Transportation Trust Fund pursuant to this section shall be allocated by the Department of Transportation for public transit and rail capital projects, including service development projects, as defined in s. 341.031(7) and (8), unless otherwise provided in the General Appropriations Act.

Section 8. Effective July 1, 1999, section 212.69, Florida Statutes, is amended to read:

(1) Moneys collected pursuant to this part shall be deposited in the Gas Tax Collection Trust Fund. Such moneys, after deducting the service charges imposed by s. 215.20, the refunds granted pursuant to s. 212.67,

and the administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund, except that:

(a) \$7,550,000 shall be transferred to the Department of Environmental Protection in each fiscal year. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. \$1,250,000 of the amount transferred shall be deposited annually in the *Marine Resources Conservation Motorboat Revolving Trust Fund* and must be used by the department to fund special projects to provide recreational channel marking, public launching facilities, and other boating-related activities. The department shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, insufficient financial resources are available to meet total water resource needs. The remaining proceeds of the annual transfer shall be deposited in the Aquatic Plant Control Trust Fund and must be used for aquatic plant management, including nonchemical control of aquatic weeds, research into nonchemical controls, and enforcement activities. Beginning in fiscal year 1993-1994, the department shall allocate at least \$1 million of such funds to the eradication of melaleuca.

(b) \$1,250,000 shall be transferred to the State Game Trust Fund in the Game and Fresh Water Fish Commission in each fiscal year. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year, and must be used for recreational boating activities of a type consistent with projects eligible for funding under the Florida Boating Improvement Program administered by the Department of Environmental Protection, and freshwater fisheries management and research.

(c) \$1.5 million per year shall be transferred to the Board of Regents and shall be spent solely for purposes of s. 334.065.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2, line 12, after "211.3103," insert: 212.69,

Amendment 4 (with Title Amendment)—On page 52, between lines 14 and 15, insert:

Section 21. Paragraph (a) of subsection (5) of section 373.129, Florida Statutes, is amended to read:

373.129 Maintenance of actions.—The department, the governing board of any water management district, any local board, or a local government to which authority has been delegated pursuant to s. 373.103(8), is authorized to commence and maintain proper and necessary actions and proceedings in any court of competent jurisdiction for any of the following purposes:

(5) To recover a civil penalty for each offense in an amount not to exceed \$10,000 per offense. Each date during which such violation occurs constitutes a separate offense.

(a) A civil penalty recovered ~~under pursuant to~~ this subsection ~~must shall~~ be deposited in the Water Management Lands Trust Fund established under s. 373.59 and used exclusively by the water management district that deposits the money into the fund. Any such civil penalty recovered after the expiration of such fund ~~must shall~~ be deposited in the *Ecosystem Management and Recovery Trust Pollution Recovery Fund* created by s. 403.165 and used exclusively within the water management district that deposits the money into the fund.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2, line 15, after "370.16," insert: 373.129,

Amendment 5—On page 98, strike line 24 and insert:

(e) At least 10 percent of the revenues deposited annually in this fund from waste tire fees ~~account~~ shall be

Amendment 6 (with Title Amendment)—On page 100, between lines 4 and 5, insert:

Section 42. Subsection (3) of section 403.727, Florida Statutes, is amended to read:

403.727 Violations; defenses, penalties, and remedies.—

(3) Violations of the provisions of this act are punishable as follows:

(a) Any person who violates the provisions of this act, the rules or orders of the department, or the conditions of a permit is liable to the state for any damages specified in s. 403.141 and for a civil penalty of not more than \$50,000 for each day of continued violation, except as otherwise provided herein. The department may revoke any permit issued to the violator. In any action by the department against a small hazardous waste generator for the improper disposal of hazardous wastes, a rebuttable presumption of improper disposal shall be created if the generator was notified pursuant to s. 403.7234; the generator shall then have the burden of proving that the disposal was proper. If the generator was not so notified, the burden of proving improper disposal shall be placed upon the department.

(b) Any person who knowingly or by exhibiting reckless indifference or gross careless disregard for human health:

1. Transports or causes to be transported any biomedical or hazardous waste, as defined in s. 403.703, to a facility which does not have a permit when such a permit is required under s. 403.707 or s. 403.722;

2. Disposes of, treats, or stores biomedical or hazardous waste:

a. At any place but a hazardous waste facility which has a current and valid permit pursuant to s. 403.722 or, with regard to biomedical waste, at any place except a facility that has a current and valid permit for the disposal or storage of biomedical waste;

b. In knowing violation of any material condition or requirement of such permit if such violation has a substantial likelihood of endangering human health, animal or plant life, or property; or

c. In knowing violation of any material condition or requirement of any applicable rule or standard if such violation has a substantial likelihood of endangering human health, animal or plant life, or property;

3. Makes any false statement or representation or knowingly omits material information in any biomedical or hazardous waste application, label, manifest, record, report, permit, or other document required by this act;

4. Generates, stores, treats, transports, disposes of, or otherwise handles any biomedical or hazardous waste and who knowingly destroys, alters, conceals, or fails to file any record, application, manifest, report, or other document required to be maintained or filed for purposes of compliance with this act; or

5. Transports without a manifest, or causes to be transported without a manifest, any biomedical or hazardous waste required by rules adopted by the department to be accompanied by a manifest

is, upon conviction, guilty of a felony of the third degree, punishable for the first such conviction by a fine of not more than \$50,000 for each day of violation or imprisonment not to exceed 5 years, or both, and for any subsequent conviction by a fine of not more than \$100,000 per day of violation or imprisonment of not more than 10 years, or both.

(c)1. As used in this paragraph, "Class II violation" means a violation of this part, or the rules promulgated pursuant to this part, which pertains to small quantity generators as defined by applicable department rules and which does not result in a discharge or serious threat of a discharge of hazardous waste to the environment, or does not involve the failure to ensure that groundwater will be protected or that hazardous waste will be destined for and delivered to permitted facilities. Class II violations shall include, but need not be limited to, the failure to submit manifest exception reports in a timely manner, failure to provide a generator's United States Environmental Protection Agency identification number on the manifest, failure to maintain complete personnel training records, and failure to meet inspection schedule requirements for tanks and containers that hold hazardous waste.

2. In addition to any other judicial or administrative remedy authorized by this part, the department may assess a noncompliance fee for any Class II violation by a small quantity generator. For the first and second violations, the fee shall not be assessed until the generator has failed to comply after notice of noncompliance and has been given a reasonable time to comply. If the owner or operator fails after three or more notifications to comply with the requirement to correct the Class II violation, the department may assess the fee without waiting for compliance.

3. At the time of assessment of a noncompliance fee, the department shall give the small quantity generator written notice setting forth the amount assessed, the specific provision of law, rule, or order alleged to be violated, the facts alleged to constitute the violation, the corrective action needed to bring the party into compliance, and the rights available under chapter 120 to challenge the assessment. The assessment shall be final and effective unless an administrative proceeding is requested within 20 days after receipt of the written notice, and shall be enforceable pursuant to s. 120.69. Once the assessment has become final and effective, the department shall refuse to issue, modify, transfer, or renew a permit or issue an identification number to the facility until the fee has been paid.

