



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—38:

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Jenne	Rossin
Bronson	Dudley	Jones	Scott
Brown-Waite	Dyer	Kirkpatrick	Silver
Burt	Forman	Klein	Sullivan
Campbell	Grant	Kurth	Thomas
Casas	Gutman	Latvala	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Excused: Senators Childers and Lee

PRAYER

The following prayer was offered by Lucy Hadi, Lay Eucharistic Minister, St. John's Episcopal Church, Tallahassee:

In peace and with reverence we pray to you, Lord God. We ask your blessings on the Senate family and, especially, on these men and women who have been chosen to lead and to serve.

In times of stress and struggle, fill them with your peace. When they grow weary, refresh their spirits and sharpen their senses. When cynicism threatens, lead them to look for joy in the simple blessings of life, in the warmth of friendship and in the wonder and beauty of nature.

May they find and nurture all that is good and noble in themselves and in each other. When they are tempted to speak hastily or hurtfully, still their anger and renew their patience.

Empower them to do your will in all they undertake. Give them strength and courage to serve you and those they represent with vigor and with honor.

All this we ask in your Holy Name. Amen.

PLEDGE

Senate Pages, Samantha Karp of Sarasota and Adam Stephens of Dade City, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **SB 594** was withdrawn from the Committee on Judiciary; **SB 2054** was withdrawn from the Committee on Governmental Reform and Oversight; **SB 2064** and **SB 1746** were withdrawn from the Committee on Commerce and Economic Opportunities; and **CS for SB 936** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Hargrett, by two-thirds vote **SB 1802** was withdrawn from the committees of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 496**, **CS for SB 612**, **SB 864**, **SB 902**, **CS for SB 908**, **SB 988**, **CS for SB 1018**, **CS for SB 1068**, **CS for SB 1420**, **SB 1470**, **CS for SB 1542**, **CS for SB 1578**, **CS for SB 1592**, **CS for SB 1718**, **CS for SB 1728**, **CS for SB 1948**, **SB 2250** and **SB 2272** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **SB 1508** was withdrawn from the Committee on Transportation; and **CS for SB 940** was withdrawn from the Committee on Rules and Calendar.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Sullivan, the rules were waived and the Committee on Ways and Means was granted permission to add **SB 2**, **CS for SB 716** and **CS for SB 1384** to the agenda at the meeting this day.

On motion by Senator Bankhead, the rules were waived and the Committee on Governmental Reform and Oversight was granted permission to add **CS for SB 946**, **SB 1292** and **SB 1508** to the agenda at the meeting on April 17.

MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Thursday, April 17.

SPECIAL ORDER CALENDAR

On motion by Senator Clary, by two-thirds vote **CS for HB 411** was withdrawn from the Committee on Health Care.

On motion by Senator Clary—

CS for HB 411—A bill to be entitled An act relating to automatic external defibrillators; providing legislative intent that automatic external defibrillators may be used by any person; requiring persons to obtain training and to activate the emergency medical services system upon use of a defibrillator; encouraging certain persons and entities to register a defibrillator; repealing s. 401.291, F.S., relating to automatic external defibrillators; amending s. 768.13, F.S.; providing immunity from liability for certain persons; providing an effective date.

—a companion measure, was substituted for **CS for SB 1312** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 411** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 358—A bill to be entitled An act relating to community health purchasing alliances; amending s. 408.702, F.S.; providing immunity from liability for members of the board of directors of a community health purchasing alliance, and its employees and agents, in the performance of the board's duties; correcting a cross-reference; amending s. 408.703, F.S.; providing that a small employer member of an alliance remains eligible for coverage for a specified period following an expansion of business; repealing s. 408.705, F.S., relating to the boards of directors of community health purchasing alliances; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendments which were moved by Senator Brown-Waite and adopted:

Amendment 1—On page 2, line 20, after “50” insert: *and less than 75*

Amendment 2—On page 2, line 22, delete “an” and insert: *not more than one*

Pursuant to Rule 4.19, **SB 358** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 968—A bill to be entitled An act relating to prepaid limited health service organizations; creating s. 636.0155, F.S.; requiring prepaid limited health services organizations' contracts and materials to include specified disclosures; amending s. 636.016, F.S.; requiring such organizations to provide certain disclosures to prospective enrollees; amending s. 636.035, F.S.; requiring certain provider contracts to contain termination notice provisions; providing exceptions; providing that certain contracts are unenforceable; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 3, between lines 2 and 3, insert:

(10) A contract between a prepaid limited health service organization and a provider of limited health care services may not contain any provision restricting the provider's ability to communicate information to the provider's patient regarding care or treatment options for the patient when the provider deems knowledge of such information by the patient to be in the best interest of the health of the patient.

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: prohibiting certain provisions from being included in contracts;

Amendment 2—On page 2, delete line 12 and insert:

Section 3. Subsections (8), (9), and (10) are added to

Senator Rossin moved the following amendment:

Amendment 3 (with title amendment)—On page 3, between lines 2 and 3, insert:

Section 4. Section 636.0145, Florida Statutes, is created to read:

636.0145 Certain entities contracting with Medicaid.—Notwithstanding the requirements of s. 409.912(3)(b), an entity that is providing comprehensive inpatient and outpatient mental health care services to certain Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties through a capitated, prepaid arrangement pursuant to the federal waiver provided for in s. 409.905(5) may become licensed under chapter 636. Any entity licensed under this chapter which provides services solely to Medicaid recipients under a contract with Medicaid shall be exempt from ss. 636.017, 636.018, 636.022, 636.028, and 636.034.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: creating s. 636.0145, F.S.; providing that certain Medicaid providers operating under a federal waiver may be licensed under chapter 636, F.S.; exempting from certain regulatory requirements those prepaid limited health services organizations that serve only Medicaid clients;

Senator Rossin moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A—On page 1, line 26, delete “*may become licensed under chapter 636*” and insert: *must become licensed under chapter 636 by December 31, 1998*

Amendment 3 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 968** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Myers—

SB 244—A bill to be entitled An act relating to managed care; amending s. 627.6472, F.S.; requiring exclusive provider organizations to provide direct patient access to a dermatologist under contract with the organization and to develop criteria for compliance; amending s. 641.31, F.S.; requiring health maintenance organizations to provide direct patient access to a dermatologist under contract with the organization and to develop criteria for compliance; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendments which were moved by Senator Myers and adopted:

Amendment 1 (with title amendment)—On page 1, line 24, after the period (.) insert: *The term “direct patient access” means the ability of an insured to obtain such services without a referral or other authorization before receiving services.*

And the title is amended as follows:

On page 1, line 7, after “compliance;” insert: providing a definition;

Amendment 2 (with title amendment)—On page 2, line 6, after the period (.) insert: *The term “direct patient access” means the ability of a subscriber to obtain such services without a referral or other authorization before receiving services.*

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: providing a definition;

Senator Myers moved the following amendment which was adopted:

Amendment 3—On page 1, line 28 and on page 2, line 10, after the period (.) insert: *The criteria may include a maximum of 5 office visits to a dermatologist without prior authorization for a dermatologic problem within a 12-month period.*

Pursuant to Rule 4.19, **SB 244** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for SB 266—A bill to be entitled An act relating to drainage districts; amending ss. 298.005, 298.11, 298.12, 298.15, 298.16, 298.22, 298.23, 298.24, 298.25, 298.26, 298.28, 298.36, 298.47, 298.59, F.S.; creating ss. 298.225, 298.301, 298.305, 298.329, 298.333, 298.337, 298.341, 298.345, 298.349, 298.353, F.S.; providing definitions; providing for the water management plan to be renamed the water control plan; providing for the water control plan to serve the functions of the former plan of reclamation; providing for the jurisdictional water management district to provide certain review responsibilities previously provided by the

Department of Environmental Protection; providing for the appointment of certain supervisors by the Governor; providing revised water control plan adoption and amendment requirements; providing for assessment of lands; providing duties for district engineer and district attorney; providing for the levy and enforcement of non-ad valorem assessments; authorizing the issuance of bonds; providing for liens; providing for a uniform initial acreage assessment for payment of expenses; authorizing districts to designate financial units; deleting the provision relating to the levy of a tax and issuance of bonds for certain purposes; authorizing the board of supervisors to issue bonds for a certain amount of non-ad valorem assessments; repealing s. 298.07, F.S., which provides for the water management plan; repealing s. 298.27, F.S., which provides for the plan of reclamation; repealing s. 298.29, F.S., which provides for the levy and collection of taxes; repealing s. 298.30, F.S., which provides for appraisal of lands; repealing s. 298.31, F.S., which provides for appointment of commissioners; repealing s. 298.32, F.S., which provides for duties of commissioners, district attorney, and district engineer; repealing s. 298.33, F.S., which provides for notice of report; repealing s. 298.34, F.S., which provides for exceptions to report; repealing s. 298.35, F.S., which provides for plan of reclamation; repealing s. 298.467, F.S., which prohibits the Department of Environmental Protection from borrowing money; repealing s. 298.55, F.S., which provides for readjustment of assessment of benefits; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Latvala, the rules were waived to allow the following amendment to be considered:

Senator Latvala moved the following amendment which was adopted:

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

Section 1. Section 298.005, Florida Statutes, is amended to read:

298.005 *Definitions* ~~The word "owner" defined.—As used in this chapter, the term:~~

(1) "Jurisdictional water management district" means the chapter 373 water management district or districts within which the lands encompassed by a water control district are located.

(2) "Owner" means the owner of the freehold estate, as appears by the deed record. The term does not include reversioners, remaindermen, or mortgagees, who are not to be counted and need not be notified by publication or served by process, but are to be represented by the present owners of the freehold estate in any proceeding under this chapter.

(3) "Water control district" means a special district established in accordance with s. 298.01 and operating under this chapter.

(4) "Water control plan" means the comprehensive operational document that describes the activities and improvements to be conducted by a water control district authorized under this chapter. Alternatively described as a "plan of reclamation" or "water management plan" prior to October 1, 1998, a water control plan details the system of water management implemented by a water control district. ~~The word "owner," as used in this chapter, shall mean the owner of the freehold estate, as appears by the deed record, and it shall not include reversioners, remaindermen, trustees or mortgagees, who shall not be counted and need not be notified by publication, or served by process, but shall be represented by the present owners of the freehold estate in any proceeding under this chapter.~~

Section 2. Section 298.11, Florida Statutes, is amended to read:

298.11 Election of board of supervisors; *duties of* Department of Environmental Protection *and Governor duties.*—

(1) Within 20 days after *the effective date of a special act creating a district, notice of a landowners' meeting shall be given as provided in the special act. The notice shall be published* ~~any district shall have been organized and incorporated under the provisions of this chapter, the clerk of the circuit court in which the petition has been filed shall, upon giving notice by causing publication thereof to be made once a week for 2 consecutive weeks in a some newspaper of general circulation published in each county in which lands of the district are located situate,~~

the last ~~publication insertion~~ to be not less than 10 nor more than 15 days before the ~~date day of the such meeting. The,~~ call a meeting of the owners of the lands ~~located situate in the said district shall be scheduled,~~ at a day and hour specified, at some public place in the county ~~within in which most of the district lands are located was organized,~~ for the purpose of electing a board of three supervisors, to be composed of owners of the lands in ~~the said district and residents of the county or counties in which the such district is located situate.~~

(2) The landowners, when assembled, shall organize by the election of a chair and secretary of the meeting, who shall conduct the election. ~~;~~ At ~~the such~~ election, each and every acre of land in the district shall represent one share, and each owner shall be entitled to one vote in person or by proxy in writing duly signed, for every acre of land owned by him or her in ~~the such~~ district, and the three persons receiving the highest number of votes shall be declared elected as supervisors. *The appointment of proxies shall comply with s. 607.0722.* Landowners owning less than 1 acre *in the aggregate* shall be entitled to one vote. *Landowners with more than 1 acre are entitled to one additional vote for any fraction of an acre owned, when all of the landowners' acreage has been aggregated for purposes of voting.* The landowners shall at such election determine the length of the terms of office of each supervisor so elected by them, which shall be respectively 1, 2, and 3 years, and they shall serve until their successors shall have been elected and qualified.

(3) The Department of Environmental Protection, at any such meeting, may represent the state, and shall have the right to vote for supervisors, or upon any matter that may come properly before said meeting to the extent of the acreage owned by the state in such district, *provided such acreage is subject to assessment by the water control district,* which vote may be cast by any person designated by said department. Guardians may represent their wards, executors and administrators may represent estates of deceased persons, and private corporations may be represented by their officers or duly authorized agents. The owners of a majority of the acreage included in such district shall be necessary to constitute a quorum for the purpose of holding such election, or any election thereafter, and in case the owners of a majority of the acreage included in such district are not present in person or duly represented, then no election shall be held, and notice of such failure shall be given in writing by any person interested to the ~~Governor, who department,~~ ~~which~~ shall as soon as practicable appoint three competent persons who own land in such district as such supervisors for the term of 1, 2, and 3 years respectively, and who shall hold their office until their successors are elected or appointed and qualified.

(4) Any *elected or appointed* such supervisor ~~so appointed by the department~~ may be removed by the Governor for *malfeasance, misfeasance, department for* dishonesty, incompetency, or failure to perform the duties imposed upon him or her by this chapter, and any vacancies which may occur in any such office so filled by appointment shall be filled by the ~~Governor said department~~ as soon as practicable.

(5) ~~The Melbourne Tillman Water Control District shall have five supervisors. Three supervisors shall be elected by the landowners pursuant to the applicable provisions of this section. Two supervisors, who are district residents, shall be appointed by the Brevard County Board of County Commissioners by majority vote at a regularly scheduled commission meeting for a term of 3 years. The commission may publish notice of this meeting and may take any public testimony which, in its discretion, it feels might bear upon such appointments. Should the landowners fail to elect a supervisor for any reason, the department shall not have power to appoint; instead, the Brevard County Board of County Commissioners shall appoint a competent person who owns land in said district within 30 days. A supervisor so appointed shall hold office until a successor is elected or appointed. Any supervisor appointed by the Brevard County Board of County Commissioners may be removed by the board for dishonesty, incompetency, or failure to perform the duties imposed on him or her by this chapter.~~

Section 3. Subsection (1) of section 298.12, Florida Statutes, is amended to read:

298.12 Annual election of supervisors; term of office; vacancy.—

(1) Every year in the same month after the time for the election of the first board of supervisors, it shall call a meeting of the landowners in the district in the same manner as is provided for in s. 298.11, and the

owners of land in such district shall meet at the stated time and place and elect one supervisor therefor, or in case of their failure to elect, the ~~Governor Department of Environmental Protection~~ shall appoint such supervisor, in like manner as prescribed in s. 298.11, who shall hold the supervisor's office for 3 years or until his or her successor is elected and qualified; and in case of a vacancy in any office of supervisor elected by the landowners, the remaining supervisors, or if they fail to act within 30 days, the ~~Governor Department of Environmental Protection~~, may fill such vacancy until the next annual meeting, when a successor shall be elected for the unexpired term.

