



Journal of the Senate

Number 17—Regular Session

Thursday, April 24, 1997

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ADOPTION OF RESOLUTIONS

At the request of Senator Thomas—

By Senator Thomas—

SR 2332—A resolution commending the Maranatha Christian Academy Patriots Basketball Team of Tallahassee and Coaches Pete Johnson and Bob Wilkinson for winning the 1997 Class 2A National Association of Christian Athletes Boys Basketball Championship.

WHEREAS, on Friday, March 14, 1997, in Dayton, Tennessee, the Maranatha Christian Academy Patriots boys varsity basketball team won the 1997 Class 2A National Association of Christian Athletes (NACA) Basketball Championship by defeating Faith Christian of Glassboro, New Jersey by a score of 89 to 85, and

WHEREAS, this was the first national basketball tournament attended by the Patriots in the twenty years of the school's existence, and

WHEREAS, the Patriots posted a 25-3 record for the 1996-1997 season, and

WHEREAS, the Patriots defeated Success Christian School of Jacksonville, Florida, by a score of 79 to 61 to win the Florida Christian League Division I State Championship, and

WHEREAS, the Patriots defeated Bethel Assembly Christian Academy of Windsor, North Carolina, 97 to 67, and Shekinah Christian School of Plain City, Ohio, 70 to 69 on their way to the title game, and

WHEREAS, although MCA has only 20 boys in high school, five MCA players (John Catledge, Matt Hendrith, David Ivarson, Jonathan Overholser, and Dan Smith) earned NACA All-American recognition, and

WHEREAS, Patriots senior forward David Ivarson reached 1,000 high school career rebounds in the Patriots homecoming game on February 21, and 2,000 high school career points in the NACA title game, and was named tournament Most Valuable Player, and

WHEREAS, the 1997 championship was a total team effort, reflecting a season of dedicated practice and concentrated effort by all members of the team, but giving all glory to God, NOW, THEREFORE,

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

That the Florida Senate joins the friends, parents, students, and teachers of Maranatha Christian Academy in Tallahassee in congratulating each member of the Patriots varsity basketball team, Head Coach Pete Johnson, and Assistant Coach Bob Wilkinson for their accomplishments in winning the 1997 Class 2A National Association of Christian Athletes Boys Basketball Championship.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Coach Pete Johnson, Coach Bob Wilkinson, Administrator Don Roehl, and each member of the Maranatha Christian Academy Patriots Varsity Basketball Team as a tangible token of the sentiments of the Florida Senate.

—**SR 2332** was introduced, read and adopted by publication.

CALL TO ORDER

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

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

PRAYER

The following prayer was offered by Senator Meadows:

O King of kings and Lord of lords, at whose throne the weak shall be made strong, and the unjust shall be judged, pour out your grace upon us.

We pray for your divine guidance as we seek ways to better serve you and the citizens we represent. Keep us from the arrogance of power.

Enable us to be an instrument of love, fostering good will and peace, so that others following may also be blessed.

In your Holy Name we pray. Amen.

PLEDGE

Senate Pages, Blake Bailey of Tallahassee and Matthew Crawford of Cocoa, led the Senate in the pledge of allegiance to the flag of the United States of America.

At the request of Senator Turner—

By Senator Turner—

SR 2398—A resolution recognizing Teen Pregnancy Prevention Awareness Week in Florida.

WHEREAS, we, the people of the State of Florida, believe that the children of this state should be born healthy, grow up in a safe and nurturing environment, have the full support of their mother and father, experience educational success, achieve economic independence, and reach their fullest potential in life, and

WHEREAS, teen pregnancy and parenting increases the likelihood of low birth weight, developmental delays and disabilities, and child abuse and neglect for the infant and disruption of education, decreased income potential, economic dependence on welfare, and subsequent pregnancies in the teenage years for the mother, and

WHEREAS, the burden associated with teen pregnancy and parenting is also borne by the taxpayers of Florida through increased costs in the areas of health care, education, welfare, and juvenile crime, and

WHEREAS, in each of the last 7 years, more than 17,000 of Florida's children from ages 10 through 18 years have given birth to children, and

WHEREAS, a summit on the prevention of teen pregnancy which included private and public representation from around the state identified public awareness as an important strategy for addressing this problem, and

WHEREAS, the prevention of teen pregnancy should be a priority in the State of Florida, and

WHEREAS, the State of Florida should further focus its attention on the prevention of teen pregnancy by building awareness of the causes, extent, and consequences of the problem; building linkages between local, state, and national resources; and calling its residents to action in their communities to address this critical issue, NOW, THEREFORE,

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

That the Senate recognizes the period of April 23, 1997, through May 1, 1997, Teen Pregnancy Prevention Awareness Week in Florida.

—**SR 2398** was introduced, read and adopted by publication.

At the request of Senator Turner—

By Senator Turner—

SR 2412—A resolution commending the Miami Carol City Senior High School Football Team.

WHEREAS, the Miami Carol City Senior High School Football Team represented Metropolitan Dade County in an outstanding fashion while capturing the 1996 Florida 6A Football Championship on December 21, 1996, and

WHEREAS, under the leadership of Coach Walt Frazier, the Miami Carol City Chiefs posted an impressive 14-1 record during the 1996 season, and

WHEREAS, this outstanding Chiefs squad, composed of some of the finest athletes in South Florida, demonstrated sportsmanship, desire, and class throughout the year, and

WHEREAS, all Dade County is proud of Coach Frazier and each and every member of the 1996 Miami Carol City Senior High School Chiefs Team, and

WHEREAS, it is fitting that official recognition be given to all those associated with this exemplary program, NOW, THEREFORE,

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

That the Miami Carol City Senior High School Football Team, Coach Walt Frazier, and the coaching staff are commended for their outstand-

ing accomplishments in bringing the Carol City Chiefs to state prominence and excellence in high school football.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Miami Carol City Senior High School Football Team and to Coach Frazier as a tangible token of the sentiments of the Florida Senate.

—**SR 2412** was introduced, read and adopted by publication.

At the request of Senator Bankhead—

By Senator Bankhead—

SR 2482—A resolution commending Robin Harrell for her dedicated and tireless service in creating and maintaining the legislative message center.

WHEREAS, Robin Harrell began work for Centel Phone Company as a Service Representative in 1974, and

WHEREAS, Robin Harrell began working in the Centel Legislative Message Center in 1983 as an adjunct to her regular duties for the phone company, where she single-handedly maintained a message and information center for both permanent and seasonal Capitol visitors during all succeeding legislative sessions, and

WHEREAS, Robin Harrell began handing out snacks for Capitol visitors along with directions to various committee rooms and legislators' offices in 1988 and started a Capitol custom which endures today, and over the 13 years that she staffed the center, she provided thousands of pounds of snacks which were paid for by Capitol visitors, and

WHEREAS, Robin Harrell created a friendly, nonthreatening "time-out" zone for everyone who works in or visits the Capitol, including visiting school children and their teachers, legislative staff, the Capitol Press Corps, and Capitol Security, and

WHEREAS, Robin Harrell has provided invaluable service to Capitol visitors returning each year by assisting with transfer of telephone service, and has kept messages for countless thousands of Capitol visitors, and

WHEREAS, Robin Harrell always kept the message center open until session had adjourned each night, regardless of the hour of adjournment, and

WHEREAS, Robin Harrell has been promoted by Sprint Centel to a position which takes her from the Capitol during legislative session, NOW, THEREFORE,

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

That the Florida Senate, on behalf of all the visitors who have known or been helped by Robin Harrell, commends her for her dedicated and tireless service to the Legislature and all the citizens who have visited the Capitol.

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

—**SR 2482** was introduced, read and adopted by publication.

At the request of Senator Lee—

By Senator Lee—

SR 2494—A resolution commending Brooke Bennett, Olympic Gold Medalist in the 800-meter freestyle and member of the 1996 USA Women's Swim Team at the 1996 Atlanta Summer Games.

WHEREAS, Brooke Bennett won the Gold Medal in the 800-meter freestyle swimming event for the USA Women's Swim Team during the 1996 Olympic Games in Atlanta, and

WHEREAS, swimming in her first-ever Olympics, Brooke Bennett took the lead after the 70-meter mark and was never seriously challenged again during her event, and

WHEREAS, following the instructions of Coach Peter Banks, she kept her composure, kept her eye on the German swimmers, remembered that she is number one in the world in the 800-meter freestyle, and, swimming her lifetime best at 8 minutes 27.89 seconds, Brooke Bennett took the gold, and

WHEREAS, she was two seconds faster than Germany's Dagmar Hase, with six of the world's best swimmers following, including Holland's Kirsten Vliegheuis, Germany's Kerstin Kielgass, Norway's Irene Dalby, America's Janet Evans, Holland's Carla Geurts, and Britain's Sarah Hardcastle, and

WHEREAS, she dedicated her race to James Lane, her grandfather, who had her swimming underwater from poolside to poolside when she was one year old, and

WHEREAS, by the age of five, Brooke Bennett was competing in organized swimming with the Tampa Bay Rays and, by the age of nine, she was swimming year-round at the Brandon Swim and Tennis Club for Coach Banks, and

WHEREAS, her training includes more than 50 miles of swimming each week, with practices from 5:15 a.m. until 7 a.m. and from 4 p.m. until 7 p.m. 6 days a week, aerobic and weight training, and maintaining a nutritious diet, and

WHEREAS, Brooke Bennett, who attends Durant High School, is the 16-year-old daughter of Keith Bennett and Rachel Bennett, of Plant City, and

WHEREAS, it is appropriate to recognize Brooke Bennett for her natural talent, tenacity, and tremendous work ethic, NOW, THEREFORE,

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

That Brooke Bennett, Olympic Gold Medalist in the 800-meter freestyle swim and member of the 1996 USA Women's Swim Team, is commended for her outstanding accomplishment at the Atlanta Summer Games.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate and with the Seal of the Senate affixed, be transmitted to Brooke Bennett as a tangible token of the sentiments of the Florida Senate.

—**SR 2494** was introduced, read and adopted by publication.

At the request of Senator Hargrett—

By Senator Hargrett—

SR 2504—A resolution commending the Institute on Black Life at the University of South Florida for its accomplishments.

WHEREAS, the Institute on Black Life was established in the fall of 1986 to serve as a bridge between the University of South Florida and the global community, and

WHEREAS, the Institute on Black Life fosters positive communication and interaction among the 15-county West Coast service area, comprising the Tampa Bay Region, and the international community, and

WHEREAS, the Institute on Black Life works in conjunction with city, county, and state political leaders, as well as community-based organizations, to enhance the quality of life for all, and

WHEREAS, the Institute on Black Life serves as a vehicle to utilize faculty, staff, and student expertise in addressing identified university and community needs for research, training, and program development to enhance the economic, educational, social, political, and religious life of the Tampa Bay community, and

WHEREAS, the Institute on Black Life has designed a program incorporating components of counseling and case management, research, and

social-skills training to address the needs of individual female juveniles, and

WHEREAS, the Institute on Black Life supports students through scholarships, fellowships, book funds, and program enhancements, and

WHEREAS, the Institute on Black Life administers the Richard F. Pride Research Fellowship designed to address the underrepresentation of minorities in the state's colleges and universities by providing highly qualified candidates with the opportunity to engage in advanced study leading to the Doctor of Philosophy degree in a liberal arts discipline, and

WHEREAS, the Institute on Black Life maintains an active research collaboration with faculty from various disciplines and other sister institutions in the State University System in the areas of cultural diversity and other issues critical to the quality of life, and

WHEREAS, in 1992, under the leadership of the Institute on Black Life, the University of South Florida became the first American university to have an affiliation agreement with the Centre International Des Civilisations Bantu (CICIBA), and

WHEREAS, the Institute on Black Life, as part of the African Initiative, sponsors lectures by visiting scholars from Africa and promotes a faculty/student exchange with Centre International Des Civilisations Bantu (CICIBA) and affiliated African educational institutions, and

WHEREAS, the Institute on Black Life celebrates diversity through academic research at this year's second biennial Research Symposium on March 26-27, 1997, and

WHEREAS, by sponsoring the Celebrating Diversity Through Academic Research Symposium II, the Institute on Black Life this year marks 10 years of service to the University of South Florida and the global community, NOW, THEREFORE,

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

That the Institute on Black Life at the University of South Florida is commended for its outstanding accomplishments in maintaining positive communication between the university, the region, and the global community.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Institute on Black Life at the University of South Florida as a tangible token of the sentiments of the Florida Senate.

—**SR 2504** was introduced, read and adopted by publication.

At the request of Senator Crist—

By Senator Crist—

SR 2524—A resolution honoring Eldrick (Tiger) Woods of Windermere, Florida, for his professional achievements in the sport of golf and for his consistently positive performance as a role model for our nation's young people.

WHEREAS, Tiger Woods made history on Sunday, April 13, 1997, when he became the youngest golfer to win the Masters at the Augusta National Golf Club, and became the first golfer of African heritage to wear the coveted green jacket, and

WHEREAS, Tiger Woods' total score of 18-under-par 270, a 12-stroke victory, was the lowest score and the widest margin of victory ever achieved in the 61-year history of one of the most prestigious events in the world of golf, and

WHEREAS, as an amateur golfer, Tiger Woods won three consecutive United States Junior titles and three consecutive United States titles, and has now won four PGA Tour events in just 15 starts since turning professional in August of last year, and

WHEREAS, Tiger Woods, at age 21, exhibits a quiet confidence and mental maturity that has elevated the sport of golf and shown that a committed and talented young person is capable of extraordinary achievement, NOW, THEREFORE,

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

That the Florida Senate hereby commends Tiger Woods of Windermere, Florida, for his outstanding achievements as an amateur and professional golfer.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be delivered to Tiger Woods as a tangible token of the sentiments of the Florida Senate.

—**SR 2524** was introduced, read and adopted by publication.

At the request of Senator Silver—

By Senator Silver—

SR 2534—A resolution commending Mr. Fred Taylor, Director of the Metro-Dade Police Department.

WHEREAS, Mr. Fred Taylor, a native of Miami, joined the Metro-Dade Police Department as a police officer in 1962, and

WHEREAS, Mr. Taylor moved through the ranks of the department as Captain, Chief of the Administrative Division, Chief of Police Services, and Assistant Director, and, in 1987, was appointed Director of the Metro-Dade Police Department, and

WHEREAS, throughout his career, Director Taylor continued his education, obtaining bachelor's and master's degrees in public administration and graduating from several police institutes in the country, and

WHEREAS, the recipient of numerous personal awards, Director Taylor is especially proud of his department's accreditation by the Commission on Accreditation for Law Enforcement Agencies, which acknowledges the department's high level of procedures and professionalism, and

WHEREAS, as director of the country's second largest sheriff's department and one that is counted among the top ten police agencies nationwide, Director Taylor commands a force of highly trained and qualified sworn personnel and civilians, and

WHEREAS, another source of pride for Director Taylor is his involvement in the creation and operation of a trust fund to provide assistance to officers and their families in time of need, and

WHEREAS, it is fitting that Director Taylor be honored for his dedicated commitment and service to the Metro-Dade community and police department, NOW, THEREFORE,

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

That Mr. Fred Taylor, Director of the Metro-Dade Police Department, be commended for his outstanding accomplishments and contributions to the citizens of Dade County.

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

—**SR 2534** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Forman, by two-thirds vote **SB 256, SB 282, SB 538, SB 540, SB 1898, SB 2214** and **SB 2376** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **HB 295, CS for SB 2428** and **CS for SB 2310** were withdrawn from the Committee on Community Affairs; **HB 517** was withdrawn from the Committee on Executive Business, Ethics and Elections; **CS for CS for SB 336** and **CS for SB's 1216 and 2024** and **SB 1906** were withdrawn from the Committee on Criminal Justice; **CS for SB 1412** was withdrawn from the Committee on Rules and Calendar; **CS for SB's 1964 and 1742** and **CS for SB's 1428, 1388, 1562 and 1252** were withdrawn from the Committee on Regulated Industries; **CS for SB 1850** and **CS for SB**

2012 were withdrawn from the Committee on Banking and Insurance; **CS for SB 1416** was withdrawn from the Committee on Education; and **SB 1806, SB 2346** and **SB 2330** were withdrawn from the Committee on Health Care.

On motion by Senator Sullivan, by two-thirds vote **SB 14, CS for SB 112, SB 126, CS for SB's 234 and 456, CS for SB 274, SB 382, SB 542, SB 554, CS for SB 598, CS for SB 700, CS for SB 748, SB 824, SB 826, SJR 844, CS for SB 876, CS for SB 894, CS for SB 914, CS for CS for SB 964, CS for SB 972, CS for SB 1132, CS for SB 1362, SB 1364, CS for SB 1404, SB 1604, SB 1648, SB 1676, CS for SB's 1678 and 2404, SB 1828, CS for SB 1836, CS for SB's 1846 and 1876, CS for SB 1944, SB 2002, CS for SB 2066, SB 2230, SB 2342, SB 2372, CS for SB 2374** and **CS for SB 2390** were withdrawn from the Committee on Ways and Means.