4. Before assessing any noncompliance fee, the department shall adopt rules to implement the provisions of this paragraph, which shall include a description of activities that constitute Class II violations and the setting of appropriate amounts for the noncompliance fees, based upon the type of violation, but not to exceed \$250. Total noncompliance fees assessed shall not exceed \$1,000 per assessment for all violations attributable to a specific facility during any one month.

5. The department's assessment of a noncompliance fee shall be in lieu of any civil action that may be instituted by the department in a court of competent jurisdiction to impose and recover civil penalties for any violation that resulted in the fee assessment, unless the department initiates a civil action for nonpayment of a fee properly assessed pursuant to this paragraph.

6. Noncompliance fees collected pursuant to this paragraph shall be deposited in the *Ecosystem Management and Restoration Trust Pollution Recovery* Fund. The department may use a portion of the fund to contract for services to help in the collection of fees assessed pursuant to this paragraph.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2, line 19, after "403.709," insert: 403.727,

Amendment 7 (with Title Amendment)—On page 103, between lines 10 and 11, insert:

Section 43. Subsections (1), (8), and (11) of section 161.101, Florida Statutes, 1994 Supplement, are amended to read:

161.101 State and local participation in authorized projects and studies relating to beach management and erosion control.—

(1) The Legislature recognizes that beach erosion is a statewide problem that does not confine its effects to local governmental jurisdictions and that beach erosion can be adequately addressed most efficiently by a state-initiated program of beach restoration and beach renourishment. However, since local beach communities derive the primary benefits from the presence of adequate beaches, a program of beach restoration and beach renourishment should not be accomplished without a commitment of local funds to combat the problem of beach erosion. Accordingly, the Legislature declares that the state, through the department, shall determine those beaches which are critically eroding and in need of restoration and renourishment and may authorize *appropriations* ~~the expenditure from the Beach Management Trust Fund of the amount necessary~~ to pay up to 75 percent of the actual costs for restoring and renourishing a critically eroded beach. The local government in which the beach is located shall be responsible for the balance of such costs.

(8) With regard to a project approved in accordance with s. 161.161, the department is authorized to pay from *legislative appropriations specifically provided for these purposes* ~~the Beach Management Trust Fund~~ an amount up to 75 percent of the actual costs of the approved project, including, but not limited to, the costs for:

- (a) Project design engineering and construction supervision and inspection;
- (b) Biological monitoring;
- (c) Inlet sand transfer projects;
- (d) Dune revegetation and stabilization;
- (e) Restoration, renourishment, or feeder beach project costs;
- (f) Construction easements, rights-of-way, public access easements, and vehicle parking spaces;

- (g) Obtaining required permits;
- (h) Establishing erosion control lines;
- (i) Enhancement of marine turtle propagation; and
- (j) Sand-source studies.

(11) The department may expend funds from the *Ecosystem Management and Restoration Beach Management* Trust Fund to alleviate emergency conditions, upon a declaration, after a hearing, by the Governor and Cabinet that a shoreline emergency of state concern exists. *Any expenditures made for this purpose shall be pursuant to legislative appropriations or from amendments to original approved operating budgets authorized pursuant to s. 216.181.*

Section 44. Subsection (6) of section 161.161, Florida Statutes, 1994 Supplement, is amended to read:

161.161 Procedure for approval of projects.—

(6) The board of trustees shall approve or disapprove the beach restoration or beach renourishment project as it affects sovereignty lands. If approval is granted, the secretary shall authorize the expenditure from *legislative appropriations specifically provided for these purposes* ~~the Beach Management Trust Fund~~ of the amount necessary to pay for up to 75 percent of the costs of the project, and the board of trustees shall establish the location of the erosion control line. In locating said line, the board of trustees shall be guided generally by the existing line of mean high water, bearing in mind the requirements of proper engineering in the erosion control project, the extent to which erosion or avulsion has occurred, and the need to protect existing ownership of as much upland as is reasonably possible.

Section 45. Paragraph (a) of subsection (1) of section 212.69, Florida Statutes, 1994 Supplement, is amended to read:

212.69 Distribution of proceeds.—

(1) Moneys collected pursuant to this part shall be deposited in the Gas Tax Collection Trust Fund created by s. 206.875. Such moneys, exclusive of the service charges imposed by s. 215.20, and exclusive of refunds granted pursuant to s. 212.67, shall be distributed monthly to the State Transportation Trust Fund, except that:

(a) \$7,550,000 shall be transferred to the Department of Environmental Protection in each fiscal year. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. \$1,250,000 of the amount transferred shall be deposited annually in the *Marine Resources Conservation Motorboat Revolving* Trust Fund and must be used by the department to fund special projects to provide recreational channel marking, public launching facilities, and other boating-related activities. The department shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, insufficient financial resources are available to meet total water resource needs. The remaining proceeds of the annual transfer shall be deposited in the Aquatic Plant Control Trust Fund and must be used for aquatic plant management, including nonchemical control of aquatic weeds, research into nonchemical controls, and enforcement activities. Beginning in fiscal year 1993-1994, the department shall allocate at least \$1 million of such funds to the eradication of melaleuca.

Section 46. Effective July 1, 1999, paragraph (a) of subsection (1) of section 212.69, Florida Statutes, 1994 Supplement, as amended by chapter 94-146, Laws of Florida, is amended to read:

212.69 Distribution of proceeds.—

(1) Moneys collected pursuant to this part shall be deposited in the Gas Tax Collection Trust Fund. Such moneys, after deducting the service charges imposed by s. 215.20, the refunds granted pursuant to s. 212.67, and the administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund, except that:

(a) \$7,550,000 shall be transferred to the Department of Environmental Protection in each fiscal year. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. \$1,250,000 of the amount transferred shall be deposited annually in the *Marine Resources Conservation Motorboat Revolving* Trust Fund and must be

used by the department to fund special projects to provide recreational channel marking, public launching facilities, and other boating-related activities. The department shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, insufficient financial resources are available to meet total water resource needs. The remaining proceeds of the annual transfer shall be deposited in the Aquatic Plant Control Trust Fund and must be used for aquatic plant management, including nonchemical control of aquatic weeds, research into nonchemical controls, and enforcement activities. Beginning in fiscal year 1993-1994, the department shall allocate at least \$1 million of such funds to the eradication of melaleuca.

Section 47. Paragraph (l) of subsection (4) of section 215.20, Florida Statutes, 1994 Supplement, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(l) The *Marine Resources Conservation Motorboat Revolving Trust Fund* created by s. 370.0608, with the exception of those fees collected for recreational saltwater fishing licenses as provided in s. 370.0605 ~~327-28~~.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 48. Paragraph (a) of subsection (1) and subsection (2) of section 287.0595, Florida Statutes, 1994 Supplement, are amended to read:

287.0595 Pollution response action contracts; department rules.—

(1) The Department of Environmental Protection shall establish, through the promulgation of administrative rules as provided in chapter 120:

(a) Procedures for determining the qualifications of responsible potential bidders prior to advertisement for and receipt of bids for pollution response action contracts, including procedures for the rejection of unqualified bidders. Response actions are those activities described in s. 376.301(24)(23) ~~and those actions carried out pursuant to s. 403.165~~.

