



Journal of the Senate

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Thursday, March 21, 1996

CALL TO ORDER

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

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

PRAYER

The following prayer was offered by the Rev. Michael Mitchell, Pastor, St. Stephen AME Church, Jacksonville:

Let us pray

O most wise and eternal God, the maker and creator of this universe, the sustainer of all of us, we praise you today for your many acts of kindness, for your wonderful work in the lives of thy people. We pause today to thank you for who you are, thanking you for your grace and for your mercy. We thank you because you are the author, you are the finisher of our faith

For all the blessings of life, dear God, we give thee thanks and we come right now confessing that thou art God and that we need you in everything that we do. Therefore, dear God, I lift up the Senate to you today.

You know the issues, you know the concerns of our state, of our communities, and I pray now, dear God, that as your people deliberate here today that you would direct minds and hearts; that you would move self out of the way that whatever is best for your people will be done. Bless us now, Lord. Help us to make the right decisions. Help us to be what you want us to be. Bless us and keep us in thy care. In thy wonderful name, we pray Amen

PLEDGE

Senate Pages, Kelly Knock of Pensacola and Brian Page of Keystone Heights, led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF RESOLUTIONS

On motion by Senator Weinstein, by two-thirds vote **SR 998** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Weinstein—

SR 998—A resolution remembering Prime Minister Yitzhak Rabin for his invaluable contributions to the people of Israel and to the world as a warrior turned peacemaker.

WHEREAS, Yitzhak Rabin was born on March 1, 1922, in Jerusalem, and

WHEREAS, during World War II, he joined the Haganah, the Jewish underground army, became a member of its elite strike force, the Palmach, and at the age of 26 led the Harel Brigades that defended Jerusalem against Arab troops, and

WHEREAS, he served as the Israeli Army Chief of Staff, Ambassador to the United States, a member of Parliament, a defense minister, and twice Prime Minister of Israel, and

WHEREAS, as Prime Minister of Israel, Yitzhak Rabin worked tirelessly to bring peace to the Middle East, bargaining with Arab leaders with whom past Israeli heads-of-state had not been able to work, and

WHEREAS, through his leadership, he was able to bring changes in Israeli-Palestinian relations and serve as an example for other world leaders, and

WHEREAS, Yitzhak Rabin distinguished himself as a compassionate, articulate, generous, and tireless leader who made countless contributions to making life better for others, and

WHEREAS, the 1994 Nobel Peace Prize was presented to him, Israeli Foreign Minister Shimon Peres, and PLO Chairman Yasser Arafat for their accomplishments in the pursuit of peace, and

WHEREAS, Yitzhak Rabin recently gave his life in the pursuit of his dream of peace in the Middle East, and

WHEREAS, it is appropriate to recognize Prime Minister Yitzhak Rabin for his invaluable contributions to the people of Israel and to the world as a warrior turned peacemaker, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida

That the Florida Senate hereby recognizes and remembers Israeli Prime Minister Yitzhak Rabin for his outstanding work and dedication to public service on behalf of the citizens of the nation of Israel and the people of the world

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Israeli Embassy as a tangible token of the sentiments of the Florida Senate

—was taken up out of order and read the second time in full. On motion by Senator Weinstein, **SR 998** was adopted

On motion by Senator Childers, by two-thirds vote **SM 136** was withdrawn from the Committee on Rules and Calendar

On motion by Senator Childers—

SM 136—A memorial urging full concurrent receipt of military longevity retired pay and service-connected disability compensation benefits

WHEREAS, the recent conflict in the Persian Gulf has highlighted once again the contribution of this nation's soldiers and returned veterans, and

WHEREAS, integral to the success of our military forces are those servicemen and servicewomen who have made a career of defending their country in peacetime, they may be called away to places remote from their families and loved ones; in war, they face the prospect of death or of serious disabling wounds, and

WHEREAS, legislation has been introduced in the United States Congress to remedy an inequity applicable to military careerists, and

WHEREAS, military retirees who have served at least 20 years accrue retirement pay based on longevity and disabled veterans receive compensation proportionate to the severity of their injuries, and

WHEREAS, the inequity concerns those veterans who are both retired and disabled; under an antiquated law that dates to the nineteenth century, they are denied concurrent receipt of full retirement pay and disability compensation benefits; rather, they may receive one or the other or must waive an amount of retirement pay equal to the amount of disability compensation benefits, and

WHEREAS, this deduction unfairly denies disabled military retirees the longevity pay they have earned by their years of devoted patriotism and it effectively requires them to pay for their own disability compensation benefits, and

WHEREAS, no such deduction applies to the federal civil service; a disabled veteran who has held a nonmilitary federal job for the requisite duration receives full longevity retirement pay undiminished by the subtraction of disability compensation benefits, and

WHEREAS, a statutory change is necessary to correct the injustice, as America's occasional commitment to war in pursuit of national and international goals must be matched by an allegiance to those who sacrifice in behalf of those goals, NOW, THEREFORE,

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

That the Congress of the United States is urged to amend the United States Code to permit full concurrent receipt of military longevity retired pay and service-connected disability compensation benefits

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the Speaker of the United States House of Representatives and the President of the United States Senate, and to each member of the Florida delegation to the United States Congress

—was taken up out of order and read the second time in full On motions by Senator Childers, **SM 136** was adopted and immediately certified to the House.

On motion by Senator Bankhead—

By Senator Bankhead—

SR 2856—A resolution recognizing March 21, 1996, as International Day in Florida.

WHEREAS, Florida is strategically located to provide a ready gateway to the Americas and the world, a location that fosters expeditious international economic development, and

WHEREAS, Florida's economy stands as the 15th-largest economy in the world, generating over \$52 billion in international trade annually, and

WHEREAS, international relations, trade, investment, and education are essential to continued economic growth and cultural development in the state, and

WHEREAS, the Florida International Affairs Commission, a public-private partnership, serves as the primary entity responsible for the oversight and coordination of policies and activities relating to international affairs for the state, and

WHEREAS, the Florida International Trade and Investment Council, a subsidiary public-private partnership council of the commission, advises and assists the commission, state agencies, and private international businesses on international products, resources, business promotion, and international promotion grants, and

WHEREAS, the Florida Council on International Education, a subsidiary public-private council of the commission, is responsible for planning, coordinating, and assisting educational institutions in the role and scope of international education, and

WHEREAS, the Florida International Banking and Finance Council, a subsidiary public-private partnership council of the commission, is responsible for analyzing and assessing the needs of the international banking community, and

WHEREAS, the Florida International Affairs Commission, in conjunction with its subsidiary councils and other organizations with an international focus, has organized a program to highlight the importance of international activities to the state and to stimulate a dialogue between the business and education communities, state agencies, and state officials and members of the Legislature, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida

That March 21, 1996, is recognized as International Day in Florida.

BE IT FURTHER RESOLVED that the international leaders of this state are encouraged to pursue opportunities for expanded international commerce, education, and mutual understanding for the benefit of residents of this state.

—was introduced out of order and read by title On motion by Senator Bankhead, **SR 2856** was read the second time in full and adopted.

On motion by Senator Bankhead—

By Senator Bankhead—

SR 2882—A resolution recognizing the week of March 17th through March 23rd, 1996, as Poison Prevention Week.

WHEREAS, all residents of this state should be made aware of the ever present dangers posed by potentially poisonous household substances, and

WHEREAS, our youngsters too often have access to commonly used drugs and medicines and to potentially toxic household products, such as polishes, cleaners, lighter fluids, antifreeze, and paint solvents, and

WHEREAS, many state and voluntary organizations have been instrumental in alerting the public to the need for poison prevention, including the proper use of child-protective packaging, and

WHEREAS, the latest nationally released figures show continued declines in the accidental ingestion by children of household products, but our efforts must continue until no child is accidentally poisoned, NOW, THEREFORE,

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

That the Florida Senate recognizes the week of March 17th through March 23rd, 1996, as Poison Prevention Week

BE IT FURTHER RESOLVED that the Florida Senate applauds the efforts of the state and volunteer organizations that inform and educate people concerning the prevention of poisoning, and that this legislative body encourages those organizations to continue their efforts until every child is safe from the danger of accidental poisoning.

—was introduced out of order and read by title. On motion by Senator Bankhead, **SR 2882** was read the second time in full and adopted

On motion by Senator Grant, by two-thirds vote **SR 704** was withdrawn from the Committee on Rules and Calendar

On motion by Senator Grant—

SR 704—A resolution sending greetings and felicitations to the City of Jerusalem on the Three-Thousand-Year anniversary of its establishment as David's Capital.

WHEREAS, some 3,000 years ago King David established the City of Jerusalem as the capital of his kingdom, and

WHEREAS, over the course of many centuries the prophets of Israel, such as Jeremiah and Isaiah, prophesied within her gates, bringing to the world a universal message of justice, righteousness, and salvation, and

WHEREAS, the Holy Temple stood on Mount Moriah, uniting Jews the world over in the service of God, and

WHEREAS, from Jerusalem sprang forth Christianity, bringing monotheistic faith to the four corners of the globe, and

WHEREAS, the Jewish people have, since the destruction of Jerusalem in 70 C E , never ceased to pray for its rebuilding and restoration, and

WHEREAS, with the rebirth of the State of Israel, Jerusalem again, after 2,000 years, became the capital of an independent Jewish state, and

WHEREAS, in June of 1967 Jerusalem was reunited, and

WHEREAS, in Jerusalem sit Israel's Parliament, the Knesset, and the Supreme Court, symbols of a vibrant democracy committed to free debate and justice for all, and

WHEREAS, Jerusalem has flourished since 1967 as a center of culture, learning, and healing, and

WHEREAS, within the precincts of Jerusalem the sound of the Shofar, the peeling of Church Bells, and the call to prayer of the Muezzin are all heard clearly, heralding not only the rich spiritual heritage of the city but also the ongoing religious life of the Jewish, Christian, and Moslem communities who freely practice their faiths there, and

WHEREAS, hundreds of thousands of pilgrims of all faiths, year after year, travel to Jerusalem to worship their God at the Western Wall, the Church of the Holy Sepulchre, and the Al-Aksa Mosque, and to walk in the footsteps of their revered prophets and teachers, and

WHEREAS, we join with the Psalmist who urged all to "Pray for the peace of Jerusalem" (Psalm 122 6) and with the prophets who foresaw that " . . . out of Zion shall go forth instruction, and the word of the Lord from Jerusalem . . . and they shall beat their swords into plowshares and their spears into pruning hooks. Nation shall not take up sword against nation, neither shall they learn war anymore " (Isaiah 2.3 and Micah 4 2-3), NOW, THEREFORE,

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

That the City of Jerusalem and all its people are sent warm greetings and heartfelt felicitations on this the Three-Thousand-Year Anniversary of the establishment of Jerusalem as David's Capital.

—was taken up out of order and read the second time in full On motion by Senator Grant, **SR 704** was adopted

On motion by Senator Grant, by unanimous consent—

By Senator Grant—

SCR 2936—A concurrent resolution calling for a joint session of the Legislature to receive messages from diplomatic representatives of the State of Israel

WHEREAS, in this year, we recognize the Three-Thousand-Year Anniversary of the City of Jerusalem, NOW, THEREFORE,

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

That the Senate and the House of Representatives convene in joint session in the House of Representatives Chambers at 11 00 A M , Tuesday, March 26, 1996, to receive a message from the State of Israel through its Ambassador and its Consul General for Miami and Puerto Rico.

—was introduced out of order and read by title. On motions by Senator Grant, by two-thirds vote **SCR 2936** was read the second time in full, adopted and immediately certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Williams, by two-thirds vote **SB 2838** was withdrawn prior to introduction

On motion by Senator Dyer, by two-thirds vote **SB 2268** was withdrawn from the committees of reference and further consideration

On motion by Senator Diaz-Balart, by two-thirds vote **SB 52, SJR 58, SB 60, SB 100, SB 116, CS for SB 180, CS for SB 200, CS for SB 242, CS for SB 288, SB 356, CS for SB's 358 and 388, SB 472, SB 702 and SB 996** were withdrawn from the Committee on Ways and Means

On motion by Senator Casas, by two-thirds vote **SB 2568** was withdrawn from the committees of reference and further consideration; and **SB 2762** was withdrawn prior to introduction

On motion by Senator Ostalkiewicz, by two-thirds vote **SB 320 and SB 362** were withdrawn from the committees of reference and further consideration

On motion by Senator Jennings, by two-thirds vote **SB 250** was withdrawn from the Committee on Rules and Calendar, and **SB 304** was withdrawn from the Committee on Health and Rehabilitative Services

On motion by Senator Holzendorf, by two-thirds vote **SB 1286** was withdrawn from the committees of reference and further consideration

On motion by Senator Kurth, by two-thirds vote **SB 268 and SB 620** were withdrawn from the committees of reference and further consideration.

On motion by Senator Silver, by two-thirds vote **SB 1926** was withdrawn from the committees of reference and further consideration; and **SB 2906** was withdrawn prior to introduction

On motion by Senator Jennings, by two-thirds vote **SB 2336** was withdrawn from the Committees on Health and Rehabilitative Services; and Judiciary; and referred to the Committees on Community Affairs and Judiciary

SPECIAL ORDER CALENDAR

SB 2206—A bill to be entitled An act relating to the code of ethics; amending s. 112 312, F.S.; redefining the term "gift"; providing an effective date

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **SB 2206** was read the third time by title, passed and certified to the House. The vote on passage was.

Yeas—39 Nays—1

CS for SB 2—A bill to be entitled An act relating to criminal appeals and collateral review of criminal proceedings; creating the "Criminal Appeal Reform Act of 1996"; directing the retitling of 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 error, limiting appeals after a legal sentence; requiring a demonstration of the right to appeal under ss 924 06 or 924 07, F S ; prohibiting collateral relief on grounds that were or could have been raised at trial and, if properly preserved, on direct appeal, placing a time limitation on filing for collateral relief, with exceptions, placing the burden of demonstrating prejudicial error on the party challenging a ruling of a trial court; prohibiting the use of public funds, resources, or employees in appellate or collateral proceedings unless it 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 the 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 the state's appeal of sentences to sentences below statutory minimum; amending s. 924.37, F S ; removing a provision requiring an appellate court to decide issues appealed by the state; providing an effective date

—was read the second time by title

Senator Dyer moved the following amendments which were adopted:

Amendment 1—On page 6, line 6, after the comma (,) insert: *or, if not properly preserved, would constitute fundamental error,*

Amendment 2—On page 3, line 16, after the word "court" insert. *or, if not properly preserved, would constitute fundamental error*

Amendment 3—On page 4, lines 18-21, delete the words "A sentence that departs from the guidelines is not illegal if it is otherwise within the statutory maximum and minimum limits for the criminal offense at issue"

Amendment 4 (with title amendment)—On page 5, lines 20-24, delete those lines and insert:

(d) 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

And the title is amended as follows:

On page 1, line 30, delete the word "outside" and insert: *permitted by the*

Amendment 5 (with title amendment)—On page 7, lines 10 and 11, delete all those lines and insert:

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

And the title is amended as follows:

On page 2, lines 5-7, delete all of those lines and insert *noncapital collateral proceedings;*

Amendment 6 (with title amendment)—On page 7, lines 18-24, delete those lines and insert

(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

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

And the title is amended as follows:

On page 2, line 7, delete that line and insert: *sentences to sentences imposed outside of the guidelines in chapter 921;*

On motion by Senator Dyer, by two-thirds vote **CS for SB 2** 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—1

CS for SB 4—A bill to be entitled An act relating to sentencing; amending s. 775.084, F.S.; clarifying procedures for sentencing a defendant as a habitual felony offender, a habitual violent felony offender, or a violent career criminal; clarifying when a habitual felony offender, a habitual violent felony offender, or a violent career criminal is subject to imprisonment; providing that a defendant sentenced as a violent career criminal is ineligible for any form of discretionary release, except pardon, executive clemency, or conditional medical release; amending s. 775.0842, F.S., correcting a grammatical error; amending s. 921.0011, F.S., clarifying the definition of the term "victim injury" for purposes of sentencing; amending ss. 921.0012, 921.0013, F.S., clarifying the purpose of numerical statutory references, felony degree designations, and descriptive language in the offense severity ranking chart; correcting statutory references; amending s. 921.0014, F.S.; clarifying requirements for assessing points under the sentencing guidelines for a violation of community sanctions, a prior serious felony, or a prior capital felony, amending s. 893.135, F.S.; providing eligibility for pardon or executive clemency for a defendant convicted of certain drug-trafficking offenses; revising the elements of the offense of trafficking in cocaine or

illegal drugs to delete the necessity of a determination that the defendant had a highly culpable mental state in committing the offense, providing that minimum mandatory sentences may be imposed consecutively for drug-trafficking offenses that arise from separate incidents, regardless of the recommendations of the sentencing guidelines; amending s. 775.087, F.S.; providing that a defendant convicted of a felony that involved the use of a weapon or firearm is ineligible for parole or gain-time prior to serving the minimum sentence; amending s. 775.0875, F.S.; correcting a cross-reference; amending s. 874.04, F.S.; providing for ranking reclassified felony offenses for purposes of sentencing, amending s. 921.187, F.S.; correcting grammar; amending s. 944.275, F.S.; clarifying provisions under which an inmate may be granted gain-time; providing effective dates

—was read the second time by title.

Senator Burt moved the following amendment:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert

Section 1 Subsections (2), (3), and (4) of section 775.084, Florida Statutes, are amended, and subsection (6) of said section is reenacted, to read:

775.084 Violent career criminals, habitual felony offenders and habitual violent felony offenders; definitions; procedure, enhanced penalties.—

(2) For the purposes of this section, the placing of a person on probation without an adjudication of guilt shall be treated as a prior conviction if the subsequent offense for which *the person* he is to be sentenced was committed during such probationary period

(3)(a) In a separate proceeding, the court shall determine if the defendant is a habitual felony offender or a habitual violent felony offender. The procedure shall be as follows

1. The court shall obtain and consider a presentence investigation prior to the imposition of a sentence as a habitual felony offender or a habitual violent felony offender

2. Written notice shall be served on the defendant and the defendant's attorney a sufficient time prior to the entry of a plea or prior to the imposition of sentence in order to allow the preparation of a submission on behalf of the defendant

3. Except as provided in subparagraph 1., all evidence presented shall be presented in open court with full rights of confrontation, cross-examination, and representation by counsel.

4. Each of the findings required as the basis for such sentence shall be found to exist by a preponderance of the evidence and shall be appealable to the extent normally applicable to similar findings

5. For the purpose of identification of a habitual felony offender or a habitual violent felony offender, the court shall fingerprint the defendant pursuant to s. 921.241

6. For an offense committed on or after October 1, 1995, if the state attorney pursues a habitual felony offender sanction or a habitual violent felony offender sanction against the defendant and the court, in a separate proceeding pursuant to this paragraph, determines that the defendant meets the criteria under subsection (1) for imposing such sanction, the court must sentence ~~the~~ a defendant as ~~who meets the criteria for~~ a habitual felony offender or a habitual violent felony offender, subject to imprisonment pursuant to ~~this section paragraph (4)(a) or paragraph (4)(b)~~ unless the court finds that such sentence is not necessary for the protection of the public. If the court finds that it is not necessary for the protection of the public to sentence ~~the~~ a defendant ~~who meets the criteria for sentencing~~ as a habitual felony offender or a habitual violent felony offender to imprisonment pursuant to ~~paragraph (4)(a) or paragraph (4)(b)~~, the court shall provide written reasons; a written transcript of orally stated reasons is permissible, if filed by the court within 7 days after the date of sentencing. ~~Each month~~, the court shall submit ~~monthly reports to the Sentencing Commission regarding habitual felony offender or habitual violent felony offender sentencing under this section, and the reports shall include~~ the written reasons or transcripts in each case in which the court determines not to impose a habitual felony

offender sanction or a habitual violent felony offender sanction such sentence

(b) In a separate proceeding, the court shall determine whether if the defendant is a violent career criminal, with respect to a primary offense committed on or after October 1, 1995. The procedure shall be as follows:

1. Written notice shall be served on the defendant and the defendant's attorney a sufficient time prior to the entry of a plea or prior to the imposition of sentence in order to allow the preparation of a submission on behalf of the defendant.

2 All evidence presented shall be presented in open court with full rights of confrontation, cross-examination, and representation by counsel.

3 Each of the findings required as the basis for such sentence shall be found to exist by a preponderance of the evidence and shall be appealable only as provided in paragraph (c).

4. For the purpose of identification, the court shall fingerprint the defendant pursuant to s 921 241

5. For an offense committed on or after October 1, 1995, if the state attorney pursues a violent career criminal sanction against the defendant and the court, in a separate proceeding pursuant to this paragraph, determines that the defendant meets the criteria under subsection (1) for imposing such sanction, the court must sentence the a defendant as who meets the criteria for a violent career criminal, subject to imprisonment pursuant to this section paragraph (4)(e) unless the court finds that such sentence is not necessary for the protection of the public. If the court finds that it is not necessary for the protection of the public to sentence the a defendant who meets the criteria for sentencing as a violent career criminal to imprisonment pursuant to paragraph (4)(e), the court shall provide written reasons; a written transcript of orally stated reasons is permissible, if filed by the court within 7 days after the date of sentencing. Each month, the court shall submit monthly reports to the Sentencing Commission regarding violent career criminal sentencing under this section, and the reports shall include the written reasons or transcripts in each case in which the court determines not to impose a violent career criminal sanction such sentence

(c)1. A person sentenced under paragraph (4)(c) as a violent career criminal has the right of direct appeal, and either the state or the defendant may petition the trial court to vacate an illegal sentence at any time. However, the determination of the trial court to impose or not to impose a violent career criminal sentence is presumed appropriate and no petition or motion for collateral or other postconviction relief may be considered based on an allegation either by the state or the defendant that such sentence is inappropriate, inadequate, or excessive

2 It is the intent of the Legislature that, with respect to both direct appeal and collateral review of violent career criminal sentences, all claims of error or illegality be raised at the first opportunity and that no claim should be filed more than 2 years after the judgment and sentence became final, unless it is established that the basis for the claim could not have been ascertained at the time by the exercise of due diligence. Technical violations and mistakes at trials and sentencing proceedings involving violent career criminals that do not affect due process or fundamental fairness are not appealable by either the state or the defendant

3 It is the intent of the Legislature that no funds, resources, or employees of the state or its political subdivisions be used, directly or indirectly, in appellate or collateral proceedings based on violent career criminal sentencing, except when such use is constitutionally or statutorily mandated

(4)(a) The court, in conformity with the procedure established in paragraph (3)(a), may shall sentence the habitual felony offender as follows.

1. In the case of a life felony or a felony of the first degree, for life.

2 In the case of a felony of the second degree, for a term of years not exceeding 30.

3. In the case of a felony of the third degree, for a term of years not exceeding 10

(b) The court, in conformity with the procedure established in paragraph (3)(a), may sentence the habitual violent felony offender as follows

1. In the case of a life felony or a felony of the first degree, for life, and such offender shall not be eligible for release for 15 years

2 In the case of a felony of the second degree, for a term of years not exceeding 30, and such offender shall not be eligible for release for 10 years.

3. In the case of a felony of the third degree, for a term of years not exceeding 10, and such offender shall not be eligible for release for 5 years

(c) The court, in conformity with the procedure established in paragraph (3)(b), shall sentence the violent career criminal as follows:

1. In the case of a life felony or a felony of the first degree, for life.

2. In the case of a felony of the second degree, for a term of years not exceeding 40, with a mandatory minimum term of 30 years' imprisonment.

3. In the case of a felony of the third degree, for a term of years not exceeding 15, with a mandatory minimum term of 10 years' imprisonment.

~~An offender sentenced under this paragraph is not eligible for any form of discretionary early release except conditional medical release under s. 947-149.~~

(d) If the court finds, pursuant to paragraph subparagraph (3)(a)6- or paragraph subparagraph (3)(b)5., that it is not necessary for the protection of the public to sentence a defendant who meets the criteria for sentencing as a habitual felony offender, a habitual violent felony offender, or a violent career criminal, with respect to an offense committed on or after October 1, 1995, sentence shall be imposed without regard to this section.

(e) At any time when it appears to the court that the defendant is eligible for sentencing under this section, the court shall make that determination as provided in paragraph (3)(a) or paragraph (3)(b)

(f) A sentence imposed under this section shall not be increased after such imposition

(g) A sentence imposed under this section is not subject to s 921 001

(h) The provisions of this section do not apply to capital felonies, and a sentence authorized under this section does not preclude the imposition of the death penalty for a capital felony.

(i) The provisions of s 947 1405 shall apply to persons sentenced as habitual felony offenders and persons sentenced as habitual violent felony offenders

(j)1 A defendant sentenced under this section as a habitual felony offender, or a habitual violent felony offender, or a violent career criminal is not eligible for gain-time granted by the Department of Corrections, except that the department may grant up to 25 days of incentive gain-time each month as provided in s 944.275(4)

2 For an offense committed on or after October 1, 1995, a defendant sentenced under this section as a violent career criminal is not eligible for any form of gain-time granted by the Department of Corrections, except the department may grant up to 5 days of incentive gain-time each month as provided in s 944-275(4)(b)3. An inmate is not eligible to earn any type of gain-time that would cause the inmate's sentence to expire, end, or terminate, or that would result in the inmate's release, prior to serving a minimum of 85 percent of the court imposed sentence. The department shall not grant further gain-time awards to an inmate whose tentative release date is the same as the date at which the inmate will have served 85 percent of the court imposed sentence- discretionary early release, other than pardon or executive clemency, or conditional medical release granted pursuant to s 947.149, is expressly prohibited.

(6) The purpose of this section is to provide uniform punishment for those crimes made punishable under this section, and to this end, a

reference to this section constitutes a general reference under the doctrine of incorporation by reference

Section 2. Section 775 0842, Florida Statutes, is amended to read:

775 0842 Persons subject to career criminal prosecution efforts.—A person who is under arrest for the commission, attempted commission, or conspiracy to commit any felony in this state shall be the subject of career criminal prosecution efforts provided that such person qualifies as a habitual felony offender, or a habitual violent felony offender, or a violent career criminal, under s. 775.084.

Section 3. Subsection (7) of section 921 0011, Florida Statutes, is amended to read

921 0011 Definitions.—As used in this chapter, the term.

(7) "Victim injury" means the physical injury or death suffered by a person as a direct result of the primary offense, or any offense other than the primary offense, for which an offender is convicted and which is pending before the court for sentencing at the time of the primary offense. If the conviction is for an offense involving sexual contact which includes sexual penetration, the sexual penetration must be scored in accordance with the sentence points provided under s. 921 0014 for sexual penetration, ~~as a severe injury~~ regardless of whether there is evidence of any physical injury. If the conviction is for an offense involving sexual contact which does not include sexual penetration, the sexual contact must be scored in accordance with the sentence points provided under s. 921.0014 for sexual contact, ~~as a moderate injury~~ regardless of whether there is evidence of any physical injury. If the victim of an offense involving sexual contact suffers any physical injury as a direct result of the primary offense or any other offense committed by the offender resulting in conviction, such physical injury must be scored separately and in addition to the points scored for the sexual contact or the sexual penetration.

Section 4 Subsections (1) and (2) and paragraphs (c), (f), and (g) of subsection (3) of section 921.0012, Florida Statutes, are amended to read.

921 0012 Sentencing guidelines offense levels; offense severity ranking chart.—

(1) ~~The A single~~ offense severity ranking chart must be used with the sentencing guidelines worksheet to compute a sentence score for each felony offender

(2) 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. For purposes of determining which felony offenses are specifically listed in the offense severity ranking chart and which severity level has been assigned to each of these offenses, the numerical statutory references in the left column of the chart and the felony degree designations in the middle column of the chart are controlling, the language in the right column of the chart is provided solely for descriptive purposes. Reclassification of the degree of the felony through the application of s. 775 0845, s. 775 087, s. 775 0875, s. 794.023, or s. 874.04 to any offense listed in the offense severity ranking chart in this section shall not cause the offense to become unlisted and is not subject to the provisions of s. 921 0013

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(c) LEVEL 3
39 061	3rd	Escapes from juvenile facility (secure detention or residential commitment facility).
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319 33(1)(c)	3rd	Procure or pass title on stolen vehicle
319 33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration

Florida Statute	Felony Degree	Description
328 05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels
328 07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund
501 001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/ misleading information.
697 08	3rd	Equity skimming
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle
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.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon
812.014(2)(c)2.1	3rd	Grand theft; \$5,000 or more but less than \$10,000
815 04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817 034(4)(a)3	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000
817 233	3rd	Burning to defraud insurer
828 12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
870.01(2)	3rd	Riot; inciting or encouraging.
893 13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893 03(1)(c), (2)(c), (3), or (4) drugs).
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.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
918 13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence
944 47(1)(a)1 -2	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
		(f) LEVEL 6
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
775.087(3)(a)2		Battery upon law enforcement officer or firefighter while possessing firearm.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
775 0875(1)	3rd	Taking firearm from law enforcement officer	782 072(1)	3rd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide)
784 021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill	784 045(1)(a)1	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony	784 045(1)(a)2.	2nd	Aggravated battery; using deadly weapon
784 048(3)	3rd	Aggravated stalking; credible threat	784 045(1)(b)	2nd	Aggravated battery, perpetrator aware victim pregnant.
784 07(2)(c)	2nd	Aggravated assault on law enforcement officer	784 048(4)	3rd	Aggravated stalking, violation of injunction or court order.
784 08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older	784 08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
787 02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.	784 07(2)(d)	1st	Aggravated battery on law enforcement officer
790 115(2)(d)	2nd	Discharging firearm or weapon on school property	790 07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790 07(1) or (2).
790 161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.	790 16(1)	1st	Discharge of a machine gun under specified circumstances.
790 19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.	796 03	2nd	Procuring any person under 16 years for prostitution
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.	800 04	2nd	Handle, fondle, or assault child under 16 years in lewd, lascivious, or indecent manner
794 05(1)	2nd	Unlawful carnal intercourse with unmarried person under 18 of previous chaste character.	806 01(2)	2nd	Maliciously damage structure by fire or explosive.
806 031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.	810 02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery
810 02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.	810 02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
812 014(2)(b)	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree	810 02(3)(d)(e)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery)	812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; 1st degree grand theft.
817 034(4)(a)1	1st	Communications fraud, value greater than \$50,000	812 019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
825 103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000	812 133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.	825 102(2)	3rd	Abusing or neglecting an elderly person or disabled adult.
836.05	2nd	Threats, extortion	825 103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
836 10	2nd	Written threats to kill or do bodily injury.	827 04(1)	3rd	Deprive child of necessities causing great bodily harm or disfigurement
843 12	3rd	Aids or assists person to escape.	893 13(1)(c)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 1,000 feet of a school
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury	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).
944 40	2nd	Escapes	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 100 lbs, less than 2,000 lbs.
944.46	3rd	Harboring, concealing, aiding escaped prisoners	893 135(1)(b)1 a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
944.47(1)(a)5	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility	893 135(1)(c)1.a	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
951 22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility	893 135(1)(d)1	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams
		(g) LEVEL 7	893 135(1)(e)1	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury	893 135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams
494.0018(2)	1st	Conviction of any violation of ss 494.001-494 0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims			
782 07	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter)			
782.071(1)	3rd	Killing of human being by the operation of a motor vehicle in a reckless manner (vehicular homicide)			

Section 5 Section 921 0013, Florida Statutes, is amended to read:

921.0013 Sentencing guidelines; ranking unlisted felony offenses. — A felony offense not listed in s. 921.0012 is ranked with respect to offense severity level by the Legislature, commensurate with the harm or potential harm that is caused by the offense to the community. ~~Until Prior to the time the Legislature specifically assigns ranks an offense to a severity level in the offense severity ranking chart which has not been ranked,~~ the severity level is within the following parameters:

- (1) A felony of the third degree within offense level 1.
- (2) A felony of the second degree within offense level 4.
- (3) A felony of the first degree within offense level 7
- (4) A felony of the first degree punishable by life within offense level 9.
- (5) A life felony within offense level 10.

For purposes of determining whether a felony offense has been specifically listed in the offense ranking chart provided in s. 921.0012(3), and the severity level that has been assigned to an offense listed in the chart, the numerical statutory reference in the left column of the chart, and the felony degree designation in the middle column of the chart, are controlling; the language in the right column of the chart is provided solely for descriptive purposes.

Section 6 Subsection (1) of section 921.0014, Florida Statutes, is amended to read:

921.0014 Sentencing guidelines; worksheet computations; score-sheets. —

(1)(a) The sentencing guidelines worksheet is used to compute the subtotal and total sentence points as follows:

FLORIDA SENTENCING GUIDELINES WORKSHEET

OFFENSE SCORE

Primary Offense		Total
Level	Sentence Points	
10	116	=
9	92	=
8	74	=
7	56	=
6	36	=
5	28	=
4	22	=
3	16	=
2	10	=
1	4	=

Total

Additional Offenses		Total
Level	Sentence Points	Counts
10	58	x
9	46	x
8	37	x
7	28	x
6	18	x
5	5.4	x
4	3.6	x
3	2.4	x
2	1.2	x
1	0.7	x
M	0.2	x

Total

Victim Injury		Total
Level	Sentence Points	Number
2nd degree		
murder-death	240	x
Death	120	x
Severe	40	x
Sexual		
penetration	80	x
Moderate	18	x
Sexual		
contact	40	x

Level	Sentence Points	Victim Injury Number	Total
Slight	4	x	=
Total			
Primary Offense + Additional Offenses + Victim Injury =			
TOTAL OFFENSE SCORE			
PRIOR RECORD SCORE			

Prior Record		Total
Level	Sentence Points	Number
10	29	x
9	23	x
8	19	x
7	14	x
6	9	x
5	3.6	x
4	2.4	x
3	1.6	x
2	0.8	x
1	0.5	x
M	0.2	x

Total

TOTAL OFFENSE SCORE
TOTAL PRIOR RECORD SCORE
LEGAL STATUS
COMMUNITY SANCTION VIOLATION
PRIOR SERIOUS FELONY
PRIOR CAPITAL FELONY
FIREARM OR SEMIAUTOMATIC WEAPON
SUBTOTAL

- VIOLENT CAREER CRIMINAL (no)(yes)
- VIOLENT HABITUAL OFFENDER (no)(yes)
- HABITUAL OFFENDER (no)(yes)
- DRUG TRAFFICKER (no)(yes) (x multiplier)
- LAW ENF. PROTECT (no)(yes) (x multiplier)
- MOTOR VEHICLE THEFT (no)(yes) (x multiplier)

TOTAL SENTENCE POINTS

(b) WORKSHEET KEY:

Legal status points are assessed when any form of legal status existed at the time the offender committed an offense before the court for sentencing. Four (4) sentence points are assessed for an offender's legal status.

Community sanction violation points are assessed when a community sanction violation is before the court for sentencing. Six (6) sentence points are assessed for each community sanction violation, and each successive community sanction violation, however, if the community sanction violation includes a new felony conviction before the sentencing court, twelve (12) community sanction violation points are assessed for such violation, and for each successive community sanction violation involving a new felony conviction. Multiple counts of community sanction violations before the sentencing court shall not be a basis for multiplying the assessment of community sanction violation points.

Prior serious felony points: If the offender has a primary offense or any additional offense ranked in level 8, level 9, or level 10, and one or more prior serious felonies, a single assessment of an additional 30 points shall be added assessed. For purposes of this section, a prior serious felony is an offense in the offender's prior record that is ranked in level 8, level 9, or level 10 under s. 921.0012 or s. 921.0013 and for which the offender is serving a sentence of confinement, supervision, or other sanction or for which the offender's date of release from confinement, supervision, or other sanction, whichever is later, is ~~has been found guilty, which was committed~~ within 3 years before the date the primary offense or any additional offense was committed, and which is ranked in level 8, level 9, or level 10 under s. 921.0012 or s. 921.0013, or would be ranked in level 8, level 9, or level 10 under s. 921.0012 or s. 921.0013, if the offense were committed in this state.