On motion by Senator Hargrett, by two-thirds vote **SB 1916** was withdrawn from the committee of reference and further consideration.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 2046** was removed from the calendar and referred to the Committee on Ways and Means.

On motion by Senator Dudley, by two-thirds vote **CS for SB 1958** was withdrawn from the Committee on Ways and Means.

On motion by Senator Meadows, by two-thirds vote **SB 4, SB 1184, SB 1188** and **SB 1190** were withdrawn from the committees of reference and further consideration.

On motion by Senator Turner, by two-thirds vote **SB 1574, SB 1722** and **SB 2350** were withdrawn from the committees of reference and further consideration.

On motion by Senator Williams, by two-thirds vote **SB 2514** was withdrawn from the committee of reference and further consideration.

On motion by Senator Jones, by two-thirds vote **SB 1394** and **SB 2276** were withdrawn from the committees of reference and further consideration.

On motion by Senator Myers, by two-thirds vote **SB 886** was withdrawn from the committees of reference and further consideration.

On motion by Senator Holendorff, by two-thirds vote **SB 980, SB 900, SB 1290, SB 1522** and **SB 1942** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 2186** was withdrawn from the Committee on Children, Families and Seniors; **CS for SB 2232, CS for SB 1880** and **CS for SB 1994** were withdrawn from the Committee on Governmental Reform and Oversight; and **CS for CS for SB's 1566 and 114** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Sullivan, by two-thirds vote **SB 204, CS for CS for SB 214, SB 252, SB 468, CS for SB's 628 and 978, CS for SB 636, SB 838, CS for SB 868, SB 992, CS for SB 998, CS for SB's 1428, 1388, 1562 and 1252, CS for SB 1520, CS for SB 1632, SB 1746, CS for SB's 1964 and 1742, CS for SB 2038, CS for SB 2086, SB 2156, CS for SB 2180, CS for CS for SB 2194, CS for SB 2228, SB 2256, CS for SB 2310, SB 2346** and **CS for SB 2450** were withdrawn from the Committee on Ways and Means.

On motion by Senator Clary, by two-thirds vote **SB 580, SB 2210, SB 1946, SB 242** and **SB 1316** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 2450** and **CS for SB 2436** were withdrawn from the Committee on Governmental Reform and Oversight.

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 **CS for SB 1958** and **CS for SB 2450** to the agenda at the meeting on April 25.

On motion by Senator Dudley, the rules were waived and the Committee on Ways and Means was granted permission to add CS for HB 703 to the agenda at the meeting on April 25.

On motion by Senator Bankhead, the rules were waived and the Committee on Ways and Means was granted permission to meet from 9:00 a.m. until 12:30 p.m. in lieu of 9:00 a.m. until 2:00 p.m. as scheduled April 25.

On motion by Senator Bankhead, the rules were waived and the Senate was scheduled to meet in session April 25 from 1:30 p.m. until 4:30 p.m.; and April 28 from 9:30 a.m. until 11:30 a.m. in lieu of 10:00 a.m. until 12:00 p.m. as scheduled. The afternoon session was unchanged.

On motion by Senator Bankhead, the rules were waived and the Committee on Executive Business, Ethics and Elections was granted permission to meet April 28 from 11:45 a.m. until 1:45 p.m.; and from 6:15 p.m. or upon adjournment of the afternoon session until 8:00 p.m., if needed.

MOTIONS

On motion by Senator Bankhead, a deadline of 10:00 a.m. Friday, April 25, was set for filing amendments to the Special Order Calendar and Bills on Third Reading to be considered that day.

CONSIDERATION OF BILLS ON THIRD READING

HB 507—A bill to be entitled An act relating to driver's licenses, identification cards, and motor vehicle registrations; amending s. 61.13016, F.S.; specifying requirements for giving a delinquent child-support obligor notice of delinquency and intent to suspend; amending s. 322.245, F.S.; providing notice in accordance with s. 61.13016, F.S.; amending s. 322.32, F.S.; deleting reference to possession of a fictitious or fraudulently altered driver's license, knowingly permitting another to use one's driver's license, using another's driver's license, and permitting unlawful use of a driver's license; amending s. 322.212, F.S.; providing that it is unlawful for any person knowingly to possess any instrument in the similitude of a driver's license issued by the Department of Highway Safety and Motor Vehicles or of any other state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle, or any identification card issued by the department or of another state or jurisdiction, unless possession by such person has been duly authorized by the department; providing penalties; providing that it is unlawful to allow another to use one's driver's license or identification card or to use another's driver's license or identification card; amending s. 831.29, F.S.; prohibiting the possession, use, or transport of implements and materials used to produce identification cards; amending s. 921.0012, F.S.; conforming cross-references; providing an effective date.

—as amended April 17 was read the third time by title.

RECONSIDERATION OF BILL

On motion by Senator Burt, the rules were waived and HB 507 was returned to second reading.

RECONSIDERATION OF AMENDMENT

On motion by Senator Burt, the Senate reconsidered the vote by which Amendment 1 was adopted.

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

Amendment 1A—On page 3, line 31 through page 4, line 2, delete those lines and insert: her possession a driver's license or identification card upon which the date of birth has been

Amendment 1 as amended was adopted.

On motions by Senator Burt, by two-thirds vote HB 507 as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: Name, Crist, Dantzler, Diaz-Balart, Dudley, Dyer, Forman, Grant, Gutman, Hargrett, Harris, Holzendorf, Horne, Jenne, Jones, Kirkpatrick, Klein, Kurth, Latvala, Lee, McKay, Meadows, Myers, Ostalkiewicz, Rossin, Scott, Silver, Sullivan, Thomas, Turner, Williams

Nays—None

SENATOR BURT PRESIDING

HB 989—A bill to be entitled An act relating to citrus; amending ss. 601.02, 601.15, F.S.; clarifying the use of funds collected under s. 601.15, F.S.; amending s. 601.28, F.S.; providing for fresh citrus fruit inspection rates fees to be set by hourly equivalents to per-box fees; amending s. 601.67, F.S.; authorizing the Department of Agriculture and Consumer Services to impose a fine and suspend the license of a fruit dealer who commingles fresh citrus fruit; providing an effective date.

—was read the third time by title.

On motions by Senator Bronson, HB 989 was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Name, Dantzler, Diaz-Balart, Dudley, Dyer, Forman, Grant, Gutman, Hargrett, Harris, Holzendorf, Horne, Jenne, Jones, Kirkpatrick, Klein, Kurth, Latvala, Lee, McKay, Meadows, Myers, Ostalkiewicz, Rossin, Scott, Silver, Sullivan, Thomas, Turner, Williams

Nays—None

Vote after roll call:

Yea—Madam President

CS for HB 991—A bill to be entitled An act relating to high school athletics; designating a nonprofit organization to govern athletes in the public schools; requiring bylaws establishing eligibility for student participation in athletic competition; providing for the structure, duties, and responsibilities of the organization; requiring a due process procedure; providing for bylaws to require member schools to adopt nationally recognized rules for sports; providing an effective date.

—was read the third time by title.

On motions by Senator Sullivan, CS for HB 991 was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Name, Crist, Dantzler, Diaz-Balart, Dudley, Dyer, Forman, Grant, Gutman, Hargrett, Harris, Holzendorf, Horne, Jenne, Jones, Kirkpatrick, Klein, Kurth, Latvala, Lee, McKay, Meadows, Myers, Ostalkiewicz, Rossin

Scott Sullivan Turner Williams
Silver Thomas

Nays—None

Vote after roll call:

Yea—Madam President, Clary

CS for SB 880—A bill to be entitled An act relating to human rights; amending s. 402.165, F.S.; redesignating the Statewide Human Rights Advocacy Committee as the Statewide Human Rights Advocacy Council; revising membership of the statewide council; increasing the term of appointment to the statewide council; amending s. 402.166, F.S.; redesignating the district human rights advocacy committees as the local human rights advocacy councils; providing for additional local councils to be established; increasing the term of appointment to a local council; providing for appointing a vice chairperson to each local council; providing for local councils to monitor the activities of, and investigate complaints against, the Department of Children and Family Services; amending s. 402.167, F.S.; revising provisions to reflect the redesignation of the human rights advocacy committees as human rights advocacy councils; amending ss. 393.13, 394.459, 394.4595, 394.4597, 394.4598, 394.4599, 394.4615, 400.0067, 400.0089, 400.419, 400.428, 415.1034, 415.104, 415.1055, 415.106, 415.107, 415.501, 415.505, 415.51, F.S.; conforming terminology to changes made by the act; providing an effective date.

—was read the third time by title.

On motions by Senator Forman, **CS for SB 880** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Madam President

HB 397—A bill to be entitled An act relating to international banking; amending s. 655.059, F.S.; providing for access to books and records of international banking corporations under certain circumstances; amending s. 663.01, F.S.; revising a definition; amending s. 663.07, F.S.; clarifying exclusion of certain deposits, borrowings, and credit of international banking facilities from total assets and liabilities; clarifying certain cash and security deposit requirements for international bank agencies or international branches; creating ss. 663.16-663.181, F.S.; providing for liquidation of international bank agencies and branches; providing definitions; providing for possession of a business and property by the Department of Banking and Finance; providing for inventory of assets; providing for wages; providing for deposit of certain assets; providing for appointment of agents and judges; providing for repudiation of contracts; providing for liability on repudiation or termination of contracts; providing for retention of certain security interests under qualified financial contracts; providing for effects on leases under repudiated contracts; providing for effect of possession of an international banking corporation by the department; providing for damages; requiring notice of taking possession; providing criteria; providing for disposition of certain property; providing for claims; providing procedures; exempting the department from paying certain fees; providing for challenging possession of an international banking corporation by the department; repealing s. 663.02(2), F.S., relating to applicability of certain

state banking laws to certain financial institutions; providing an effective date.

—was read the third time by title.

On motions by Senator Klein, **HB 397** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Madam President, Diaz-Balart

SB 1108—A bill to be entitled An act relating to the uniform method for collecting non-ad valorem assessments; amending s. 197.3632, F.S.; authorizing the use of the uniform method to collect non-ad valorem assessments regardless of specified circumstances; providing legislative intent; ratifying certain ordinances; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Dudley, **SB 1108** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Ostalkiewicz

Vote after roll call:

Yea—Madam President

SB 392—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; correcting an obsolete reference; postponing the expiration date for the indigent care surtax; requiring an extraordinary vote of a county commission to extend a surtax; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Grant, **SB 392** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Campbell	Cowin	Dyer
Bronson	Casas	Dantzler	Forman
Brown-Waite	Childers	Diaz-Balart	Grant
Burt	Clary	Dudley	Gutman

Hargrett	Kirkpatrick	Meadows	Thomas
Harris	Klein	Myers	Turner
Holzendorf	Kurth	Rossin	Williams
Horne	Latvala	Scott	
Jenne	Lee	Silver	
Jones	McKay	Sullivan	

Nays—2

Crist Ostalkiewicz

Vote after roll call:

Yea—Madam President

SPECIAL ORDER CALENDAR

SB 902—A bill to be entitled An act relating to trust funds; creating the County Article V Trust Fund to be administered by the Supreme Court; providing for future review and termination or re-creation of the fund; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendments which were moved by Senator Silver and adopted:

Amendment 1—On page 1, line 12, after “SB” insert: 722

Amendment 2—On page 1, line 17, delete “2001” and insert: 2002

Amendment 3—On page 2, line 7, delete “1997” and insert: 1998

On motions by Senator Silver, by two-thirds vote **SB 902** as amended was read the third time by title, passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Madam President

On motions by Senator Sullivan, by unanimous consent—

CS for CS for SB 858—A bill to be entitled An act relating to education; establishing the Florida Bright Futures Scholarship Program; providing levels of award; providing for administration and funding; providing student eligibility and program requirements; providing for awards; providing requirements for qualification for a Florida Academic Scholars award, a Florida Merit Scholarship award, and a Florida Gold Seal Vocational Endorsement Scholarship award; providing a transition in eligibility for scholarship awards; amending s. 24.121, F.S.; providing for funding of the Florida Bright Futures Scholarship Program from the Educational Enhancement Trust Fund; repealing ss. 232.2465, 239.217, 240.402, 240.4021, and 240.4024, F.S., relating to the Florida Academic Scholars’ Certificate Program, the Florida Gold Seal Vocational Endorsement Program, the Florida Undergraduate Scholars’ Program, the Vocational Gold Seal Endorsement Scholarship Program, and the Florida Postsecondary Tuition Program; amending ss. 240.233, 232.246, 240.404, and 240.40242, F.S.; conforming cross-references and provisions; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 858** was placed on the calendar of Bills on Third Reading.

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

CS for SB 44—A bill to be entitled An act relating to taxation of fuels; amending s. 206.01, F.S.; revising the definition of “reseller”; amending s. 206.026, F.S.; including blenders, carriers, and terminal operators in provisions which prohibit certain persons from holding a license; amending s. 206.27, F.S.; authorizing the Department of Revenue to make certain audit information available to the Department of Highway Safety and Motor Vehicles and providing for application of confidentiality and penalty provisions; amending s. 206.41, F.S.; revising the information required on the sales invoice executed in connection with a sale of motor or diesel fuel for which the purchaser claims a refund; authorizing submission of a schedule of transactions in lieu of invoices with a refund application; revising the department’s authority to refuse to grant a refund; revising the persons authorized to execute an invoice; including blenders in provisions relating to records and inspection; providing liability of terminal suppliers, importers, blenders, exporters, and wholesalers with respect to false or fraudulent refunds; creating s. 206.413, F.S.; specifying the persons liable for payment of the taxes imposed by s. 206.41, F.S.; specifying conditions under which Florida law applies when motor fuel is withdrawn from a terminal outside the state or transfer of ownership of motor fuel occurs outside the state; providing penalties for willfully evading or attempting to evade or defeat payment of tax when specified circumstances apply and providing liability for penalties; amending s. 206.414, F.S.; revising provisions which specify when certain taxes shall be collected and remitted by wholesalers and terminal suppliers; amending s. 206.43, F.S.; revising provisions relating to conditions under which a terminal supplier’s or importer’s allowance is deductible; amending s. 206.44, F.S.; revising applicability of penalties for failure to report or pay taxes due; amending s. 206.874, F.S.; providing that dyed diesel fuel may be purchased for use by a noncommercial vessel; amending s. 206.8745, F.S.; providing restrictions on claims for refund of the excise tax paid on undyed diesel fuel used by a noncommercial vessel; amending s. 206.91, F.S.; revising provisions relating to conditions under which a diesel fuel registrant’s allowance is deductible; amending s. 212.05, F.S.; providing for imposition of sales tax on diesel fuel used in a vessel and not taxed under chapter 206, F.S.; amending s. 212.0501, F.S.; revising the definition of “consumption, use, or storage by a trade or business” for purposes of the use tax on diesel fuel purchased for such purposes; revising provisions relating to collection of such tax by licensed sales tax dealers; amending s. 212.08, F.S.; providing that the partial sales tax exemption for motor vehicles engaged in interstate commerce applies to common carriers; including diesel fuel placed in certain separate tanks in the exemption; amending ss. 336.021, 336.025, F.S.; revising the distribution to counties of local option diesel fuel taxes; providing an additional distribution to counties with a qualified new retail station; amending the purposes for which the local option fuel tax on motor fuel and diesel fuel and the ninth-cent fuel tax on motor fuel and diesel fuel may be used; amending ss. 336.021, 336.025, F.S.; revising provisions relating to application of the formula for determining administrative costs of the ninth-cent fuel tax and the local option fuel taxes; providing effective dates for reimposition of certain local option fuel taxes; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 44** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 898** was deferred.

On motion by Senator Rossin—

CS for SB 176—A bill to be entitled An act relating to victim and witness protection protocol; creating s. 914.25, F.S.; providing definitions for “victim or witness at risk of harm” and “serious felony offense”; authorizing law enforcement agencies to provide protective services, including temporary relocation services, under specified circumstances; providing a time limit for provision of such services; providing that law enforcement agencies may seek reimbursement for expenses incurred in providing protective services from the Victim and Witness Protection

Review Committee; providing immunity from civil liability under certain circumstances; amending s. 943.031, F.S., relating to the Florida Violent Crime Council; establishing a Victim and Witness Protection Review Committee within the Florida Violent Crime Council; providing for membership and duties; authorizing the committee to use available funds to reimburse law enforcement agencies for protective services; providing for distribution of reimbursement funds; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 5, lines 21-24, delete those lines and renumber subsequent section.