Section 4. Section 298.15, Florida Statutes, is amended to read:

298.15 Record of proceedings.—The board of supervisors of any district organized under this chapter shall cause to be kept a well-bound book, entitled "record of board of supervisors of . . . district," in which shall be recorded minutes of all meetings, proceedings, certificates, bonds given by all employees and any and all corporate acts, which record shall at all times be open to the inspection of anyone interested, whether taxpayer or bondholder. Copies of the record of proceedings shall be filed ~~with the clerk of the circuit court of the county or counties in which district lands are located and with the jurisdictional water management district upon request Department of Environmental Protection~~. Any interested person, whether landowner or not, shall be permitted to inspect the record of proceedings.

Section 5. Subsections (2) and (3) of section 298.16, Florida Statutes, are amended to read:

298.16 Appointment of chief engineer; engineer's bond and duties.—

(2) The chief engineer shall have control of the engineering work in said district and may, whenever he or she deems it necessary, confer ~~with the chief engineer of this state, or the jurisdictional water management district Department of Environmental Protection~~, and he or she may, by and with the consent of the board of supervisors, consult any eminent engineer and obtain his or her opinion and advice concerning the reclamation of lands in said districts. The said engineer shall make all necessary surveys of the lands within the boundary lines of said district, as described in the petition, and of all lands adjacent thereto that will be improved or reclaimed in part or in whole by any system of drainage that may be outlined and adopted.

(3) The engineer shall make a report in writing to the board of supervisors, with maps and profiles of said surveys, which report shall contain a full and complete *water control* plan for draining and reclaiming the lands described in the petition, or adjacent thereto, from overflow or damage by water, with the length, width, and depth of such canals, ditches, dikes or levees, or other works that may be necessary, in conjunction with any canals, drains, ditches, dikes, levees or other works heretofore constructed or built by the Board of Trustees of the Internal Improvement Trust Fund, or any other person, that may now be in process of construction, or which may be hereafter built by them, that may be necessary or which can be advantageously used in such *water control* plan ~~for reclamation~~; and also, an estimate of the costs of carrying out and completing the *water control* plan ~~of reclamation~~, including the cost of superintending the same and all incidental expenses in connection therewith. Maps and profiles shall also indicate so far as necessary the physical characteristics of the lands, and location of any public roads, railroads and other rights-of-way, roadways and other property or improvements located on such lands. A copy of the report required by this section shall be filed with the *jurisdictional water management district* ~~Department of Environmental Protection~~.

Section 6. Section 298.22, Florida Statutes, is amended to read:

298.22 Powers of given supervisors to effect reclamation of land in district.—~~In order to effect the drainage, protection, and reclamation of the land in the district subject to tax~~, The board of supervisors *of the district has full power and authority to excavate, construct, and complete any and all works and improvements necessary to execute the water control plan. Subject to the applicable provisions of chapter 373 or chapter 403, the board of supervisors:*

(1) *May employ persons and purchase machinery to directly supervise, construct, maintain, and operate the works and improvements described in the water control plan, or may contract with others for the supervision, construction, maintenance, and operation of such works and improvements either as a whole or in part. Contracts must be advertised*

and let to the lowest and best bidder, who shall give a good and approved bond, with ample security, upon the condition that he or she will well and promptly carry out the contract for the described works and improvements. Each contract must be in writing and have attached to it complete plans and specifications for the work to be done and improvements to be made under the contract, which plans and specifications must be prepared by the chief engineer of the district. Each contract shall be prepared by the attorney for the district, approved by the board of supervisors, and executed in duplicate by its president and the contractor. The chief engineer of the district must be the superintendent of all district works and improvements.

(2)(4) *May clean out, straighten, open up, widen, or change the course and flow, alter or deepen any canal, ditch, drain, river, watercourse, or natural stream; and concentrate, divert, or divide the flow of water in or out of said district; construct and maintain main and lateral ditches, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations, and siphons, and may connect same, or any of them, with any canals, drains, ditches, levees, or other works that may have been heretofore, or which may be hereafter constructed by the Department of Environmental Protection or jurisdictional water management district, and with any natural stream, lake, or watercourse in or adjacent to said district.*

(3)(2) *May build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of said district; acquire, construct, operate, maintain, use, sell, convey, transfer or otherwise provide for pumping stations, including pumping machinery, motive equipment, electric lines and all appurtenant or auxiliary machines, devices or equipment.*

(4)(3) *May contract for the purchase, construction, operation, maintenance, use, sale, conveyance and transfer of the said pumping stations, machinery, motive equipment, electric lines and appurtenant equipment, including the purchase of electric power and energy for the operation of the same.*

(5)(4) *May construct or enlarge, or cause to be constructed or enlarged, any and all bridges that may be needed in or out of said district, across any drain, ditch, canal, floodway, holding basin, excavation, public highway, railroad right-of-way, track, grade, fill or cut; construct roadways over levees and embankments; construct any and all of said works and improvements across, through or over any public highway, railroad right-of-way, track, grade, fill or cut, in or out of said district; remove any fence, building or other improvements, in or out of said district.*

(6)(5) *Shall have the right to hold, control and acquire by donation or purchase and if need be, condemn any land, easement, railroad right-of-way, sluice, reservoir, holding basin or franchise, in or out of said district, for right-of-way, holding basin for any of the purposes herein provided, or for material to be used in constructing and maintaining said works and improvements for drainage, protecting and reclaiming the lands in said district.*

(7)(6) *May condemn or acquire, by purchase or grant, for the use of the district, any land or property within or without said district not acquired or condemned by the court on the report of the commissioners assessing benefits and damages, and shall follow the procedure set out in chapter 73. Such powers to condemn or acquire any land or property within or without the district shall also be available for implementing requirements imposed on those districts subject to s. 373.4592.*

(8)(7) *May adopt resolutions and policies ~~rules~~ to implement the purposes of this chapter.*

(9)(8) *May assess and collect reasonable fees for the connection to and use of the works of the district.*

(10)(9) *May implement and authorize the comprehensive water control activities, including flood protection, water quantity management, and water quality protection and improvement, described ~~construction of only those improvements outlined in the water control plan of reclamation.~~*

Section 7. Section 298.225, Florida Statutes, is created to read:

298.225 *Water control plan; plan development and amendment.—*

(1) Effective October 1, 1998, any plan of reclamation or water management plan developed and implemented by a water control district created by this chapter or by special act of the Legislature will be referred to as a "water control plan."

(2) By October 1, 2000, the board of supervisors of each water control district must develop or revise the district's water control plan to reflect the minimum requirements set forth in subsection (3).

(3) Each water control plan must contain, at a minimum:

(a) Narrative descriptions of the statutory responsibilities and powers of the water control district.

(b) A map delineating the legal boundary of the water control district and identifying any subdistricts or units within the district.

(c) Narrative descriptions of land use within the district and all existing district facilities and their purpose and function, and a map depicting their locations.

(d) Engineering drawings and narrative sufficient to describe each facility's capacity for the management and storage of surface waters and potable water supply, if applicable.

(e) A description of any environmental or water quality program that the water control district has implemented or plans to implement.

(f) A map and narrative description of any area outside the water control district's legal boundary for which the district provides services.

(g) Detailed descriptions of facilities and services that the water control district plans to provide within 5 years.

(h) A description of the administrative structure of the water control district.

(i) Copies of any agreements between the water control district and other governmental entities.

(j) The engineer's report prepared for plan adoption or revision.

(k) The water control district's budget and revenue sources for the current year.

(4) Before final adoption of the water control plan or plan amendment under s. 298.301, the board of supervisors must submit the plan to the jurisdictional water management district for review. Within 90 days after receipt of the water control plan, the governing board of the jurisdictional water management district, or the executive director or designee, if delegated, must review the plan for consistency with the applicable water resource plans and policies and recommend to the board of supervisors any proposed changes. If the jurisdictional water management district determines that the plan is incomplete, it may notify the water control district and request additional information. Upon such request, the deadline for review may be extended as agreed by the water control district and the jurisdictional water management district. Within 60 days after receipt of the applicable water management district's recommended changes, the board of supervisors shall include the recommendations in the water control plan or plan amendment to the extent practicable. If the recommendations are not incorporated, the board of supervisors must specify its reasons in the water control plan or plan amendment adopted. A copy of the water control plan must be filed with the jurisdictional water management district and each local general purpose government within which all or a portion of the district's lands are located.

(5) The review or approval of the water control plan by the applicable water management district shall not constitute the granting of any permit necessary for the construction or operation of any water control district work and cannot be relied upon as any future agency action on a permit application.

(6) The board of supervisors must review the water control plan at least every 5 years following its initial development and adoption, and to the extent necessary, amend the plan in accordance with s. 298.301.

(7) If the preparation of a water control plan under this section does not result in revision of the district's current plan or require the alteration or increase of any levy of assessments or taxes, a change in the use of such

assessments or taxes, or a substantial change to district facilities, s. 298.301(2)-(9) do not apply to the plan adoption process.

Section 8. Section 298.23, Florida Statutes, is amended to read:

298.23 Supervisors authorized to take land for rights-of-way, etc.; payment.—The board of supervisors of a district organized under this chapter shall not have the right to enter upon, or appropriate, any land for rights-of-way, holding basins or other works of the district, until the prices awarded to the owners of such land shall have been paid to such owners, or into the hands of the clerks of the circuit courts of the county or counties within which the respective lands are located ~~organizing such district for the use of such owners; and if the sums awarded be not so paid within 5 years from the date of filing the engineer's commissioner's reports, all proceedings as to the taking of such property for rights-of-way, holding basins and other works, not so paid for, shall abate at the cost of said district. Whenever any land is acquired by any district under the provisions of this chapter and the price of such property has been paid the owner by the district, the title, use, possession and enjoyment of such property shall pass from the owner and be vested in the district, and subject to its use, profit, employment and final disposition. The price awarded for all lands acquired by any district for rights-of-way, holding basins, or other works, and the amount of damage assessed by the board of supervisors commissioners and confirmed by the court to any tract or parcel of land or other property in the district, shall be paid in cash to the owner thereof or to the clerk of the court for the use of such owner, and that portion of any tract or parcel of land not taken for use of the district shall be assessed for the benefits accruing in accordance with the provisions in this chapter.~~

Section 9. Section 298.24, Florida Statutes, is amended to read:

298.24 Bridge construction.—All bridges contemplated by this chapter and all enlargements of bridges already in existence shall be built and enlarged according to and in compliance with the plans, specifications and orders made or approved by the chief engineer of the district. If any such bridge shall belong to any corporation, or be needed over a public highway or right-of-way of any corporation, the secretary of said board of supervisors shall give such corporation notice by delivering to its agent or officer, in any county wherein said district is situate, a copy of the order of the board of supervisors of said district declaring the necessity for the construction or enlargement of said bridge. A failure to construct or enlarge such bridge, within the time specified in such order, shall be taken as a refusal to do said work by said corporation, and thereupon the said board of supervisors shall proceed to let the work of constructing or enlarging the same at the expense of the corporation for the cost thereof, which costs shall be collected by said board of supervisors from said corporation, by suit therefor, if necessary. But before said board of supervisors shall let such work, it shall give some agent or officer of said corporation, authorized by the laws of this state to accept service of summons, or upon whom service of summons for said corporation might be made, at least 20 days' actual notice of the time and place of letting such work. Any owner of land, within or without the district, may, at the owner's expense, and in compliance with the terms and provisions of this chapter, construct a bridge across any drain, ditch, canal, or excavation in or out of said district. Each district shall have full authority to construct and maintain any ditch or lateral provided in its water control plan, ~~"plan of reclamation,"~~ across any of the public highways of this state, without proceedings for the condemnation of the same, or being liable for damages therefor. Within 10 days after a dredge boat or any other excavating machine shall have completed a ditch across any public highway, a bridge shall be constructed and maintained over such drainage ditch where the same crosses such highway; provided, however, the word corporation as used in this section shall not apply to counties.

Section 10. Section 298.25, Florida Statutes, is amended to read:

298.25 Type of bridges over drains in large counties.—Whenever any district cuts or digs a drain, canal or ditch across any public highway, in counties having a population of not less than 130,000, according to the last preceding state census, the style, type and character of such bridge shall be determined by the engineer of the county and the chief engineer of the district, and approved by a majority of the board of county commissioners ~~as soon as the plan of reclamation, locating such canals, drains or ditches, is filed in the office of the clerk of the circuit court of the county or counties in which the lands within the district are located; and the cost of the same, as estimated by the chief engineer of the district,~~

shall be included by the commissioners of the district board of supervisors in the assessment for the construction of the water control plan of reclamation.

Section 11. Section 298.26, Florida Statutes, is amended to read:

298.26 Chief engineer to make annual reports to supervisors; approval of reports; water control management plan.—The chief engineer shall make a report in writing to the board of supervisors once every 12 months or as directed by the board and oftener, if said board shall so require. The report shall describe the progress made and activities undertaken in furtherance of the water control plan, and may include suggestions and recommendations to the board as the chief engineer deems appropriate. Upon receipt of the final report of said engineer concerning the surveys made of the lands contained in the district organized and the lands adjacent thereto and for reclaiming the same, the board of supervisors shall adopt such report, or any modification thereof approved by the chief engineer, after consulting with him or her or someone representing the chief engineer. Thereafter such adopted report shall be the plan for draining or reclaiming such lands from overflow or damage by water, and it shall, after such adoption, be part of known and designated as the water control management plan, which plan shall be filed with the secretary of the board of supervisors and copied by the secretary into the records of the district. A copy of all such annual reports and the water management plan shall be filed with the Department of Environmental Protection. At least once each 5 years the department shall review the water management plan and propose such modifications as it may deem proper.