Prior capital felony points: If the offender has one or more prior capital felonies, points shall be added to the subtotal sentence points of the

offender equal to twice the number of points the offender receives for the primary offense and any additional offense. A prior capital felony is a *capital felony* an offense for which the offender has been found guilty; or a felony in another jurisdiction which is a capital felony in that jurisdiction, or would be a capital felony if the offense were committed in this state.

Possession of a firearm, semiautomatic firearm, or machine gun. If the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(2) while having in his possession a firearm as defined in s. 790.001(6), an additional 18 sentence points are assessed; or if the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(3) while having in his possession a semiautomatic firearm as defined in s. 775.087(3) or a machine gun as defined in s. 790.001(9), an additional 25 sentence points are assessed.

Sentencing multipliers

Drug trafficking: If the primary offense is drug trafficking under s. 893.135, the subtotal sentence points are multiplied, at the discretion of the court, for a level 7 or level 8 offense, by 1.5. The state attorney may move the sentencing court to reduce or suspend the sentence of a person convicted of a level 7 or level 8 offense, if the offender provides substantial assistance as described in s. 893.135(4).

Law enforcement protection: If the primary offense is a violation of the Law Enforcement Protection Act under s. 775.0823(2), the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of s. 775.0823(3), (4), (5), (6), (7), or (8), the subtotal sentence points are multiplied by 2.0. If the primary offense is a violation of s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement Protection Act under s. 775.0823(9) or (10), then the subtotal sentence points are multiplied by 1.5.

Grand theft of a motor vehicle: If the primary offense is grand theft of the third degree involving a motor vehicle and in the offender's prior record, there are three or more grand thefts of the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.

Section 7 Paragraphs (b) and (c) of subsection (1) of section 893.135, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.—

(1) Except as authorized in this chapter or in chapter 499 and notwithstanding the provisions of s. 893.13:

(b)1 Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of cocaine, as described in s. 893.03(2)(a)4., or of any mixture containing cocaine, but less than 150 kilograms of cocaine or any such mixture, commits a felony of the first degree, which felony shall be known as "trafficking in cocaine." If the quantity involved:

a. Is 28 grams or more, but less than 200 grams, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of \$50,000.

b. Is 200 grams or more, but less than 400 grams, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of \$100,000.

c. Is 400 grams or more, but less than 150 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$250,000.

2 Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 150 kilograms or more of cocaine, as described in s. 893.03(2)(a)4., commits the first degree felony of trafficking in cocaine. A person who has been convicted of the first degree felony of trafficking in cocaine under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing the commission of any act specified in this paragraph, that person:

a. ~~The person intentionally killed kills~~ an individual or counseled, commanded, induced, procured, or caused counsels, commands, induces, procures, or causes the intentional killing of an individual and such killing was the result results; or

b. ~~The person's conduct in committing is determined, with respect to the commission of that act, to have had a highly culpable mental state and, as a result of that act, the defendant's conduct led to a natural, though not inevitable, lethal result, which state may be taken into account in any capital sentencing judgment,~~

such person commits the capital felony of trafficking in cocaine, punishable as provided in ss. 775.082 and 921.142. Any Such person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1. For the purposes of this paragraph, a "highly culpable mental state" is represented by a reckless disregard for human life implicit in knowingly engaging in criminal activities known to carry a grave risk of death.

(c)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of any morphine, opium, oxycodone, hydrocodone, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b) or (2)(a), or 4 grams or more of any mixture containing any such substance, but less than 30 kilograms of such substance or mixture, commits a felony of the first degree, which felony shall be known as "trafficking in illegal drugs." If the quantity involved:

a. Is 4 grams or more, but less than 14 grams, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of \$50,000.

b. Is 14 grams or more, but less than 28 grams, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of \$100,000.

c. Is 28 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and pay a fine of \$500,000.

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 30 kilograms or more of any morphine, opium, oxycodone, hydrocodone, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b) or (2)(a), or 30 kilograms or more of any mixture containing any such substance, commits the first degree felony of trafficking in illegal drugs. A person who has been convicted of the first degree felony of trafficking in illegal drugs under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing the commission of any act specified in this paragraph, that person:

a. ~~The person intentionally killed kills~~ an individual or counseled, commanded, induced, procured, or caused counsels, commands, induces, procures, or causes the intentional killing of an individual and such killing was the result results; or

b. ~~The person's conduct in committing is determined, with respect to the commission of that act, to have had a highly culpable mental state and, as a result of that act, the defendant's conduct led to a natural, though not inevitable, lethal result, which state may be taken into account in any capital sentencing judgment,~~

such person commits the capital felony of trafficking in illegal drugs, punishable as provided in ss. 775.082 and 921.142. Any Such person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1. For the purposes of this paragraph, a "highly culpable mental state" is represented by a reckless disregard for human life implicit in knowingly engaging in criminal activities known to carry a grave risk of death.

(6) The minimum mandatory sentences specified for violations of subsection (1) may be imposed consecutively for offenses arising from separate incidents that occur at separate times and places, regardless of whether such sentences exceed the sentences recommended by the sentencing guidelines scoresheet.

Section 8. Subsections (2) and (3) of section 775.087, Florida Statutes, are amended to read:

775.087 Possession or use of weapon; aggravated battery, felony reclassification, minimum sentence.—

(2) Any person who is convicted of a felony or an attempt to commit a felony and the conviction was for:

- (a) Murder,
- (b) Sexual battery,
- (c) Robbery;
- (d) Burglary,
- (e) Arson;
- (f) Aggravated assault;
- (g) Aggravated battery,
- (h) Kidnapping;
- (i) Escape;
- (j) Aircraft piracy;
- (k) Aggravated child abuse;
- (l) Unlawful throwing, placing, or discharging of a destructive device or bomb,
- (m) Carjacking,
- (n) Home-invasion robbery; or
- (o) Aggravated stalking

and during the commission of the offense, such person possessed a "firearm," as defined in s. 791.001(6), or "destructive device," as those terms are defined in s. 790.001(4), shall be sentenced to a minimum term of imprisonment of 3 years. Notwithstanding the provisions of s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, prior to serving the minimum sentence. An offender sentenced under this subsection is not eligible for control release under s. 947.146.

(3)(a) Any person who is convicted of a felony or an attempt to commit a felony and the conviction was for:

1. Murder;
2. Sexual battery;
3. Robbery;
4. Burglary;
5. Arson;
6. Aggravated assault;
7. Aggravated battery,
8. Kidnapping,
9. Escape;
10. Sale, manufacture, delivery, or intent to sell, manufacture, or deliver any controlled substance;
11. Aircraft piracy;
12. Aggravated child abuse;
13. Unlawful throwing, placing, or discharging of a destructive device or bomb,

14. Carjacking;
15. Home-invasion robbery, or
16. Aggravated stalking

and during the commission of the offense, such person possessed a semi-automatic firearm and its high-capacity detachable box magazine or a machine gun as defined in s. 790.001 ~~s. 791.001(9)~~, shall be sentenced to a minimum term of imprisonment of 8 years. Notwithstanding the provisions of s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time under s. 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s. 947.149, prior to serving the minimum sentence. An offender sentenced under this subsection is not eligible for control release under s. 947.146.

(b) As used in this subsection, the term:

1. "High-capacity detachable box magazine" means any detachable box magazine, for use in a semiautomatic firearm, which is capable of being loaded with more than 20 centerfire cartridges

2. "Semiautomatic firearm" means a firearm which is capable of firing a series of rounds by separate successive depressions of the trigger and which uses the energy of discharge to perform a portion of the operating cycle

Section 9. Section 775.0875, Florida Statutes, is amended to read:

775.0875 Unlawful taking, possession, or use of law enforcement officer's firearm; crime reclassification; penalties —

(1) A person who, without authorization, takes a firearm from a law enforcement officer lawfully engaged in law enforcement duties commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084

(2) If a person violates subsection (1) and commits any other crime involving the firearm taken from the law enforcement officer, such crime shall be reclassified as follows:

(a)1. In the case of a felony of the first degree, to a life felony

2. In the case of a felony of the second degree, to a felony of the first degree.

3. In the case of a felony of the third degree, to a felony of the second degree.

For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense that which is reclassified under this paragraph is ranked one level above the ranking under s. 921.0012 ~~s. 92.0013~~ or s. 921.0013 of the felony offense committed.

(b) In the case of a misdemeanor, to a felony of the third degree. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, such offense is ranked in level 2 of the offense severity ranking chart.

(3) A person who possesses a firearm that which he knows was unlawfully taken from a law enforcement officer commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 10. Subsection (3) of section 784.07, Florida Statutes, is amended to read:

784.07 Assault or battery of law enforcement officers, firefighters, or other specified officers, reclassification of offenses; minimum sentences.—

(3) Any person who is convicted of a battery under paragraph (2)(b) and, during the commission of the offense, such person possessed:

(a) A "firearm," as defined in s. 791.001(6), or "destructive device," as those terms are defined in s. 790.001(4), shall be sentenced to a minimum term of imprisonment of 3 years

(b) A semiautomatic firearm and its high-capacity detachable box magazine, as defined in s 775.087(3), or a machine gun as defined in s 790.001 ~~791.001(9)~~, shall be sentenced to a minimum term of imprisonment of 8 years.

Notwithstanding the provisions of s. 948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, *and the defendant is not eligible for statutory gain-time under s 944.275 or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release under s 947.149, prior to serving the minimum sentence.* ~~An offender sentenced under this subsection is not eligible for control release under s. 947.146.~~

Section 11. Subsection (2) of section 874.04, Florida Statutes, is amended to read:

874.04 Pattern of criminal street gang activity; reclassified penalties.—The penalty for any felony or violent misdemeanor, or any delinquent act or violation of law which would be a felony or violent misdemeanor if committed by an adult, shall be reclassified if the offender was a member of a criminal street gang at the time of the commission of such offense that meets the criteria of a pattern of criminal street gang activity:

(2)(a)1 A felony of the third degree shall be punishable as if it were a felony of the second degree.

2 ~~(b)~~ A felony of the second degree shall be punishable as if it were a felony of the first degree.

3 ~~(c)~~ A felony of the first degree shall be punishable as if it were a life felony

(b) For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense that is reclassified under paragraph (a) is ranked one level above the ranking under s 921.0012 or s. 921.0013 of the felony offense committed

Section 12 Subsection (1) of section 921.187, Florida Statutes, is amended to read:

921.187 Disposition and sentencing; alternatives, restitution —

(1) The alternatives provided in this section for the disposition of criminal cases shall be used in a manner *that which* will best serve the needs of society, ~~which will~~ punish criminal offenders, and ~~which will~~ provide the opportunity for rehabilitation.

(a) If the offender does not receive a state prison sentence, *the* a court may

1. Impose a split sentence whereby the offender is to be placed on probation upon completion of any specified period of such sentence, which period may include a term of years or less.

2. Make any other disposition that is authorized by law

3. Place the offender on probation with or without an adjudication of guilt pursuant to s. 948.01

4. Impose a fine and probation pursuant to s 948.011 when the offense is punishable by both a fine and imprisonment and probation is authorized.

5. Place the offender into community control requiring intensive supervision and surveillance pursuant to chapter 948

6. Impose, as a condition of probation or community control, a period of treatment which shall be restricted to a county facility, a Department of Corrections probation and restitution center, a probation program drug punishment treatment community, or a community residential or nonresidential facility, excluding a community correctional center as defined in s 944.026, which is owned and operated by any qualified public or private entity providing such services. Before admission to such a facility, the court shall obtain an individual assessment and recommendations on the appropriate treatment needs, which shall be considered by the court in ordering such placements. Placement in such a facility, except for a county residential probation facility, may not exceed 364 days. Placement in a county residential probation facility

may not exceed 3 years. Early termination of placement may be recommended to the court, when appropriate, by the center supervisor, the supervising probation officer, or the probation program manager

7. Sentence the offender pursuant to s 922.051 to imprisonment in a county jail when a statute directs imprisonment in a state prison, if the offender's cumulative sentence, whether from the same circuit or from separate circuits, is not more than 364 days.

8. Sentence the offender who is to be punished by imprisonment in a county jail to a jail in another county if there is no jail within the county suitable for such prisoner pursuant to s. 950.01.

9. Require the offender to participate in a work-release or educational or vocational training program pursuant to s. 951.24 while serving a sentence in a county jail, if such a program is available.

10. Require the offender to perform a specified public service pursuant to s. 775.091

11. Require the offender who violates chapter 893 or violates any law while under the influence of a controlled substance or alcohol to participate in a substance abuse program

12 a. Require the offender who violates any criminal provision of chapter 893 to pay an additional assessment in an amount up to the amount of any fine imposed, pursuant to ss 893.13(8)(a) and 893.16

b. Require the offender who violates any provision of s. 893.13 to pay an additional assessment in an amount of \$100, pursuant to ss. 893.13(8)(b) and 943.361.

13. Impose a split sentence whereby the offender is to be placed in a county jail or county work camp upon the completion of any specified term of community supervision.

14. Impose split probation whereby upon satisfactory completion of half the term of probation, the Department of Corrections may place the offender on administrative probation pursuant to s 948.01 for the remainder of the term of supervision.

15. Require residence in a state probation and restitution center or private drug treatment program for offenders on community control or offenders who have violated conditions of probation.

16. Impose any other sanction which is provided within the community and approved as an intermediate sanction by the county public safety coordinating council as described in s. 951.26.

17. Impose, as a condition of community control, probation, or probation following incarceration, a requirement that an offender who has not obtained a high school diploma or high school equivalency diploma or who lacks basic or functional literacy skills, upon acceptance by an adult education program, make a good faith effort toward completion of such basic or functional literacy skills or high school equivalency diploma, as defined in s 229.814, in accordance with the assessed adult general education needs of the individual offender

(b)1. Notwithstanding any provision of s 921.001 to the contrary, on or after October 1, 1993, *the court may* require any defendant who violates s 893.13(1)(a)1, (1)(c)2, (1)(d)2, (2)(a)1, or (5)(a), and meets the criteria described in s. 893.13(10), to successfully complete a term of probation pursuant to the terms and conditions set forth in s 948.034(1), in lieu of serving a term of imprisonment.

2. Notwithstanding any provision of s 921.001 to the contrary, on or after October 1, 1993, *the court may* require any defendant who violates s 893.13(1)(a)2, (2)(a)2., (5)(b), or (6)(a), and meets the criteria described in s. 893.13(11), to successfully complete a term of probation pursuant to the terms and conditions set forth in s 948.034(2), in lieu of serving a term of imprisonment

Section 13. Paragraph (d) of subsection (4) of section 944.275, Florida Statutes, is amended to read:

944.275 Gain-time.—

(4)

(d) Notwithstanding *subparagraphs (b)1. and 2. paragraph (b) and subparagraph (c)1.*, the education program manager shall recommend, and the Department of Corrections may grant, a one-time award of 60 additional days of incentive gain-time to an inmate who is otherwise eligible and who successfully completes requirements for and is awarded a general educational development certificate or vocational certificate. Under no circumstances may an inmate receive more than 60 days for educational attainment pursuant to this section.

Section 14 This act shall take effect July 1, 1996, and shall apply to sentencing for offenses committed on or after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to sentencing; amending s. 775.084, F.S.; clarifying procedures for sentencing a defendant as a habitual felony offender, a habitual violent felony offender, or a violent career criminal; clarifying when a habitual felony offender, a habitual violent felony offender, or a violent career criminal is subject to imprisonment; clarifying terms of imprisonment; providing that a defendant sentenced as a violent career criminal is not eligible for any form of discretionary release, except pardon, executive clemency, or conditional medical release, amending s. 775.084, F.S.; correcting a grammatical error; amending s. 921.0011, F.S.; clarifying the definition of the term "victim injury" for purposes of sentencing; amending ss. 921.0012 and 921.0013, F.S.; clarifying the purpose of numerical statutory references, felony degree designations, and descriptive language in the offense severity ranking chart, correcting statutory references; amending s. 921.0014, F.S.; clarifying requirements for assessing points under the sentencing guidelines for a violation of community sanctions and a prior capital felony; revising requirements for assessing points under the sentencing guidelines for a prior serious felony, amending s. 893.135, F.S.; providing eligibility for pardon or executive clemency for a defendant convicted of certain drug trafficking offenses; revising the elements of the offense of trafficking in cocaine or illegal drugs to delete the necessity of a determination that the defendant had a highly culpable mental state in committing the offense; providing that minimum mandatory sentences may be imposed consecutively for drug-trafficking offenses that arise from separate incidents, regardless of the recommendations of the sentencing guidelines; amending s. 775.087, F.S.; providing that a defendant convicted of a felony that involved the use of a weapon or firearm is not eligible for gain-time or any form of discretionary early release, except pardon, executive clemency, or conditional medical release prior to serving the minimum sentence; amending s. 775.0875, F.S.; correcting a cross-reference; amending s. 784.07, F.S.; providing that a defendant convicted of committing a battery against a law enforcement officer or other specified officer while possessing a firearm or semiautomatic firearm is not eligible for gain-time or any form of discretionary early release, except pardon, executive clemency, or conditional medical release prior to serving the minimum sentence; correcting a cross-reference; amending s. 874.04, F.S.; providing for ranking reclassified felony offenses for purposes of sentencing; amending s. 921.187, F.S.; correcting grammar; amending s. 944.275, F.S.; clarifying provisions under which an inmate may be granted gain-time; providing an effective date.

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

Amendment 1A (with title amendment)—On page 25, line 27, through page 26, line 3, delete all of those lines and insert.

Section 7 Paragraphs (a), (b), and (c) of subsection (1) of section 893.135, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking. —

(1) Except as authorized in this chapter or in chapter 499 and notwithstanding the provisions of s. 893.13:

(a) Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, in excess of 50 100 pounds of cannabis commits a felony of the first degree, which felony shall be known as "trafficking in cannabis." If the quantity of cannabis involved:

1 Is in excess of 50 100 pounds, but less than 2,000 pounds, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of \$25,000.

2 Is 2,000 pounds or more, but less than 10,000 pounds, such person shall be sentenced pursuant to the sentencing guidelines and pay a fine of \$50,000.

3. Is 10,000 pounds or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$200,000

And the title is amended as follows:

On page 40, line 9, following the semicolon (;) insert: lowering the amount of cannabis necessary to constitute the offense of trafficking in cannabis;

Amendment 1 as amended was adopted.

On motions by Senator Burt, by two-thirds vote **CS for SB 4** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 6—A bill to be entitled An act relating to criminal prosecution; providing that two or more offenses that are similar, based on the same act, or part of a common scheme or plan be part of the same indictment or information; providing that two or more defendants who have participated in the same act or series of acts be charged in the same indictment or information; providing that related offenses be consolidated for the purpose of trial; providing for the dismissal of related offenses after trial, providing circumstances under which the court may sever charges that are part of a single indictment or information; providing circumstances under which the court may order the severance of defendants and provide for separate trials; amending s. 775.021, F.S.; clarifying legislative intent with respect to criminal offenses that constitute one criminal episode or transaction, defining the term "necessary lesser included offense" for purposes of such clarification; repealing Rules 3.150, 3.151, 3.152, Florida Rules of Criminal Procedure, relating to joinder of offenses and defendants, consolidation of related offenses, and severance of offenses and defendants; repealing Category II of the Schedule of Lesser Included Offenses; providing for severability, providing a contingent effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **SB 6** was read the third time by title, passed by the required constitutional two-thirds vote of the membership and certified to the House. The vote on passage was

Yeas—39 Nays—1

Consideration of **CS for SB 8, SB 78 and SB 156** was deferred.

SENATOR DUDLEY PRESIDING

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

CS for CS for SB 958—A bill to be entitled An act relating to economic development; creating s. 14.2015, F.S.; creating the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor and prescribing its powers and duties; repealing s. 20.17, F.S., which creates the Department of Commerce; transferring the duties, personnel, property, and unexpended balances of appropriations for the Bureau of Visitor Services of the Division of Tourism of the Department of Commerce to the Department of Transportation; amending s. 120.54, F.S.; providing for rulemaking and rule-adoption procedures, amending ss. 159.803, 159.8081, 159.8083, F.S.; conforming provisions, amending s. 163.3177, F.S.; clarifying that maintenance may be used as a reason to facilitate deepwater commercial navigation; amending s. 163.3178, F.S., providing definitions and contract agreements; amending s. 166.231, F.S., clarifying terms; exempting certain services from tax imposed; amending s. 212.08, F.S.; exempting certain machinery and equipment from tax imposed; providing conditions; exempting charges for electricity used in production of certain items or used in association with such production from tax imposed; creating s. 414.029, F.S.; providing conditions; creating the WAGES Program Business Registry; requiring reporting, amending s. 212.096, F.S., providing for computation of

the jobs credit against sales tax; exempting a portion of wages for the credit provided, creating ss. 212.098, 212.097, F.S.; creating the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; creating s. 220.189, F.S.; allowing credit for the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; amending s. 220.181, F.S.; providing for computation of wages for purposes of the enterprise zone jobs credit; exempting a portion of the wages from the exemption provided; amending s. 220.02, F.S.; specifying the order in which credits may be taken, amending s. 220.13, F.S.; requiring an add-back for the credit pursuant to s. 220.189, F.S.; amending ss. 212.20, 216.136, 220.03, 220.183, F.S.; conforming provisions; amending s. 239.249, F.S.; providing for voluntary, market-driven, performance-based incentive funding for specified educational programs; amending s. 272.11, F.S., creating a capitol information center within the Tourism Office of the Office of Tourism, Trade, and Economic Development; amending s. 287.012, F.S.; providing definitions, amending s. 287.0943, F.S.; designating responsibility for the Minority Business Certification Task Force to the Department of Labor and Employment Security; defining the term "acting as a conduit"; amending s. 287.09431, F.S.; providing for approval of certification core criteria by the department; repealing s. 287.0945, F.S., which provides powers, duties, and functions of the Commission on Minority Economic and Business Development; creating s. 287.09451, F.S.; transferring the Minority Business Advocacy and Assistance Office to the Department of Labor and Employment Security and redefining its powers, duties, and responsibilities; amending s. 287.0947, F.S., renaming the Florida Council on Small and Minority Business Development as the Florida Advisory Council on Small and Minority Businesses; reducing the number of members on the council; requiring the council to report to the Secretary of the Department of Labor and Employment Security; redefining the powers and duties of the council; amending s. 288.012, F.S., providing for the establishment of foreign tourism offices, amending s. 288.017, F.S.; establishing within the Tourism Office the cooperative advertising matching grants program; amending s. 288.018, F.S.; creating the Regional Rural Development Grants Program within the Office of Tourism, Trade, and Economic Development; amending s. 288.021, F.S.; providing for the establishment of an economic development liaison within agencies to be the primary point of contact for the agency with the Office of Tourism, Trade, and Economic Development, amending ss. 288.0251, 288.035, F.S.; conforming provisions; amending s. 288.041, F.S., providing duties of Enterprise Florida, Inc., and of the Department of Community Affairs relating to the solar energy industry, repealing s. 288.045, F.S., relating to the review of rules affecting the motion picture, television, recording, and video industries; amending s. 288.047, F.S.; providing for costs and expenditures for the Quick-Response Training Program to be documented and separated from those incurred by the training provider; conforming provisions, amending ss. 288.053, 288.054, 288.055, F.S.; conforming provisions; amending s. 288.063, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to make expenditures for direct costs of transportation projects, creating s. 288.065, F.S.; establishing the Rural Community Development Revolving Loan Fund; amending s. 288.095, F.S.; providing for the administration of the Economic Development Trust Fund by the Office of Tourism, Trade, and Economic Development; amending s. 288.106, F.S.; revising the Qualified Target Industry Business Tax Refund Program and providing for its transfer to the Office of Tourism, Trade, and Economic Development; amending ss. 288.1162, 288.1168, 288.1185, F.S.; conforming provisions; amending s. 288.122, F.S., transferring the Tourism Promotional Trust Fund to the Office of Tourism, Trade, and Economic Development; amending s. 288.1221, F.S.; providing for the creation of a 4-year marketing plan for tourism promotion, amending s. 288.1222, F.S.; providing for definitions with regard to the Florida Commission on Tourism, Inc.; amending s. 288.1223, F.S.; creating the Florida Commission on Tourism, Inc.; creating s. 288.12235, F.S.; providing for the purpose and duties of the Florida Commission on Tourism, Inc.; amending s. 288.1224, F.S.; providing for the powers and duties of the board of directors of the Florida Commission on Tourism, Inc.; creating s. 288.1227, F.S.; providing for an annual report, audits, and confidentiality for the Florida Commission on Tourism, Inc.; creating s. 288.1228, F.S., providing for the Office of Tourism, Trade, and Economic Development to authorize a direct-support organization to assist in the promotion and development of entertainment industries; creating s. 288.1229, F.S., providing for the Office of Tourism, Trade, and Economic Development to authorize a direct-support organization to assist in the promotion and development of sports and sports-related industries; amending s. 288.124, F.S.; creating a convention grants program within the Office of Tourism, Trade, and Economic Development; appropriating funds from

the Tourism Promotional Trust Fund, creating s. 288.7011, F.S.; providing for assistance to certified development corporations; amending s. 288.703, F.S., revising and providing definitions relating to small and minority business assistance act, amending s. 288.705, F.S.; deleting a requirement that the Small Business Development Center report to the Department of Commerce and the Commission on Minority Economic and Business Development regarding the statewide contracts register, amending s. 288.707, F.S.; placing the Florida Black Business Investment Board under the Office of Tourism, Trade, and Economic Development; amending s. 288.7091, F.S.; prescribing duties of the Florida Black Business Investment Board; creating s. 288.7095, F.S.; providing for duties of black business investment corporations, creating s. 288.7096, F.S.; establishing the Black Business Investment Corporations Advisory Council; providing for oversight of black business investment corporations by the Office of Tourism, Trade, and Economic Development; amending s. 288.714, F.S.; requiring annual reports to the Secretary of the Department of Labor and Employment Security; repealing s. 288.803, F.S., which creates the Florida International Affairs Commission, amending ss. 288.772, 288.773, 288.776, 288.8155, 288.816, 288.8175, 288.826, F.S.; conforming provisions to the transfer of responsibilities made by the act; amending s. 288.901, F.S.; restructuring the board of Enterprise Florida, Inc., creating s. 288.9015, F.S.; providing for Enterprise Florida, Inc., to be the principal economic development organization for the state; amending s. 288.902, F.S.; revising membership and duties of the Enterprise Florida Nominating Council; amending s. 288.903, F.S.; providing for powers and duties of the board of directors and the president of Enterprise Florida, Inc.; amending s. 288.904, F.S.; establishing the powers of the board of directors of Enterprise Florida, Inc.; amending s. 288.905, F.S.; providing for duties of the board of directors of Enterprise Florida, Inc.; providing for the development of a strategic plan for economic development for the state, amending s. 288.906, F.S.; providing for annual reports, audits, and confidentiality for Enterprise Florida, Inc.; creating s. 288.9412, F.S.; creating the Business and Economic Development Board within Enterprise Florida, Inc.; creating s. 288.9413, F.S.; providing for the organization of the board of directors; creating s. 288.9414, F.S.; establishing the powers and authority of the board of directors; amending s. 288.9511, F.S.; prescribing definitions; defining the term "board" to mean the Technology Development Board; amending s. 288.9512, F.S.; providing for the creation, purpose, and membership of the Technology Development Board; amending s. 288.9513, F.S.; providing for the organization of the board of directors for the Technology Development Board; amending s. 288.9514, F.S.; providing for powers and authority of the board of directors for the Technology Development Board; amending s. 288.9515, F.S.; providing for the authorization of programs by the Technology Investment Board; amending s. 288.9516, F.S.; providing for the annual report of the Technology Development Board; amending s. 288.9517, F.S., providing for audits and confidentiality for the Technology Development Board; repealing s. 288.9518, F.S., relating to the indemnification of officers, directors, employees, and agents against personal liability or accountability; amending s. 288.9519, F.S.; authorizing a not-for-profit organization to promote high-technology business and industry in this state; amending s. 288.9520, F.S.; continuing a public records exemption for the Technology Development Board; amending s. 288.9604, F.S.; conforming provisions; amending s. 288.9611, F.S., establishing a capital development board within Enterprise Florida, Inc.; amending s. 288.9612, F.S.; providing for the organization of the capital development board; amending s. 288.9613, F.S.; prescribing the power and authority of the capital development board; amending s. 288.9614, F.S.; providing for the authorization of programs for the capital development board; amending s. 288.9615, F.S.; providing for the annual report of the capital development board; amending s. 288.9616, F.S.; providing for audits and confidentiality for the capital development board, repealing s. 288.9617, F.S., relating to the indemnification of officers, directors, employees, and agents, transferring, renumbering, and amending s. 288.0475, F.S., providing for the creation of the Workforce Development Board within Enterprise Florida, Inc.; prescribing legislative intent with respect to transfers of responsibilities made by the act; providing employment preferences for displaced employees of the Department of Commerce; providing appropriations; amending ss. 288.973, 288.975, 288.980, 289.031, 290.004, 290.0056, 290.0066, F.S.; conforming provisions; providing for the designation of additional enterprise zones; amending s. 290.0055, F.S., providing a method for changing the boundaries of an approved enterprise zone; amending s. 290.0065, F.S., providing for the designation of certain areas as enterprise zones; providing criteria areas; amending s. 290.0075, F.S.; revising the Enterprise Zone Linked Deposit Program; amending ss. 290.009, 290.014, 311.09, F.S.; conforming provisions; amending s. 311.07, F.S.; providing for program funds to be used

by the Seaport Transportation and Economic Development Council to develop with the Florida Trade Data Center such trade information that will assist Florida's seaports and international trade, creating s. 311.105, F.S., providing for the creation of the Florida Seaport Environmental Management Committee and its duties; amending s. 311.11, F.S.; conforming provisions; amending s. 320.08058, F.S.; providing for the transfer of proceeds from the Florida Professional Sports Team License Plate into the Professional Sports Development Trust Fund; amending s. 370.28, F.S.; providing exceptions to certain enterprise zone requirements for net ban communities; providing for the designation of an additional net ban enterprise zone, amending s. 320.20, F.S.; requiring the deposit of a certain amount of funds into the State Transportation Trust Fund; proscribing the manner in which such funds may be used, providing technical changes; amending s. 374.976, F.S.; providing that financial assistance for port projects not be included in calculating ad valorem taxes of the county in which the port is located, amending s. 380.24, F.S. providing that all permitting and enforcement of dredged material management be done through the Department of Environmental Protection; amending s. 403.021, F.S., providing for the Department of Environmental Protection to recognize that the maintenance of water depths is an ongoing and necessary activity and that the permitting and enforcement of dredging and other port-related activities be consolidated within the Division of Environmental Resource Permitting; amending s. 403.061, F.S.; providing for the Department of Environmental Protection to enter into an agreement with the Florida Ports Council to provide a supplemental permitting process, creating an expedited permitting process, providing eligibility criteria for projects; providing legislative intent to foster the economic growth of Florida's deep-water seaports; providing that the act does not affect the regulation of a port by a local government having jurisdiction over the port; amending s. 403.953, F.S.; simplifying the eligibility criteria for the Job Siting Act; amending s. 624.5105, F.S.; conforming provisions, providing for the Office of Tourism, Trade, and Economic Development to be substituted for the Department of Commerce as a party in interest in pending proceedings; continuing binding contracts; providing for severability, prohibiting a state agency, political subdivision of the state, or other entity doing business with a state entity, receiving state funds, or claiming a credit against state taxes from traveling or doing business with a country that lacks diplomatic relations with the United States; repealing ss. 286.21, 288.011, 288.015, 288.025, 288.03, 288.045, 288.0575, 288.06, 288.07, 288.08, 288.09, 288.115, 288.116, 288.117, 288.121, 288.1226, 288.701, 288.775, 288.779, 288.801, 288.802, 288.803, 288.8032, 288.804, 288.8041, 288.805, 288.806, 288.807, 288.808, 288.809, 288.810, 288.811, 288.813, 288.814, 288.815, 288.817, 288.8185, 288.819, 288.820, 288.822, 288.823, 288.824, 288.825, F.S., relating to programs and duties of the Department of Commerce; providing a contingent effective date for sections in this act that provide additional jobs credits, provide additional sales tax exemptions, and expand tax credits within enterprise zones, providing an effective date

—was read the second time by title

Senator Grant moved the following amendment which was adopted:

Amendment 1—On page 15, line 5, through page 16, line 12, delete those lines and insert:

(3) The Chief Inspector General, as defined in s. 14.32:

(a) Shall advise public-private partnerships in their development, utilization, and improvement of internal control measures necessary to ensure fiscal accountability

(b) May conduct, direct, and supervise audits relating to the programs and operations of public-private partnerships

(c) Shall receive and investigate complaints of fraud, abuses, and deficiencies relating to programs and operations of public-private partnerships.

(d) May request and have access to any records, data, and other information of public-private partnerships that the Chief Inspector General deems necessary to carry out his or her responsibilities with respect to accountability.

(e) Shall monitor public-private partnerships for compliance with the terms and conditions of contracts with the Office of Tourism, Trade, and Economic Development and report noncompliance to the Governor.

(f) Shall advise public-private partnerships in the development, utilization, and improvement of performance measures for the evaluation of their operations

(g) Shall review and make recommendations for improvements in the actions taken by public-private partnerships to meet performance standards

Senator Williams moved the following amendment which was adopted.

Amendment 2 (with title amendment)—On page 20, between lines 13 and 14, insert:

Section 3 The personnel and property of the Welcome Center Section of the Bureau of Visitor Services of the Division of Tourism of the Department of Commerce are transferred to the Department of Transportation and notwithstanding section 110.205(1), Florida Statutes, all transferred personnel shall be exempt from the Career Service System as described in part II, chapter 110, Florida Statutes.

(Renumber subsequent sections)

And the title is amended as follows

On page 1, line 8, after "Commerce," insert: transferring the personnel and property of the Welcome Center Section of the Bureau of Visitor Services of the Division of Tourism of the Department of Commerce to the Department of Transportation;

Senator Bankhead moved the following amendment which was adopted:

Amendment 3—On page 30, lines 3 and 12, delete "s. 380.382" and insert s. 380.032

Senator McKay moved the following amendment which was adopted:

Amendment 4—On page 36, lines 14-31, and on page 37, lines 1-28, delete those lines and insert:

1 Beginning July 1, 1996, 20 percent of the charges for such electricity shall be exempt

2 Beginning July 1, 1997, 40 percent of the charges for such electricity shall be exempt

3 Beginning July 1, 1998, 60 percent of the charges for such electricity shall be exempt

4 Beginning July 1, 1999, 80 percent of the charges for such electricity shall be exempt

5 Beginning July 1, 2000, 100 percent of the charges for such electricity shall be exempt

Notwithstanding any other provision in this paragraph to the contrary, in order to receive the exemption provided in this paragraph a taxpayer must register with the WAGES Program Business Registry established by the local WAGES coalition for the area in which the taxpayer is located. Such registration establishes a commitment on the part of the taxpayer to hire WAGES program participants to the maximum extent possible consistent with the nature of their business. This paragraph is repealed effective July 1, 2001

(j) In order to determine if the exemption provided in (i) from the tax on charges for electricity has an effect on retaining or attracting companies to this state, the Office of Program Policy Analysis and Governmental Accountability shall periodically monitor and report on the industries receiving the exemption. The first report shall be submitted no later than January 1, 1997, and must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 1996, and the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1, 1996. The second report shall be submitted no later than January 1, 2001, and must be comprehensive in scope, but, at a minimum, must be conducted in such a manner as to specifically determine the number of companies within each SIC Industry Major Group receiving the exemption as of September 1, 2000, the number of individuals employed by companies within each SIC Industry Major Group receiving the exemption as of September 1,

2000, whether the change, if any, in such number of companies or employees is attributable to the exemption provided in (u), whether it would be sound public policy to continue or discontinue the exemption, and the consequences of doing so. Both reports shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader

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 958**

Senator Williams moved the following amendment which was adopted:

Amendment 5—On page 148, line 18, after the period () insert: *Provided, however, it is the intent of the Legislature that state agencies may enter into contracts with the direct service organization notwithstanding the requirements of chapter 287*

Senator Diaz-Balart moved the following amendment which was adopted.