And the title is amended as follows:

On page 1, lines 24 and 25, delete “providing an appropriation;”

Pursuant to Rule 4.19, **CS for SB 176** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 174—A bill to be entitled An act relating to public records; creating s. 914.27, F.S.; providing an exemption from public records requirements for certain information held by various governmental entities and certain business entities relating to a victim of or witness to a crime obtained in connection with victim and witness protection services provided pursuant to s. 914.25, F.S., for certain information relating to such person's family, and for information relating to the protection program and permanent relocation sites; providing for future review and repeal under the Open Government Sunset Review Act of 1995; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Amendments were considered to conform **SB 174** to **CS for HB 181**.

Pending further consideration of **SB 174** as amended, on motions by Senator Rossin, by two-thirds vote—

CS for HB 181—A bill to be entitled An act relating to public records; creating s. 914.27, F.S.; providing an exemption from public records requirements for certain information held by various governmental entities and certain business entities relating to a victim of or witness to a crime obtained in connection with victim and witness protection services provided pursuant to s. 914.25, F.S., for certain information relating to such person's family, and for information relating to the protection program and permanent relocation sites; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **SB 174** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 181** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 958** and **CS for SB 1930** was deferred.

On motion by Senator Gutman, by two-thirds vote **CS for HB 493** was withdrawn from the Committees on Criminal Justice; and Governmental Reform and Oversight.

On motion by Senator Gutman—

CS for HB 493—A bill to be entitled An act relating to the confidentiality of information of the Florida Violent Crime Council; amending s. 943.031, F.S.; providing certain exemptions from public records and public meetings requirements with respect to the council; providing exemptions for portions of meetings at which certain confidential records are discussed and for portions of records generated at exempt portions of meetings; providing for future review and repeal; providing a finding

of public necessity; providing that the council is a criminal justice agency for purposes of chapter 119, F.S., relating to public records; providing an effective date.

—a companion measure, was substituted for **SB 966** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 493** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite, by two-thirds vote **HB 1059** was withdrawn from the Committee on Criminal Justice.

On motions by Senator Brown-Waite, by two-thirds vote—

HB 1059—A bill to be entitled An act relating to sentencing; amending s. 921.143, F.S., relating to the appearance of victim or next of kin to make statement at sentencing hearing; providing for the victim or next of kin to make a statement at such appearance in conjunction with submitting a written statement to the state attorney's office to be filed with the court; requiring the prosecuting attorney to advise the victim that such statements may relate to any matter relevant to appropriate disposition and sentence; providing an effective date.

—a companion measure, was substituted for **SB 1874** and by two-thirds vote read the second time by title. On motions by Senator Brown-Waite, by two-thirds vote **HB 1059** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Madam President

On motion by Senator Bronson—

SB 346—A bill to be entitled An act relating to carrying of self-defense weapons or devices; amending s. 790.001, F.S.; providing an exception for certain self-defense chemical sprays from the definition of “tear gas gun,” “chemical weapon,” or “device”; amending s. 790.01, F.S., relating to carrying concealed weapons; providing that certain chemical weapons or devices, or stun guns or nonlethal electric weapons or devices, may be carried openly or concealed for lawful self-defense, without violating specified prohibitions; amending s. 790.053, F.S., relating to open carrying of weapons; providing that certain chemical weapons or devices, or stun guns or nonlethal electric weapons or devices may be carried openly for lawful self-defense, without violating specified prohibitions; creating s. 790.054, F.S.; defining the offense of knowingly and willfully using a chemical weapon or device or stun gun or nonlethal electric weapon or device against a law enforcement officer engaged in the performance of duty, and providing penalties therefor; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 346** to **CS for CS for HB 379**.

Pending further consideration of **SB 346** as amended, on motion by Senator Bronson, by two-thirds vote **CS for CS for HB 379** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

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

CS for CS for HB 379—A bill to be entitled An act relating to carrying of self-defense weapons or devices; amending s. 790.001, F.S.; providing an exception for certain self-defense chemical sprays from the definition of “tear gas gun” or “chemical weapon or device”; providing a definition of “self-defense chemical spray” and “remote stun gun”; amending s. 790.01, F.S., relating to carrying concealed weapons; providing that self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices may be lawfully carried in a concealed manner in certain circumstances; clarifying language; providing for construction not to preclude criminal prosecutions; amending s. 790.053, F.S., relating to open carrying of weapons; providing that self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices may be lawfully carried in an open manner in certain circumstances; clarifying language; creating s. 790.054, F.S.; defining the offense of knowingly and willfully using self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices against a law enforcement officer engaged in official duties, and providing penalties therefor; providing effective dates.

—a companion measure, was substituted for **SB 346** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 379** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

CS for SB 148—A bill to be entitled An act relating to domestic violence; amending s. 741.29, F.S.; prescribing preferred arrest policy for a law enforcement officer investigating alleged domestic violence; requiring certain reports by law enforcement officers; defining the offense of violating pretrial release condition when original arrest was for act of domestic violence; providing penalties; amending s. 901.15, F.S.; prescribing public policy for arrest in domestic violence cases; providing for arrest of a person without warrant when there is probable cause to believe a person originally arrested for an act of domestic violence has violated a pretrial release condition; amending s. 921.0014, F.S.; providing for a sentencing multiplier in certain cases of domestic violence; amending s. 943.171, F.S.; requiring certain training for law enforcement officers; providing an effective date.

—was read the second time by title.

Senator Kurth moved the following amendment:

Amendment 1 (with title amendment)—On page 8, between lines 21 and 22, insert:

Section 5. Section 790.233, Florida Statutes, is created to read:

790.233 Possession of firearm or ammunition prohibited when person is subject to an injunction against committing acts of domestic violence; penalties.—

(1) A person may not have in his or her care, custody, possession, or control any firearm or ammunition if the person has been issued a final injunction restraining that person from committing acts of domestic violence, issued under s. 741.30.

(2) A person who violates subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this section shall not apply to state or local law enforcement officers who receive or possess a firearm or ammunition for use in performing official duties on behalf of that state or local law enforcement agency, unless prohibited by that law enforcement officer's agency.

Section 6. Paragraph (f) is added to subsection (6) of section 741.30, Florida Statutes, 1996 Supplement, to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(6)

(f) A final judgment on injunction for protection against domestic violence entered pursuant to this section must, on its face, indicate that it is a violation of s. 790.233, and a first degree misdemeanor, for the respondent to have in his or her care, custody, possession, or control any firearm or ammunition.

Section 7. Subsection (4) of section 741.31, Florida Statutes, 1996 Supplement, is amended to read:

741.31 Violation of an injunction for protection against domestic violence.—

(4)(a) A person who willfully violates an injunction for protection against domestic violence, issued pursuant to s. 741.30, by:

1.(a) Refusing to vacate the dwelling that the parties share;

2.(b) Going to the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;

3.(c) Committing an act of domestic violence against the petitioner;

4.(d) Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner; or

5.(e) Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party

commits is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b)1. It is a violation of s. 790.233, and a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a person to violate a final injunction for protection against domestic violence by having in his or her care, custody, possession, or control any firearm or ammunition.

2. It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this paragraph shall not apply to state or local law enforcement officers who receive or possess a firearm or ammunition for use in performing official duties on behalf of that state or local law enforcement agency, unless prohibited by that law enforcement officer's agency.

Section 8. Subsection (6) of section 901.15, Florida Statutes, is amended to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(6) There is probable cause to believe that the person has committed a criminal act according to s. 790.233 or to s. 741.31 or s. 784.047 which violates an injunction for protection entered pursuant to s. 741.30 or s. 784.046, over the objection of the petitioner, if necessary.

Section 9. Subsections (2) and (3) of section 790.06, Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or firearm.—

(2) The Department of State shall issue a license if the applicant:

(a) Is a resident of the United States or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;

(b) Is 21 years of age or older;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;

(d) Is not ineligible to possess a firearm pursuant to s. 790.23 by virtue of having been convicted of a felony;

(e) Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of chapter 893 or

similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages or other substances to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his normal faculties are impaired if the applicant has been committed under chapter 397 or under the provisions of former chapter 396 or has been convicted under s. 790.151 or has been deemed a habitual offender under s. 856.011(3), or has had two or more convictions under s. 316.193 or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Game and Fresh Water Fish Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement, junior college, college, or private or public institution or organization or firearms training school, utilizing instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of State;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

6. Is licensed or has been licensed to carry a firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; or an affidavit from the instructor, school, club, organization, or group that conducted or taught said course or class attesting to the completion of the course or class by the applicant; or a copy of any document which shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph;

(i) Has not been adjudicated an incapacitated person under s. 744.331, or similar laws of any other state, unless 5 years have elapsed since the applicant's restoration to capacity by court order;

(j) Has not been committed to a mental institution under chapter 394, or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he has not suffered from disability for at least 5 years prior to the date of submission of the application; and

(k) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged; and

(l) Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence.

(3) The Department of State ~~shall~~ ~~may~~ deny a license if the applicant has been found guilty of, ~~had adjudication of guilt withheld for, or had imposition of sentence suspended for~~ one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged. ~~The Department of State shall, or may~~ revoke a license if the licensee has been found guilty of, ~~had adjudication of guilt withheld for, or had imposition of sentence suspended for~~ one or more crimes of violence within the preceding 3 years. The department shall, upon notification by a law enforcement agency, a court, or the Florida Department of Law Enforcement and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime ~~that which~~ would disqualify such person from having a license under this section, until final disposition of the case. ~~The department shall suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.~~

Section 10. Subsections (1) and (2) of section 790.065, Florida Statutes, 1996 Supplement, are amended to read:

790.065 Sale and delivery of firearms.—

(1) ~~A~~ ~~No~~ licensed importer, licensed manufacturer, or licensed dealer ~~may not shall~~ sell or deliver from his inventory at his licensed premises any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until he has:

(a) Obtained a completed form from the potential buyer or transferee, which form shall have been promulgated by the Department of Law Enforcement and provided by the licensed importer, licensed manufacturer, or licensed dealer, which shall include the name, date of birth, gender, race, and social security number or other identification number of such potential buyer or transferee and has inspected proper identification including an identification containing a photograph of the potential buyer or transferee.

~~(b)1. Collected a fee from the potential buyer for processing the criminal history check of the potential buyer. The fee shall be \$8. The Department of Law Enforcement shall, by rule, establish procedures for the fees to be transmitted by the licensee to the Department of Law Enforcement. All such fees shall be deposited into the Department of Law Enforcement Operating Trust Fund, but shall be segregated from all other funds deposited into such trust fund and must be accounted for separately. Such segregated funds must not be used for any purpose other than the operation of the criminal history checks required by this section. The Department of Law Enforcement, each year prior to February 1, shall make a full accounting of all receipts and expenditures of such funds to the President of the Senate, the Speaker of the House of Representatives, the majority and minority leaders of each house of the Legislature, and the chairs of the appropriations committees of each house of the Legislature. In the event that the cumulative amount of funds collected exceeds the cumulative amount of expenditures by more than \$2.5 million, excess funds may be used for the purpose of purchasing soft body armor for law enforcement officers.~~

~~2. For the 1995-1996 fiscal year only, if the cumulative amount of funds collected exceeds the cumulative amount of expenditures by more than \$2.5 million, \$1.5 million of such excess funds may be transferred to the General Revenue Fund. This subparagraph is repealed on July 1, 1996.~~

(c) Requested, by means of a toll-free telephone call, the Department of Law Enforcement to conduct a check of the information as reported and reflected in the Florida Crime Information Center and National Crime Information Center systems as of the date of the request.

(d) Received a unique approval number for that inquiry from the Department of Law Enforcement, and recorded the date and such number on the consent form.

However, if the person purchasing, or receiving delivery of, the firearm is a holder of a valid concealed weapons or firearms license pursuant to the provisions of s. 790.06 or holds an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," a "correctional officer," or a "correctional probation officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), the provisions of this subsection do not apply.

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the licensee's call or by return call, forthwith:

(a) Review criminal history records to determine if the potential buyer or transferee has been convicted of a felony or misdemeanor crime of domestic violence and is prohibited from receipt or possession of a firearm pursuant to s. 790.23 or has had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred.

(b) Inform the licensee making the inquiry either that records demonstrate that the buyer or transferee is so prohibited and provide the licensee a nonapproval number, or provide the licensee with a unique approval number.

(c)1. Review any records available to it to determine whether the potential buyer or transferee has been indicted or has had an information filed against him for an offense that is a felony under either state or federal law, or, as mandated by federal law, has had an injunction for protection against domestic violence entered against the potential buyer or transferee under s. 741.30, has had an injunction for protection against repeat violence entered against the potential buyer or transferee under s. 784.046, or has been arrested for a dangerous crime as specified in s. 907.041(4)(a) or for any of the following enumerated offenses:

- a. Criminal anarchy under ss. 876.01 and 876.02.
- b. Extortion under s. 836.05.
- c. Explosives violations under s. 552.22(1) and (2).
- d. Controlled substances violations under chapter 893.
- e. Resisting an officer with violence under s. 843.01.
- f. Weapons and firearms violations under this chapter.
- g. Treason under s. 876.32.
- h. Assisting self-murder under s. 782.08.
- i. Sabotage under s. 876.38.
- j. Stalking or aggravated stalking under s. 784.048.

If the review indicates any such indictment, information, or arrest, the department shall provide to the licensee a conditional nonapproval number.

2. Within 24 working hours, the department shall determine the disposition of the indictment, information, or arrest and inform the licensee as to whether the potential buyer is prohibited from receiving or possessing a firearm. For purposes of this paragraph, "working hours" means the hours from 8 a.m. to 5 p.m. Monday through Friday, excluding legal holidays.

3. The office of the clerk of court, at no charge to the department, shall respond to any department request for data on the disposition of the indictment, information, or arrest as soon as possible, but in no event later than 8 working hours.

4. The department shall determine as quickly as possible within the allotted time period whether the potential buyer is prohibited from receiving or possessing a firearm.

5. If the potential buyer is not so prohibited, or if the department cannot determine the disposition information within the allotted time period, the department shall provide the licensee with a conditional approval number.

6. If the buyer is so prohibited, the conditional nonapproval number shall become a nonapproval number.

7. The department shall continue its attempts to obtain the disposition information and may retain a record of all approval numbers granted without sufficient disposition information. If the department later obtains disposition information which indicates:

a. That the potential buyer is not prohibited from owning a firearm, it shall treat the record of the transaction in accordance with this section; or

b. That the potential buyer is prohibited from owning a firearm, it shall immediately revoke the conditional approval number and notify local law enforcement.

8. During the time that disposition of the indictment, information, or arrest is pending and until the department is notified by the potential buyer that there has been a final disposition of the indictment, information, or arrest, the conditional nonapproval number shall remain in effect.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: creating s. 790.233, F.S.; prohibiting a person who has been issued an injunction against committing acts of domestic violence from possessing any firearm or ammunition; providing penalties; providing an exception for law enforcement officers; amending s. 741.30, F.S.; requiring that a final injunction for protection against domestic violence indicate that possessing any firearm or ammunition is prohibited; amending s. 741.31, F.S.; providing that it is a first degree misdemeanor to violate a final injunction by possessing a firearm or ammunition; providing an exception for law enforcement officers; amending s. 901.15, F.S.; providing for arrest without warrant under certain circumstances when there is probable cause to believe that the person has committed a crime in violation of specified provisions prohibiting possession of firearm or ammunition by person restrained by final injunction from committing acts of domestic violence; amending s. 790.06, F.S., relating to issuance by the Department of State of license to carry a concealed weapon or firearm; revising qualifications for such license to include restrictions that the applicant has not had adjudication of guilt withheld or imposition of sentence suspended for committing a misdemeanor crime of domestic violence within a specified period and is not enjoined from committing acts of domestic violence or repeat violence; requiring denial or revocation of such license under specified circumstances; requiring that the department suspend such license, or the processing of the license application, if the licensee or applicant is issued an injunction against committing acts of domestic violence or acts of repeat violence; amending s. 790.065, F.S.; removing obsolete provisions; requiring that the Department of Law Enforcement determine if a potential buyer or transferee of a firearm has been convicted of a misdemeanor crime of domestic violence or had adjudication of guilt withheld or imposition of sentence suspended for committing a misdemeanor crime of domestic violence;

POINT OF ORDER

Senator Ostalkiewicz raised a point of order that pursuant to rule 7.1 **Amendment 1** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

On motion by Senator Kurth, **Amendment 1** was withdrawn.

Pursuant to Rule 4.19, **CS for SB 148** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 122—A bill to be entitled An act relating to corrections; amending s. 28, ch. 95-283, Laws of Florida; prescribing additional guidelines with respect to the policy of requiring certain offenders to perform labor in chain-gang work groups; 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 Gutman and adopted:

Amendment 1—On page 1, line 21, before the semicolon (;) insert: , and on other sites as determined by the Department of Corrections

On motion by Senator Crist, further consideration of **SB 122** as amended was deferred.

RECESS

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

AFTERNOON SESSION

The Senate was called to order by the President at 2:06 p.m. A quorum present—40:

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

RECONSIDERATION OF BILL

On motion by Senator Grant, the rules were waived and the Senate reconsidered the vote by which—

SB 392—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; correcting an obsolete reference; postponing the expiration date for the indigent care surtax; requiring an extraordinary vote of a county commission to extend a surtax; providing an effective date.