Section 12. Section 298.28, Florida Statutes, is amended to read:

298.28 Watercourses to be connected with drainage of district; connecting drains after completion of plan of drainage.—At the time of the construction, in any district incorporated under this chapter, of the water control plan "the plan of reclamation", all canals, ditches or systems of drainage already constructed in said district and all watercourses shall, if necessary to the drainage of any lands in said district, be connected with and made a part of the works and improvements of the plan of drainage of said district, but no canals, ditches, drains, or systems of drainage constructed in said district, after the completion of the aforesaid plan of drainage of said district, shall be connected therewith, unless the consent of the board of supervisors shall be first had and obtained; which consent shall be in writing and shall particularly describe the method, terms and conditions of such connection, and shall be approved by the chief engineer. Said connection, if made, shall be in strict accord with the method, terms, and conditions laid down in said consent. If the landowners wishing to make such connection are refused by the board of supervisors, or decline to accept the consent granted, the said landowners may file a petition for such connection in the circuit court having jurisdiction in said district, and the matter in dispute shall in a summary manner be decided by said court, which decision shall be final and binding on the district and landowners. No connection with the works or improvements of said plan of drainage of said district, or with any canal, ditch, drain or artificial drainage, wholly within said district, shall be made, caused or affected by any landowners, company or corporation, municipal or private, by means of, or with, any ditch, drain, cut, fill, roadbed, levee, embankment or artificial drainage, wholly without the limits of said district, unless such connection is consented to by the board of supervisors, or in the manner provided for in this chapter.

Section 13. Section 298.301, Florida Statutes, is created to read:

298.301 District water control plan adoption; plan amendment; notice forms; objections; hearings; assessments.—

(1) District infrastructure and works must be implemented pursuant to a water control plan. In the execution of the powers and authorities granted in this chapter, the district's action must be consistent with any adopted local government comprehensive plan within which the lands of the district are located. The board of supervisors may, by resolution at a regularly scheduled meeting, consider the adoption of a district water control plan or plan amendment. Notice, hearing, and final adoption of any proposed water control plan or plan amendment must comply with the provisions of this chapter. Lands may be added to or deleted from a district only by legislative modification of the special act that contains the charter of the district.

(2) Before adopting a water control plan or plan amendment, the board of supervisors must adopt a resolution to consider adoption of the

proposed plan or plan amendment. As soon as the resolution proposing the adoption or amendment of the district's water control plan has been filed with the district secretary, the board of supervisors shall give notice of a public hearing on the proposed plan or plan amendment by causing publication to be made once a week for 3 consecutive weeks in a newspaper of general circulation published in each county in which lands and other property described in the resolution are situated. The notice must be in substantially the following form:

Notice of Hearing

To the owners and all persons interested in the lands corporate, and other property in and adjacent to the [name of district] District.

You are notified that the [name of district] District has filed in the office of the secretary of the district a resolution to consider approval of a water control plan or an amendment to the current water control plan to provide [here insert a summary of the proposed water control plan or plan amendment]. On or before its regularly scheduled meeting of (date and time) at the district's offices located at (list address of offices) written objections to the proposed plan or plan amendment may be filed at the district's offices. A public hearing on the proposed plan or plan amendment will be conducted at the regularly scheduled meeting and written objections will be considered at that time. At the conclusion of the hearing the board of supervisors may determine to proceed with the process for approval of the proposed plan or plan amendment and direct the district engineer to prepare an engineer's report identifying property to be taken, assessing benefits and damages, and estimating the cost of improvement associated with the proposed plan or plan amendment. A final hearing on approval of the proposed plan or plan amendment and engineer's report shall be duly noticed and held at a regularly scheduled board of supervisors meeting within 60 days after filing of the engineer's report with the secretary of the district.

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(3) In addition to the publication of notice, a copy of the notice shall be served by first class mail on any owner of land within the district as shown on the current tax rolls, the water management district created under chapter 373 within which the district is located, the board of county commissioners of the county, and the governing body of any municipality within which the district is located.

(4) The engineer may at any time call upon the attorney of the district for legal advice and information relative to his duties. The engineer shall proceed to view the premises and determine the value of all lands, within or without the district, to be acquired by purchase or condemnation and used for rights-of-way, or other works set out in the proposed plan or plan amendment. The engineer shall assess the amount of benefits and the amount of damages, if any, that will accrue to each subdivision of land (according to ownership), from carrying out and putting into effect the proposed plan or plan amendment. The engineer shall assess only those benefits that are derived from the construction of the works and improvements set out in the proposed plan or plan amendment. The engineer has no power to change the proposed plan or plan amendment without board approval.

(5) The engineer shall prepare a report arranged in tabular form, the columns of which are to be headed as follows: column one, "owner of property assessed"; column two, "description of property assessed"; column three, "number of acres assessed"; column four, "amount annual assessment assessed"; column five, "total assessments"; column six, "number of acres to be taken for rights-of-way, district works, etc."; column seven, "increased value of property from improvement." The engineer shall also, by and with the advice of other employees and consultants of the district, estimate the cost of the works set out in the proposed plan or plan amendment, including the cost of and the probable expense of organization and administration. If the engineer's estimate of increased property value exceeds the total amount of assessments to be levied against a parcel, benefits are deemed to exceed damages. A maintenance assessment recommendation must also be included in each engineer's report. However, the maintenance assessment may not be considered as part of the costs of installation or construction specified by the proposed

plan or plan amendment in determining whether benefits exceed damages. The report shall be signed by the engineer and filed in the office of the secretary of the district. The secretary of the district, or deputy thereto, shall assist as needed in preparation of the report.

(6) Upon the filing of the engineer's report, the board of supervisors shall give notice thereof by arranging the publication of the report together with a geographical depiction of the district once a week for 2 consecutive weeks in a newspaper of general circulation in each county in the district. The notice must be substantially as follows:

Notice of Filing Engineer's Report for
..... District

Notice is given to all persons interested in the following described land and property in County (or Counties), Florida, viz.: (Here describe land and property) included within the district that the engineer hereto appointed to assess benefits and damages to the property and lands situated in the district and to appraise the cash value of the land necessary to be taken for rights-of-way and other works of the district, within or without the limits of the district, under the proposed water control plan or plan amendment, filed his report in the office of the secretary of the district, located at (list address of district offices), on the day of, 19 , and you may examine the report and file written objections with the secretary of the district to all, or any part thereof, on or before (enter date 20 days after the last scheduled publication of this notice, which date must be before the date of the final hearing) . The report recommends (describe assessment schedule) . If approved, the assessment will be collected by the county tax collector. A final hearing to consider approval of the report and proposed water control plan or plan amendment shall be held (time, place, and date at least 30 days after the last scheduled publication of this notice, but no later than 60 days after filing of the engineer's report) .

Date of first publication:, 19

(Chairman, Board of Supervisors)

..... County, Florida

(7) Any party identified in subsection (3) may file written objections with the secretary of the district to any part or all of the engineer's report and the proposed plan or plan amendment, within 20 days after the last published notice of filing of the engineer's report.

(8) All objections must be heard and determined by the board of supervisors at the public hearing so as to carry out liberally the purposes and needs of the district. If the board of supervisors determines at the final public hearing, upon examination of the engineer's report and upon hearing all of the objections, that the estimated cost of construction of improvements contemplated in the plan or plan amendment is less than the benefits assessed against the lands in the district, the board of supervisors shall approve and confirm the engineer's report; but, if the board of supervisors determines that any of the objections should be sustained, it shall order the report changed to conform with its findings, and when changed the board of supervisors shall approve and confirm or disapprove, as appropriate, the report and enter its order approving or disapproving, as appropriate, the report and proposed plan or plan amendment. When any land or other property is shown by the engineer's report to be needed for rights-of-way, or other works, the board of supervisors may institute proceedings under chapter 73 or chapter 74 in the circuit court of the proper county to condemn the lands and other property that must be taken or damaged in the making of improvements, with the right and privilege of paying into court a sum to be fixed by the circuit court judge and of proceeding with the work, before the assessment by the jury.

(9) Any party identified in subsection (3) may challenge the decision of the board in the manner and time provided by the Florida Rules of Civil and Appellate Procedure. If it is determined by court order that any tract or lot of land or parts thereof, upon which a non-ad valorem assessment is authorized and levied, will not be benefited by or receive any benefit from the completion of the plan or plan amendment, or will be burdened disproportionately to other similarly benefited land, then the non-ad valorem assessment may not be levied against that land.

Section 14. Section 298.305, Florida Statutes, is created to read:

298.305 Assessing land for development; apportionment of assessment.—

(1) After the engineer's report has been approved by the board of supervisors, the proposed water control plan or plan amendment has been finally adopted, and the lists of lands with the assessed benefits have been filed in the office of the secretary of the district, then the board of supervisors shall levy a non-ad valorem assessment as approved by the board on all lands in the district to which benefits have been assessed, to pay the costs of the completion of the proposed works and improvements, as shown in the adopted plan or plan amendment and in carrying out the objectives of the district; and, in addition thereto, 10 percent of the total amount for contingencies. The assessment must be apportioned to and levied on each assessable tract of land in the district. Under s. 298.54, the board of supervisors may also levy a maintenance assessment on all lands in the district to which benefits have been assessed as may be necessary to operate and maintain the district works and activities and to defray the current expenses of the district. A maintenance assessment recommendation for the operation and maintenance of the district works and activities must be included in each engineer's report considered by the board.

(2) The board of supervisors may issue bonds in accordance with s. 298.47 to pay the cost of the works and improvements described in the water control plan. Upon such determination, the board of supervisors shall levy a non-ad valorem assessment in a sum not less than an amount, 90 percent of which shall be equal to the principal of said bonds. In no event shall the total amount of all bonds to be issued by the district exceed 90 percent of the benefits assessed upon the lands of the district. Bonds issued under this section shall draw interest at a rate provided by general law and shall be made payable at such time and place as the board of supervisors may determine. The amount of the interest that will accrue on the bonds, as estimated by the board of supervisors, shall be included and added to the assessment, but the interest to accrue on the bonds shall not be included as part of the cost of construction in determining whether or not the expenses and costs of making the improvements shown in the water control plan are equal to, or in excess of, the benefits assessed.

Section 15. Section 298.329, Florida Statutes, is created to read:

298.329 When works insufficient, supervisors have power to make a new or amended plan; additional levy; issuance of bonds; procedure.—

(1) If the works set out in the district water control plan are found insufficient to develop, in whole or in part, any or all of the lands of the district, the board of supervisors shall have the right to formulate a new or amended water control plan, containing new or modified public infrastructure or other authorized works, and additional assessments may be made in conformity with s. 298.305, the same to be made in proportion to the increased benefits accruing to the lands because of the additional works. Such new or amended plan shall be subject to review by the applicable water management district in accordance with subsection 298.225(4).

(2) If the board of supervisors determines at any time that the amount of total assessments levied under this chapter or the funds derived from the sale of bonds are insufficient to pay the cost of works set out in the water control plan, the board of supervisors may make an additional levy to provide funds to complete the works and, in addition, up to 10 percent of the total amount for contingencies; and, may issue bonds to finance the increased cost of completing the works described in the water control plan; however, the principal amount of the additional bonds and the principal amount of any bonds previously issued to finance the works must not, in the aggregate, exceed 90 percent of the benefits assessed.

(3) If the board of supervisors determines at any time that the water control plan requires modification and that the amount of the total assessments levied under this chapter or the funds derived from the sale of bonds are insufficient to carry out the water control plan with the proposed modification, the board of supervisors may initiate plan amendment proceedings.

(4) After the engineer's report has been approved and the resolution amending the water control plan adopted by the board of supervisors, the board may levy a non-ad valorem assessment on all lands in the district to which benefits have been assessed to pay the increased cost of completing the works and improvements described in the water control plan as amended. The assessment may include the cost of maintaining and operating the facilities and all incidental expenses in connection therewith, plus an additional 10 percent of the total amount for contingencies. The

additional assessments authorized to be levied under this section must be levied and collected in the same manner as the original assessments.

(5) The issuance of bonds under the provisions of this section must comply with the provisions of s. 298.47. Any additional tax authorized to be levied for completion of the works and improvements described in the water control plan must be apportioned to and levied upon each tract of land in the district in proportion to the benefits assessed against it and not in excess thereof; and, if bonds are issued, the amount of the interest that will accrue on the bonds, as estimated by the board of supervisors, must be included and added to the additional levy. The interest to accrue on the bonds must not be included as part of the cost of construction in the determination of whether or not the expenses and costs of making the improvements shown in the water control plan are equal to or in excess of the benefits assessed.

Section 16. Section 298.333, Florida Statutes, is created to read:

298.333 Assessments and costs; a lien on land against which levied.—All non-ad valorem assessments provided for in this chapter, together with all penalties for default in payment of the same and all costs in collecting the same, constitutes, from the date of assessment thereof until paid, a lien of equal dignity with the liens for county taxes and other taxes of equal dignity with county taxes upon all the lands against which such assessments have been levied and assessed, pursuant to s. 197.3632.

Section 17. Section 298.337, Florida Statutes, is created to read:

298.337 Levies of assessments on land less than 1 acre.—In levying assessments based upon acreage, each tract or parcel of land less than 1 acre in area is to be assessed as a full acre.

Section 18. Section 298.341, Florida Statutes, is created to read:

298.341 When unpaid assessments delinquent; penalty.—All non-ad valorem assessments provided for in this chapter become delinquent and bear penalties on the amount of the assessments in the same manner as county taxes. The assessments constitute a lien until paid on the property against which assessed and are enforceable in the same manner as county taxes.

Section 19. Section 298.345, Florida Statutes, is created to read:

298.345 Enforcement of non-ad valorem assessments.—The collection and enforcement of all non-ad valorem assessments levied by the district shall be at the same time and in like manner as county taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes, the issuance, sale, and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedures in connection therewith, apply to the district and the delinquent and unpaid assessments and taxes of the district to the same extent as if the statutory provisions were expressly set forth in this chapter. All non-ad valorem assessments are subject to the same discounts as county taxes.