(2) In adopting rules under this section, the department shall follow the criteria applicable to the Department of Management Services contracting to the maximum extent possible, consistent with the goals and purposes of ss. 376.307 ~~and~~, 376.3071, ~~and~~ 403.165.

Section 49. Paragraph (a) of subsection (6) of section 327.3521, Florida Statutes, is amended to read:

327.3521 Penalty for failure to submit to test.—

(6) Moneys collected by the clerk of the court pursuant to this section shall be disposed of in the following manner:

(a) If the arresting officer was employed or appointed by a state law enforcement agency, the moneys shall be deposited into the *Marine Resources Conservation Motorboat Revolving Trust Fund*.

Section 50. Paragraph (b) of subsection (6) and subsection (7) of section 327.53, Florida Statutes, 1994 Supplement, are amended to read:

327.53 Marine sanitation.—

(6)

(b) All civil penalties imposed and collected pursuant to this section shall be deposited in the *Marine Resources Conservation Motorboat Revolving Trust Fund* and shall be used: to implement, administer, and enforce this act; to construct, renovate, or operate pumpout stations and waste reception facilities; and to conduct a program to educate vessel operators about the problem of human body waste discharges from vessels and inform them of the location of pumpout stations and waste reception facilities.

(7) Any vessel or floating structure operated or occupied on the waters of the state in violation of this section is declared a nuisance and a hazard to public safety and health. The owner or operator of any vessel or floating structure cited for violating this section shall, within 30 days following the issuance of the citation, correct the violation for which the citation was issued or remove the vessel or floating structure from the waters of the state. If the violation is not corrected within the 30 days and the vessel or floating structure remains on the waters of the state in violation of this section, law enforcement officers charged with the enforcement of this chapter under s. 327.70 shall apply to the appropriate court in the county in which the vessel or floating structure is located, to order or otherwise cause the removal of such vessel or floating structure from the waters of the state at the owner's expense. If the owner cannot be found or otherwise fails to pay the removal costs, the provisions of s. 328.17 shall apply. If the proceeds under s. 328.17 are not sufficient to pay all removal costs, funds appropriated from the *Marine Resources Conservation Motorboat Revolving Trust Fund* pursuant to paragraph (6)(b) or s. 327.25(12) may be used.

Section 51. Subsection (6) of section 328.15, Florida Statutes, 1994 Supplement, is amended to read:

328.15 Notice of lien on vessel; recording.—

(6) The department is entitled to a fee of \$1 for the recording of each notice of lien. No fee shall be charged for recording the satisfaction of a lien. All of the fees collected shall be paid into the *Marine Resources Conservation Motorboat Revolving Trust Fund*.

Section 52. Section 328.20, Florida Statutes, 1994 Supplement, is amended to read:

328.20 Disposition of fees.—The department shall deposit all funds collected by it pursuant to the provisions of this chapter in the *Marine Resources Conservation Motorboat Revolving Trust Fund*.

Section 53. Subsections (2) and (7) of section 370.021, Florida Statutes, 1994 Supplement, are amended to read:

370.021 Administration; rules, publications, records; penalty for violation of chapter; injunctions.—

(2) PENALTY FOR VIOLATION.—Unless otherwise provided by law, any person, firm, or corporation who is convicted for violating any provision of this chapter, any rule of the department adopted pursuant to this chapter, or any rule of the Marine Fisheries Commission, shall be punished:

(a) Upon a first conviction, by imprisonment for a period of not more than 60 days or by a fine of not less than \$100 nor more than \$500, or by both such fine and imprisonment.

(b) On a second or subsequent conviction within 12 months, by imprisonment for not more than 6 months or by a fine of not less than \$250 nor more than \$1,000, or by both such fine and imprisonment.

(c) In addition to the penalties provided in paragraphs (a) and (b), the court shall assess additional penalties against any person, firm, or corporation convicted of major violations as follows:

1. For a violation involving more than 100 illegal crawfish or stone crabs, an additional penalty of \$10 for each illegal crawfish, stone crab, or part thereof.

2. For a violation involving the taking or harvesting of shrimp from a nursery or other prohibited area, an additional penalty of \$10 for each pound of illegal shrimp or part thereof.

3. For a violation involving the taking or harvesting of oysters from nonapproved areas or the taking or possession of unculled oysters, an additional penalty of \$10 for each bushel of illegal oysters.

4. For a violation involving the taking or harvesting of clams from nonapproved areas, an additional penalty of \$100 for each 500 count bag of illegal clams.

5. For a violation involving the taking, harvesting, or possession of any of the following species, which are endangered, threatened, or of special concern:

a. Shortnose sturgeon (*Acipenser brevirostrum*);

b. Atlantic sturgeon (*Acipenser oxyrinchus*);

- c. Common snook (*Centropomus undecimalis*);
- d. Atlantic loggerhead turtle (*Caretta caretta caretta*);
- e. Atlantic green turtle (*Chelonia mydas mydas*);
- f. Leatherback turtle (*Dermochelys coriacea*);
- g. Atlantic hawksbill turtle (*Eretmochelys imbricata imbricata*);
- h. Atlantic ridley turtle (*Lepidochelys kempii*); or
- i. West Indian manatee (*Trichechus manatus latirostris*),

an additional penalty of \$100 for each unit of marine life or part thereof.

6. For a second or subsequent conviction within 24 months for any violation of the same law or rule involving the taking or harvesting of more than 100 pounds of any finfish, an additional penalty of \$5 for each pound of illegal finfish.

7. For any violation involving the taking, harvesting, or possession of more than 1,000 pounds of any illegal finfish, an additional penalty equivalent to the wholesale value of the illegal finfish.

8.a. In addition to being subject to the other penalties provided in this chapter, any intentional violation of rule 46-4.007(1), Florida Administrative Code, shall be considered a major violation, and any person, firm, or corporation committing such violation shall be subject to the following additional penalties:

(I) For a first violation within a 7-year period, suspension of the saltwater products license for 90 days.

(II) For a second major violation within a 7-year period, a civil penalty of \$5,000 and suspension of the saltwater products license for 12 months.

(III) For a third or subsequent major violation within a 7-year period, a civil penalty of \$5,000, lifetime revocation of the saltwater products license, and forfeiture of all gear and equipment used in the violation.

b. During any period of license suspension or revocation under this section, the licensee may not fish from any vessel that is harvesting saltwater products.

c. The Department of Environmental Protection may bring a civil action to enforce the civil penalties prescribed in this section.

Notwithstanding the provisions of s. 948.01, no court may suspend, defer, or withhold adjudication of guilt or imposition of sentence for any major violation prescribed in this paragraph.

(d) The proceeds from the penalties assessed pursuant to paragraph (c) shall be deposited into the *Marine Resources Conservation Biological Research Trust Fund* to be used for marine fisheries research.

(e) Permits issued to any person, firm, or corporation by the department to take or harvest saltwater products, or any license issued pursuant to s. 370.06 or s. 370.07 may be suspended or revoked by the department, pursuant to the provisions and procedures of s. 120.60, for any major violation prescribed in paragraph (c):

1. Upon a second conviction for a violation which occurs within 12 months after a prior violation, for up to 60 days.

2. Upon a third conviction for a violation which occurs within 24 months after a prior violation, for up to 180 days.

3. Upon a fourth conviction for a violation which occurs within 36 months after a prior violation, for a period of 6 months to 3 years.