—as amended April 17 passed this day.

Senator Grant moved the following amendment which was adopted:

Amendment 1—In title, on page 1, line 5, after the semicolon (;) insert: deleting a requirement relating to expenditure of county funds for health services by counties that adopt a surtax;

On motions by Senator Grant, **SB 392** as amended was read by title, passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—30

Madam President	Dantzler	Holzendorf	Scott
Bankhead	Dudley	Horne	Silver
Bronson	Dyer	Jones	Sullivan
Brown-Waite	Forman	Klein	Thomas
Burt	Grant	Kurth	Turner
Campbell	Gutman	Lee	Williams
Casas	Hargrett	Meadows	
Childers	Harris	Myers	

Nays—4

Cowin	Crist	Diaz-Balart	Ostalkiewicz
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Vote after roll call:

Yea—Clary

SPECIAL ORDER CALENDAR, continued

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

SB 122—A bill to be entitled An act relating to corrections; amending s. 28, ch. 95-283, Laws of Florida; prescribing additional guidelines with respect to the policy of requiring certain offenders to perform labor in chain-gang work groups; providing an effective date.

—which was previously considered and amended this day.

Senator Turner moved the following amendment:

Amendment 2—On page 1, between lines 26 and 27, insert:

(d) *This section also applies to private correctional facilities operating under contracts entered into or renewed after July 1, 1997.*

Senator Dudley moved the following substitute amendment which was adopted:

Amendment 3—On page 1, between lines 26 and 27, insert:

(3) *The department shall study the application of this section to private correctional facilities and report any recommendations to the Legislature by January 2, 1998.*

Senator Crist moved that the rules be waived and **SB 122** be read the third time by title. The motion failed to receive the required two-thirds vote.

Pursuant to Rule 4.19, **SB 122** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, by two-thirds vote **CS for HB 787** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

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

CS for HB 787—A bill to be entitled An act relating to criminal and juvenile justice; amending s. 39.024, F.S.; changing the membership of the Department of Juvenile Justice Standards and Training Commission to include contract providers and a representative of the business community; creating s. 39.086, F.S.; defining the terms “sexual misconduct” and “employee”; providing that it is a second degree felony for an employee to engage in sexual misconduct with a juvenile offender detained or supervised by the department; providing penalties; providing certain exceptions; prohibiting certain employment, or providing for dismissal from departmental employment, of a person who has engaged in sexual misconduct with a juvenile offender; requiring an employee who witnesses sexual misconduct, or who has reasonable cause to suspect that sexual misconduct has been committed, to report such incident; providing for notification to the inspector general, facility superintendent, and district juvenile justice manager; providing that it is a first degree misdemeanor to knowingly and willfully fail to make a report as required, or to prevent another from doing so, or to submit inaccurate or untruthful information; providing penalties; providing that it is a third degree felony to coerce or threaten another person to alter testimony or a report with respect to an incident of sexual misconduct; providing penalties; creating s. 39.087, F.S.; prohibiting the introduction, removal, or possession of, and other specified acts with respect to, contraband articles on the grounds of a juvenile detention facility or other commitment program; specifying articles that are contraband; providing penalties; providing exceptions; providing an effective date.

—a companion measure, was substituted for **CS for SB 570** and by two-thirds vote read the second time by title.

On motion by Senator Clary, further consideration of **CS for HB 787** was deferred.

SB 898—A bill to be entitled An act relating to secondary notice of lapse of insurance policies; amending ss. 627.4555 and 627.5045, F.S.; revising provisions requiring notice to policyowners and secondary addressees of impending lapse of certain insurance policies under certain circumstances; providing procedures; providing application; providing an effective date.

—was read the second time by title. On motions by Senator Holzendorf, by two-thirds vote **SB 898** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—34

Madam President	Childers	Gutman	Klein
Bankhead	Crist	Hargrett	Kurth
Bronson	Dantzler	Harris	Lee
Brown-Waite	Dudley	Holzendorf	McKay
Burt	Dyer	Horne	Meadows
Campbell	Forman	Jenne	Myers
Casas	Grant	Jones	Ostalkiewicz

Scott Sullivan Turner Williams
Silver Thomas

Nays—None

Vote after roll call:

Yea—Clary, Cowin, Diaz-Balart

On motion by Senator Dudley—

CS for SB 1246—A bill to be entitled An act relating to state minimum building codes; amending s. 553.73, F.S.; restricting the contents of State Minimum Building Codes; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendment which failed:

Amendment 1 (with title amendment)—On page 3, between lines 12 and 13, insert:

(10) Notwithstanding any other provisions or prohibitions contained in this section, if the building code of a local governmental entity, which is in effect on the effective date of this act, requires a properly licensed journeymen to be on the job site, the local governmental entity may retain and enforce such provisions until July 1, 1998.

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: providing for certain provisions to remain in effect until a specified date;

The vote was:

Yeas—13

Burt	Hargrett	Jones	Meadows
Campbell	Holzendorf	Klein	Silver
Dyer	Jenne	Kurth	Turner
Forman			

Nays—23

Madam President	Clary	Harris	Myers
Bankhead	Cowin	Horne	Ostalkiewicz
Bronson	Dantzler	Kirkpatrick	Scott
Brown-Waite	Dudley	Latvala	Thomas
Casas	Grant	Lee	Williams
Childers	Gutman	McKay	

Pursuant to Rule 4.19, **CS for SB 1246** was placed on the calendar of Bills on Third Reading.

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

CS for HB 787—A bill to be entitled An act relating to criminal and juvenile justice; amending s. 39.024, F.S.; changing the membership of the Department of Juvenile Justice Standards and Training Commission to include contract providers and a representative of the business community; creating s. 39.086, F.S.; defining the terms “sexual misconduct” and “employee”; providing that it is a second degree felony for an employee to engage in sexual misconduct with a juvenile offender detained or supervised by the department; providing penalties; providing certain exceptions; prohibiting certain employment, or providing for dismissal from departmental employment, of a person who has engaged in sexual misconduct with a juvenile offender; requiring an employee who witnesses sexual misconduct, or who has reasonable cause to suspect that sexual misconduct has been committed, to report such incident; providing for notification to the inspector general, facility superintendent, and district juvenile justice manager; providing that it is a first degree misdemeanor to knowingly and willfully fail to make a report as required, or to prevent another from doing so, or to submit inaccurate or untruthful information; providing penalties; providing that it is a third degree felony to coerce or threaten another person to alter testimony or a report with respect to an incident of sexual misconduct; providing penalties; creating s. 39.087, F.S.; prohibiting the introduction,

removal, or possession of, and other specified acts with respect to, contraband articles on the grounds of a juvenile detention facility or other commitment program; specifying articles that are contraband; providing penalties; providing exceptions; providing an effective date.

—which was previously considered this day.

Senator Brown-Waite moved the following amendment:

Amendment 1 (with title amendment)—On page 7, between lines 22 and 23, insert:

Section 4. Subsection (5) of section 39.045, Florida Statutes, 1996 Supplement, is amended to read:

39.045 Oaths; records; confidential information.—

(5) Except as provided in subsections (3), (8), (9), and (10), and s. 943.053, all information obtained under this part in the discharge of official duty by any judge, any employee of the court, any authorized agent of the Department of Juvenile Justice, the Parole Commission, the Juvenile Justice Advisory Board, the Department of Corrections, the district juvenile justice boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the Department of Juvenile Justice and its designees, the Department of Corrections, the Parole Commission, the Juvenile Justice Advisory Board, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this part to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law. *The department shall disclose to the school superintendent the presence of any child in the care and custody of the department who has a known history of predatory sexual behavior or who is an adjudicated juvenile sexual offender, as defined in s. 415.50165. Any employee of a district school board who knowingly and willfully discloses such information to an unauthorized person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 5. Subsection (4) of section 39.411, Florida Statutes, 1996 Supplement, is amended to read:

39.411 Oaths, records, and confidential information.—

(4) All information obtained pursuant to this part in the discharge of official duty by any judge, employee of the court, authorized agent of the department, correctional probation officer, or law enforcement agent ~~is shall be confidential and exempt from the provisions of s. 119.07(1) and may shall~~ not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, correctional probation officers, law enforcement agents, and others entitled under this chapter to receive that information, except upon order of the court. *The department shall disclose to the school superintendent the presence of any child in the care and custody of the department who has a known history of predatory sexual behavior or who is an adjudicated juvenile sexual offender, as defined in s. 415.50165. Any employee of a district school board who knowingly and willfully discloses such information to an unauthorized person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 2, line 9, after the semicolon (;) insert: amending ss. 39.045, 39.411, F.S.; requiring the Department of Juvenile Justice and the Department of Children and Family Services to seek a court order to notify the school superintendent of any child who has a known history of

predatory sexual behavior or who is an adjudicated juvenile sexual offender; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person;

Senator Brown-Waite moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—In title, on page 3, line 29, delete “seek a court order to”

Amendment 1 as amended was adopted.

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

Amendment 2—In title, on page 1, lines 2 and 3, delete those lines and insert: An act relating to juveniles; amending s. 39.024; changing the

Pursuant to Rule 4.19, **CS for HB 787** as amended was placed on the calendar of Bills on Third Reading.

SB 664—A bill to be entitled An act relating to building designations; designating the first building constructed on the campus of Florida Gulf Coast University as the “Ben Hill Griffin III Building”; directing the Board of Regents of the Division of Universities of the Department of Education to erect suitable markers; providing an effective date.

—was read the second time by title. On motions by Senator Dudley, by two-thirds vote **SB 664** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Cowan

SB 604—A bill to be entitled An act relating to road designations; designating an interchange in Jacksonville as the “Whatley Memorial Overpass”; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 604** to **CS for HB 419**.

Pending further consideration of **SB 604** as amended, on motion by Senator Bankhead, by two-thirds vote **CS for HB 419** was withdrawn from the Committee on Transportation.

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

CS for HB 419—A bill to be entitled An act relating to road and bridge designations; designating a portion of State Road 972 in Dade County as the Lolo Villalobos Way; directing the Department of Transportation to erect suitable markers; designating a bridge on State Road 45 near Dunnellon as the Brittan Alexander Bridge; designating portions of State Road 9 and of N.W. 54th Street in Dade County as the Brownville Commercial District; designating a portion of State Road 5 in Dade County as Aventura Parkway; designating the overpass being constructed at Butler Boulevard and State Road A1A in Jacksonville as Whatley Memorial Overpass; designating a portion of State Road 37 in

Polk County as W.S. Badcock Boulevard; providing for the effect of such designations; directing the Department of Transportation to erect suitable markers; providing legislative intent; providing an effective date.

—a companion measure, was substituted for **SB 604** as amended and read the second time by title.

Senator Bankhead moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 3, between lines 11 and 12, insert:

Section 7. “Burton R. Quinn Memorial Highway” designated; markers.—

(1) That portion of State Road 44 beginning at the intersection of State Road 44 and U.S. Highway 41 (mile post 16.731) West to South Croft Avenue (mile post 13.564) in Citrus County is hereby designated as the “Burton R. Quinn Memorial Highway.”

(2) The Department of Transportation is hereby directed to erect suitable markers designating the “Burton R. Quinn Memorial Highway” as described in subsection (1).

Section 8. Martin Luther King, Jr., Bridge designated; markers.—

(1) The State Road 44/U.S. overpass bridge in New Smyrna Beach is hereby designated as the “Martin Luther King, Jr., Bridge.”

(2) The Department of Transportation is directed to erect suitable markers designating the “Martin Luther King, Jr., Bridge” as described in subsection (1) in the following manner:

(a) One sign shall be located on the southwest side of the bridge.

(b) One sign shall be located on the northeast side of the bridge.

(c) Two signs shall be located on the outside facing of the bridge on the south and north sides of the bridge in such a manner as to provide visibility for the northbound and southbound lanes of U.S. 1.

Section 9. Yitzhak Rabin Boulevard designated.—

(1) That portion of Biscayne Boulevard between N.E. 1st Street and N.E. 2nd Street in Dade County is designated as Yitzhak Rabin Boulevard.

(2) The Department of Transportation is directed to erect suitable markers designating the “Yitzhak Rabin Boulevard” as described in subsection (1).

Section 10. Florida Arts Trail designated; markers.—

(1) State Road 12 in Gadsden County is hereby designated as the “Florida Arts Trail.”

(2) The Department of Transportation is directed to erect suitable markers designating “Florida Arts Trail” as described in subsection (1).

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: designating a portion of State Road 44 in Citrus County as the “Burton R. Quinn Memorial Highway”; designating an overpass bridge in New Smyrna Beach as the “Martin Luther King, Jr., Bridge”; designating “Yitzhak Rabin Boulevard” in Dade County; designating State Road 12 in Gadsden County as the “Florida Arts Trail”;

Amendment 2 (with title amendment)—On page 3, between lines 23 and 24, insert:

Section 8. (1) The University of Florida Southwest Florida Research and Education Center, Institute of Food and Agriculture Services Building, 2686 State Road 29 North, Immokalee, is designated as the “Dr. Paul H. Everett Building,” in recognition of Dr. Everett’s invaluable research for 28 years directed toward the development of efficient and economical production of vegetable crops such as the tomato, bell pepper, watermelon, cantaloupe, and cucumber.

(2) *The University of Florida is authorized to erect suitable markers designating the "Dr. Paul H. Everett Building" as described in subsection (1).*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, lines 1 and 2, delete "road and bridge designations" and insert: road, bridge, and building designations; designating the University of Florida Southwest Florida Research and Education Center, Institute of Food and Agriculture Services Building, as the "Dr. Paul H. Everett Building"; authorizing the University of Florida to erect suitable markers;

On motions by Senator Bankhead, by two-thirds vote **CS for HB 419** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

Consideration of **SB 732** was deferred.

On motion by Senator Childers, by two-thirds vote **CS for HB 227** was withdrawn from the Committee on Health Care.

On motion by Senator Childers—

CS for HB 227—A bill to be entitled An act relating to building designations; designating and naming the Children's Medical Services facility currently under construction at 5192 Bayou Boulevard in the City of Pensacola, Escambia County, as the "Dr. Reed Bell and Dr. John H. Whitcomb Building"; directing the Department of Management Services to erect suitable markers; designating and naming the president's residence at the University of Central Florida as the "Burnett House"; authorizing the University of Central Florida to erect suitable markers; designating and naming the School of Communications at the University of Central Florida as the "Anthony J. Nicholson School of Communications"; authorizing the University of Central Florida to erect suitable markers; providing an effective date.

—a companion measure, was substituted for **CS for SB 852** and read the second time by title. On motions by Senator Childers, by two-thirds vote **CS for HB 227** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Burt—

CS for CS for SB 248—A bill to be entitled An act relating to termination of parental rights; amending s. 39.464, F.S.; providing additional grounds for the termination of parental rights; amending s. 39.469, F.S.; revising language with respect to the powers of disposition of the court concerning termination of parental rights; amending s. 39.471, F.S.; eliminating the provisions stating that certain orders are admissible in evidence in subsequent adoption proceedings relating to the child; amending s. 61.13, F.S.; including reference to one of the grounds for termination of parental rights as a rebuttable presumption of detriment to the child when the court is determining matters relating to the custody of a minor child; amending s. 63.072, F.S.; including certain parents whose consent to an adoption may be waived; providing for application of the act; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **CS for CS for SB 248** to **CS for HB 1111**.

Pending further consideration of **CS for CS for SB 248** as amended, on motion by Senator Burt, by two-thirds vote **CS for HB 1111** was withdrawn from the Committees on Judiciary; and Ways and Means.

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

CS for HB 1111—A bill to be entitled An act relating to termination of parental rights; amending s. 39.464, F.S.; providing additional grounds for the termination of parental rights; amending s. 39.469, F.S.; revising language with respect to the powers of disposition of the court concerning termination of parental rights; amending s. 39.471, F.S.; providing that certain orders are admissible in evidence in subsequent adoption proceedings relating to the child; amending s. 61.13, F.S.; including reference to one of the grounds for termination of parental rights as a rebuttable presumption of detriment to the child when the court is determining matters relating to the custody of a minor child; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 248** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1111** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

CS for SB 1930—A bill to be entitled An act relating to sex offenders; amending s. 947.1405, F.S.; clarifying legislative intent regarding sentences that are eligible for conditional release supervision; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; amending s. 948.001, F.S.; defining the terms "sex offender probation" and "sex offender community control"; amending s. 948.03, F.S.; revising a provision that prohibits a sex offender from viewing, owning, or possessing certain materials; prohibiting a sex offender from possessing telephone, electronic media, or computer programs or services that are relevant to the offender's behavior pattern; requiring a sex offender whose crime was committed on or after a specified date to undergo polygraph examinations; requiring that such offender maintain a driving log and not drive a motor vehicle alone without prior approval; prohibiting such offender from obtaining or using a post office box without prior approval; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1930** was placed on the calendar of Bills on Third Reading.