Section 20. Section 298.349, Florida Statutes, is created to read:

298.349 Uniform initial acreage assessment for payment of expenses.—There is levied upon each acre of land within a water control district created on or after July 1, 1997, a uniform initial assessment of \$50 per acre for the year in which the district is created, to be used by the district, through its board of supervisors, for the purpose of district administration, paying expenses incurred or to be incurred in making surveys of the lands in the district, assessing benefits and damages, and other expenses necessarily incurred, as estimated or determined by the board of supervisors, before the board collects or receives funds under the remaining provisions of this chapter. The assessment constitutes a lien upon the lands in the district from the effective date of the special act creating the district and must be collected by the district. If the board of supervisors determines that it is necessary to obtain funds to pay any expenses incurred or to be incurred in organizing the district, or any other expenses relating to the conduct and operation of the district, before a sufficient sum can be obtained by collecting the acreage assessment levied by this section, the board may borrow a sufficient sum of money for any of those purposes, may issue notes or bonds therefor, and may pledge any and all assessments of the initial acreage assessment levied under the provisions of this section for the repayment thereof. The board of supervisors may issue notes or bonds to any person or persons performing work

or services or furnishing anything of value in the organization of the district or for any other expenses necessarily incurred before the receipt of funds arising from assessments or benefits.

Section 21. Section 298.353, Florida Statutes, is created to read:

298.353 Unit development; powers of board of supervisors to designate units of district; financing assessments for each unit.—The board of supervisors of the district may designate areas of parts of the district as separate administrative and financial "units." Units must be created or modified as a part of and through the adoption of a water control plan or plan amendment as provided in this chapter. The units into which the district is divided must be given appropriate numbers or names by the board of supervisors so that the units can be readily identified and distinguished. The board may fix and determine the location, area, and boundaries of the lands to be included in each unit, the type and amount of work required in the unit and the order of development, and the method of carrying on the work in each unit. The unit system provided by this section may be conducted, and all the proceedings by this section and this chapter authorized in respect to such unit or units may be carried on and conducted, whenever the board of supervisors finds that it is appropriate. If the board finds that it is advisable to implement the district infrastructure and service plans by units, as authorized by this section, the board shall, by resolution duly adopted and entered upon its minutes, declare its purpose to conduct the work accordingly, and shall proceed through the water control plan adoption or amendment process described in s. 298.301 to fix the number, location, boundaries, and description of lands within each unit or units and give them appropriate numbers or names. All provisions of this chapter shall apply within all units, and the enumeration of or reference in this section to specific powers or duties of the supervisors does not limit or restrict the application of any and all of the proceedings and powers in this chapter within all units. For water control plans applicable to one or more units, but to less than the entire district, the notices to district landowners required under s. 298.301 need be provided only to owners of lands within the affected unit or units and immediately contiguous properties within the district. All assessments, levies, taxes, bonds, and other obligations made, levied, assessed, or issued for or in respect to any unit or units constitute a lien and charge solely and only upon the lands in the unit or units, respectively, for the benefit of which the same have been levied, made, or issued, and not upon the remaining units or lands in the district. The board of supervisors may at any time amend the location and description of lands in any unit or units by proceeding in accordance with the provisions of this section for the original creation of the unit or units. If, after the approval of the engineer's report of benefits in any unit or units or the issuance of bonds or other obligations that are payable from taxes or assessments for benefits levied upon lands within any unit or units, the board of supervisors finds that the infrastructure or service plan for the unit or units is insufficient or inadequate for efficient development, the plan may be amended or changed and the unit or units may be amended or changed as provided in this section, by changing the location and description of lands in the unit or units, by detaching lands therefrom, or by adding lands thereto pursuant to this chapter. However, a change or amendment to a designated unit is not authorized if it has the effect of impairing a debt or other obligation of the unit or the district.

Section 22. Section 298.36, Florida Statutes, is amended to read:

298.36 Assessing land for reclamation; apportionment of tax; lands belonging to state assessed; drainage tax record.—

(1)—After the lists of lands, with the assessed benefits and the decree and judgment of court, have been filed in the office of the clerk of the circuit court as provided in s. 298.34, then the board of supervisors shall, without any unnecessary delay, levy a tax of such portion of said benefits, on all lands in the district to which benefits have been assessed, as may be found necessary by the board of supervisors to pay the costs of the completion of the proposed works and improvements, as shown in said plan of reclamation and in carrying out the objects of said district; and, in addition thereto, 10 percent of said total amount for emergencies. The said tax shall be apportioned to, and levied on, each tract of land in said district in proportion to the benefits assessed, and not in excess thereof.

(2)—In case bonds are issued, as provided in this chapter, a tax shall be levied in a sum not less than an amount, 90 percent of which shall be equal to the principal of said bonds. The amount of bonds to be issued for paying the cost of the works as set forth in the plan of reclamation

shall be ascertained and determined by the board of supervisors; provided, however, that the total amount of all bonds to be issued by the district shall in no case exceed 90 percent of the benefits assessed upon the lands of the district. The amount of the interest (as estimated by said board of supervisors), which will accrue on such bonds, shall be included and added to the said tax, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the costs of construction in determining whether or not the expenses and costs of making said improvements are equal to, or in excess of, the benefits assessed.

(1)(3) The benefits, and all lands in said district belonging to the state, shall be assessed to, and the taxes thereon shall be paid by, the state out of funds on hand, or which may hereafter be obtained, derived from the sale of lands belonging to the state. This provision shall apply to all taxes in any district including maintenance and ad valorem taxes, either levied under this or any other law, and to taxes assessed for preliminary work and expenses, as provided in s. 298.349~~298.29~~, as well as to the taxes provided for in this section.

(2)(4) The secretary of the board of supervisors, as soon as said total tax is levied, shall, at the expense of the district, prepare a list of all taxes levied, in the form of a well-bound book, which book shall be endorsed and named "DRAINAGE TAX RECORD OF . . . WATER CONTROL DISTRICT . . . COUNTY, FLORIDA," which endorsement shall be printed or written at the top of each page in said book, and shall be signed and certified by the president and secretary of the board of supervisors, attested by the seal of the district, and the same shall thereafter become a permanent record in the office of said secretary.

Section 23. Subsection (1) of section 298.47, Florida Statutes, is amended to read:

298.47 Supervisors may issue bonds.—

(1) The board of supervisors may, if in their judgment it seems best, issue bonds not to exceed 90 percent of the total amount of the *non-ad valorem assessments taxes*, exclusive of the amount for interest, levied under the provisions of s. 298.305~~298.36~~, in denominations of not less than \$100, bearing interest from date at rate as provided by general law, payable semiannually, to mature at annual intervals within 30 years, commencing after a period of years not later than 10 years, to be determined by the board of supervisors, both principal and interest payable at some convenient banking house or trust company's office to be named in said bonds, which said bonds shall be signed by the president of the board of supervisors, attested with the seal of said district and by the signature of the secretary of the said board. Section 12, Art. VII of the State Constitution shall be complied with as to all such bonds as are within its purview. All of said bonds shall be executed and delivered to the treasurer of said district, who shall sell the same in such quantities and at such dates as the board of supervisors may deem necessary to meet the payments for the works and improvements in the district. Said treasurer shall, at the time of the receipt by him or her of said bonds, execute and deliver to the president of the board of said district, a bond with good and sufficient sureties to be approved by the said board of supervisors, conditioned that the treasurer shall account for and pay over, as required by law and as ordered to do by said board of supervisors, any and all money received by him or her on the sale of such bonds, or any of them, and that the treasurer will only sell and deliver such bonds to the purchaser or purchasers thereof, under and according to the terms herein prescribed, and that the treasurer will return, duly canceled, any and all bonds not sold to the board of supervisors when ordered by said board so to do, which said surety bond shall remain in the custody of the said president of said board of supervisors, who shall produce the same for inspection or for use as evidence whenever and wherever legally requested so to do.

Section 24. Section 298.59, Florida Statutes, is amended to read:

298.59 Supervisors authorized to obtain consent of United States.— In case the *water control plan of reclamation* of any district organized and incorporated under this chapter and the improvement provided thereunder be of such nature as requires the permission or consent of the Government of the United States, or any department or officer of the Government of the United States, the board of supervisors of the district may obtain the required permission or consent of the Government of the United States or any proper officer or department thereof; and to that end the board of supervisors may bind the district to comply with any

conditions that may be attached to such permission or consent, including the giving of any bond or other obligation for the faithful performance of such conditions.

Section 25. Subsection (6) of section 190.013, Florida Statutes, is amended to read:

190.013 Water management and control plan.—In the event that the board assumes the responsibility for providing water management and control for the district as provided in s. 190.012(1)(a) which is to be financed by benefit special assessments, the board shall proceed to adopt water management and control plans, assess for benefits, and apportion and levy special assessments, as follows:

(6) Within 20 days after the final adoption of the plan by the board, the board shall proceed pursuant to s. 298.301 ~~ss. 298.30-298.34~~.

Section 26. Section 298.77, Florida Statutes, is amended to read:

298.77 Readjustment of assessments; procedure, notice, hearings.—

(1) Whenever ~~the board of supervisors or~~ the owners of 25 percent or more of the acreage of the land of any district situated wholly in a single county existing under the general drainage laws of this state, now this chapter, joined by the holders of not less than 95 percent of the indebtedness outstanding against that district, shall file a petition with the *board of supervisors clerk of the circuit court having jurisdiction over the district*, stating that there has been a material change in the value of the property in the district since the last previous assessment of benefits, contributed to by the drainage system; that a relatively large portion or portions of the district have become nontaxable for the purpose of paying the indebtedness of such district; that a named person, corporation, or agency has purchased the obligations of the district at a discount and under circumstances whereby the district is expected to pay in discharge of its obligations a sum greatly less than the par value of such obligations; that improvements within the district made possible or practicable by the drainage effected have been such as to enhance values in a portion or portions thereof more than in other portions of the district; and that developments in all parts of the district are believed to have been retarded by the inability of property owners to pay assessments and discharge individual properties from the lien of the drainage tax; and praying for readjustment of the assessment of benefits for the purpose of making a more equitable basis for the levy of taxes to pay the indebtedness of such district and to maintain its drainage system, the *board of supervisors clerk* shall give notice of the filing and hearing of the petition in the manner and for the time provided for in s. 298.301 ~~s. 298.07~~.

(2) Such notice may be in the following form:

NOTICE IS HEREBY GIVEN to all persons interested in the lands included within the . . . Water Control District that a petition has been filed ~~with the district in the office of the Clerk of the Circuit Court of . . . County, Florida,~~ praying for a readjustment of the assessment of benefits for the purpose of making a more equitable basis for the levy of taxes against the various pieces and parcels of land in said district to pay its indebtedness and maintain its drainage system, and that said petition will be heard by the *board of supervisors said circuit court* on the . . . day of . . . , 19

Dated . . . , 19
. . . . (Secretary of _____ District Clerk of the Circuit Court) . . .
. . . . County

(3) Any interested person may file an answer to the petition before the return day and, if so, shall be duly heard, but, if not, the cause shall proceed ex parte. Upon the hearing of the petition, if the *board court* shall find that there has been a material change in the values of the lands in the district since the last previous assessment of benefits, contributed to by the drainage system, and that the other material allegations of the petition herein required to be set forth are substantially true, the *board of supervisors court* shall order that there be made a readjustment of the assessment of benefits for the purpose of providing a basis upon which to levy further and future taxes for the payment of the obligations of, and maintaining the drainage system in, the district. Thereupon, the *board of supervisors court* shall ~~proceed under s. 298.301 appoint three commissioners possessing the qualifications of commissioners appointed under s. 298.30~~ to make such readjustment of assessment of benefits to each piece or parcel of land which has accrued or will

accrue as a result of the drainage system. ~~in the manner provided in s. 298.32, and the commissioners shall make their report, and the proceeding shall be had thereupon as nearly as may be as provided for the assessment of benefits accruing for original construction;~~ Provided, in making the readjustment of the assessment of benefits, the *board of supervisors* ~~commissioners~~ shall not increase the existing assessment, or unpaid portion thereof, on any piece or parcel of land; provided, further, that after the making of such readjustment, the limitation of 10 percent of the annual maintenance tax which may be levied shall apply to the amount of benefits as readjusted.

Section 27. *Sections 298.07, 298.27, 298.29, 298.30, 298.31, 298.32, 298.33, 298.34, 298.35, 298.467, and 298.55, Florida Statutes, are repealed.*

Section 28. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to drainage districts; amending ss. 298.005, 298.11, 298.12, 298.15, 298.16, 298.22, 298.23, 298.24, 298.25, 298.26, 298.28, 298.36, 298.47, and 298.59, F.S.; creating ss. 298.225, 298.301, 298.305, 298.329, 298.333, 298.337, 298.341, 298.345, 298.349, 298.353, and 298.77, F.S.; providing definitions; deleting references to Melbourne-Tillman Water Control District; providing for the water management plan to be renamed the water control plan; providing for the water control plan to serve the functions of the former plan of reclamation; providing for the jurisdictional water management district to provide certain review responsibilities previously provided by the Department of Environmental Protection; providing for the appointment of certain supervisors by the Governor; revising powers of water control district supervisors; substituting power to adopt policies and resolutions for power to adopt rules; providing revised water control plan adoption and amendment requirements; providing for assessment of lands; providing duties for district engineer and district attorney; providing for the levy and enforcement of non-ad valorem assessments; authorizing the issuance of bonds; providing for liens; providing for a uniform initial acreage assessment for payment of expenses; authorizing districts to designate financial units; amending s. 190.013, F.S.; correcting a cross reference; repealing s. 298.07, F.S., which provides for the water management plan; repealing s. 298.27, F.S., which provides for the plan of reclamation; repealing s. 298.29, F.S., which provides for the levy and collection of taxes; modifying notice requirements for readjustment of assessment; repealing s. 298.30, F.S., which provides for appraisal of lands; repealing s. 298.31, F.S., which provides for appointment of commissioners; repealing s. 298.32, F.S., which provides for duties of commissioners, district attorney, and district engineer; repealing s. 298.33, F.S., which provides for notice of report; repealing s. 298.34, F.S., which provides for exceptions to report; repealing s. 298.35, F.S., which provides for plan of reclamation; repealing s. 298.467, F.S., which prohibits the Department of Environmental Protection from borrowing money; repealing s. 298.55, F.S., which provides for readjustment of assessment of benefits; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 266** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for SB 1014—A bill to be entitled An act relating to burglary and trespass; amending s. 810.011, F.S.; defining the term “curtilage” for purposes of the crimes of burglary and trespass; amending s. 810.09, F.S.; repealing the offense of trespass on property other than a structure or conveyance if the property is the unenclosed curtilage of a dwelling; repealing the definition of the term “unenclosed curtilage”; amending s. 812.014, F.S.; repealing the offense of grand theft of the third degree; repealing the offense of petit theft of the first degree; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1014** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1282** was deferred.

