



Journal of the Senate

Number 19

Wednesday, May 3, 1995

CALL TO ORDER

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

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

Excused: Senators Diaz-Balart, Beard, Dantzler, Casas, Childers, Hargrett, Harris, Dudley, Horne, Jenne, Kirkpatrick, Sullivan, Williams, Myers, Bankhead, Gutman, Kurth, Ostalkiewicz, Thomas, Crist, Burt, Jones, Latvala, Silver and Weinstein, periodically for the purpose of working on Appropriations

PRAYER

The following prayer was offered by the Rev. Doyle Bell, Pastor, Fellowship Baptist Church, Tallahassee:

Lord, we thank you today for the privilege we have to call upon you, and know that when we call upon you, we have your ear because you love us, you care for us.

I thank you today for these men and women who have given themselves to serve the people of the State of Florida. I ask for your wisdom for them as they make decisions—that there will be decisions made based upon your wisdom, your truth. I pray today that you will give them courage to act upon those decisions that you help them to make. I pray today for your protecting care for them, for their families whom many of them are away from. Just keep them in your care. I pray for your providence for them, that you will meet their needs spiritually, physically, emotionally, materially, in every way. May they simply know the blessings of your constant care.

We ask now again that your presence be continually with each one, and all things that are done, may they be done in such a way that your name will be honored and glorified and the people of this state will be blessed because of it. We ask all this in your name. Amen.

PLEDGE

Senate Pages, Sarah Heron of Ormond Beach and Amit Shahane of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB 12, CS for SB's 64 and 454, SB 68, CS for SB 110, SB 466, SB 680, SB 794, CS for SB 954, CS for SB 1048, CS for SB 1336, CS for SB 1372, SB 1496, CS for SB 1528, SB 1622, SB 1670, CS for SB 1706, SB 1748, SB 1762, CS for SB 1806, SB 1840, SB 2224, SB 2358, SB 2414, SB 2416, CS for SB 2448, SB 2542, SB 2556, CS for SB 2582, CS for SB 2622, CS for SB 2642, CS for SB 2654, SB 2688, SB 2928, HB 959 and HB 997** were withdrawn from the Committee on Ways and Means.

On motion by Senator Jennings, by two-thirds vote **CS for SB 444** was withdrawn from the Committee on Rules and Calendar; **CS for SB 314** was withdrawn from the Committee on Community Affairs; and **CS for SB 2232** was withdrawn from the Committee on Judiciary.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Jennings, the rules were waived and the Committee on Rules and Calendar was granted permission to meet this day from 12:00 noon until 1:45 p.m. to consider **CS for CS for HB's 461 and 1885, CS for HB 687, CS for HB 2533 and CS for HB's 1191 and 1819.**

On motion by Senator Crist, the rules were waived and the Committee on Executive Business, Ethics and Elections was granted permission to meet this day from 5:15 p.m. until 7:00 p.m. for a confirmation hearing.

On motion by Senator Brown-Waite, the rules were waived and the Committee on Natural Resources was granted permission to meet May 4 from 8:30 a.m. until 9:30 a.m. to consider **SB 2578.**

SPECIAL ORDER

Consideration of **CS for SB 2706** was deferred.

SB 280—A bill to be entitled An act relating to victims of crime; repealing s. 15(2) of ch. 94-342, Laws of Florida; abrogating the repeal of s. 960.28, F.S., relating to payments by the Department of Legal Affairs for the initial medical examination of a victim of an alleged sexual offense; providing an effective date.

—was read the second time by title.

Senator Wexler moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, between lines 13 and 14, insert:

Section 2. Subsection (4) of section 415.507, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

415.507 Photographs, medical examinations, X rays, and medical treatment of abused or neglected child.—

(4) The county in which the child is a resident shall bear the initial costs of the examination of the allegedly abused child; however, the parents, legal guardian, or legal custodian of the child shall be required to reimburse the county for the costs of such examination, *other than an initial forensic physical examination as provided in s. 960.28*, and to reimburse the Department of Health and Rehabilitative Services for the cost of the photographs taken pursuant to this section. *A medical provider may not bill a child victim, directly or indirectly, for the cost of an initial forensic physical examination.*

(5) *The court shall order a defendant or juvenile offender who pleads guilty or nolo contendere to, or who is convicted of or adjudicated delinquent for, a violation of chapter 794 or chapter 800 to make restitution to the Crimes Compensation Trust Fund or to the county, whichever paid for the initial forensic physical examination, in an amount equal to the compensation paid to the medical provider for the cost of the initial forensic physical examination. The order may be enforced by the department in the same manner as a judgment in a civil action.*

Section 3. Section 960.28, Florida Statutes, 1994 Supplement, is amended to read:

960.28 Payment for victims' initial forensic physical examinations.—

(1) *A medical provider who performs an initial forensic physical examination may not bill a victim directly or indirectly for that examination.*

(2)(4) The Crime Victims' Services Office of the department shall pay for medical expenses connected with an initial *forensic* physical examination of a victim who reports a violation of chapter 794 or chapter 800 to a law enforcement officer. *Such payment shall be made*, regardless of whether or not the victim is covered by health or disability insurance. The payment shall be made only out of moneys allocated to the Crime Victims' Services Office for the purposes of this section, and the payment ~~may shall~~ not exceed \$150 with respect to any violation. ~~No~~ Payment may ~~not~~ be made for an *initial forensic* a physical examination unless the law enforcement officer certifies in writing that the *initial forensic* physical examination is needed to aid in the investigation of an alleged sexual offense and that the claimant is the alleged victim of the offense. *The department shall develop and maintain separate protocols for the initial forensic physical examination of adults and children. Payment under this section is limited to medical expenses connected with the initial forensic physical examination and payment may be made to a medical provider using an examiner qualified under chapter 464, excluding s. 464.003(5); chapter 458; or chapter 459. If the victim has not paid the bill rendered by the medical provider, payment may be made directly to the medical provider, but not to the victim.* Payment made to the medical provider by the department shall be considered by the provider as payment in full for the initial *forensic* physical examination associated with the collection of evidence. *The victim may not be required to pay, directly or indirectly, the cost of an initial forensic physical examination performed in accordance with this section. In the event a provider does not accept the payment as payment in full, then that payment may be made to the claimant.*

(3)(2) The department may allow, deny, controvert, or litigate claims made against it under this section.

(4)(3) Information received or maintained by the department identifying an alleged victim who seeks payment of medical expenses under this section is confidential and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(5)(4) A defendant or juvenile offender who pleads guilty or nolo contendere to, or is convicted of or adjudicated delinquent for, a violation of chapter 794 or chapter 800 shall be ordered by the court to make restitution to the Crimes Compensation Trust Fund in an amount equal to the compensation paid to the ~~victim or~~ medical provider by the Crime Victims' Services Office for the cost of the initial *forensic physical* examination. The order may be enforced by the department in the same manner as a judgment in a civil action.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 7, after the semicolon (;) insert: amending ss. 415.507, 960.28, F.S.; prohibiting a medical provider from billing a victim for the cost of an initial forensic physical examination; requiring the court to order certain offenders to pay the cost of the initial forensic physical examination; providing for enforcement of the order; requiring the Department of Law Enforcement to develop protocols for examinations;

On motion by Senator Wexler, by two-thirds vote **SB 280** as amended was read the third time by title, passed by the required constitutional two-thirds vote of the membership, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

Consideration of **CS for SB 2858** was deferred.

On motion by Senator Weinstein, by two-thirds vote **CS for HB 73** was withdrawn from the Committees on Judiciary; Executive Business, Ethics and Elections; and Ways and Means.

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

CS for HB 73—A bill to be entitled An act relating to court reporters; providing a definition; providing that certain actions by an official court reporter shall not constitute violations of ch. 112, F.S.; providing for retroactive application; creating s. 25.383, F.S.; providing for the establishment of minimum standards and procedures for court reporters; providing fees for certification; creating s. 27.006, F.S.; providing for the

costs of court reporting services to be paid to counties in accordance with the General Appropriations Act and for counties to supplement funds for criminal proceedings; creating s. 27.0061, F.S.; providing for the preparation of transcripts in criminal cases; amending s. 90.108, F.S.; providing that certified transcripts are prima facie a correct statement; repealing chapter 29, F.S., relating to court reporters; providing effective dates.

—a companion measure, was substituted for **CS for SB 32** and read the second time by title. On motion by Senator Weinstein, by two-thirds vote **CS for HB 73** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for SB 764—A bill to be entitled An act relating to the Public Records Modernization Trust Fund; amending s. 11.45, F.S.; requiring an annual audit of the trust fund as part of each county audit; requiring the Auditor General to annually report a summary of the audits of the trust fund to the Legislature; amending s. 28.24, F.S., which specifies instruments for which a service charge is imposed by the clerks of the circuit courts upon filing in the official records; exempting certain records from the payment of fees to be deposited in the trust fund; providing for transfers from the trust fund to the clerk of circuit court in certain counties; prohibiting expenditures from the trust fund for certain purposes; requiring the clerks of the circuit court to report on the trust fund to the Legislature; revising reporting requirements; extending the scheduled expiration of the trust fund; providing for the expiration of the trust fund and legislative review of the trust fund before the expiration date; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Dudley and adopted:

Amendment 1—On page 11, line 6, strike “s. 215.3208,” and insert: s. 19(f)(2) of Art. III of the State Constitution,

Amendment 2—On page 11, line 27, strike “section 215.3208, Florida Statutes” and insert: s. 19(f)(2) of Article III of the State Constitution

Senator Dyer moved the following amendment which was adopted:

Amendment 3 (with Title Amendment)—On page 9, line 23, insert:

Section 1. Subsection (4) of section 28.222, Florida Statutes, 1994 Supplement, is amended to read:

28.222 Clerk to be county recorder.—

(4) Any reference in these statutes to the filing of instruments affecting title to real or personal property with the clerk of the circuit court shall mean recording of the instruments. ~~For the purposes of requiring the recording of instruments, any instrument relating to land surveying, including the descriptions defining land boundaries, must include a sketch that shows all information referenced in the description, which sketch must also state that the sketch is not a survey.~~

Section 2. The failure to attach a sketch to any instrument presented to any clerk of the circuit court between July 1, 1994 and July 1, 1995 for recording under subsection (4) of section 28.222, Florida Statutes, as amended by section 100, chapter 94-119, Laws of Florida, shall not affect the validity of such instrument or its recording.

Section 3. The amendment to section 28.222, Florida Statutes, 1994 Supplement, in section 2 of this act shall take effect July 1, 1995.

And the title is amended as follows:

In title, on page 1, line 24, after the semicolon (;) insert: amending s. 28.222, F.S.;

On motion by Senator Dudley, by two-thirds vote **CS for SB 764** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

SB 2236—A bill to be entitled An act relating to the re-creation of the Public Records Modernization Trust Fund without modification; re-creating the Public Records Modernization 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 motion by Senator Williams, by two-thirds vote **SB 2236** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 2100—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.05, F.S.; substantially revising provisions which specify conditions under which the purchase of a boat or airplane by a nonresident is not subject to said tax; extending the period within which the boat or airplane must be removed from the state after purchase and specifying said period may not be tolled; revising the dates by which the purchaser and seller must provide certain information to the Department of Revenue and requiring such persons to supply additional information; providing liability for tax and penalty if a purchaser fails to supply required information; requiring the selling dealer to affix decals to certain boats; providing duties of the department with respect to development of decals and sale to dealers; providing for use of the proceeds; providing duties of dealers; providing liability for tax and penalties applicable to dealers and purchasers who attempt to evade the tax; providing for rules and emergency rules; providing for future review and repeal; providing an effective date.

—was read the second time by title.

Amendments were adopted to **SB 2100** to conform the bill to **CS for HB 1669**.

Pending further consideration of **SB 2100** as amended, on motion by Senator Gutman, by two-thirds vote **CS for HB 1669** was withdrawn from the Committees on Commerce and Economic Opportunities; Community Affairs; and Ways and Means.

On motion by Senator Gutman—

CS for HB 1669—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.05, F.S.; substantially revising provisions which specify conditions under which the purchase of a boat or airplane by a nonresident is not subject to said tax; extending the period within which a qualifying boat must be removed from the state after purchase and specifying said period may not be tolled; revising the dates by which the purchaser and seller must provide certain information to the Department of Revenue and requiring such persons to supply additional information; providing liability for tax and penalty if a purchaser fails to supply required information; requiring the selling dealer to affix decals to certain boats; providing duties of the department with respect to development of decals and issuance to dealers; providing for use of the proceeds; providing duties of dealers; providing liability for tax and penalties applicable to dealers and purchasers who attempt to evade the tax; amending s. 212.08, F.S.; amending the tax exemption for prosthetic and orthopedic appliances to exempt such appliances if prescribed by health care practitioners who are licensed under specified chapters of the Florida Statutes; providing for rules and emergency rules; providing for future repeal; providing an effective date.

—a companion measure, was substituted for **SB 2100** and read the second time by title. On motion by Senator Gutman, by two-thirds vote **CS for HB 1669** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motion by Senator Harden, by two-thirds vote **CS for HB 567** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motion by Senator Harden—

CS for HB 567—A bill to be entitled An act relating to air emissions trading; creating s. 403.08735, F.S.; establishing a state generic bubble rule; allowing emissions trading within a single source if source consistent

with federal law; including elements necessary to obtain approval from the United States Environmental Protection Agency; creating an Air Emissions Trading Commission; requiring the comprehensive air emissions trading program include banking and trading of emissions reduction credits and offsets; requiring that the commission consider facility-wide applicability limits; requiring the commission to report back to the Legislature by January 15, 1996; providing for adoption of rules; requiring the Department of Environmental Protection to conduct a study to determine the cost and environmental benefit of emissions credit generation; amending s. 403.0872, F.S., relating to operation permits for major sources of air pollution; prohibiting the Department of Environmental Protection from imposing certain penalties or interest on an amount underpaid for the annual operation license fee under certain circumstances; providing legislative intent; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 822** and read the second time by title. On motion by Senator Harden, by two-thirds vote **CS for HB 567** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

SB 1014—A bill to be entitled An act relating to the Department of Labor and Employment Security; amending s. 20.171, F.S.; redesignating the Division of Labor, Employment, and Training within the department as the Division of Jobs and Benefits; amending ss. 232.17, 288.047, 443.091, 443.181, 443.211, 443.221, 446.011, 446.021, 446.032, 446.041, 446.045, 446.052, 446.061, 446.071, 446.075, 446.091, 446.20, 446.41, 447.02, 447.04, 447.06, 447.12, 447.16, 447.305, 450.012, 450.061, 450.121, 450.132, 450.161, 450.28, F.S., to conform; providing an effective date.