(f)1. In cases involving the intentional or unintentional killing of any species of tarpon, snook in excess of five fish per person, sailfish, or bonefish during a fishing operation wherein the targeted species is legal to harvest, the method of fishing and type of gear used are legal, and the fish are killed as a direct result of such otherwise legal fishing operations, the department shall assess a civil penalty of \$100 for each snook killed in excess of five fish per person, or tarpon, sailfish, or bonefish killed in excess of any bag limit. In collecting penalties, the department shall assess an equal share of the applicable penalty to each fisherman actually involved in the fishing operation.

2. The civil penalty shall be paid in full to the department within 30 calendar days of official notification. The department may suspend the

saltwater products license or other saltwater fishing license of any person or boat not paying the required civil penalty within the specified time period. Persons contesting the assessment of any civil penalties or any license suspension pursuant to this section shall be entitled to a hearing pursuant to the provisions of chapter 120.

3. All moneys collected by the department pursuant to this paragraph shall be deposited into the *Marine Resources Conservation Biological Research Trust Fund*.

(7) **RETENTION, DESTRUCTION, AND REPRODUCTION OF RECORDS.**—Records and documents of the Department of Environmental Protection created in compliance with and in the implementation of chapter 370 or former chapter 371 shall be retained by the department as specified in record retention schedules established under the general provisions of chapters 119 and 257. Further, the department is authorized to:

(a) Destroy, or otherwise dispose of, those records and documents in conformity with the approved retention schedules.

(b) Photograph, microphotograph, or reproduce such records and documents on film, as authorized and directed by the approved retention schedules, whereby each page will be exposed in exact conformity with the original records and documents retained in compliance with the provisions of this section. Photographs or microphotographs in the form of film or print of any records, made in compliance with the provisions of this section, shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs. The impression of the seal of the Department of Environmental Protection on a certificate made pursuant to the provisions hereof and signed by the Secretary of Environmental Protection shall entitle the same to be received in evidence in all courts and in all proceedings in this state and shall be prima facie evidence of all factual matters set forth in the certificate. A certificate may relate to one or more records, as set forth in the certificate, or in a schedule continued on an attachment to the certificate.

(c) Furnish certified copies of such records for a fee of \$1 which shall be deposited in the *Marine Resources Conservation Motorboat Revolving Trust Fund*.

Section 54. Subsections (1) and (2) of section 370.061, Florida Statutes, are amended to read:

370.061 Confiscation of property and products.—

(1) **CONFISCATION; PROCEDURE.**—In all cases of arrest and conviction for the illegal taking, or attempted taking, sale, possession, or transportation of saltwater fish or other saltwater products, such saltwater products and seines, nets, boats, motors, other fishing devices or equipment, and vehicles or other means of transportation used in connection with such illegal taking or attempted taking are hereby declared to be nuisances and may be seized and carried before the court having jurisdiction of such offense, and said court may order such nuisances forfeited to the Division of Marine Resources of the department immediately after trial and conviction of the person or persons in whose possession they were found, except that, if a motor vehicle is seized under the provisions of this act and is subject to any existing liens recorded under the provisions of s. 319.27, all further proceedings shall be governed by the expressed intent of the Legislature not to divest any innocent person, firm, or corporation holding such a recorded lien of any of its reversionary rights in such motor vehicle or of any of its rights as prescribed in s. 319.27, and that, upon any default by the violator purchaser, the said lienholder may foreclose its lien and take possession of the motor vehicle involved. When any illegal or illegally used seine, net, trap, or other fishing device or equipment or illegally taken, possessed, or transported saltwater products are found and taken into custody, and the owner thereof shall not be known to the officer finding the same, such officer shall immediately procure from the county court judge of the county wherein they were found an order forfeiting said saltwater products, seines, nets, traps, boats, motors, or other fishing devices to the division. All things forfeited under the provisions of this law may be destroyed, used by the division, disposed of by gift to charitable or state institutions, or sold and the proceeds derived from said sale deposited in the *Marine Resources Conservation Motorboat Revolving Trust Fund* to be used for law enforcement purposes. However, forfeited boats, motors, and legal fishing devices only, may be purchased from the division for \$1 by the person or

persons holding title thereto at the time of the illegal act causing the forfeiture, if such person shall prove that he in no way participated in, gave consent to, or had knowledge of such act.

(2) **CONFISCATION AND SALE OF PERISHABLE PRODUCTS; PROCEDURE.**—When an arrest is made pursuant to the provisions of this chapter and illegal, perishable products or perishable products illegally taken or landed are apprehended, the defendant may post bond or cash deposit in an amount determined by the judge to be the fair value of such products, and said defendant shall have 24 hours to transport said products outside the limits of Florida for sale or other disposition. Should no bond or cash deposit be given within the time fixed by the judge, the judge shall order the sale of such products at the highest price obtainable, and, when feasible, at least three bids shall be requested. In either event, the amounts received by the judge shall be remitted to the division to be deposited into a special escrow account in the State Treasury and held in trust pending the outcome of the trial of the accused. If a bond is posted by the defendant, it shall also be remitted to the division to be held in escrow pending the outcome of the trial of the accused. In the event of acquittal, the bond or cash deposit shall be returned to the defendant, or the proceeds of the sale shall be paid over to the defendant. In the event of conviction, the proceeds of the sale, or proceeds of the bond or cash deposit, shall be deposited by said division into the *Marine Resources Conservation Motorboat Revolving Trust Fund* to be used for law enforcement purposes. Such deposit into the *Marine Resources Conservation Motorboat Revolving Trust Fund* shall constitute confiscation.

Section 55. Subsection (2) of section 370.143, Florida Statutes, 1994 Supplement, is amended to read:

370.143 Retrieval of lobster and stone crab traps during closed season; department authority; fees.—

(2) A retrieval fee of \$10 per trap retrieved shall be assessed trap owners. Traps recovered under this program shall become the property of the department or its contract agent and shall be either destroyed or resold to the original owner. Revenue from retrieval fees shall be deposited in the *Marine Resources Conservation Motorboat Revolving Trust Fund* and used for operation of the trap retrieval program.

Section 56. Paragraph (a) of subsection (4) of section 370.153, Florida Statutes, 1994 Supplement, is amended to read:

370.153 Regulation of shrimp fishing; Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties.—

(4) **DEAD SHRIMP PRODUCTION.**—Any person may operate as a commercial dead shrimp producer provided that:

(a) A dead shrimp production permit is procured from the Department of Environmental Protection upon the receipt by the department of a properly filled out and approved application by a person intending to use a boat, not to exceed 35 feet in length in Duval, St. Johns, Putnam, and Clay Counties, and not to exceed 45 feet in length in Nassau County, for dead shrimp production within the inland waters of Nassau County and the inland waters of the St. Johns River of Duval, Putnam, St. Johns, Flagler, or Clay Counties, which permit shall cost \$250 and shall be required for each vessel used for dead shrimp production. The design of the application and permit shall be determined by the Department of Environmental Protection. The proceeds of the fees imposed by this paragraph shall be deposited into the account of the *Marine Resources Conservation Motorboat Revolving Trust Fund* to be used by the department for the purpose of enforcement of marine resource laws.