On motion by Senator Forman—

CS for SB 956—A bill to be entitled An act relating to the disposition of unclaimed moneys; amending s. 116.21, F.S.; providing that a municipality that has a municipal detention facility and that prosecutes through its own municipal prosecutor has a claim against specified unclaimed moneys in the possession of the county; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 956** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dudley—

SB 656—A bill to be entitled An act relating to funding for criminal proceedings; amending ss. 27.38, 27.60, F.S.; revising the budget transfer authority of state attorneys and public defenders; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 656** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for SB 96—A bill to be entitled An act relating to law enforcement officers; amending s. 943.135, F.S.; allowing law enforcement officers who are also elected or appointed public officials to maintain certification in a special status while holding office; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 96** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 210—A bill to be entitled An act relating to sexual predators and offenders; amending s. 775.21, F.S.; deleting a provision that prohibits community and public notification of certain sexual predators, and authorizing notification in a manner deemed appropriate by the sheriff and the chief of police; deleting a provision that provides for community and public notification under former s. 775.225, F.S., and authorizing notification in a manner deemed appropriate by the sheriff or chief of police; deleting requirement that community and public notice include the age of the victim and providing instead for requirement that notice state whether the victim was a minor or an adult; creating s. 775.212, F.S.; requiring the sheriff or chief of police of the county or municipality wherein an offender released from incarceration plans to reside to notify the public if the offender is a violent offender; specifying the information to be provided to the public; defining the term “violent offender” for purposes of s. 775.212, F.S., to mean a person who has been convicted of specified violent felonies or convicted of an attempt or conspiracy to commit such felonies; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 210** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 1282—A bill to be entitled An act relating to imposition of adult sanctions upon children; amending s. 39.059, F.S., relating to community control or commitment of children prosecuted as adults; providing for the court to commit the child to the Department of Juvenile Justice for a treatment program until the child is age 21 or sooner if discharged by the department; removing a provision relating to court-ordered plan of community control; providing for availability of presentence investigation report prior to the sentencing hearing and removing

certain references to predisposition report and hearing; removing a requirement that a decision by the court to impose adult sanctions upon certain offenders must be in writing; providing for a presumption that the sentence imposing adult sanctions is appropriate; reenacting s. 39.052(3)(a), F.S., relating to transfer of a child for prosecution as an adult, to incorporate said amendment in references; providing an effective date.

—was read the second time by title.

Senator Turner moved the following amendment:

Amendment 1—On page 2, delete line 12 and insert: sanctions must be in writing, but is presumed appropriate, and

Senator Turner moved the following substitute amendment which failed:

Amendment 2—On page 2, lines 12 and 13, delete those lines and insert: sanctions must be in writing, but is presumed appropriate, and the court is not required to set forth specific findings or

The question recurred on **Amendment 1** which was withdrawn.

Pursuant to Rule 4.19, **CS for SB 1282** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 958** was deferred.

On motion by Senator Gutman, by two-thirds vote **HB 273** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

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

HB 273—A bill to be entitled An act relating to sexually transmissible diseases; amending s. 384.24, F.S., relating to unlawful acts by a person infected with a sexually transmissible disease; revising provisions prohibiting such acts; amending s. 384.34, F.S.; providing third degree felony penalties for a person who violates specified provisions prohibiting sexual intercourse by a person who has human immunodeficiency virus infection; amending s. 796.08, F.S.; revising the category of offenses constituting criminal transmission of human immunodeficiency virus infection to include the offer to commit prostitution under specified circumstances when the person offering to commit prostitution has tested positive for human immunodeficiency virus infection; providing penalties; reenacting s. 775.0877(1)(m) and (7), F.S., to incorporate said amendment to s. 796.08, F.S., in a reference; providing an effective date.

—a companion measure, was substituted for **CS for SB's 312 and 478** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 273** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 532** was deferred.

On motion by Senator Gutman—

SB 796—A bill to be entitled An act relating to criminal sentencing; amending s. 775.021, F.S., relating to rules of construction of the Florida Criminal Code; providing for imposition of consecutive sentences notwithstanding specified provisions relating to habitual offenders; providing for imposition of consecutive mandatory minimum terms of incarceration, limitations on release, and other mandatory minimum punishments; reenacting ss. 790.1615(3), 806.031(3), F.S., relating to penalties for unlawful throwing, projecting, placing, or discharging of destructive device or bomb that results in injury to another, and relating to penalties for arson resulting in injury to another, to incorporate the amendment in references thereto; providing an effective date.

—was read the second time by title.

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

Amendment 1 (with title amendment)—On page 3, between lines 5 and 6, insert:

Section 4. Subsection (2) of section 775.084, Florida Statutes, 1996 Supplement, is amended 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 or community control without an adjudication of guilt shall be treated as a prior conviction if the subsequent offense for which the person is to be sentenced was committed during such probationary or community control period.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending s. 775.084, F.S.; providing that a person who has had adjudication withheld and has been placed on community control shall be treated as having a prior conviction for purposes of applying enhanced penalties for a subsequent offense;

Pursuant to Rule 4.19, **SB 796** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 46—A bill to be entitled An act relating to the rights of accused persons; creating the Speedy Trial Reform Act of 1996; amending s. 918.015, F.S.; allowing the Florida Supreme Court discretion in adopting rules that provide for the right of a defendant to a speedy trial; prohibiting a court from discharging a defendant from prosecution unless the court finds a substantive violation of the defendant's right to a speedy trial; providing for determining the period that constitutes a speedy trial; amending s. 39.048, F.S.; deleting provisions that provide for dismissal with prejudice if an adjudicatory hearing for a juvenile offender is not held within a specified time; providing for the release of the juvenile until such adjudicatory hearing is complete; repealing Rule 3.191, Florida Rules of Criminal Procedure, relating to a defendant's right to a trial within a specified time; repealing Rule 8.090, Florida Rules of Juvenile Procedure, relating to a juvenile's right to an adjudicatory hearing within a specified time; providing a contingent effective date.

—was read the second time by title.

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

Amendment 1—In title, on page 1, line 4, delete "1996" and insert: 1997

Pursuant to Rule 4.19, **SB 46** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

SB 182—A bill to be entitled An act relating to sentencing; amending s. 921.001, F.S.; providing that the court may impose a sentence outside the sentencing guidelines based on prior offenses that indicate an increase in the severity of the defendant's criminal conduct; providing that the prior offenses need not be similar in nature or temporally proximate to the current offense before the court; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 4, between lines 6 and 7, insert:

Section 2. Subsection (2) of section 775.084, Florida Statutes, 1996 Supplement, is amended 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 or community control without an adjudication of guilt shall be treated as a prior conviction if the subsequent offense for which the person is to be sentenced was committed during such probationary or community control period.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending s. 775.084, F.S.; providing that a person who has had adjudication withheld and has been placed on community control shall be treated as having a prior conviction for purposes of applying enhanced penalties for a subsequent offense;

Pursuant to Rule 4.19, **SB 182** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala, by two-thirds vote **CS for HB 245** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Latvala—

CS for HB 245—A bill to be entitled An act relating to time limitations for sexual battery prosecutions; amending s. 775.15, F.S.; providing an unlimited time period for the commencement of prosecutions for first or second degree felony violations of s. 794.011, F.S., under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 532** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 245** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 1872—A bill to be entitled An act relating to the Florida Crimes Compensation Act; amending s. 960.03, F.S.; revising the definition of "crime" with respect to the Florida Crimes Compensation Act; conforming terminology and a cross-reference; expanding the definition to include certain acts of mass violence and international terrorism committed against residents of this state; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 21, delete "*minor*" and insert: *juvenile*

Pursuant to Rule 4.19, **SB 1872** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

SB 154—A bill to be entitled An act relating to sentencing; amending s. 775.0845, F.S.; restating legislative intent with respect to sentencing for offenses committed while wearing a mask, hood, or similar device; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 154** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

SB 328—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; requiring that the court require a person to perform a specified number of hours of community service if the person is found guilty of, or pleads guilty or nolo contendere to, a second or subsequent violation of chapter 893, F.S., relating to offenses that involve controlled substances; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, lines 14-16, delete those lines and insert:

Section 1. Paragraph (b) of subsection (1), paragraph (b) of subsection (2), and paragraph (c) of subsection (6) of section 893.13, Florida Statutes, 1996 Supplement, are amended, and paragraph (c) is added to subsection (8) of that section, to read:

893.13 Prohibited acts; penalties.—

(1)

(b) Except as provided in this chapter, it is unlawful to sell or deliver in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)

(b) Except as provided in this chapter, it is unlawful to purchase in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6)

(c) Except as provided in this chapter, it is unlawful to possess in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: prohibiting the sale, delivery, purchase, or possession of certain mixtures containing controlled substances;

Pursuant to Rule 4.19, **SB 328** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 1862—A bill to be entitled An act relating to lost property; amending s. 705.103, F.S.; providing procedure for notice of disposal by a law enforcement agency of certain lost property; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1862** was placed on the calendar of Bills on Third Reading.

On motion by Senator Turner, by two-thirds vote **CS for HB 97** was withdrawn from the Committees on Criminal Justice and Community Affairs.

On motion by Senator Turner—

CS for HB 97—A bill to be entitled An act relating to selection of probation and parole office space by the Department of Corrections; amending s. 945.28, F.S.; requiring the department to provide written notification to the county or municipal administrator 30 days prior to signing the lease or purchasing the property for intended probation or parole office space which is within one quarter mile of a place where children or a population especially vulnerable to crime due to age or physical or mental disability regularly congregates; providing an effective date.

—a companion measure, was substituted for **CS for SB 246** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 97** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

SB 164—A bill to be entitled An act relating to false or perjured statements; amending s. 775.15, F.S.; providing that a person may be prosecuted at any time for the offense of committing perjury in an official proceeding that relates to the prosecution of a capital felony; amending s. 837.02, F.S.; providing that it is a second-degree felony to make a false statement under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the defendant's belief that a statement was immaterial is not a defense; amending s. 837.021, F.S.; providing that it is a second-degree felony to make contradictory statements under oath in an official proceeding that relates to the prosecution of a capital felony; providing that the materiality of a statement is a question of law; providing that it is unnecessary to prove which contradictory statement is untrue; providing that the defendant's belief in the truth of each statement is a defense; amending s. 837.05, F.S.; providing that it is a third-degree felony to knowingly give false information to a law enforcement officer concerning the alleged commission of a capital felony; amending s. 921.0012, F.S.; providing for the ranking under the sentencing guidelines of the offenses of giving false or perjured statements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 164** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 850—A bill to be entitled An act relating to offenses that evidence prejudice; amending s. 775.085, F.S.; providing enhanced penalties for offenses that show evidence of prejudice against the victim, based on the victim's mental or physical disability, or advanced age; providing definitions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 850** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 10—A bill to be entitled An act relating to state correctional facilities; creating the "Tobacco-free Prisons Act"; providing legislative intent; requiring the Department of Corrections and the Correctional Privatization Commission to make smoking-cessation assistance available to inmates; requiring the act to be fully implemented by a specified date; providing definitions; prohibiting an inmate within a state or private correctional facility from possessing or using tobacco products regardless of an inmate's location; prohibiting visitors from possessing tobacco products while in a state or private correctional facility; authorizing the superintendent of each correctional facility to designate special smoking areas within the facility for use by employees; authorizing employees to possess and use tobacco products outdoors within a facility perimeter; requiring policies for the disposal of used tobacco products; providing penalties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 10** was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

SB 152—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; prohibiting the sale, manufacture, delivery, or possession with intent to sell, manufacture, or deliver any controlled

substance within a specified distance of property used for religious services or property on which specified business enterprises conduct business; amending s. 921.0012, F.S.; prescribing sentencing guideline offense levels; providing an effective date.

—was read the second time by title.

Senator Holzendorf moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 1, line 16 through page 2, line 12, delete those lines and insert:

Section 1. Paragraph (b) of subsection (1) of section 893.13, Florida Statutes, 1996 Supplement, is amended, paragraph (e) is added to that subsection, and paragraph (b) of subsection (2), paragraph (c) of subsection (6), and sections (8), (9), and (10) of that section are amended, to read:

893.13 Prohibited acts; penalties.—

(1)

(b) Except as provided in this chapter, it is unlawful to sell or deliver in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, *or any mixture containing any such substance*. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) *Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance not authorized by law in, on, or within 1,000 feet of a physical place for worship at which a church or religious organization regularly conducts religious services or within 1,000 feet of a convenience business as defined in s. 812.171. Any person who violates this paragraph with respect to:*

1. *A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

2. *A controlled substance named or described in s. 893.03(1)(c), (2)(c), (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

3. *Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.*

(2)

(b) Except as provided in this chapter, it is unlawful to purchase in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, *or any mixture containing any such substance*. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6)

(c) Except as provided in this chapter, it is unlawful to possess in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, *or any mixture containing any such substance*. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: prohibiting the sale, delivery, purchase, or possession of certain mixtures containing controlled substances;

Pursuant to Rule 4.19, **SB 152** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

SB 180—A bill to be entitled An act relating to minors; amending s. 562.13, F.S.; prohibiting the employment of a minor by a vendor licensed under the Beverage Law when the employment involves nudity, as defined, on the part of the minor; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 3, lines 4-7, delete those lines and insert: *However, a minor to whom this subsection otherwise applies may not be employed if the employment, whether as a professional entertainer or otherwise, involves nudity, as defined in s. 847.001, on the part of the minor and such nudity is intended as a form of adult entertainment.*

And the title is amended as follows:

On page 1, lines 5 and 6, delete those lines and insert: the employment involves nudity, as defined, on the part of the minor as a form of adult entertainment; providing an effective

Pursuant to Rule 4.19, **SB 180** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 396** was deferred.