INTRODUCTION OF FORMER SENATOR

The President introduced former Senator Patricia Grogan who was present in the chamber.

On motion by Senator Bronson—

CS for CS for SB 2044—A bill to be entitled An act relating to agriculture; amending s. 500.03, F.S.; providing definitions relating to food products; reenacting s. 500.04(4) and (6), F.S., relating to prohibited acts, to incorporate amendments to ss. 500.12 and 500.147, F.S., in references; amending s. 500.11, F.S., relating to misbranded food; clarifying provisions; adding bottled water requirements; amending s. 500.12, F.S., relating to food and building permits; including existing fees for permits for operating bottled water plants or packaged ice plants; providing requirements; reenacting s. 500.121(1), F.S., relating to disciplinary procedures, to incorporate amendments to s. 500.12, F.S., in a reference; amending s. 500.121, F.S.; providing for a fine for mislabeling; amending s. 500.147, F.S.; inserting inspection language for bottled water plants and packaged ice plants; amending s. 500.171, F.S.; revising provisions authorizing an injunction; reenacting s. 500.177(1), F.S.; providing a penalty; amending s. 500.459, F.S.; providing definitions relating to water vending machines and conforming a requirement to the State Plumbing Code; amending s. 500.511, F.S., relating to fees, enforcement, and preemption; conforming cross-references and deleting reference to certain water and ice operators and dealers; amending s. 526.3135, F.S.; clarifying who must compile a report; amending s. 531.44, F.S.; establishing authority to set procedures for verifying acceptable pricing practices; amending s. 531.50, F.S.; authorizing penalties for violation of provisions relating to weights and measures; providing for deposit of funds; amending s. 534.011, F.S.; providing for deposit of fees relating to the inspection and protection of livestock; amending s. 581.011, F.S.; revising the definition of the term “noxious weed”; amending s. 581.182, F.S.; renaming an advisory committee; repealing s. 3, ch. 92-153, Laws of Florida; abrogating the repeal of s. 581.186, F.S., relating to the Endangered Plant Advisory Council; amending s. 589.011, F.S.; authorizing the Division of Forestry to prohibit certain activities and providing penalties; authorizing leasing of property and structures to telecommunications providers; authorizing fees; creating ss. 589.012, 589.013, F.S.; establishing the Friends of Florida State Forests Program and authorizing the department to create a district support organization to assist the program; amending s. 590.01, F.S.; providing Division of Forestry responsibility for forest and wild land fire protection; amending s. 590.02, F.S.; clarifying that a specific appropriation is not needed to build certain structures; amending s. 590.026, F.S.; clarifying requirements for prescribed burning; amending s. 601.58, F.S.; revising procedures relating to approval of a citrus fruit dealer’s license application; amending s. 601.60, F.S.; authorizing the department to issue a provisional license; amending s. 601.67, F.S.; authorizing a fine against a person who operates as a citrus fruit dealer without a license; amending s. 602.065, F.S.; revising provisions relating to the deposit of certain funds for the eradication of citrus canker; amending s. 604.15, F.S.; revising the definition of the term “agricultural products”; repealing ss. 500.453, 500.455, 500.457, 500.509, F.S., relating to bottled water and packaged ice regulation; designating a state facility; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendments which were adopted:

Amendment 1 (with title amendment)—On page 3, line 20, insert:

Section 1. Subsection (1) of section 253.68, Florida Statutes, 1996 Supplement, is amended to read:

253.68 Authority to lease submerged land and water column.—

(1) To the extent that it is not contrary to the public interest, and subject to limitations contained in ss. 253.67-253.75, the board of trustees may lease submerged lands to which it has title for the conduct of aquaculture activities and grant exclusive use of the bottom and the water column to the extent required by such activities. Such leases may authorize use of the submerged land and water column for either commercial or experimental purposes. However ~~no lease shall be granted by~~

~~the board when there is filed with it a resolution of objection adopted by a majority of the county commission of a county within whose boundaries the proposed leased area would lie, if the boundaries same were extended to the extent of the interest of the state, may the proposed leased area would lie. Said resolution shall be filed with the board of trustees within 30 days of the date of the first publication of notice as required by s. 253.70. Prior to the granting of any such leases, the board shall establish and publish a list of guidelines to be followed when considering applications for lease. Such guidelines shall be designed to protect the public’s interest in submerged lands and the publicly owned water column.~~

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 253.68, F.S.; modifying a requirement that precludes the Board of Trustees of the Internal Improvement Trust Fund from granting a lease for aquaculture activities in areas objected to by resolution of the county commission;

Amendment 2 (with title amendment)—On page 20, between lines 26 and 27, insert:

Section 17. Subsection (11) is added to section 581.185, Florida Statutes, to read:

581.185 Preservation of native flora of Florida.—

(11) *REGULATED PLANT INDEX.*—*The Regulated Plant Index is to be used solely to restrict unlawful harvesting of native flora without the authorization of the land owner. The Regulated Plant Index is not to be used to regulate construction or other land alteration activities on any property.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 13, after the semicolon (;) insert: amending s. 581.185, F.S.; clarifying uses of the Regulated Plant Index;

Senator Silver moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 20, between lines 26 and 27, insert:

Section 17. Paragraph (d) is added to subsection (9) of section 581.185, Florida Statutes, and subsection (11) is added to that section to read:

581.185 Preservation of native flora of Florida.—

(9) *DUTIES AND AUTHORITY OF DEPARTMENT.*—*The department shall:*

(d) *Have the authority to issue grants to support the preservation and propagation of native plant species of the state that are endangered or threatened as defined in this section.*

(11) *GRANTS PROGRAM.*—

(a) *There is created within the department an Endangered or Threatened Native Flora Conservation Grants Program to contract with qualified corporations in the private sector for the purpose of providing recognition of those flora native to the state that are endangered or threatened; and, to encourage, within a controlled program, the protection, curation, propagation, reintroduction, and monitoring of native flora that are identified as endangered or threatened.*

(b) *The Division of Plant Industry in the Department of Agriculture and Consumer Services may accept and administer moneys appropriated to it for providing grants to qualifying nonprofit corporations for the protection, curation, propagation, reintroduction, and monitoring of endangered or threatened native flora.*

(c) *A qualified corporation may apply for a grant of state funds to support programs designed to protect, conserve, propagate, reintroduce, and monitor endangered or threatened native flora. For the purposes of this section, a “qualified corporation” is a corporation that is designated*

a not-for-profit corporation under s. 501(c)(3) of the Internal Revenue Code of 1954, and which is described in, and allowed to receive contributions under, s. 170 of the Internal Revenue Code of 1954, and which is a corporation not-for-profit incorporated under chapter 617, and which can demonstrate through experience with existing conservation programs the ability to protect, conserve, propagate, reintroduce, and monitor endangered and threatened native flora.

(d) The department shall establish, by rule, criteria for the award of grants, including criteria evaluating:

1. Existing conservation experience with endangered or threatened native flora;
2. Existing facilities appropriate for program needs;
3. Existing programs administered by the corporation that successfully protect, conserve, propagate, reintroduce, and monitor native flora;
4. Existing recordkeeping and documentation that is accessible to national databases of endangered and threatened plants;
5. Qualified staff with demonstrated experience in native plant conservation;
6. Documentation of collaboration with related state, national, or international conservation programs;
7. Successful experience propagating and reintroducing endangered or threatened native flora;
8. Public exhibit programs publicizing the conservation of native species and the importance of the conservation effort; and
9. Fiscal stability and ability to match grant funding.

(e)1. Upon appropriation by the Legislature of funds for the Endangered or Threatened Native Flora Grants Program, the department shall execute a contract with each organization, which must contain information relative to the program and other provisions considered necessary by the department for the administration of the program.

2. Each recipient corporation must submit an annual report to the Division of Plant Industry detailing the expenditure of funds.

3. The department may grant moneys in advance for programs for which grants are issued, under a grant agreement or a contract.

(f) Each grant recipient shall cause an annual postaudit to be conducted by an independent certified public accountant. The annual audit report must be submitted to the department for review. The department may require from the grant recipient any detail or supplemental data relative to the operation of the corporation.

(g) The department shall adopt rules necessary to administer this subsection.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 14, following the semicolon (;) insert: amending s. 581.185, F.S.; creating the Endangered or Threatened Native Flora Conservation Grants Program in the Department of Agriculture and Consumer Services to provide grants for the protection, curation, propagation, reintroduction, and monitoring of endangered or threatened native flora;

Senator Williams moved the following amendment which was adopted:

Amendment 4 (with title amendment)—On page 28, lines 3 and 4, delete those lines and insert:

Section 30. Effective July 1, 1997, subsection (5) of section 482.051, Florida Statutes, is amended, and subsection (6) is added to said section, to read:

482.051 Rules.—The department shall adopt rules to carry out the intent and purpose of this chapter. Prior to proposing the adoption of a rule, the department shall counsel with members of the pest control

industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public, in conformity with this chapter and chapter 120, which require:

(5) (a) That any pesticide used for preconstruction soil treatments for the prevention of subterranean termites be applied in the amount, concentration, and treatment area in accordance with the label registered by the U.S. Environmental Protection Agency, so that a continuous chemical barrier is created between the structure and all of the vertical and horizontal areas beneath the structure; that a copy of the label of the registered pesticide being applied be carried in a vehicle at the site where the pesticide is being applied; and that the licensee must post a pretreatment tag on the building permit board for each application before leaving the site which sets forth: the name, address, and telephone number of the licensee; the location of the treatment site; the date of the application; the time the application was begun and the time the application was completed; the trade name of the chemical; the concentration of chemical used, written as a percentage of active ingredient; the number of gallons of finished spray applied; the square footage treated; the type of construction; the license tag number of the vehicle used for application; whether the treatment is complete or incomplete and, if not complete, the areas remaining to be treated; the signature of the applicator and his pest control identification card number. A copy of this tag must be retained by the licensee for a period of 3 years.

(b) The business licensee must establish a vertical barrier at the exterior foundation walls in stem-wall construction or exterior foundation edge of monolithic construction after grading and other construction-related soil disturbances have been completed. A record of this application documenting the date, the trade name of the chemical used, and the amount of chemical applied must be retained by the licensee for a period of 3 years. A notice of this treatment must be posted in a conspicuous location that is visible to the homeowner. This notice must be at least 3 inches by 5 inches and must consist of a material that will last at least 3 years. Such notice must include the business name, address, and date of treatment.

(6) That any pesticide used for postconstruction subterranean termite treatments must be used in accordance with the label directions. ~~and that the licensee maintain for 3 years the record of each preconstruction soil treatment, indicating the date of treatment, the location or address of the property treated, the total square footage of the structure treated, the type of pesticide applied, the concentration of each substance in the mixture applied, and the total amount of pesticide applied.~~

Section 31. Effective July 1, 1997, paragraph (f) of subsection (2) of section 482.071, Florida Statutes, is amended to read:

482.071 Licenses.—

(2)

(f) The department by rule may establish a procedure for expediting the processing of an application for license upon payment by the applicant of a special fee in an amount sufficient to cover the cost of such expedited process, but not exceeding \$50. *The department may charge a \$10 fee for issuance of duplicate licensure documents.*

Section 32. Effective July 1, 1997, subsection (12) is added to section 482.111, Florida Statutes, to read:

482.111 Pest control operator's certificate.—

(12) A person certified under this chapter may perform as a certified applicator in a corresponding category of certification under chapter 487.

Section 33. Effective July 1, 1997, subsection (3) of section 482.211, Florida Statutes, is amended to read:

482.211 Exemptions.—This chapter does not apply to:

(3) Pest control performed in greenhouses, in plant nurseries, or on agricultural crops, trees, groves, or orchards, or in treatment of seeds or raw agricultural products.

Section 34. Effective July 1, 1997, section 553.785, Florida Statutes, is created to read:

553.785 Florida Termite Advisory Council.—

(1) There is created within the department the Florida Termite Advisory Council, consisting of seven members appointed by the secretary of the Department of Community Affairs. The members of the council shall represent the following groups and professions:

(a) One member must be the secretary, or his designee, who is an employee of the Department of Community Affairs;

(b) One member must be the Commissioner of Agriculture, or his designee, who must be an employee of the Department of Agriculture and Consumer Services;

(c) One member must be a building official from a building department of a county or municipality, selected from a list of persons submitted by the Building Officials Association of Florida;

(d) Two members must be contractors licensed in the state, selected from a list submitted by the Florida Home Builders Association; and

(e) Two members must be pest control operators licensed in the state and chosen by the Department of Agriculture and Consumer Services.

(2) Within 30 days after October 1, 1997, the Secretary of Community Affairs shall appoint the members of the advisory council, of whom two members shall serve 4-year terms, two members shall serve 3-year terms, and three members shall serve 2-year terms. Thereafter, each appointee shall serve a 4-year term. Members shall receive no salary, but shall receive travel and expense reimbursement as provided in s. 112.061.

(3) The council shall advise and recommend to the commissioner and to the secretary, as appropriate, rules regulating construction and pest control practices regarding termite prevention which improve protection against structural damage caused by termites. The council may also make recommendations to the Legislature regarding statutory changes needed to improve protection against damage to buildings from termites.

(a) The rules forwarded by the council must clearly delineate the responsibilities of:

1. Contractors to employ building practices known to minimize termite infestation and to enhance the effectiveness of pest control chemicals;

2. Pest control operators to apply preventive chemicals using proper methods and strengths of chemicals; and

3. Homeowners to maintain current treatment and to avoid disturbing treated soils or placing landscaping or materials in such manner as to provide termites access to the wooden elements of the structure.

(b) The council shall review requests for additions to, deletions from, or modifications of building code provisions relating to termite prevention and shall issue advisory opinions and recommendations on such requests.

(c) The commissioner or the secretary, as appropriate, shall initiate rulemaking on such requests by the council, unless the commissioner or the secretary demonstrates that the proposed rule:

1. Does not protect the public from any significant and discernible harm or damages;

2. Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

3. Unnecessarily increases the cost of pest control services or of housing without a corresponding or equivalent public benefit. However, there shall not be created a presumption of the existence of any of the conditions cited in this subsection if the rule or proposed rule is challenged.

Section 35. Effective July 1, 1997, subsections (1) and (4) of section 482.155, Florida Statutes, are amended to read:

482.155 Limited certification for governmental pesticide applicators or private applicators.—

(1)(a) The department shall establish limited certification categories for the following persons who apply pesticides as part of their regular job duties and responsibilities:

1. Persons who apply pesticides only as governmental employees.

2. Persons who apply pesticides only to their own private property, and employees who apply pesticides to private property owned by their employers. This includes properties such as public buildings, schools, hospitals, nursing homes, grocery stores, restaurants, apartments, and common areas of condominiums and any other private properties where the public may be exposed to pesticide applications.

(b) A person seeking limited certification under this subsection must pass an examination given or approved by the department. Each application for examination must be accompanied by an examination fee set by the department, in an amount of not more than \$150 or less than \$50; and a recertification fee of \$25 every 4 years. Until rules setting these fees are adopted by the department, the examination fee is \$50. Application for recertification must be accompanied by proof of having completed 4 classroom hours of acceptable continuing education. The department shall provide the appropriate reference material and make the examination readily accessible and available to all applicants at least quarterly or as necessary in each county.

(c) Certification obtained under this subsection does not authorize operation of a pest control business.

(4) Certification is not required under this chapter for ~~This section does not apply to~~ the application of disinfectants, sanitizers, or ready-to-use pesticides sold over the counter at retail in containers that are 1 gallon or less in volume, or 2 pounds or less in dry weight, if the application is done by a permanent employee only upon the government or private property of his employer.

Section 36. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 3, line 16, delete "providing an effective date." and insert: amending s. 482.051, F.S.; establishing rulemaking standards for treating new construction building sites; amending s. 482.071, F.S.; authorizing a duplicate licensure document fee; amending s. 482.111, F.S.; authorizing a certified pest control operator to be a certified applicator under ch. 487, F.S.; amending s. 482.211, F.S.; exempting the pest control treatment of seeds or raw agricultural products; creating s. 553.785, F.S.; creating the Florida Termite Advisory Council; amending s. 482.155, F.S.; specifying persons for whom limited certification categories are to be established; providing effective dates.

Pursuant to Rule 4.19, **CS for CS for SB 2044** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SB 2064—A bill to be entitled An act relating to consumer finance loans; amending s. 516.031, F.S.; increasing the loan limits upon which specified interest rates may be charged; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Grant and adopted:

Amendment 1—On page 2, lines 9 and 10, delete those lines and insert:

Section 2. The provisions of this act shall be effective for consumer finance loans entered on or after October 1, 1997.