Section 57. Paragraph (c) of subsection (2) of section 370.1535, Florida Statutes, 1994 Supplement, is amended to read:

370.1535 Regulation of shrimp fishing in Tampa Bay; licensing requirements.—

(2) The Department of Environmental Protection is authorized to issue a dead shrimp production permit to persons qualified pursuant to the following criteria:

(c) Each application for a permit shall be accompanied by a fee of \$250 for each resident of the state and \$1,000 for each nonresident of the state. The proceeds of the fees collected pursuant to this paragraph shall be deposited into the *Marine Resources Conservation Motorboat Revolving Trust Fund* to be used by the department for the purpose of enforcement of marine resource laws.

Section 58. Paragraph (a) of subsection (5) of section 373.129, Florida Statutes, is amended to read:

373.129 Maintenance of actions.—The department, the governing board of any water management district, any local board, or a local government to which authority has been delegated pursuant to s. 373.103(8), is authorized to commence and maintain proper and necessary actions and proceedings in any court of competent jurisdiction for any of the following purposes:

(5) To recover a civil penalty for each offense in an amount not to exceed \$10,000 per offense. Each date during which such violation occurs constitutes a separate offense.

(a) A civil penalty recovered pursuant to this subsection shall be deposited in the Water Management Lands Trust Fund established under s. 373.59 and used exclusively by the water management district that deposits the money into the fund. Any such civil penalty recovered after the expiration of such fund shall be deposited in the *Ecosystem Management and Restoration Trust Pollution Recovery Fund* created by s. 403.165 and used exclusively within the water management district that deposits the money into the fund.

Section 59. Paragraph (e) of subsection (1) of section 373.309, Florida Statutes, 1994 Supplement, is amended to read:

373.309 Authority to adopt rules and procedures.—

(1) The department shall adopt, and may from time to time amend, rules governing the location, construction, repair, and abandonment of water wells and shall be responsible for the administration of this part. With respect thereto, the department shall:

(e) Encourage prevention of potable water well contamination and promote cost-effective remediation of contaminated potable water supplies by use of the Water Quality Assurance Trust Fund as provided in s. 376.307(1)(e)(4)(b)3. and (e) and establish by rule:

1. Delineation of areas of groundwater contamination for implementation of well location and construction, testing, permitting, and clearance requirements as set forth in subparagraphs 2., 3., 4., 5., and 6. The department shall make available to water management districts, regional planning councils, the Department of Health and Rehabilitative Services, and county building and zoning departments, maps or other information on areas of contamination, including areas of ethylene dibromide contamination. Such maps or other information shall be made available to property owners, realtors, real estate associations, property appraisers, and other interested persons upon request and upon payment of appropriate costs.

2. Requirements for testing for suspected contamination in areas of known contamination, as a prerequisite for clearance of a water well for drinking purposes.

3. Requirements for mandatory connection to available potable water systems in areas of known contamination, wherein the department may prohibit the permitting and construction of new potable water wells.

4. Location and construction standards for public and all other potable water wells permitted in areas of contamination. Such standards shall be designed to minimize the effects of such contamination.

5. A procedure for permitting all potable water wells in areas of known contamination. Any new water well that is to be used for drinking water purposes and that does not meet construction standards pursuant to subparagraph 4. must be abandoned and plugged by the owner. Water management districts shall implement, through delegation from the department, the permitting and enforcement responsibilities of this subparagraph.

6. A procedure for clearing for use all potable water wells, except wells that serve a public water supply system, in areas of known contamination. If contaminants are found upon testing pursuant to subparagraph 2., a well may not be cleared for use without a filter or other means of preventing the users of the well from being exposed to deleterious amounts of contaminants. The Department of Health and Rehabilitative Services shall implement the responsibilities of this subparagraph.

7. Fees to be paid for well construction permits and clearance for use. The fees shall be based on the actual costs incurred by the water management districts, the Department of Health and Rehabilitative Services, or other political subdivisions in carrying out the responsibilities related to

potable water well permitting and clearance for use. The fees shall provide revenue to cover all such costs and shall be set according to the following schedule:

- a. The well construction permit fee may not exceed \$500.
- b. The clearance fee may not exceed \$50.

8. Procedures for implementing well-location, construction, testing, permitting, and clearance requirements as set forth in subparagraphs 2.-6. within areas that research or monitoring data indicate are vulnerable to contamination with nitrate, or areas in which the department provides a subsidy for restoration or replacement of contaminated drinking water supplies through extending existing water lines or developing new water supply systems pursuant to s. 376.307(1)(e)(4)(b)3. and (e). The department shall consult with the Florida Ground Water Association in the process of developing rules pursuant to this subparagraph.

All fees and funds collected by each delegated entity pursuant to this part shall be deposited in the appropriate operating account of that entity.

Section 60. Subsection (8) of section 373.451, Florida Statutes, is amended to read:

373.451 Short title; legislative findings and intent.—

(8) The state, through the department, shall provide funds ~~from the Surface Water Improvement and Management Trust Fund~~ to assist with the implementation of the district plans and programs under this act. However, to achieve the goals of this act, cooperation and funding is necessary from the state, the water management districts, and local governments.

Section 61. Paragraph (a) of subsection (2) of section 373.455, Florida Statutes, 1994 Supplement, is amended to read:

373.455 Review of surface water improvement and management plans.—

(2)(a) The department shall review each plan to determine:

- 1. Whether the costs described in the plan, as projected by the water management districts, are reasonable estimates of the actual costs;
- 2. The likelihood that the plan will significantly improve or protect water quality and associated natural resources; and
- 3. Whether the plan activities can be funded based on available ~~appropriations revenues within the Surface Water Improvement and Management Trust Fund~~ or other funding which may be proposed by the department, the districts, or local governments.

Section 62. Subsection (1) of section 373.457, Florida Statutes, is amended to read:

373.457 Implementation of surface water improvement and management plans and programs.—

(1) ~~Legislative appropriations provided for The funds in the Surface Water Improvement and Management Program Trust Fund shall be available to the water management districts for detailed planning for and implementation of surface water improvement and management plans. However, ss. 373.451-373.4595 do not prohibit a water management district from requesting and receiving funds from the Surface Water Improvement and Management Trust Fund prior to March 1, 1988, for surface water improvement and management activities.~~

Section 63. Paragraph (i) of subsection (4) of section 376.11, Florida Statutes, is amended to read:

376.11 Florida Coastal Protection Trust Fund.—

(4) Moneys in the Florida Coastal Protection Trust Fund shall be disbursed for the following purposes and no others:

(i) To provide a temporary transfer of funds in an amount not to exceed \$10 million to the ~~Minerals Petroleum Exploration and Production Bond Trust Fund~~ as set forth in s. 376.40.

Section 64. Paragraph (e) of subsection (1) and subsection (3) of section 377.247, Florida Statutes, 1994 Supplement, are amended to read:

377.247 Designation and distribution of earnings owed to owners of mineral rights who are unknown or unlocated.—

(1) In the event that the operator of a well cannot locate the owner of a minority mineral interest within a drilling unit or the identity of the minority mineral interest owner remains unknown to the operator after reasonable and diligent attempts to locate said owner, the operator may request that the department act in a receivership capacity for these rights. These rights shall be administratively assigned to the operator and designated as "leased to the operator" by an oil and gas order of the department for the economic life of the well after satisfying the following conditions:

(e) The operator has deposited a sum equal to the bonus determined in paragraph (2)(a) into the ~~Minerals Petroleum Exploration and Production Bond Trust Fund~~.