Amendment 6—On page 214, lines 15-29, and on page 215, lines 1-24, delete those lines and insert:

288 9412 International Trade and Economic Development Board —

(1) There is created within the nonprofit corporate structure of Enterprise Florida, Inc., a nonprofit public private board known as the Florida International Trade and Economic Development Board the purpose of which shall be to advise and assist in promoting and developing international trade and reverse investment, marketing the state for potential new investment, and creating, expanding and retaining Florida businesses

(2) The international trade and economic development board shall be governed by a board of directors. The board of directors shall consist of the following members

- (a) The Lieutenant Governor or the Lieutenant Governor's designee
- (b) The president of the Florida Chamber of Commerce or the president's designee
- (c) The Secretary of State or the secretary's designee
- (d) The chairperson of the Florida State Rural Development Council or the chairperson's designee
- (e) A member of the Senate, who shall be appointed by the President of the Senate and serve at the pleasure of the President
- (f) A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives and serve at the pleasure of the Speaker of the House of Representatives
- (g) Members to be appointed by the Governor, subject to confirmation by the Senate, consisting of the following

- 1 The chairperson of the World Trade Association of Florida or the chairperson's designee
- 2 Two representatives from the state's deepwater ports, chosen from a list of three names submitted to the Governor by the Florida Ports Council. One representative shall be from the Gulf of Mexico coast ports and one representative shall be from the Atlantic coast ports.
- 3 The chairperson of the Florida Airport Managers Association or the chairperson's designee.
- 4 The chairperson of the Florida Custom Brokers and Forwarders Association or the chairperson's designee.
- 5. A person having extensive experience in foreign language instruction or international education
- 6 The chairperson of the International Law Section of the Florida Bar or the chairperson's designee

7 The chairperson of the Florida International Banking Association or the chairperson's designee

8. A representative of a company in this state that is actively engaged in the manufacture of products in this state for sale in foreign markets

9 A member of the Florida Citrus Commission experienced in the exportation of citrus products who owns, operates, or is employed by a major company in this state that is actively engaged in the exportation of citrus products from this state to international markets

10 A representative of a major multinational company with offices in this state.

11. The chairperson of the Latin Chamber of Commerce of the United States or the chairperson's designee.

(h) Nine to 11 members from the public and private sector, consisting of one member representing a municipal economic development organization, one member representing a county economic development organization, one member representing a regional economic development organization, and one member representing an international economic development organization, and one member who, at the time of appointment, is a board member of a community development corporation that meets the requirements of s 290 035, with the remaining members representing, and being actively involved in, Florida business, who shall be appointed by the Governor, subject to Senate confirmation.

Senator Kurth moved the following amendment which was adopted:

Amendment 7 (with title amendment)—On page 235, between lines 19 and 20, insert:

Section 108 Subsection (2) of section 313.01, Florida Statutes, is amended to read:

313.01 Appointment and removal of harbor masters.—

(2) In all counties having a population of more than 300,000, according to the last official census, or in counties or municipalities where port authorities have been created by special act or ordinance, the office and position of harbor master as provided in chapters 313 and 314 is abolished.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 11, line 29, after the semicolon (;) insert amending s. 313 01, F.S., relating to the position of harbor master;

Senator McKay moved the following amendment which was adopted:

Amendment 8 (with title amendment)—On page 237, line 16, through page 238, line 6, delete those lines and insert:

Section 97. Section 288 9603, Florida Statutes, is amended to read

288.9603 Definitions.—

- (1) "Act" means the Florida Development Finance Corporation Act of 1993, and all acts supplemental thereto and amendatory thereof
- (2) "Amortization payments" means periodic payments, such as monthly, semiannually, or annually, of interest on premiums, if any, and installments of principal of revenue bonds as required by an indenture of the corporation.
- (3) "Applicant" means the individual, firm, or corporation, whether for profit or nonprofit, charged with developing the project under the terms of the indenture of the corporation
- (4) "Cash equivalents" shall include letters of credit issued by investment grade rated financial institutions or their subsidiaries; direct obligations of the government of the United States of America, or any agency thereof, or obligations unconditionally guaranteed by the United States of America, certificates of deposit issued by investment grade rated financial institutions or their subsidiaries, and investments in commercial paper which, at the time of acquisition by the corporation is accorded the highest rating by Standard & Poor's Corporation, Moody's Investors

Services, Inc., or any other nationally recognized credit rating agency of similar standing, provided that in each such case such investments shall be convertible to cash as may be reasonably necessary for application of such monies as and when the same are to be applied in accordance with the provisions of this act.

(5)(4) "Corporation" means the Florida Development Finance Corporation

(6) "Debt service" shall mean for any bonds issued by the corporation and for which a guaranty has been issued pursuant to s. 288.9606, s. 288.9607, and s. 288.9608, for any period for which such determination is to be made, the aggregate amount of all interest charges due or which shall become due on or with respect to such bonds during the period for which such determination is being made, plus the aggregate amount of scheduled principal payments due or which shall become due on or with respect to such bonds during the period for which such determination is being made.

(7)(5) "Economic development specialist" means a resident of the state who is professionally employed in the discipline of economic development or industrial development.

(8)(6) "Financial institution" means any banking corporation or trust company, savings and loan association, insurance company or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds in this state.

(9) "Maximum debt service" shall mean, for any period of six-months or one year, as the case may be, during the life of any bonds issued by the corporation and for which a guaranty has been issued pursuant to s. 288.9606, s. 288.9607, and s. 288.9608 and for which such determination is being made, the maximum amount of the debt service which is due or will become due during such period of time on or with respect to such bonds. For the purposes of calculating the amount of the maximum debt service with respect to any bonds which bear interest at a variable rate, the corporation shall utilize a fixed rate which it in its reasonable discretion determines to be appropriate.

(10)(7) "Partnership" means the body corporate and politic created by the Enterprise Florida capital development board Capital Partnership created under s. 288.9611 this act.

(11)(8) "Guaranty agreement" means an agreement by and between the corporation and a public agency pursuant to the provisions of s. 288.9607.

(12)(9) "Guaranty fund" means the Revenue Bond Guaranty Reserve Account established by the corporation pursuant to s. 288.9608

(13)(10) "Interlocal agreement" means an agreement by and between the Florida Development Finance Corporation and a public agency of this state, pursuant to the provisions of s. 163.01.

(14)(11) "Public agency" means a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state, government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, an independently elected county officer, any agency of the United States Government, and any similar entity of any other state of the United States.

Section 98. Subsection (3) of section 288.9604, Florida Statutes, is amended to read:

288.9604 Creation of the authority.—

(3) Upon activation of the corporation, the Governor, subject to confirmation by the Senate, shall appoint the board of directors of the corporation, who shall be five in number. The terms of office for the directors shall be for 4 years, except that three of the initial directors shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointment, and all other directors shall be designated to serve terms of 4 years from the date of their appointment. A vacancy occurring during a term shall be filled for the unexpired term. A director shall be eligible for reappointment. At least three of the directors of the corporation shall be bankers who have been selected by the Governor from a list of bankers who were nominated by the Enterprise Florida capital development board Capital Partnership, and one of the directors

shall be an economic development specialist. The secretary of the Department of Commerce and the chairperson of the Florida Black Business Investment Board shall be an ex officio member members of the board of the corporation.

Section 99 Subsections (1), (3), (4), (6), and (7) of section 288.9607, Florida Statutes, are amended to read:

288.9607 Guaranty of bond issues —

(1) The corporation is hereby authorized to approve or deny, by a majority vote of the membership of the directors, the guaranty of any revenue bonds issued pursuant to this act. The guaranty may also be of the obligations of the corporation with respect to any letter of credit, bond insurance or other form of credit enhancement provided by any person with respect to any revenue bonds issued by the corporation pursuant to this act

(3) All applicants which have entered into a guaranty agreement with the corporation shall pay a guaranty premium on such terms and at such rates as the corporation shall determine prior to the issuance of the bonds. The corporation may adopt such guaranty premium structures as it deems appropriate, including, without limitation, guaranty premiums which are payable one-time upon the issuance of bonds or annual premiums payable upon the outstanding principal balance of bonds from time to time. All applications for a guaranty must be accompanied by a premium payment to the guaranty fund established pursuant to s. 288.9608, in an amount which shall be determined by the corporation. The premium payment may be collected by the corporation from the lessee of the project involved, from the applicant, or from any other the payee of the loan agreement involved

(4) All applications for a guaranty must acknowledge that as a condition to the issuance of the guaranty, the financing must be secured by a mortgage or security interest on the property acquired which will have such priority over other liens on such property as may be required by the corporation be accompanied by documentation providing that loans be secured by a first mortgage on the property financed, and that the financing must be guaranteed by such person or persons with such ownership interest in the applicant as may be required by the corporation include a personal guarantee by the principal owner of the business being financed.

(6) If the application for a guaranty is approved by the corporation, the corporation and the applicant shall enter into a guaranty agreement. In accordance with the provisions of the guaranty agreement, the corporation guarantees to use the funds on deposit in its Revenue Bond Guaranty Reserve Account to meet amortization payments on the bonds as they become due, in the event and to the extent that the applicant is unable to meet such payments in accordance with the terms of the bond indenture when called to do so by the trustee of the bondholders, or to make similar payments to reimburse any person which has provided credit enhancement for the bonds and which has advanced funds to meet such amortization payments as they become due. Whenever the corporation, acting under the terms of the guaranty agreement, deems it necessary to assume the obligation of maintenance of any building or facility financed with bond proceeds, The the corporation may use funds on deposit in the Revenue Bond Guaranty Reserve Account to pay insurance, and maintenance, and other costs which may be required for the preservation of any project or other collateral security for any bond issued by the corporation, or to otherwise the building or facility and to protect the reserve account from loss, or to minimize losses to the reserve account, in each case in such manner as may be deemed necessary and advisable by the corporation

(7)(a) The corporation is authorized to enter into an investment agreement with the Department of Transportation and the State Board of Administration concerning the investment of the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to s. 339.135(7)(b) Such investment shall be limited as follows:

1. Not more than \$4 million of the investment earnings earned on the investment of the minimum balance of the State Transportation Trust Fund in a fiscal year shall be at risk at any time on one or more bonds or series of bonds issued by the corporation.

2. The investment earnings shall not be used to guarantee any bonds issued after June 30, 1998, and in no event shall the investment earn-

nga be used to guarantee any bond issued for a maturity longer than 15 years.

3. The corporation shall pay a reasonable fee, set by the State Board of Administration, in return for the investment of such funds. The fee shall not be less than the comparable rate for similar investments in terms of size and risk.

4. The proceeds of bonds, or portions thereof, issued by the corporation for which a guaranty has been or will be issued pursuant to s. 288.9606, s. 288.9608, or this section used to make loans to any one person, including any related interests, as defined in s. 658.48, of such person, shall not exceed 20 percent of the principal of all such outstanding bonds of the corporation issued prior to the first composite bond issue of the corporation, or December 31, 1995, whichever comes first, and shall not exceed 15 percent of the principal of all such outstanding bonds of the corporation issued thereafter, in each case determined as of the date of issuance of the bonds for which such determination is being made and taking into account the principal amount of such bonds to be issued. The provisions of this subparagraph shall not apply when the total amount of all such outstanding bonds issued by the corporation is less than \$10 million ~~\$5 million~~. For the purpose of calculating the limits imposed by the provisions of this subparagraph, the first \$10 million of bonds issued by the corporation shall be taken into account.

5. The corporation shall establish a debt service reserve account which contains not less than 6 months' debt service reserves from the proceeds of the sale of any bonds guaranteed by the corporation.

6. The corporation shall establish an account known as the Revenue Bond Guaranty Reserve Account, the Guaranty Fund. The corporation shall deposit a sum of money or other cash equivalents into this fund and maintain a balance of money or cash equivalents in this fund, from sources other than the investment of earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund, not less than a sum equal to 1 year of maximum debt service on all outstanding bonds of the corporation for which a guaranty has been issued pursuant to s. 288.9606, s. 288.9607, and s. 288.9608. In the event the corporation fails to maintain the balance required pursuant to this subparagraph for any reason other than a default on a bond issue of the corporation guaranteed pursuant to this section or because of the use by the corporation of any such funds to pay insurance, maintenance or other costs which may be required for the preservation of any project or other collateral security for any bond issued by the corporation, or to otherwise protect the Revenue Bond Guaranty Reserve Account from loss, or to minimize losses to the reserve account in each case in such manner as may be deemed necessary or advisable by the corporation, any guaranty authorized for any bond issue of the corporation shall be void unless such deficiency is cured within 90 days after the corporation has received notice of such default from the Department of Transportation.

(b) Unless specifically prohibited in the General Appropriations Act, the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund may continue to be used pursuant to paragraph (a).

(c) The guaranty shall not be a general obligation of the corporation or of the state, but shall be a special obligation, which constitutes the investment of a public trust fund. In no event shall the guaranty constitute an indebtedness of the corporation, the State of Florida, or any political subdivision thereof within the meaning of any constitutional or statutory limitation. Each guaranty agreement shall have plainly stated on the face thereof that it has been entered into under the provisions of this act and that it does not constitute an indebtedness of the corporation, the state, or any political subdivision thereof within any constitutional or statutory limitation, and that neither the full faith and credit of the State of Florida nor any of its revenues is pledged to meet any of the obligations of the corporation under such guaranty agreement. Each such agreement shall state that the obligation of the corporation under the guaranty shall be limited to the funds available in the Revenue Bond Guaranty Reserve Account as authorized by this section.

The corporation shall include, as part of the annual report prepared pursuant to s. 288.9610, a detailed report concerning the use of guaranteed bond proceeds for loans guaranteed or issued pursuant to any agreement with the Florida Black Business Investment Board, including the percentage of such loans guaranteed or issued and the total volume of such loans guaranteed or issued.

Section 100. Paragraph (a) of subsection (2) of section 288.9608, Florida Statutes, is amended to read:

288.9608 Creation and funding of the guaranty account.—

(2)(a) The corporation shall establish an account known as the Revenue Bond Guaranty Reserve Account, the Guaranty Fund. The corporation shall deposit a sum of money or other cash equivalents into this fund and maintain a balance in this fund, from sources other than the State Transportation Trust Fund, not less than a sum equal to 1 year of maximum debt service on all outstanding bonds of the corporation for which a guaranty has been issued pursuant to s. 288.9606, s. 288.9607, and s. 288.9608.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 8, lines 21 and 22, delete those lines and insert: amending s. 288.9603, F.S., providing definitions relating to the Florida Development Finance Corporation; amending s. 288.9604, F.S.; conforming provisions, amending s. 288.9607, F.S.; revising limitations on loan size, revising requirements related to the guaranty of bond issues; amending s. 288.9608, F.S.; providing for deposits of cash equivalents in guaranty account, amending s. 288.9611, F.S.

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 9—On page 255, line 10, and page 255, lines 23 and 24, delete the words "degree career and certificate career" and insert: ~~vocational degree career and certificate career~~

Amendment 10—On page 249, line 4 through page 250, line 9, delete those lines and insert:

(i)(e) Eleven to 13 members from the public and private sectors who possess an understanding of the broad spectrum of education, training, and employment needs of the residents of the state, with the majority from the private sector, to be appointed by the Governor, subject to Senate confirmation. These members must represent those industries critical to the state's economic base, as well as that portion of the state's population which has limited employment skills and work experience be selected from the highest ranking officials in manufacturing and other industries critical to the state's economic base, as well as state agencies, departments, and organizations that have a direct impact on the training and education of workers in the state. The members from the public sector must also include an occupational dean of a community college and a school district vocational director with responsibility for postsecondary programs. The members from the private sector must include a private business representative from a private industry council, and a representative of organized labor, and a representative from a licensed, independent postsecondary institution that conducts vocational education and job training programs in the state.

(j) Additional members may be appointed, subject to Senate confirmation, when necessary to conform to the requirements of the Job Training Partnership Act or the requirements of any other federal act establishing or designating a Human Resources Investment Council or other federal workforce development board.

(k)(4) Private sector members appointed by the Governor must be appointed for 4-year, staggered terms. Public sector members appointed by the Governor shall serve at the pleasure of the Governor. After July 1, 1996, public-sector members appointed by the Governor must be appointed to 4-year terms.

THE PRESIDENT PRESIDING

Senators Harris, McKay and Kirkpatrick offered the following amendment which was moved by Senator Harris and adopted.

Amendment 11—On page 259, lines 11-28, delete those lines and insert:

Section 107. (1) From funds appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development for the purpose of annually contracting with Enterprise Florida, Inc., 10 percent of such funds for the fiscal year 1996-1997, 20 percent of such funds for the fiscal year 1997-1998, 30 percent of such funds for the fiscal

year 1998-1999, 40 percent of such funds for the fiscal year 1999-2000, and 50 percent of such funds for the fiscal year 2000-2001 shall be placed in reserve by the Executive Office of the Governor. The funds may be released through a budget amendment, in accordance with chapter 216, Florida Statutes, as requested by Enterprise Florida, Inc., through the Office of Tourism, Trade, and Economic Development if Enterprise Florida, Inc., has provided sufficient documentation that the same amount of matching private funds as the amount placed in reserve has been contributed during the same fiscal year to Enterprise Florida, Inc., in support of its economic development efforts. If sufficient documentation is not provided by the end of the fiscal year, such funds shall revert back to the General Revenue Fund.

(2) Prior to the 1999 Regular Session of the Legislature, the Office of Program Policy Analysis and Governmental Accountability shall conduct a review of the contributions made to Enterprise Florida, Inc., during the prior three years pursuant to this section of this act. The review must be conducted in such a manner as to determine the amount and type of matching private funds contributed and the circumstances affecting the ability to achieve or not achieve the specified amount of matching private funds for each year. Based on this information and historical data, the Office of Program Policy Analysis and Governmental Accountability shall determine whether the funding levels of matching private funds for fiscal year 1999-2000, and fiscal year 2000-2001, as specified in this section of this act, are appropriate. This report shall be submitted by January 1, 1999, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(Renumber subsequent sections.)

Senator Kirkpatrick moved the following amendment.

Amendment 12 (with title amendment)—On page 62, line 10, through page 65, line 18, delete those lines and insert:

Section 24 Section 239.249, Florida Statutes, is amended to read:

239.249 ~~Voluntary~~, Market-driven, performance-based incentive funding for vocational and technical education programs.—

(1) The Legislature finds that education to prepare adults to enter specific occupations most benefits the state when the programs respond to the needs of business and industry, encourage economic development, improve the self-sufficiency of people who might otherwise require public assistance, or significantly increase the earning potential of state residents. It is the intent of the Legislature that funding methodologies be available to provide incentive awards to area technical centers and community colleges for meeting these goals. It is further the intent of the Legislature to direct and redirect funding to better prepare people to enter occupations that benefit robust new and emerging industries, and to increase the numbers of at-risk people who benefit from the programs.

(2) The ~~Workforce Development board of Enterprise Florida, Inc. Jobs and Education Partnership~~ shall provide oversight and advice to improve the outcomes of associate in science degree education and certificate technical education provided by public school districts and community colleges. Annually, the partnership shall make recommendations to the State Board of Education and the Legislature regarding grant programs and funding incentives designed to improve vocational and technical education programs.

(3) In any year in which the Legislature designates funds for performance-based incentive funding for vocational and technical education programs provided by school districts or community colleges, the Division of Applied Technology and Adult Education and the Division of Community Colleges shall provide the ~~Workforce Development board Jobs and Education Partnership~~ with recommended formulae, criteria, timeframes, and mechanisms for distributing funds. The ~~board partnership~~ shall adopt a formula and advise the Division of Community Colleges and the Division of Applied Technology and Adult Education of the expected incentive award earnings of participating school districts or colleges. The ~~board partnership~~ shall base these calculations on formulae that would provide incentive awards or grants for:

(a) Programs that prepare people to enter high-wage occupations identified by the Occupational Forecasting Conference created by s. 216.136 and other programs as approved by the ~~Workforce Development board Jobs and Education Partnership~~. Local school district superintendents, community college presidents, and private industry councils

shall receive the Occupational Forecasting Conference results for the respective geographic areas to assess local applicability. At a minimum performance incentives shall be calculated for people who complete programs that lead to specified high-wage employment and their placement in that employment. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996. *However, the Workforce Development board may designate a different baseline year for an educational agency whose participation in the program begins after the 1995-1996 school year.*

(b) Programs that successfully prepare people who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers for high-wage occupations. At a minimum, performance incentives shall be calculated for the enrollment of people identified in this paragraph, completion of such people, and placement of such people upon program completion. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996. *However, the Workforce Development board may designate a different baseline year for an educational agency whose participation in the program begins after the 1995-1996 school year.*

(c) Programs identified by the ~~board Jobs and Education Partnership~~ as increasing the effectiveness and cost-efficiency of education.

(4) The Legislature shall specify annually in the General Appropriations Act the percentage that is set aside from the Florida Education Finance Program and Community College Program Fund, respectively, for the purpose of providing incentive awards. Unless otherwise specified in the General Appropriations Act, the set-aside shall be no less than the amount specified in subsection (5). In implementing this section, funds set aside from the Florida Education Finance Program shall not be commingled with funds set aside from the Community College Program Fund.

(5) At least 60 percent of funds designated for performance-based incentive awards for public school district technical centers must be derived from a source other than the Florida Education Finance Program, and at least 60 percent of funds designated for such awards for community colleges shall be derived from a source other than the Community College Program Fund. Calculations of program cost for appropriations purposes pursuant to s. 236.081 shall not include funds from sources other than the Florida Education Finance Program for the purposes of this section. Funds derived from sources other than the Florida Education Finance Program and Community College Program Fund shall not supplant current revenue levels appropriated through the General Revenue Fund or Educational Enhancement Trust Fund.

(6) If the Legislature appropriates funds for performance incentives from discretionary federal funds authorized in the Job Training Reform Amendments of 1992, Pub. L. No. 102-367, the Legislature and appropriate state and local agencies must ensure that:

(a) The total amount derived from those sources does not exceed \$18 million annually.

(b) Any use of federal job training funds to implement this section does not prevent required formula-generated funds from passing through to local service delivery areas and private industry councils that provide services directly or through community-based organizations. This section must not interfere with federal requirements pertaining to local discretion and control.

(c) ~~Participating~~ Community colleges, school districts, and private industry councils must collaborate to ensure that clients eligible under the Job Training Partnership Act receive the following services efficiently and without unwarranted duplication: education, training, intake, assessment, referral, counseling, support, case management, and placement.

(7) The Department of Education shall award 80 percent of funds derived from the Florida Education Finance Program and the Community College Program Fund and designated for performance-based incentive funding to participating institutions at the beginning of the fiscal year. If a program earns more than its allocation of incentive funds, the Department of Education must allocate to each participating institution its proportionate share of the remaining funds for that sector. Incentive funds awarded in excess of those set aside through the Florida Education Finance Program and Community College Program Fund shall be awarded at 2 times the value of those awarded through the set-aside.

(8) A school district or community college that earns an incentive award for its performance must use the money to benefit the vocational and technical education programs it provides. The money may be used for equipment upgrades, program expansions, or any other use that would result in program improvement. The school board or community college board of trustees may not withhold any portion of the incentive earnings for indirect costs. Funds awarded pursuant to this section may be carried across fiscal years and shall not revert to any other fund maintained by the school board or community college board of trustees.

~~(9) A school district or community college may obtain from participation in the market-driven, performance-based incentive funding program. If a district or community college decides to terminate its participation, it must notify the Jobs and Education Partnership 3 years prior to that termination. This subsection may not be waived.~~

(9)(10) The Department of Commerce shall administer the funds derived from sources other than the Community College Program Fund and the Florida Education Finance Program and shall distribute funds appropriated to participating colleges and school districts according to a formula adopted annually by the Workforce Development board Jobs and Education Partnership. To allow time for documentation of program performance, funds allocated for the incentives must be carried forward to the next fiscal year and must be awarded to school districts and community colleges for their current year's performance, unless federal law requires the funds to revert at the year's end. The formula must provide consistency in giving awards to programs. Programs at a community college must not be held to a different standard from those at a school district, and programs at one school district or community college must not be held to a different standard from those of another.

~~(10)(11) The Workforce Development board Jobs and Education Partnership, upon the joint recommendation of local elected officials, a private industry council, and a participating local education agency, may expand the occupations that are included in the incentive funding program. Occupations so identified must meet needs created by local emergencies or plant closings.~~

~~(11)(12) The board Jobs and Education Partnership may add occupations to the list of recommendations produced by the Occupational Forecasting Conference if the Quick-Response Advisory Committee recommends them as emerging occupations according to s. 288.047.~~

~~(12)(13) The board Jobs and Education Partnership shall recommend rules necessary to implement this section to the State Board for Vocational Education.~~

Section 25 (1) If the Workforce Development board of Enterprise Florida, Inc., or a regional workforce development board designated by that board determines that competition and return-on-investment would be served by a free-market selection process for training providers for economic development and welfare-to-work programs, sections 239.109, 239.205(2), and 240.301, Florida Statutes, shall be held in abeyance.

(2) Postsecondary education institutions licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools are eligible to provide education and job training to recipients of public assistance (WAGES) for welfare-to-work and workforce development programs. In recommending a selection process for training providers, the board must consider measures of success that are uniform among public and independent educational institutions, so that the public will be able to fairly compare the relative success or failure of an institution in terms of positive outcomes, including cost of education to the student and the state, completion rates, placement rates, and successful completion of licensure examinations.

(3) The wage threshold for incentive payments to recipients of public assistance (WAGES) under section 239.249, Florida Statutes, must reflect the reduction in public assistance payments.

(Renumber subsequent sections.)

And the title is amended as follows.

On page 2, lines 18-21, delete everything after the second semicolon (;) on line 18 and insert: amending s. 239.249, F.S., requiring school districts and community colleges to participate in the performance-based, incentive funding program for vocational and technical education; authorizing a different baseline year for newly participating education agencies; authorizing the Workforce Development Board of Enterprise Florida, Inc., to designate conditions under which technical education programs may be offered to improve the economic development or welfare transition programs of a region; providing for participation by independent postsecondary education institutions,

Senator Kirkpatrick moved the following amendment to Amendment 12 which was adopted:

Amendment 12A—On page 8, lines 1-13, delete all of those lines and insert:

(2) Members appointed to regional workforce development boards shall include representatives from licensed private postsecondary education institutions participating in vocational and job training programs within the state. Licensed postsecondary education institutions are eligible to provide education and job training to recipients of public assistance (WAGES) for welfare-to-work and workforce development programs. Regional boards will consider performance and costs in their selection of providers. The board shall adopt measures of success that are uniform among public and independent educational institutions, so that the public will be able to fairly compare the relative success or failure of an institution in terms of positive outcomes, including cost of education, completion rates, job placement rates, and successful completion of applicable licensure examinations.

Amendment 12 as amended was adopted.

Senator McKay moved the following amendment which was adopted:

Amendment 13 (with title amendment)—On page 287, line 27, through page 288, line 16, delete those lines and insert:

Section 127. Subsections (1) and (2) of section 370.28, Florida Statutes, are amended, and subsections (3) and (4) are added to that section to read:

370.28 Enterprise zone designation; communities adversely impacted by net limitations.—

(1) The Office of Tourism, Trade, and Economic Development Department of Commerce is directed to identify communities suffering adverse impacts from the adoption of the constitutional amendment limiting the use of nets to harvest marine species.

(2)(a) Such communities having a population of less than 7,500 persons and such communities in rural and coastal counties with a county population of less than 20,000 may apply to the Office of Tourism, Trade, and Economic Development Department of Commerce by August May 15, 1996, for the designation of an area as an enterprise zone. The community must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development Department of Commerce may designate an enterprise zone in eight of the identified communities. The governing body having jurisdiction over such area shall create an enterprise zone development agency pursuant to s. 290.0056 and submit a strategic plan pursuant to s. 290.0057. Enterprise zones designated pursuant to this section shall be effective January 1, 1997 July 1, 1996, and shall terminate December 31, 2005.

And the title is amended as follows:

On page 10, line 13, after the semicolon (;) insert: assigning designation responsibility to the Office of Tourism, Trade, and Economic Development, changing application and effective dates;

RECONSIDERATION OF AMENDMENT

On motion by Senator McKay, the Senate reconsidered the vote by which **Amendment 13** was adopted

Senator Williams moved the following amendment to **Amendment 13** which was adopted:

Amendment 13A—On page 1, line 30, delete the number “20,000” and insert: 25,000 20,000

Amendment 13 as amended was adopted.

Senators Thomas and Williams offered the following amendment which was moved by Senator Thomas and failed:

Amendment 14 (with title amendment)—On page 302, between lines 14 and 15, insert

Section 140. Subsection (1) of section 112 161, Florida Statutes, is amended to read.

112 161 Change in position or reclassification; continuance or resumption of membership in retirement system.—

(1) Any person who is a participant in any state or county retirement system, who changes his or her position of employment, or who is reclassified so that under any existing law such person would participate in a different retirement system, may continue to participate and come under the same retirement system in which he or she participated or came under before changing positions or being reclassified so long as such person remains in the employ of the state or county or a public-private partnership initiated by the state and continues to make the contributions required by law. Any person who has changed positions or been reclassified heretofore may come back under and participate in the retirement system to which he or she belonged before such change or reclassification upon payment of all back contributions, plus 3 percent interest per annum, that would have been required by law had he or she continued to participate and come under such system continuously, such election to be made and payment to be made on or before the time of retirement.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 11, line 29, following the semicolon (;), insert: amending s. 112.161, F S ; continuing retirement system participation for employees of certain public-private partnerships;

The vote was:

Yeas—16 Nays—20

Senator Johnson moved the following amendments which failed

Amendment 15—On page 139, line 18, delete “eight six” and insert: six

Amendment 16—On page 135, line 28, delete that line and insert. prior to July 1, 1990

Amendment 17—On page 136, lines 22 and 23, delete “April July 1, 1987 1990” and insert July 1, 1990

Senator Bankhead moved the following amendment which was adopted:

Amendment 18—On page 29, line 9, delete “expansions” and insert. expansions,

Senator McKay moved the following amendments which were adopted.

Amendment 19 (with title amendment)—On page 187, between lines 3 and 4, insert

Section 73. Section 288.809, Florida Statutes, is amended to read
288 809 Florida Intergovernmental Relations International Affairs Foundation, use of property; board of directors; audit —

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) “Florida Intergovernmental Relations International Affairs Foundation” means a direct-support organization.

1. Which is a corporation not for profit that is incorporated under the provisions of chapter 617 and approved by the Department of State,

2. Which is organized and operated exclusively to solicit, receive, hold, invest, and administer property and, subject to the approval of the Department of State Florida International Affairs Commission, to make expenditures to or for the promotion of intergovernmental relations international trade and international education programs; and

3. Which the Department of State commission, after review, has certified to be operating in a manner consistent with the policies and goals of the department commission’s strategic plan.

(b) “Personal services” includes full-time or part-time personnel, as well as payroll processing.

(2) USE OF PROPERTY —The department commission.

(a) Is authorized to permit the use of property, facilities, and personal services of the department commission by the foundation, subject to the provisions of this section.

(b) Shall prescribe conditions with which the foundation must comply in order to use property, facilities, or personal services of the department commission. Such conditions shall provide for budget and audit review and for oversight by the department commission.

(c) Shall not permit the use of property, facilities, or personal services of the foundation if the foundation does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion

(3) BOARD OF DIRECTORS.—The board of directors of the foundation shall be composed of seven members, including six appointed by the Secretary of State commission from its own membership, of whom no more than three shall be employees or elected officials of the state. The executive director of the commission shall serve as chair of the board.

(4) ANNUAL AUDIT —The foundation shall make provision for an annual postaudit of its financial accounts to be conducted by an independent, certified public accountant. The annual audit report shall include a management letter and shall be submitted to the Auditor General and the department commission for review. The department commission and the Auditor General have the authority to require and receive from the foundation or from its independent auditor any detail or supplemental data relative to the operation of the foundation. The identity of a donor or prospective donor to the foundation who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119 07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor’s report. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 6, line 31, after the semicolon (;) insert: amending s. 288.809, F.S., renaming the Florida International Affairs Foundation as the Florida Intergovernmental Relations Foundation; providing that the foundation is organized to support intergovernmental relations programs; replacing references to the Florida International Affairs Commission with the Department of State;

Amendment 20 (with title amendment)—On page 302, line 26, delete “288.809,”

And the title is amended as follows:

On page 12, line 4, delete “288.809,”

Senator Diaz-Balart moved the following amendment:

Amendment 21—On page 301, between lines 25 and 26, insert:

Section 137 There is created an International Trade Grants Program to be administered by the Business and Economic Development Board. The Board may grant funds appropriated by the Legislature to it for providing International Trade Grants to local government or non-profit private sector organizations for purposes of international business promotion. The Business and Economic Development Board shall establish an application, review, and selection process similar to the guidelines as established for cultural facilities in section 265 701, Florida Statutes. The implementation of this program is contingent upon funds being provided in the General Appropriations Act
(Renumber subsequent sections.)

Senator Diaz-Balart moved the following amendment to **Amendment 21** which was adopted:

Amendment 21A—On page 1, line 18, delete the word "Business" and insert: International Trade

Senator McKay moved the following substitute amendment for **Amendment 21** as amended which was adopted.

Amendment 22 (with title amendment)—On page 301, between lines 25 and 26, insert:

Section 137. There is created an International Trade Grants Program to be administered by Enterprise Florida, Inc. Enterprise Florida, Inc., may accept and administer moneys appropriated to it for providing international trade grants. The Business and Economic Development Board shall establish an application, review, and selection process similar to the guidelines as established for cultural facilities in section 265 701, Florida Statutes. The implementation of this program is contingent upon funds being provided in the 1996-1997 General Appropriations Act. No more than 1 percent of such appropriated funds may be used for administrative costs associated with implementing and administering this program. The Business and Economic Development Board shall have completed final authority regarding grant awards under this program.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 11, line 29, after the semicolon (;) insert: creating an International Trade Grants Program;

Senator Dyer moved the following amendment

Amendment 23 (with title amendment)—On page 269, lines 6-22, delete those lines and insert:

Section 116. Subsection (2) of section 290.0058, Florida Statutes, is amended to read:

290.0058 Tests of pervasive poverty, unemployment, and general distress.—

(2) Pervasive poverty shall be evidenced by a showing that poverty is widespread throughout the nominated area. The poverty rate of the nominated area shall be established using the following criteria:

(a) In each census geographic block group within a nominated area, the poverty rate shall be not less than 20 percent.

(b) In at least 50 percent of the census geographic block groups within the nominated area, the poverty rate shall not be less than 30 percent.

(c) Census geographic block groups with no population shall be treated as having a poverty rate which meets the standards of paragraph (a), but shall be treated as having a zero poverty rate for purposes of applying paragraph (b).

(d) A nominated area may not contain a noncontiguous parcel unless such parcel separately meets the criteria set forth under paragraphs (a) and (b).

For purposes of this subsection, pervasive poverty within an area nominated by a county and one or more municipalities together shall be presumed within each census geographic block group within a municipality which has fewer than 3 contiguous census geographic block groups provided at least one such group has a poverty level of more than 20 percent.