On motion by Senator Brown-Waite—

CS for SB 378—A bill to be entitled An act relating to municipal government; creating s. 166.0495, F.S.; authorizing municipalities to enter into interlocal agreements to provide law enforcement services within the boundaries of adjoining municipalities within the same county; providing an effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1—On page 1, line 21, after “*agreement*” insert: *and shall comply with s. 112.0515, if applicable*

Pursuant to Rule 4.19, **CS for SB 378** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

CS for SB 962—A bill to be entitled An act relating to the Community Juvenile Justice System Act; amending s. 39.025, F.S.; conforming provisions to reflect the creation of the Department of Children and Family Services; requiring that specified entities participate in the interagency agreement developed by the county juvenile justice council; specifying information to be included in the agreement; clarifying the minimum requirements to be included in an application for a community juvenile justice partnership grant; deleting a requirement that certain parties participate in the application for such a grant; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 962** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 630—A bill to be entitled An act relating to children; amending s. 402.302, F.S.; defining the terms “evening child care” and “weekend child care”; providing references to the Department of Children and Family Services; amending s. 402.305, F.S.; providing minimum standards for staff-to-children ratio in a licensed child care facility with children of mixed age ranges; providing for minimum standards for

evening child care; amending s. 402.313, F.S.; providing for establishment of minimum standards for licensed family day care homes; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1—On page 7, lines 23-29, delete those lines and insert:

(10) The department shall, by rule, establish minimum standards for family day care homes that are required to be licensed by county licensing ordinance or county licensing resolution or that voluntarily choose to be licensed. The standards should include requirements for staffing, maintenance of immunization records, minimum health standards, reduced standards for the regulation of child care during evening hours by municipalities and counties, and enforcement of standards.

Pursuant to Rule 4.19, **CS for SB 630** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 188** was deferred.

On motion by Senator Myers—

CS for SB 1112—A bill to be entitled An act relating to dentistry; amending s. 466.001, F.S.; revising purpose and providing additional legislative intent; providing applicability of the section to certain contracts; amending s. 466.003, F.S.; expanding the definition of “dentistry”; amending s. 466.028, F.S.; revising and providing grounds for disciplinary action; providing penalties; providing applicability of the section to certain contracts; amending s. 466.0285, F.S.; expanding provisions relating to proprietorship by nondentists, including applicability thereof to certain entities; providing penalties; providing that contracts and arrangements entered into or undertaken in violation of the section are void; providing applicability of the section to certain contracts; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1112** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 1726—A bill to be entitled An act relating to public accountancy; amending s. 473.309, F.S.; revising practice requirements for partnerships, corporations, and limited liability companies; providing that business entities are practicing public accounting if their employees are practicing public accounting; amending s. 473.319, F.S.; restricting the prohibition on contingency fees to certain public accounting services; amending s. 473.3205, F.S.; prohibiting licensees from accepting or paying commissions or referral fees in connection with the sale or referral of certain public accounting services; requiring written disclosure to clients relating to the acceptance of certain commissions; amending s. 473.323, F.S.; providing that failing to provide any required written disclosure to a client or the public is a ground for disciplinary action; providing penalties; amending s. 517.021, F.S.; revising an exemption from the definition of investment adviser for certified public accountants; providing an effective date.

—was read the second time by title.

Senator Crist moved the following amendments which were adopted:

Amendment 1—On page 3, line 12, delete “*partners*” and insert: *shareholders*

Amendment 2—On page 4, delete line 3 and insert:

(d) All noncertified public accountant members are engaged

Pursuant to Rule 4.19, **CS for SB 1726** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

SB 2222—A bill to be entitled An act relating to the National Guard; amending s. 250.10, F.S.; revising provisions governing the appointment of the Adjutant General; providing for the performance of the duties of Adjutant General by certain assistants; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 2222** to **HB 255**.

Pending further consideration of **SB 2222** as amended, on motion by Senator Jones, by two-thirds vote **HB 255** was withdrawn from the Committee on Governmental Reform and Oversight.

On motion by Senator Jones—

HB 255—A bill to be entitled An act relating to the National Guard; amending s. 250.10, F.S.; revising language with respect to the appointment of the Adjutant General; providing for the performance of the duties of Adjutant General by certain assistants; providing an effective date.

—a companion measure, was substituted for **SB 2222** as amended and read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, lines 28 and 29, delete those lines and insert:

Section 2. Subsection (7) of section 250.10, Florida Statutes, is amended, and subsection (8) is added to said section, to read:

250.10 Appointment and duties of the Adjutant General.—

(7) The Adjutant General and representatives of the Board of Regents, the State Board of Community Colleges, and the State Board of Education shall design and develop a *tuition assistance program for members wherein a member in good standing of the active Florida National Guard who is enrolled, or who may enroll, in a public institution of higher learning in the state in accordance with the provisions of subsection (8) shall be exempt from payment of one-half of the cost of tuition and fees, provided such member meets regular admission requirements and is admitted on a space-available basis. Such exemption shall not exceed a period of 10 years from the date of enrollment in the tuition waiver program, or shall continue until graduation or termination of the full-time or part-time student, whichever occurs earlier.*

(a) The program shall set forth application requirements which include, but are not limited to, requirements that the applicant shall:

1. Be 17 years of age or older.
2. Be presently domiciled in the state.
3. Be a member in good standing in the active Florida National Guard at the beginning of and throughout the entire academic term for which benefits are received.
4. Maintain continuous satisfactory participation in the active Florida National Guard for any school term for which exemption benefits are received.
5. Agree in writing to serve in the active Florida National Guard for 3 years after completion of the studies for which an exemption is granted.

(b) The program shall include, but not be limited to, the following penalties:

1. When a member of the active Florida National Guard receives an exemption from tuition and fees for any academic term and fails to maintain satisfactory participation in the Florida National Guard during such academic term, the exemption shall immediately be forfeited and the member shall be required to pay to the institution all tuition charges and student fees for the current academic term for which the exemption has been granted.

2. When a member of the active Florida National Guard leaves the Florida National Guard during the 3-year period such member had agreed to serve after completing the courses for which exemptions were granted, the member shall be required to reimburse the state for all tuition charges and student fees for which such member received exemptions, unless the Adjutant General determines there are justifiable extenuating circumstances.

3. If the service of a member of the active Florida National Guard is terminated or the member is placed on scholastic probation while receiving exemption benefits, the exemption shall be immediately forfeited and the member shall pay to the institution all tuition charges and student fees for the current academic term for which the member has received an exemption.

(c) The program shall define those members of the active Florida National Guard ineligible to participate in the program and those courses of study not authorized for the program.

1. Such members shall include, but not be limited to:

- a. Any member, commissioned officer or warrant officer or enlisted person, who has a baccalaureate degree.
- b. Any member who has 15 years or more of total military service creditable toward retirement.
- c. Any member who has not completed basic military training.

2. Courses not authorized include noncredit courses, courses which do not meet degree requirements, or courses which do not meet requirements for completion of vocational-technical training.

(d) The Adjutant General, together with the Board of Regents, the State Board of Community Colleges, and the State Board of Education, shall promulgate rules for the overall policy, guidance, administration, implementation, and proper utilization of the program. Such rules shall include, but not be limited to, guidelines for certification by the Adjutant General of a guard member's eligibility, procedures for notification to an institution of a guard member's termination of eligibility, and procedures for restitution when a guard member fails to comply with the penalties described in paragraph (b).

~~(e) The number of National Guard members to receive waivers pursuant to this subsection shall be limited to 1,000 annually.~~

(8) *The Department of Military Affairs is authorized to administer an educational tuition assistance program for members of the Florida National Guard who qualify pursuant to subsection (7).*

(a) *Members of the Florida National Guard as of June 30, 1997, shall be exempt from payment of one-half of tuition and fees subject to the following limitations:*

1. *Participation in the program shall not exceed a period of 10 years from the date of enrollment in the tuition assistance program, or shall continue until graduation or termination of the full-time or part-time student, whichever occurs earlier.*

2. *Florida National Guard members shall be admitted on a space-available basis.*

(b) *Notwithstanding paragraph (a) and subject to appropriations, the Department of Military Affairs may pay the full cost of tuition and fees for required courses for members of the Florida National Guard who were members as of June 30, 1997, if a member is unable to obtain admittance on a space-available basis and, at least on one previous occasion, the member was denied admission to the required course.*

(c) *Subject to appropriations, the Department of Military Affairs may pay the full cost of tuition and fees for required courses for members of the Florida National Guard who enlist after June 30, 1997.*

Section 3. Subsection (8) of section 240.235, Florida Statutes, is amended to read:

240.235 Fees.—

(8) The Board of Regents shall exempt one-half of all tuition and course-related fees for certain members of the active Florida National Guard pursuant to the provisions of s. 250.10(8)(6).

Section 4. Paragraph (a) of subsection (4) of section 240.35, Florida Statutes, 1996 Supplement, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction.

(4)(a) Fees shall be waived for certain members of the active Florida National Guard pursuant to the provisions of s. 250.10(8)(6).

Section 5. This act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, line 9, insert: amending s. 250.10, F.S.; revising provisions relating to educational benefits for Florida National Guard members; authorizing payment of the full cost of tuition and fees by the Department of Military Affairs under certain circumstances; amending ss. 240.235 and 240.35, F.S.; conforming cross-references;

Pursuant to Rule 4.19, **HB 255** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson, by two-thirds vote **HB 359** was withdrawn from the Committee on Natural Resources.

On motion by Senator Bronson—

HB 359—A bill to be entitled An act relating to plant control; amending s. 369.252, F.S.; revising provisions relating to the Department of Environmental Protection program to achieve eradication or maintenance control of invasive exotic plants on public lands; providing an effective date.

—a companion measure, was substituted for **SB 1134** and read the second time by title.

Pursuant to Rule 4.19, **HB 359** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay, by two-thirds vote **CS for CS for HB 3** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator McKay—

CS for CS for HB 3—A bill to be entitled An act relating to unemployment compensation; providing for temporary reductions in certain contribution rates for specified employers; amending s. 443.036, F.S.; revising exemption criteria for services performed by children employed by their parents; amending s. 443.111, F.S.; increasing the maximum weekly benefit amount for unemployment compensation benefits; providing an additional amount under certain circumstances; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 188** and read the second time by title.

On motion by Senator McKay, further consideration of **CS for CS for HB 3** was deferred.

On motion by Senator Jenne—

SB 1284—A bill to be entitled An act relating to athlete agents; amending s. 468.453, F.S.; exempting members of The Florida Bar from regulations imposed on athlete agents; providing an effective date.

—was read the second time by title.

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

Amendment 1 (with title amendment)—On page 1, lines 9-15, delete those lines and insert:

Section 1. Paragraph (e) of subsection (2) and subsection (3) of section 468.453, Florida Statutes, are amended to read:

468.453 Licensure required; qualifications; examination; bond.—

(2) A person shall be licensed as an athlete agent if the applicant:

(e) Has provided sufficient information, and a full set of the applicant's fingerprints which has been taken by an authorized law enforcement officer, which must be submitted by the department for a criminal records check through the Federal Bureau of Investigation.

(3) Members of The Florida Bar are exempt from the requirements of this part state laws and rules component, and the fee for such, of the examination required by this section.

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: requiring each applicant for licensure as an athlete agent to submit a full set of fingerprints for purposes of the required criminal records check;

Pursuant to Rule 4.19, **SB 1284** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator McKay, the Senate resumed consideration of—

CS for CS for HB 3—A bill to be entitled An act relating to unemployment compensation; providing for temporary reductions in certain contribution rates for specified employers; amending s. 443.036, F.S.; revising exemption criteria for services performed by children employed by their parents; amending s. 443.111, F.S.; increasing the maximum weekly benefit amount for unemployment compensation benefits; providing an additional amount under certain circumstances; providing effective dates.

—which was previously considered this day.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until consideration of **CS for CS HB 3**, and completion of motions and messages.

Senator McKay moved the following amendment:

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

Section 1. *Notwithstanding section 443.131(3), Florida Statutes, for the 1998 calendar year or any quarter thereof, the division shall subtract 0.5 percent from each employer's assigned tax rate, except for those employers who are assigned the initial rate or who have been assigned a contribution rate of 5.4 percent or higher for more than 36 months. Notwithstanding section 443.131(2), Florida Statutes, for the 1998 calendar year, each employer whose employment record has been chargeable with benefit payments for less than eight calendar quarters shall pay contributions at the initial rate of 2 percent.*

Section 2. Paragraph (n) of subsection (19) of section 443.036, Florida Statutes, 1996 Supplement, is amended to read:

443.036 Definitions.—As used in this chapter, unless the context clearly requires otherwise:

(19) EMPLOYMENT.—“Employment,” subject to the other provisions of this chapter, means any service performed by an employee for the person employing him.

(n) Exclusions generally.—The term “employment” does not include:

1. Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, except as provided in paragraph (g).

2. Service performed on or in connection with a vessel or aircraft not an American vessel or American aircraft, if the employee is employed on and in connection with such vessel or aircraft when outside the United States.

3. Service performed by an individual in, or as an officer or member of the crew of a vessel while it is engaged in, the catching, taking,

harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, including service performed by any such individual as an ordinary incident to any such activity, except:

a. Service performed in connection with the catching or taking of salmon or halibut for commercial purposes.

b. Service performed on, or in connection with, a vessel of more than 10 net tons, determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States.

4. Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of 21 ½ in the employ of his father or mother.

5. Service performed in the employ of the United States Government or of an instrumentality of the United States which is:

a. Wholly or partially owned by the United States.

b. Exempt from the tax imposed by s. 3301 of the Internal Revenue Code by virtue of any provision of federal law which specifically refers to such section, or the corresponding section of prior law, in granting such exemption; except that to the extent that the Congress shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this law shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services. If this state is not certified for any year by the Secretary of Labor under s. 3304 of the federal Internal Revenue Code, the payments required of such instrumentalities with respect to such year shall be refunded by the division from the fund in the same manner and within the same period as is provided in s. 443.141(6) with respect to contributions erroneously collected.

6. Service performed in the employ of a state, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more states or political subdivisions, except as provided in paragraph (b), and any service performed in the employ of any instrumentality of one or more states or political subdivisions, to the extent that the instrumentality is, with respect to such service, immune under the Constitution of the United States from the tax imposed by s. 3301 of the Internal Revenue Code.

7. Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office, except as provided in paragraph (c).

8. Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress.