On motions by Senator Grant, by two-thirds vote **SB 2064** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—34

Madam President	Clary	Grant	Jenne
Bankhead	Cowin	Gutman	Jones
Bronson	Dantzler	Hargrett	Klein
Burt	Diaz-Balart	Harris	Kurth
Casas	Dyer	Holzendorf	Lee
Childers	Forman	Horne	McKay

Meadows	Rossin	Sullivan	Turner	Rossin	Silver	Thomas	Williams
Myers	Scott	Thomas	Williams	Scott	Sullivan	Turner	
Ostalkiewicz	Silver						

Nays—None

Vote after roll call:

Yea—Brown-Waite

Nays—None

Vote after roll call:

Yea—Madam President

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

SENATOR BURT PRESIDING

The Senate resumed consideration of—

SB 72—A bill to be entitled An act relating to district school board elections; requiring certain school districts to elect school district board members from single-member residence areas; providing an effective date.

—which was previously considered April 9. Pending Amendment 1 by Committee on Executive Business, Ethics and Elections failed.

Senators Scott, Jenne, Campbell, Meadows, Forman and Klein offered the following amendment which was moved by Senator Scott:

Amendment 2 (with title amendment)—On page 1, lines 10-20, delete those lines and insert:

Section 1. (1) In a county that has a population of 1 million or more persons as of the last decennial census, other than a county as defined in section 125.011(1), Florida Statutes, the district school board shall submit to the electors for approval at a referendum to be held on the first Tuesday after the first Monday in November, 1997, the question of whether the school board should be composed of nine members, seven of whom are to be elected from a single-member residence area by electors residing in the single-member residence area only, and two of whom are to be elected at-large, notwithstanding the provisions of section 230.061, section 230.10, or section 230.105, Florida Statutes.

(2) If the electors approve such election of district school board members, the seven single-member residence areas must be drawn by a bipartisan committee, and the district school board shall provide for the orderly transition to such election of school board members as the terms of incumbent school board members expire.

And the title is amended as follows:

On page 1, lines 3-5, delete those lines and insert: elections; providing for a referendum in certain counties with respect to the composition and manner of electing the school board; requiring affected school boards to provide an orderly transition to a school board so composed if approved by the electors; providing an

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

Amendment 2A—On page 1, line 31, delete "a bipartisan committee" and insert: the school board

Amendment 2 as amended was adopted.

On motions by Senator Jenne, by two-thirds vote SB 72 as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

Bankhead	Cowin	Gutman	Klein
Bronson	Crist	Hargrett	Kurth
Brown-Waite	Dantzler	Harris	Latvala
Burt	Diaz-Balart	Holzendorf	Lee
Campbell	Dudley	Horne	McKay
Casas	Dyer	Jenne	Meadows
Childers	Forman	Jones	Myers
Clary	Grant	Kirkpatrick	Ostalkiewicz

CS for SB 2—A bill to be entitled An act relating to postsecondary education; creating the minority teacher education scholars program; requiring a training program; providing for enrollment in the program; authorizing scholarships to certain students; authorizing incentive awards for public community colleges and certain public and private colleges and universities; providing restrictions; providing for repayment of scholarships; providing exceptions; creating the Florida Fund for Minority Teachers, Inc., in the College of Education at the University of Florida; requiring budget projections and a 7-year plan; authorizing scholarships and incentives; providing for a board of directors; providing responsibilities; limiting administrative costs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, CS for SB 2 was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 798—A bill to be entitled An act relating to instructional materials; amending s. 229.512, F.S.; prescribing power of the Commissioner of Education; amending s. 233.07, F.S.; deleting obsolete language relating to state instructional materials committee appointments; conforming provisions relating to committee meetings; providing a definition; amending s. 233.09, F.S.; requiring state instructional materials committees to adhere to procedures prescribed by the commissioner; revising provisions relating to evaluation of instructional materials by state instructional materials committees; deleting obsolete provisions; amending s. 233.11, F.S.; conforming language relating to committee procedures; amending s. 233.16, F.S.; providing procedures for evaluating instructional materials; authorizing a publisher or manufacturer to provide a cash deposit in lieu of a bond; revising provisions relating to preservation of contracts; amending s. 233.17, F.S.; providing for the commissioner to approve terms of adoption for instructional material; amending s. 233.18, F.S.; revising requirements for specimen copies of instructional materials; amending s. 233.25, F.S.; revising requirements for samples of nonprint instructional materials; revising requirements of publishers or manufacturers relating to description of instructional materials; conforming provisions; amending s. 233.34, F.S.; providing for use of certain materials; amending ss. 233.46 and 233.47, F.S.; providing additional penalties for lost or damaged books; deleting obsolete provisions; amending s. 233.061, F.S.; providing required instruction; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendments which were adopted:

Amendment 1—On page 2, lines 26-28, delete those lines and insert: s. 233.14, except as otherwise permitted under s. 233.17(3). It is the intent of

Amendment 2—On page 10, line 1 through page 14, line 16, delete those lines and insert:

Section 5. Section 233.16, Florida Statutes, is amended to read:

233.16 Powers and duties of Department of Education in selecting and adopting instructional materials.—The powers and duties of the Department of Education in selecting and adopting instructional materials shall be:

(1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—To implement procedures prescribed by the Commissioner of

Education for evaluating instructional materials submitted by publishers and manufacturers in each adoption. Included in these procedures shall be the following minimum standards:

(a) *Provisions which afford each publisher or manufacturer or his or her representative an opportunity to present to members of the state instructional materials committees the merits of each instructional material submitted in each adoption;*

(b) *Forms on which a district superintendent or his or her designee shall submit the results of the district instructional materials committee's recommendations; and*

(c) *Guidelines for district instructional materials committees, professional associations, and individuals for evaluating instructional materials for state adoption; however, the following minimum standards apply:*

1. *A district instructional materials committee must reflect the broad racial, ethnic, socioeconomic, and cultural diversity of the district and may not consist of fewer than three persons. One must be a layperson and two must be teachers, it being the intent of the Legislature that committees of three or more persons include at least one layperson and one-half teachers as a part of their total membership. The committee must have the capacity or expertise to address the broad racial, ethnic, socioeconomic, and cultural diversity of the student population of the district. Teachers serving on district instructional materials committees must be certified in an area directly related to the academic area or level being considered for adoption. Personnel selected as teachers of the year at the school, district, regional, or state level pursuant to the provisions of the program conducted by the Department of Education are encouraged to serve on instructional materials committees.*

2. *A district instructional materials committee may not deny any publisher or manufacturer or his or her representative time to present his or her product equal to that time given any other publisher or manufacturer or his or her representative.*

3. *Each instructional material evaluated by district instructional materials committees, professional associations, and individuals shall be ranked numerically in relation to all other materials of the same type evaluated, and no two materials in the same subject area may receive the same numerical rating.*

4. *District instructional materials committees, professional associations, and individuals who evaluate instructional materials and submit their findings and recommendations to the state committee shall do so in accordance with the provisions of section 233.09(4).*

(2)(4) **SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.**—The Department of Education shall notify all publishers or manufacturers of instructional materials who have submitted bids that within 3 weeks after the deadline for receiving bids, at a designated time and place, it will open bids and proposals which have been submitted and deposited with the Department of Education. At the time and place designated, the bids or proposals shall be opened, read, and tabulated in the presence of the bidders or their representatives. No one may revise his or her bid after the bids have been filed. When all bids or proposals have been carefully considered, the department shall, from the list of suitable, usable, and desirable instructional materials reported by the state instructional materials committee, select and adopt instructional materials for each grade and subject field in the curriculum of public elementary and secondary schools in the state in which adoptions are made and in the subject areas designated in the advertisement, which adoption shall continue for the period specified in the advertisement, to begin on the ensuing April 1. Such adoption shall not prevent the extension of a contract as provided in subsection (3)(2). The department shall always reserve to itself the right to reject any and all bids or proposals if it is of the opinion that any or all bids, for any reason, should be rejected. The department may ask for new sealed bids from publishers or manufacturers whose instructional materials were recommended by the state instructional materials committee as suitable, usable, and desirable; specify the dates for filing such bids and the date on which they shall be opened; and proceed in all matters regarding the opening of bids and the awarding of contracts as required by the terms and provisions of this chapter. In all cases, bids or proposals shall be accompanied by a cash deposit or certified check of from \$500 to \$2,500, as the department may direct. The department, in adopting instructional materials, shall give due consideration both to the prices bid for furnishing instructional materials and to the report and recommendations of the

state instructional materials committee. When the department has finished with the report of the state instructional materials committee, the report shall be filed and preserved in the office of the Department of Education and shall be available at all times for public inspection.

(3)(2) **CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.**—As soon as practicable after the department has adopted any instructional materials and all bidders that have secured the adoption of any instructional materials have been notified of the same by registered letter, the Department of Legal Affairs shall prepare a contract in accordance with the provisions of the school code with every bidder awarded the adoption of any instructional materials. Said contracts shall be executed by the Governor and Secretary of State under the seal of the state, one copy to be kept by the contractor, one copy to be filed in the Department of State, and one copy to be filed in the Department of Education. After giving due consideration to comments by the districts, the department, with the agreement of the publisher, may extend or shorten a contract period for a period not to exceed 2 years; and the terms of any such contract shall remain the same as those set forth in the original contract. Any publisher or manufacturer to whom any contract is let under the provisions of this chapter must give bond in such amount as the department deems advisable, payable to the state, conditioned for the faithful, honest, and exact performance of the contract. The bond must further provide for the payment of reasonable attorney's fees in case of recovery in any suit upon the same. The surety on the bond must be a guaranty or surety company authorized by the laws of the state to do business in the state; however, the bond shall not be exhausted by a single recovery but may be sued upon from time to time until the full amount thereof is recovered, and the department may at any time, after giving 30 days' notice, require additional security or additional bond. The form of any bond or bonds or contract or contracts under the provisions of this chapter shall be prepared and approved by the Department of Legal Affairs. *At the discretion of the Commissioner of Education, a publisher or manufacturer to whom any contract is let under provisions of this chapter may be allowed a cash deposit in lieu of a bond, conditioned for the faithful, honest, and exact performance of the contract. The cash deposit, payable to the Department of Education, shall be placed in the Textbook Bid Trust Fund. The department may recover damages on the cash deposit given by the contractor for failure to furnish instructional materials, the sum recovered to inure to the General Revenue Fund.*

(4)(3) **REGULATIONS GOVERNING THE CONTRACT.**—The Department of Education may, from time to time, make any necessary regulations, not contrary to the provisions of this chapter, to secure the prompt and faithful performance of all contracts; and it is expressly provided that, should any contractor fail or refuse to furnish instructional materials as provided in this chapter or otherwise break his or her contract, the department may sue on the bond hereinbefore required in the name of the state, in the courts of the state having jurisdiction, and recover damages on the bond given by the contractor for failure to furnish instructional materials, the sum recovered to inure to the General Revenue Fund.

(5)(4) **RETURN OF DEPOSITS.**—

(a) The successful bidder shall be notified by registered mail of the award of contract; and such bidder shall, within 30 days of receipt of the contract, execute the proper contract and post the required bond. When such bond and contract have been executed, the department shall notify the Comptroller and request that a warrant be issued against the Textbook Bid Trust Fund payable to the successful bidder in the amount deposited under the provisions of s. 233.15. The Comptroller shall issue and forward such warrant to the department for distribution to the bidder.

(b) At the same time or prior thereto, the department shall inform the Comptroller of the names of the unsuccessful bidders. Upon receipt of such notice, the Comptroller shall issue warrants against the Textbook Bid Trust Fund payable to the unsuccessful bidders in the amounts deposited under the provisions of s. 233.15 and shall forward such warrants to the department for distribution to the unsuccessful bidders.

(c) One copy of each contract and an original of each bid, whether accepted or rejected, shall be preserved in the office of the Department of Education for at least 35 years beyond the termination of the contract.

(6)(5) **DEPOSITS FORFEITED.**—Should any successful bidder fail or refuse to execute contract and bond within 30 days of receipt of the

contract, the cash deposit shall be forfeited to the state and placed by the Treasurer in the General Revenue Fund.

(7)(6) **FORFEITURE OF CONTRACT AND BOND.**—In case of the failure of any publisher or manufacturer of instructional materials to furnish a book, or books, or other instructional materials as provided in the contract, his or her bond shall stand forfeited; and the department shall make another contract on such terms as it may find desirable, after giving due consideration to the recommendations of the Commissioner of Education.

Amendment 3—On page 14, lines 20-26, delete those lines and insert:

(1) The term of adoption of any instructional materials shall be for an 8-year ~~a 6-year~~ period beginning on April 1 following the adoption, except for the core subject areas which include mathematics, science, social studies, reading, and literature which shall be for a term not to exceed 6 years beginning on April 1 following the adoption. Any contract for instructional materials may be ~~unless the contract is~~ extended as prescribed in s. 233.16(2). ~~However, The Commissioner State Board of~~ Education may approve ~~by rule~~ terms of adoption of less than 8 ~~6~~ years for materials in content areas which require more frequent revision.

Amendment 4—On page 15, lines 10-12, delete those lines and insert:

(3) The department shall publish annually *an official* a schedule of subject areas to be called for adoption for each of the succeeding 2 years, and a tentative schedule for years 3, 4, 5 and 6 ~~6~~ years. *If extenuating circumstances warrant, the Commissioner of Education may order the department to add one or more subject areas to the official schedule, in which event the commissioner shall develop criteria for such additional subject area or areas pursuant to s. 229.512(15) and make them available to publishers as soon as practicable. Notwithstanding the provisions of s. 229.512(15), the criteria for such additional subject area or areas may be provided to publishers less than 24 months before the date on which bids are due.* The schedule shall be developed so as to

Senator Horne moved the following amendment which was adopted:

Amendment 5 (with title amendment)—On page 18, lines 15-30, delete those lines and insert:

(3) *Notwithstanding the definition of instructional materials in s. 233.07(4), the funds described in subsection (2) which school districts may use to purchase materials not on the state adopted list may be used for the purchase of instructional materials or other items having intellectual content which assist in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools as prescribed by school board policy. The funds available to school districts for the purchase of materials not on the state adopted list may not be used to purchase electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor may such funds be used to purchase equipment or supplies. However, when authorized to do so in the General Appropriations Act, a school or school district may use a portion of the funds available to it for the purchase of materials not on the state adopted list to purchase science laboratory materials and supplies.*

And the title is amended as follows:

On page 2, line 2, after the semicolon (;) insert: providing for a school or school district to use certain funds to purchase science laboratory materials and supplies when authorized in the General Appropriations Act;

Senator Clary moved the following amendment which was adopted:

Amendment 6 (with title amendment)—On page 19, line 30 through page 20, line 22, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 2, lines 2 and 3, delete “and 233.47”

Pursuant to Rule 4.19, **CS for SB 798** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Ostalkiewicz—

SB 1652—A bill to be entitled An act relating to game and fish; creating s. 372.7015, F.S.; providing a fine for the illegal taking or killing of wildlife or game; providing for the disposition of the fine; creating s. 372.7016, F.S.; establishing a “Voluntary Authorized Hunter Identification Program”; providing that persons who hunt on private land enrolled in the program must have identification and authorization available while hunting when demanded by law enforcement officers; providing definitions; providing penalties for violations; amending s. 810.09, F.S.; providing that unauthorized persons shooting lethal projectiles across private land are guilty of trespassing; providing definitions; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources recommended the following amendment which was moved by Senator Ostalkiewicz:

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

Section 1. Section 372.7015, Florida Statutes, is created to read:

372.7015 Illegal killing, taking, possessing, or selling wildlife or game; fines; disposition of fines.—In addition to any other penalty provided by law, any person who violates the criminal provisions of this chapter and rules adopted pursuant to this chapter by illegally killing, taking, possessing, or selling game or fur-bearing animals as defined in s. 372.001(3) or s. 372.001(4) in or out of season shall pay a fine of \$250 for each such violation, plus court costs and any restitution ordered by the court. All fines collected under this section shall be deposited into the Game and Fresh Water Fish Commission’s State Game Trust Fund.

Section 2. Section 372.7016, Florida Statutes, is created to read:

372.7016 Voluntary Authorized Hunter Identification Program.—

(1) *There is created the “Voluntary Authorized Hunter Identification Program” to assist landowners and law enforcement officials in better controlling trespass and illegal or unauthorized hunting. Landowners wishing to participate in the program shall:*

(a) *Annually notify the sheriff’s office in the county in which the land is situated and the respective area supervisor of the Game and Fresh Water Fish Commission by letter of their desire to participate in the program, and provide a description of their property which they wish to have in the program by township, range, section, partial section, or other geographical description.*

(b) *Provide a means of identifying authorized hunters as provided in subsection (2).*

(2) *Any person hunting on private land enrolled in the Voluntary Authorized Hunter Identification Program shall have readily available on the land at all times when hunting on the property written authorization from the owner or his or her authorized representative to be on the land for the purpose of hunting. The written authorization shall be presented on demand to any law enforcement officer, the owner, or the authorized agent of the owner.*

(a) *For purposes of this section, the term “hunting” means to be engaged in or reasonably equipped to engage in the pursuit or taking by any means of any animal described in s. 372.001(3), or s. 372.001(4), and the term “written authorization” means a card, letter, or other written instrument which shall include, but need not be limited to, the name of the person or entity owning the property, the name and signature of the person granting the authorization, a description by township, range, section, partial section, or other geographical description of the land to which the authorization applies, and a statement of the time period during which the authorization is valid.*

(b) Failure by any person hunting on private land enrolled in the program to present written authorization to hunt on said land to any law enforcement officer or the owner or representative thereof within 72 hours of demand shall be prima facie evidence of violation of s. 810.09(2)(c), punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, such evidence may be contradicted or rebutted by other evidence.