Section 117 Subsections (8) and (9) are added to section 290.0065, Florida Statutes, to read:

290.0065 State designation of enterprise zones.—

(8)(a) *Notwithstanding s. 290.0055, any area existing as a state enterprise zone as of December 31, 1994, which has received at least \$1 million in state community development funds and at least \$500,000 in federal community development funds, which has less than 300 businesses located within the boundaries of the enterprise zone, and which has been designated by the United States Department of Agriculture as a "Champion Community" shall be redesignated as a state enterprise zone upon the creation of an enterprise zone development agency pursuant to s. 290.0056 and the completion of a strategic plan pursuant to s. 290.0057*

(b) *Such designation shall be in addition to the limitations of state enterprise designation set out in subsection (1).*

(9) *The Department of Commerce may amend the boundaries of any enterprise zone designated by the state pursuant to this section, consistent with the categories, criteria, and limitations imposed in this section upon the establishment of such enterprise zone.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 9, line 21, delete that line and insert: enterprise zone; amending s. 290.0058, F.S.; providing a presumption of pervasive poverty for certain census geographic block groups, amending s. 290.0065, F.S., authorizing the Department of Commerce to amend the boundaries of state designated enterprise zones under certain circumstances;

Senator Dyer moved the following amendment to **Amendment 23** which was adopted.

Amendment 23A—On page 2, line 8 through page 3, line 4, delete those lines and insert:

(e) *For purposes of this subsection, pervasive poverty within an area nominated by a county and one or more municipalities together shall be presumed within each census geographic block group within a municipality which has fewer than 3 contiguous census geographic block groups provided at least one such group has a poverty level of more than 20 percent.*

Section 117. Subsections (8) and (9) are added to section 290.0065, Florida Statutes, to read:

290.0065 State designation of enterprise zones.—

(8)(a) *Notwithstanding s. 290.0055, any area existing as a state enterprise zone as of December 31, 1994, which has received at least \$1 million in state community development funds and at least \$500,000 in federal community development funds, which has less than 300 businesses located within the boundaries of the enterprise zone, and which has been designated by the United States Department of Agriculture as a "Champion Community" shall be redesignated as a state enterprise zone upon the creation of an enterprise zone development agency pursuant to s. 290.0056 and the completion of a strategic plan pursuant to s. 290.0057.*

(b) *Such designation shall be in addition to the limitations of state enterprise designation set out in subsection (1).*

(9) *The Department of Commerce may amend the boundaries of any enterprise zone designated by the state pursuant to this section, consistent with the categories, criteria, and limitations imposed in this section upon the establishment of such enterprise zone and only if consistent with the determinations made in paragraph s. 290.0058(2)(e).*

Amendment 23 as amended was adopted.

On motion by Senator McKay, by two-thirds vote CS for CS for SB 958 as amended was read the third time by title and ordered engrossed.

Further consideration of CS for CS for SB 958 as amended was deferred.

REPORTS OF COMMITTEES

March 18, 1996

The Committee on Rules and Calendar respectfully recommends a new Senate Rule concerning food and beverage. It is attached hereto and by reference made a part of this report.

Sincerely,
Toni Jennings, Chairman

1.351—Food and Beverage Prohibited

(a) A Senator, Senate officer, or Senate employee may not knowingly accept, directly or indirectly, food or beverage from a lobbyist

(b) This rule does not prohibit a Senator, Senate officer, or Senate employee from accepting food or beverage:

- (1) from a relative as defined in Joint Rule 1.4(2);
- (2) at a political, campaign, or fundraising activity or event, reportable pursuant to state or federal law
- (3) in connection with his or her outside business or employment activities, as exempted by s. 112.312(12)(b)1, F.S.,
- (4) consumed incidental to a reception or gathering of constituents, not to exceed a value of \$25.00,
- (5) consumed at a special event, or
- (6) consumed at an honorarium event

(c) As used in this rule the term:

- (1) "lobbyist" means a person defined in Joint Rule 1.1(2)(d)
- (2) "food and beverage" has the meaning ascribed in Joint Rule 1.4(3)(c).
- (3) "special event" has the meaning ascribed in Joint Rule 1.4(3)(i)
- (4) "honorarium" has the meaning ascribed in s. 112.3149(1)(a), F.S.

MOTION

On motion by Senator Jennings, the report of the Committee on Rules and Calendar was adopted. The vote was:

Yeas—39 Nays—1

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, March 21, 1996: SB 2206, CS for SB 2, CS for SB 4, SB 6, CS for SB 8, SB 78, SB 156, CS for CS for SB 958

Respectfully submitted,
Toni Jennings, Chairman

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1868

The Committee on Higher Education recommends the following pass: SB 1720 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1782 with 1 amendment

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1648 with 5 amendments

The Committee on Judiciary recommends the following pass: SB 300

The Committee on Natural Resources recommends the following pass: SB 190 with 2 amendments, SB 1700 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1702 with 2 amendments

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

The Committee on Banking and Insurance recommends the following pass: SB 754 with 1 amendment

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

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1862

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1736

The Committee on Higher Education recommends the following pass: SB 2186

The bills contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1164

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

The Committee on Banking and Insurance recommends the following pass: SB 1086

The Committee on Natural Resources recommends the following pass: SB 1146 with 10 amendments

The bills contained in the foregoing reports were referred to the Committee on Health Care under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 282 with 1 amendment, SB 1206 with 4 amendments

The Committee on Community Affairs recommends the following pass: SB 1864

The Committee on Natural Resources recommends the following pass: SB 1076 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Transportation recommends the following pass: SB 1820

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

The Committee on Banking and Insurance recommends the following pass: SB 350 with 8 amendments, SB 520 with 2 amendments, SB 900 with 1 amendment, SB 1068 with 1 amendment, SB 1196 with 3 amendments, SB 1636 with 1 amendment

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 510 with 1 amendment, SB 802 with 2 amendments, SB 1142

The Committee on Community Affairs recommends the following pass CS for SB 1026

The Committee on Criminal Justice recommends the following pass. SB 194 with 1 amendment, SB 1222 with 2 amendments

The Committee on Health and Rehabilitative Services recommends the following pass SB 792 with 1 amendment

The Committee on Judiciary recommends the following pass SB 114, SB 354, SB 506 with 1 amendment, SB 540 with 1 amendment, SB 1290

The Committee on Natural Resources recommends the following pass SB 1148

The Committee on Transportation recommends the following pass. SB 898 SB 1890

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends the following pass SB 618 with 1 amendment, SB 634 with 1 amendment, SB 1150 with 1 amendment, SB 1230 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 1254

The Committee on Executive Business, Ethics and Elections recommends the following pass SB 2252

The Committee on Judiciary recommends the following pass SB 256

The Committee on Natural Resources recommends the following pass: SB 912

The Committee on Transportation recommends the following pass. SB 1854

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Natural Resources recommends a committee substitute for the following SB 602

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following Senate Bills 614 and 476

The Committee on Judiciary recommends a committee substitute for the following Senate Bills 930 and 686

The Committee on Natural Resources recommends a committee substitute for the following SB 2192

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

The Committee on Transportation recommends a committee substitute for the following SB 1760

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

The Committee on Community Affairs recommends a committee substitute for the following SB 94

The Committee on Criminal Justice recommends committee substitutes for the following SB 158, SB 526

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following SB 2008

The Committee on Regulated Industries recommends a committee substitute for the following Senate Bills 386, 732 and 1208

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

The Committee on Community Affairs recommends a committee substitute for the following SB 1268

The Committee on Criminal Justice recommends committee substitutes for the following SB 244 SB 1280

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following SB 610

The Committee on Higher Education recommends committee substitutes for the following SB 176, SB 1032

The Committee on Judiciary recommends committee substitutes for the following CS for SB 16, SB 222

The Committee on Natural Resources recommends committee substitutes for the following SB 648, SB 790

The Committee on Transportation recommends a committee substitute for the following SB 1084

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

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following SB 1674

The Committee on Health Care recommends a committee substitute for the following SB 518

The Committee on Judiciary recommends a committee substitute for the following SB 748

The Committee on Transportation recommends a committee substitute for the following SB 1656

The Committee on Ways and Means recommends a committee substitute for the following CS for SB 958

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Harris—

SB 2312—A bill to be entitled An act relating to insurance; amending s. 627.453, F.S., extending the grace period for certain life insurance contracts; amending ss 627 1555 627.5045, F.S., revising provisions related to cancellations for nonpayment of premium and other nonforfeiture options, amending s. 627 4556, F.S.; requiring certain notice in the application and policy regarding automatic premium loan provisions; providing an effective date.

—was referred to the Committees on Banking and Insurance, and Ways and Means

By Senators Grant, Burt, Childers, Latvala, Gutman, Williams, Holzendorf and Thomas—

SB 2314—A bill to be entitled An act relating to insurance; amending s. 215.555, F.S.; authorizing the State Board of Administration to adopt rules for the exclusion of certain insurers from the Florida Hurricane Catastrophe Fund; providing powers and duties of the board; modifying responsibilities of the board and insurers under reimbursement contracts; modifying procedures for the board's issuance of revenue bonds for benefit of the fund; providing for issuance of revenue bonds through a county or municipality for benefit of the fund; creating the Florida Hurricane Catastrophe Fund Corporation; providing purpose of the corporation and for a board of directors; providing definitions; providing legislative intent as to the tax-exempt status of the fund and for application of the act to reimbursement contracts entered into after 1996; creating s. 215.5551, F.S.; authorizing the board to issue bonds to reimburse insurers for claims paid on dwelling structures included in coverage only of a standard homeowner insurance policy; providing conditions for such reimbursement, authorizing the board to purchase reinsurance; creating s. 215.5552, F.S.; providing for use of moneys appropriated by the Legislature from the fund for mitigation purposes; creating s. 215.5553, F.S., authorizing a temporary Florida Hurricane Catastrophe Fund surcharge; creating s. 215.5554, F.S.; requiring the determination of a benchmark price for reinsurance prior to the purchase of such insurance; creating s. 624.4041, F.S., providing that an insurer's authority to transact business may not be conditioned on the number or type of policies it writes or could write in the state of upon a requirement that the insurer write other kinds of insurance; creating s. 626.9153, F.S.; providing for exportation of hurricane deductible risk in residential coverage to surplus lines; creating s. 626.9293, F.S.; prescribing conditions for and limitations on windstorm coverage for newly constructed buildings; amending s. 627.062, F.S.; providing that the Department of Insurance has the burden of proof in administrative rate proceedings; providing that rate standards apply to residential coverage; creating s. 627.0621, F.S.; providing flexible rating for certain insurers; providing definitions; creating s. 627.0622, F.S.; providing for pass-through of assessments and surcharges, amending s. 627.0628, F.S.; exempting members and certain employees of the Florida Commission on Hurricane Loss Projection Methodology and members and employees of the State Board of Administration from liability for performance of their statutory duties; amending s. 627.351, F.S.; providing conditions under which newly constructed buildings are eligible for windstorm coverage provided by the Windstorm Joint Underwriters Association; providing conditions under which the Residential Property and Casualty Underwriting Association must offer windstorm coverage; providing for deactivation of coverage offered by the association on a specified date and for subsequent reactivation, creating s. 627.3513, F.S.; requiring the Department of Insurance to make quarterly reports of the accumulated statutory deficit or surplus of the association; amending s. 627.4025, F.S.; including windstorm coverage and hurricane coverage within the definition of residential coverage; creating s. 627.41341, F.S.; authorizing for a limited time a residential property policy form to be known as a Residential JUA Supplemental Policy; amending s. 627.7013, F.S.; authorizing an insurer to cede up to 50 percent of its homeowners' policies to an unaffiliated insurer under specified conditions; creating s. 627.7016, F.S.; authorizing insurers offering residential coverage to contract with building contractors skilled in techniques that mitigate hurricane damage and to offer policyholders the option to select the contractor's services to repair hurricane damage; creating s. 627.4138, F.S.; requiring the department to approve new Gap Insurance policies; amending s. 627.701, F.S., increasing deductibles for hurricane losses; providing an effective date.

— was referred to the Committees on Banking and Insurance; Community Affairs; and Ways and Means.

By Senators Silver, Casas, Gutman, Diaz-Balart, Forman and Turner—

SB 2316—A bill to be entitled An act relating to sexual predators; amending s. 775.22, F.S.; providing additional legislative findings and determinations with respect to the Florida Sexual Predators Act; requiring that an offender register under the act following an arrest for certain sexual offenses or for a violation of probation or parole if the offender has previously been convicted of certain sexual offenses, regardless of adjudication; requiring that an offender who is convicted of certain sexual offenses register under the act, regardless of adjudication or a prior

conviction for a sexual offense, requiring the Department of Law Enforcement to make a list of registered sexual predators available to the public upon request, requiring that a law enforcement agency notify the Department of Law Enforcement if the agency suspects that a person who is required to register as a sexual predator has failed to do so; providing a penalty, amending s. 775.225, F.S.; providing for a hearing in the circuit court to determine if certain offenders who are required to register under the act pose a threat to the public; specifying evidence for the court to consider; requiring the Department of Law Enforcement to provide statewide or local notification of the presence of a sexual predator; providing an effective date.

— was referred to the Committees on Criminal Justice; and Ways and Means.

By Senators Silver, Casas, Gutman, Diaz-Balart, Forman and Turner—

SB 2318—A bill to be entitled An act relating to missing children; creating s. 937.025, F.S.; requiring that a public or private school flag the student records of a child upon being notified by the Department of Law Enforcement that the child is missing; requiring the school to contact the local law enforcement agency and the Department of Law Enforcement when a copy of or information concerning the records of a missing child is requested; providing that the school or a school employee is immune from civil liability for providing information concerning a missing child to a law enforcement agency; creating s. 937.026, F.S.; requiring an employee of the state, local governmental agency, or public or private school to report to a local law enforcement agency and the Department of Law Enforcement information that could assist in locating a missing child, ascertaining the identity of the person who has custody of a missing child, or determining if a missing child is in danger; providing that a person who makes such report in good faith is immune from civil liability; creating s. 937.032, F.S., prohibiting the reporting of false information with respect to a missing child, providing a penalty; providing an effective date.

— was referred to the Committees on Criminal Justice and Education.

By Senators Silver, Casas, Gutman, Diaz-Balart, Forman and Turner—

SB 2320—A bill to be entitled An act relating to child pornography; amending s. 827.071, F.S.; prohibiting the promotion or possession of a photograph, motion picture, video, representation, or other material that depicts sexual conduct by a person who appears to be a minor; providing that it is not a defense to prosecution if the photograph, motion picture, video, representation, or other material is a computer-generated, computer-enhanced, or similarly produced depiction of a child or person who does not exist; reenacting s. 921.001(3)(e), F.S., relating to the sentencing guidelines, to incorporate the amendment to s. 827.071, F.S., in references thereto; creating s. 847.203, F.S., requiring certain commercial processors or producers of film, videotape, video discs, or other images and persons who offer computer network services to report a depiction of a minor engaged in sexual conduct to a law enforcement agency; providing immunity from civil or criminal liability for making such report; providing a penalty for failing to report as required; creating s. 847.204, F.S.; prohibiting the solicitation of a minor for the purpose of engaging in sexual conduct; providing a penalty; providing that it is not a defense to prosecution if the person solicited is not actually a minor; amending s. 847.205, F.S.; providing immunity from civil or criminal liability under ch. 847, F.S., relating to obscene literature and profanity, for a person engaged in investigating or enforcing various laws that involve minors or illicit sexual conduct; providing an effective date.

— was referred to the Committees on Criminal Justice; Judiciary; and Ways and Means.

By Senator Silver—

SB 2322—A bill to be entitled An act relating to Uniform Commercial Code-Leases; amending s. 680.1031, F.S.; redefining the terms "co-

sumer lease" and "finance lease", amending s. 680.1041, F.S., revising language with respect to other statutes to which leases are subject; amending s. 680.303, F.S.; revising language with respect to the alienability of a party's interest under a lease contract or of a lessor's residual interest in goods; amending s. 680.304, F.S.; revising language with respect to the subsequent lease of goods by the lessor, amending s. 680.307, F.S.; revising language with respect to priority of liens arising by attachment or levy on security interests in and other claims to goods; amending s. 680.309, F.S., revising language with respect to lessor's and lessee's rights when goods become fixtures; creating s. 680.32, F.S.; providing that nothing in chapter 680, F.S., prevents subordination by agreement by any person entitled to priority; amending s. 680.501, F.S.; revising language with respect to the procedure governing default; amending s. 680.503, F.S.; revising language with respect to modification or impairment of rights and remedies; amending s. 680.507, F.S.; revising language with respect to proof of market rent; amending s. 680.508, F.S.; revising language with respect to lessee's remedies, amending s. 680.516, F.S.; revising language with respect to the effect of acceptance of goods, notice of default, the burden of establishing default after acceptance, and notice of claim or litigation to persons answerable over, amending s. 680.518, F.S.; revising language with respect to cover and substitute goods, amending s. 680.519, F.S., revising language with respect to lessee's damages for nondelivery, repudiation, default, or breach of warranty in regard to accepted goods; amending s. 680.523, F.S.; revising language with respect to lessor's remedies; amending s. 680.524, F.S., revising language with respect to lessor's right to identify goods to lease contract; amending s. 680.525, F.S.; revising language with respect to lessor's right to possession of goods; amending s. 680.527, F.S.; revising language with respect to lessor's rights to dispose of goods; amending s. 680.528, F.S.; revising language with respect to lessor's damages for nonacceptance or repudiation; amending s. 680.529, F.S.; revising language with respect to lessor's action for rent; amending s. 680.532, F.S.; revising language with respect to lessor recovery for loss of residual interest; providing for the application of the act; providing an effective date

—was referred to the Committees on Judiciary; and Commerce and Economic Opportunities.

By Senator Silver—

SB 2324—A bill to be entitled An act relating to registered limited liability partnerships; amending s. 620.78, F.S.; revising registration filing procedures for limited liability partnerships; providing duties of the Department of State; creating s. 620.7801, F.S.; requiring the department to collect certain filing fees; authorizing the department to prescribe forms and adopt rules; amending s. 620.7885, F.S.; clarifying foreign registered limited liability partnership registration requirements, creating s. 620.79, F.S., providing applicability, amending s. 620.8101, F.S., revising definitions; amending ss. 620.8103, 620.8105, 620.8303, 620.8304, 620.8702, 620.8703, 620.8704, 620.8805, 620.8806, 620.8807, 620.8903, 620.8906, and 620.8907, F.S.; clarifying and conforming provisions, providing and conforming cross-references; amending s. 620.8306, F.S.; specifying individual liability of a partner; amending s. 620.8307, F.S.; limiting certain actions against partner assets under certain circumstances; amending s. 620.8401, F.S., limiting required indemnification payments by a partner under certain circumstances; amending s. 865.09, F.S.; revising an exemption from fictitious name registration requirements; clarifying a prohibition against using certain names, repealing s. 620.784(2), F.S., relating to reservation of an exclusive right to a partnership name; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Judiciary; and Ways and Means.

By Senator Hargrett—

SB 2326—A bill to be entitled An act relating to the Central Florida Regional Transportation Authority Act; amending s. 343.62, F.S.; providing definitions, amending s. 343.63, F.S.; revising provisions with respect to the Central Florida Regional Transportation Authority; amending s. 343.64, F.S.; revising the powers and duties of the authority, amending s. 343.65, F.S.; providing for the issuance of revenue bonds, amending s. 343.66, F.S.; providing that certain bonds issued

under the act are not the debts, liabilities, or obligations of the state or the Counties of Orange, Seminole, or Osceola, amending s. 343.67, F.S., providing that the state pledges that it will not limit or restrict the authority to construct, reconstruct, maintain, and operate any public transportation facilities, or facilities related thereto, to be owned or operated by the authority, creating s. 343.675, F.S.; providing for an exemption from taxation; creating s. 343.683, F.S.; providing for the effect of the act; creating s. 343.685, F.S.; providing for construction; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Ways and Means.

By Senator Jones—

SB 2328—A bill to be entitled An act relating to the Control Release Authority, amending s. 947.146, F.S.; requiring the authority to develop criteria for determining the number and type of inmates who may be released under control release; providing that an inmate does not have a right to be assigned a control release date, revising the procedure under which the authority reviews eligible inmates and assigns control release dates, deleting a limitation on establishing a control release date for a habitual felony offender; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By Senator Jones—

SB 2330—A bill to be entitled An act relating to the inhumane treatment of exotic mammals, prohibiting the killing or wounding, or allowing the killing or wounding, of an exotic mammal that is tied, staked out, or otherwise enclosed within a specified area for the purpose of gain, amusement, or sport; prohibiting the sale or purchase of an exotic mammal used in violation of the act; specifying certain actions that do not constitute a violation of the act; providing penalties; providing for recovery of costs incurred in investigating and prosecuting a violation of the act, providing an effective date

—was referred to the Committees on Natural Resources; and Ways and Means.

By Senator Jones—

SB 2332—A bill to be entitled An act relating to governmental purchasing, amending ss. 235.31, 287.055, F.S.; providing for counties, municipalities, district school boards, and community colleges to set aside portions of moneys allocated for certain competitively bid contracts to promote small businesses, providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Community Affairs; and Ways and Means

By Senator Jones—

SB 2334—A bill to be entitled An act relating to the local government infrastructure surtax, amending s. 212.055, F.S., revising provisions which authorize certain counties and municipalities therein to use surtax proceeds for any public purpose, to include counties designated as an area of critical state concern on the effective date of the act; providing an effective date

—was referred to the Committees on Community Affairs; and Ways and Means.

By Senator Jones—

SB 2336—A bill to be entitled An act relating to accessibility for Americans with disabilities; amending part V of ch. 553, F.S., to conform

state law to requirements of the U.S. Department of Justice for certifying compliance with the federal Americans with Disabilities Act, providing an effective date.

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

By Senator Jones—

SB 2338—A bill to be entitled An act relating to indigency in criminal proceedings; amending s 27.52, F.S.; revising guidelines, procedures, and time limits relating to determination of indigency; imposing a fee upon an accused person, or parent or legal guardian thereof, who asserts indigency and requests representation by the public defender; providing for disposition of the fees, providing for an application for representation; providing for specified court determinations with respect to indigency, reenacting s 39.041(2) and (3), F.S., relating to a child's right to counsel, to incorporate said amendment in references, amending s 27.56, F.S., relating to lien for payment of attorney's fees or costs; providing conforming language, amending s. 27.562, F.S.; providing for disposition of certain funds into the county fine and forfeiture fund and Indigent Criminal Defense Trust Fund; providing an effective date.

—was referred to the Committees on Criminal Justice, Judiciary; and Ways and Means.

By Senator Jones—

SB 2340—A bill to be entitled An act relating to roller skating rinks; creating part II of chapter 546, F.S., creating the "Florida Roller Skating Rink Safety and Fair Liability Act"; providing finding and declaration of necessity; providing definitions; enumerating duties of roller skating rink operators and skaters; providing limitation of liability of operator, with exceptions; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

By Senator Jones—

SB 2342—A bill to be entitled An act relating to the Alternative Education Institute; amending s. 39.054, F.S.; authorizing the court to place an adjudicated delinquent child with an Alternative Education Institute contract provider, amending s. 39.085, F.S.; providing for administrative housing of the institute, revising membership and responsibilities of the institute; providing for removal of nonattending members under certain circumstances, removing provisions with respect to nonagency status of the institute; providing for an interagency agreement among the Department of Juvenile Justice, the Department of Education, and the institute, amending s. 415.505, F.S.; requiring the Department of Health and Rehabilitative Services to refer to the local law enforcement agency certain child abuse and neglect reports involving providers under contract with the institute; providing procedures for investigation of such reports; amending s. 768.28, F.S., providing for sovereign immunity of such providers from certain liability; providing an effective date

—was referred to the Committees on Criminal Justice, Education; Judiciary; and Ways and Means.

By Senator Jones—

SB 2344—A bill to be entitled An act relating to state lands; naming the Windley Key Fossil Reef State Geological Site Environmental Education/Interpretive Center as the "Alison Fahrer Environmental Education/Interpretive Center"; providing for the erection of appropriate markers; providing an effective date

—was referred to the Committee on Natural Resources

By Senator Jones—

SJR 2346—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution relating to counties.

—was referred to the Committees on Community Affairs; and Rules and Calendar

By Senator Kirkpatrick—

SB 2348—A bill to be entitled An act relating to the State University System; amending s 240.209, F.S.; authorizing university presidents to implement a matriculation and out-of-state tuition and fee schedule, providing for use of revenues generated by such fees; providing an effective date.

—was referred to the Committees on Higher Education; and Ways and Means

By Senators Bankhead, Horne, Grant and Weinstein—

SB 2350—A bill to be entitled An act relating to seaports; amending s 163.3177, F.S.; providing that the coastal management element of the required comprehensive plan shall include plans for the orderly maintenance and use of ports; creating s. 311.105, F.S., creating the Florida Seaport Environmental Management Committee; providing for membership, powers, and duties; providing additional requirements with respect to certain dredge and fill permits; providing for the review of certain permit applications; providing for environmental mitigation; providing for duties of the Department of Environmental Protection; amending s 374.976, F.S.; providing that financial assistance for certain port projects shall not be included in calculating the proportional share of ad valorem tax collections of the county within which the port is located; amending s 380.24, F.S.; providing that all permitting of dredged material management and other related activities shall be done by the Department of Environmental Protection; amending s. 403.021, F.S.; revising language with respect to legislative intent concerning dredged material management, amending s. 403.061, F.S., providing additional powers of the department with respect to the control and prohibition of pollution to the air and water of the state; providing that the act does not affect regulation of certain ports by separate departments of a local government; providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means

By Senators Bankhead, Hargrett, Jones, Casas, Horne, Grant, Williams, Forman, Silver, Weinstein, Kurth, Meadows and Bronson—

SB 2352—A bill to be entitled An act relating to the disposition of license-tax moneys; amending s 320.20, F.S.; providing for additional funding of the Florida Seaport Transportation and Economic Development Program; specifying the use of the funds; granting ports municipal and county authority as provided in s 163.01(7)(d), F.S., the Florida Interlocal Cooperation Act of 1969, providing an effective date

—was referred to the Committees on Transportation, and Ways and Means.

By Senator Diaz-Balart—

SB 2354—A bill to be entitled An act relating to neighborhood lottery schools, authorizing district school boards to pledge certain lottery moneys for the construction of neighborhood lottery schools; providing for notice and hearing; providing for issuing bonds; prescribing standards for neighborhood lottery schools; prescribing duties of the Division of Bond Finance and the Department of Education, providing an effective date.

—was referred to the Committees on Education; and Ways and Means

By Senator Harris—

SB 2356—A bill to be entitled An act relating to geology; amending s 492.105, F S ; revising experience requirements for licensure by examination; eliminating an obsolete provision authorizing licensure without examination; amending s 492.107, F S ; prohibiting any person from stamping or sealing any document with a seal unless that person has a valid, active license; prohibiting the affixing of the licensee's seal or name to any geologic report, paper, or other document which has not been prepared by the licensee or under the licensee's supervision; amending s 492.111, F S , revising requirements for certification of business entities; amending s 492.112, F S.; prohibiting the giving of false or forged evidence to the Board of Professional Geologists, providing penalties; amending s. 492.113, F.S., providing that the board, rather than the Department of Business and Professional Regulation, is the responsible disciplinary body; providing that violating any rule or order of the board is a ground for disciplinary action, providing an additional ground for disciplinary action relating to submission, approval, or generation of inaccurate or incorrect reports, plans, or evaluations; increasing the administrative fine; amending s. 492.114, F.S.; eliminating the requirement that the issuance of duplicate licenses be subject to rules of the department; amending s 492.116, F.S.; revising an exemption relating to persons employed on a full-time basis by an employer engaged in the business of developing, mining, or treating ores, other minerals, and petroleum resources; amending s. 492.1165, F.S., providing for construction of the chapter, amending ss 492.101, 492.102, 492.103, 492.104, 492.106, 492.108, 492.109, 492.1101, and 492.115, F S , to conform, revise references and terminology, and provide for gender neutrality, providing for future review and repeal, providing an effective date

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means

By Senator Casas—

SB 2358—A bill to be entitled An act relating to foreign licensed physicians, creating s. 458.3124, F.S.; providing for development of formulas for reserving certain medical education postgraduate training positions for foreign licensed physicians, providing for proposals to increase the number of certified or establish noncertified postgraduate training positions; providing eligibility requirements for such positions for foreign licensed physicians; specifying circumstances under which supervised practice shall fulfill the postgraduate training requirement; requiring additional supervised practice for certain foreign licensed physicians prior to examination for licensure, providing for rules; providing for future repeal and legislative review; amending s 458.311, F S., revising a medical education specialty requirement for foreign licensed physicians; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By Senator Burt—

SB 2360—A bill to be entitled An act relating to guardianship, amending s. 744.454, F S.; providing that a guardian may purchase property or borrow money from the guardian's ward when authorized by the court; providing an effective date

—was referred to the Committee on Judiciary.

By Senator Grant—

SB 2362—A bill to be entitled An act relating to health care coverage, amending ss. 627.419 and 627.6515, F.S.; prohibiting certain health care providers or insurers which provide coverage for diagnostic or surgical procedures involving the skeleton from discriminating against coverage for similar diagnostic or surgical procedures necessary to correct congenital or developmental deformities, diseases, or injuries; providing for construction; creating ss 627.6573, 641.3109, and 641.428, F S , prohibiting certain health care providers or insurers which provide coverage for diagnostic or surgical procedures involving the skeleton from dis-

criminating against coverage for similar diagnostic or surgical procedures necessary to correct congenital or developmental deformities, diseases, or injuries, providing for construction; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means

By Senator McKay—

SB 2364—A bill to be entitled An act relating to tax exemptions; requiring the development of measures for consideration by the Legislature when considering such exemptions; providing an effective date

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

By Senator McKay—

SB 2366—A bill to be entitled An act relating to economic development; providing for the Governor to be the state's principal economic development officer, providing duties, providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities, and Ways and Means

By Senator Ostalkiewicz—

SB 2368—A bill to be entitled An act relating to child care facilities; amending s 402.302, F.S., redefining the term "child care facility" to exclude after-school recreational programs operated by certain agencies; creating s. 402.3059, F S , providing that certain licensing standards for child care facilities apply to after-school recreational programs, providing an effective date.

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

By Senators Sullivan, Beard, Johnson, Forman, Latvala, Grant, Weinstein, Wexler, Casas, Jenne, Kurth, Gutman, Jennings and Williams—

SB 2370—A bill to be entitled An act relating to bicycling; amending s 316.2065, F.S.; requiring a bicycle rider who carries 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 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; authorizing counties not to comply with certain provisions of s 316.2065, F S , providing an effective date

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

By Senator McKay—

SB 2372—A bill to be entitled An act relating to the Department of Business and Professional Regulation, amending s. 20.165, F S ; conforming provisions relating to the organizational structure of the department to provisions of this act; amending ss 326.002, 326.004, 326.005, 326.006, F S.; repealing s 326.003, F S., relating to licensure provisions of yacht and ship brokers; providing that violations of the Yacht and

Ship Brokers' Act shall be deemed violations of the Unfair and Deceptive Trade Practices Act; repealing s. 402.48, F.S., relating to the regulation of health care services pools, amending s. 455.203, F.S.; providing a restriction on renewal of licenses; amending ss. 468.382, 468.383, 468.386, 468.388, 468.389, F.S.; repealing ss. 468.381, 468.384, 468.385, 468.3851, 468.3852, 468.387, 468.391, 468.392, 468.393, 468.394, 468.395, 468.396, 468.397, 468.398, 468.399, F.S., repealing licensure requirements for auctioneers and auction businesses; providing that violations of laws relating to auctioneering shall be deemed violations of the Unfair and Deceptive Trade Practices Act; amending ss. 468.401, 468.412, F.S.; repealing ss. 468.402, 468.403, 468.404, 468.405, 468.406, 468.407, 468.408, 468.409, 468.410, 468.411, 468.413, 468.414, 468.415, F.S.; repealing licensure requirements for talent agencies; providing that violations of laws relating to talent agencies shall be deemed violations of the Unfair and Deceptive Trade Practices Act; requiring talent agencies to place money collected for an artist into a trust or escrow account; repealing s. 468.4563, F.S., repealing continuing education requirements for athlete agents; amending ss. 468.525, 468.526, F.S.; requiring employee leasing companies to maintain minimum net worth; providing licensing requirements; amending s. 468.5275, F.S., providing a condition on employee leasing companies that are exempt from licensing requirements, amending s. 468.531, F.S.; increasing criminal penalties; amending ss. 468.542, 468.547, F.S.; transferring the regulation of water and wastewater treatment operators to the Department of Environmental Protection, amending s. 468.609, F.S.; requiring building code administrators to possess a standard or limited certificate; requiring applicants to take the Florida Principles and Practices examination; amending s. 468.627, F.S., repealing continuing education requirements for building code administrators and inspectors; amending ss. 468.701, 468.703, 468.705, 468.707, 468.709, 468.711, 468.719, 468.723, F.S.; transferring the regulation of athletic trainers to the Agency for Health Care Administration; amending s. 469.005, F.S., providing licensing requirements for asbestos consultants and contractors, amending s. 469.013, F.S., providing course requirements for asbestos surveyors, planners, and monitors, amending ss. 470.015, 470.018, F.S.; repealing continuing education requirements for funeral directors, embalmers, and direct disposers; amending s. 472.017, F.S., repealing s. 472.018, F.S.; repealing continuing education requirements for surveyors and mappers; amending s. 474.211, F.S., repealing continuing education requirements for veterinarians; amending s. 475.15, F.S.; eliminating a restriction on the registration of a partnership; amending s. 475.17, F.S.; providing additional requirement to be licensed as a real estate broker, amending s. 475.25, F.S.; increasing administrative fine; amending s. 475.482, F.S.; eliminating requirement that certain moneys collected from fines be transferred to the Real Estate Recovery Fund; creating ss. 475.5016, 475.6295, F.S.; providing inspection and auditing powers for the department, amending s. 475.615, F.S.; providing registration requirements for appraisers; amending s. 475.624, F.S., increasing administrative fines for appraisers; amending s. 476.144, F.S.; providing licensing requirements for barbers; amending s. 476.154, F.S., providing conditions for renewal of a barber's license; amending ss. 480.033, 480.035, 480.039, 480.041, 480.042, 480.0425, 480.043, 480.044, 480.046, 480.047, 480.049, F.S.; transferring the regulation of massage to the Agency for Health Care Administration; amending ss. 481.201, 481.203, 481.205, 481.207, 481.209, 481.211, 481.213, 481.215, 481.217, 481.219, 481.221, 481.223, 481.229, 481.231, F.S., repealing ss. 481.2131, 481.2251, 481.24, F.S.; repealing the regulation of interior design; repealing continuing education requirements for architects; repealing part II of ch. 481, F.S.; repealing the regulation of landscape architecture; amending ss. 484.041, 484.042, 484.0445, 484.045, 484.047, 484.0501, 484.051, 484.053, 484.056, F.S., transferring the regulation of hearing aid specialists to the Agency for Health Care Administration, increasing criminal penalties; increasing administrative fines, amending ss. 489.115, 489.116, F.S., repealing continuing education requirements for construction contractors, amending s. 489.119, F.S., providing certain proprietorships are not required to be certified or registered as a business organization; amending s. 489.140, F.S., relating to expenditures made from the Construction Industries Recovery Fund; amending s. 489.505, F.S.; eliminating the limited burglar alarm license; amending ss. 489.517, 489.519, F.S., repealing continuing education requirements for electrical and alarm system contractors; amending s. 721.20, F.S.; repealing regulation of solicitors of prospective purchasers of units in a timeshare plan; repealing part IX of ch. 468, F.S., relating to the regulation of athlete agents, on October 1, 1997; requiring review prior to that date; repealing part XIII of ch. 468, F.S., relating to the regulation of building code administrators and inspectors, on October 1, 1997; requiring review prior to that date, repealing ch. 469, F.S., relating to the regulation of asbestos abatement, on October 1, 1997, requiring

review prior to that date, repealing parts I and II of ch. 489, F.S., relating to the regulation of construction contracting and electrical and alarm system contracting, on October 1, 1997; requiring review prior to that date; repealing chs. 476 and 477, F.S., relating to the regulation of barbering and cosmetology, on October 1, 1997; requiring review prior to that date; repealing ch. 492, F.S., relating to the regulation of professional geologists, on October 1, 1997, requiring review prior to that date, authorizing the department to sell the Regional Service Center located in Orlando, Florida; providing for disposition of the proceeds, requiring the Board of Trustees of the Internal Improvement Trust Fund to execute a deed of conveyance; providing an effective date

— was referred to the Committees on Governmental Reform and Oversight, and Ways and Means.