9.a. Service performed in any calendar quarter in the employ of any organization exempt from income tax under s. 501(a) of the Internal Revenue Code, other than an organization described in s. 401(a), or under s. 521, if the remuneration for such service is less than \$50.

b. Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university.

10. Service performed in the employ of a foreign government, including service as a consular or other officer or employee of a nondiplomatic representative.

11. Service performed in the employ of an instrumentality wholly owned by a foreign government:

a. If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

b. The Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof.

12. Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to a state law; service performed as an intern in the employ of a hospital by an individual who has completed a 4-year course in a medical school chartered or approved pursuant to state law; and service performed by a patient of a hospital for such hospital.

13. Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission, except for such services performed in accordance with 26 U.S.C.S. s. 3306(c)(7) and (8). For purposes of this subsection, those benefits excluded from the definition of wages pursuant to subparagraphs (33)(b)2.-6., inclusive, shall not be considered remuneration.

14. Service performed by an individual for a person as a real estate salesman or agent, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.

15. Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

16. Service covered by an arrangement between the division and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election are deemed to be performed entirely within such agency's state or under such federal law.

17. Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subparagraph does not apply to service performed in a program established for or on behalf of an employer or group of employers.

18. Service performed by an individual for a person as a barber, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.

19. Casual labor not in the course of the employer's trade or business.

20. Service performed by a speech therapist, occupational therapist, or physical therapist who is nonsalaried and working pursuant to a written contract with a home health agency as defined in s. 400.462.

21. Service performed by a direct seller. For purposes of this subparagraph, the term "direct seller" means a person:

a.(I) Who is engaged in the trade or business of selling or soliciting the sale of consumer products to buyers on a buy-sell basis or a deposit-commission basis, or on any similar basis, for resale in the home or in any other place that is not a permanent retail establishment; or

(II) Who is engaged in the trade or business of selling or soliciting the sale of consumer products in the home or in any other place that is not a permanent retail establishment;

b. Substantially all of whose remuneration for services described in sub-subparagraph a., whether or not paid in cash, is directly related to sales or other output, rather than to the number of hours worked; and

c. Who performs such services pursuant to a written contract with the person for whom the services are performed, which contract provides that the person will not be treated as an employee with respect to such services for federal tax purposes.

22. Service performed by a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or subparagraph (J) of s. 101(a)(15) of the Immigration and Nationality Act, and which is performed to carry out the purpose specified in subparagraph (F) or subparagraph (J), as the case may be.

23. Service performed by an individual for remuneration for a private, for-profit delivery or messenger service, if the individual:

a. Is free to accept or reject jobs from the delivery or messenger service and the delivery or messenger service has no control over when the individual works;

b. Is remunerated for each delivery, or the remuneration is based on factors that relate to the work performed, including receipt of a percentage of any rate schedule;

c. Pays all expenses and the opportunity for profit or loss rests solely with the individual;

d. Is responsible for operating costs, including fuel, repairs, supplies, and motor vehicle insurance;

e. Determines the method of performing the service, including selection of routes and order of deliveries;

f. Is responsible for the completion of a specific job and is liable for any failure to complete that job;

g. Enters into a contract with the delivery or messenger service which specifies the relationship of the individual to the delivery or messenger service to be that of an independent contractor and not that of an employee; and

h. Provides the vehicle used to perform the service.

24. Service performed in agricultural labor by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to ss. 101(a)(15)(H) and 214(c) of the Immigration and Nationality Act.

Section 3. Subsection (3) and paragraph (a) of subsection (5) of section 443.111, Florida Statutes, 1996 Supplement, are amended to read:

443.111 Payment of benefits.—

(3) WEEKLY BENEFIT AMOUNT.—An individual's "weekly benefit amount" shall be an amount equal to one-twenty-sixth of the total wages for insured work paid during that quarter of the base period in which such total wages paid were the highest, but not less than \$32 or more than \$250. *For claims with benefit years beginning July 1, 1997, through June 30, 1998, an additional 5 percent of the weekly benefit amount shall be added for the first 8 compensable weeks of benefits paid, not to exceed \$262. For benefit years beginning July 1, 1998, an individual's "weekly benefit amount" shall be an amount equal to one-twenty-sixth of the total wages for insured work paid during that quarter of the base period in which such total wages paid were the highest, but not less than \$32 or more than \$275.* Such weekly benefit amount, if not a multiple of \$1, shall be rounded downward to the nearest full dollar amount. The maximum weekly benefit amount in effect at the time the claimant establishes an individual weekly benefit amount shall be the maximum benefit amount applicable throughout the claimant's benefit year.

(5) DURATION OF BENEFITS.—

(a)1. Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to 25 percent of the total wages in the base period, not to exceed \$6,500. *For claims with benefit years beginning July 1, 1997, through June 30, 1998, an additional amount equal to 5 percent of the weekly benefit amount multiplied by eight shall be added to the calculated total amount of benefits, the sum of which may not exceed \$6,596. For benefit years beginning July 1, 1998, any otherwise eligible individual shall be entitled during any benefit year*

to a total amount of benefits equal to 25 percent of the total wages in the base period, not to exceed \$7,150. However, such total amount of benefits, if not a multiple of \$1, shall be rounded downward to the nearest full dollar amount. Such benefits shall be payable at a weekly rate no greater than the weekly benefit amount.

2. For the purposes of this subsection, wages shall be counted as "wages for insured work" for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employing unit by whom such wages were paid has satisfied the conditions of this chapter with respect to becoming an employer.

Section 4. This act shall take effect July 1, 1997.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to unemployment compensation; providing for temporary reductions in certain contribution rates for specified employers; amending s. 443.036, F.S.; revising exemption criteria for services performed by children employed by their parents; amending s. 443.111, F.S.; increasing the maximum weekly and yearly benefit amounts for unemployment compensation benefits; specifying benefit years; providing an effective date.

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

Amendment 1A—On page 9, lines 4-31, delete those lines and insert: *with benefit years beginning July 1, 1997, through December 31, 1997, an additional 5 percent of the weekly benefit amount shall be added for the first 8 compensable weeks of benefits paid, not to exceed \$262. For benefit years beginning January 1, 1998, an individual's "weekly benefit amount" shall be an amount equal to one-twenty-sixth of the total wages for insured work paid during that quarter of the base period in which such total wages paid were the highest, but not less than \$32 or more than \$275. For claims with benefit years beginning January 1, 1998, through June 30, 1998, an additional 5 percent of the weekly benefit amount shall be added for the first 8 compensable weeks of benefits paid, not to exceed \$288.* Such weekly benefit amount, if not a multiple of \$1, shall be rounded downward to the nearest full dollar amount. The maximum weekly benefit amount in effect at the time the claimant establishes an individual weekly benefit amount shall be the maximum benefit amount applicable throughout the claimant's benefit year.

(5) DURATION OF BENEFITS.—

(a)1. Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to 25 percent of the total wages in the base period, not to exceed \$6,500. *For claims with benefit years beginning July 1, 1997, through December 31, 1997, an additional amount equal to 5 percent of the weekly benefit amount multiplied by eight shall be added to the calculated total amount of benefits, the sum of which may not exceed \$6,596. For benefit years beginning January 1, 1998, any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to 25 percent of the total wages in the base period, not to exceed \$7,150. For claims with benefit years beginning January 1, 1998, through June 30, 1998, an additional amount equal to 5 percent of the weekly benefit amount multiplied by eight shall be added to the calculated total amount of benefits, the sum of which may not exceed \$7,254.* However, such total amount of benefits, if not a multiple of \$1, shall be rounded downward

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 3** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 2400, with amendment(s), and requests the concurrence

of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed from the House to resolve the differences between the houses.

John B. Phelps, Clerk

SB 2400—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1997, and ending June 30, 1998, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

Pursuant to Rule 7.6, **House Amendments 1, 2, 3, 4 and 5** constituted an entirely new bill and were not published in the Journal.

MOTION

On motion by Senator Sullivan, the Senate refused to concur in the House amendments to **SB 2400** and acceded to the request for a conference committee.

CONFEREES ON SB 2400 APPOINTED

The President appointed Senator Sullivan, Chairman; Subcommittee A: Senators Childers, Chairman, Bronson, Dantzler, Latvala, Harris and Hargrett; and alternates, Senators Lee and Jones; Subcommittee B: Senators Horne, Chairman, Grant, Kirkpatrick, Holzendorf, Dyer, Diaz-Balart and Jenne; and alternates, Senators Cowin and Clary; Subcommittee C: Senators Myers, Chairman, Bankhead, Kurth, Brown-Waite and Rossin; and alternates, Senators Forman and McKay; Subcommittee D: Senators Silver, Chairman, Dudley and Gutman; and alternates, Senators Campbell, Klein and Meadows; At Large: Senators Thomas, Scott and Casas; as conferees on **SB 2400**.

The action of the Senate was certified to the House.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives as conferees on the part of the House.

Representative Garcia - Chair; Representatives Morse, Posey and Logan, at large; Representative Starks, at large F&T

Health and Human Services - Fiscal: Representative Sanderson - Chair; Representatives Hafner, Jones, Littlefield, Smith, Albright (alternate) and Dennis (alternate)

Education-Fiscal: Representative Sublette - Chair; Representatives Chestnut, Constantine, Edwards, Horan, Mackenzie, Stabins, Thrasher, Wise, Culp (alternate), Lynn (alternate) and Wasserman Schultz (alternate)

Criminal Justice - Appropriations: Representative Villalobos - Chair; Representatives Flanagan, Meek, Bainter (alternate) and Crady (alternate)

General Government - Fiscal: Representative K. Pruitt - Chair; Representatives Lawson, Mackey, Bronson (alternate) and Gay (alternate)

Transportation & Economic - Fiscal: Representative Merchant - Chair; Representatives Feeny, Minton, Reddick, Bradley (alternate) and Sembler (alternate)

John B. Phelps, Clerk

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 2402, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed from the House to resolve the differences between the houses.

John B. Phelps, Clerk

SB 2402—A bill to be entitled An act relating to implementing the fiscal year 1997-1998 General Appropriations Act; providing legislative intent; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1997-1998 for qualifying hospitals; amending s. 409.9116, F.S.; altering the formula for rural hospital disproportionate share payments; prohibiting the Agency for Health Care Administration from capitating health maintenance organizations for a specified period of time; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; directing the Departments of Children and Families and Juvenile Justice to conduct a study of certain funds as a state match for specified funds; requiring the Department of Children and Family Services, the Department of Health, and the Department of Juvenile Justice to use specified appropriations to conduct a study and develop recommendations for a district budget flexibility initiative; providing requirements for the study; requiring a report to the Governor and the Legislature; authorizing the Correctional Privatization Commission and the Department of Juvenile Justice to expend appropriated funds to defray impact costs of municipalities and counties associated with opening and operating a facility; amending s. 236.081, F.S., relating to the Florida Education Financing Program; authorizing funds to keep the district required local effort at a specified percentage of the district's total calculation; amending s. 240.605, F.S.; providing for funding of the Florida resident access grant in an amount specified in the General Appropriations Act; amending s. 15.09, F.S.; authorizing the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State; authorizing use of the Citrus Advertising Trust Fund; amending s. 253.783, F.S.; authorizing use of general revenue funds for repayment to Duval County; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing severability; providing an effective date.

Pursuant to Rule 7.6, **House Amendment 1** constituted an entirely new bill and was not published in the Journal.

MOTION

On motion by Senator Sullivan, the Senate refused to concur in the House amendment to **SB 2402** and acceded to the request for a conference committee.

CONFEREES ON SB 2402 APPOINTED

The President appointed Senator Sullivan, Chairman; Subcommittee A: Senators Childers, Chairman, Bronson, Dantzler, Latvala, Harris and Hargrett; and alternates, Senators Lee and Jones; Subcommittee B: Senators Horne, Chairman, Grant, Kirkpatrick, Holzendorf, Dyer, Diaz-Balart and Jenne; and alternates, Senators Cowin and Clary; Subcommittee C: Senators Myers, Chairman, Bankhead, Kurth, Brown-Waite and Rossin; and alternates, Senators Forman and McKay; Subcommittee D: Senators Silver, Chairman, Dudley and Gutman; and alternates, Senators Campbell, Klein and Meadows; At Large: Senators Thomas, Scott and Casas; as conferees on **SB 2402**.

The action of the Senate was certified to the House.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives as conferees on the part of the House.

Representative Garcia - Chair; Representatives Morse, Posey and Logan, at large; Representative Starks, at large F&T

Health and Human Services - Fiscal: Representative Sanderson - Chair; Representatives Hafner, Jones, Littlefield, Smith, Albright (alternate) and Dennis (alternate)

Education-Fiscal: Representative Sublette - Chair; Representatives Chestnut, Constantine, Edwards, Horan, Mackenzie, Stabins, Thrasher,

Wise, Culp (alternate), Lynn (alternate) and Wasserman Schultz (alternate)

Criminal Justice - Appropriations: Representative Villalobos - Chair; Representatives Flanagan, Meek, Bainter (alternate) and Crady (alternate)

General Government - Fiscal: Representative K. Pruitt - Chair; Representatives Lawson, Mackey, Bronson (alternate) and Gay (alternate)

Transportation & Economic - Fiscal: Representative Merchant - Chair; Representatives Feeney, Minton, Reddick, Bradley (alternate) and Sembler (alternate)

John B. Phelps, Clerk

MOTION

On motion by Senator Bankhead, the rules were waived and by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Thursday, April 17.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 16, 1997: CS for SB 1312, SB 358, CS for SB 968, SB 244, CS for SB 266, CS for SB 1014, CS for SB 1282, CS for SB 956, SB 656, CS for SB 96, CS for SB 210, SB 958, CS for SB's 312 and 478, SB 532, SB 796, SB 46, SB 182, SB 1872, SB 154, SB 328, CS for SB 1862, CS for SB 246, SB 164, CS for SB 850, CS for SB 10, SB 152, SB 180, CS for SB 396, CS for SB 378, CS for SB 962, CS for SB 630, CS for CS for SB 188, CS for SB 1112, CS for SB 1726, SB 2222, SB 1134, SB 1284, SB 1344, CS for CS for SB 786, CS for SB 880, CS for SB 444, SB 1042, SB 1108, CS for SB 990, SB 898, CS for SB's 1286 and 1446, SB 392, SB 684, CS for SB 842, SB 528, SB 1130, SB 1186, SB 664, CS for SB 852, SB 1922

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1584 with 1 amendment

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Agriculture recommends the following pass: SB 768

The Committee on Children, Families and Seniors recommends the following pass: SB 1292 with 2 amendments

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1244 with 1 amendment

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 1708 with 2 amendments

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

The Committee on Agriculture recommends the following pass: SB 992 with 1 amendment, SB 1262

The bills were referred to the Committee on Natural Resources under the original reference.