Section 3. Paragraph (f) is added to subsection (2) of section 810.09, Florida Statutes, 1996 Supplement, to read:

810.09 Trespass on property other than structure or conveyance.—
(2)

(f) Any person who in taking or attempting to take any animal described in s. 372.001(3) or s. 372.001(4), or in killing, attempting to kill, or endangering any animal described in s. 585.01(13) knowingly propels or causes to be propelled any potentially lethal projectile over or across private land without authorization commits trespass, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this paragraph, the term "potentially lethal projectile" includes any projectile launched from any firearm, bow, crossbow or similar tensile device. This section shall not apply to any governmental agent or employee acting within the scope of his or her official duties.

Section 4. This act shall take effect October 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 wildlife; creating s. 372.7015, F.S.; providing a fine for the illegal taking or killing of wildlife or game; providing for the disposition of the fine; creating s. 372.7016, F.S.; establishing a "Voluntary Authorized Hunter Identification Program"; providing that persons who hunt on private land enrolled in the program must have identification and authorization available while hunting when demanded by law enforcement officers; providing definitions; providing penalties for violations; amending s. 810.09, F.S.; providing that unauthorized persons shooting lethal projectiles across private land are guilty of trespassing; providing definitions; providing penalties; providing an effective date.

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

Amendment 1A—On page 1, line 26, after "season" insert: *while violating chapter 810*

The Committee on Criminal Justice recommended the following amendment to **Amendment 1** which was moved by Senator Ostalkiewicz and adopted:

Amendment 1B—On page 3, line 10, delete "72 hours" and insert: *7 days*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **SB 1652** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 444** was deferred.

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

CS for SB 1646—A bill to be entitled An act relating to the Underground Facility Damage Prevention and Safety Act; amending s. 556.101, F.S.; revising legislative intent; amending s. 556.102, F.S.; revising definitions; amending s. 556.103, F.S.; requiring membership in a specified corporation; requiring a report; amending s. 556.104, F.S.; requiring participation in a specified system; providing exceptions; amending s. 556.105, F.S.; providing an exception to the notification requirement; amending s. 556.106, F.S.; revising liability of an excavator to nonmember operators; amending s. 556.110, F.S.; providing for monthly assessments for operating costs; exempting member operators from certain assessments under certain circumstances; providing an effective date.

—was read the second time by title. On motions by Senator Lee, by two-thirds vote **CS for SB 1646** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Madam President, Campbell

On motion by Senator Meadows, by two-thirds vote **HB 9** was withdrawn from the Committees on Banking and Insurance; and Education.

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

HB 9—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.732, F.S.; including motor vehicles used as public school transportation in the definition of "motor vehicle" for insurance purposes; amending s. 627.733, F.S.; providing an exemption from a requirement to maintain certain financial security; providing an effective date.

—a companion measure, was substituted for **SB 28** and by two-thirds vote read the second time by title. On motions by Senator Meadows, by two-thirds vote **HB 9** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Madam President

On motion by Senator Rossin—

CS for SB's 1286 and 1446—A bill to be entitled An act relating to insurance; creating s. 627.06501, F.S.; authorizing motor vehicle insurers to offer premium reductions when the principal driver of an insured vehicle has completed an approved driver improvement course; prescribing conditions and limits on such offer; amending s. 318.1451, F.S.; providing for an assessment fee to be paid by persons taking such a course; amending s. 627.419, F.S.; specifying that advertisements by insurers in a language other than English do not modify a policy in English; providing limitations; amending s. 627.727, F.S.; providing a presumption in favor of insurers and their agents and employees that coverage has been rejected or reduced by an insured who signs a form prescribed by the Department of Insurance; amending s. 627.728, F.S.; providing for electronic notice of cancellation and nonrenewals; allowing notice of cancellation by postal proof of mailings; amending s. 627.7288, F.S.; providing that deductibles in a policy that provides comprehensive coverage provided to an insured by an authorized insurer do not apply

to motor vehicle glass deductibles; creating s. 627.72951, F.S.; permitting temporary binding of coverage; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendments which were adopted:

Amendment 1—On page 3, lines 22-26, delete those lines and insert: *policy written in English. The advertisement must disclose that the policy written in English controls in the event of a dispute and that statements contained in the advertisement do not necessarily, as a result of possible linguistic differences, reflect the contents of the policy written in English. Nothing in this subsection shall affect the*

Amendment 2—On page 4, lines 17-20, delete those lines and insert: unless the nonpayment is cured within *the earlier of* 5 days after actual notice by certified mail is received by the applicant *or 15 days after notice is sent to the applicant by certified mail or registered mail,* and if the contract is void, any premium received

Amendment 3—On page 5, line 6, delete “*or eligible*”

Pursuant to Rule 4.19, **CS for SB’s 1286 and 1446** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **CS for HB 1001** was withdrawn from the Committee on Banking and Insurance.

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

CS for HB 1001—A bill to be entitled An act relating to insurance; creating s. 626.7355, F.S.; providing for temporary customer representative’s licenses; specifying qualifications; limiting use of such licenses; specifying responsibility for acts of the licensee; requiring submission of certain information; limiting functions of licensees; specifying term of license; prohibiting renewability; requiring appointment; authorizing administrative actions against licensees; providing an effective date.

—a companion measure, was substituted for **CS for SB 990** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1001** was placed on the calendar of Bills on Third Reading.

On motion by Senator Childers, by two-thirds vote **CS for HB 549** was withdrawn from the Committee on Banking and Insurance.

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

CS for HB 549—A bill to be entitled An act relating to warranty companies; amending s. 634.011, F.S.; redefining the term “motor vehicle” with respect to motor vehicle service agreement companies; amending s. 634.121, F.S.; authorizing such service agreement companies to limit both the time period within which a consumer may transfer the agreement and the number of transfers permissible; amending s. 634.301, F.S.; providing a definition; amending s. 634.312, F.S.; providing for a required element of home warranty contracts; creating s. 634.331, F.S.; providing that a home warranty may provide coverage of residential property listed for sale prior to the sale of such property under certain circumstances; amending s. 634.406, F.S.; revising language with respect to financial requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 920** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 549** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett—

CS for SB 1402—A bill to be entitled An act relating to premium finance companies and agreements; amending s. 627.828, F.S.; revising the net worth requirements for an applicant for a premium finance

company license; authorizing a surety bond with a reduced net worth requirement; requiring that premium finance companies maintain Errors and Omissions Coverage and providing an exception; amending s. 627.8405, F.S.; revising prohibited acts by a premium finance company; amending s. 627.848, F.S.; requiring unearned premiums on a canceled insurance contract to be refunded by a premium finance company to the insured in the case of personal lines insurance and to the insured or agent or both for the benefit of the insured in the case of commercial insurance; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment:

Amendment 1 (with title amendment)—On page 6, line 25 through page 7, line 4, delete those lines and insert:

(e) Whenever an insurance contract is canceled in accordance with this section, the insurer shall promptly return the unpaid balance due under the finance contract, up to the gross amount available upon the cancellation of the policy, to the premium finance company and any remaining unearned premium to the agent or the insured, or both, for the benefit of the insured or insureds. *The insurer shall notify the insured and the agent of the amount of unearned premium returned to the premium finance company and the amount of unearned commission held by the agent. The premium finance company within 15 days shall notify the insured and the agent of the amount of unearned premium including any of the unearned commission used to settle the finance contract and any amount of money due the insured that is being held by the agent. Within 15 days of receipt of notification from the premium finance company, the agent shall return such amount including any unearned commission to the insured or with the written approval of the insured apply such amount to the purchase of other insurance products regulated by the department. The department may adopt rules necessary to implement the provisions of this subsection.*

And the title is amended as follows:

On page 1, lines 12-17, delete those lines and insert: 627.848, F.S.; requiring notification to the insured by the insurer and premium finance company on a canceled insurance contract, the amount of any unearned premium and unearned commission due to the insured after satisfaction of the contract;

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

Amendment 1A—On page 1, line 29 through page 2, line 1, delete those lines and insert: *the amount of unearned premium. Within 15 days of receipt of notification from the*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1402** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Grant—

CS for SB 908—A bill to be entitled An act relating to surplus lines insurance; amending s. 626.921, F.S.; creating a nonprofit association named the “Florida Surplus Lines Service Office”; providing findings; requiring surplus lines agents to be members of the association; providing duties; requiring the office to collect a service fee from surplus lines agents; providing for a board of governors; providing for appointment of board members; requiring a plan of operation to be submitted to the Department of Insurance; requiring the department to conduct examinations of the association; providing for limitations of liability for the association under certain circumstances; amending s. 626.931, F.S.; requiring surplus lines agents, foreign insurers, and alien insurers to file a quarterly report with the Florida Surplus Lines Service Office; amending s. 626.932, F.S.; requiring surplus lines agents to pay a surplus lines tax to the office; requiring the service office to remit the taxes and interest to the department within a specified time; excluding from the term “premium” a service fee; creating s. 626.9325, F.S.; imposing a service fee on premiums charged for surplus lines insurance; requiring surplus lines agents to collect the fee and pay the fee to the office; requiring interest under certain circumstances; providing for application; specifying use of such fees; providing definitions; amending s.

626.918, F.S.; revising surplus and trust fund requirements for alien surplus lines insurers; lowering surplus requirements for surplus lines insurers meeting certain conditions; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Grant and adopted:

Amendment 1—On page 6, line 25 through page 7, line 2, delete those lines and insert:

(7) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member or its agents or employees, agents or employees of the association, members of the board of governors of the association, or the department or its representatives, for any action taken by them in the performance of their duties or responsibilities under this subsection. Such immunity does not apply to actions for breach of any contract or agreement pertaining to insurance, or any willful tort.

Pursuant to Rule 4.19, **CS for SB 908** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1754** was deferred.

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

CS for CS for SB's 1688, 792, 1334 and 2254—A bill to be entitled An act relating to workforce development education; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; amending s. 228.041, F.S.; amending the definition of "career education"; amending ss. 231.614, 233.056, 233.0561, 235.15, 235.199, 235.435, F.S.; conforming provisions; amending s. 236.081, F.S.; deleting responsibilities for funding of vocational education and adult education from the Florida Education Finance Program; conforming provisions; requiring a school district to pay certain costs for high school students enrolled in community college adult education programs; amending s. 237.34, F.S.; changing certain reporting responsibilities; conforming provisions; amending s. 239.105, F.S.; amending definitions to conform; removing certain programs from the category of adult general education; conforming provisions; amending s. 239.113, F.S.; conforming provisions; creating s. 239.115, F.S.; creating the workforce development fund; providing definitions; requiring cost categories, output measures, and outcome measures; providing for certain student fees; providing state funding entitlements for workforce development program categories; amending s. 239.117, F.S.; conforming provisions; amending certain requirements regarding fee schedules for workforce development education; authorizing a higher fee for certain courses within a program; amending s. 239.201, F.S.; deleting a requirement for delivery of certain programs; conforming provisions; amending s. 239.229, F.S.; deleting a requirement regarding supplemental vocational programs; conforming provisions; amending s. 239.249, F.S.; conforming provisions; amending s. 239.301, F.S.; deleting restrictions on the authority to provide certain programs; changing the funding category for college preparatory instruction; conforming provisions; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending s. 240.301, F.S.; amending the mission of community colleges; deleting restrictions; conforming provisions; amending s. 240.345, F.S.; revising certain requirements for fund sources; amending s. 240.35, F.S.; revising requirements for student fees at community colleges to conform; amending s. 240.359, F.S.; conforming provisions relating to fund sources; amending ss. 240.61, 242.3305, 242.331, 242.337; 288.047, 446.011, 446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing s. 239.109, F.S., relating to interinstitutional articulation agreements; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; amending ss. 246.081, 246.085, F.S.; providing that certain independent colleges are not under the jurisdiction of the State Board of Independent Colleges and Universities; providing an effective date.

—was read the second time by title.

Senator Diaz-Balart moved the following amendment:

Amendment 1 (with title amendment)—On page 3, between lines 13 and 14, insert:

Section 1. (1) By July 1, 1997, an Implementation Committee for Workforce Development Education must be appointed. The committee must be chaired by the Commissioner of Education or his or her designee and must consist of 20 members, including the Executive Director of the State System of Community Colleges or his or her designee; the Director of the Division of Workforce Development of the Department of Education or his or her designee; the President of the Workforce Development Board of Enterprise Florida, Inc., or his or her designee; the Director of Workforce Education and Outcome Information Services of the Department of Education; 8 members appointed by the President of the Senate; and 8 members appointed by the Speaker of the House of Representatives. Of the 16 members appointed by a legislative official, the members representing community colleges and school districts must include school district superintendents, community college presidents, finance officers, directors of management information systems, vocational education deans and directors, and adult education directors. The members must represent:

- (a) Five members from community colleges*
- (b) Five members from large school districts.*
- (c) Four members from medium school districts.*
- (d) Two members from small school districts.*

(2) For administrative purposes, the Implementation Committee on Workforce Development is assigned to the Division of Workforce Development of the Department of Education.

(3) The committee shall design a program funding system to implement the workforce development funding formula. The design must include the assignment of appropriate weighting schemes, the identification of key elements of productivity for funding, and simulations of funding designs. The design must be consistent with the performance measurement requirements and the elements of productivity in the Workforce Florida Act of 1996. Necessary components in formulating the design include:

(a) Assessing and recommending to the Legislature a design for a unified student data reporting system for the workforce development education system, including hardware, software, and protocol aspects within resources provided in the general appropriations act for 1997-1998. The design must include new data analysis reports to analyze program performance, allow for program review, and determine how to allocate funds. For purposes of this section, a unified data base means that the same system provides information for both school districts and community colleges, with common definitions and reporting formats and sequences. The implementation committee may contract for system design services, as authorized in the appropriations act.

(b) Recommending modifications to curriculum frameworks to facilitate articulation and to guarantee maximum appropriate transferability of coursework. The modifications must assure a uniform system of courses and common course numbers, created by redefining postsecondary vocational programs. In cooperation with the Articulation Coordinating Committee, the implementation committee shall develop standards for institutions that wish to award college credit for vocational instruction. These standards must address issues related to accreditation and admission of students.

(c) Overseeing a detailed vocational and adult general education program cost study to determine relative costs of the vocational and adult general programs in the community college and school district delivery systems.

(d) Conducting a program of staff development to disseminate information about changes and developments with staff of school districts, community colleges, Department of Education, and the Legislature.

(e) Recommending administrative procedures and mechanisms to pay out, track, and account for funds assigned to the Workforce Education Development Fund. These procedures must include reports of expenditures, costs, disbursements, and audits.

(4) By January 1, 1998, the implementation committee shall prepare an implementation report containing:

(a) The products that implement the components described in subsection (3).

(b) A description of activities in process and due dates for any other activities necessary to implement the performance-based funding formula for workforce development in time for full implementation by July 1, 1998.

(c) An identification of any additional action that would facilitate the effective and timely implementation.

(5) The implementation committee has the authority to take any actions for which resources are available and authorized in law to implement the performance-based funding formula for workforce development by July 1, 1998.

(6) The Implementation Committee for Workforce Development Education is abolished effective July 1, 1998.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the first semicolon (;) insert: creating the workforce development education implementation committee; providing membership; requiring components of the implementation process; providing for a reporting system, program and curriculum design, cost study, staff development, and administrative procedures; providing for the abolishment of the committee;

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

Amendment 1A—On page 1, lines 20 and 21, delete “20 members, including” and insert: 24 members, including four members appointed by the Governor;

The question recurred on **Amendment 1** as amended.