—was read the second time by title.

Senator Harden moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, strike all of lines 17-26 and insert:

Section 1. Paragraphs (a) and (f) of subsection (2) of section 20.171, Florida Statutes, are amended to read:

20.171 Department of Labor and Employment Security.—There is created a Department of Labor and Employment Security.

(2) The following divisions, and bureaus within the divisions, of the Department of Labor and Employment Security are established:

(a) Division of *Jobs and Benefits* ~~Labor, Employment, and Training~~.

(f) Division of Safety, which is authorized to regulate only places of employment of the State of Florida and the counties, municipalities, or other political subdivisions thereof.

And the title is amended as follows:

In title, on page 1, line 6, after the semicolon (;) insert: providing that the authority of the Division of Safety within the department is limited to places of employment of the state, counties, municipalities, and other political subdivisions;

On motion by Senator Holzendorf, further consideration of **SB 1014** as amended was deferred.

CS for SB 1326—A bill to be entitled An act relating to private property rights; creating the "Private Property Rights Act of Florida"; requiring full compensation for depriving or devaluing the lawful use of private property; providing an exception; providing for recovery of compensation; providing for award of attorney's fees and costs; providing an effective date.

—was read the second time by title.

Senators Dantzler and McKay offered the following amendment which was moved by Senator Dantzler:

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

Section 1. (1) This section may be cited as the "Florida Real Property Protection Act." The Legislature recognizes that some laws, regula-

tions, and ordinances of the state and political entities in the state, as applied, may inordinately burden, restrict, or limit private property rights without amounting to a taking under the State Constitution or the United States Constitution. The Legislature determines that there is an important state interest in protecting the interests of private property owners from such inordinate burdens. Therefore, it is the intent of the Legislature that, as a separate and distinct cause of action from the law of takings, the Legislature herein provides for relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the state or a political entity in the state, as applied, unfairly affects real property.

(2) When a specific action of a governmental entity has inordinately burdened an existing use of real property or a vested right to a specific use of real property, the property owner of that real property is entitled to relief, which may include compensation for the actual loss to the fair market value of the real property caused by the action of government, as provided in this section.

(3) For purposes of this section:

(a) The existence of a "vested right" is to be determined by applying the principles of equitable estoppel or substantive due process under the common law or by applying the statutory law of this state.

(b) The term "existing use" means an actual, present use or activity on the real property, including periods of inactivity which are normally associated with, or are incidental to, the nature or type of use or activity.

(c) The term "governmental entity" includes an agency of the state, a regional or a local government created by the State Constitution or by general or special act, any county or municipality, or any other entity that independently exercises governmental authority. The term does not include the United States or any of its agencies, or an agency of the state, a regional or a local government created by the State Constitution or by general or special act, any county or municipality, or any other entity that independently exercises governmental authority, when exercising the powers of the United States or any of its agencies through a formal delegation of Federal authority.

(d) The term "action of a governmental entity" means a specific action of a governmental entity which affects real property, including action on an application or permit.

(e) The terms "inordinate burden" or "inordinately burdened" mean that an action of one or more governmental entities has directly restricted or limited the use of real property such that the property owner is permanently unable to attain the reasonable, investment-backed expectation for the existing use of the real property or a vested right to a specific use of the real property with respect to the real property as a whole, or that the property owner is left with existing or vested uses that are unreasonable such that the property owner bears permanently a disproportionate share of a burden imposed for the good of the public, which in fairness should be borne by the public at large. The terms "inordinate burden" or "inordinately burdened" do not include temporary impacts to real property; impacts to real property occasioned by governmental abatement, prohibition, prevention, or remediation of a public nuisance at common law or a noxious use of private property; or impacts to real property caused by an action of a governmental entity taken to grant relief to a property owner under this section.

(f) The term "property owner" means the person who holds legal title to the real property at issue. The term does not include a governmental entity.

(g) The term "real property" means land and includes any appurtenances and improvements to the land, including any other relevant real property in which the property owner had a relevant interest.

(4)(a) Not less than 180 days prior to filing an action under this section against a governmental entity, a property owner who seeks compensation under this section must present the claim in writing to the head of the governmental entity. The property owner must submit, along with the claim, a bona fide, valid appraisal that supports the claim and demonstrates the loss in fair market value to the real property. If the action of government is the culmination of a process that involves more than one governmental entity, or if a complete resolution of all relevant issues, in the view of the property owner or in the view of a governmental entity to whom a claim is presented, requires the active participation of more than one governmental entity, the property owner shall present the claim as provided in this section to each of the governmental entities.

(b) The governmental entity shall provide written notice of the claim to all parties to any administrative action that gave rise to the claim, and

to owners of real property contiguous to the owner's property at the addresses listed on the most recent county tax rolls. Within 15 days after the claim being presented, the governmental entity shall report the claim in writing to the Department of Legal Affairs, and shall provide the department with the name, address, and telephone number of the employee of the governmental entity from whom additional information may be obtained about the claim during the pendency of the claim and any subsequent judicial action.

(c) During the 180-day-notice period, unless extended by agreement of the parties, the governmental entity shall make a written settlement offer to effectuate:

1. An adjustment of land development or permit standards or other provisions controlling the development or use of land.
2. Increases or modifications in the density, intensity, or use of areas of development.
3. The transfer of developmental rights.
4. Land swaps or exchanges.
5. Mitigation, including payments in lieu of onsite mitigation.
6. Location on the least sensitive portion of the property.
7. Conditioning the amount of development or use permitted.
8. A requirement that issues be addressed on a more comprehensive basis than a single proposed use or development.
9. Issuance of the development order, a variance, special exception, or other extraordinary relief.
10. Purchase of the real property, or an interest therein, by an appropriate governmental entity.
11. No changes to the action of the governmental entity.

If the property owner accepts the settlement offer, the governmental entity may implement the settlement offer by appropriate development agreement; by issuing a variance, special exception, or other extraordinary relief; or by other appropriate method, subject to paragraph (d).

(d)1. Whenever a governmental entity enters into a settlement agreement under this section which would have the effect of a modification, variance, or a special exception to the application of a rule, regulation, or ordinance as it would otherwise apply to the subject real property, the relief granted shall protect the public interest served by the regulations at issue and be the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property.

2. Whenever a governmental entity enters into a settlement agreement under this section which would have the effect of contravening the application of a statute as it would otherwise apply to the subject real property, the governmental entity and the property owner shall jointly file an action in the circuit court where the real property is located for approval of the settlement agreement by the court to ensure that the relief granted protects the public interest served by the statute at issue and is the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property.

(5)(a) During the 180-day-notice period, unless a settlement offer is accepted by the property owner, each of the governmental entities provided notice pursuant to paragraph (4)(a) shall issue a written ripeness decision identifying the allowable uses to which the subject property may be put. The failure of the governmental entity to issue a written ripeness decision during the 180-day-notice period shall be deemed to ripen the prior action of the governmental entity, and shall operate as a ripeness decision that has been rejected by the property owner. The ripeness decision, as a matter of law, constitutes the last prerequisite to judicial review, and the matter shall be deemed ripe or final for the purposes of the judicial proceeding created by this section, notwithstanding the availability of other administrative remedies.

(b) If the property owner rejects the settlement offer and the ripeness decision of the governmental entity or entities, the property owner may file a claim for compensation in the circuit court, a copy of which shall be served contemporaneously on the head of each of the governmental entities that made a settlement offer and a ripeness decision that was rejected by the property owner. Actions under this section shall be brought only in the county where the real property is located.

(6)(a) The circuit court shall determine whether an existing use of the real property or a vested right to a specific use of the real property existed and, if so, whether, considering the settlement offer and ripeness decision, the governmental entity or entities have inordinately burdened the real property. If the actions of more than one governmental entity, considering any settlement offers and ripeness decisions, are responsible for the action that imposed the inordinate burden on the real property of the property owner, the court shall determine the percentage of responsibility each such governmental entity bears with respect to the inordinate burden. A governmental entity may take an interlocutory appeal of the court's determination that the action of the governmental entity has resulted in an inordinate burden. An interlocutory appeal does not automatically stay the proceedings; however, the court may stay the proceedings during the pendency of the interlocutory appeal. If the governmental entity does not prevail in the interlocutory appeal, the court shall award to the prevailing property owner the costs and a reasonable attorney fee incurred by the property owner in the interlocutory appeal.

(b) Following its determination of the percentage of responsibility of each governmental entity, and following the resolution of any interlocutory appeal, the court shall impanel a jury to determine the total amount of compensation to the property owner for the loss in value due to the inordinate burden to the real property. The award of compensation shall be determined by calculating the difference in the fair market value of the real property, as it existed at the time of the governmental action at issue, as though the owner had the ability to attain the reasonable investment-backed expectation or was not left with uses that are unreasonable, whichever the case may be, and the fair market value of the real property, as it existed at the time of the governmental action at issue, as inordinately burdened, considering the settlement offer together with the ripeness decision, of the governmental entity or entities. In determining the award of compensation, consideration may not be given to business damages relative to any development, activity, or use that the action of the governmental entity or entities, considering the settlement offer together with the ripeness decision has restricted, limited, or prohibited. The award of compensation shall include a reasonable award of prejudgment interest from the date the claim was presented to the governmental entity or entities as provided in subsection (4).

(c)1. In any action filed pursuant to this section, the property owner is entitled to recover reasonable costs and attorney fees incurred by the property owner, from the governmental entity or entities, according to their proportionate share as determined by the court, from the date of the filing of the circuit court action, if the property owner prevails in the action and the court determines that the settlement offer, including the ripeness decision, of the governmental entity or entities did not constitute a bona fide offer to the property owner which reasonably would have resolved the claim, based upon the knowledge available to the governmental entity or entities and the property owner during the 180-day-notice period.

2. In any action filed pursuant to this section, the governmental entity or entities are entitled to recover reasonable costs and attorney fees incurred by the governmental entity or entities from the date of the filing of the circuit court action, if the governmental entity or entities prevail in the action and the court determines that the property owner did not accept a bona fide settlement offer, including the ripeness decision, which reasonably would have resolved the claim fairly to the property owner if the settlement offer had been accepted by the property owner, based upon the knowledge available to the governmental entity or entities and the property owner during the 180-day-notice period.

3. The determination of total reasonable costs and attorney fees pursuant to this paragraph shall be made by the court and not by the jury. Any proposed settlement offer or any proposed ripeness decision, except for the final written settlement offer or the final written ripeness decision, and any negotiations or rejections in regard to the formulation either of the settlement offer or the ripeness decision, are inadmissible in the subsequent proceeding established by this section except for the purposes of the determination pursuant to this paragraph.

(d) Within 15 days after the execution of any settlement pursuant to this section, or the issuance of any judgment pursuant to this section, the governmental entity shall provide a copy of the settlement or judgment to the Department of Legal Affairs.

(7)(a) The circuit court may enter any orders necessary to effectuate the purposes of this section and to make final determinations to effectuate relief available under this section.

(b) An award or payment of compensation pursuant to this section shall operate to grant to and vest in any governmental entity by whom

compensation is paid the right, title, and interest in rights of use for which the compensation has been paid, which rights may become transferrable development rights to be held, sold, or otherwise disposed of by the governmental entity. When there is an award of compensation, the court shall determine the form and the recipient of the right, title, and interest, as well as the terms of their acquisition.

(8) This section does not supplant methods agreed to by the parties and lawfully available for arbitration, mediation, or other forms of alternative dispute resolution, and governmental entities are encouraged to utilize such methods to augment or facilitate the processes and actions contemplated by this section.

(9) This section provides a cause of action for governmental actions that may not rise to the level of a taking under the State Constitution or the United States Constitution. This section may not necessarily be construed under the case law regarding takings if the governmental action does not rise to the level of a taking. The provisions of this section are cumulative, and do not abrogate any other remedy lawfully available, including any remedy lawfully available for governmental actions that rise to the level of a taking. However, a governmental entity shall not be liable for compensation for an action of a governmental entity applicable to, or for the loss in value to, a subject real property more than once.

(10) This section does not apply to any actions taken by a governmental entity which relate to the operation, maintenance, or expansion of transportation facilities, and this section does not affect existing law regarding eminent domain relating to transportation.

(11) A cause of action may not be commenced under this section if the claim is presented more than 1 year after a law or regulation is first applied by the governmental entity to the property at issue. If an owner seeks relief from the governmental action through lawfully available administrative or judicial proceedings, the time for bringing an action under this section is tolled until the conclusion of such proceedings.

(12) No cause of action exists under this section as to the application of any law enacted on or before the date of adjournment sine die of the 1995 Regular Session of the Legislature, or as to the application of any rule, regulation, or ordinance adopted, or formally noticed for adoption, on or before that date. A subsequent amendment to any such law, rule, regulation, or ordinance gives rise to a cause of action under this section only to the extent that the application of the amendatory language imposes an inordinate burden apart from the law, rule, regulation, or ordinance being amended.

(13) This section does not affect the sovereign immunity of government.

Section 2. (1) This section may be cited as the "Florida Land Use and Environmental Dispute Resolution Act."

(2) As used in this section, the term:

(a) "Development order" means any order, or notice of proposed state or regional governmental agency action, which is or will have the effect of granting, denying, or granting with conditions an application for a development permit, and includes the rezoning of a specific parcel. Actions by the state or a local government on comprehensive plan amendments are not development orders.

(b) "Development permit" means any building permit, zoning permit, subdivision approval, certification, special exception, variance, or any other similar action of local government, as well as any permit authorized to be issued under state law by state, regional, or local government which has the effect of authorizing the development of real property including, but not limited to, programs implementing chapters 125, 161, 163, 166, 187, 258, 372, 373, 378, 380, and 403, Florida Statutes.

(c) "Special master" means a person selected by the parties to perform the duties prescribed in this section. The special master must be a resident of the state and possess experience and expertise in mediation and at least one of the following disciplines and a working familiarity with the others: land use and environmental permitting, land planning, land economics, local and state government organization and powers, and the law governing the same.

(d) "Owner" means a person with a legal or equitable interest in real property who filed an application for a development permit for the property at the state, regional, or local level and who received a development order, or who holds legal title to real property that is subject to an enforcement action of a governmental entity.

(e) "Proposed use of the property" means the proposal filed by the owner to develop his real property.