(3) Once the department has issued the order and on an annual basis, within 30 days after the anniversary date of the order, the operator shall forward funds to the oil and gas administrator in the amount of the pro rata share of royalty identified as belonging to an unknown or unlocated mineral owner. The operator may elect to pay these funds in a lump sum, annually, for one or more drilling units so long as they are accompanied by an accounting for each entity as established under paragraph (1)(d). The funds shall be deposited in the ~~Minerals Petroleum Exploration and Production Bond Trust Fund~~ on account for and on behalf of the unknown or unlocated mineral owner. The department shall require an annual statement from an independent certified public accountant verifying the accuracy of the royalty accounting. Annually, the oil and gas administrator shall cause to have published at the expense of the operator a notice of the value of pro rata shares on deposit in the ~~Minerals Petroleum Exploration and Production Bond Trust Fund~~ for all unknown or unlocated mineral owners in a newspaper of record for the county in which the producing unit is located. The published notice shall provide any information that would help to identify or locate the owner. The royalties shall continue to be sent to the oil and gas administrator for the economic life of the well unless the owner is identified.

Section 65. Subsection (2) of section 403.1822, Florida Statutes, 1994 Supplement, is amended to read:

403.1822 Definitions for ss. 403.1821-403.1832.—As used in ss. 403.1821-403.1832, the term:

(2) "Grants," "grant," "state grants," or "state grant" refers to disbursements from ~~funds provided for the purposes of ss. 403.1821-403.1832 the State Water Pollution Control Trust Fund pursuant to s. 403.1825.~~

Section 66. Subsection (21) of section 403.704, Florida Statutes, is repealed.

Section 67. Subsection (2) of section 403.726, Florida Statutes, is amended to read:

403.726 Abatement of imminent hazard caused by hazardous substance.—

(2) The department shall take any action necessary pursuant to s. 403.121 or s. 403.131 to abate or substantially reduce any imminent hazard caused by a hazardous substance, including a spill into the environment of a hazardous substance. The department is authorized to use moneys from the ~~Hazardous Waste Management Trust Fund or the Water Quality Assurance Trust Fund~~ to finance such actions, and such expenditures from the fund shall be recoverable pursuant to ~~s. 403.725(5) or s. 376.307~~

Section 68. Paragraph (c) of subsection (3) of section 403.727, Florida Statutes, 1994 Supplement, is amended to read:

403.727 Violations; defenses, penalties, and remedies.—

(3) Violations of the provisions of this act are punishable as follows:

(c)1. As used in this paragraph, "Class II violation" means a violation of this part, or the rules promulgated pursuant to this part, which pertains to small quantity generators as defined by applicable department rules and which does not result in a discharge or serious threat of a discharge of hazardous waste to the environment, or does not involve the failure to ensure that groundwater will be protected or that hazardous waste will be destined for and delivered to permitted facilities. Class II violations shall include, but need not be limited to, the failure to submit

manifest exception reports in a timely manner, failure to provide a generator's United States Environmental Protection Agency identification number on the manifest, failure to maintain complete personnel training records, and failure to meet inspection schedule requirements for tanks and containers that hold hazardous waste.

2. In addition to any other judicial or administrative remedy authorized by this part, the department may assess a noncompliance fee for any Class II violation by a small quantity generator. For the first and second violations, the fee shall not be assessed until the generator has failed to comply after notice of noncompliance and has been given a reasonable time to comply. If the owner or operator fails after three or more notifications to comply with the requirement to correct the Class II violation, the department may assess the fee without waiting for compliance.

3. At the time of assessment of a noncompliance fee, the department shall give the small quantity generator written notice setting forth the amount assessed, the specific provision of law, rule, or order alleged to be violated, the facts alleged to constitute the violation, the corrective action needed to bring the party into compliance, and the rights available under chapter 120 to challenge the assessment. The assessment shall be final and effective unless an administrative proceeding is requested within 20 days after receipt of the written notice, and shall be enforceable pursuant to s. 120.69. Once the assessment has become final and effective, the department shall refuse to issue, modify, transfer, or renew a permit or issue an identification number to the facility until the fee has been paid.

4. Before assessing any noncompliance fee, the department shall adopt rules to implement the provisions of this paragraph, which shall include a description of activities that constitute Class II violations and the setting of appropriate amounts for the noncompliance fees, based upon the type of violation, but not to exceed \$250. Total noncompliance fees assessed shall not exceed \$1,000 per assessment for all violations attributable to a specific facility during any one month.

5. The department's assessment of a noncompliance fee shall be in lieu of any civil action that may be instituted by the department in a court of competent jurisdiction to impose and recover civil penalties for any violation that resulted in the fee assessment, unless the department initiates a civil action for nonpayment of a fee properly assessed pursuant to this paragraph.

6. Noncompliance fees collected pursuant to this paragraph shall be deposited in the *Ecosystem Management and Restoration Trust Pollution Recovery Fund*. The department may use a portion of the fund to contract for services to help in the collection of fees assessed pursuant to this paragraph.

Section 69. Section 717.113, Florida Statutes, 1994 Supplement, is amended to read:

717.113 Property held by courts and public agencies.—All intangible property held for the owner by any court, government or governmental subdivision or agency, public corporation, or public authority that has remained unclaimed by the owner for more than 1 year after it became payable or distributable is presumed abandoned. Notwithstanding the provisions of this section, funds deposited in the *Minerals Petroleum Exploration and Production Bond Trust Fund* pursuant to s. 377.247 are presumed abandoned only if the funds have remained unclaimed by the owner for more than 5 years from the date of first production from the well.

Section 70. Paragraph (b) of subsection (5) of section 932.7055, Florida Statutes, 1994 Supplement, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(5) If the seizing agency is a state agency, all remaining proceeds shall be deposited into the General Revenue Fund. However, if the seizing agency is:

(b) The Department of Environmental Protection, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the *Marine Resources Conservation Motorboat Revolving Trust Fund* to be used for law enforcement purposes.

Section 71. Sections 1 and 2 of chapter 94-198, Laws of Florida, are amended to read:

Section 1. The Minerals Trust Fund is hereby created, to be administered by the Department of *Environmental Protection Revenue*. Funds shall be credited to the trust fund as provided in CS/HB 1093 or similar legislation, to be used for the purposes set forth therein.

Section 2. (1) The Minerals Trust Fund shall, unless terminated sooner, be terminated on July 1, 1998.

(2) Prior to the regular legislative session immediately preceding the date on which the trust fund is scheduled to be terminated, the Department of *Environmental Protection Revenue* and the Governor shall recommend to the President of the Senate and the Speaker of the House of Representatives whether the trust fund should be allowed to terminate or should be re-created. These recommendations shall be based on a review of the purpose and use of the trust fund and a determination of whether the trust fund will continue to be necessary. A recommendation to re-create the trust fund may include suggested modifications to the purpose, sources of receipts, and allowable expenditures for the trust fund. The department's recommendation shall be made as a part of its legislative budget request to the Legislature pursuant to s. 216.023, Florida Statutes. The Governor's recommendation shall be made as a part of the recommended budget presented to the Legislature pursuant to s. 216.162, Florida Statutes.