The Committee on Community Affairs recommends the following pass: SB 2466

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 2270 with 1 amendment

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

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 806 with 1 amendment

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

The Committee on Children, Families and Seniors recommends the following pass: CS for SB 1822 with 1 amendment, SB 2076, CS for SB 2086, SB 2230 with 4 amendments

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 618, SB 622 with 1 amendment, CS for SB 1842, SB 1844, SB 2150

The Committee on Community Affairs recommends the following pass: CS for SB 1074 with 4 amendments, SB 1826, SB 2252 with 2 amendments

The Committee on Criminal Justice recommends the following pass: SB 252, SB 1016, SJR 2030

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 908 with 1 amendment, CS for SB 1248, SB 1462, CS for SB 1632 with 8 amendments, CS for SB 1814 with 5 amendments

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

The Committee on Community Affairs recommends the following pass: SB 830, CS for SB 1832, CS for SB 1840

The Committee on Criminal Justice recommends the following pass: SB 1192 with 1 amendment, SB 1710

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 996 with 1 amendment

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 2068

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

The Committee on Judiciary recommends the following not pass: SB 1926

The bill was laid on the table.

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1594

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2038

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 1500

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

The Committee on Health Care recommends a committee substitute for the following: SB 746

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

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 2180

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: Senate Bills 1846 and 1876

The Committee on Education recommends committee substitutes for the following: SB 1654, SB 1864, SB 1866, SB 1948

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: CS for SB 690, SB 1362

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Clary—

SB 2506—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended; revising provisions relating to the Civil Service System for certain employees of Santa Rosa County; providing for the appointment of the fifth member to the board; providing for transfers within the Civil Service System; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Turner—

SB 2508—A bill to be entitled An act relating to Manatee County; providing for the relief of Frank H. Holliday; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Manatee County Sheriff's Department; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dantzler—

SB 2510—A bill to be entitled An act relating to Polk County; repealing chapter 14580, Laws of Florida, 1929, and chapter 13899, Laws of Florida, 1929; dissolving the Wahneta Drainage District and providing for the disposition of its assets; amending chapter 8378, Laws of Florida, 1919, as amended; revising the law relating to the Lake Region Lakes Management District; authorizing said district to engage in certain acts relating to drainage canals, lake level management, and the operation of water management structures; providing immunity from liability for said district with respect to any failure of such water management structures; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Williams—

SB 2512—A bill to be entitled An act relating to Gilchrist County; amending chapter 59-1308, Laws of Florida, as amended, relating to the Gilchrist County Development Authority; increasing the number of members of the authority from 5 to 9; providing that the membership of the Gilchrist County Development Authority be the same as the membership of the Gilchrist County Industrial Development Authority and that the Gilchrist County Development Authority and the Gilchrist

County Industrial Development Authority operate as one authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Williams—

SB 2514—A bill to be entitled An act relating to Gilchrist County; allowing the establishment of a capital fund for the construction, expansion, improvement, equipping, furnishing, and initial-year operation of a County Law Enforcement Complex, including a county detention/corrections facility, to be funded from the Gilchrist County Law Enforcement Trust Fund, state forfeitures, supplemented by federal forfeiture funds, both of which contain proceeds from the sale of certain contraband; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2516—Not referenced.

By Senator Forman—

SB 2518—A bill to be entitled An act relating to the North Broward Hospital District, Broward County; amending chapter 27438, Laws of Florida, 1951, as amended, relating to the powers of the Board of Commissioners of the North Broward Hospital District to enter into interest rate swap agreements and certain other derivative instruments; to invest available funds of the pension plan in accordance with certain provisions of state law; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

SB 2520—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; amending chapter 63-661, Laws of Florida, as amended; reducing the number of members of the Board of Supervisors of the North Lauderdale Water Control District from a board of seven members to a board of five members to be composed of sitting members of the City Council of the City of North Lauderdale within 30 days after this act becomes a law; providing intent with respect to the election of supervisors; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Governmental Reform and Oversight; Education; and Senator Dudley—

CS for CS for SB 690—A bill to be entitled An act relating to investments in education; creating the Florida Education Technology Foundation for certain purposes; providing for a board of directors; providing for membership; providing for appointing members; providing for electing members; providing duties of the board; providing for creation of Florida's Future Investment Funds for certain purposes; providing for investment of moneys in such funds; providing for donating certain revenues to the foundation; providing for contributing a portion of investment interest to the foundation for certain purposes; providing for a reduced intangibles tax rate on securities in Florida's Future Investment Funds under certain circumstances; creating s. 212.0602, F.S.; exempting the

purchase or lease of certain items by certain educational entities, institutions, or organizations from the sales and use tax under certain limited circumstances; providing an effective date.

By the Committee on Health Care and Senators Clary, Horne, Grant, Brown-Waite, Ostalkiewicz and Cowin—

CS for SB 746—A bill to be entitled An act relating to informed consent; creating the “Woman’s Right-To-Know Act”; amending and renumbering s. 390.001, F.S.; requiring the voluntary and informed consent of a woman upon whom a termination of pregnancy is to be performed or induced; providing requirements of informed consent; providing that a physician provide certain information; requiring written acknowledgment that the pregnant woman has been provided with certain information; providing requirements relating to an emergency procedure; providing for disciplinary action; amending and renumbering s. 390.002, F.S.; conforming references to the Department of Health; amending s. 390.011, F.S.; expanding scope and revising definitions; amending ss. 390.012, 390.014, 390.015, 390.016, 390.017, 390.018, 390.019, and 390.021, F.S.; conforming references to the department, the Agency for Health Care Administration, and the chapter; providing an effective date

By the Committee on Governmental Reform and Oversight; and Senator Thomas—

CS for SB 1362—A bill to be entitled An act relating to propane gas; creating ss. 527.20-527.23, F.S.; creating the Florida Propane Gas Education, Safety, and Research Act; providing a statement of legislative purpose; providing definitions; establishing the Florida Propane Gas Education, Safety, and Research Council; providing for membership, duties, and responsibilities; providing for marketing orders and requirements; providing referendum requirements; providing for industry assessments; providing for rules; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Harris—

CS for SB 1500—A bill to be entitled An act relating to public officers and employees; amending s. 112.3173, F.S., which provides for the forfeiture of retirement benefits by a public officer or employee convicted of specified felony offenses involving breach of the public trust or whose office or employment is terminated by reason of his or her commission or aiding in the commission of such offense; specifying additional offenses for which such forfeiture is required; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Thomas, Williams, Bronson and Kirkpatrick—

CS for SB 1594—A bill to be entitled An act relating to outdoor power equipment; creating ss. 686.60-686.614, F.S.; regulating sales and distribution of, and dealer relationships relating to, outdoor power equipment; providing a short title; providing legislative findings and intent; providing definitions; providing application; providing for warranty agreements; providing for claims and compensation of dealers; providing for parts availability and return; providing for repurchase of inventory under certain circumstances; providing for compensation for inventory under certain circumstances; providing for indemnification of dealers under certain legal actions; specifying unlawful acts and practices; specifying unenforceable contracts or agreements; providing remedies; providing for effect on other remedies; providing an effective date.

By the Committee on Education and Senator Ostalkiewicz—

CS for SB 1654—A bill to be entitled An act relating to nonpublic postsecondary institutions; amending s. 246.081, F.S.; conforming provisions; creating s. 246.084; establishing requirements for authorization; providing duties of the State Board of Independent Colleges and Universities; providing procedures for noncompliance; amending s. 246.101,

F.S.; providing for an exemption from fees; creating a new workload fee; repealing s. 246.021(2), (7), and (10), F.S., relating to definitions; repealing s. 246.083, F.S., relating to authorization to operate; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senators Clary, Dantzler and Dudley—

CS for SB’s 1846 and 1876—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.0515, F.S.; repealing a requirement that operators of vending machines submit quarterly reports to the Department of Revenue relating to gross receipts from such machines and tax thereon; repealing a related penalty; providing that a penalty for displaying a required notice is optional, rather than mandatory; providing an effective date.

By the Committee on Education and Senator Grant—

CS for SB 1864—A bill to be entitled An act relating to trust funds; creating s. 235.51, F.S.; creating the School Infrastructure Trust Fund within the Department of Education; providing for sources of moneys and purposes; providing for annual carryover of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committee on Education and Senator Grant—

CS for SB 1866—A bill to be entitled An act relating to education; providing for a review over a 4-year period of the portions of the Florida School Code that govern the public schools; establishing the School Infrastructure Trust Fund Program; providing purposes; requiring the Commissioner of Education to review rules and recommend repeal; authorizing school district participation in the program and providing requirements; requiring review and recommendation for awards; restricting the use of program awards by the Legislature; authorizing the repeal of statutes; providing for annual funding; providing an effective date.

By the Committee on Education and Senator Holzendorf—

CS for SB 1948—A bill to be entitled An act relating to postsecondary education; amending s. 240.529, F.S.; providing that, beginning in the 1998-1999 academic year, State University System initial teacher preparation programs shall include an optional teacher internship in a socially and economically disadvantaged area; providing that, beginning in the 1999-2000 academic year, State University System initial teacher preparation programs, in partnership with public school districts, shall establish teaching residency programs in disadvantaged areas; providing an effective date.

By the Committee on Criminal Justice and Senator Latvala—

CS for SB 2038—A bill to be entitled An act relating to correctional work programs; amending s. 212.08, F.S., relating to specified exemptions from retail sale, rental, use, consumption, distribution, and storage taxes; providing an exemption for products sold by the corporation authorized to operate correctional work programs; providing for applicability of the exemption retroactive to July 1, 1983; amending s. 283.31, F.S., relating to records of executive agency publications; removing requirement for financial and performance audits of the corporation by the Auditor General; amending s. 946.503, F.S.; redefining “facilities” with respect to correctional work programs; amending s. 946.504, F.S., relating to lease of facilities by the Department of Corrections to corporation authorized to operate correctional work programs, to conform; amending s. 946.505, F.S., relating to reversion of property to the department upon dissolution of corporation or termination of lease, and reenacting s. 946.509(1), F.S., relating to insurance of property leased or acquired by the corporation, to incorporate said amendment in a reference; providing for reversion of certain facilities subsequently constructed or otherwise acquired after the original lease; amending s. 946.511, F.S.; revising

objectives and priorities for assignment of inmates to programs to specify priority with respect to essential operational functions and revenue-generating contracts; defining the term "revenue-generating contracts"; amending s. 946.512, F.S., relating to inmate compensation plan; providing for certain payments to the Correctional Work Program Trust Fund in lieu of the Grants and Donations Trust Fund; removing provision for annual appropriation; amending s. 946.515, F.S.; permitting the furnishing or sale of services or items produced by the corporation when not otherwise prohibited by law; amending s. 946.516, F.S.; requiring a performance audit in 1999, and thereafter at the request of the Joint Legislative Auditing Committee, of the corporation by the Office of Program Policy Analysis and Government Accountability; authorizing the Auditor General to conduct a financial audit at least once every five years or upon request of the Joint Legislative Auditing Committee; amending s. 945.04, F.S., deleting certain requirements for assignments of inmates within a specified period of their release dates, and report by the department thereon; deleting the prohibition against the department removing inmates assigned to certain work programs with specified exceptions; repealing s. 946.009, F.S., relating to operational guidelines for correctional work programs; creating s. 946.520, F.S.; requiring the department to assign certain inmates to specified work programs; requiring the department to assign a certain percentage of specified inmates collectively to the specified work programs; providing an exclusion to the percentage requirement for certain institutions; prohibiting the department from removing inmates from specified work assignments except under certain circumstances; providing an effective date.

By the Committee on Children, Families and Seniors; and Senator Turner—

CS for SB 2180—A bill to be entitled An act relating to welfare reform; amending s. 414.065, F.S.; providing formulas for determining the number of hours of work participation in community service work experience required for adult participants in the WAGES Program; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 273 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Sindler and others—

HB 273—A bill to be entitled An act relating to sexually transmissible diseases; amending s. 384.24, F.S., relating to unlawful acts by a person infected with a sexually transmissible disease; revising provisions prohibiting such acts; amending s. 384.34, F.S.; providing third degree felony penalties for a person who violates specified provisions prohibiting sexual intercourse by a person who has human immunodeficiency virus infection; amending s. 796.08, F.S.; revising the category of offenses constituting criminal transmission of human immunodeficiency virus infection to include the offer to commit prostitution under specified circumstances when the person offering to commit prostitution has tested positive for human immunodeficiency virus infection; providing

penalties; reenacting s. 775.0877(1)(m) and (7), F.S., to incorporate said amendment to s. 796.08, F.S., in a reference; providing an effective date.

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

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 788 and SB 1104.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed CS for HB 541, as amended.

John B. Phelps, Clerk

JOINT SELECT COMMITTEE APPOINTED

The Honorable Faye W. Blanton
Secretary of the Senate

April 15, 1997

The Honorable John B. Phelps
Clerk of the House of Representatives

Dear Madam Secretary and Mr. Clerk:

Pursuant to Section 11.14(4), Florida Statutes, we have created the Joint Select Committee on Collective Bargaining.

The Senators appointed to serve on the joint committee are: Senator Charles Williams, Co-Chair; Senator Charlie Crist; Senator Alberto Gutman; Senator Katherine Harris; and Senator Tom Rossin.

The Members of the House of Representatives appointed to serve are: Representative Bill Posey, Co-Chair; Representative Mike Fasano; Representative Everett Kelly; Representative Al Lawson; and Representative Ken Pruitt.

Sincerely,

Toni Jennings
President of the Senate

Daniel Webster
Speaker of the House

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 14 was corrected and approved.

CO-SPONSORS

Senators Burt—SB 958; Clary—CS for SB 1660; Klein—CS for SB 1726; Latvala—CS for SB 1726

Senator Brown-Waite withdrew as a co-sponsor of SB 1438.

RECESS

On motion by Senator Bankhead, the Senate recessed at 12:12 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, April 17.