(f) "Governmental entity" includes an agency of the state, a regional or a local government created by the State Constitution or by general or special act, any county or municipality, or any other entity that independently exercises governmental authority. The term does not include the United States or any of its agencies.

(g) "Land" or "real property" means land and includes any appurtenances and improvements to the land, including any other relevant real property in which the owner had a relevant interest.

(3) Any owner who believes that a development order, either separately or in conjunction with other development orders, or an enforcement action of a governmental entity, is unreasonable or unfairly burdens the use of his real property, may apply within 30 days after receipt of the order or notice of the governmental action for relief under this section.

(4) To initiate a proceeding under this section, an owner must file a request for relief with the elected or appointed head of the governmental entity that issued the development order or orders, or that initiated the enforcement action. The head of the governmental entity may not charge the owner for the request for relief and must forward the request for relief to the special master who is mutually agreed upon by the owner and the governmental entity within 10 days after receipt of the request.

(5) The governmental entity with whom a request has been filed shall also serve a copy of the request for relief by United States mail or by hand delivery to:

(a) Owners of real property contiguous to the owner's property at the address on the latest county tax roll.

(b) Any substantially affected party who submitted oral or written testimony, sworn or unsworn, of a substantive nature which stated with particularity objections to or support for any development order at issue or enforcement action at issue. Notice under this paragraph is required only if that party indicated a desire to receive notice of any subsequent special master proceedings occurring on the development order or enforcement action. Each governmental entity must maintain in its files relating to particular development orders a mailing list of persons who have presented oral or written testimony and who have requested notice.

(6) The request for relief must contain:

(a) A brief statement of the owner's proposed use of the property.

(b) A summary of the development order or description of the enforcement action. A copy of the development order or the documentation of an enforcement action at issue must be attached to the request.

(c) A brief statement of the impact of the development order or enforcement action on the ability of the owner to achieve the proposed use of the property.

(d) A certificate of service showing the parties, including the governmental entity, served.

(7) The special master may require other information in the interest of gaining a complete understanding of the request for relief.

(8) The special master may conduct a hearing on whether the request for relief should be dismissed for failing to include the information required in subsection (6). If the special master dismisses the case, the special master shall allow the owner to amend the request and refile. Failure to file an adequate amended request within the time specified shall result in a dismissal with prejudice as to this proceeding.

(9) By requesting relief under this section, the owner consents to grant the special master and the parties reasonable access to the real property with advance notice at a time and in a manner acceptable to the owner of the real property.

(10)(a) Before initiating a special master proceeding to review a local development order or local enforcement action, the owner must exhaust all nonjudicial local government administrative appeals if the appeals take no longer than 4 months. Once nonjudicial local administrative appeals are exhausted and the development order or enforcement action is final, or within 4 months after issuance of the development order or notice of the enforcement action if the owner has pursued local administrative appeals even if the appeals have not been concluded, the owner may initiate a proceeding under this section. Initiation of a proceeding tolls the time for seeking judicial review of a local government development order or enforcement action until the special master's recommenda-

tion is acted upon by the local government. Election by the owner to file for judicial review of a local government development order or enforcement action prior to initiating a proceeding under this section waives any right to a special master proceeding.

(b) If an owner requests special master relief from a development order or enforcement action issued by a state or regional agency, the time for challenging agency action under section 120.57, Florida Statutes, is tolled. If an owner chooses to bring a proceeding under section 120.57, Florida Statutes, before initiating a special master proceeding, then the owner waives any right to a special master proceeding unless all parties consent to proceeding to mediation.

(11) The initial party to the proceeding is the governmental entity that issues the development order to the owner or that is taking the enforcement action. In those instances when the development order or enforcement action is the culmination of a process involving more than one governmental entity or when a complete resolution of all relevant issues would require the active participation of more than one governmental entity, the special master may, upon application of a party, join those governmental entities as parties to the proceeding if it will assist in effecting the purposes of this section, and those governmental entities so joined shall actively participate in the procedure.

(12) Within 21 days after receipt of the request for relief, any owner of land contiguous to the owner's property and any substantially affected person who submitted oral or written testimony, sworn or unsworn, of a substantive nature which stated with particularity objections to or support for the development order or enforcement action at issue may request to participate in the proceeding. Those persons may be permitted to participate at the discretion of the special master. The participation of such persons is limited to addressing issues raised regarding alternatives, variances, and other types of adjustment to the development order or enforcement action which may impact their substantial interests, including denial of the development order or application of an enforcement action.

(13) Each party must make efforts to assure that those persons qualified by training or experience necessary to address issues raised by the request or by the special master and further qualified to address alternatives, variances, and other types of modifications to the development order or enforcement action are present at the hearing.

(14) The special master may subpoena any nonparty witnesses in the state whom the special master believes will aid in the disposition of the matter.

(15)(a) The special master shall hold a hearing within 45 days after his receipt of the request for relief unless a different date is agreed to by all the parties. The hearing must be held in the county in which the property is located.

(b) The special master must provide notice of the place, date, and time of the hearing to all parties and any other persons who have requested such notice at least 40 days prior to the hearing.

(16)(a) Fifteen days following the filing of a request for relief, the governmental entity that issued the development order or that is taking the enforcement action shall file a response to the request for relief with the special master together with a copy to the owner. The response must set forth in reasonable detail the position of the governmental entity regarding the matters alleged by the owner. The response must include a brief statement explaining the public purpose of the regulations on which the development order or enforcement action is based.

(b) Any governmental entity that is added by the special master as a party must file a response to the request for relief prior to the hearing but not later than 15 days following its admission.

(c) Any party may incorporate in the response to the request for relief a request to be dropped from the proceeding. The request to be dropped must set forth facts and circumstances relevant to aid the special master in ruling on the request. All requests to be dropped must be disposed of prior to conducting any hearings on the merits of the request for relief.

(17) In all respects, the hearing must be informal and open to the public and does not require the use of an attorney. The hearing must operate at the direction and under the supervision of the special master. The object of the hearing is to focus attention on the impact of the governmental action giving rise to the request for relief and to explore alternatives to the development order or enforcement action and other regulatory efforts by the governmental entities in order to recommend relief, when appropriate, to the owner.

(a) The first responsibility of the special master is to facilitate a resolution of the conflict between the owner and governmental entities to the end that some modification of the owner's proposed use of the property or adjustment in the development order or enforcement action or regulatory efforts by one or more of the governmental parties may be reached. Accordingly, the special master shall act as a facilitator or mediator between the parties in an effort to effect a mutually acceptable solution. The parties shall be represented at the mediation by persons with authority to bind their respective parties to a solution, or by persons with authority to recommend a solution directly to the persons with authority to bind their respective parties to a solution.

(b) If an acceptable solution is not reached by the parties after the special master's attempt at mediation, the special master shall consider the facts and circumstances set forth in the request for relief and any responses and any other information produced at the hearing in order to determine whether the action by the governmental entity or entities is unreasonable or unfairly burdens the real property.

(c) In conducting the hearing, the special master may hear from all parties and witnesses that are necessary to an understanding of the matter. The special master shall weigh all information offered at the hearing.

(18) The circumstances to be examined in determining whether the development order or enforcement action, or the development order or enforcement action in conjunction with regulatory efforts of other governmental parties, is unreasonable or unfairly burdens use of the property may include, but are not limited to:

(a) The history of the real property, including when it was purchased, how much was purchased, where it is located, the nature of the title, the composition of the property, and how it was initially used.

(b) The history or development and use of the real property, including what was developed on the property and by whom, if it was subdivided and how and to whom it was sold, whether plats were filed or recorded, and whether infrastructure and other public services or improvements may have been dedicated to the public.

(c) The history of environmental protection and land use controls and other regulations, including how and when the land was classified, how use was proscribed, and what changes in classifications occurred.

(d) The present nature and extent of the real property, including its natural and altered characteristics.

(e) The reasonable expectations of the owner at the time of acquisition, or immediately prior to the implementation of the regulation at issue, whichever is later, under the regulations then in effect and under common law.

(f) The public purpose sought to be achieved by the development order or enforcement action, including the nature and magnitude of the problem addressed by the underlying regulations on which the development order or enforcement action is based; whether the development order or enforcement action is necessary to the achievement of the public purpose; and whether there are alternative development orders or enforcement action conditions that would achieve the public purpose and allow for reduced restrictions on the use of the property.

(g) Uses authorized for and restrictions placed on similar property.

(h) Any other information determined relevant by the special master.

(19) Within 14 days after the conclusion of the hearing, the special master shall prepare and file with all parties a written recommendation.

(a) If the special master finds that the development order at issue, or the development order or enforcement action in combination with the actions or regulations of other governmental entities, is not unreasonable or does not unfairly burden the use of the owner's property, the special master must recommend that the development order or enforcement action remain undisturbed and the proceeding shall end, subject to the owner's retention of all other available remedies.

(b) If the special master finds that the development order or enforcement action, or the development order or enforcement action in combination with the actions or regulations of other governmental entities, is unreasonable or unfairly burdens use of the owner's property, the special master, with the owner's consent to proceed, may recommend one or more alternatives that protect the public interest served by the development order or enforcement action and regulations at issue but allow for reduced restraints on the use of the owner's real property, including, but not limited to:

1. An adjustment of land development or permit standards or other provisions controlling the development or use of land.

2. Increases or modifications in the density, intensity, or use of areas of development.

3. The transfer of development rights.

4. Land swaps or exchanges.

5. Mitigation, including payments in lieu of onsite mitigation.

6. Location on the least sensitive portion of the property.

7. Conditioning the amount of development or use permitted.

8. A requirement that issues be addressed on a more comprehensive basis than a single proposed use or development.

9. Issuance of the development order, a variance, special exception, or other extraordinary relief, including withdrawal of the enforcement action.

10. Purchase of the real property, or an interest therein, by an appropriate governmental entity.

(c) This subsection does not prohibit the owner and governmental entity from entering in to an agreement as to the permissible use of the property prior to the special master entering a recommendation. An agreement for a permissible use must be incorporated in the special master's recommendation.

(20) The special master's recommendation is a public record under chapter 119, Florida Statutes. However, actions or statements of all participants to the special master proceeding are evidence of an offer to compromise and inadmissible in any proceeding, judicial or administrative.

(21) Within 45 days after receipt of the special master's recommendation, the governmental entity responsible for the development order or enforcement action and other governmental entities participating in the proceeding must consult among themselves and each governmental entity must:

(a) Accept the recommendation of the special master as submitted and proceed to implement it by development agreement, when appropriate, or by other method, in the ordinary course and consistent with the rules and procedures of that governmental entity. However, the decision of the governmental entity to accept the recommendation of the special master with respect to granting a modification, variance, or special exception to the application of statutes, rules, regulations, or ordinances as they would otherwise apply to the subject property does not require an owner to duplicate previous processes in which the owner has participated in order to effectuate the granting of the modification, variance, or special exception;

(b) Modify the recommendation as submitted by the special master and proceed to implement it by development agreement, when appropriate, or by other method, in the ordinary course and consistent with the rules and procedures of that governmental entity; or

(c) Reject the recommendation as submitted by the special master. Failure to act within 45 days is a rejection unless the period is extended by agreement of the owner and issuer of the development order or enforcement action.

(22) If a governmental entity accepts the special master's recommendation or modifies it and the owner rejects the acceptance or modification, or if a governmental entity rejects the special master's recommendation, the governmental entity must issue a written decision within 30 days that describes as specifically as possible the use or uses available to the subject real property.

(23) The procedure established by this section may not continue longer than 165 days, unless the period is extended by agreement of the parties. A decision describing available uses constitutes the last prerequisite to judicial action and the matter is ripe or final for subsequent judicial proceedings unless the owner initiates a proceeding under section 120.57, Florida Statutes. If the owner brings a proceeding under section 120.57, Florida Statutes, the matter is ripe when the proceeding culminates in a final order whether further appeal is available or not.

(24) The procedure created by this section is not itself, nor does it create, a judicial cause of action. Once the governmental entity acts on the special master's recommendation, the owner may elect to file suit in a court of competent jurisdiction. Invoking the procedures of this section is not a condition precedent to filing a civil action.

(25) Regardless of the action the governmental entity takes on the special master's recommendation, a recommendation that the development order or enforcement action, or the development order or enforcement action in combination with other governmental regulatory actions, is unreasonable or unfairly burdens use of the owner's real property may serve as an indication of sufficient hardship to support modification, variances, or special exceptions to the application of statutes, rules, regulations, or ordinances to the subject property.

(26) A special master's recommendation under this section constitutes data in support of, and a support document for, a comprehensive plan or comprehensive plan amendment, but is not, in and of itself, dispositive of a determination of compliance with chapter 163, Florida Statutes. Any comprehensive plan amendment necessary to carry out the approved recommendation of a special master under this section is exempt from the twice-a-year limit on plan amendments and may be adopted by the local government amendments in section 163.3184(16)(d), Florida Statutes.

(27) The special master shall send a copy of the recommendation in each case to the Department of Legal Affairs. Each governmental entity, within 15 days after its action on the special master's recommendation, shall notify the Department of Legal Affairs in writing as to what action the governmental entity took on the special master's recommendation.

(28) Each governmental entity may establish procedural guidelines to govern the conduct of proceedings authorized by this section, which must include, but are not limited to, payment of special master fees and expenses, including the costs of providing notice and effecting service of the request for relief under this section, which shall be borne equally by the governmental entities and the owner.

(29) This section shall be liberally construed to effect fully its obvious purposes and intent, and governmental entities shall direct all available resources and authorities to effect fully the obvious purposes and intent of this section in resolving disputes. Governmental entities are encouraged to expedite notice and time-related provisions to implement resolution of disputes under this section. The procedure established by this section may be used to resolve disputes in pending judicial proceedings, with the agreement of the parties to the judicial proceedings, and subject to the approval of the court in which the judicial proceedings are pending. The provisions of this section are cumulative, and do not supplant other methods agreed to by the parties and lawfully available for arbitration, mediation, or other forms of alternative dispute resolution.

(30) This section applies only to development orders issued, modified, or amended, or to enforcement actions issued, on or after October 1, 1995.

Section 3. It is the express declaration of the Legislature that section 1 and section 2 of this act have separate and distinct bases, objectives, applications, and processes. It is therefore the intent of the Legislature that section 1 and section 2 of this act are not to be construed in *pari materia*.