(3) If the trust fund is terminated, the Department of *Environmental Protection Revenue* shall pay any outstanding debts or obligations of the trust fund as soon as practicable and the Comptroller shall close out and remove the trust fund from the various state accounting systems, using generally accepted accounting practices concerning warrants outstanding, assets, and liabilities.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2, strike all of lines 20 and 21 and insert: 161.101, 161.161, 212.69, 215.20, 287.0595, 327.3521, 327.53, 328.15, 328.20, 370.021, 370.061, 370.143, 370.153, 370.1535, 373.129, 373.309, 373.451, 373.455, 373.457, 376.11, 377.247, 403.1822, 403.704, 403.726, 403.727, 717.113, 932.7055, F.S., to conform to the abolition of these trust funds; amending ss. 1, 2, ch. 94-198, Laws of Florida; providing for administration of the Minerals Trust Fund by the Department of Environmental Protection; repealing s. 370.029, F.S.,

Senator Dyer moved the following amendment:

Amendment 8 (with Title Amendment)—On page 103, between lines 10 and 11, insert:

Section 43. Section 403.719, Florida Statutes, is amended to read:
403.719 *Waste-tire Waste-tire grants.*—

(1) The department shall *administer, by July 1, 1989, establish* a program to make grants to counties *that seek which desire*, individually or collectively, to:

(a) Construct or operate, or contract for the construction or operation of, a *waste-tire-processing waste-tire-processing* facility and equipment purchases therefor;

(b) Contract for a *waste-tire-processing-facility waste-tire-processing facility* service within or outside the county or state;

(c) Collect and remove, or contract for the collection and removal of, waste tires from *waste-tire waste-tire* piles or other areas within the county. Removal of *waste tires* may include transportation outside the county, region, or state;

(d) Perform, or contract to operate *recycling and education programs* and for the performance of, research designed to facilitate *waste-tire waste-tire* recycling;

(e) Establish *waste-tire-collection waste-tire-collection* centers at *solid-waste-disposal solid-waste-disposal* facilities or *waste-tire-processing waste-tire-processing* facilities;

(f) Provide incentives for establishing privately operated *waste-tire-collection waste-tire-collection* centers for the public; or

(g) Perform or contract for enforcement and prevention of illegal transportation and disposal of waste tires and other solid waste materials;

(h) Purchase of materials and products made from waste tires collected and recycled within the state of Florida; or

(i)(g) In addition to the use specified in paragraph (c), abate mosquitoes and provide mosquito control at waste-tire ~~relating to waste-tire~~ sites, other tire piles, and other waste-debris ~~waste-debris~~ sites in the county identified by local mosquito-control ~~mosquito-control~~ agencies as mosquito-breeding ~~mosquito-breeding~~ areas.

(2) Each county ~~is shall be~~ eligible for a proportionate ~~pro-rata~~ share, based on population, of the available funds ~~from revenues from waste tire fees in the waste-tire account~~. Counties may join together, pooling their financial resources, when ~~expending utilizing~~ their grant moneys ~~grants~~ for the purposes ~~described~~ in subsection (1). Each county, or association of counties, receiving ~~grant moneys for purposes of subsection (1) funds from the waste-tire account~~ shall submit an annual report to the department accounting for the use of such ~~grant moneys funds~~.

(3) The department shall provide technical assistance, upon request, to a county or groups of counties ~~seeking desiring~~ assistance in applying for ~~waste-tire waste-tire~~ grants or choosing a method of ~~waste-tire waste-tire~~ management which would be ~~an eligible for a use of the grant funds~~.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2, line 21, after "funds;" insert: amending s. 403.719, F.S., pertaining to the Department of Environmental Protection program that provides grants to counties for waste-tire purposes; authorizing additional purposes for which counties may receive grants;

On motion by Senator Diaz-Balart, further consideration of **CS for SB 420** with pending **Amendment 8** was deferred.

SB 1094—A bill to be entitled An act relating to the re-creation of the Contracts and Grants Trust Fund within the Department of Agricultural and Consumer Services without modification; re-creating the Contracts and Grants Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title.

Senator Dantzler moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, line 26, strike "Agricultural" and insert: Agriculture

And the title is amended as follows:

In title, on page 1, line 4, strike "Agricultural" and insert: Agriculture

On motions by Senator Diaz-Balart, by two-thirds vote **SB 1094** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1176—A bill to be entitled An act relating to the re-creation of the Clerk of the Court Child Support Enforcement Collection System Trust Fund without modification; re-creating the Clerk of the Court Child Support Enforcement Collection System Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendment:

Amendment 1 (with Title Amendment)—On page 2, strike all of lines 1-6 and insert:

Section 2. Subsection (2) of section 61.181, Florida Statutes, is amended to read:

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

(2)(a) The depository shall impose and collect a fee on each payment made for receiving, recording, reporting, disbursing, monitoring, or handling alimony or child support payments as required under this section, which fee shall be a flat fee based, to the extent practicable, upon esti-

ated reasonable costs of operation. The fee shall be reduced in any case in which the fixed fee results in a charge to any party of an amount greater than 3 percent of the amount of any support payment made in satisfaction of the amount which the party is obligated to pay, except that no fee shall be less than \$1 nor more than \$5 per payment made. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay.

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

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

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

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

(c) *The depository may not deduct any fee authorized by this subsection from the payment to the obligee.*

Section 3. All current balances of the Clerk of the Court Child Support Enforcement Collection System Trust Fund are carried forward, and all current uses of the trust fund are continued.

Section 4. This act shall take effect November 4, 1996, except that section 2 of this act shall take effect upon becoming law and shall apply to all support orders entered before, on, or after the effective date of section 2.

And the title is amended as follows:

In title, on page 1, strike all of lines 8 and 9 and insert: balances and continuing current uses thereof; amending s. 61.181, F.S., clarifying upon whom the fee may be assessed; providing effective dates.

On motion by Senator Diaz-Balart, further consideration of **SB 1176** with pending **Amendment 1** was deferred.

SB 1192—A bill to be entitled An act relating to the re-creation of the Collections and Enforcement Grants and Donations Trust Fund without modification; re-creating the trust fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

—was read the second time by title.

Senator Dantzler moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, lines 10, 13, 14, 18, 24, 29 and 30, strike "Collections and Enforcement"

And the title is amended as follows:

In title, on page 1, line 3, strike "Collections and Enforcement"

On motions by Senator Diaz-Balart, by two-thirds vote **SB 1192** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

REPORTS OF COMMITTEES

SB 1234—A bill to be entitled An act relating to trust funds; creating s. 240.28031, F.S.; creating the Ancillary Facilities Construction Trust Fund within the Department of Education; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1—On page 2, line 15, following “49 30 2330 119” insert: , 49 20 2330 138.

On motions by Senator Diaz-Balart, by two-thirds vote **SB 1234** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1278—A bill to be entitled An act relating to trust funds; creating s. 240.40, F.S.; creating the State Student Financial Assistance Trust Fund within the Department of Education; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was read the second time by title.