By Senator McKay—

SB 2374—A bill to be entitled An act relating to the Department of Labor and Employment Security; expressing legislative intent that the agency promote efficiency and develop priorities; providing an effective date

— was referred to the Committees on Commerce and Economic Opportunities, and Ways and Means.

By Senator Meadows—

SB 2376—A bill to be entitled An act relating to comprehensive planning and land management; amending s. 163.3171, F.S., authorizing the state land planning agency and a local government to jointly enter into certain agreements with each other and a landowner, developer, or governmental agency; amending s. 163.3177, F.S.; revising the requirements for the intergovernmental coordination element of local comprehensive plans, revising provisions relating to certain required interlocal or other formal agreements; revising requirements for implementation of intergovernmental coordination element requirements by local governments; amending ss. 163.3180 and 163.3191, F.S.; correcting references; repealing s. 163.3202(6), F.S., relating to adoption by local governments of land development regulations to implement certain requirements of the intergovernmental coordination element deleted by this act, amending s. 380.06, F.S., and repealing subsection (27) thereof; removing provisions which allow termination of the development-of-regional-impact program within the jurisdiction of a local government that has adopted a comprehensive plan that has been found in compliance and that includes an intergovernmental coordination element that meets certain requirements deleted by this act; amending ss. 380.061 and 380.07, F.S., to conform; repealing s. 380.07(3), F.S., which provides for appeals to the Florida Land and Water Adjudicatory Commission of certain development orders issued by a local government that has terminated the development-of-regional-impact program, repealing s. 380.11(1)(b) and (2)(e), F.S., which provide for enforcement through injunctive action or administrative proceeding with respect to certain projects within a jurisdiction where the development-of-regional-impact program has been terminated; providing an effective date.

— was referred to the Committees on Community Affairs and Natural Resources

By Senator Johnson—

SB 2378—A bill to be entitled An act relating to domestic violence; amending s. 61.052, F.S.; providing that an injunction for protection against domestic violence arising out of dissolution of marriage shall be issued as a separate order; amending s. 741.30, F.S.; providing that, with respect to domestic violence, the sheriff who has made service upon the respondent shall notify other law enforcement agencies within a certain time period by electronically transmitting the information; amending s. 784.035, F.S.; providing that with respect to battery as domestic violence, a third or subsequent conviction for battery constitutes a third degree felony; amending s. 790.065, F.S., prohibiting the sale of a firearm to any person who has been convicted of stalking; amending s.

901.15, F.S.; revising language with respect to arrest by an officer for domestic violence without a warrant; providing an effective date.

—was referred to the Committees on Judiciary, Criminal Justice; and Ways and Means

By Senator Crist—

SB 2380—A bill to be entitled An act relating to lobbying; directing the Legislature to revise ch. 112, the Code of Ethics for Public Officers and Public Employees; providing an effective date.

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

By Senator Silver—

SB 2382—A bill to be entitled An act relating to investment securities under the Uniform Commercial Code, revising chapter 678, F.S., revising part I, relating to general matters; providing a short title; providing definitions; providing rules for determining whether certain obligations and interests are securities or financial assets; providing for acquisition of security or financial assets or interests, providing for notice of adverse claim; providing for control of certain securities; providing for effect of certain actions; providing for warranties in direct holding; providing for warranties in indirect holding; providing for applicability of law; providing clearing corporation rules; providing for creditor's legal process, providing for inapplication of statute of frauds; providing for evidentiary rules concerning certificated securities; providing for nonliability to adverse claimant under certain circumstances; providing for securities intermediary as purchaser for value, revising part II, relating to issue and issuer; providing a definition of issuer; providing for issuer's responsibilities and defenses; providing for notice; specifying staleness as notice of defect or defense; providing effect of issuer's restriction on transfer; providing for effect of unauthorized signatures; providing for completion or alteration of security certificates; providing rights and duties of issuer with respect to registered owners; providing for effect of signature of certain persons; providing for issuer's liens; specifying conditions of overissue; revising part III, relating to transfer of certificated and uncertificated securities, providing for delivery of certain securities; providing for rights of purchaser; providing for protected purchasers; providing for indorsement, providing for certain instructions, providing for effect of guaranteeing certain actions, providing purchaser's right to certain requisites, revising part IV, relating to registration, providing duties of issuer to register transfers; requiring certain assurance of effectiveness of certain actions, providing for demand that issuer not register transfer; providing for liability for wrongful registration; providing for replacement of certain certificates; providing for obligation to notify issuer of certain certificates, providing for authenticating certain persons; revising part V, relating to security entitlements, providing for securities accounts, providing for acquisition of security entitlement from a securities intermediary; providing for assertion of adverse claim against entitlement holder; providing for property interest of entitlement holder in certain assets; providing duties of securities intermediary, providing for certain rights of purchaser of security entitlement, providing priority among security interests and entitlement holders; amending s. 679.103, F.S.; providing for perfection of security interests relating to investment property; amending ss. 679.105 and 679.106, F.S., to conform; creating s. 679.115, F.S.; providing for perfection of security interests in certain investment properties; providing definitions; providing criteria; providing procedures; creating s. 679.116, F.S., providing for perfection of security interests arising in purchase or delivery of financial interests; amending ss. 679.203, 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.309, and 679.312, F.S., to conform; amending ss. 671.105, 671.206, 674.104, and 675.114, F.S., to conform; providing for applicability; repealing ss. 610.011, 610.021, 610.031, 610.041, 610.051, 610.061, 610.071, 610.081, 610.091, 610.101, 610.111, and 671.304(2)(b), F.S., relating to the Uniform Act for Simplification of Fiduciary Security Transfers; repealing ss. 678.101, 678.102, 678.103, 678.104, 678.105, 678.106, 678.107, 678.108, 678.201, 678.202, 678.203, 678.204, 678.205, 678.206, 678.207, 678.208, 678.301, 678.302, 678.303, 678.304, 678.305, 678.306, 678.307, 678.308, 678.309, 678.310, 678.311, 678.312, 678.313, 678.314, 678.315, 678.316, 678.317, 678.318, 678.319, 678.320, 678.321, 678.401, 678.402, 678.403, 678.404, 678.405,

678.406, 678.407, 678.408, F.S., relating to investment securities under the Uniform Commercial Code; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Judiciary.

By Senator Bankhead—

SB 2384—A bill to be entitled An act relating to motor vehicles; creating s. 319.355, F.S., relating to the transportation of motor vehicles outside the United States; providing definitions; requiring a certificate of right of possession be obtained for transporting a motor vehicle outside the United States; providing for application therefor; providing exceptions; providing criminal penalties; providing for seizure of motor vehicles, providing an effective date.

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

By Senator Dudley—

SB 2386—A bill to be entitled An act relating to saltwater fishing license fees; amending s. 370.0605, F.S.; specifying license fee for fishing from piers, providing an effective date.

—was referred to the Committees on Natural Resources; and Ways and Means

By Senator Jones—

SB 2388—A bill to be entitled An act relating to community colleges; providing an appropriation to the Commissioner of Education to enter into an agreement with the Southern Regional Education Board to support a "Compact for Faculty Diversity Program" to increase the number of minority personnel holding doctoral degrees in selected Florida community colleges; providing for scholarships; establishing a process for selection of community college and minority participants, providing requirements of doctoral candidates; requiring service or repayment; requiring rules; providing an effective date.

—was referred to the Committees on Higher Education; and Ways and Means.

By Senator Rossin—

SB 2390—A bill to be entitled An act relating to investment of public funds; amending s. 218.403, F.S.; defining the terms "current expenses" and "short term" for purposes of investment of local government surplus funds; amending s. 218.415, F.S.; prescribing applicability of provisions that require a unit of local government to make its investment activity consistent with a written investment plan adopted by the unit's governing body; providing an effective date

—was referred to the Committees on Community Affairs; and Ways and Means.

By Senator Brown-Waite—

SB 2392—A bill to be entitled An act relating to hospitals, amending s. 155.40, F.S., revising provisions relating to the reorganization of certain hospitals as not-for-profit corporations; providing requirements for the operation of such hospitals; providing an effective date.

—was referred to the Committees on Health Care; Community Affairs; and Ways and Means.

By Senator McKay—

SB 2394—A bill to be entitled An act relating to the Florida Public Service Commission; requiring repeal of certain rules, providing an effective date

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means

By Senator McKay—

SB 2396—A bill to be entitled An act relating to the Florida Public Service Commission; expressing legislative intent that the agency promote efficiency and develop priorities; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator McKay—

SB 2398—A bill to be entitled An act relating to economic development; expressing legislative findings regarding the state's economic environment; requiring consideration of certain funding mechanisms, providing an effective date

—was referred to the Committees on Commerce and Economic Opportunities, and Ways and Means

By Senator McKay—

SB 2400—A bill to be entitled An act relating to public-private partnerships; requiring the development of guidelines for consideration by the Legislature; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Bankhead—

SB 2402—A bill to be entitled An act relating to environmental control; amending s. 403.0872, F.S., delegating authority to an approved local air pollution program to collect and use operation license fees; amending s. 403.182, F.S., authorizing local pollution control programs to collect and use permitting fees to fund delegated permitting functions; providing an effective date

—was referred to the Committees on Natural Resources; Community Affairs; and Ways and Means.

By Senator McKay—

SB 2404—A bill to be entitled An act relating to the Department of the Lottery; requiring repeal of certain rules; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means

By Senator Casas—

SB 2406—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.09515, F.S.; prescribing the tax rate on handle for certain live thoroughbred performances; repealing obsolete provisions; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By Senators Harris, Childers, Gutman and Williams—

SB 2408—A bill to be entitled An act relating to insurance; amending s. 624.408, F.S., specifying conditions under which a motor vehicle service agreement company or an affiliate of a motor vehicle service agreement company may apply for a certificate of authority as a property and casualty insurer; authorizing the Department of Insurance to deny an application for the acquisition of controlling stock of a domestic stock insurer or of a controlling company; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Sullivan—

SB 2410—A bill to be entitled An act relating to trust funds; creating the K-12 Tuition Assistance Trust Fund within the Department of Education, providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was referred to the Committees on Education; and Ways and Means

By Senator Sullivan—

SB 2412—A bill to be entitled An act relating to education, creating a public-private partnership pilot program; providing intent and definitions; providing eligibility requirements for private schools, nonprofit organizations, and home education program parents, restricting certain regulation; providing for payment of funds, providing for deposit and increase of funds; providing student eligibility; providing for rules; requiring the Department of Education to establish a choice information center; requiring legislative review; requiring reports; requiring district school boards to offer controlled open enrollment for students in public schools, providing for district school board choice plans and programs; providing for implementation; requiring a report; providing an effective date.

—was referred to the Committees on Education; and Ways and Means

By Senator Jenne—

SB 2414—A bill to be entitled An act relating to wireless communications; amending ss. 282.102, 321.02, and 338.235, F.S.; authorizing certain agencies of the state to enter into contracts or agreements to make available certain property or structures for commercial mobile radio services under certain circumstances; authorizing the charging of fees for the use of such property, providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Commerce and Economic Opportunities; and Ways and Means.

By Senator Jenne—

SB 2416—A bill to be entitled An act relating to insurance, amending s. 624.424, F.S., providing that an insurer may not use the same accountant for its annual audit for more than a specified period; amending s. 627.6675, F.S.; providing for conversion of a group health policy into a converted policy approved by the Department of Insurance and issued by an insurer authorized to transact business in the state; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Senator Harden—

SB 2418—A bill to be entitled An act relating to the Department of Management Services; expressing legislative intent that the agency promote efficiency and develop priorities; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Senators Sullivan and Kirkpatrick—

SJR 2420—A joint resolution proposing the creation of Section 19 of Article VII of the State Constitution relating to the use of sales tax proceeds for education.

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

By Senator Silver—

SB 2422—A bill to be entitled An act relating to district school boards; authorizing district school boards to establish severance-pay plans for their employees; providing an effective date.

—was referred to the Committees on Education; Governmental Reform and Oversight, and Ways and Means

By Senator Bronson—

SJR 2424—A joint resolution proposing an amendment to Section 9 of Article VII of the State Constitution relating to ad valorem taxation for water management purposes, to raise the millage allowed for the northwest portion of the state.

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

By Senator Casas—

SB 2426—A bill to be entitled An act relating to medical practice; creating s. 458.3115, F.S.; providing requirements for foreign-licensed physicians to obtain a restricted license to practice medicine in this state, requiring a clinical competency examination; providing fees; providing for restrictions on practice; providing conditions for transition to full licensure; providing rulemaking authority; providing an effective date

—was referred to the Committees on Health Care; and Ways and Means

By Senator Crist—

SB 2428—A bill to be entitled An act relating to the supervision of out-of-state probationers and parolees; providing for the state to withdraw on a specified date from interstate compacts entered into under the Uniform Law for Out-of-state Probation and Parole Supervision; requiring the Department of Corrections to notify each state that is a party to an interstate compact of the withdrawal; providing for the department to continue supervising out-of-state probationers and parolees who reside within the state on the effective date of the withdrawal; requiring the Governor to renegotiate the terms under which the state supervises out-of-state probationers and parolees; prohibiting the department from accepting responsibility for supervising an out-of-state probationer or parolee after a specified date unless the probationer or parolee has completed at least 85 percent of the term of incarceration imposed by the out-of-state court; repealing ss 949.07, 949.071, 949.08, 949.09, F.S., relating to the Uniform Law for Out-of-state Probation and Parole Supervision; providing an effective date.

—was referred to the Committees on Criminal Justice, Judiciary; and Ways and Means

By Senator Crist—

SB 2430—A bill to be entitled An act relating to license plates; amending ss 320.08056, 320.08058, F.S.; creating a Tampa Bay Estuary license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

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

By Senator Harden—

SB 2432—A bill to be entitled An act relating to small and minority business enterprises; amending ss 255.102, 287.042, 287.057, 288.703, F.S.; deleting references to the Minority Business Advocacy and Assistance Office, including small business enterprises within provisions relating to contractor utilization of minority business enterprises; providing duties of the Division of Construction of the Department of Management Services relating to small business enterprises; including small business enterprises within provisions relating to procurement of commodities or contractual services; amending s 287.093, F.S.; including small business enterprises within certain property and service procurement provisions, amending s. 287.0945, F.S., creating the Small Business Council; deleting the Commission on Minority Economic and Business Development, providing for membership of the council; providing for meetings; providing powers and duties of the council relating to small and minority businesses, providing for future repeal of certain procurement goals, requiring the council to establish a mentor program for certain purposes, specifying criteria for program mentors and program beneficiaries; repealing ss 287.012(20) and 287.0945(5), (6), (7), and (8), F.S., relating to the Minority Business Advocacy and Assistance Office; providing effective dates

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Reform and Oversight, and Ways and Means

By Senator Crist—

SB 2434—A bill to be entitled An act relating to juvenile justice; creating s 39.0361, F.S., the "Neighborhood Restorative Justice Act"; providing a short title and definitions; prescribing powers and duties of the state attorney and guidelines with respect to establishment of a Neighborhood Restorative Justice Center and Restorative Justice Board; providing for a deferred prosecution program, providing for membership and meetings of the Restorative Justice Board; requiring written contracts for resolution; providing for the juvenile court to sanction breaches of contract in appropriate cases; providing for delinquency petitions; providing for submission of proof of completion by the juvenile; providing for construction and severability, providing an effective date

—was referred to the Committees on Criminal Justice; Health and Rehabilitative Services, and Ways and Means.

By Senator Crist—

SB 2436—A bill to be entitled An act relating to the Department of Corrections; creating s 944.111, F.S., the "Prison Safety Act of 1996"; providing a short title; requiring the department to adopt rules prohibiting access to weight training equipment by prisoners within state correctional institutions, providing a medical exemption for certain prisoners for whom weight training has been prescribed; providing for donation and removal from the correctional system of weight training equipment under specified circumstances; providing an effective date.

—was referred to the Committee on Criminal Justice

By Senator Crist—

SB 2436—A bill to be entitled An act relating to offenses resulting in the death of a human being; amending ss 316.193, 327.351, F.S.; providing an enhanced penalty for the offense of DUI manslaughter that is the

result of operating a motor vehicle or vessel if the person knew, or should have known, that the accident occurred and failed to give information and render aid, amending s 775.15, F.S.; providing that the prosecution for a felony that results in a death may be commenced at any time; amending ss 782.071, 782.072, F.S.; providing an enhanced penalty for vehicular homicide and vessel homicide if the person knew, or should have known, that the accident occurred and failed to give information and render aid; amending ss. 782.04, 782.07, F.S., relating to the offenses of murder and manslaughter; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means

By Senator Crist—

SB 2440—A bill to be entitled An act relating to crimes against educators, creating the “Teachers’ Protection Act of 1996”; providing legislative intent, amending s 230.23, F.S., relating to powers and duties of the district school board; requiring the school board to adopt rules for expulsion for at least 1 year of a student convicted of a forcible felony involving the use or threat of physical force or violence against an educator, as defined, requiring notice in the code of student conduct relating to such expulsion; amending s. 231.06, F.S., relating to assault or battery upon district school board officials or employees, providing enhanced penalties for committing or attempting to commit a forcible felony involving the use or threat of physical force or violence against an educator; amending s 232.26, F.S.; providing for recommendation by the principal relating to expulsion of a student convicted of a forcible felony against an educator, providing an effective date.

—was referred to the Committees on Education, Criminal Justice; and Ways and Means.

By Senator Johnson—

SB 2442—A bill to be entitled An act relating to water resource planning, amending s 163.3177, F.S.; requiring additional assessment of water needs and sources within the conservation element of a local government comprehensive plan; providing for use of certain inventories and data, providing an effective date

—was referred to the Committees on Natural Resources and Community Affairs.

By Senator Johnson—

SB 2444—A bill to be entitled An act relating to water resources, amending ss 163.3177 and 373.0395, F.S., requiring maintenance of the integrity of the water budget in a hydrogeologic ground or surface water basin as a basis for planning for future growth and development; amending s 373.223, F.S.; providing conditions for interbasin transport of water under a consumptive use permit; providing an effective date.

—was referred to the Committees on Natural Resources and Community Affairs

By Senator Johnson—

SR 2446—A resolution recognizing the Week of the Young Child in the State of Florida

—was referred to the Committee on Rules and Calendar.

By Senator Johnson—

SB 2448—A bill to be entitled An act relating to community redevelopment and neighborhood improvement; amending s 163.340, F.S.; including the reduction or prevention of crime within community redevelopment activities under the Community Redevelopment Act of 1969 and

defining “community policing innovation”; amending ss 163.345, 163.350, 163.356, 163.358, 163.360, 163.361, 163.370, and 163.387, F.S., including the development and implementation of community policing innovations in provisions relating to the encouragement of private enterprise participation in redevelopment, elements of the workable program, powers of the community redevelopment agency, and elements of the community redevelopment plan; authorizing the county or municipality to appropriate funds for community policing innovations; authorizing use of moneys in the redevelopment trust fund for community policing innovations; providing an additional requirement for acquisition of land for nonresidential uses; amending ss 163.502, 163.503, 163.506, 163.511, 163.512, 163.513, 163.514, 163.516, 163.519, and 163.521, F.S.; including crime prevention through development and implementation of community policing innovations in powers of neighborhood improvement districts under the Safe Neighborhoods Act, authorizing use of special assessments for community policing innovations; including community policing innovations within safe neighborhood improvement plans; providing duties of the Department of Legal Affairs with respect to community policing innovations; including capital improvements related to community policing innovations in provisions which authorize certain local governments to request state funding for certain capital improvements; providing an effective date.

—was referred to the Committees on Community Affairs, and Ways and Means.

By Senator Johnson—

SB 2450—A bill to be entitled An act relating to training standards for law enforcement officers; creating s 943.1729, F.S., requiring the Criminal Justice Standards and Training Commission to establish standards for instruction of law enforcement officers in “community policing,” as defined; prescribing a minimum requirement for instruction in community policing techniques for purposes of initial certification of officers, providing for a nonmandatory training component related to such techniques for purposes of continued employment or appointment of officers, providing an effective date

—was referred to the Committees on Criminal Justice, and Ways and Means.

By Senator Harden—

SB 2452—A bill to be entitled An act relating to professions and occupations; providing requirements for setting license fees; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight, Health Care; and Ways and Means.

By Senator McKay—

SB 2454—A bill to be entitled An act relating to the Unemployment Compensation Law; amending s. 443.036, F.S.; redefining the terms “employment” and “wages” and defining the terms “high quarter” and “voluntary contribution”; amending s. 443.091, F.S., changing benefit calculations to include reference to high quarters; amending s. 443.101, F.S., requiring leased employees to report for reassignment; revising provisions with respect to disqualification for benefits; amending s 443.111, F.S.; revising provisions with respect to payment of benefits; providing qualifying requirements; revising weekly benefit amounts; revising provisions with respect to duration of benefits; revising provisions with respect to certain extended benefits; amending s 443.131, F.S., revising provisions with respect to contributions; permitting certain employers of domestic employees to pay unemployment compensation taxes annually when authorized by federal law; eliminating rounding of the tax rate to three decimal places; increasing the time period employers have to protest a liability determination; permitting the payment of voluntary contributions by certain employers, amending s. 443.151, F.S.; allowing voluntary withholding of federal income tax to comply with federal law, amending s 443.221 F.S.; permitting interstate recovery of overpayments, creating s 413.2311, F.S., reconstituting the Florida Training Investment Program and prescribing guide-

lines for the program's operation; repealing s. 443.231, F.S., relating to the Florida Training Investment Program, which section has expired by its own terms; providing effective dates.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means

By Senator Gutman—

SJR 2456—A joint resolution proposing an amendment to Section 15 of Article V of the State Constitution relating to attorneys.

—was referred to the Committees on Judiciary; Governmental Reform and Oversight; and Rules and Calendar

By Senator Gutman—

SB 2458—A bill to be entitled An act relating to attorneys at law; repealing s. 454.021, F.S., relating to the admission of attorneys to practice law, creating s. 454.024, F.S.; creating the Board of Law Practice within the Department of Business and Professional Regulation; creating s. 454.025, F.S.; providing powers and duties of the board, providing for rules, amending ss. 20.165, 454.026, 454.23, and 454.31, F.S., to conform, providing for adoption of some and repeal of other current rules relating to regulation of the practice of law, providing for transfer of files, records, property, and assets, including liabilities attaching thereto, of The Florida Bar and the Florida Board of Bar Examiners to the Board of Law Practice and the Florida Supreme Court; providing for establishment of The Florida Bar as a private, not-for-profit corporation chartered by the Legislature; providing for abolishment of the Florida Board of Bar Examiners; providing a contingent effective date

—was referred to the Committees on Judiciary; Governmental Reform and Oversight, and Rules and Calendar.

By Senator Forman—

SB 2460—A bill to be entitled An act relating to assistive technology devices; creating part III of chapter 427, F.S.; creating the "Assistive Technology Device Warranty Act"; providing definitions; requiring an express warranty for manufacturers who sell assistive technology devices; requiring refund, replacement, or repair of nonconforming assistive technology devices; requiring disclosure of reasons for return before resale or re-lease; allowing consumers the option of submitting disputes to arbitration, permitting action for damages for violation of the act; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities, and Ways and Means

By Senator Turner—

SB 2462—A bill to be entitled An act relating to education; creating s. 233.059, F.S.; requiring education in "family life and parenthood"; establishing components of the the curriculum; providing an effective date.

—was referred to the Committees on Education, and Ways and Means.

By Senator Crist—

SB 2464—A bill to be entitled An act relating to implementing budget cuts made by the General Appropriations Act; revising ch. 97-106, F.S., relating to programs of the Department of State, so that they can be efficiently administered within amounts appropriated; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means

By Senator Thomas—

SB 2466—A bill to be entitled An act relating to opening and closing of polls; amending s. 100.011, F.S.; providing that supervisors of elections in counties which are in more than one time zone may adopt a uniform time for voting; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Ways and Means

By Senator Casas—

SB 2468—A bill to be entitled An act relating to public safety system accountability; creating s. 775.075, F.S.; creating the Florida Council on Public Safety (C O P S.), providing for the mission of the council, membership, terms, compensation, travel and per diem, meetings, staff, budget, and duties; requiring the council to oversee specific public safety system entities; requiring the council to oversee specific subject issues; providing the council with research and design capacity and authorizing the council to contract for specific research projects; authorizing the council to apply for and receive grants; requiring the council to provide the Legislature and Governor with comprehensive long-range planning and policy and budget options for the public safety system, requiring the council to serve as liaison with the Federal Government, local public safety groups, the Judicial Management Council, and the Commission on Government Accountability to the People; requiring the council to make recommendations to the Constitution Revision Commission; creating s. 775.0121, F.S.; establishing an 8-year continuous revision cycle for the criminal code and other public safety system statutes, upon the council's recommendations; amending s. 943.06, F.S.; adding the chair of the council to the Criminal and Juvenile Justice Information Systems Council, amending s. 943.08, F.S., enhancing the scope of the Criminal and Juvenile Justice Information Systems Council; creating s. 943.081, F.S., establishing guiding principles for public safety information technology resources, amending ss. 186.022, 216.0445, 282.102, 282.1021, 282.111, 282.3061, 282.3062, 282.307, 282.309, 282.314, F.S., relating to agency strategic plan reviews, information technology resources budgets, the state plan for communications, statewide regional law enforcement communications, the information technology resources strategic plan, annual reports on information technology resources, judicial branch information systems, and the Information Resources Management Council, to conform to the changes in ss. 775.075, 943.08, F.S.; amending s. 39.039, F.S., relating to fingerprinting and photographing juveniles, to clarify provisions and to allow juvenile information to be used for specified purposes; amending s. 39.045, F.S., relating to confidential information, to conform to the act and to clarify provisions relating to juvenile criminal history records; amending s. 39.0585, F.S., relating to information systems, to conform to the act and delete a parental consent requirement; amending s. 943.0515, F.S., relating to retention of criminal history records, to clarify the content of certain criminal history records; amending s. 943.053, F.S., relating to dissemination of criminal history records, to clarify the applicability of provisions to juvenile criminal history records, amending ss. 112.313, 112.324, 186.504, 186.508, 187.201, 216.103, 216.136, 216.163, 216.292, 282.1095, 282.3051, 945.10, F.S., relating to employee conduct, council member discipline, regional planning councils, strategic regional policy plans, the State Comprehensive Plan, agencies receiving federal funds, consensus estimating conferences, the Governor's budget recommendations, appropriations, the mutual aid channel, reporting requirements and forms, and confidential information of the Department of Corrections, to conform to s. 775.075, F.S.; amending ss. 11.51, 11.513, 216.0166, 216.023, 216.031, 14.30, 20.315, 20.316, 943.03, 321.02, 947.01, 947.13, 957.03, 39.085, 39.024, 943.11, 406.02, 943.1755, 943.1757, 397.321, 322.095, 322.02, 322.292, 233.0663, 233.0664, F.S., relating to the Office of Program Policy Analysis and Government Accountability, agency performance-based budgets, agency legislative budget requests, operational budgets, the Commission on Government Accountability to the People, the Departments of Corrections, Juvenile Justice, and Law Enforcement, the Highway Patrol, the Parole Commission, the Correctional Privatization Commission, the Alternative Education Institute, the Juvenile Justice Standards and Training Commission, the Criminal Justice Standards and Training Commission, the Medical Examiners' Commission, the Criminal Justice Executive Institute, substance abuse programs, DUI programs, and D A R E , to conform to the specific entity and subject matter oversight requirements of s. 775.075, F.S.; reducing commissioners on the Parole Commission, reducing commissioners on

other commissions; repealing s. 39.003, F.S., and s. 6 of ch. 94-209, Laws of Florida, relating to the Juvenile Justice Advisory Board and a youthful offender study, and amending s. 39.025, F.S., relating to district juvenile justice boards, to conform to the repeal; repealing s. 20.315(4), F.S., relating to the Florida Corrections Commission and amending s. 20.315, F.S., relating to the Department of Corrections, to conform to the repeal; amending s. 921.001, F.S., relating to the Sentencing Commission and sentencing guidelines; clarifying language; repealing the commission; conforming to the act, amending s. 921.0014, F.S., relating to sentencing guidelines scoresheets, to conform to the repeal; requiring scoresheet preparation by the Department of Corrections; revising dates relating to scoresheets; repealing s. 43.16, F.S., relating to the Justice Administrative Commission, effective June 30, 1998, amending ss. 27.25, 27.34, 27.53, 27.705, 110.112, 282.311, F.S., relating to state attorneys' funding, salaries, and staff, salaries of the capital collateral representative, affirmative action programs, and information resource managers, to conform to the act; repealing ss. 648.25(2), 648.265, 648.266, F.S., relating to the Bail Bond Advisory Council, and amending s. 648.26, F.S., relating to the Department of Insurance, to conform to the repeal; repealing ss. 27.36, 27.37, 39.0572, 282.501, 282.502, 397.801, 397.811, 397.821, F.S., relating to the Office of Prosecution Coordination, the Council on Organized Crime, the Task Force on Juvenile Sexual Offenders and Their Victims, crime prevention information and the Risk Assessment Information Systems Coordinating Council, substance abuse impairment services coordination, the statewide substance abuse coordinator, and juvenile substance abuse councils, repealing ch. 953, F.S., relating to a drug punishment program that was never funded or operationalized; amending s. 943.031, F.S.; extending the effective date of the repeal of the Florida Violent Crime Council and amending to conform to the act; providing for future review and repeal of s. 775.075, F.S.; providing for retention of certain transition staff and providing for hiring preference, providing for records and property of repealed agencies; preserving causes of action against repealed agencies, providing effective dates.

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

By Senator Jones—

SB 2470—A bill to be entitled An act relating to trust funds; creating the Indigent Criminal Defense Trust Fund within the Justice Administrative Commission; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date

—was referred to the Committees on Criminal Justice; and Ways and Means

By Senator Bronson—

SB 2472—A bill to be entitled An act relating to land acquisition and management; creating s. 186.514, F.S., and amending s. 187.101, F.S.; providing limitations on land acquisition and conservation programs; requiring notice to landowners, amending s. 253.03, F.S.; revising the content of the annual inventory of all publicly owned lands; amending s. 253.034, F.S.; requiring the completion of an exotic plant management plan for lands managed by state agencies, requiring a report on long-term management costs; amending s. 259.032, F.S.; authorizing additional uses for lands acquired under the Conservation and Recreation Lands program; providing criteria for the acquisition of less-than-fee interests in land, requiring the development of an exotic plant management plan by the managing agency of lands acquired before July 1, 1995, requiring the completion of a report on long-term management costs, creating 259.033, F.S.; providing limitations on land acquisition and conservation programs; amending s. 259.035, F.S.; providing additional requirements for a Conservation and Recreation Lands report; amending s. 259.041, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate specified acquisition powers to water management districts; providing for a report regarding acquisition activity under ch. 259, F.S.; amending s. 259.101, F.S.; providing requirements for the acquisition of less-than-fee interests in lands, providing limitations on land acquisition and conservation programs; requiring the Department of Environmental Protection and the water

management districts to study the feasibility of restructuring the Preservation 2000 program to reduce restrictions on the use of lands acquired; creating s. 372.122, F.S.; providing limitations on land acquisition, management, research, and conservation programs; amending s. 373.026, F.S.; providing for the coordination and integration of land acquisition programs and the development of certain land acquisition information, amending s. 373.139, F.S.; providing requirements for the acquisition of less-than-fee interests in lands; requiring the inclusion of local government land acquisition programs into water management district plans; requiring a report; creating s. 373.1391, F.S.; providing limitations on land acquisition and conservation programs; amending s. 373.403, F.S.; defining "ecosystem management area"; amending s. 373.4135, F.S.; authorizing locations for mitigation banks; providing for the designation of lands eligible for use as mitigation banks; providing for appropriate costs; requiring the establishment of trust accounts; amending s. 373.414, F.S.; requiring the establishment of guidelines for the assessment of mitigation requirements; revising permitting criteria for isolated wetlands; amending s. 373.59, F.S.; providing limitations on land acquisition and conservation programs; revising the content of water management district annual reports on land acquisition activities, revising the authorized uses of lands acquired with funds from the Water Management Lands Trust Fund; requiring a cost/benefit analysis of the proposed purchases of less-than-fee interests in lands, requiring water management districts to prepare exotic plant management plans for lands they manage; requiring the districts to report on long-term management costs, requiring the adoption of a conceptual management plan; requiring the adoption of a final management plan, amending s. 375.031, F.S.; providing limitations on land acquisition and conservation programs, providing requirements for acquisition of less-than-fee interests in lands, requiring certain management plans and an inventory of lands suitable for mitigation projects and other uses; amending s. 375.045, F.S.; requiring the development of an exotic plant management plan, requiring a report on long-term management costs; requiring the Department of Environmental Protection and the water management districts to study the feasibility of restructuring limitations on the use of P-2000 lands; requiring a report to the Legislature; amending ss. 216.331, 253.002, 373.4592, F.S., conforming cross-references, providing an effective date

—was referred to the Committees on Natural Resources, and Ways and Means.

By Senator Harris—

SB 2474—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S., providing enhanced penalties for the unlawful sale, manufacture, delivery, or possession with intent to sell, manufacture, or deliver a controlled substance within a specified distance of a prekindergarten or kindergarten school during certain hours; providing an effective date

—was referred to the Committees on Criminal Justice; and Ways and Means

By Senators Harris, Childers, Holzendorf, Johnson, Horne, Casas and McKay—

SB 2476—A bill to be entitled An act relating to insurance, amending s. 627.072, F.S.; prohibiting certain discounts and deviations from rates for workers' compensation and employer's liability insurance filed by rating organizations; repealing s. 627.211, F.S., relating to deviations for such insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means

By Senator Latvala—

SB 2478—A bill to be entitled An act relating to saltwater fisheries, amending s. 370.023, F.S., providing discretionary rulemaking authority for the Department of Environmental Protection relating to grant programs; amending s. 370.06, F.S.; requiring the department to collect a

nonrefundable restricted species application review fee; providing a temporary exemption from the qualifying income requirement for the purpose of obtaining a restricted species endorsement upon the sale of a commercial fishing vessel, authorizing a restricted species endorsement on a saltwater products license issued to a nonprofit charitable corporation under certain conditions; requiring a license holder to show cause why his or her saltwater products license should not be suspended or revoked upon being convicted of a major violation involving finfish; amending s. 370.0605, F.S., authorizing the department to issue complimentary recreational saltwater fishing licenses for state-sponsored aquatic resources education activities; authorizing the department to issue licenses and collect fees, authorizing a free fishing day each year, authorizing persons to take saltwater fish for noncommercial purposes on such day without a license, providing conditions, amending s. 370.07, F.S., providing that records of saltwater products kept by the department may be shared with other states that are members of an interstate fisheries compact and that agree to preserve the confidentiality of the records; amending ss. 370.13, 370.135, F.S., providing for an application fee for the issuance of a stone crab or blue crab trap number by the Division of Marine Resources; amending s. 370.142, F.S., providing a surcharge on the transferral of a certificate for a spiny lobster trap, providing a penalty for a commercial harvester who violates a provision of the spiny lobster trap certificate program, specifying percentage of fees and surcharges to be deposited into the Marine Biological Research Trust Fund, the Marine Fisheries Commission Trust Fund, and the Motorboat Revolving Trust Fund, amending s. 370.25, F.S., providing the department with discretionary rulemaking authority relating to grant programs for construction of artificial fishing reefs; prescribing unlawful activities; providing criminal, civil, and administrative penalties; providing for revocation of licenses and permits of violators; providing an effective date

—was referred to the Committees on Natural Resources; and Ways and Means.