Section 4. Subsection (4) is added to section 163.3181, Florida Statutes, to read:

163.3181 Public participation in the comprehensive planning process; intent.—

(4) *If a local government denies an owner's request for an amendment to the comprehensive plan which is applicable to the property of the owner, the local government must afford an opportunity to the owner for informal mediation or other alternative dispute resolution. The costs of the mediation or other alternative dispute resolution shall be borne equally by the local government and the owner. If the owner requests mediation, the time for bringing a judicial action is tolled until the completion of the mediation or 120 days, whichever is earlier.*

Section 5. Paragraph (c) is added to subsection (10) of section 163.3184, Florida Statutes, 1994 Supplement, to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(10) **PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN COMPLIANCE.—**

(c) *Prior to the hearing, the state land planning agency shall afford an opportunity to mediate or otherwise resolve the dispute. If a party to the proceeding requests mediation or other alternative dispute resolution, the hearing may not be held until the state land planning agency*

advises the hearing officer in writing of the results of the mediation or other alternative dispute resolution. However, the hearing may not be delayed for longer than 90 days for mediation or other alternative dispute resolution unless a longer delay is agreed to by the parties to the proceeding. The costs of the mediation or other alternative dispute resolution shall be borne equally by all of the parties to the proceeding.

Section 6. This act shall take effect October 1, 1995.

And the title is amended as follows:

In title, on page 1, strike all of lines 3-9 and insert: creating the Florida Real Property Protection Act; providing legislative intent; providing remedies for real property owners whose property has been inordinately burdened by governmental action; providing definitions; providing requirements for a property owner who seeks compensation; requiring the governmental entity to provide notice of the claim; authorizing certain settlement offers; requiring that the governmental entity and property owner file a court action if a settlement agreement contravenes the application of state law; providing for judicial review, notwithstanding the availability of administrative remedies; authorizing the property owner to file a claim of compensation upon rejection of a settlement offer; requiring the court to determine the percentage of responsibility for an inordinate burden imposed by multiple governmental entities; providing for a jury to determine the amount of compensation to the property owner; providing for costs and attorney fees; providing that the right for which compensation is paid is a transferrable development right; providing exceptions; providing application of the act; creating the Florida Land Use and Environmental Dispute Resolution Act; providing definitions; providing procedures that a property owner may take when the property owner believes that a development order has inordinately burdened use of the property; providing for a special master to conduct a hearing on the request for relief; specifying parties that may participate in the proceeding; authorizing the special master to subpoena witnesses; providing notice requirements; providing for the conduct of the hearing; requiring the special master to file a recommendation; providing for a governmental entity to accept, modify, or reject the recommendation; requiring governmental entities to adopt rules; providing for construction of the act; providing application; amending s. 163.3181, F.S.; providing for mediation or other dispute resolution upon denial by a local government of an owner's request for an amendment to a comprehensive plan; amending s. 163.3184, F.S.; providing for mediation or other dispute resolution upon issuance of a notice by the state land planning agency that a comprehensive plan or plan amendment is not in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act;

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

Amendment 1A (with Title Amendment)—On page 1, between lines 11 and 12, insert:

Section 1. This act may be cited as the "Bert J. Harris, Jr., Private Property Rights Protection Act."

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 27, line 11, after "insert:" insert: creating the Bert J. Harris, Jr., Private Property Rights Protection Act;

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

Amendment 1B—On page 2, line 12, after "activity" insert: or such reasonably foreseeable, nonspeculative land uses which are suitable for the subject real property and compatible with adjacent land uses and which have created an existing fair market value in the property greater than the fair market value of the actual, present use or activity on the real property

On motion by Senator McKay, further consideration of **CS for SB 1326** with pending **Amendment 1B** was deferred.

Consideration of **CS for SB 3018** was deferred.

SB 2078—A bill to be entitled An act relating to criminal appeals and collateral review of criminal proceedings; creating the "Criminal Appeal Reform Act of 1995"; retitling chapter 924, relating to appeals, as "Criminal Appeals and Collateral Review"; amending s. 924.05, F.S.; making

only direct appeals under chapter 924 a matter of right; creating s. 924.051, F.S.; providing legislative intent and definitions; providing guidelines and terms and conditions of appeals and collateral review in criminal cases; limiting direct appeals to allegations of prejudicial or fundamental error; requiring appellants to demonstrate jurisdiction of appellate court before consideration of merits; prohibiting collateral relief on grounds which were or could have been raised at trial and, if properly preserved, on direct appeal; placing a 2-year limitation on filing for collateral relief, with exceptions; placing burden of demonstrating prejudicial error on party challenging ruling of trial court; requiring appellate courts to rule on issues in state's cross-appeals; prohibiting use of public funds, resources, or employees in appellate or collateral proceedings unless such use is constitutionally or statutorily mandated; amending s. 924.06, F.S.; revising criteria for appeal of illegal sentence; eliminating appeals of sentences outside sentencing guidelines; limiting right to appeal of defendants who plead guilty or nolo contendere; creating s. 924.066, F.S.; limiting applications for collateral relief and providing that there is no right to a court-appointed lawyer in noncapital collateral proceedings; amending s. 924.07, F.S.; limiting state's appeal of sentences to sentences below statutory minimum; repealing s. 924.33, F.S., relating to limitations on reversal of modifications of judgment; amending s. 924.37, F.S.; removing a provision requiring appellate court to decide issues appealed by state; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendments which were moved by Senator Dyer and failed:

Amendment 1 (with Title Amendment)—On page 5, line 30 and on page 6, lines 1 and 2, strike all of said lines and insert: *exist*; or

(e) A sentence imposed outside the range recommended by the guidelines authorized by chapter 921.

And the title is amended as follows:

In title, on page 1, strike all of lines 30 and 31 and insert: appeal of illegal sentence,

Amendment 2 (with Title Amendment)—On page 7, strike all of lines 28 and 29 and insert:

(i) A sentence imposed outside the range recommended by the guidelines authorized by chapter 921.

(Redesignate subsequent paragraphs.)

And the title is amended as follows:

In title, on page 2, strike all of lines 7 and 8 and insert: 924.07, F.S.; allowing state to appeal sentences below statutory minimum;

Senator Dyer moved the following amendment which was adopted:

Amendment 3 (with Title Amendment)—On page 4, line 17, through page 8, line 3, strike all of said lines and insert:

(c) The sentence imposed was illegal because it either exceeded the maximum or fell below the minimum authorized by statute for the criminal offense at issue. Either the state or the defendant may petition the trial court to vacate an illegal sentence at any time.

(8) In a direct appeal or a collateral proceeding, the party challenging the judgment or order of the trial court has the burden of demonstrating that a prejudicial error occurred in the trial court. No conviction or sentence may be reversed absent an express finding that a prejudicial error occurred in the trial court.

(9) When the state cross-appeals from an order deciding a question of law adversely to the state, the appellate court shall rule on the question of law even if such ruling is not necessary for the immediate disposition of the appeal.

(10) It is the intent of the Legislature that all terms and conditions of direct appeal and collateral review be strictly enforced, including the application of procedural bars, to ensure that all claims of error are raised and resolved at the first opportunity. It is also the Legislature's intent that all procedural bars to direct appeal and collateral review be fully enforced by the courts of this state.

(11) No funds, resources, or employees of this state or its political subdivisions may be used, directly or indirectly, in appellate or collateral proceedings unless such use is constitutionally or statutorily mandated.

Section 5. Section 924.06, Florida Statutes, is amended to read:

924.06 Appeal by defendant.—

(1) A defendant may appeal from:

(a) A final judgment of conviction when probation has not been granted under chapter 948, except as provided in subsection (3);

(b) An order granting probation under chapter 948;

(c) An order revoking probation under chapter 948;

(d) ~~An illegal A sentence, on the ground that it is illegal;~~ or

(e) A sentence imposed outside the range *permitted recommended* by the guidelines authorized by chapter 921.

(2) An appeal of an order granting probation shall proceed in the same manner and have the same effect as an appeal of a judgment of conviction. An appeal of an order revoking probation may review only proceedings after the order of probation. If a judgment of conviction preceded an order of probation, the defendant may appeal from the order or the judgment or both.

(3) A defendant who pleads guilty or nolo contendere with no express reservation of the right to appeal a *legally dispositive issue* shall have no right to a direct appeal of *either the conviction or sentence unless the issue on which appeal is sought was properly preserved, as defined by s. 924.051(1)(b), and is appealable under subsection (1)*. Such a defendant may *only shall* obtain review by means of collateral attack.

Section 6. Section 924.066, Florida Statutes, is created to read:

924.066 Collateral relief.—

(1) Subject to the terms and conditions set forth in this chapter, a prisoner in custody may seek relief based upon claims that the judgment of conviction or sentence was imposed in violation of the Constitution or law of the United States or the State of Florida.

(2) Either the state or a prisoner in custody may obtain review in the next higher state court of a trial court's adverse ruling granting or denying collateral relief. The state may obtain review of any trial court ruling which fails to enforce a procedural bar.

(3) No person in a noncapital case who is seeking collateral review under this chapter has a right to a court-appointed lawyer.

Section 7. Section 924.07, Florida Statutes, is amended to read:

924.07 Appeal by state.—

(1) The state may appeal from:

(a) An order dismissing an indictment or information or any count thereof or dismissing an affidavit charging the commission of a criminal offense, the violation of probation, the violation of community control, or the violation of any supervised correctional release.

(b) An order granting a new trial.

(c) An order arresting judgment.

(d) A ruling on a question of law when the defendant is convicted and appeals from the judgment. Once the state's cross-appeal is instituted, the appellate court shall review and rule upon the question raised by the state regardless of the disposition of the defendant's appeal.

(e) ~~An illegal sentence. The sentence, on the ground that it is illegal.~~

(f) A judgment discharging a prisoner on habeas corpus.

(g) An order adjudicating a defendant insane under the Florida Rules of Criminal Procedure.

(h) All other pretrial orders, except that it may not take more than one appeal under this subsection in any case.

(i) A sentence imposed outside the range *permitted recommended* by the guidelines authorized by chapter 921.

(j) A ruling granting a motion for judgment of acquittal after a jury verdict.

(k) An order denying restitution under s. 775.089.

(1) An order or ruling suppressing evidence or evidence in limine at trial.

And the title is amended as follows:

In title, on page 1, line 29, through page 2, line 8, strike all of said lines and insert: amending ss. 924.06, 924.07, F.S.; revising criteria for appeal of illegal sentence; limiting right to appeal of defendants who plead guilty or nolo contendere; creating s. 924.066, F.S.; limiting applications for collateral relief and providing that there is no right to a court-appointed lawyer in noncapital collateral proceedings;

On motion by Senator Dyer, by two-thirds vote **SB 2078** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 1774—A bill to be entitled An act relating to stolen motor vehicles; amending s. 782.04, F.S.; increasing the penalty for a homicide committed in the course of perpetrating or attempting the theft of a motor vehicle; amending s. 812.014, F.S.; increasing the penalty for theft of a motor vehicle; providing a penalty for theft of a motor vehicle that is used in another felony; amending s. 810.08, F.S.; providing penalties for trespass in a conveyance that is stolen; creating s. 810.081, F.S.; providing prima facie evidence of the offense of trespass in a stolen conveyance; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment which was adopted:

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

Section 1. Paragraphs (d), (e), and (f) are added to subsection (2) of section 810.08, Florida Statutes, to read:

810.08 Trespass in structure or conveyance.—

(2)

(d) *If the offense is trespass in a conveyance that is stolen and that the offender knows or should know was stolen, the trespass is a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(e) *If the offense is trespass in a conveyance that is stolen and that the offender knows or should know was stolen, and if the offender has previously been convicted of an offense under paragraph (d) or of the theft of a motor vehicle proscribed by s. 812.014(2)(a) or s. 812.014(2)(b), the trespass is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(f) *If the offense is trespass in a conveyance that is stolen and that the offender knows or should know was stolen, and if the offender is armed with a firearm or other dangerous weapon or arms himself with a firearm or other dangerous weapon while in the conveyance, the trespass is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 2. Section 810.081, Florida Statutes, is created to read:

810.081 Prima facie evidence of the offender's knowledge that the conveyance was stolen in a trespass in a conveyance trial.—Prima facie evidence of a violation of s. 810.08(2)(d) may include, but is not limited to, the following:

(1) The vehicle displays evidence of theft, such as a broken window, broken door lock, or broken ignition lock.

(2) The driver of the vehicle is known by the offender to be too young.

(3) The driver or an occupant of the vehicle has a previous pattern of involvement with thefts of motor vehicles.

(4) Any occupant of the vehicle flees the vehicle to avoid apprehension.

Section 3. The Florida Motor Vehicle Theft Prevention Authority, in collaboration with the Joint Legislative Management Division of Economic and Demographic Research, shall conduct a study to determine the projected impact on motor vehicle theft of increasing penalties for

first and subsequent convictions of motor vehicle theft. The study shall address both the theft deterrent impact and the fiscal impact on the state, and shall be submitted to the Legislature by February 1, 1996.

Section 4. Section 921.0012, Florida Statutes, 1994 Supplement, is amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart.—A single offense severity ranking chart must be used to compute a sentence score for each felony offender. The offense severity ranking chart has 10 offense levels, ranked from least severe to most severe, and each felony offense is assigned to a level according to the severity of the offense.

OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
LEVEL 1		
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$100 but less than \$20,000.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212(1)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license.
322.212(5)	3rd	False application for driver's license.
370.13(4)(a)	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
370.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
372.663(1)	3rd	Poach any alligator or crocodilia.
409.325(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
409.325(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
458.327(1)(a)	3rd	Unlicensed practice of medicine.
466.026(1)(a)	3rd	Unlicensed practice of dentistry or dental hygiene.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
562.27(1)	3rd	Possess still or still apparatus.
713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
812.014(2)(d)	3rd	Petit theft (3rd conviction); theft of any property not specified in other paragraphs of subsection (2).
812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.

815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.	806.13(1)(a)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
826.01	3rd	Bigamy.	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
828.122(3)	3rd	Fighting or baiting animals.	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
831.04(1)	3rd	Any erasure, alteration etc., of any replacement deed, map, plat, or other document listed in s. 92.28.	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.	817.52(3)	3rd	Failure to redeliver hired vehicle.
832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
838.015(3)	3rd	Bribery.	817.60(5)	3rd	Dealing in credit cards of another.
838.016(1)	3rd	Public servant receiving unlawful compensation.	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
838.15(2)	3rd	Commercial bribe receiving.	817.60(6)(b)	3rd	Possess two or more false credit cards.
838.16	3rd	Commercial bribery.	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd etc., material (2nd conviction).	831.01	3rd	Forgery.
849.01	3rd	Keeping gambling house.	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.	831.07	3rd	Forging bank bills or promissory note.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.	831.08	3rd	Possession of 10 or more forged notes.
849.25(2)	3rd	Engaging in bookmaking.	831.09	3rd	Uttering forged bills; passes as bank bill or promissory note.
860.08	3rd	Interfere with a railroad signal.	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
860.13(1)(a)	3rd	Operate aircraft while under the influence.	843.08	3rd	Falsely impersonating an officer.
893.13(2)(a)2.	3rd	Purchase of cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs).	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).	39.061	3rd	LEVEL 3 Escapes from juvenile facility (secure detention or residential commitment facility).
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
		LEVEL 2	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
517.07	3rd	Registration of securities and furnishing of prospectus required.	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
590.28(1)	3rd	Willful, malicious, or intentional burning.	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.