Senators Hargrett, Holzendorf and Dudley offered the following amendment which was moved by Senator Dudley:

Amendment 1—On page 1, strike all of lines 26-31 and insert: purposes.

On motion by Senator Diaz-Balart, further consideration of **SB 1278** with pending **Amendment 1** was deferred.

SB 1282—A bill to be entitled An act relating to trust funds; terminating specified trust funds and fund accounts within the Department of Agriculture and Consumer Services, the Department of Banking and Finance, the Department of Revenue, the Executive Office of the Governor, the Florida Public Service Commission, and the Department of Education; providing for the paying of outstanding debts and obligations of the terminated funds and accounts and for the removal of the terminated funds and accounts from the various state accounting systems; providing for the transfer of balances of such funds and accounts; amending ss. 228.502, 230.71, 232.2465, 232.257, 239.225, 239.505, 240.402, 240.4063, 240.4065, 240.4085, 240.409, 240.4093, 240.4095, 240.4097, 240.412, 240.4125, 240.4126, 240.413, 240.414, 240.4145, 240.429, 240.4986, 240.4987, 240.4988, 240.605, 240.606, 240.6072, 240.609, 320.0808, F.S.; conforming to the termination of specified trust funds; repealing s. 240.439, F.S., relating to the Student Loan Trust Fund; providing an effective date.

—was read the second time by title.

Senator Dantzler moved the following amendment which was adopted:

Amendment 1—On page 4, lines 25 and 26, strike “, fund number 732607”

Senator Dudley moved the following amendment which was adopted:

Amendment 2—On page 16, following line 31, insert:

(15) The balance remaining in the Division of Universities Grants Trust Fund, account #4920 2339 038, shall be transferred to the Board of Regents-Operations and Maintenance Trust Fund.

Senator Dantzler moved the following amendment which was adopted:

Amendment 3—On page 4, line 19, strike “Child Support Clearing Trust Fund” and insert: Sales Tax Security Deposit Trust Fund

On motions by Senator Diaz-Balart, by two-thirds vote **SB 1282** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, March 14, 1995:

CS for SJR 124, Senate Bills 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 398, 400, 402, 404, 406, 408, 410, 414, 416, 418, CS for SB 420, CS for SB 422, Senate Bills 1088, 1090, 1092, 1094, 1096, 1098, 1100, 1102, 1104, 1106, 1108, 1110, 1112, 1114, 1116, 1118, 1120, 1122, 1124, 1126, 1128, 1130, 1132, 1134, 1136, 1138, 1140, 1142, 1144, 1146, 1148, 1150, 1152, 1154, 1156, 1158, 1160, 1162, 1164, 1166, 1168, 1170, 1172, 1174, 1176, 1178, 1180, 1182, 1184, 1186, 1188, 1190, 1192, 1194, 1196, 1198, 1200, 1202, 1204, 1206, 1208, 1210, 1212, 1214, 1216, 1218, 1220, 1222, 1224, 1226, 1228, 1230, 1232, 1234, 1236, 1238, 1240, 1242, 1244, 1246, 1248, 1250, 1252, 1254, 1256, 1258, 1260, 1262, 1264, 1266, 1268, 1270, 1272, 1274, 1276, 1278, 1280, 1282, 1284, 1286, 1288

Respectfully submitted,
Toni Jennings, Chairman

ROLL CALLS ON SENATE BILLS

CS for SJR 124—Amendment 1

Yeas—15

Dantzler	Jenne	Meadows	Turner
Dyer	Johnson	Rossin	Weinstein
Forman	Jones	Silver	Wexler
Holzendorf	Kurth	Thomas	

Nays—25

Mr. President	Childers	Hargrett	Myers
Bankhead	Crist	Harris	Ostalkiewicz
Beard	Diaz-Balart	Horne	Sullivan
Bronson	Dudley	Jennings	Williams
Brown-Waite	Grant	Kirkpatrick	
Burt	Gutman	Latvala	
Casas	Harden	McKay	

CS for SJR 124

Yeas—29

Mr. President	Crist	Horne	Silver
Bankhead	Diaz-Balart	Jennings	Sullivan
Beard	Dudley	Kirkpatrick	Thomas
Bronson	Grant	Latvala	Wexler
Brown-Waite	Gutman	McKay	Williams
Burt	Harden	Myers	
Casas	Hargrett	Ostalkiewicz	
Childers	Harris	Rossin	

Nays—11

Dantzler	Holzendorf	Jones	Turner
Dyer	Jenne	Kurth	Weinstein
Forman	Johnson	Meadows	

ROLL CALLS ON TRUST FUND BILLS

SB 400

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

SB 1094

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

SB 1192

Yeas—39

Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dyer	Jennings	Rossin
Beard	Forman	Johnson	Silver
Bronson	Grant	Jones	Sullivan
Brown-Waite	Gutman	Kirkpatrick	Thomas
Burt	Harden	Kurth	Turner
Casas	Hargrett	Latvala	Weinstein
Childers	Harris	McKay	Wexler
Crist	Holzendorf	Meadows	Williams
Dantzler	Horne	Myers	

Nays—None

SB 1234

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

SB 1282

Yeas—40

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

Crist	Harden	Jones	Rossin
Dantzler	Hargrett	Kirkpatrick	Silver
Diaz-Balart	Harris	Kurth	Sullivan
Dudley	Holzendorf	Latvala	Thomas
Dyer	Horne	McKay	Turner
Forman	Jenne	Meadows	Weinstein
Grant	Jennings	Myers	Wexler
Gutman	Johnson	Ostalkiewicz	Williams

Nays—None

The following roll call was taken on Senate Bills 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 398, 402, 404, 406, 408, 410, 414, 416, 418, CS for SB 422, Senate Bills 1088, 1090, 1092, 1096, 1098, 1100, 1102, 1104, 1106, 1108, 1110, 1112, 1114, 1116, 1118, 1120, 1122, 1124, 1126, 1128, 1130, 1132, 1134, 1136, 1138, 1140, 1142, 1144, 1146, 1148, 1150, 1152, 1154, 1156, 1158, 1160, 1162, 1164, 1166, 1168, 1170, 1172, 1174, 1178, 1180, 1182, 1184, 1186, 1188, 1190, 1194, 1196, 1198, 1200, 1202, 1204, 1206, 1208, 1210, 1212, 1214, 1216, 1218, 1220, 1222, 1224, 1226, 1228, 1230, 1232, 1236, 1238, 1240, 1242, 1244, 1246, 1248, 1250, 1252, 1254, 1256, 1258, 1260, 1262, 1264, 1266, 1268, 1270, 1272, 1274, 1276, 1280, 1284, 1286 and 1288:

Yeas—40

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	Williams

Nays—None

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 13 was corrected and approved.

CO-SPONSORS

Senator Bronson—SB 92; Senator Dyer—SB 92, SB 926; Senator Johnson—SB 30, SB 110, SB 556, SB 926; Senator Kurth—SB 556

RECESS

On motion by Senator Jennings, the Senate recessed at 11:52 a.m. for the purpose of holding committee meetings and conducting other Senate business until 9:30 a.m., Thursday, March 16.