By Senators Latvala and Grant—

SB 2480—A bill to be entitled An act relating to homestead exemption, providing that, for tax year 1996, any person who has title to real property on February 1, 1996, and who is qualified for homestead exemption with respect thereto, may apply for and be granted the exemption, providing a retroactive effective date.

—was referred to the Committees on Community Affairs, and Ways and Means

By Senator Bankhead—

SB 2482—A bill to be entitled An act relating to child care and care of other family members; amending s. 212.08, F.S., providing exemptions from sales and use taxes for household fuels for licensed family day care homes and educational materials for certain preschool and pre-kindergarten programs; amending s. 402.26, F.S.; providing legislative intent relating to development of family-friendly workplaces; amending s. 402.27, F.S.; providing additional responsibilities of child care resource and referral agencies, requiring family day care homes to provide certain information to such agencies; creating s. 402.281, F.S.; creating the Gold Seal Quality Care program for child care facilities and family day care homes which meet certain standards; amending s. 402.301, F.S., providing policy to encourage child care providers to serve children with disabilities; amending s. 402.3015, F.S.; revising purpose of the subsidized child care program; revising the definition of “at-risk children”; amending s. 402.302, F.S., revising the definition of “family day care home”, amending s. 402.305, F.S.; requiring certain training in serving children with disabilities for directors of child care facilities; revising minimum safety standards relating to CPR training; providing minimum standards for infant-only child care centers, amending s. 402.3051, F.S., providing a three-tiered system of reimbursement for subsidized child care providers, creating s. 402.3053, F.S.; providing for subsidized child care contracts within each district of the Department of Health and Rehabilitative Services, providing procedures and requirements; providing a prohibition on the use of public funds, requiring return of unexpended moneys, amending s. 402.313, F.S.; providing utility rate requirements for family day care homes; requiring the department to establish minimum standards for such homes, amending s.

402.315, F.S.; providing for use of licensing fees; amending s. 409.178, F.S.; revising the Child Care Partnership Act, creating a Child Care Executive Partnership; providing for a Child Care Partnership Program; providing for use of state and federal funds to match local and employer funds for a public-private partnership subsidized child care program, providing for a child care purchasing pool; providing for pilot projects; providing for funding through a specified date; providing for requests for proposals, providing requirements, providing for legislative review, creating s. 409.179, F.S., providing for a family-friendly workplace campaign; providing for selection of annual award winners by the Executive Office of the Governor, providing effective dates

—was referred to the Committees on Health and Rehabilitative Services; Commerce and Economic Opportunities; and Ways and Means.

By Senator Dudley—

SB 2484—A bill to be entitled An act relating to municipal firefighters' pension trust funds and municipal police officers' retirement trust funds, amending and revising the provisions of chapters 175 and 185, F.S., defining “chapter plans” and “local law plans”; clarifying the applicability of minimum benefits for both chapter and local law plans; revising investment provisions to permit cities greater investment latitude with respect to foreign investment, eliminating discriminatory language in conformance with state and federal discrimination provisions, providing that certain benefits provided are a minimum and may not be diminished by any other state, local, or federal benefits; providing an exception, clarifying terminology relating to “sole and exclusive use of” premium tax funds and “extra benefits” by providing that moneys must be placed in a police-only or firefighter-only plan or a combined police and firefighter plan as opposed to placing moneys in any type of plan that includes general employees; repealing s. 175.152, F.S., relating to contributions; repealing s. 175.251, F.S., relating to employment records that are required to be kept by the secretary of the board of trustees; repealing s. 175.291, F.S., relating to the requirement that the attorney for the municipality or special fire control district represent the board of trustees upon request and the option to employ independent counsel and other persons; repealing s. 175.321, F.S., relating to the application of certain provisions, repealing s. 175.331, F.S., relating to the rights of firefighters under former law; repealing s. 185.14, F.S., relating to contributions, repealing s. 185.15, F.S., relating to contributions and new employees, repealing s. 185.27, F.S., relating to the roster of retirees; repealing s. 185.29, F.S., relating to the city attorney representing the board of trustees; repealing s. 185.32, F.S., relating to exemptions from the chapter, repealing s. 185.36, F.S., relating to the rights of police officers under former laws; repealing s. 185.40, F.S., relating to costs and attorney's fees; providing an effective date

—was referred to the Committees on Governmental Reform and Oversight, Community Affairs; and Ways and Means

By Senator Harris—

SB 2486—A bill to be entitled An act relating to capital felonies; amending s. 921.141, F.S.; providing an additional aggravating circumstance to be considered by the jury and the court in sentencing a defendant convicted of a capital felony, providing an effective date

—was referred to the Committees on Criminal Justice; and Ways and Means

By Senator Harris—

SB 2488—A bill to be entitled An act relating to child welfare; providing legislative intent; defining “supervised visitation program” and “exchange monitoring”, providing for establishment of the Florida Family Visitation Network and Florida Family Visitation Task Force, providing for membership and responsibilities of the task force, providing for per diem and travel expenses of members, providing for a report; directing the Institute of Food and Agricultural Sciences of the University of

Florida to establish supervised visitation projects, providing an effective date

— was referred to the Committees on Health and Rehabilitative Services; Judiciary; Agriculture; and Ways and Means.

By Senator Silver—

SB 2490—A bill to be entitled An act relating to student conduct, requiring each school district to adopt, by a specified date, a code of conduct for disruptive, violent, or delinquent students; providing requirements for the contents of the code, requiring teachers to file reports on students who violate the code; allowing teachers to remove certain students from the classroom, requiring certain followup actions by school principals; requiring schools to establish placement-review committees to decide upon the placement of students who are removed from the classroom; providing an effective date.

— was referred to the Committees on Education; and Ways and Means

By Senator Silver—

SB 2492—A bill to be entitled An act relating to youth and street gangs, amending s. 874.03, F.S., redefining the term "criminal street gang member" to provide that a person need not have engaged in a pattern of criminal street gang activity in order to be considered a gang member for purposes of enhancing penalties for a felony or violent misdemeanor, redefining the term "pattern of criminal street gang activity" to revise the criteria under which penalties for a felony or violent misdemeanor are enhanced; providing an effective date

— was referred to the Committees on Criminal Justice; and Ways and Means

By Senators Weinstein and Horne—

SB 2494—A bill to be entitled An act relating to dissolution of marriage, support, and custody; amending s. 61.075, F.S.; revising provisions relating to the equitable distribution of marital assets and liabilities, amending s. 61.13, F.S.; providing that either the circuit court in the county in which a parent and the child reside or the circuit court in which the original award of custody was entered has jurisdiction to modify an award of child custody; amending s. 61.30, F.S., providing, with respect to gross income for child support purposes, that gross income includes court-ordered spousal support in the marriage before the court, providing that an allowable deduction from gross income shall be spousal support paid pursuant to a court order from a previous marriage or the marriage before the court; revising language with respect to minimum child support awards; providing an effective date

— was referred to the Committee on Judiciary

SB 2496 was withdrawn prior to introduction

By Senator Dantzler—

SB 2498—A bill to be entitled An act relating to the Florida Youth Conservation Corps, amending s. 334.044, F.S.; authorizing the Department of Transportation to contract with certain nonprofit organizations for roadside maintenance, amending s. 403.4132, F.S.; removing reference to the corps and encouraging the Department of Transportation and local governments to contract for certain litter-removal programs; repealing s. 369.105, F.S., which provides for the corps; providing an effective date.

— was referred to the Committees on Natural Resources; and Ways and Means.

By Senator Dantzler—

SB 2500—A bill to be entitled An act relating to environmental education, creating s. 403.9335, F.S.; creating a 10-member Advisory Council on Environmental Education within the Department of Environmental Protection; providing requirements for membership, establishing the duties of the council; requiring a report, transferring the records, personnel, property, and funds of the Advisory Council on Environmental Education within the Legislature to the Department of Environmental Protection; amending s. 320.08058, F.S.; revising the distribution of funds from the Manatee and Florida Panther license plates; repealing s. 229.8056, F.S., which provides for the Office of Environmental Education within the Department of Education; repealing s. 229.8058, F.S., which provides for the Advisory Council on Environmental Education within the Legislature; repealing s. 229.8064, F.S., which provides for priorities for environmental education projects and program activities; providing an effective date

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

By Senator Kurth—

SB 2502—A bill to be entitled An act relating to mobile home park recreation districts; amending s. 418.304, F.S.; providing alternatives to district boards of trustees for collecting a district assessment and for enforcing a lien for a district assessment; providing penalties; providing for delinquent fees, providing for a claim of lien for delinquent assessments; providing for attorney fees under certain circumstances; providing an effective date.

— was referred to the Committees on Regulated Industries; Judiciary; and Ways and Means

By Senator Kurth—

SB 2504—A bill to be entitled An act relating to elder courts, creating s. 26.601, F.S.; providing for establishment of an elder courts system; providing legislative findings and intent; defining "elder" with respect to specified provisions, authorizing the chief judge to establish an elder courts division within the circuit, prescribing guidelines for operation; providing for demonstration projects, providing an effective date.

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

By Senators Diaz-Balart, Casas, Scott, Jennings, Dudley, Silver, Holzenorf, Gutman, Grant, Harris, Brown-Waite, Turner, Beard, Bronson, Horne, Ostalkiewicz, Forman, Crist, Jones and Kirkpatrick—

SB 2506—A bill to be entitled An act relating to the designation of the State University System Faculty Enhancement Challenge Grant Program, amending s. 240.2601, F.S.; designating the program in memory of Alec P. Courtelis, providing an effective date

— was referred to the Committee on Higher Education.

By Senator Harris—

SB 2508—A bill to be entitled An act relating to cellular telephone fraud; amending s. 817.4821, F.S., prohibiting knowing and unlawful possession of cloning paraphernalia with intent to create cloned cellular telephones; redefining the offenses of possessing a cloned cellular phone or an instrument capable of intercepting certain data; providing penalties; providing an exemption from fraud statutes for certain employees of cellular telephone carriers, providing an effective date.

— was referred to the Committees on Criminal Justice; and Ways and Means.

By Senators Latvala, Sullivan, Grant, Jones, Brown-Waite, Horne, Bankhead and Silver—

SB 2510—A bill to be entitled An act relating to public education, amending s. 24 121, F.S.; revising provisions relating to the funding of education from lottery revenues, amending ss 229.592 and 230.23, F.S., conforming provisions; amending s. 240.5291, F.S., relating to teaching profession enhancement grants; revising funding provisions; creating s. 240 4024, F.S.; creating the Florida Postsecondary Tuition Program; providing eligibility, types of assistance application process, and funding; restricting awards through the Florida Undergraduate Scholars' Program and the Vocational Gold Seal Endorsement Scholarship Program upon funding of the Florida Postsecondary Tuition Program; repealing s 240 418, F.S., relating to need-based financial aid; providing a contingent effective date

—was referred to the Committees on Commerce and Economic Opportunities, Education, and Ways and Means.

By Senators Latvala, Grant, Brown-Waite, Horne and Silver—

SJR 2512—A joint resolution proposing an amendment to Section 15 of Article X of the State Constitution relating to state-operated lotteries.

—was referred to the Committees on Commerce and Economic Opportunities; Education; Ways and Means; and Rules and Calendar.

By Senator Johnson—

SB 2514—A bill to be entitled An act relating to compulsory school attendance; amending ss 39.01, 232 19, 232 195, F.S.; amending definitions; amending the procedures for remedying habitual truancy, allowing a principal or the principal's designee to file a petition requesting that a habitual truant be designated as a child in need of services; providing an effective date.

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

By Senator Johnson—

SB 2516—A bill to be entitled An act relating to volunteers, amending s. 768 1355, F.S., revising provisions of the Florida Volunteer Protection Act to provide that specified stipends and financial assistance do not constitute "compensation" for purposes of the act; amending s 110 501, F.S., revising the definition of "volunteer"; amending s. 110.502, F.S., revising provisions relative to the utilization of volunteer services by state departments and agencies, amending s. 110.504, F.S.; providing that volunteers under pt. IV of ch. 110, F.S., shall be covered by the Florida Volunteer Protection Act; providing an effective date

—was referred to the Committees on Commerce and Economic Opportunities; Judiciary; and Ways and Means

By Senator Johnson—

SB 2518—A bill to be entitled An act relating to the repeal of advisory bodies and other governmental entities, repealing s. 20 17(4), F.S., to terminate the Economic Development Advisory Council, amending ss. 288 063 and 320.08058, F.S. to conform; repealing s. 27.37, F.S., to terminate the Council on Organized Crime; amending s 27 36, F.S., to conform, amending s 228 0875, F.S., terminating the Governor's Summer Colleges Council; amending s 230.71, F.S.; terminating the Inter-generational School Volunteer Advisory Board; amending s. 239.505, F.S. terminating the Advisory Board on Constructive Youth Programs; repealing s 288.117, F.S., to terminate the international currency and barter exchanges; amending s 288 820, F.S., to conform; repealing s 288 811, F.S., to terminate the Florida International Trade and Investment Council; amending ss. 288.803, 288.804, and 288.806, F.S., to conform; repealing s 288 814, F.S., to terminate the Florida International Council, repealing s. 288.8185, F.S., to terminate the Florida Council on International Education, amending s 288 817, F.S., to conform; repealing s 288 819, F.S., to terminate the Florida International Banking and

Finance Council, amending s 288.772, F.S., to conform; repealing s 288 823, F.S., to terminate the Florida Council of International Economic Advisors; repealing part X of chapter 288, F.S., to terminate the Florida Defense Conversion and Transition Commission and its related duties; amending s. 288 104, F.S., to conform, repealing s. 373.029, F.S., to terminate the Southeast River Basins Resources Advisory Board, repealing s 378.011, F.S., to terminate the Land Use Advisory Committee; amending ss. 211.31 and 378.021, F.S., to conform; amending s 408.033, F.S., relating to local and state health planning; terminating the Statewide Health Council; amending ss 186 022, 186.508, 240 5121, 395.604, 408.038, 408.039, and 408.0455, F.S., and repealing ss. 186.003(9) and 186.503(9), relating to definitions of the council, to conform; repealing s 947 146, F.S., to terminate the Control Release Authority; amending ss 775 087, 775 16, 784.07, 893 11, 921.001, 921.0017, 944.096, 944 28, 944 605, 944.606, 945 091, 945.36, 945 73, 947.13, 947 141, 947 177, 947 22, 947.24, 948.06, 948.09, 957.06, and 958.045, F.S., and repealing ss. 947 005(8) and 947.147, F.S., relating to a definition of the authority and to victim restitution as a condition of control release, respectively, to conform; providing applicability; repealing chapter 28887, Laws of Florida, 1953, as amended, and chapter 74-422, Laws of Florida, to terminate the Baker County Hospital District and the Baker County Hospital Authority, repealing chapter 30280, Laws of Florida, 1955, as amended, to terminate the Clay County Hospital District and the Clay County Hospital Authority; repealing chapter 57-700, Laws of Florida, as amended, to terminate the Suwanee River Authority; repealing chapter 59-1939, Laws of Florida, as amended, to terminate the Union County Development Authority; repealing chapter 67-2027, Laws of Florida, to terminate the Santa Rosa County Airport and Industrial Authority, repealing chapter 71-926, Laws of Florida, to terminate the Sumter County Hospital Authority; repealing s 8(3), ch. 87-450, Laws of Florida, to terminate the Southeast Health Care Subdistrict Governing Board of the Palm Beach County Health Care District Board, repealing s. 79, ch. 90-201, Laws of Florida, to terminate the International Language Institute Advisory Council; repealing s 1, ch 90-232, Laws of Florida, to terminate the Task Force on County Contributions to Medicaid, repealing proviso language in s 1, ch. 91-193, Laws of Florida, to terminate the Task Force on Productivity Enhancement; repealing s. 57, ch 93-129, Laws of Florida, to terminate the Workgroup on Health Care Fraud and Abuse, repealing s 63, ch 93-164, Laws of Florida, to terminate the Commission to Study the Safety and Security of Railroad-Highway Grade Crossings, repealing ss. 23 and 24, ch. 94-292, Laws of Florida, to terminate the Florida Education Facilities Study Committee; repealing proviso language in s. 1A, ch 94-357, Laws of Florida, to terminate the Commission on Long-Term Care in Florida; providing effective dates.

—was referred to the Committees on Governmental Reform and Oversight; Criminal Justice, and Ways and Means.

By Senator Bankhead—

SB 2520—A bill to be entitled An act relating to education, repealing ss 230 23(3), 230 23135, and 230 59, F.S., relating to district school board duty to adopt a school program, the Florida Council on Student Services, and educational communications systems; providing an effective date

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

By Senator Silver—

SJR 2522—A joint resolution proposing an amendment to Section 4 of Article VII and the creation of Section 22 of Article XII of the State Constitution relating to local option ad valorem tax assessment of historic properties

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

By Senator Silver—

SB 2524—A bill to be entitled An act relating to installers of manufactured homes and mobile homes, requiring the Department of Highway

Safety and Motor Vehicles to adopt rules for the certification and licensure of persons who install manufactured homes or mobile homes; providing for insurance and bond, providing for penalties, providing for preemption of regulation of such persons by the state, providing for fees; providing exemptions, providing an effective date

—was referred to the Committees on Transportation, Governmental Reform and Oversight, and Ways and Means

By Senator Bankhead—

SB 2526—A bill to be entitled An act relating to social and economic assistance, amending s 409.942, F.S., relating to establishment of an electronic benefit transfer program, delaying startup of a pilot program; requiring inclusion of legislative representatives in program development; requiring certain notice to the Legislature before entering into a contract for the program, providing an effective date

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

By Senator Dyer—

SB 2528—A bill to be entitled An act relating to public school choice, amending s 236.083, F.S.; directing the Legislature to designate additional funds for student transportation to school districts that offer a controlled open enrollment program, providing an effective date.

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

By Senator Harris—

SB 2530—A bill to be entitled An act relating to occupational safety and health; amending s. 442.003, F.S.; declaring legislative intent to enforce federal workplace safety standards; amending s 442.008, F.S.; authorizing the Division of Safety of the Department of Labor and Employment Security to study and research workplace safety issues and enforce federal workplace safety standards; amending s 442.012, F.S.; eliminating mandatory safety committees for private employers with more than 10 employees, amending s. 442.013, F.S., clarifying that federal standards apply to employer penalties for workplace safety, repealing ss 442.006(2), 442.009, 442.017, F.S., which authorize the Division of Safety to enter and inspect a place of employment at any time, providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Rules and Calendar

By Senator Jones—

SB 2532—A bill to be entitled An act relating to victim assistance; amending s 960.003, F.S.; revising legislative intent and guidelines with respect to human immunodeficiency virus testing in connection with a criminal episode; revising criteria for persons subject to such testing to provide for testing under certain circumstances when probable cause exists that a person has committed an offense enumerated under specified provisions relating to criminal transmission of HIV, providing conforming language with respect to disclosures of results to the alleged offender and victim; reenacting s. 381.004(3)(g) and (i), F.S., relating to HIV testing, s. 775.0877(2), F.S., relating to criminal transmission of HIV, and s 951.27(2), F.S., relating to blood tests of inmates, to incorporate said amendments in references, providing an effective date.

—was referred to the Committees on Criminal Justice, and Ways and Means

By Senator Meadows—

SB 2534—A bill to be entitled An act relating to administrative rules; amending s 163.3177, F.S.; deleting mandatory rulemaking by the state land planning agency for an element of the local government comprehensive planning act, amending s. 380.051, F.S.; deleting mandatory rule-making requirements of the state land planning agency that affect the Florida Keys area of critical state concern coordinated agency review; amending s 380.06, F.S., deleting mandatory rulemaking by the state land planning agency which relates to areawide developments of regional impact; providing an effective date

—was referred to the Committees on Community Affairs and Natural Resources

By Senator Childers—

SB 2536—A bill to be entitled An act relating to regulation of financial services

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

By Senator Crist—

SB 2538—A bill to be entitled An act relating to state government; creating the "State Government Employment Control Act of 1996"; limiting the number of employment positions in state government; providing an exception; requiring the Governor to publish certain annual payroll information, imposing certain duties on the Comptroller; providing an effective date

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means

By Senator Crist—

SB 2540—A bill to be entitled An act relating to elections; amending s. 106.021, F.S.; providing for a return of a campaign contribution upon a change in office sought by the candidate; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections

By Senator Harris—

SB 2542—A bill to be entitled An act relating to the practice of Oriental medicine, formerly known as acupuncture, amending ss 457.101, 457.102, 457.103, 457.104, 457.105, 457.107, 457.108, 457.1085, 457.109, 457.116, 457.118, F.S., replacing the term "acupuncture" with the term "Oriental medicine" and replacing the term "acupuncturist" with the term "Doctor of Oriental Medicine"; defining the scope of the practice of Oriental medicine, providing legislative intent, providing definitions; replacing the Board of Acupuncture with the Board of Oriental Medicine, providing for appointment of the board, for membership of the board, and for qualifications and terms of members; providing that ch. 455, F.S., applies to the board, providing rulemaking authority; providing for licensure; providing qualifications of applicants, providing fees for examination and licensure; providing for license renewal and for continuing education, providing for inactive status for licenses, and for license expiration and renewal; revising standards for infection control; providing grounds for disciplinary action, providing for the board to impose penalties; prohibiting the department's reinstating a license without the board's approval; prohibiting certain acts, providing penalties for violations; providing that ch. 457, F.S., does not expand or limit the authorized scope of other health care practices; amending s 20.165, F.S., relating to the organization of the Department of Business and Professional Regulation; amending s. 20.42, F.S., relating to the Agency for Health Care Administration; amending s. 381.81, F.S., relating to minority health improvement; amending s. 455.2456, F.S., relating to boards regulating certain health care practitioners; amending s.

460.403, F.S., relating to definitions used in ch. 460, F.S., and pertaining to the practice of chiropractic; amending s. 460.406, F.S., relating to licensure of chiropractors by examination, amending s. 460.413, F.S., relating to grounds for disciplinary action to be imposed on chiropractors; amending s. 486.021, F.S., relating to definitions used in ch. 486, F.S., and pertaining to the practice of physical therapy, amending ss. 627.6403, 627.6618, F.S., relating, respectively, to the payment of benefits under certain policies of individual health insurance and under certain policies of group health insurance, conforming those sections to the changes made by this act, correcting the name of the Board of Psychology; providing an effective date

—was referred to the Committee on Health Care.

By Senator Horne—

SB 2544—A bill to be entitled An act relating to corrections; creating a Task Force on Alternatives to Domestic Incarceration, prescribing membership; providing for appointment of members; providing for travel expenses and per diem reimbursement of members, providing for a report; providing an appropriation; providing an effective date

—was referred to the Committees on Criminal Justice, Rules and Calendar, and Ways and Means

By Senators Horne, Thomas, Burt, Bronson, Ostalkiewicz, Latvala, Williams, Crist, Grant, Harris, Silver, Brown-Waite, Kirkpatrick, Bankhead, Harden, Childers, Gutman, Dudley and Rossin—

SB 2546—A bill to be entitled An act relating to taxation, amending ss. 95.091, 193.062, 193.063, 194.171, 194.192, 197.172, 199.052, 199.057, 199.062, 199.133, 199.143, 199.185, 199.282, 201.16, 201.17, 205.053, 212.12, 213.04, 220.211, 220.222, 220.34, 220.723, 220.737, 220.801, 220.809, F.S., creating ss. 199.252, 199.2825, 212.125, 220.8051, F.S., amending certain statutes of limitation, increasing the maximum length of time for which an extension to file a tangible-personal-property tax return may be granted; postponing the regular filing deadline for tangible-personal-property tax returns, providing a presumption that certain decisions made by the property appraiser are correct and allowing the presumption to be overcome; amending certain interest rates on delinquent taxes and on penalties, providing interest on refunds owed to taxpayers and setting the interest rate thereon, exempting from the tax imposed under s. 199.133, F.S., certain documents pertaining to transfers in conjunction with a dissolution of marriage, defining the term "a residence of the borrower" for purposes of placing restrictions on paying nonrecurring taxes; increasing the amounts of certain exemptions from the annual and nonrecurring taxes on certain property; allowing extensions of deadlines for providing certain annual tax information reports; increasing the minimum amount of taxes that must be owed before a tax return must be filed, allowing an extension of the deadline by which a corporation must elect to pay the annual tax on behalf of its stockholders; exempting taxpayers from paying certain taxes upon a showing of reasonable cause, for so long as the reasonable cause applies; providing financial-hardship exceptions to payment of certain taxes or penalties; allowing certain penalties to be waived, amending statutes of limitation upon the assessment of back taxes; removing provisions tolling statutes of limitation; removing penalties for failing to file a tax return if no tax is owed, providing qualifications for the position of executive director of the Department of Revenue, providing an exception for the current executive director, limiting the aggregate amount of certain penalties that may be imposed; providing that a federal extension of the deadline for paying certain taxes acts as a state extension, under specified conditions; deleting the requirement to pay interest on certain penalties, providing an effective date

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

By Senator Horne—

SB 2548—A bill to be entitled An act relating to electronic service and repair, creating part XV of chapter 468, F.S.; creating the "Florida Electronics Repair Act of 1996"; providing definitions, creating the Bureau

of Electronic Repair Dealer Registration within the Division of Regulation of the Department of Business and Professional Regulation; providing for service dealer registration; providing for powers and duties of the Division of Regulation; creating an advisory council and providing for powers and duties, providing for registration procedures, providing fees, providing for the disposition of moneys received and for the payment of expenses; providing for service dealer records, providing requirements with respect to electronic products warranty and repair; providing for maintenance or service and repair facilities; providing for service and repair within a reasonable time period; providing for buyer's duties, providing for rights of replacement; providing for manufacturer's liabilities to service the dealer, providing for the recovery of damages by the retail seller and service dealer, providing for the invalidation of registration and civil penalties; providing for appeals to the department, providing for the informal adjustment of certain complaints, providing penalties; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities, Governmental Reform and Oversight; and Ways and Means.

By Senator Dyer—

SB 2550—A bill to be entitled An act relating to airports; creating s. 331.22, F.S.; exempting specified information relating to airports and airport employees from disclosure under the public records law; providing a finding of public necessity; providing for future review and repeal, providing an effective date

—was referred to the Committees on Transportation, and Governmental Reform and Oversight

By Senator Latvala—

SB 2552—A bill to be entitled An act relating to water management, amending s. 373.019, F.S.; defining the term "independent scientific peer review", amending s. 373.042, F.S.; requiring water management districts to revise standards for minimum flows and levels of water in specific areas; requiring an independent scientific peer review of data when there is a dispute in an administrative proceeding; amending s. 373.1963, F.S.; requiring the Southwest Florida Water Management District to provide assistance to the West Coast Regional Water Supply Authority; providing for the district to levy an ad valorem tax upon request of the authority; requiring the authority to adopt a water supply plan to be presented to the district for approval; providing guidelines for responding to an emergency order of the district; providing an effective date.

—was referred to the Committees on Natural Resources; Community Affairs, and Ways and Means.

By Senator Latvala—

SB 2554—A bill to be entitled An act relating to elections; amending s. 106.34, F.S.; revising expenditure limits for specified candidates; amending ss. 106.35, 106.355, F.S., revising standards for providing campaign contributions from the Election Campaign Financing Trust Fund, providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Ways and Means

By Senator Latvala—

SB 2556—A bill to be entitled An act re-creating the Election Campaign Financing Trust Fund within the Department of State without modification; carrying forward current balances and continuing current sources and uses, providing an effective date

—was referred to the Committees on Executive Business, Ethics and Elections, and Ways and Means.

By Senator Rossin—

SB 2558—A bill to be entitled An act relating to the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; repealing s. 399.035(1)(f), F.S., relating to accessibility requirements for elevators in buildings having fewer than three stories; amending s. 509.013, F.S.; revising exceptions to the definition of "public lodging establishment"; amending s. 509.032, F.S.; restricting the right of entry and access to public lodging establishments and public food service establishments for purposes of required inspections to the division alone, and not its agent; providing for storage of any food or food product that may have contributed to a food-borne illness until the responsible health authority examines, samples, seizes, or requests destruction of the food or food product; authorizing the division to supervise any such destruction; creating s. 509.049, F.S., requiring the division to adopt by rule food safety protection standards for the training of food service employees; requiring certified food service managers to provide training in accordance with the rule to all employees under their supervision or control; amending s. 509.101, F.S.; requiring operators of public food service establishments to maintain their latest food service inspection report on premises and make it available to the public upon request; amending s. 509.215, F.S.; providing additional standards applicable to the installation of automatic sprinkler systems in certain public lodging establishments and buildings; amending s. 509.221, F.S.; revising provisions relating to the number of bathrooms each public lodging establishment and each public food service establishment is required to maintain, amending s. 509.251, F.S.; eliminating reference to certain fee adjustments based on the number of previous year's sanitation and safety inspections required of the public lodging establishment or public food service establishment, providing license renewal fees applicable to renewals filed with the division during an additional period after the expiration date; eliminating reference to reinstatement fees; providing an effective date

—was referred to the Committees on Commerce and Economic Opportunities, and Ways and Means.

By Senator McKay—

SB 2560—A bill to be entitled An act relating to personal property taxes, amending s. 197.172, F.S.; revising the rate of interest on delinquent personal property taxes; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities, and Ways and Means.

By Senator Weinstein—

SB 2562—A bill to be entitled An act relating to probate; amending s. 732.201, F.S., revising language with respect to the right to elective share; creating s. 732.2025, F.S.; providing definitions; creating s. 732.2035, F.S.; providing for property entering into the elective estate; creating s. 732.2045, F.S.; providing for exclusions and overlapping application; amending s. 732.205, F.S.; providing for the valuation of the elective estate; amending s. 732.206, F.S.; providing for the elective share amount; amending s. 732.207, F.S.; providing for the sources from which the elective share is payable, providing for abatement; amending s. 732.208, F.S.; providing for the liability of direct recipients and beneficiaries; amending s. 732.209, F.S.; providing for the valuation of the property used to satisfy the elective share; amending s. 732.210, F.S.; providing for the effect of the election on other interests; amending s. 732.211, F.S.; providing for the protection of payors and other third parties; amending s. 732.212, F.S.; providing who may exercise the right of election; amending s. 732.213, F.S.; providing for the time of election; providing for extensions and for withdrawal, amending s. 732.214, F.S.; providing for the order of contribution, providing for the personal representative's duty to collect contributions; amending s. 732.215, F.S.; providing for the effective date, the effect of prior waivers, and transition rules, providing an effective date

—was referred to the Committee on Judiciary

By Senators Childers and McKay—

SB 2564—A bill to be entitled An act relating to the documentary stamp tax; amending s. 201.08, F.S.; providing that the documentary stamp tax does not apply to receipts and other records of credit-card and debit-card transactions; providing that the legislative intent of this amendment is to clarify existing law; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities, and Ways and Means.

By Senator Hargrett—

SB 2566—A bill to be entitled An act relating to recreational vehicles, amending s. 320.8231, F.S.; deleting the requirement that a park trailer exceeding 400 square feet have a state code seal, amending s. 320.824, F.S.; deleting the department's authorization to enter an establishment where recreational vehicles are manufactured, sold, or offered for sale; amending s. 320.827, F.S., deleting the provisions for issuance of a state recreational vehicle seal; amending s. 320.830, F.S.; deleting the reciprocity requirement for recreational vehicles; repealing s. 320.8256, F.S., which provides for inspection of recreational vehicles; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Casas—

SB 2568—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.3551, F.S.; removing a limit on the proportion of races or games broadcast from outside the state on which wagers may be taken; providing an effective date

—was referred to the Committees on Regulated Industries, and Ways and Means.

By Senator Silver—

SB 2570—A bill to be entitled An act relating to local government; amending ss. 125.0103, 163.3161, and 166.041, F.S.; specifying the nature of certain decisions of local governmental entities; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Williams—

SB 2572—A bill to be entitled An act relating to pest control; amending s. 482.051, F.S.; deleting requirement that vehicles be permanently marked with a licensee's name; amending s. 482.155, F.S., deleting ready-to-use pesticides from an exception to limited certification; repealing s. 482.211(11), F.S., which provides for an exemption from ch. 482, F.S.; providing an effective date.

—was referred to the Committees on Agriculture, and Commerce and Economic Opportunities

By Senator Horne—

SB 2574—A bill to be entitled An act relating to local animal control or cruelty ordinances; amending s. 828.27, F.S.; requiring the court to issue an order to show cause under certain circumstances; providing an effective date

—was referred to the Committees on Community Affairs and Judiciary.

By Senators Williams and Grant—

SB 2576—A bill to be entitled An act relating to disposition of unclaimed property, amending s. 717.101, F.S.; providing definitions; amending s. 717.102, F.S.; changing the period for which property must remain unclaimed to be presumed abandoned, repealing s. 717.1035, F.S., relating to property issued or originated by the state or a political subdivision of it; amending s. 717.104, F.S.; changing the period after which money orders will be presumed abandoned; amending s. 717.105, F.S.; changing the period after which sums payable on checks, drafts, and similar instruments will be presumed abandoned; amending s. 717.106, F.S.; changing the period after which bank deposits will be presumed abandoned; redefining the value of accounts for which notice must be given to the apparent owner; amending s. 717.107, F.S.; changing the period after which funds held or owing under insurance contracts will be presumed abandoned; amending s. 717.108, F.S.; redefining the amounts held by utility companies which are subject to presumption of abandonment, amending s. 717.1101, F.S.; changing the period after which stock and other intangible interests in businesses will be presumed abandoned; amending s. 717.112, F.S.; changing the period after which property held by agents and fiduciaries will be presumed abandoned; amending s. 717.114, F.S.; changing the period after which gift certificates and credit memos will be presumed abandoned; redefining the value of gift certificates to which the presumption of abandonment will not apply; amending s. 717.116, F.S., changing the period after which contents of safe-deposit boxes and other repositories will be presumed abandoned; amending s. 717.117, F.S., revising procedures and requirements for reporting abandoned property; amending s. 717.118, F.S., revising requirements for notice and publication of lists of abandoned property, amending s. 717.119, F.S.; revising requirements with respect to payment or delivery of abandoned property; amending s. 717.122, F.S.; revising procedures for the public sale of abandoned property; amending s. 717.123, F.S.; revising procedures and guidelines with respect to deposit of funds, amending s. 717.124, F.S.; revising requirements for payment of claims filed against the Department of Banking and Finance; creating s. 717.1241, F.S.; providing for resolution of conflicting claims, creating s. 717.1242, F.S.; declaring legislative intent with respect to the jurisdiction of the department in final disposition of property presumed abandoned; amending s. 717.127, F.S.; providing for the department to decline property remitted to it; amending s. 717.1301, F.S.; increasing the rate of compensation due the department for certain investigations; amending s. 717.1311, F.S.; revising record-keeping requirements, amending s. 717.132, F.S.; authorizing the department to issue orders for corrective action; creating s. 717.1321, F.S.; providing for injunctions, amending s. 717.134, F.S.; providing civil penalties for certain violations and deleting criminal penalties for those violations, amending s. 717.135, F.S.; requiring a statement to be included in powers of attorney, providing an effective date.