790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
796.05(1)	3rd	Live on earnings of a prostitute.			
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in fire-fighting.	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.	790.01(2)	3rd	Carrying a concealed firearm.
810.08(2)(c)	3rd	Trespass on property armed with firearm or dangerous weapon.	810.02(3)	3rd	Burglary of an unoccupied conveyance or structure; unarmed; attempted burglary.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.	810.06	3rd	Burglary; possession of tools.
812.014(2)(c)1.	3rd	Grand theft; \$5,000 or more but less than \$10,000.	812.014(2)(c)1.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.	812.014(2)(c) 2.-8.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
817.233	3rd	Burning to defraud insurer.	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.	837.02(1)	3rd	Perjury in official proceedings.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses.	837.021(1)	3rd	Make contradictory statements in official proceedings.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.19	3rd	Injure, disable, or kill police dog or horse.	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreatment or bond jumping).
870.01(2)	3rd	Riot; inciting or encouraging.	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), or (2)(a) or (b) drugs).
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs).	914.14(1)(b)	3rd	Witnesses accepting bribes to withhold testimony, information, document, or thing.
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c), (3), or (4) drugs within 200 feet of university, public housing facility, or public park.	914.22(1)(a)	3rd	Force, threaten, etc., witness to withhold testimony, documents, or objects.
893.13(6)(a)	3rd	Possession of cocaine.	914.22(1)(f)	3rd	Force, threaten, bribe, etc., witness to testify falsely.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.			LEVEL 5
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.	316.027(2)	3rd	Accidents involving death or personal injuries, failure to stop; leaving scene.
944.47(1)(a)1.-2.	3rd	Introduce contraband to correctional facility.	322.34(3)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
		LEVEL 4	415.111(5)	3rd	Exploit an aged person or disabled adult by the improper or illegal use of funds, assets, property, power of attorney, or guardianship.
231.06(2)	3rd	Battery of school employee.			
240.381(2)	3rd	Battery of community college security officer.	790.162	2nd	Threat to throw or discharge destructive device.
381.0025(4)(b)	3rd	Battery of HRS employee.	790.163	2nd	False report of deadly explosive.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.	790.164(1)	2nd	False report of deadly explosive or act of arson or violence to state property.
787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.	790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.

790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
790.23	2nd	Felons in possession of firearms or electronic weapons or devices.	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.	836.05	2nd	Threats; extortion.
817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.	836.10	2nd	Written threats to kill or do bodily injury.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.	843.12	3rd	Aids or assists person to escape.
843.01	3rd	Resist officer with violence to his person; resist arrest with violence.	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).	944.40	2nd	Escapes.
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1)(c), (2)(c), (3), or (4) drugs) within 1,000 feet of a school.	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 200 feet of university, public housing facility, or public park.	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs).	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
951.075	2nd	Prisoner commits assault or battery.			LEVEL 7
		LEVEL 6			DUI resulting in serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.	316.193(3)(c)2.	3rd	Knowingly abuse or neglect aged or disabled adult resulting in bodily harm or disability.
775.087(2)(a)2.		Battery upon law enforcement officer or firefighter while possessing firearm.	415.111(3)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
775.0875(1)	3rd	Taking firearm from law enforcement officer.	782.07	2nd	Killing of human being by the operation of a motor vehicle in a reckless manner (vehicular homicide).
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.	782.071	3rd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.	784.045(1)(a)1.	2nd	Aggravated battery; using deadly weapon.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.	784.045(1)(a)2.	2nd	Aggravated battery; perpetrator aware victim pregnant.
787.02(1)(a)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.	784.045(1)(b)	2nd	Aggravated battery on law enforcement officer.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.	784.07(2)(d)	1st	Procuring any person under 16 years for prostitution.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.	796.03	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner.
794.041(2)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.	800.04	2nd	Maliciously damage structure by fire or explosive.
794.05(1)	2nd	Unlawful carnal intercourse with unmarried person under 18 of previous chaste character.	806.01(2)	2nd	Burglary of occupied conveyance or burglary of a dwelling.
810.02(3)	2nd	Burglary of occupied structure; not armed, no assault.	810.02(3)	2nd	Armed trespass in a conveyance.
810.08(2)(e)	3rd	Trespass in a conveyance; second or subsequent conviction for s. 810.08(2)(d).	810.08(2)(f)	2nd	Property stolen, valued at \$100,000 or more ; 1st degree grand theft.
812.014(2)(b)	2nd	Property stolen over \$20,000 and less than \$100,000, grand theft in 2nd degree.	812.014(2)(a)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
			812.019(2)	1st	Deprive child of necessities causing great bodily harm or disfigurement.
			827.04(1)	3rd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 1,000 feet of a school.
			893.13(1)(c)1.	1st	

893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03 (1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).	782.04(1)	1st	LEVEL 9 Attempted premeditated murder.
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 100 lbs., less than 2,000 lbs.	782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.	784.07(3)	Life	Attempted murder of law enforcement officer engaged in duty.
893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28-grams, less than 200 grams.	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.	787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits child abuse, sexual battery, lewd, or lascivious act, etc.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.	790.161	1st	Attempted capital firearms offense.
LEVEL 8					
316.193(3)(c)3.	2nd	DUI manslaughter.	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.	794.041(2)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.	812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.	893.135	1st	Attempted capital trafficking offense.
812.13(2)(b)	1st	Robbery with a weapon.	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
827.03(1)(a)	2nd	Commits aggravated battery on a child.	893.135(1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	893.135(1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	893.135(1)(d)3.	1st	Trafficking in phencyclidine, more than 400 grams.
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	893.135(1)(e)3.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.	893.135(1)(f)3.	1st	Trafficking in amphetamine, more than 200 grams.
893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.	LEVEL 10		
893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.	782.04(2)	1st,PBL	Unlawful killing of human; act is homicide, unpremeditated.
893.135(1)(d)2.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.	787.01(1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
893.135(1)(e)2.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.	787.01(3)(a)	Life	Kidnapping; child under age 13, perpetrator also commits child abuse, sexual battery, lewd, or lascivious act, etc.
893.135(1)(f)2.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.	794.011(3)	Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.	Section 5. This act shall take effect October 1, 1995.		
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.	And the title is amended as follows:		
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.	In title, on page 1, line 1-14, strike all of those lines and insert: A bill to be entitled An act relating to stolen motor vehicles; amending s. 810.08, F.S.; providing penalties for trespass in a conveyance that is stolen; creating s. 810.081, F.S.; providing prima facie evidence of the offense of trespass in a stolen conveyance; providing for a study to determine projected impact of increasing penalties for motor vehicle theft;		

amending s. 921.0012, F.S.; providing for additional specified crimes to be included in the offense severity ranking chart of the sentencing guidelines; providing an effective date.

On motion by Senator Hargrett, by two-thirds vote **SB 1774** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

CS for SB 1582—A bill to be entitled An act relating to concealed weapons and firearms; amending s. 790.06, F.S.; revising guidelines and time limits relating to licensure to carry concealed weapons or firearms; removing provision allowing licensee to carry actual copy of concealed weapon or firearm license; revising qualifications and application procedures for licensure; reducing the fees for the initial and renewal licenses; revising powers and duties of the Department of State and sheriffs with respect to the licensure process; authorizing imposition by the sheriff of an applicant fingerprinting fee; amending s. 790.061, F.S.; providing exceptions from specified licensure provisions to federal district court judges or federal court of appeals judges; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **CS for SB 1582** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

Consideration of **CS for SB's 1352 and 2178** was deferred.

SB 566—A bill to be entitled An act relating to probation and community control; amending s. 948.03, F.S.; authorizing the court to order a probationer or offender in community control to pay not more than a specified amount to a nonprofit organization established to supplement the efforts of the Department of Corrections; providing an effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **SB 566** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

CS for SB 2858—A bill to be entitled An act relating to the administration of insurance premium taxes collected for the purposes of the municipal firefighters' pension trust funds and the municipal police officers' pension trust funds under chs. 175, 185, F.S.; amending ss. 175.111, 175.121, 175.341, 175.401, 185.07, 185.10, 185.23, 185.50, 633.382, F.S.; transferring the authority to administer the insurance premium taxes collected under chs. 175, 185, F.S., from the Insurance Commissioner and Treasurer and the Department of Insurance to the Division of Retirement of the Department of Management Services; providing for deposit of these moneys and for other matters related to the transfer; providing for investment by the State Board of Administration; providing for payment of administrative costs of the Division of Retirement, and the State Board of Administration from interest and investment income; providing for annual reversion of unexpended and unallocated interest and investment earnings to the General Revenue Fund; correcting a scrivener's error, pertaining to the percentage of the excise tax imposed on casualty insurance premiums, in s. 185.07, F.S.; amending s. 215.20, F.S.; including the Police and Firefighters' Premium Tax Trust Fund among the trust funds subject to deductions for the cost of general government; providing for the transfer of certain moneys in the Insurance Commissioner's Regulatory Trust Fund to the Police and Firefighters' Premium Tax Trust Fund; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendments which were adopted:

Amendment 1—On page 13, between lines 8 and 9, insert:

Section 12. No interest or penalties imposed under chapter 624, Florida Statutes, for underpayment of estimated taxes shall be assessed for tax years prior to 1993 against group pooling self-insurance funds if the total estimated and final payments for the tax year equalled or exceeded taxes actually due, and any underpayments of estimated taxes were due

to the difference between taxes due before applying the credit allowed for assessments imposed pursuant to section 440.51, Florida Statutes, and taxes due after applying such credit.

(Renumber subsequent section.)

Amendment 2—In title, on page 2, line 4, after the semicolon (;) insert: providing that interests and penalties shall not be imposed, under ch. 624, F.S., upon group pooling self-insurance funds for a specified year, under specified circumstances;

On motion by Senator Thomas, by two-thirds vote **CS for SB 2858** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40 Nays—None

SENATOR DUDLEY PRESIDING

SB 348—A bill to be entitled An act relating to operating a vehicle while under the influence; amending s. 316.193, F.S.; extending the time period for penalty provisions; providing for 48 hours of consecutive incarceration; amending s. 322.2615, F.S.; providing for a 30-day temporary permit; providing a time period during which certain persons whose licenses have been suspended are not eligible to receive a driver's license; amending s. 322.64, F.S.; providing for a 30-day temporary permit; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 7, line 29, strike "January 1, 1996" and insert: July 1, 1995

On motion by Senator Horne, by two-thirds vote **SB 348** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

CS for SB 1062—A bill to be entitled An act relating to counterfeiting; amending s. 831.03, F.S.; revising penalties with respect to forging or counterfeiting private labels; including provisions with respect to the counterfeiting of service marks; amending s. 831.05, F.S.; revising penalties with respect to vending goods with counterfeit labels; repealing s. 506.10, F.S., relating to counterfeiting or improperly using trademarks or other forms of recorded advertisements; providing an effective date.

—was read the second time by title.

Amendments were adopted to **CS for SB 1062** to conform the bill to **CS for HB 1591**.

Pending further consideration of **CS for SB 1062** as amended, on motion by Senator Silver, by two-thirds vote **CS for HB 1591** was withdrawn from the Committees on Commerce and Economic Opportunities; Criminal Justice; and Ways and Means.

On motion by Senator Silver—

CS for HB 1591—A bill to be entitled An act relating to anti-counterfeiting; amending s. 831.03, F.S.; revising penalties with respect to forging or counterfeiting private labels; including provisions with respect to the counterfeiting of service marks; amending s. 831.05, F.S.; revising penalties with respect to vending goods with counterfeit labels; repealing s. 506.10, F.S., relating to counterfeiting or improperly using trademark or other forms of recorded advertisements; providing an effective date.

—a companion measure, was substituted for **CS for SB 1062** and read the second time by title. On motion by Senator Silver, by two-thirds vote **CS for HB 1591** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

RECESS

On motion by Senator Jennings, the Senate recessed at 11:58 a.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Dudley at 2:16 p.m. A quorum present—39:

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
Diaz-Balart	Horne	Myers	

SPECIAL ORDER, continued

The Senate resumed consideration of—

CS for SB 1326—A bill to be entitled An act relating to private property rights; creating the “Private Property Rights Act of Florida”; requiring full compensation for depriving or devaluing the lawful use of private property; providing an exception; providing for recovery of compensation; providing for award of attorney’s fees and costs; providing an effective date.

—which had been considered this day. Pending **Amendment 1B** by Senator McKay was adopted.

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

Amendment 1C—On page 16, strike all of lines 20 and 21 and insert: be permitted to participate in the hearing, but shall not be granted party or intervenor status. The participation of such persons is limited to

Amendment 1 as amended was adopted.

Pending further consideration of **CS for SB 1326** as amended, on motion by Senator McKay, by two-thirds vote **CS for HB 863** was withdrawn from the Committee on Judiciary.

On motions by Senator McKay, the rules were waived and by two-thirds vote—

CS for HB 863—A bill to be entitled An act relating to real property; creating the “Bert J. Harris, Jr., Private Property Rights Protection Act”; providing legislative intent; providing remedies for real property owners whose property has been inordinately burdened by governmental action; providing definitions; providing requirements for a property owner who seeks compensation; requiring the governmental entity to provide notice of the claim; authorizing certain settlement offers; requiring that the governmental entity and property owner file a court action if a settlement agreement contravenes the application of state law; providing for judicial review, notwithstanding the availability of administrative remedies; authorizing the property owner to file a claim of compensation upon rejection of a settlement offer; requiring the court to determine the percentage of responsibility for an inordinate burden imposed by multiple governmental entities; providing for a jury to determine the amount of compensation to the property owner; providing for costs and attorney fees; providing that the right for which compensation is paid is a transferable development right; providing exceptions; providing application of the act; creating the Florida Land Use and Environmental Dispute Resolution Act; providing definitions; providing procedures that a property owner may take when the property owner believes that a development order has inordinately burdened use of the property; providing for a special master to conduct a hearing on the request for relief; specifying parties that may participate in the proceeding; authorizing the special master to subpoena witnesses; providing notice requirements; providing for the conduct of the hearing; requiring the special master to file a recommendation; providing for a governmental entity to accept, modify, or reject the recommendation; requiring governmental entities to adopt rules; providing for construction of the act; providing application; amending s. 163.3181, F.S.; providing for mediation or other dispute resolution upon denial by a local government of an owner’s request for an amendment to a comprehensive plan; amending s. 163.3184, F.S.; providing for mediation or other dispute resolution upon issuance of a notice by the

state land planning agency that a comprehensive plan or plan amendment is not in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1326** and by two-thirds vote read the second time by title. On motion by Senator McKay, by two-thirds vote **CS for HB 863** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—1

CS for SB’s 1352 and 2178—A bill to be entitled An act relating to contraband forfeiture; amending s. 932.701, F.S.; redefining the term “contraband article” for purposes of the Florida Contraband Forfeiture Act to include certain articles, whether or not used for a specific narcotics transaction; amending s. 932.702, F.S.; prohibiting the possession of any contraband article; amending s. 932.703, F.S.; providing procedures for requesting a preliminary hearing following a seizure of property; providing for a bond or other security to be posted by the claimant; requiring that the seizing agency rather than the owner, lienholder, coowner, or lessor establish knowledge of the illicit use of the seized property; providing an affirmative defense; amending s. 932.704, F.S.; providing a policy against unreasonable searches and seizures; providing for a circuit judge in the civil division to preside over forfeiture cases; providing an additional requirement for settlement agreements; providing for attorney’s fees and expenses; requiring the Department of Law Enforcement to develop guidelines and training procedures; providing for the review of seizures of property by law enforcement agencies; amending s. 932.7055, F.S.; limiting the use of proceeds from the sale of seized property by a law enforcement agency; providing for the deposit and use of proceeds received by the Department of Military Affairs from forfeited property under federal forfeiture sharing provisions; amending s. 932.706, F.S.; requiring the Criminal Justice Standards and Training Commission to provide continuing education on the seizure and forfeiture of property; providing an effective date.

—was read the second time by title.

Amendments were adopted to **CS for SB’s 1352 and 2178** to conform the bill to **CS for HB 807**.

Pending further consideration of **CS for SB’s 1352 and 2178** as amended, on motion by Senator Ostalkiewicz, by two-thirds vote **CS for HB 807** was withdrawn from the Committee on Criminal Justice.

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

CS for HB 807—A bill to be entitled An act relating to contraband forfeiture; amending s. 932.701, F.S.; redefining the term “contraband article” for purposes of the Florida Contraband Forfeiture Act to include certain articles in certain circumstances, whether or not used for a specific narcotics transaction; amending s. 932.702, F.S.; prohibiting the possession of any contraband article; amending s. 932.703, F.S.; providing procedures for requesting a preliminary hearing following a seizure of property; providing for a bond or other security to be posted by the claimant; requiring that the seizing agency rather than the owner, lienholder, coowner, or lessor establish knowledge of the illicit use of the seized property; providing an affirmative defense; amending s. 932.704, F.S.; providing a policy against unreasonable searches and seizures; providing for a circuit judge in the civil division to preside over forfeiture cases; providing an additional requirement for settlement agreements; providing for attorney’s fees and expenses; requiring the Department of Law Enforcement to develop guidelines and training procedures; providing for the review of seizures of property by law enforcement agencies; amending s. 932.7055, F.S.; limiting the use of proceeds from the sale of seized property by a law enforcement agency; providing for the deposit and use of proceeds received by the Department of Military Affairs from forfeited property under federal forfeiture sharing provisions; amending s. 932.706, F.S.; requiring the Criminal Justice Standards and Training Commission to provide continuing education on the seizure and forfeiture of property; providing an effective date.

—a companion measure, was substituted for **CS for SB’s 1352 and 2178** and by two-thirds vote read the second time by title. On motion by Senator Ostalkiewicz, by two-thirds vote **CS for HB 807** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

CS for SB 1436—A bill to be entitled An act relating to proceedings that involve juveniles; creating s. 39.4015, F.S.; creating the "Family Bill of Rights Act"; requiring the Department of Health and Rehabilitative Services to obtain a court order before taking a child into custody; requiring an affidavit stating that the child is in immediate danger; defining the term "immediate danger"; providing penalties; amending s. 39.402, F.S.; modifying provisions that allow a child to be placed in a shelter prior to a court hearing; providing that a protective investigator or law enforcement officer may take a child into custody without a court order due to a medical emergency or if the child is subject to immediate harm or danger; providing that a law enforcement officer may take a child into custody without a court order if the child is a runaway or truant from school; requiring the court to hold an emergency hearing on the continued removal of the child; providing for the court to issue an emergency order authorizing the removal of a child from the home; requiring the court to hold a shelter hearing within a specified time following issuance of the emergency order; requiring that a child's parent or guardian be notified before the shelter hearing; authorizing the court to issue a show-cause order or impose sanctions or dismiss a case if the department fails to prepare to present its case within a specified time; amending s. 39.4031, F.S., relating to case plans; deleting a cross-reference to conform to changes made by the act; amending s. 39.404, F.S.; deleting a time limitation on holding a child in custody to conform to changes made by the act; amending s. 39.408, F.S.; revising the time within which an arraignment hearing must be held; providing that clear and convincing evidence is required to establish a child's dependency; conforming a cross-reference to changes made by the act; amending s. 39.409, F.S.; providing for the child's parent or guardian to be awarded attorney's fees and costs upon dismissal of a case alleging dependency; amending s. 415.5017, F.S.; requiring department staff to audio-record or videotape all interviews with a child who is the subject of a report alleging abuse; authorizing a child's parent or guardian to audio-record or videotape certain activity related to the department's response to such report without the knowledge or consent of the department; amending ss. 415.504, 415.505, F.S.; modifying the manner in which reports of abuse or neglect may be given, received, and investigated; requiring that notice of additional rights be provided to the subject of an investigation; requiring the department to show cause prior to a court order authorizing the department to examine and interview a child; providing for a legal representative of the child's parent or guardian to be present during the examination and interview; amending s. 415.51, F.S.; providing for the name of a person reporting child abuse or neglect and a copy of the department's file on the case to be released to certain alleged perpetrators upon order of the court; amending s. 933.18, F.S.; deleting a provision authorizing a law enforcement officer to remove a child from a private dwelling; amending ss. 39.01, 39.038, F.S., relating to definitions and the release of a child from custody; conforming cross-references to changes made by the act; repealing s. 39.401, F.S., relating to authorization for the department to take into custody a child who is alleged to be dependent; repealing s. 415.506, F.S., relating to authorization for a law enforcement officer or agent of the department to take a child into protective custody; providing an effective date.

—was read the second time by title.

Senator Ostalkiewicz moved the following amendments which were adopted:

Amendment 1—On page 4, line 10, strike "physical"

Amendment 2—On page 5, line 6, strike "immediate" and insert: *imminent*

Senator Ostalkiewicz moved the following amendment:

Amendment 3—On page 5, line 19, through page 6, line 31, strike all of said lines and insert: *continue. At the time the child is removed from the home, the child's parent or guardian must be personally served with notice of the date, time, and place of the emergency-shelter hearing as provided in chapter 48.*

(3)(2) A child ~~taken into custody~~ may be placed or ~~continued~~ in a shelter only if ~~one or more of the criteria in subsection (1) applies and~~ the court has made a specific finding of fact regarding the necessity for removal of the child from the home and has made a determination that the provision of appropriate and available services will not eliminate the need for placement.

(3) ~~If the protective investigator determines that placement in a shelter is necessary under subsections (1) and (2), the protective investigator shall authorize placement of the child in a shelter, shall immediately~~

~~notify the parents or legal custodians that the child was taken into custody, and shall immediately provide the parents or legal custodians with a statement setting forth a summary of procedures involved in dependency cases and notify them of their right to obtain their own attorney.~~

(4) ~~If the child is alleged to be both dependent and delinquent, the protective investigator may authorize either placement in a shelter under this section or detention under s. 39.044.~~

(4)(5)(a) The circuit court, or the county court, if previously designated by the chief judge of the circuit court for such purpose, shall hold the shelter hearing.

(b) The shelter petition filed with the court ~~shall~~ address each condition required to be determined by the court in subsection (6) (9).

(c) *The child's parent or guardian must be personally served as soon as reasonably possible with notice of the date, time, and place of the shelter hearing. The notice must be served as provided in chapter 48 and must include a detailed explanation that contains the reasons for the child's removal from the home, a summary of the procedures involved in dependency cases, and the parent or guardian's right to obtain an attorney. The court shall require proof of service of process.*

Senators Dudley and Wexler offered the following amendment to **Amendment 3** which was moved by Senator Wexler and adopted:

Amendment 3A—On page 1, line 13 and on page 2, line 12, after "served" insert: *by an agent of the department*

Amendment 3 as amended was adopted.

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

Amendment 4—On page 13, line 17, after "awarding" insert: *reasonable*

Senator Ostalkiewicz moved the following amendments which were adopted:

Amendment 5 (with Title Amendment)—On page 14, strike all of lines 6-13 and insert:

5. *Any agency that interviews a child shall audio-record or videotape the interview.*

And the title is amended as follows:

In title, on page 2, strike all of lines 20-24 and insert: amending ss. 415.504, 415.505,

Amendment 6—On page 16, line 28, strike "only"

Amendment 7—On page 16, line 29, strike "onsite"

Amendment 8—On page 16, line 31, through page 17, line 1, strike all of said lines and insert: *for investigation within 24 hours. The investigation must be limited in scope to the original allegations reported; however, nothing in this section precludes the investigator from reporting additional evidence of other abuse observed while conducting the investigation. For reports not*

Amendment 9—On page 18, strike all of lines 3-30 and insert:

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

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

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

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

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

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

Amendment 10—On page 20, line 5, through page 21, line 2, strike all of said lines and insert:

6. That the subject has a right to request that his attorney be present while he is questioned during the course of an investigation of alleged child abuse or neglect and that the subject has a right to submit to the protective investigator at the beginning of the investigation a written statement regarding his knowledge of the facts.

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

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

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

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

11. The telephone number and name of a department employee available to answer questions.

Amendment 11—On page 21, strike all of lines 10-12 and insert: *child. If the*

Senator Hargrett moved the following amendment which was adopted:

Amendment 12 (with Title Amendment)—On page 25, between lines 17 and 18, insert:

Section 15. Subsection (2) of section 39.044, Florida Statutes, 1994 Supplement, is amended to read:

39.044 Detention.—

(2) Subject to the provisions of subsection (1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

(a) The child is alleged to be an escapee or an absconder from a commitment program, a community control program, furlough, or aftercare supervision, or is alleged to have escaped while being lawfully transported to or from such program or supervision;

(b) The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony;

(c) The child is charged with a delinquent act or violation of law and requests in writing through legal counsel to be detained for protection from an imminent physical threat to his personal safety;

(d) The child is charged with committing an offense of domestic violence against the child's parent, sibling, spouse, or offspring and is detained as provided in s. 39.042(2)(b)3.;

(e) The child is charged with a capital felony, a life felony, a felony of the first degree, a felony of the second degree that does not involve a violation of chapter 893, or a felony of the third degree that is also a crime of violence, including any such offense involving the use or possession of a firearm; or

(f) The child is charged with any second degree or third degree felony involving a violation of chapter 893 or any third degree felony that is not also a crime of violence, and the child:

1. Has a record of failure to appear at court hearings after being properly notified in accordance with the Rules of Juvenile Procedure;

2. Has a record of law violations prior to court hearings;

3. Has already been detained or has been released and is awaiting final disposition of the case;

4. Has a record of violent conduct resulting in physical injury to others; or

5. Is found to have been in possession of a firearm.

A child who meets these criteria and who is ordered to be detained pursuant to this subsection shall be given a hearing within 24 hours after being taken into custody. *The hearing may be conducted by means of closed circuit television if the child has immediate access to his legal representative and is given the opportunity to confer privately with his legal representative.* The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law with which he is charged and the need for continued detention. Unless a child is detained under paragraph (d), the court shall utilize the results of the risk assessment performed by the intake counselor or case manager and, based on the criteria in this subsection, shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court pursuant to this subsection. If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 3, line 21, after the semicolon (;) insert: amending s. 39.044, F.S.; providing for the detention hearing for a juvenile to be held by means of closed-circuit television;

Senator Ostalkiewicz moved the following amendment which was adopted:

Amendment 13 (with Title Amendment)—On page 25, between lines 17 and 18, insert:

Section 15. The Department of Health and Rehabilitative Services shall document the savings and losses resulting from the enactment of this act and shall submit that documentation to the Executive Office of the Governor, Office of Planning and Budget, and to the chairman of the House of Representatives Appropriations Committee and Senate Ways and Means Committee. If the requirements of subsection 415.51(9), Florida Statutes, result in the loss of federal funds in excess of the amount of savings resulting from the enactment of this act, the amendment of that subsection by this act is void, and further legislation is required to effect the changes made to that subsection by this act. In accordance with chapter 216, Florida Statutes, the department may redirect funds from agency savings achieved through decreased workload resulting from the enactment of this act to cover any increased costs incurred by the department in implementing it.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 3, line 21, following the semicolon (;) insert: providing for suspension of s. 415.51(9), F.S., relating to release of information relating to child abuse reports;

Senator Weinstein moved the following amendment which was adopted:

Amendment 14—On page 4, strike all of lines 17-20

The vote was:

Yeas—20 Nays—16

THE PRESIDENT PRESIDING

On motion by Senator Ostalkiewicz, by two-thirds vote **CS for SB 1436** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32 Nays—8

MOTION TO RECONSIDER

Senator McKay moved that the Senate reconsider the vote by which **CS for SB 2858** passed as amended this day.

The motion was adopted. Further consideration of **CS for SB 2858** was deferred.

CS for SB 1536—A bill to be entitled An act relating to offenses against children; creating s. 787.025, F.S.; prohibiting certain previously convicted offenders from intentionally luring or enticing, or attempting to lure or entice, a child under age 12 into a structure, dwelling, or conveyance for other than a lawful purpose; providing criminal penalties therefor; providing affirmative defenses; providing an effective date.