—was referred to the Committees on Banking and Insurance, Judiciary, and Ways and Means

By Senator Latvala—

SB 2578—A bill to be entitled An act relating to education; creating s. 232.2451, F.S., relating to student readiness for postsecondary education and the workplace; providing legislative intent, providing for end-of-high-school destinations, providing for student progression toward a chosen destination, providing Department of Education duties, providing course requirements; providing school personnel duties; providing an effective date

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

By Senators Johnson, Sullivan, Kirkpatrick and Turner—

SB 2580—A bill to be entitled An act relating to the Educational Practices Commission; amending s. 231.261, F.S.; increasing the membership of the commission; providing an effective date

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

By Senator Ostalkiewicz—

SB 2582—A bill to be entitled An act relating to game and fish; creating s. 372.7015, F.S.; providing a fine for the illegal taking or killing of wildlife or game; providing for the disposition of the fine; creating s. 372.7016, F.S.; establishing a Voluntary Authorized Hunter Identification Program, providing that persons who hunt on private land that is enrolled in the program must while hunting have identification and authorization available to present on demand by law enforcement officers, providing penalties for violations, amending s. 810.09, F.S., providing that unauthorized persons shooting lethal projectiles across private land are guilty of trespassing; providing an effective date

—was referred to the Committees on Natural Resources; Criminal Justice, and Ways and Means.

By Senator Bankhead—

SB 2584—A bill to be entitled An act relating to compulsory school attendance; amending s. 232.09, F.S.; revising provisions relating to parental responsibility for attendance of children; providing attendance requirements; providing penalties; amending s. 232.19, F.S., revising court procedures and penalties with respect to enforcement of school attendance laws; providing an effective date

—was referred to the Committees on Education; Judiciary, and Ways and Means

By Senator Latvala—

SB 2586—A bill to be entitled An act relating to professional sports franchises, creating ss. 288.11681-288.11694, F.S.; creating the Florida Community Protection and Fans Rights Act; providing legislative intent; providing definitions; providing for enforcement by the Office of Attorney General; providing for exemptions; providing for a required notice period with respect to the proposed relocation of a professional sports team; providing a duty to bargain in good faith in connection with the improvement and development of facilities prior to relocation of a professional sports franchise; providing procedures, prohibiting attempts to influence relocation decisions; providing for judicial review and injunctive relief; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Community Affairs; and Judiciary.

By Senator Grant—

SB 2588—A bill to be entitled An act relating to dance studios amending s. 501.143, F.S.; providing additional requirements with respect to applications for registration as a dance studio providing an additional contract requirement; providing an additional prohibited practice, increasing the amount of bond the Department of Agriculture and Consumer Services may require for studios that are or have been in violation of the act; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

By Senator Latvala—

SB 2590—A bill to be entitled An act relating to water policy; amending s. 163.3161, F.S., relating to intent for local government comprehensive planning; amending s. 163.3177, F.S., relating to required elements of comprehensive plans; amending s. 373.016, F.S., relating to water resource policy; amending s. 373.019, F.S., relating to definitions; amending s. 373.026, F.S., relating to authority of the Department of Environmental Protection to exercise supervision over water management districts and relating to procedure for adoption of amendments to state water policy; amending s. 373.073, F.S., providing for certain appointments to governing boards; amending s. 373.079, F.S.; requiring executive directors to be subject to reappointment every 4 years and

subject to confirmation by the Florida Senate, amending s 373 103, F.S., relating to preparation of the Florida water plan and district water management plans, amending s 373 219, F.S., relating to reallocation of water use under a consumptive use permit, amending s 373 223, F.S., relating to consistency of such permits with applicable regional water supply plans; amending s 373 536, F.S., relating to district budget approval, creating part VII of chapter 373, F.S., the "Water Resources Planning and Water Supply Development Act"; providing legislative intent; providing for a Florida water plan and district water management plans, providing for regional water supply planning, amending s. 403 061, F.S., relating to procedure for adoption of amendments to state water policy, repealing ss. 373 036, 373 039, 373 0391, 373 0395, 373 196, 373.1961, 373 1962, F.S., relating, respectively, to state water use plan, Florida water plan, technical assistance to local governments, groundwater basin resource availability inventory, legislative findings, water production, and regional water supply authorities; providing an effective date.

— was referred to the Committees on Natural Resources, and Ways and Means

By Senator Jones—

SB 2592—A bill to be entitled An act for the relief of Christine Reyes and Raquel Reyes, minors, by and through their father and legal guardian, Norberto Reyes, and Norberto Reyes, individually, providing an appropriation as compensation for injuries sustained as a result of an automobile accident; providing for a funding method through the Department of Transportation for the future needs of Christine Reyes; providing a reversion clause, providing an effective date

— was referred to the Special Master; and the Committees on Judiciary, and Ways and Means

By Senator Forman—

SB 2594—A bill to be entitled An act relating to emergency health care, amending s 409 901, F.S., defining the terms "emergency medical condition" and "emergency services and care" for purposes of the Medicaid program; creating s. 409.9118, F.S.; establishing conditions for the provision of emergency services and care by certain entities; amending s. 641 19, F.S.; defining the term "emergency services and care" in the Health Maintenance Organization Act; amending s. 641.47, F.S., defining the terms "emergency medical condition" and "emergency services and care" for health care services provided by health maintenance organizations; creating s. 641.513, F.S.; establishing conditions for emergency services and care by health maintenance organizations, providing an effective date

— was referred to the Committees on Health Care; Banking and Insurance; and Ways and Means

By Senator Latvala—

SB 2596—A bill to be entitled An act relating to elections, providing a short title, amending s 104 271, F.S.; eliminating a provision prohibiting candidates falsely or maliciously charging other candidates with a violation of the election code, expanding coverage of the prohibition against false statements about opposing candidates, to include applicability to political parties, political committees, committees of continuous existence, and persons associated therewith, and to cover statements about any candidate, not just an opposing candidate; increasing the civil penalty for violation thereof and providing requirements with respect to determining the amount thereof; providing for vicarious and joint and several liability, providing for judicial review in accordance with the Administrative Procedure Act, authorizing filing of complaints with the Florida Elections Commission relating to false statements about candidates; amending s 106 011, F.S.; revising the definition of "independent expenditure" to specify that an expenditure made or coordinated by a political party is not an independent expenditure, creating s. 106 024, F.S.; providing for a voluntary fair campaign practices pledge; authorizing the Florida Elections Commission to investigate complaints of violations of the fair campaign practices pledge by statewide and legislative

candidates; providing for hearings, amending s 106 07, F.S.; revising reporting requirements of candidates; providing an additional form for reporting contributions received by a political party, amending s 106 071, F.S.; providing exemptions from the disclaimer requirement applicable to independent expenditures; amending s 106 08, F.S., relating to limitations on campaign contributions; revising and providing restrictions on contributions by a political party; providing penalties; amending s. 106.141, F.S.; providing requirements for disposition and reporting of surplus funds resulting from refund checks received after all other surplus funds have been disposed of; restricting the amount of surplus funds that may be given to the state executive committee or any county executive committee of a political party, amending s 106 143, F.S., relating to political advertisements, conforming to the disclaimer exemptions authorized for certain independent expenditures; revising provisions relating to the sponsoring of and paying for, or providing in kind of, political advertisements, providing additional requirements for certain political advertisements, amending s. 106.19, F.S.; authorizing the commission to bring civil actions to recover certain civil penalties; amending s 106 22, F.S.; deleting duties of the Division of Elections relating to investigation of complaints; requiring the division to report certain information to the commission; amending s. 106 23, F.S.; deleting powers of the division to issue subpoenas and administer oaths relating to investigation of alleged violations of ch. 106, F.S., relating to campaign financing, amending s 106 24, F.S.; revising appointment procedures and criteria for membership on the commission; revising administrative and organizational structure of the commission; providing for appointment of an executive director and employment of staff; authorizing the commission to contract or consult with other state agencies for assistance as needed; amending s 106 25, F.S.; vesting the commission with jurisdiction to investigate and determine violations of ch 106, F.S.; amending s. 106 26, F.S.; providing rulemaking authority to the commission relating to its investigative responsibilities, providing for termination of terms of current members of the commission and appointment of new members; transferring to the commission all division records, personnel, property, and unexpended funds associated with the complaint investigation process under ch 106, F.S.; providing for transition from the current commission to the newly constituted commission; amending s 106 29, F.S., modifying political party reporting requirements; providing an additional form for reporting expenditures made on behalf of candidates, clarifying the allocation of certain expenditures; providing penalties; providing effective dates.

— was referred to the Committees on Executive Business, Ethics and Elections, and Ways and Means

By Senator Dudley—

SB 2598—A bill to be entitled An act relating to building construction; creating s 553.796, F.S.; providing conditions for issuance of a certificate of occupancy for certain residential construction projects; requiring an affidavit; providing for arbitration; providing criteria; providing procedures; providing for alternative actions, providing limitations, providing for enforcement; providing application; providing an effective date

— was referred to the Committees on Community Affairs and Judiciary.

By Senator Bronson—

SB 2600—A bill to be entitled An act relating to regulation of trade and commerce; repealing part I of chapter 559, F.S., relating to trading stamps, providing an effective date.

— was referred to the Committees on Commerce and Economic Opportunities, and Ways and Means.

By Senator Myers—

SB 2602—A bill to be entitled An act relating to governmental organization; amending s 20 165, F.S., renaming the Division of Hotels and Restaurants of the Department of Business and Professional Regulation as the Division of Public Lodging; deleting reference to the Division of Medical Quality Assurance within the department, amending s 20.19,

F.S., redesignating the Department of Health and Rehabilitative Services as the Department of Human Services; transferring the powers of the department with respect to health care to the Department of Health Care Services; reorganizing the internal structure of the Department of Human Services, creating s. 20.191, F.S.; creating the Department of Health Care Services; providing the purpose, organization, and duties of the department, providing for the programs to be administered through not more than seven regions; creating the Health Coordinating Council within the department; providing for appointment of members of the council, providing for terms of office, providing for remuneration of members and for reimbursement for per diem expenses; providing for an executive director of the council; providing duties and responsibilities of the council; repealing s. 20.42, F.S., relating to the Agency for Health Care Administration; abolishing the agency, transferring all functions of the agency to the Department of Health Care Services, transferring the programs relating to children's medical services, developmental services, public health and alcohol, drug abuse, and mental health from the Department of Health and Rehabilitative Services to the Department of Health Care Services, providing for the Health Coordinating Council, created by this act, to assume the powers, duties, functions, records, property, and unexpended balances of appropriations of the Health Care Board created under s. 408.033, F.S.; providing for the council to assume the powers, duties, functions, records, property, and unexpended balances of appropriations of the Statewide Health Council created under s. 408.033, F.S.; repealing s. 408.003, F.S., relating to the appointment of members to the Health Care Board; transferring responsibility for the functions of the Department of Business and Professional Regulation relating to food service establishments to the Department of Health Care Services, transferring responsibility for the drinking water program from the Department of Environmental Protection to the Department of Health Care Services; transferring responsibility for the Office of Disability Determination, including the medical needy determination program and the brain and spinal cord injury program, from the Department of Labor and Employment Security to the Department of Health Care Services; providing duties and responsibilities of the council; amending s. 20.04, F.S.; providing for the internal structuring of the Department of Health Care Services; transferring powers, duties, functions, and assets of the Department of Environmental Protection relating to the drinking water program to the Department of Health Care Services; amending ss. 20.23, 11.50, 28.101, 28.222, 39.001, 39.01, 39.012, 39.014, 39.021, 39.025, 39.039, 39.046, 39.047, 39.052, 39.055, 39.0573, 39.0585, 39.059, 39.39, 39.41, 39.418, 39.449, 39.459, 40.022, 61.13, 61.20, 63.022, 63.032, 63.062, 63.202, 63.212, 63.301, 68.07, 83.40, 90.503, 90.6063, 98.093, 110.1125, 110.1127, 110.123, 110.131, 110.205, 112.0455, 112.061, 112.153, 119.07, 120.57, 125.0109, 125.901, 153.19, 154.01, 154.011, 154.013, 154.02, 154.03, 154.04, 154.05, 154.06, 154.205, 154.245, 154.304, 154.306, 154.312, 166.0445, 186.003, 186.022, 186.503, 186.508, 186.901, 189.415, 194.013, 196.1975, 205.19665, 212.04, 212.055, 212.08, 213.053, 215.20, 215.3208, 216.0172, 216.136, 216.341, 218.65, 222.21, 228.0617, 228.081, 228.093, 228.121, 229.8075, 229.832, 230.23, 230.2305, 230.23135, 230.2316, 230.2317, 230.33, 230.71, 231.02, 231.381, 232.0315, 232.032, 232.13, 232.2481, 232.258, 232.303, 232.304, 232.36, 232.50, 233.067, 233.0671, 236.081, 236.145, 236.602, 238.01, 239.301, 239.505, 240.4067, 240.40685, 240.4075, 240.4076, 240.5121, 240.514, 245.08, 245.13, 252.35, 252.355, 252.36, 255.565, 282.402, 282.403, 282.502, 284.40, 287.057, 287.155, 288.0475, 288.106, 288.975, 290.009, 310.102, 314.05, 316.6135, 316.635, 318.14, 318.18, 318.21, 321.19, 322.055, 322.20, 364.510, 370.0605, 370.07, 370.16, 372.57, 372.6672, 373.309, 376.30, 376.3071, 376.3078, 377.712, 380.05, 380.051, 381.001, 381.0011, 381.0031, 381.0034, 381.0035, 381.0036, 381.0038, 381.0039, 381.004, 381.0041, 381.0051, 381.006, 381.0062, 381.0064, 381.0065, 381.0068, 381.0072, 381.008, 381.009, 381.0098, 381.0101, 381.0261, 381.0302, 381.0406, 381.04065, 381.045, 381.0602, 381.0605, 381.6021, 381.6022, 381.6023, 381.6024, 381.6025, 381.698, 382.002, 382.0135, 383.011, 383.013, 383.016, 383.04, 383.05, 383.11, 383.13, 383.14, 383.16, 383.216, 383.2161, 383.302, 383.336, 383.3362, 384.23, 385.103, 385.202, 385.203, 385.204, 385.205, 385.206, 385.207, 385.209, 386.02, 386.03, 386.041, 386.203, 387.02, 387.03, 387.05, 387.08, 387.10, 388.45, 388.46, 390.001, 390.002, 390.011, 390.014, 391.021, 391.031, 391.056, 391.091, 391.202, 391.203, 391.205, 391.206, 391.207, 391.208, 391.210, 391.211, 391.212, 391.213, 391.214, 391.304, 391.305, 391.306, 391.307, 392.52, 393.063, 393.064, 393.065, 393.066, 393.067, 393.0673, 393.0675, 393.071, 393.075, 393.11, 393.13, 393.15, 393.31, 393.32, 393.502, 393.503, 394.453, 394.455, 394.457, 394.4573, 394.458, 394.459, 394.461, 394.4674, 394.475, 394.4781, 394.4786, 394.4787, 394.4788, 394.480, 394.50, 394.60, 394.66, 394.67, 394.675, 394.73, 394.74, 394.75, 394.76, 394.78, 394.79, 395.002, 395.003, 395.004, 395.0161, 395.0162,

395.0163, 395.0185, 395.0191, 395.0193, 395.0197, 395.0199, 395.1023, 395.1027, 395.1041, 395.1046, 395.1055, 395.1065, 395.301, 395.3015, 395.3025, 395.401, 395.4025, 395.403, 395.602, 395.603, 395.604, 395.605, 395.701, 395.7015, 395.805, 395.806, 395.807, 397.311, 397.321, 397.405, 397.427, 397.706, 397.753, 397.754, 397.801, 397.821, 397.901, 399.01, 400.0060, 400.0061, 400.0065, 400.0067, 400.0069, 400.0075, 400.0087, 400.0089, 400.021, 400.022, 400.023, 400.062, 400.0625, 400.063, 400.071, 400.102, 400.111, 400.121, 400.125, 400.126, 400.141, 400.142, 400.151, 400.162, 400.165, 400.175, 400.176, 400.179, 400.18, 400.19, 400.191, 400.211, 400.23, 400.25, 400.29, 400.401, 400.402, 400.404, 400.407, 400.4075, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.4174, 400.4176, 400.4177, 400.418, 400.419, 400.4195, 400.421, 400.422, 400.424, 400.426, 400.427, 400.428, 400.429, 400.431, 400.434, 400.435, 400.441, 400.4415, 400.442, 400.444, 400.4445, 400.447, 400.452, 400.453, 400.462, 400.464, 400.471, 400.474, 400.4785, 400.484, 400.495, 400.497, 400.506, 400.509, 400.512, 400.515, 400.518, 400.551, 400.552, 400.553, 400.554, 400.555, 400.556, 400.5565, 400.557, 400.5571, 400.5575, 400.558, 400.559, 400.56, 400.562, 400.601, 400.602, 400.6045, 400.605, 400.606, 400.607, 400.609, 400.618, 400.619, 400.6196, 400.621, 400.6211, 400.622, 400.702, 400.801, 400.805, 401.107, 401.111, 401.117, 401.23, 401.245, 401.265, 402.04, 402.06, 402.07, 402.105, 402.12, 402.16, 402.161, 402.165, 402.166, 402.167, 402.17, 402.18, 402.181, 402.19, 402.20, 402.22, 402.24, 402.27, 402.28, 402.302, 402.3026, 402.3193, 402.3195, 402.32, 402.321, 402.33, 402.35, 402.37, 402.40, 402.41, 402.45, 402.47, 402.49, 402.55, 402.60, 402.61, 403.061, 403.0625, 403.081, 403.085, 403.086, 403.087, 403.0871, 403.088, 403.1815, 403.703, 403.7841, 403.786, 403.813, 403.851, 403.852, 403.855, 403.856, 403.857, 403.858, 403.859, 403.860, 403.861, 403.862, 403.863, 403.8635, 403.864, 404.031, 404.051, 404.056, 404.0614, 404.131, 404.20, 404.22, 406.02, 407.61, 408.001, 408.02, 408.032, 408.033, 408.034, 408.035, 408.036, 408.038, 408.039, 408.043, 408.0455, 408.05, 408.061, 408.062, 408.063, 408.07, 408.072, 408.08, 408.09, 408.10, 408.15, 408.20, 408.30, 408.40, 408.50, 408.601, 408.603, 408.701, 408.702, 408.703, 408.704, 408.7041, 408.7042, 408.7045, 408.705, 408.7055, 408.7056, 408.706, 408.7071, 408.901, 408.902, 408.903, 408.906, 408.907, 408.908, 409.016, 409.029, 409.141, 409.146, 409.152, 409.166, 409.167, 409.1673, 409.1674, 409.1685, 409.175, 409.1755, 409.178, 409.2345, 409.2562, 409.25625, 209.25655, 409.2599, 409.2673, 409.2675, 409.285, 409.315, 409.325, 409.3251, 409.3282, 409.3284, 409.345, 409.352, 409.403, 409.404, 409.441, 409.803, 409.901, 409.902, 409.905, 409.906, 409.9071, 409.908, 409.9081, 409.910, 409.911, 409.9112, 409.9113, 409.9115, 409.9116, 409.9117, 409.912, 409.9122, 409.914, 409.923, 409.924, 409.928, 409.940, 409.942, 409.943, 410.032, 410.602, 410.603, 411.203, 411.204, 411.205, 411.221, 411.222, 411.223, 411.224, 411.232, 411.242, 413.031, 413.46, 413.48, 413.49, 413.507, 413.604, 413.605, 413.613, 414.06, 414.07, 415.102, 415.1035, 415.1055, 415.107, 415.1111, 415.1113, 415.501, 415.5015, 415.5016, 415.50165, 415.5017, 415.50171, 415.5018, 415.50185, 415.502, 415.503, 415.504, 415.507, 415.5095, 415.515, 415.602, 415.604, 419.001, 419.002, 420.621, 420.623, 420.625, 420.627, 421.10, 427.012, 427.016, 430.04, 435.02, 435.05, 435.08, 440.102, 440.13, 440.132, 440.134, 440.151, 442.005, 443.036, 446.205, 446.23, 446.25, 446.31, 450.191, 450.211, 455.01, 455.203, 455.205, 455.207, 455.208, 455.209, 455.211, 455.2141, 455.2142, 455.2173, 455.2175, 455.218, 455.220, 455.2205, 455.221, 455.2224, 455.223, 455.224, 455.225, 455.225, 455.227, 455.2273, 455.2275, 455.228, 455.2285, 455.229, 455.232, 455.236, 455.239, 455.241, 455.2416, 455.243, 455.245, 455.26, 455.261, 458.316, 458.3165, 458.317, 458.331, 458.347, 459.015, 459.022, 460.403, 460.413, 461.013, 464.018, 465.016, 466.023, 466.028, 467.009, 467.0125, 468.1245, 468.1685, 468.301, 468.314, 468.351, 468.505, 470.021, 470.024, 470.025, 470.0301, 478.44, 483.031, 483.035, 483.041, 483.051, 483.061, 483.091, 483.101, 483.106, 483.111, 483.172, 483.181, 483.191, 483.201, 483.221, 483.23, 483.245, 483.25, 483.26, 483.288, 483.291, 483.294, 483.30, 483.302, 483.314, 483.317, 483.32, 483.328, 483.610, 483.901, 487.0615, 489.539, 489.551, 499.003, 499.004, 499.02, 499.022, 499.039, 499.051, 499.601, 499.61, 500.12, 500.453, 501.001, 501.065, 501.122, 501.124, 509.013, 509.032, 509.035, 509.072, 509.091, 509.092, 509.101, 509.141, 509.142, 509.151, 509.162, 509.191, 509.211, 509.2112, 509.215, 509.221, 509.241, 509.251, 509.261, 509.281, 509.291, 509.302, 513.01, 514.011, 553.19, 561.01, 561.121, 561.17, 561.19, 561.20, 561.29, 562.025, 562.111, 570.42, 576.045, 585.15, 624.215, 624.424, 624.91, 626.943, 627.09155, 627.4236, 627.429, 627.6408, 627.6418, 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732.92155, 732.9216, 732.922, 741.01, 741.29, 741.32, 742.08, 742.16, 743.0645, 744.474, 760.85, 760.852, 765.110, 766.105, 766.1115, 766.113, 766.206, 766.305, 766.308, 766.314, 768.28, 768.76, 775.0877, 775.16, 790.157, 790.22, 790.256, 796.08, 873.01, 877.06, 877.111, 893.02, 893.04, 893.11, 893.12, 893.15, 893.16, 893.165, 895.09, 916.105, 916.106, 916.11, 939.017, 943.0585, 943.059, 944.012, 944.024, 944.17, 944.602, 944.706, 945.025, 945.10, 945.12, 945.35, 945.41, 945.47, 945.49, 947.13, 947.146, 947.185, 948.01, 948.034, 949.02, 951.27, 953.003, 953.35, 958.12, 960.001, 960.003, F.S., s. 95, ch. 93-415, Laws of Florida, s. 9, ch. 93-416, Laws of Florida, s. 1, ch. 93-419, Laws of Florida; conforming those sections to the changes in duties and changes of names of departments made by this act, deleting the limitation on the number of sites operated under the Florida Health Kids Corporation Act; authorizing the board of directors of the program to contract with the additional agencies and perform additional functions; creating s. 381.0073, F.S.; creating an Office of Food Service Protection in the Department of Health Care Services, creating s. 381.0074, F.S.; providing duties with respect to mobile food service vehicles and temporary food service events; creating s. 381.00742, F.S., prescribing rights of food service establishments as private enterprises; creating s. 381.00744, F.S.; prescribing food service establishments' rights in ejecting certain guests; creating s. 381.00746, F.S., prescribing procedures in prosecutions for theft of food or other accommodation; amending s. 400.487, F.S.; authorizing podiatrists to evaluate home health care services; amending s. 408.033, F.S.; providing legislative intent; revising the membership of the local health councils; specifying regions for purposes of local health council activities; providing additional duties of the local health councils, including planning for seriously mentally ill and substance-abuse-impaired persons; authorizing the local health councils to participate in community health purchasing alliances; providing for the Health Coordinating Council to match the funds generated by local health councils up to a specified amount; deleting provisions creating the statewide health council; requiring the Department of Health Care Services rather than the Agency for Health Care Administration to establish fees and assessments for specified health care facilities for the purpose of providing funding for the local health councils; providing duties of the Health Coordinating Council with respect to health planning; providing for administration of children's medical services functions in certain districts, providing for continuing effect of existing rules; providing for continuation of administrative and judicial proceedings; providing appropriations; repealing s. 408.302, F.S., relating to a cooperative agreement between the Department of Health and Rehabilitative Services and the Agency for Health Care Administration; repealing obsolete cross-references, providing that this act does not affect the term of office of any person serving on a district or subdistrict human services board on the effective date of this act; providing for a transition advisory committee for the implementation of the new department and a report with respect thereto; providing for an interagency agreement; requiring an implementation plan and status reports for the Department of Human Services; repealing s. 408.0014, F.S., relating to the Florida Health Access Corporation Act; repealing s. 408.301, F.S., relating to legislative findings with respect to health care access; transferring and renumbering ss. 509.213, 509.214, 509.232, and 509.292, F.S., as ss. 381.0075, 381.0076, 381.0077 and 381.0078, F.S., respectively, repealing s. 509.036, F.S., relating to public food service inspector standardization, repealing s. 509.039, F.S., relating to food service manager certification; providing effective dates.

— was referred to the Committees on Health Care; Health and Rehabilitative Services; and Ways and Means.

By Senator Latvala—

SB 2604—A bill to be entitled An act relating to contracting; amending s. 489.119, F.S., revising requirements for registration or certification of business organizations; clarifying effect of approval of a financially responsible officer on the primary qualifying agent's responsibilities; revising requirements relating to advertising; providing requirements with respect to signs on construction vehicles; providing for assessment of fines; amending s. 489.120, F.S.; requiring the automated information system to include information on business organizations and any failure to comply with final board action, amending s. 489.126, F.S.; clarifying that permit application and commencement timetables apply to moneys given as initial payment; requiring any change to the permit application timetable to be by written agreement; providing an exception where a permit is not required; amending s. 489.127, F.S., and

repealing s. 489.1265, F.S., to combine provisions relating to prohibited acts and penalties; amending s. 489.129, F.S., relating to disciplinary proceedings; restricting restitution orders to instances of direct financial harm resulting from a violation of law regulating construction contracting; clarifying applicability of disciplinary provisions to financially responsible officers; authorizing the Construction Industry Licensing Board to contract with collection agencies for collection of fines on a contingent fee basis; providing that certificateholders who have had their licenses revoked are ineligible to reapply for registration for a specified period following revocation, eliminating reference to a pilot program that has expired; amending s. 489.131, F.S.; conforming a cross-reference; amending s. 489.1425, F.S., revising and updating requirements on notice of the Construction Industries Recovery Fund; providing an exception from the required notice, providing the form of the notice; amending s. 489.143, F.S., increasing the aggregate limit for payment from the recovery fund of claims against any one certificateholder or registrant; creating s. 489.146, F.S.; requiring privatization of services of the Department of Business and Professional Regulation; providing requirements and rulemaking authority for such purpose; amending s. 501.1375, F.S.; revising requirements relating to deposits received for purchase of residential dwelling units; authorizing buyers to waive in writing the requirement to place deposit moneys into an escrow account, eliminating the requirement that an escrow account be interest-bearing and the requirement that an escrow account be in the name of the building contractor or developer and the purchaser; providing for calculation of the amount of a master surety bond and of the pro rata share of bond premium debited against the buyer; revising the conditions constituting a violation of the section; providing penalties; requiring a study to review regulation of construction, electrical, and alarm system contracting; providing for appointment of a committee for such purpose, requiring public hearings; requiring a report to specified leaders of the Legislature; providing effective dates.

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Judiciary and Criminal Justice and Senator Wexler—

CS for CS for SB 16—A bill to be entitled An act relating to offenses resulting in the injury or death of a human being; amending ss. 316.193, 327.351, F.S.; providing an enhanced penalty for the offense of DUI manslaughter that is the result of operating a motor vehicle or vessel if the person knew, or should have known, that the accident occurred and failed to give information and render aid; amending s. 775.15, F.S.; providing that the prosecution for a felony that results in a death may be commenced at any time; amending ss. 782.071, 782.072, F.S.; providing an enhanced penalty for vehicular homicide and vessel homicide if the person knew, or should have known, that the accident occurred and failed to give information and render aid; amending ss. 782.04, 782.07, F.S., relating to the offenses of murder and manslaughter; conforming provisions to changes made by the act, providing a mandatory minimum term of imprisonment; amending s. 921.0012, F.S.; providing for certain offenses resulting in injury or death to be included in the offense severity ranking chart of the sentencing guidelines; providing an effective date.

By the Committee on Community Affairs and Senators Latvala, Dyer, Turner, Forman and Brown-Waite—

CS for SB 94—A bill to be entitled An act relating to traffic control; creating s. 316.0752, F.S.; authorizing traffic control signal photo-monitoring device demonstration projects; providing for repeal; providing an effective date.

By the Committee on Criminal Justice and Senator Burt—

CS for SB 158—A bill to be entitled An act relating to capital felonies; amending s. 921.141, F.S.; providing additional aggravating circumstances to be considered by the jury and the court in sentencing a defend-

ant convicted of a capital felony; providing an effective date.

By the Committee on Higher Education and Senator Latvala—

CS for SB 176—A bill to be entitled An act relating to the Hospitality Education Program; amending s 509.072, F.S., limiting uses of moneys deposited into the Hotel and Restaurant Trust Fund from the assessment against public lodging and public food service establishments; amending s 509.291, F.S.; adding a member to the advisory council; amending s 509.302, F.S.; prescribing additional duties of the Director of the Division of Hotels and Restaurants and the director of education of the program; authorizing the program to affiliate with certain institutions; providing budgetary requirements for the program; authorizing the development and validation of food safety programs; providing an effective date.

By the Committee on Judiciary and Senators Latvala, Brown-Waite, Grant, Johnson, Jones, Sullivan, Burt, Weinstein, Crist, Forman, Dudley, Jenne, Harris, McKay, Kurth, Myers and Hargrett—

CS for SB 222—A bill to be entitled An act relating to mobile home parks; amending s. 723.011, F.S.; establishing legal rights and obligations under a prospectus or offering circular; providing a list of circumstances for amending a prospectus or offering circular, requiring the department to review and approve amendments to a prospectus or offering circular; amending s 723.012, F.S.; providing for disclosure of circumstances under which a prospectus or offering circular may be assumed by a purchaser; amending s 723.059, F.S.; providing for assumption of a prospectus or offering circular by a purchaser; providing legislative intent; providing an effective date.

By the Committee on Criminal Justice and Senators Kurth and Johnson—

CS for SB 244—A bill to be entitled An act relating to sex offenses; amending s. 794.05, F.S.; providing that it is a third-degree felony for a person older than a specified age to engage in sexual intercourse with an unmarried minor between specified years of age, regardless of the minor's consent or previous unchaste character; defining the term "sexual intercourse"; providing that points applicable to certain acts under the sentencing guidelines do not apply to a sentence imposed for the offense; deleting a provision made obsolete by the act which prohibits unlawful carnal intercourse with certain persons of previous chaste character; deleting a provision that excludes a defense to such offense; amending s. 921.0012, F.S., relating to the offense severity ranking chart; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Regulated Industries and Senators Dudley, Silver and Forman—

CS for SB's 386, 732 and 1208—A bill to be entitled An act relating to community associations; amending s. 718.112, F.S.; revising notice requirements for budget meetings of condominium associations; providing requirements with respect to meetings of board of administration committees; amending s 718.115, F.S., providing that standards relating to common expenses and common surplus are applicable to certain mixed-use condominiums; amending s 718.404, F.S.; revising provisions with respect to the ownership share in the common elements assigned to each unit in a mixed-use condominium; amending s. 719.1055, F.S.; requiring the approval of unit owners before a mobile home cooperative association makes certain changes to a unit or to common areas or appurtenances, providing an effective date

By the Committee on Health Care and Senators Forman, Meadows, Silver, Weinstein, Wexler, Thomas and Grant—

CS for SB 518—A bill to be entitled An act relating to drug-free workplace requirements; amending s. 112.0455, F.S.; prescribing quali-

fications of laboratories that analyze drug specimens; requiring the Agency for Health Care Administration to adopt rules relating to the drug testing of urine, hair, blood, and other body specimens; establishing standards for hair testing; amending s. 440.101, F.S.; changing a reference from the Division of Workers' Compensation to the Agency for Health Care Administration, amending s 440.102, F.S., prescribing qualifications of laboratories that analyze drug specimens; requiring the Agency for Health Care Administration to adopt rules as general guidelines relating to the drug testing of urine, hair, blood, and other body specimens; creating a technical advisory group to advise the agency; providing an effective date

By the Committee on Criminal Justice and Senator McKay—

CS for SB 526—A bill to be entitled An act relating to the Florida Evidence Code; creating s. 90.4011, F.S.; providing for admissibility of a defendant's confession or admission when the defendant is charged with a crime against a child under s. 794.011, F.S., relating to sexual battery, s. 794.05, F.S., relating to carnal intercourse with an unmarried person under 18 years of age, s 800.04, F.S., relating to lewd, lascivious, or indecent assault or act upon or in the presence of a child, s. 826.04, F.S., relating to incest, s. 827.03, F.S., relating to aggravated child abuse, s 827.04, F.S., relating to child abuse, s. 827.071, F.S., relating to sexual performance by a child, or any other crime involving sexual abuse against a child, or with an attempt, solicitation, or conspiracy to commit any of these crimes, under specified circumstances; providing for a court hearing on whether the confession or admission is trustworthy; specifying burden of proof; providing for admissibility of hearsay at such hearing; requiring specific findings of fact; providing an effective date

By the Committee on Natural Resources and Senators Bronson, Williams and Johnson—

CS for SB 602—A bill to be entitled An act relating to aquaculture; amending s 1.01, F.S.; clarifying the definition of "agriculture" for aquaculture purposes; amending s 253.67, F.S.; revising the definition of "aquaculture"; amending s 253.68, F.S., relating to authority to lease submerged land and water column; declaring legislative intent to promote aquaculture production and development; amending s 253.69, F.S., relating to application to lease submerged land and water column; amending s 253.71, F.S.; providing special lease conditions; amending s. 258.42, F.S., relating to maintenance of aquatic preserves; authorizing aquaculture leases; amending s 322.01, F.S.; revising definition of "farmer" as used in the chapter on drivers' licenses to include aquacultural products; amending s. 327.41, F.S.; requiring uniform marking of aquaculture leaseholds; amending s. 370.021, F.S.; providing for revocation of certain licenses for taking aquaculture species raised at a certified facility; amending s. 370.027, F.S., exempting certain marine aquaculture products from resource management rules, amending s. 370.06, F.S.; providing an exemption from saltwater products licensing; authorizing special activity licenses in certain instances; amending s. 370.071, F.S.; authorizing the licensure of aquaculture facilities under certain circumstances; creating s. 370.26, F.S., relating to marine aquaculture products and producers; providing duties of the Department of Environmental Protection; providing for establishment of aquaculture general permits and fees; providing for establishment of grant programs; amending s. 372.65, F.S.; providing exemption from certain licensure, deleting a fee requirement; amending s. 373.046, F.S., relating to interagency agreements; providing regulatory responsibilities of the Department of Environmental Protection and water management districts for aquaculture activities; creating s. 373.1131, F.S.; providing for consolidated action on permits; amending s. 373.4145, F.S., relating to the Northwest Florida Water Management District; providing for establishment of exemptions and general permits for dredging and filling; amending s. 403.814, F.S.; providing for the establishment of certain general permits; providing for delegation of authority; amending s 403.927, F.S.; exempting aquaculture water management systems from exceptions for other types of agriculture; amending s 570.02, F.S.; clarifying the definition of "agriculture", amending s. 581.145, F.S.; providing for issuance of permits for exporting waterhyacinths; amending s 597.0015, F.S.; providing definitions relating to aquaculture; amending s 597.002, F.S.; revising declaration of public policy respecting aquaculture; amending s. 597.0021, F.S.; revising provisions relating to legislative intent; amending s 597.003, F.S.; revising powers and duties

of the Department of Agriculture and Consumer Services with regard to aquaculture; creating s. 597.004, F.S.; providing for an aquaculture certification of registration; providing for fees and deposit thereof; providing for identification, labeling, and sale of aquaculture products; creating s. 597.0041, F.S., providing prohibited acts and penalties, amending s. 597.005, F.S.; revising membership and responsibilities of the Aquaculture Review Council; amending s. 812.014, F.S.; increasing penalties for theft against certified aquaculture facilities; providing appropriations and requiring the establishment of specified positions; repealing s. 597.007, F.S., relating to the delegation of permitting; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Williams, Jenne and Johnson—

CS for SB's 614 and 476—A bill to be entitled An act relating to rural development; creating the Rural Community Development Revolving Loan Fund Program, providing purposes; providing criteria; providing requirements; providing duties of the Department of Commerce; requiring a report; authorizing the Department of Commerce to establish a pilot matching-grant program for certain purposes; providing criteria; authorizing use of certain moneys in the Rural Community Development Revolving Loan Fund; providing an appropriation to the fund; providing an effective date

By the Committee on Natural Resources and Senator Dantzler—

CS for SB 648—A bill to be entitled An act relating to petroleum underground storage tanks; amending s. 376.30, F.S., establishing priorities for payments from the Inland Protection Trust Fund, amending s. 376.301, F.S.; providing definitions, amending s. 376.303, F.S.; deleting obsolete language with respect to powers and duties of the Department of Environmental Protection, including an additional type of storage tank within a group which is not required to be registered under the program for aboveground hazardous substance tanks; amending s. 376.305, F.S.; deleting language with respect to certain persons who may be entitled to reimbursement for rendering assistance in containing or removing certain pollutants, providing for waiver of certain storage system closure requirements under certain circumstances, providing for site rehabilitation funding amending s. 376.3071, F.S., providing additional legislative findings regarding the creation of a nonprofit public benefit corporation to assist the state in financing the functions in this chapter; revising language with respect to the Inland Protection Trust Fund, providing intent and direction to the Department of Environmental Protection regarding the streamlining of certain administrative functions; providing for additional uses of moneys in the fund, providing for annual appropriations for compliance, monitoring, and enforcement activities; revising language with respect to the duty of the department to adopt rules for site selections and cleanup, providing criteria, revising provisions relating to the department's duty to seek recovery and reimbursement; providing criteria for voluntary cleanup, providing for the application of programs for reimbursement for cleanup expenses; providing for a petroleum cleanup participation program; providing criteria; providing procedures, providing limitations, providing exceptions; amending s. 376.30711, F.S.; revising language with respect to eligibility for site rehabilitation reimbursement, providing for preapproved site rehabilitation; providing legislative declarations; authorizing the department to use competitive bid procedures or negotiated contracts for certain purposes; providing procedures; providing criteria, providing limitations; requiring the department to conduct a pilot project for certain purposes, providing for a report; creating s. 376.30713, F.S., providing for preapproved advanced cleanup, amending s. 376.3072, F.S., revising provisions relating to the Florida Petroleum Liability and Restoration Insurance Program, providing additional criteria, providing for a supplemental deductible; providing for redetermination of eligibility for insurance, amending s. 376.3073, F.S.; directing the department to contract with local governments for certain cleanup operations under certain circumstances, creating s. 376.3075, F.S.; creating the Inland Protection Financing Corporation to assist the department in financing petroleum contamination site remediation; providing for a board of directors; providing powers and duties; authorizing the corporation to contract with the department for certain purposes; authorizing the corporation to issue and incur indebtedness; providing limitations; providing requirements; exempting the corporation from all taxation; authorizing the corporation to validate obligations; providing for termination of

the corporation, amending s. 376.308, F.S., providing that certain persons shall not be subject to certain administrative or judicial actions to complete site rehabilitation, amending s. 376.311, F.S.; revising provisions relating to penalties for discharge; prohibiting certain employees of the department to hold employment or have a contractual arrangement with certain entities, amending ss. 287.0595 and 316.302, F.S.; correcting cross references, repealing s. 376.30712, F.S., relating to enforcement of rehabilitation schedules; repealing s. 376.3074, F.S., relating to noncompliance fees; providing for severability; providing an effective date.