—was read the second time by title. On motion by Senator Meadows, by two-thirds vote **CS for SB 1536** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

On motion by Senator Turner, by unanimous consent **CS for SB 1604** was taken up out of order.

On motion by Senator Turner, by two-thirds vote **CS for HB 1987** was withdrawn from the Committee on Community Affairs.

On motion by Senator Turner—

CS for HB 1987—A bill to be entitled An act relating to multijurisdictional tourism, sports, and entertainment special districts; repealing chapter 191, F.S., which provides for the creation of such districts; providing an effective date.

—a companion measure, was substituted for **CS for SB 1604** and read the second time by title. On motion by Senator Turner, by two-thirds vote **CS for HB 1987** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motion by Senator Rossin, by two-thirds vote **CS for HB 371** was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Rossin—

CS for HB 371—A bill to be entitled An act relating to child care facilities; amending s. 402.3125, F.S.; requiring day care facilities to post citations issued for disciplinary actions taken against them; requiring the posting of such citations for a specified period; requiring the posting of an explanation and a description of corrective action taken, if any, with each citation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1588** and read the second time by title. On motion by Senator Rossin, by two-thirds vote **CS for HB 371** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

CS for SB 1594—A bill to be entitled An act relating to bicycling; amending s. 316.2065, F.S.; requiring a bicycle rider who seeks to carry a young or small child as a passenger to provide certain safety equipment; prohibiting a bicycle rider from allowing a passenger to remain in a child seat or carrier when the rider is not in immediate control of the bicycle; requiring a bicycle rider or passenger under the age of 16 years to wear a bicycle helmet; specifying standards for bicycle helmets; providing a penalty; providing for dismissal of charges under specified circumstances; providing requirements for parents or guardians of children pertaining to the wearing of a bicycle helmet while riding a bicycle; prohibiting renting or leasing a bicycle without a helmet; providing for enforcement; providing penalties; providing exceptions; providing for the disposition of fines; providing for evidentiary application with respect to negligence; amending s. 318.18, F.S.; providing for the assessment of fines for certain violations of bicycle safety requirements; providing an effective date.

—was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 5, between lines 4 and 5, insert:

Section 3. A county may exempt itself from the provisions of section 316.2065(3)(d) and (16)(a) and (b), Florida Statutes, if the board of county commissioners of that county:

- (1) Passes an ordinance to that effect before January 1, 1997; and
- (2) Provides notice, holds a hearing, and takes testimony before passing the ordinance.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 25, after the semicolon (;) insert: authorizing counties not to comply with certain provisions of s. 316.2065, F.S.;

Senator Dudley moved the following amendment which was adopted:

Amendment 2—On page 3, strike all of lines 9-16 and insert: *paragraph for use by the rider or passenger.*

(16)(a) *It is unlawful for any person to knowingly rent or*

(Reletter subsequent paragraph.)

On motion by Senator Sullivan, by two-thirds vote **CS for SB 1594** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27 Nays—12

MATTERS ON RECONSIDERATION

The Senate resumed consideration of—

CS for CS for SB 2684—A bill to be entitled An act relating to educational facilities; amending s. 235.011, F.S., relating to definitions; clarifying the term “board”; deleting the term “office”; adding the term “public education capital outlay funded projects”; amending s. 235.014, F.S.; transferring functions of the Office of Educational Facilities to the Department of Education and revising and deleting certain functions; creating s. 235.017, F.S.; requiring boards to ensure facility compliance; amending s. 235.02, F.S.; revising provisions relating to use of buildings and grounds; amending s. 235.054, F.S.; deleting certain office approval and revising provisions relating to purchase appraisal; deleting repeal of section; amending s. 235.055, F.S.; revising conditions relating to the construction of facilities on leased property; amending s. 235.056, F.S., relating to lease and lease-purchase of educational facilities and sites; revising provisions relating to approval and compliance with building and safety codes; amending s. 235.06, F.S.; revising provisions relating to inspection of property for compliance with safety and sanitation standards; amending s. 235.14, F.S., relating to emergency drills; amending s. 235.15, F.S., relating to educational plant survey; revising requirements for the conduct of surveys; providing certification requirements prior to release of funds; amending s. 235.155, F.S., relating to exception to recommendations in survey; amending s. 235.19, F.S.; revising provisions relating to site planning and selection; revising responsibility relating to traffic control and safety devices; amending s. 235.193, F.S.; requiring certain coordination of planning with local governing bodies; amending s. 235.195, F.S., relating to cooperative development and use of facilities, to conform; amending s. 235.198, F.S., relating to cooperative development and use of satellite facilities, to conform; amending s. 235.199, F.S., relating to requirements for funding of vocational education facilities, to conform; amending s. 235.211, F.S.; providing procedures for contracting for construction of facilities; providing requirements for construction and program management entities; revising provisions relating to construction techniques and selection process requirements; authorizing the purchase of certain architectural services; amending s. 235.26, F.S., relating to the State Uniform Building Code for Public Educational Facilities Construction, to conform; deleting standards relating to an energy performance index; providing for contract approval and duties; deleting provisions relating to fallout shelters; revising provisions relating to emergency shelters; requiring a statewide emergency shelter plan; amending s. 235.31, F.S.; revising provisions relating to awarding of contracts; providing definition of “emergency”; amending s. 235.321, F.S.; revising requirements for change orders; amending s. 235.33, F.S.; revising provisions relating to data filed after acceptance of a project; amending s. 235.41, F.S., relating to capital outlay budget request, to conform; amending s. 235.42, F.S., relating to allocation of funds, to conform; amending s. 235.435, F.S., relating to allocation of funds for comprehensive educational plant needs; conforming provisions; providing for allocation from the Public Education Capital Outlay and Debt Service Trust Fund to district school boards; deleting provisions relating to the Increased Utilization Account; requiring district school boards to identify fund source; restricting use of funds; amending s. 236.25, F.S.; increasing authorized district school board capital outlay millage levy; authorizing use of funds for lease and lease-purchase of buses and equipment; amending s. 216.301, F.S.; revis-

ing provisions relating to reversion of unexpended balance; amending s. 240.209, F.S., relating to Board of Regents' powers and duties; increasing the Capital Improvement Trust Fund fee; providing for application of revenues to capital outlay purposes; amending s. 240.319, F.S., relating to powers and duties of community college district boards of trustees; authorizing the incurrence of debt; amending s. 240.35, F.S.; providing for an increase in the capital improvement fee and authorizing bonding; creating s. 255.0516, F.S.; providing requirements for bid protests by school boards; revising provisions relating to public notice of plans intended for reuse; authorizing the disposal of described real property used by Florida Agricultural and Mechanical University to house nursing students and other described property; providing for use of proceeds; amending ss. 201.24, 230.23, and 404.056, F.S., to conform; reenacting ss. 228.053(9)(e) and 236.081(1)(i) and (4)(c)3., F.S., relating to funds for the operation of schools, to incorporate the amendment to s. 236.25, F.S., in references thereto; repealing ss. 235.16, 235.018, 235.196, and 235.222, F.S., relating to long-range planning, delegation of review and approval authority, community educational facilities, and repayment of loans; saving ss. 235.001, 235.002, 235.01, 235.011, 235.014, 235.02, 235.04, 235.05, 235.055, 235.056, 235.06, 235.09, 235.14, 235.15, 235.155, 235.18, 235.19, 235.193, 235.195, 235.198, 235.199, 235.211, 235.212, 235.26, 235.30, 235.31, 235.32, 235.321, 235.33, 235.34, 235.40, 235.42, 235.435, 235.44, 236.25(2), and 237.162, F.S., from repeal; providing legislative intent; creating s. 235.0155, F.S.; providing for prototype designs of facilities; providing an appropriation; providing for phase III plan reviews, subject to appropriation; providing an effective date.

—which had been reconsidered as amended May 2.

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

Amendment 18—On page 11, line 13, following the period (.) insert: As used in this section, the term "facilities services" means project management, code and design plan review, and code compliance inspection for projects as defined in s. 287.017(1)(e).

MOTION

On motion by Senator Jennings, the rules were waived and time of recess was extended until final action on **CS for CS for SB 2684** and announcements.

Senator Dudley moved the following amendments which were adopted by two-thirds vote:

Amendment 19 (with Title Amendment)—On page 74, line 16, through page 76, line 14, strike all of said lines and renumber subsequent sections.

And the title is amended as follows:

In title, on page 3, line 26, through page 4, line 5, strike all of said lines and insert: unexpended balance; creating s. 255.0516,

Amendment 20 (with Title Amendment)—On page 88, between lines 2 and 3, insert:

Section 44. Notwithstanding section 216.301(3), Florida Statutes, the funds expended by the Lee County School Board for prekindergarten handicapped facilities in Specific Appropriation 2169 of chapter 90-209, Laws of Florida, need not be returned to the Public Education Capital Outlay and Debt Service Trust Fund.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 5, line 4, after the semicolon (;) insert: providing that specified funds expended for prekindergarten handicapped facilities need not be returned to the PECO trust fund;

On motion by Senator Latvala, further consideration of **CS for CS for SB 2684** as amended was deferred.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 3, 1995: CS for SB 2706, SB 280, CS for SB 2858, CS for SB 32, CS for SB 764, SB 2236, SB 2100, CS for SB 822, SB 1014, CS for SB 1326, CS for SB 3018, SB 2078, SB 1774, CS for SB 1582, CS for SB 1352, SB 566, SB 348, CS for SB 1062, CS for SB 1436, CS for SB 1536, CS for SB 1588, CS for SB 1594, CS for SB 1808, SB 1656, CS for SB 1604, CS for SB 2506, SB 1556, CS for SB 1812, SB 1010, SB 1420, CS for SB 798, SB 1310, SB 2186, SB 2434, HB 271

Respectfully submitted,
Toni Jennings, Chairman

The Committee on Rules and Calendar recommends the following pass: CS for CS for HB's 461 and 1885, CS for HB's 1191 and 1819, CS for HB 687, CS for HB 2533

The bills were placed on the calendar.

REPORT OF SELECT SUBCOMMITTEE

The Select Subcommittee on Claim Bills recommends favorably to the full committee the following: Senate Bills 352, 660, 1056

Peter M. Weinstein, Chairman
Select Subcommittee on Claim Bills
Committee on Judiciary

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Myers—

SB 3064—A bill to be entitled An act relating to the Port of Palm Beach District, Palm Beach County; amending chapter 74-570, Laws of Florida, to delete the provision that the purpose of the Port of Palm Beach District is proprietary in nature rather than governmental; designating the Port of Palm Beach District as a political subdivision of the State of Florida; providing that the property of the Port of Palm Beach District leased to tenants is exempt from taxation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 3066 was introduced out of order and adopted May 1.

SR 3068 was introduced out of order and adopted May 1.

SR 3070 was introduced out of order and adopted May 1.

By Senator Meadows—

SB 3072—A bill to be entitled An act relating to Broward County; amending ch. 65-1541, Laws of Florida, as amended; delaying the expiration of ch. 69-1056, Laws of Florida, relating to the Downtown Development Authority of the City of Fort Lauderdale; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed HB 603, HB 703, HB 1235, HB 1291, HB 1303, HB 1367, HB 1551, HB 1607, HB 1815, CS for HB 1943, HB 2383, HB 2593; has passed as amended HB 441, HB 653, HB 655, CS for HB 807, CS for HB 863, HB 1181, HB 1231, HB 1791, HB 1945, HB 1951, HB 1955, HB 2021, HB 2165, HB 2179, HB 2393, HB 2591 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Morroni—

HB 603—A bill to be entitled An act relating to the Pinellas County Unified Personnel System Board, Pinellas County; amending chapter 77-642, Laws of Florida; adding the tax collector to the group of appointing authorities to whom the act applies; adding the Tax Collector to the group of constitutional officers who, as a body, appoint two members to the Personnel Board; adding the Tax Collector to the group of appointing authorities who determine the rate of compensation for Personnel Board members; adding the Tax Collector to the group of appointing authorities who establish a screening process for applicants for the position of Director of Personnel; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Klein—

HB 703—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County, relating to the West Palm Beach Police Pension and Relief Fund; amending chapter 24981, Laws of Florida, 1947, as amended; providing for certain required distributions; providing for rollover distributions; repealing all laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Couch and others—

HB 1235—A bill to be entitled An act relating to Orange County; relating to the Valencia Water Control District created pursuant to chapter 298, F.S.; amending chapter 80-556, Laws of Florida, as amended; redefining the boundaries of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Martinez and others—

HB 1291—A bill to be entitled An act relating to Hillsborough County Port District; consolidating, compiling, and codifying extant laws pertaining to the district; providing legislative intent; conforming terminology; restoring words deleted through apparent inadvertence in the bond issuance provision; deleting provisions that have had their effect; revising provisions pertaining to public hearings, condemnation proceedings, the power to borrow money and incur indebtedness, the power to enter into joint agreements, withdrawal of moneys from the treasury of the port authority, awarding of contracts, adoption of rates and regulations, promotion and sales, and reimbursement for travel expenses; providing for periodic consolidation, compilation, and recodification of those laws; providing severability; repealing chs. 84-447, 87-426, 91-380, 92-233, 93-312, and 94-409, Laws of Florida, relating to the Hillsborough County Port District; providing a saving clause; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Natural Resources; and Rules and Calendar.

By Representative B. Saunders—

HB 1303—A bill to be entitled An act relating to Collier County; amending chapter 78-494, Laws of Florida, relating to the Immokalee Water and Sewer District; adding “waterworks” to the definition of “water systems”; adding language authorizing the district to institute, maintain, and enforce a grease management program for the district’s commercial and industrial customers; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown—

HB 1367—A bill to be entitled An act relating to the Sarasota-Manatee Airport Authority; amending chapter 91-358, Laws of Florida; authorizing the investment of authority surplus public funds; providing for the safekeeping of authority securities; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Transportation; and Rules and Calendar.

By Representative Goode—

HB 1551—A bill to be entitled An act relating to Brevard County; clarifying application of a rate study justification requirement for certain distribution differential surcharge rates imposed by a water utility; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Ball—

HB 1607—A bill to be entitled An act relating to the North Brevard County Hospital District, amending chapter 28924, Laws of Florida, 1953, as amended; providing for the hospital board to participate in the provision of health care services and cooperation with other hospitals and health care providers to the extent permitted by the Constitution and general laws of the State of Florida; expanding the area and definition of health care facilities and services which may be maintained and provided by said district; placing restrictions on the use of funds derived from the prior or future assessment of ad valorem or other taxes on property located within said district to support such joint participation, facilities, or services if located or provided beyond the district boundaries; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Boyd—

HB 1815—A bill to be entitled An act relating to Wakulla County; amending ch. 65-905, Laws of Florida, as amended, relating to saltwater demarcation line; establishing the line at latitude thirty degrees nine minutes five seconds at Wakulla and St. Marks rivers; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Transportation and Representative Gay—

CS for HB 1943—A bill to be entitled An act relating to Charlotte County, relating to bridgeless barrier islands; allowing the use of golf carts on county roads located on such islands as designated by Charlotte County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Arnall—

HB 2383—A bill to be entitled An act relating to St. Johns County; amending chapter 71-892, Laws of Florida; exempting St. Johns County from the provisions of s. 125.35, F.S., with reference to lease rental space in buildings owned by St. Johns County, provided that such spaces are not required for county purposes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Merchant—

HB 2593—A bill to be entitled An act relating to the Construction Industry Licensing Board of Palm Beach County; amending chapter 67-1876, Laws of Florida, as amended; adding franchised cable television operators to the list of public utilities exempt from the provisions of the board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mackey—

HB 441—A bill to be entitled An act relating to Madison County; providing permanent status for certain employees of the Office of the Madison County Sheriff; specifying rights of such employees; providing procedures for appeal of disciplinary actions and complaints against employees of the office of the sheriff; providing for the appointment of boards to hear appeals and procedures with respect thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Arnall and others—

HB 653—A bill to be entitled An act relating to the City of Jacksonville Beach; amending chapter 27643, Laws of Florida, 1951, the employees' retirement system of the City of Jacksonville Beach, to make changes recommended by the board of trustees of the retirement system and the city council; providing that the trustees may vary the investment procedures outlined in ss. 175.071(1)(b) and 185.06(1)(b), F.S., by investing at cost up to 50 percent of the retirement system's assets in equities (common stocks or capital stocks); providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Klein—

HB 655—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County, relating to the West Palm Beach Firefighters' Relief and Pension Fund; amending chapter 24981, Laws of Florida, 1947, as amended; providing for lifting of some investment restrictions; providing for certain required distributions; providing for rollover distributions; repealing all laws in conflict herewith; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Criminal Justice and Representative Sublette and others—

CS for HB 807—A bill to be entitled An act relating to contraband forfeiture; amending s. 932.701, F.S.; redefining the term "contraband article" for purposes of the Florida Contraband Forfeiture Act to include certain articles in certain circumstances, whether or not used for a specific narcotics transaction; amending s. 932.702, F.S.; prohibiting the possession of any contraband article; amending s. 932.703, F.S.; providing procedures for requesting a preliminary hearing following a seizure of property; providing for a bond or other security to be posted by the claimant; requiring that the seizing agency rather than the owner, lienholder, coowner, or lessor establish knowledge of the illicit use of the seized property; providing an affirmative defense; amending s. 932.704, F.S.; providing a policy against unreasonable searches and seizures; providing for a circuit judge in the civil division to preside over forfeiture cases; providing an additional requirement for settlement agreements; providing for attorney's fees and expenses; requiring the Department of Law Enforcement to develop guidelines and training procedures; providing for the review of seizures of property by law enforcement agencies; amending s. 932.7055, F.S.; limiting the use of proceeds from the sale of

seized property by a law enforcement agency; providing for the deposit and use of proceeds received by the Department of Military Affairs from forfeited property under federal forfeiture sharing provisions; amending s. 932.706, F.S.; requiring the Criminal Justice Standards and Training Commission to provide continuing education on the seizure and forfeiture of property; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Judiciary and Representative D. Saunders and others—

CS for HB 863—A bill to be entitled An act relating to real property; creating the "Bert J. Harris, Jr., Private Property Rights Protection Act"; providing legislative intent; providing remedies for real property owners whose property has been inordinately burdened by governmental action; providing definitions; providing requirements for a property owner who seeks compensation; requiring the governmental entity to provide notice of the claim; authorizing certain settlement offers; requiring that the governmental entity and property owner file a court action if a settlement agreement contravenes the application of state law; providing for judicial review, notwithstanding the availability of administrative remedies; authorizing the property owner to file a claim of compensation upon rejection of a settlement offer; requiring the court to determine the percentage of responsibility for an inordinate burden imposed by multiple governmental entities; providing for a jury to determine the amount of compensation to the property owner; providing for costs and attorney fees; providing that the right for which compensation is paid is a transferable development right; providing exceptions; providing application of the act; creating the Florida Land Use and Environmental Dispute Resolution Act; providing definitions; providing procedures that a property owner may take when the property owner believes that a development order has inordinately burdened use of the property; providing for a special master to conduct a hearing on the request for relief; specifying parties that may participate in the proceeding; authorizing the special master to subpoena witnesses; providing notice requirements; providing for the conduct of the hearing; requiring the special master to file a recommendation; providing for a governmental entity to accept, modify, or reject the recommendation; requiring governmental entities to adopt rules; providing for construction of the act; providing application; amending s. 163.3181, F.S.; providing for mediation or other dispute resolution upon denial by a local government of an owner's request for an amendment to a comprehensive plan; amending s. 163.3184, F.S.; providing for mediation or other dispute resolution upon issuance of a notice by the state land planning agency that a comprehensive plan or plan amendment is not in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Constantine and others—

HB 1181—A bill to be entitled An act relating to Seminole County; repealing ch. 57-485, Laws of Florida, relating to appropriation of certain race track money to the Seminole County Board of Public Instruction; repealing ch. 67-2078, Laws of Florida, relating to the appropriation of certain racing commission funds to the Seminole County Port Authority; repealing ch. 70-946, Laws of Florida, which provides for the distribution of certain racing commission funds to the district school board of Seminole County and provides for direct payment of certain racing commission funds by the Comptroller to the Seminole County Port Authority; providing that funds shall be distributed in accordance with s. 550.135, F.S.; providing that the Seminole County Board of County Commissioners and the district school board shall consider entering an interlocal agreement to define the use of disbursed funds for certain infrastructure improvements; providing for disbursement of \$60,000 per year to the Seminole County Port Authority until December 31, 1996; providing for the distribution of funds to the Seminole County School District at various amounts until the end of fiscal year 1997/1998; providing for authorized use of funds; repealing ch. 57-485, Laws of Florida, ch. 67-2078, Laws of Florida, and ch. 70-946, Laws of Florida, effective immediately; repealing this act effective July 1, 1998; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Couch and others—

HB 1231—A bill to be entitled An act relating to the City of Orlando, Orange County, and the pension fund of the Orlando Police Department; amending and restating the pension fund and retirement plan created by chapter 22414, Laws of Florida, 1943, as amended; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Healey—

HB 1791—A bill to be entitled An act relating to Palm Beach County; providing for the annexation and deannexation of lands in the Northern Palm Beach County Water Control District; deleting the requirement of landowner consent prior to inclusion of herein-identified lands within a unit of development for installation of drainage improvements; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown and others—

HB 1945—A bill to be entitled An act relating to the Sarasota County Public Hospital Board; amending chapter 26468, Laws of Florida, 1949, as amended, to provide that the members of the Hospital Board shall be entitled to reimbursement for the amount of actual expenses incurred by them in the performance of their duties; providing that the board may invest funds in negotiable direct obligations of Federal Agencies or Government Sponsored Enterprises which meet certain criteria; providing that the powers of the Hospital Board as authorized may be exercised; amending chapter 83-525, Laws of Florida, to provide that the term "operations of the hospital" does not include certain shared service arrangements of Sarasota Memorial Hospital; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bainter and others—

HB 1951—A bill to be entitled An act relating to Lake County; ratifying the merging of the Northwest Lake County Hospital District and the Northeast Lake County Hospital District pursuant to chapter 189, F.S., into an independent special district to be known as the North Lake County Hospital District; creating a board of trustees of the district; providing the qualifications and duties of the members of the board; providing the method for election of the board; authorizing the board to provide funding to hospitals which provide indigent health care; requiring the board to levy a tax to fund such services; providing procedures for the tax levy; requiring an annual financial report and audit from the medical provider receiving the tax funds; authorizing the board to expend its funds for the district; requiring the board to periodically file financial statements of the district; authorizing the board to accept certain funds; repealing obsolete laws relating to the district and predecessor districts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Horan—

HB 1955—A bill to be entitled An act relating to Monroe County; amending chapter 69-1191, Laws of Florida, as amended; revising provisions relating to the Utility Board of the City of Key West; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Clemons—

HB 2021—A bill to be entitled An act relating to Bay County; amending chapter 23183, Laws of Florida, 1945, as amended; providing for the appointment of the Board of Trustees of Bay Medical Center by a local process of nomination and confirmation; providing for the powers and purposes of the Board of Trustees of Bay Medical Center; establishing procedures for the conduct of business by the Board of Trustees of Bay Medical Center; providing for liberal construction and severability; providing that this act shall not be construed against the existing powers of said Board; authorizing the disposition of certain assets under certain circumstances; providing a procedure to dissolve the said Board of Trustees; providing for this act to supersede special acts in conflict herewith to the extent of such conflict; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Posey—

HB 2165—A bill to be entitled An act relating to Brevard County; authorizing the appointment of special police officers by the Brevard County School Board for the protection and safety of school personnel, property, and students within the school district; authorizing such officers to make arrests anywhere in the school district for violations of law occurring on the property of the school board; providing for powers, duties, qualifications, bonding, and compensation of such special police officers; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Gay—

HB 2179—A bill to be entitled An act relating to Lee County; reenacting and amending ch. 74-522, Laws of Florida, as amended; limiting circumstances under which the sheriff may suspend or dismiss an employee; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Davis and others—

HB 2393—A bill to be entitled An act relating to the Tampa Sports Authority; amending s. 2, ch. 82-306, Laws of Florida; providing duty of the authority with respect to promoting sports and recreation facilities; amending s. 4, ch. 82-306, Laws of Florida; redefining the term "cost," for purposes of ch. 82-306, Laws of Florida, to include promotional costs; amending s. 5, ch. 82-306, Laws of Florida; prescribing powers of the authority with respect to promoting its facilities and licensing property for the construction of facilities; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Ways and Means; and Rules and Calendar.

By Representative Arnall—

HB 2591—A bill to be entitled An act relating to the Ponte Vedra Beach Zoning District in St. Johns County; providing for merging of the Ponte Vedra Zoning Board and the Ponte Vedra Board of Adjustment into the Ponte Vedra Zoning and Adjustment Board appointed by the St. Johns County Board of County Commissioners from residents and electors of the Ponte Vedra Beach Zoning District; providing for reduction of membership from ten to seven members; providing for the powers, functions, and duties of the Ponte Vedra Zoning and Adjustment Board; providing that the Ponte Vedra Zoning and Adjustment Board shall have the authority to make recommendations on development actions to the Board of County Commissioners in place of the local planning agency established pursuant to chapter 163, F.S.; providing a location for hearings of the Ponte Vedra Zoning and Adjustment Board; providing for

staff support and funding of the Ponte Vedra Zoning and Adjustment Board; providing for meetings by the Ponte Vedra Zoning and Adjustment Board; repealing sections 6 and 7 of chapter 65-2171, and chapter 72-677, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 106, CS for SB 182, SB 548, SB 554, SB 572, CS for SB 872, SB 948 and SB 970.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ROLL CALLS ON SENATE BILLS

SB 280

Yeas—39

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

Nays—None

SB 348

Yeas—39

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
Diaz-Balart	Horne	Myers	

Nays—None

SB 566

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

CS for SB 764

Yeas—37

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

Nays—None

CS for SB 1436—Amendment 14

Yeas—20

Beard	Forman	Kirkpatrick	Silver
Brown-Waite	Holzendorf	Kurth	Thomas
Dantzler	Jenne	Latvala	Turner
Dudley	Johnson	Meadows	Weinstein
Dyer	Jones	Rossin	Wexler

Nays—16

Mr. President	Crist	Hargrett	Myers
Bankhead	Grant	Harris	Ostalkiewicz
Bronson	Gutman	Jennings	Sullivan
Childers	Harden	McKay	Williams

CS for SB 1436

Yeas—32

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

Nays—8

Forman	Johnson	Rossin	Weinstein
Jenne	Kurth	Silver	Wexler

CS for SB 1536

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

CS for SB 1582

Yeas—40

Mr. President	Brown-Waite	Crist	Dyer
Bankhead	Burt	Dantzler	Forman
Beard	Casas	Diaz-Balart	Grant
Bronson	Childers	Dudley	Gutman

Harden	Jennings	McKay	Sullivan
Hargrett	Johnson	Meadows	Thomas
Harris	Jones	Myers	Turner
Holzendorf	Kirkpatrick	Ostalkiewicz	Weinstein
Horne	Kurth	Rossin	Wexler
Jenne	Latvala	Silver	Williams

Yea—Jennings

CS for SB 2858

Nays—None

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

CS for SB 1594

Yeas—27

Beard	Forman	Jennings	Rossin
Brown-Waite	Grant	Johnson	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harris	Kurth	Weinstein
Diaz-Balart	Holzendorf	Latvala	Wexler
Dudley	Horne	Meadows	Williams
Dyer	Jenne	Myers	

Nays—12

Mr. President	Childers	Harden	McKay
Bankhead	Crist	Hargrett	Ostalkiewicz
Bronson	Dantzler	Jones	Silver

ROLL CALLS ON HOUSE BILLS

CS for HB 73

Yeas—38

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

Nays—None

SB 1774

Yeas—39

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	Wexler
Crist	Harris	McKay	Williams
Dantzler	Holzendorf	Meadows	

Nays—None

CS for HB 371

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 2078

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

CS for HB 567

Yeas—36

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

Nays—None

SB 2236

Yeas—38

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

Nays—None

Vote after roll call:

Vote after roll call:

Yea—Jennings

CS for HB 807

Yeas—39

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
Diaz-Balart	Horne	Myers	

Nays—None

CS for HB 863

Yeas—38

Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	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	
Diaz-Balart	Jenne	Ostalkiewicz	

Nays—1

Forman

CS for HB 1591

Yeas—39

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
Diaz-Balart	Horne	Myers	

Nays—None

CS for HB 1669

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Jennings

CS for HB 1987

Yeas—38

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	Turner
Casas	Harden	Kurth	Wexler
Childers	Hargrett	Latvala	Williams
Crist	Harris	McKay	
Dantzler	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Weinstein

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 2 was corrected and approved.

RECESS

On motion by Senator Jennings, the Senate recessed at 5:19 p.m. to reconvene at 10:00 a.m., Thursday, May 4.