By the Committee on Judiciary and Senator Forman—

CS for SB 748—A bill to be entitled An act relating to genetic testing for insurance purposes, amending s. 627.401, F.S.; providing applicability of provisions regulating insurance contracts to s. 627.4301, F.S., creating s. 627.4301, F.S., prohibiting insurers from requiring or using certain information derived from genetic testing of insureds or insurance applicants; requiring insurers that obtain such information to maintain its confidentiality, amending s. 632.638, F.S., providing applicability of s. 627.4301, F.S., to fraternal benefit societies, creating s. 636.0201, F.S.; providing applicability of s. 627.4301, F.S., to prepaid limited health service organizations; amending s. 641.30, F.S.; providing applicability of s. 627.4301, F.S., to health maintenance organizations, creating s. 641.428, F.S.; providing applicability of s. 627.4301, F.S., to prepaid health clinics; amending s. 760.40, F.S., defining the term "genetic testing"; providing standards for informed consent, providing for confidentiality of records, providing civil and criminal penalties, providing an effective date

By the Committee on Natural Resources and Senator Brown-Waite—

CS for SB 790—A bill to be entitled An act relating to pollutant discharge prevention and response, amending s. 376.031, F.S.; defining terms, amending s. 376.065, F.S., authorizing certain terminal facilities to be covered under the discharge prevention and response certificate of specified other terminal facilities, providing cleanup capability requirements for terminal facilities, authorizing additional requirements for bulk-product facilities; deleting obsolete provisions, revising penalty provisions; amending s. 376.07, F.S., revising rulemaking authority relating to operation and inspection requirements for terminal facilities and vessels, revising penalty provisions; amending s. 376.071, F.S.; revising requirements for vessel-discharge contingency plans; revising penalty provisions, amending s. 376.09, F.S., revising and clarifying certain claims against the Florida Coastal Protection Trust Fund; amending s. 376.10, F.S.; revising the department's responsibility for certain equipment, amending s. 376.11, F.S.; conforming a cross-reference; amending s. 376.12, F.S., revising provisions relating to liability, clarifying exceptions to limitation of liability, clarifying defenses to liability, clarifying liability of third parties; revising penalties; creating s. 376.123, F.S.; providing a mechanism for filing claims against the Florida Coastal Protection Trust Fund; conforming claims against the fund to the provisions of the Oil Pollution Act of 1990; clarifying procedures for claims for cleanup costs; amending s. 376.14, F.S.; providing for claims and service of process against providers of financial responsibility, amending s. 376.16, F.S.; revising penalty and enforcement provisions; amending s. 376.205, F.S.; revising provisions relating to costs and attorney's fees; creating s. 376.207, F.S.; prohibiting polluting lobster traps; amending s. 376.301, F.S.; revising and adding definitions; amending s. 376.303, F.S., providing requirements for terminal facilities and bulk-product facilities with respect to preventing pollution of surface and ground waters; amending s. 316.2397, F.S., allowing flashing red lights for certain emergency-response vehicles; amending s. 287.0595, F.S.; conforming a cross-reference; repealing s. 376.06, F.S., which prohibits the operation of a terminal facility without required registration; repealing s. 376.163, F.S., which establishes the Pollutant Discharge Technical Council; providing an effective date.

By the Committee on Transportation and Senator Burt—

CS for SB 884—A bill to be entitled An act relating to driver's licenses; amending s. 322.32, F.S.; deleting reference to possession of fictitious or fraudulently altered driver's license, knowingly permitting

another to use his or her driver's license, using another's driver's license, and permitting unlawful use of a driver's license; amending s. 322.212, F.S.; providing that it is unlawful for any person knowingly to possess any instrument in the similitude of a driver license issued by the Department of Highway Safety and Motor Vehicles or of any other state or jurisdiction which issues licenses recognized in this state for the operation of a motor vehicle, or any identification card issued by the department or of another state or jurisdiction, unless possession by such person has been duly authorized by the department; providing penalties, providing it is unlawful to allow another to use a driver's license or identification card or to use another's driver's license; amending s. 831.29, F.S.; adding identification cards; amending s. 921.0012, F.S.; to conform; providing an effective date

By the Committee on Judiciary and Senators Grant and Burt—

CS for SB's 930 and 686—A bill to be entitled An act relating to additional costs for county court facilities, creating s. 939.18, F.S.; providing for an additional assessment on persons pleading guilty or nolo contendere to, or found guilty of, a crime to be used to provide and maintain court facilities, requiring clerks of court to submit specified financial reports, providing an effective date

By the Committees on Ways and Means; and Commerce and Economic Opportunities—

CS for CS for SB 958—A bill to be entitled An act relating to economic development; creating s. 14.2015, F.S.; creating the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor and prescribing its powers and duties; repealing s. 20.17, F.S., which creates the Department of Commerce; transferring the duties, personnel, property, and unexpended balances of appropriations for the Bureau of Visitor Services of the Division of Tourism of the Department of Commerce to the Department of Transportation; amending s. 120.54, F.S., providing for rulemaking and rule-adoption procedures, amending ss. 159.803, 159.8081, 159.8083, F.S.; conforming provisions; amending s. 163.3177, F.S.; clarifying that maintenance may be used as a reason to facilitate deepwater commercial navigation; amending s. 163.3178, F.S.; providing definitions and contract agreements; amending s. 166.231, F.S., clarifying terms, exempting certain services from tax imposed; amending s. 212.08, F.S.; exempting certain machinery and equipment from tax imposed; providing conditions, exempting charges for electricity used in production of certain items or used in association with such production from tax imposed, creating s. 414.029, F.S., providing conditions; creating the WAGES Program Business Registry; requiring reporting; amending s. 212.096, F.S.; providing for computation of the jobs credit against sales tax; exempting a portion of wages for the credit provided; creating ss. 212.098, 212.097, F.S., creating the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program; creating s. 220.189, F.S. allowing credit for the Rural Job Tax Credit Program and the Urban High-Crime Area Job Tax Credit Program, amending s. 220.181, F.S., providing for computation of wages for purposes of the enterprise zone jobs credit; exempting a portion of the wages from the exemption provided; amending s. 220.02, F.S.; specifying the order in which credits may be taken; amending s. 220.13, F.S.; requiring an add-back for the credit pursuant to s. 220.189, F.S., amending ss. 212.20, 216.136, 220.03, 220.183, F.S.; conforming provisions, amending s. 239.249, F.S., providing for voluntary, market-driven, performance-based incentive funding for specified educational programs; amending s. 272.11, F.S.; creating a capitol information center within the Tourism Office of the Office of Tourism, Trade, and Economic Development; amending s. 287.012, F.S.; providing definitions, amending s. 287.0943, F.S.; designating responsibility for the Minority Business Certification Task Force to the Department of Labor and Employment Security, defining the term "acting as a conduit"; amending s. 287.09431, F.S., providing for approval of certification core criteria by the department; repealing s. 287.0945, F.S., which provides powers, duties, and functions of the Commission on Minority Economic and Business Development, creating s. 287.09451, F.S., transferring the Minority Business Advocacy and Assistance Office to the Department of Labor and Employment Security and redefining its powers, duties, and responsibilities; amending s. 287.0947, F.S.; renaming the Florida Council on Small and Minority Business Development as the Florida Advisory Council on Small and Minority Businesses, reducing the number of members on the

council; requiring the council to report to the Secretary of the Department of Labor and Employment Security, redefining the powers and duties of the council; amending s. 288.012, F.S.; providing for the establishment of foreign tourism offices, amending s. 288.017, F.S.; establishing within the Tourism Office the cooperative advertising matching grants program, amending s. 288.018, F.S., creating the Regional Rural Development Grants Program within the Office of Tourism, Trade, and Economic Development; amending s. 288.021, F.S., providing for the establishment of an economic development liaison within agencies to be the primary point of contact for the agency with the Office of Tourism, Trade, and Economic Development; amending ss. 288.0251, 288.035, F.S., conforming provisions; amending s. 288.041, F.S.; providing duties of Enterprise Florida, Inc., and of the Department of Community Affairs relating to the solar energy industry; repealing s. 288.045, F.S., relating to the review of rules affecting the motion picture, television, recording, and video industries, amending s. 288.047, F.S.; providing for costs and expenditures for the Quick-Response Training Program to be documented and separated from those incurred by the training provider; conforming provisions, amending ss. 288.053, 288.054, 288.055, F.S.; conforming provisions; amending s. 288.063, F.S., authorizing the Office of Tourism, Trade, and Economic Development to make expenditures for direct costs of transportation projects; creating s. 288.065, F.S.; establishing the Rural Community Development Revolving Loan Fund, amending s. 288.095, F.S.; providing for the administration of the Economic Development Trust Fund by the Office of Tourism, Trade, and Economic Development; amending s. 288.106, F.S.; revising the Qualified Target Industry Business Tax Refund Program and providing for its transfer to the Office of Tourism, Trade, and Economic Development; amending ss. 288.1162, 288.1168, 288.1185, F.S.; conforming provisions, amending s. 288.122, F.S.; transferring the Tourism Promotional Trust Fund to the Office of Tourism, Trade, and Economic Development, amending s. 288.1221, F.S., providing for the creation of a 4-year marketing plan for tourism promotion, amending s. 288.1222, F.S., providing for definitions with regard to the Florida Commission on Tourism, Inc., amending s. 288.1223, F.S., creating the Florida Commission on Tourism, Inc.; creating s. 288.12235, F.S.; providing for the purpose and duties of the Florida Commission on Tourism, Inc.; amending s. 288.1224, F.S.; providing for the powers and duties of the board of directors of the Florida Commission on Tourism, Inc., creating s. 288.1227, F.S.; providing for an annual report, audits, and confidentiality for the Florida Commission on Tourism, Inc.; creating s. 288.1228, F.S.; providing for the Office of Tourism, Trade, and Economic Development to authorize a direct-support organization to assist in the promotion and development of entertainment industries; creating s. 288.1229, F.S., providing for the Office of Tourism, Trade, and Economic Development to authorize a direct-support organization to assist in the promotion and development of sports and sports-related industries, amending s. 288.124, F.S.; creating a convention grants program within the Office of Tourism, Trade, and Economic Development, appropriating funds from the Tourism Promotional Trust Fund; creating s. 288.7011, F.S.; providing for assistance to certified development corporations; amending s. 288.703, F.S.; revising and providing definitions relating to small and minority business assistance act, amending s. 288.705, F.S., deleting a requirement that the Small Business Development Center report to the Department of Commerce and the Commission on Minority Economic and Business Development regarding the statewide contracts register, amending s. 288.707, F.S.; placing the Florida Black Business Investment Board under the Office of Tourism, Trade, and Economic Development; amending s. 288.7091, F.S., prescribing duties of the Florida Black Business Investment Board, creating s. 288.7095, F.S.; providing for duties of black business investment corporations; creating s. 288.7096, F.S., establishing the Black Business Investment Corporations Advisory Council, providing for oversight of black business investment corporations by the Office of Tourism, Trade, and Economic Development; amending s. 288.714, F.S.; requiring annual reports to the Secretary of the Department of Labor and Employment Security; repealing s. 288.803, F.S., which creates the Florida International Affairs Commission, amending ss. 288.772, 288.773, 288.776, 288.8155, 288.816, 288.8175, 288.826, F.S., conforming provisions to the transfer of responsibilities made by the act; amending s. 288.901, F.S.; restructuring the board of Enterprise Florida, Inc., creating s. 288.9015, F.S., providing for Enterprise Florida, Inc., to be the principal economic development organization for the state; amending s. 288.902, F.S.; revising membership and duties of the Enterprise Florida Nominating Council; amending s. 288.903, F.S.; providing for powers and duties of the board of directors and the president of Enterprise Florida, Inc.; amending s. 288.904, F.S.; establishing the powers of the board of directors of Enterprise Florida, Inc.; amending s. 288.905, F.S.; providing for duties of the board of

directors of Enterprise Florida, Inc., providing for the development of a strategic plan for economic development for the state; amending s. 288.906, F.S.; providing for annual reports, audits, and confidentiality for Enterprise Florida, Inc.; creating s. 288.9412, F.S.; creating the Business and Economic Development Board within Enterprise Florida, Inc.; creating s. 288.9413, F.S.; providing for the organization of the board of directors; creating s. 288.9414, F.S.; establishing the powers and authority of the board of directors; amending s. 288.9511, F.S.; prescribing definitions; defining the term "board" to mean the Technology Development Board; amending s. 288.9512, F.S.; providing for the creation, purpose, and membership of the Technology Development Board; amending s. 288.9513, F.S.; providing for the organization of the board of directors for the Technology Development Board; amending s. 288.9514, F.S.; providing for powers and authority of the board of directors for the Technology Development Board; amending s. 288.9515, F.S.; providing for the authorization of programs by the Technology Investment Board; amending s. 288.9516, F.S.; providing for the annual report of the Technology Development Board; amending s. 288.9517, F.S.; providing for audits and confidentiality for the Technology Development Board; repealing s. 288.9518, F.S., relating to the indemnification of officers, directors, employees, and agents against personal liability or accountability; amending s. 288.9519, F.S., authorizing a not-for-profit organization to promote high-technology business and industry in this state; amending s. 288.9520, F.S., continuing a public records exemption for the Technology Development Board; amending s. 288.9604, F.S.; conforming provisions; amending s. 288.9611, F.S.; establishing a capital development board within Enterprise Florida, Inc.; amending s. 288.9612, F.S.; providing for the organization of the capital development board; amending s. 288.9613, F.S.; prescribing the power and authority of the capital development board; amending s. 288.9614, F.S.; providing for the authorization of programs for the capital development board; amending s. 288.9615, F.S.; providing for the annual report of the capital development board; amending s. 288.9616, F.S.; providing for audits and confidentiality for the capital development board; repealing s. 288.9617, F.S., relating to the indemnification of officers, directors, employees, and agents; transferring, renumbering, and amending s. 288.0475, F.S.; providing for the creation of the Workforce Development Board within Enterprise Florida, Inc.; prescribing legislative intent with respect to transfers of responsibilities made by the act; providing employment preferences for displaced employees of the Department of Commerce; providing appropriations, amending ss. 288.973, 288.975, 288.980, 289.031, 290.004, 290.0056, 290.0066, F.S.; conforming provisions; providing for the designation of additional enterprise zones; amending s. 290.0055, F.S.; providing a method for changing the boundaries of an approved enterprise zone; amending s. 290.0065, F.S., providing for the designation of certain areas as enterprise zones; providing criteria areas; amending s. 290.0075, F.S.; revising the Enterprise Zone Linked Deposit Program; amending ss. 290.009, 290.014, 311.09, F.S.; conforming provisions; amending s. 311.07, F.S.; providing for program funds to be used by the Seaport Transportation and Economic Development Council to develop with the Florida Trade Data Center such trade information that will assist Florida's seaports and international trade; creating s. 311.105, F.S.; providing for the creation of the Florida Seaport Environmental Management Committee and its duties; amending s. 311.11, F.S.; conforming provisions; amending s. 320.08058, F.S.; providing for the transfer of proceeds from the Florida Professional Sports Team License Plate into the Professional Sports Development Trust Fund; amending s. 370.28, F.S.; providing exceptions to certain enterprise zone requirements for net ban communities; providing for the designation of an additional net ban enterprise zone; amending s. 320.20, F.S.; requiring the deposit of a certain amount of funds into the State Transportation Trust Fund; proscribing the manner in which such funds may be used; providing technical changes; amending s. 374.976, F.S.; providing that financial assistance for port projects not be included in calculating ad valorem taxes of the county in which the port is located; amending s. 380.24, F.S.; providing that all permitting and enforcement of dredged-material management be done through the Department of Environmental Protection; amending s. 403.021, F.S.; providing for the Department of Environmental Protection to recognize that the maintenance of water depths is an ongoing and necessary activity and that the permitting and enforcement of dredging and other port-related activities be consolidated within the Division of Environmental Resource Permitting; amending s. 403.061, F.S.; providing for the Department of Environmental Protection to enter into an agreement with the Florida Ports Council to provide a supplemental permitting process, creating an expedited permitting process; providing eligibility criteria for projects; providing legislative intent to foster the economic growth of Florida's deep-water seaports; providing that the act does not affect the regulation of

a port by a local government having jurisdiction over the port; amending s. 403.953, F.S.; simplifying the eligibility criteria for the Job Siting Act; amending s. 624.5105, F.S.; conforming provisions, providing for the Office of Tourism, Trade, and Economic Development to be substituted for the Department of Commerce as a party in interest in pending proceedings; continuing binding contracts; providing for severability; prohibiting a state agency, political subdivision of the state, or other entity doing business with a state entity, receiving state funds, or claiming a credit against state taxes from traveling or doing business with a country that lacks diplomatic relations with the United States; repealing ss. 286.21, 288.011, 288.015, 288.025, 288.03, 288.045, 288.0575, 288.06, 288.07, 288.08, 288.09, 288.115, 288.116, 288.117, 288.121, 288.1226, 288.701, 288.775, 288.779, 288.801, 288.802, 288.803, 288.8032, 288.804, 288.8041, 288.805, 288.806, 288.807, 288.808, 288.809, 288.810, 288.811, 288.813, 288.814, 288.815, 288.817, 288.8185, 288.819, 288.820, 288.822, 288.823, 288.824, 288.825, F.S., relating to programs and duties of the Department of Commerce; providing a contingent effective date for sections in this act that provide additional jobs credits, provide additional sales tax exemptions, and expand tax credits within enterprise zones; providing an effective date.

By the Committee on Higher Education and Senator Jenne—

CS for SB 1032—A bill to be entitled An act relating to education; amending s. 239.117, F.S., relating to postsecondary student fees, deleting provisions relating to college-preparatory programs, to the Community College Program Fund, and to community colleges; deleting certain requirements of the State Board of Community Colleges relating to course fees; amending s. 240.35, F.S.; revising provisions relating to the establishment of community college fees; revising fee exemptions; providing requirements for a student activity and service fee, an athletic fee, and a financial aid fee, providing for fee committees, adoption of fees, use of fees, and reporting; revising provisions relating to the capital improvement fee; providing purpose of fees, amending s. 240.36, F.S., revising provisions relating to the Florida Academic Improvement Trust Fund for Community Colleges; providing an effective date.

By the Committee on Transportation and Senator Silver—

CS for SB 1084—A bill to be entitled An act relating to wrecker motor vehicle license plates, amending s. 316.515, F.S.; changing exemptions from maximum width, height, and length requirements for wreckers; amending s. 320.01, F.S.; providing definitions; amending s. 320.06, F.S.; requiring the word "wrecker" to be printed on wrecker license plates; amending s. 320.08, F.S.; revising license tax requirements for wreckers, creating s. 320.0821, F.S.; providing requirements for wrecker license plates, providing an effective date.

By the Committee on Community Affairs and Senators Grant, Jones, Silver, Latvala, Kirkpatrick and Casas—

CS for SB 1268—A bill to be entitled An act relating to the privatization of wastewater facilities, providing legislative findings and determinations relating to privatization of wastewater facilities; providing definitions; authorizing public entities to enter wastewater facility privatization contracts; providing that the setting of user rates remains the obligation of the public entity; subjecting wastewater facility privatization contracts to the requirements of s. 125.3401, F.S., or s. 180.301, F.S., and exempting wastewater facility privatization contracts from the requirements of chapter 287, F.S.; amending s. 125.3401, F.S.; authorizing counties to enter into wastewater facility privatization contracts and imposing conditions relating to such contracts; amending s. 180.301, F.S.; authorizing municipalities to enter into wastewater facility privatization contracts and imposing conditions relating to such contracts; amending s. 189.423, F.S.; authorizing special districts to enter into wastewater facility privatization contracts and imposing conditions relating to such contracts; amending s. 190.0125, F.S.; authorizing community development districts to enter into wastewater facility privatization contracts and imposing conditions relating to such contracts; amending s. 367.022, F.S.; exempting wastewater facilities operated by private firms under wastewater facility privatization contracts from chapter 367, F.S.; amending s. 367.171, F.S.; exempting regulation of rates or charges of any system or facility that would otherwise be exempt

from commission regulation pursuant to s. 367.022, F.S.; providing an effective date.

By the Committee on Criminal Justice and Senators Silver, Diaz-Balart, Forman, Casas, Turner, Gutman and Jones—

CS for SB 1280—A bill to be entitled An act relating to crimes, providing a short title; amending s. 772.102, F.S.; including burglary within the definition of the term “criminal activity” for purposes of ch. 772, F.S., relating to civil remedies for criminal practices; amending s. 810.02, F.S.; providing that it is a felony of the first degree to commit burglary on an occupied or unoccupied structure and commit certain additional offenses that contribute to the commission of the burglary; amending s. 812.014, F.S.; providing that it is a felony of the first degree to commit grand theft and commit certain additional offenses that contribute to the commission of the grand theft; amending s. 812.019, F.S.; providing that it is a felony of the first degree to traffic in stolen property and commit certain additional offenses that contribute to the offense of trafficking in stolen property; amending s. 812.035, F.S., authorizing the court to impose specified civil remedies against a defendant who violates 810.02, F.S., relating to burglary, amending s. 895.02, F.S.; including burglary within the definition of the term “racketeering activity” for purposes of ch. 895, F.S., the Florida RICO Act; reenacting ss. 16.56(1)(a), 27.34(1), 655.50(3)(g), 896.101(1)(g), 905.34, F.S., relating to the Office of Statewide Prosecution salaries and other costs of state attorneys, unlawful financial transactions, and statewide grand juries, to incorporate the amendment to s. 895.02, F.S., in references thereto; amending s. 39.052, F.S.; authorizing the state attorney to file an information requiring adult sanctions against certain juveniles for certain offenses involving burglary, theft, or trafficking in stolen property; amending s. 921.0012, F.S., relating to the offense severity ranking chart; classifying certain offenses with respect to burglary, theft, and trafficking in stolen property, providing an effective date.

By the Committee on Transportation—

CS for SB 1288—A bill to be entitled An act relating to motor vehicles and vessels; amending s. 320.02, F.S.; providing for annualized voluntary contributions on motor vehicle registration application forms; amending s. 320.03, F.S.; providing for annualized fees on license registration and certain automobile and truck registrations, amending s. 320.031, F.S.; providing for a discretionary mail service charge, amending s. 320.04, F.S.; providing for annualized service charges on the issuance of license plates, mobile home stickers, validation stickers, or any registration certificate; amending s. 320.055, F.S.; providing that the motor vehicle registration period begins on the registrant’s date of birth and ends on the day immediately preceding the registrant’s date of birth in the expiration year, amending s. 320.06, F.S., providing for a registration period of up to 24 months; conforming fees; prescribing a license plate replacement schedule; amending s. 320.07, F.S., providing for optional biennial registration; amending ss. 320.0802, 320.0804, 320.083, 320.08046, 320.08047, 320.0805, 320.08056, F.S.; conforming references and fees; amending s. 320.15, F.S.; providing for a refund for biennial registration under certain circumstances; amending s. 325.203, F.S.; providing for biennial emissions testing; amending s. 325.214, F.S., authorizing the department to raise the inspection fee; amending s. 327.23, F.S.; conforming provisions, amending s. 327.25, F.S.; providing for optional biennial registration for vessels; conforming fees; providing for a refund for biennial registration; amending s. 327.28, F.S.; conforming fees; providing an effective date

By the Committee on Transportation and Senator Forman—

CS for SB 1656—A bill to be entitled An act relating to motor vehicle towing; providing a definition; prohibiting gypsy towing; amending s. 321.051, F.S., providing penalties for persons who operate outside of a wrecker operating system operated by the Florida Highway Patrol or by any county or municipality and who solicit or offer towing services as a result of information received by police radio, or persons who divert patrons of one towing service at the scene of an accident or distressed vehicle to his or her own towing service; providing that it is unlawful to give certain false information in the rendering of towing services at the scene of an accident; amending s. 322.34, F.S.; revising the notification

period and procedure with respect to the immobilization or impoundment of a vehicle owned by a person alleged to be driving while his or her driver license is suspended, revoked, canceled, or disqualified; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Kirkpatrick—

CS for SB 1674—A bill to be entitled An act relating to child care facilities; amending s. 402.305, F.S.; exempting the staff in part-time facilities that have specified characteristics from certain credentialing requirements; providing an alternative requirement for such a facility; amending s. 402.302, F.S.; redefining the term “child care facility” to exclude after-school recreational programs operated by certain agencies, creating s. 402.3059, F.S.; providing that certain licensing standards for child care facilities apply to after-school recreational programs; providing an effective date.

By the Committee on Transportation and Senator Wexler—

CS for SB 1760—A bill to be entitled An act relating to motor vehicle operators; creating the “Cristina Elina Garcia Act”, amending s. 316.1932, F.S.; providing that a person who operates a motor vehicle is deemed to have given consent to submit to a field sobriety test under certain circumstances; providing for the use of preliminary breath-testing devices, providing for the inadmissibility of test results; providing for the applicability of such results; providing for mandatory testing under certain circumstances; creating s. 322.2617, F.S.; providing suspensions of driver’s licenses for person involved in certain accidents, providing for review; providing an effective date

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of the membership of the House SB 1324, SB 1328, SB 1330, SB 1332, SB 1334, SB 1336, SB 1338, SB 1340, SB 1342, SB 1344, SB 1346, SB 1348, SB 1350, SB 1352, SB 1354, SB 1356, SB 1358, SB 1360, SB 1362, SB 1364, SB 1366, SB 1368, SB 1370, SB 1372, SB 1374, SB 1376, SB 1378, SB 1380, SB 1382, SB 1384, SB 1386, SB 1388, SB 1390, SB 1392, SB 1394, SB 1396, SB 1398, SB 1400, SB 1402, SB 1406, SB 1408, SB 1412, SB 1414, SB 1416, SB 1418, SB 1420, SB 1422, SB 1424, SB 1426, SB 1428, SB 1430, SB 1432, SB 1434, SB 1436, SB 1438, SB 1440, SB 1442, SB 1444, SB 1446, SB 1448, SB 1450, SB 1452, SB 1454, SB 1456, SB 1458, SB 1460, SB 1462, SB 1464, SB 1466, SB 1468, SB 1470, SB 1472, SB 1474, SB 1476, SB 1478, SB 1480, SB 1482, SB 1484, SB 1486, SB 1488, SB 1490, SB 1492, SB 1494, SB 1496, SB 1498, SB 1500, SB 1502, SB 1504, SB 1506, SB 1508, SB 1510, SB 1512, SB 1514, SB 1518, SB 1520, SB 1522, SB 1524, SB 1526, SB 1528, SB 1530, SB 1532, SB 1534, SB 1536, SB 1538, SB 1542, SB 1544, SB 1546, SB 1548, SB 1550, SB 1552, SB 1554, SB 1556, SB 1558, SB 1560, SB 1562, SB 1564, SB 1566, SB 1568, SB 1570, SB 1572, SB 1574, SB 1576, SB 1578, SB 1580, SB 1582, SB 1584, SB 1586, SB 1588, SB 1590, SB 1592, SB 1594, SB 1602, SB 1614, SB 1622, SB 1624, SB 1744, SB 1746, SB 1748 and SB 1750.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ROLL CALLS ON SENATE BILLS

CS for SB 2

Yeas—39

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

Dyer	Holzendorf	Kurth	Silver	Kirkpatrick	Meadows	Silver	Weinstein
Forman	Horne	Latvala	Sullivan	Kurth	Myers	Sullivan	Wexler
Grant	Jenne	McKay	Thomas	Latvala	Ostalkiewicz	Thomas	Williams
Gutman	Jennings	Meadows	Weinstein	McKay	Rossin	Turner	
Harden	Johnson	Myers	Wexler	Nays—1			
Hargrett	Jones	Ostalkiewicz	Williams	Holzendorf			
Harris	Kirkpatrick	Rossin					
Nays—1							
Turner							

ROLL CALLS ON MOTIONS**Adoption of Report of the
Committee on Rules and Calendar**

Yeas—39

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

Nays—1

Holzendorf

SELECT SUBCOMMITTEE APPOINTED

Senator Diaz-Balart announced the appointment of Senator Ostalkiewicz, Chairman; Senators Dudley, Grant, Holzendorf and Weinstein to the Select Subcommittee on Child Welfare Legal Reform of the Committee on Ways and Means

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 14 was corrected and approved

CO-SPONSORS

Senators Beard—SB 944; Bronson—SB 192, SB 378, SB 832; Brown-Waite—SB 12; Crist—SB 378; Gutman—SB 468, SB 900, SB 1186, Dudley—SB 1694, Dyer—CS for SB 360; Forman—CS for SB 360; Grant—SB 900; Harden—SB 782; Harris—SB 782, SB 900, SB 1272, SB 1322; Holzendorf—CS for SB 162, SR 1912; Horne—SB 782; Jennings—SB 782; Johnson—CS for SB 2, SB 630, SB 782, SB 1130; Jones—CS for SB 724; Kurth—SB 12, SB 2214; Latvala—SB 70; McKay—CS for SB 306, Meadows—SB 1272, SB 1322; Ostalkiewicz—SB 944, SB 1272, SB 1322, Rossin—SB 546, SB 900; Silver—SB 318, SCR 490, SB 1048; Sullivan—SB 494; Thomas—SB 1272, SB 1322; Turner—SB 370; Wexler—SCR 490, SR 998; Weinstein—SB 782; Williams—CS for SB 360

Senator Johnson withdrew as a co-sponsor of SB 1902 and SB 740.

RECESS

Senator Jennings announced that pursuant to SCR 2936 adopted this day, the Senate and the House of Representatives would convene in a joint session in the House Chamber at 11:00 a m on Tuesday, March 26, for the purpose of receiving messages from diplomatic representatives of the State of Israel

On motion by Senator Jennings, the Senate recessed at 1:17 p m for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9.30 a.m., Wednesday, March 27

SENATE PAGES

March 18-22

Angela Nicole Acuff, Cocoa; Megan Berrigan, Tallahassee; Erin Joanna Butler, Eastpoint; David Taylor Cobb, New Smyrna Beach, Diego Faustino Euribe, Ocala, Howard Forman, Tampa; Kendra Marie Foster, Tallahassee, Morris Gertner, Gainesville; Hillary Hall, Ridge Manor; Cantaneice Hudson, Tallahassee, Kimberly Jones, Tallahassee, Michael Kiser, Winter Park; Kelly Knock, Pensacola; Brian Page, Keystone Heights, Renasia Scott, Tallahassee; Lowell Wong, Largo

CS for SB 4

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 6

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	Weinstein
Childers	Hargrett	Latvala	Wexler
Crist	Harris	McKay	Williams
Dantzler	Holzendorf	Meadows	

Nays—1

Turner

CS for CS for SB 958—Amendment 14

Yeas—16

Bankhead	Forman	Johnson	Thomas
Casas	Hargrett	Kurth	Turner
Dantzler	Holzendorf	Meadows	Weinstein
Dyer	Jenne	Silver	Williams

Nays—20

Mr. President	Crist	Harden	Latvala
Beard	Diaz-Balart	Harris	McKay
Bronson	Dudley	Horne	Ostalkiewicz
Brown-Waite	Grant	Jennings	Rossin
Burt	Gutman	Kirkpatrick	Sullivan

SB 2206

Yeas—39

Mr President	Casas	Dyer	Harris
Bankhead	Childers	Forman	Horne
Beard	Crist	Grant	Jenne
Bronson	Dantzler	Gutman	Jennings
Brown-Waite	Diaz-Balart	Harden	Johnson
Burt	Dudley	Hargrett	Jones