Senator Horne moved the following substitute amendment:

Amendment 2 (with title amendment)—On page 3, between lines 13 and 14, insert:

Section 1. (1) *The Postsecondary Education Planning Commission shall oversee an implementation process for workforce development education. The commission shall design a program funding system to implement the workforce development funding formula. The design must include the assignment of appropriate weighting schemes, the identification of key elements of productivity for funding, and simulations of funding designs. The design must be consistent with the performance measurement requirements and the elements of productivity in the Workforce Florida Act of 1996. Necessary components in formulating the design include:*

(a) *Assessing and recommending to the Legislature a design for a unified student data reporting system for the workforce development education system, including hardware, software, and protocol aspects within resources provided in the general appropriations act for 1997-1998. The design must include new data analysis reports to analyze program performance, allow for program review, and determine how to allocate funds. For purposes of this section, a unified data base means that the same system provides information for both school districts and community colleges, with common definitions and reporting formats and sequences. The commission may contract for system design services, as authorized in the appropriations act.*

(b) *Recommending modifications to curriculum frameworks to facilitate articulation and to guarantee maximum appropriate transferability of coursework. The modifications must assure a uniform system of courses and common course numbers, created by redefining postsecondary vocational programs. In cooperation with the Articulation Coordinating Committee, the commission shall develop standards for institutions that wish to award college credit for vocational instruction. These standards must address issues related to accreditation and admission of students.*

(c) *Overseeing a detailed vocational and adult general education program cost study to determine relative costs of the vocational and adult general programs in the community college and school district delivery systems.*

(d) *Conducting a program of staff development to disseminate information about changes and developments with staff of school districts, community colleges, Department of Education, and the Legislature.*

(e) *Recommending administrative procedures and mechanisms to pay out, track, and account for funds assigned to the Workforce Education Development Fund. These procedures must include reports of expenditures, costs, disbursements, and audits.*

(2) By January 1, 1998, the commission shall prepare an implementation report containing:

(a) The products that implement the components described in subsection (3).

(b) A description of activities in process and due dates for any other activities necessary to implement the performance-based funding formula for workforce development in time for full implementation by July 1, 1998.

(c) An identification of any additional action that would facilitate the effective and timely implementation.

(5) *The commission has the authority to take any actions for which resources are available and authorized in law to implement the performance-based funding formula for workforce development by July 1, 1998. The Department of Education, the State Board of Community Colleges, the 28 community colleges, and the 67 school districts shall provide staff assistance and resources to assist the commission in conducting the implementation process.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the first semicolon (;) insert: requiring the Postsecondary Education Planning Commission to oversee implementation activities; requiring components of the implementation process; providing for a reporting system, program and curriculum design, cost study, staff development, and administrative procedures; providing for staff support;

On motion by Senator Horne, further consideration of substitute **Amendment 2** was deferred.

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

Amendment 3—On page 5, line 30, delete “minimum”

Senator Gutman moved the following amendments which failed:

Amendment 4—On page 34, line 27 through page 61, line 28, delete those lines and insert:

(16) *“Degree vocational education program” means a course of study that leads to an associate in science degree. A degree vocational education program may contain within it one or more occupational completion points and may lead to certificates within the course of study. The term is interchangeable with the term “degree career education program.” ~~“Degree career education program” means college credit, job preparatory programs, excluding supplemental vocational instruction, through which a student receives an associate in science degree upon the completion of instruction.~~*

(17) *“Occupational completion point” means the vocational competencies that qualify a person to enter an occupation that is linked to a vocational program.*

(18)(17) *“Prose literacy” means the demonstration of competence in reading and interpreting materials such as newspapers, magazines, and books.*

(19)(18) *“Quantitative literacy” means the demonstration of competence in the application of arithmetic operations to materials such as*

loan documents, sale advertisements, order forms, and checking accounts.

(19) ~~“Supplemental vocational” means courses conducted to enhance or upgrade the occupation-related skills of a person currently employed in that occupation or a person formerly employed in that occupation who seeks occupational reentry. A student who is employed, but who enrolls in a job-related component of a sequential program of studies may be considered job preparatory, rather than supplemental, if the student may be calculated as an enrollment pursuant to s. 239.233 and if the component or components in which the student enrolls have not been previously taken by that student.~~

(20) ~~“Vocational Career education planning region” means the geographic area in which career or adult education is provided. Each vocational region is contiguous with one of the 28 community college service areas. The term may be used interchangeably with the term “career education planning region.”~~

(21) ~~“Vocational-preparatory instruction” means adult general education instruction through which persons attain academic skills at the level of functional literacy or higher so that such persons may pursue certificate career education or higher-level career education.~~

(22) ~~“Workforce literacy” means the basic skills necessary to perform in entry-level occupations or the skills necessary to adapt to technological advances in the workplace.~~

(23) ~~“Workforce development education” means adult general education or vocational education and may consist of a single course or a course of study leading to an occupational completion point or a certificate in applied technology.~~

Section 1. Section 239.113, Florida Statutes, is amended to read:

239.113 Registration of adult students.—Each school district and community college shall maintain sufficient information for each student enrolled in ~~workforce development education or adult, certificate career education, lifelong learning courses, or supplemental vocational programs~~ to allow local and state administrators to locate such student upon the termination of instruction and to determine the appropriateness of student placement in specific instructional programs. The State Board for Career Education shall adopt, in rule, specific information that must be maintained and acceptable means of maintaining that information.

Section 2. Section 239.115, Florida Statutes, is created to read:

239.115 Funds for operation of adult general education and vocational education programs.—

(1) As used in this section, the terms “workforce development education” and “workforce development program” include:

(a) Adult general education programs designed to improve the employability skills of the state’s workforce through adult basic education, adult secondary education, GED preparation, and vocational preparatory education;

(b) Certificate vocational education programs, including courses that lead to an occupational completion point within a program that terminates in a certificate in applied technology; and

(c) Apprenticeship programs as defined in s. 446.021.

(2) Any workforce development education program may be conducted by a community college or a school district, except that an associate in science degree may be awarded only by a community college. However, if an associate in science degree program contains within it an occupational completion point that confers a certificate or an associate in applied technology degree, that portion of the program may be conducted by a school district technical center.

(3) The Florida Workforce Development Education Fund is created to provide performance-based funding for all workforce development programs, whether the programs are offered by a school district or a community college. Funding for all workforce development education programs must be from the Workforce Development Education Fund and must be based on cost categories, performance output measures, and performance outcome measures.

(a) The cost categories must be calculated to identify high-cost programs, medium-cost programs, and low-cost programs. The cost analysis used to calculate and assign a course of study to a cost category must include at least both direct and indirect instructional costs, consumable supplies, equipment, and optimum program length.

(b)1. The performance output measure for a vocational education course of study is student completion of a single course; a program that leads to an occupational completion point associated with a certificate; or an apprenticeship program.

2. The performance output measure for an adult general education course of study is measurable improvement in student skills.

(c) The performance outcome measures are associated with placement of students after completion of a course of study. These measures include placement in employment that is related to the course of study; placement into employment in an occupation on the Occupational Forecasting Conference list of high-wage, high-skill occupations with sufficient openings; placement of WAGES clients or former WAGES clients; and retention in employment of former WAGES clients. Placement must be reported pursuant to ss. 229.8075 and 239.233.

(4) Initial state funding is generated by student enrollment in a course of study. During the time a student is receiving instruction, the educational agency shall collect 75 percent of the state funding for that course of study. When the student completes the course of study or the program, the agency may collect the remaining 25 percent, or the difference between the total funding entitlement and the amount already paid to the educational agency.

(5) The total state funding entitlement for each course of study is determined by its length, the output measures, and its cost category.

(a)1. For a course that does not result in an occupational completion point, state funding equals 25 percent of the cost of the course, with student fees making up the remaining 75 percent.

2. For a program that results in an occupational completion point, total state funding equals 75 percent of the cost of the program, with student fees making up the remaining 25 percent.

(b) Student output measures consist of improvement in literacy skills, grade-level improvement as measured by an approved test, or attainment of a general education development diploma or an adult high school diploma.

(c) The cost category of a course that is part of a vocational program or an adult general education program is the same as that of the program.

(6) When a student completes a program, the educational agency shall first collect the remainder of the total state funding entitlement and may be eligible for additional incentive funds generated by student outcome measures. However, the total funding earned by an educational agency under the formula, including state funding and student fees, may not exceed 125 percent of the calculated program cost. Any funds earned in excess of program cost must be expended to improve the program.

(7) For each course of study, an educational agency that serves students in workforce education programs shall submit an enrollment count each semester, which shall replace the full-time-equivalent student enrollment used by the Florida Education Finance Program and the enrollment calculation used by the Community College Program Fund. The Division of Workforce Development shall calculate the funding entitlement for that semester by a date established by the Department of Education.

(8) A school district or a community college that provides workforce development education shall receive initial funding for each student in the semester in which the student enrolls. During each subsequent semester, a funding entitlement shall be calculated for each student by subtracting the student fee amount from the total funding amount for the course of study in its assigned cost category. The semester funding amount is 75 percent of the difference divided by the number of semesters in the course of study. When a student reaches an occupational completion point or completes a course, the educational agency shall collect the difference between the total state funding entitlement and the amount in state funding already paid. A student may not generate funding for any semester in which the student is not enrolled.

(9) A high school student dually enrolled under s. 240.116 in a workforce development program operated by a university, community college, or school district technical center generates the amount calculated by the Workforce Development Education Fund, including any payment of performance incentives, and the proportional share of full-time-equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a community college program, including a program conducted at a high school, the community college earns the funds generated through the Workforce Development Education Fund and the school district earns the proportional share of full-time-equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a technical center operated by the same district as the district in which the student attends high school, that district earns the funds generated through the Workforce Development Education Fund and also earns the proportional share of full-time-equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce development program provided by a technical center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce development program unless the student has completed the basic skills assessment pursuant to section 239.213, Florida Statutes.

(10) Fees for all nonexempt students, as defined in s. 239.117, are part of the required local effort of each school district pursuant to s. 236.081.

(11) The Department of Education may adopt rules to administer this section.

Section 3. Section 239.117, Florida Statutes, 1996 Supplement, is amended to read:

239.117 Postsecondary student fees.—

(1) This section applies to students enrolled in ~~workforce development programs adult basic, adult secondary, vocational preparatory, college preparatory, lifelong learning, certificate career education, community education, supplemental vocational, or other adult general education programs~~ who are reported for funding through the ~~Workforce Development Education Fund Florida Education Finance Program or Community College Program Fund.~~

(2) All students shall be charged fees except students who are exempt from fees or students whose fees are waived.

(3)(2) The following students are exempt from any requirement for the payment of registration, matriculation, and laboratory fees for ~~adult basic, adult secondary, or vocational preparatory instruction~~:

(a) A student who does not have a high school diploma or its equivalent ~~and who is enrolled in adult basic, adult secondary, or vocational preparatory instruction.~~

(b) A student who has a high school diploma or its equivalent, ~~who is enrolled in adult basic, adult secondary, or vocational preparatory instruction,~~ and who has academic skills at or below the eighth grade level pursuant to state board rule.

(4) The following students are exempt from the payment of registration, matriculation, and laboratory fees:

(a)(e) A student enrolled in a dual enrollment or early admission program pursuant to s. 239.241. ~~Fee exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.~~

(b)(4) A student enrolled in an approved apprenticeship program, as defined in s. 446.021.

(c)(e) A student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or pursuant to parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living. Such exemption includes fees associated with enrollment in college-preparatory instruction and completion of the college-level communication and computation skills testing program.

(d)(f) A student enrolled in an employment and training program under the WAGES Program. Such a student may receive a fee exemption

only if the student applies for and does not receive student financial aid, including Job Training Partnership Act or Family Support Act funds. Schools and community colleges shall help such students apply for financial aid, but may not deny such students program participation during the financial aid application process. Such a student may not be required to incur debt within the financial aid package. ~~Fee exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.~~

(e)(g) A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(5)(3) ~~Fees shall be charged for students not exempted from the payment of fees in this section.~~ School districts and community colleges may waive fees for any fee-nonexempt student. The total value of fee waivers granted by the school district or community college may not exceed the amount established annually in the General Appropriations Act. Any student whose fees are waived in excess of the authorized amount ~~may shall not be reported included in calculations of full-time equivalent enrollments for state funding purposes.~~ Any school district or community college that waives fees and requests state funding for a student in violation of the provisions of this section shall be penalized at a rate equal to 2 times the value of the full-time student enrollment reported. Such penalty shall be charged against the following year's allocation from the Florida Education Finance Program or the Community College Program Fund.

(6)(4)(a) The Commissioner of Education shall recommend to the State Board of Education no later than December 31 of each year a schedule of fees for ~~workforce development education certificate career education, lifelong learning, and supplemental vocational courses and programs conducted by district school boards.~~ The fee schedule shall be based on the amount of student fees necessary to produce 25-40 percent of the prior year's cost of a course of study leading to a certificate or degree and 75 percent of the prior year's cost of a single course certificate career education and vocational preparatory programs and 25 percent of the prior year's cost of supplemental vocational programs. The fee schedule for lifelong learning programs shall be based on student fees and nonstate funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's cost of lifelong learning programs. The recommended annual increase in fees may not exceed 10 percent for students who are residents for tuition purposes. Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

(b) The State Board of Education shall adopt a fee schedule for school districts that produces the fee revenues calculated pursuant to paragraph (a). The schedule so calculated shall take effect, unless otherwise specified in the General Appropriations Act. ~~If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act.~~

(c) The State Board of Education shall adopt, by rule, the definitions and procedures that school boards shall use in the calculation of cost borne by students. Such rule must define the cost of educational programs as the product of ~~semester enrollment counts times the average instructional cost for the course of study, divided by the number of semesters in the course of study. A course of study is a single course or a series of two or more courses leading to an occupational completion point or certificate in applied technology.~~ the base student allocation times the program cost factor times the full-time equivalent enrollment in the programs. The rule shall be developed in consultation with the Legislature.

(7) A district school board or a community college board of trustees may assess a higher fee for the first course in a sequence of courses comprising a course of study and a lower fee for the final course or courses in the completion point sequence. Although fees may vary by course, the sum of fees paid for all courses in a sequence may not exceed 25 percent of the total cost of instruction, and the fee for a single course may not exceed 75 percent of the cost of instruction.

(8)(5)(a) Each year the State Board of Community Colleges shall review and evaluate the percentage of the cost of adult programs and

certificate career education programs supported through student fees. If this review indicates that student fees generate less than the percentage targeted for the program, the State Board of Community Colleges shall adopt a schedule of fee increases by December 31 for the following fall semester. For students who are residents for tuition purposes, the schedule so adopted must produce revenues equal to 25 percent of the prior year's program cost for *workforce development programs consisting of two or more courses and 75 percent of the prior year's cost for student enrollment in a single course of study not leading to a certificate or degree college preparatory and supplemental vocational programs and 10 percent of the prior year's program cost for certificate career education and vocational preparatory programs.* The fee schedule for lifelong learning programs shall be based on student fees and nonstate funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's cost of lifelong learning programs. The state board may not increase fees more than 10 percent for students who are residents for tuition purposes. Unless otherwise specified in the General Appropriations Act, the fee schedule shall take effect and the college shall expend student fees on instruction. If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act. Each community college board of trustees shall establish matriculation, tuition, and noncredit fees that may vary no more than 10 percent from the schedule approved by the State Board of Education. Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

(b) ~~Students enrolled in college preparatory instruction shall pay fees equal to the fees charged for college credit courses. Students enrolled in the same college preparatory skill area more than two times shall pay fees at 100 percent of the direct instructional cost; however, each community college shall have the authority to review and reduce such payment on an individual basis, contingent upon a student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges. Fee-nonexempt students enrolled in vocational preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.~~

(6) ~~Total fees collected annually for recreation and leisure courses must be at least equal to the full cost of providing such programs by a school district or community college. Fees collected in excess of the total cost of the recreation and leisure program may be transferred to other instructional programs.~~

(9)(7) Each school board and community college board of trustees may collect, for financial aid purposes, up to an additional 10 5 percent of the student fees collected for *workforce development certificate career education and supplemental vocational courses and programs.* All fees collected shall be deposited into the student financial aid fee trust fund of the district or community college. ~~Of the fees collected annually, a minimum of 25 percent shall be invested pursuant to the provisions of s. 18.125. Any undisbursed balance remaining in the trust fund and interest income accruing to investments from the trust fund shall increase the total funds available for distribution to certificate career education and supplemental vocational students. Awards shall be based on student financial need and distributed in accordance with a nationally recognized system of need analysis approved by the State Board for Career Education. Fees collected pursuant to this subsection shall be allocated in an expeditious manner.~~

(10)(8) ~~A district school board or a districts and community college board of trustees colleges may charge other fees only as authorized by rule of the State Board of Education or the State Board of Community Colleges.~~

(11)(9) The State Board of Education and the State Board of Community Colleges shall adopt rules to allow the deferral of registration and tuition fees for students receiving financial aid from a federal or state assistance program when such aid is delayed in being transmitted to the student through circumstances beyond the control of the student. The failure to make timely application for such aid is an insufficient reason to receive a deferral of fees. The rules must provide for the enforcement and collection or other settlement of delinquent accounts.

(12)(10) Any veteran or other eligible student who receives benefits under chapter 30, chapter 31, chapter 32, chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10, U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of benefits.

(13)(11) Each school district and community college shall be responsible for collecting all deferred fees. If a school district or community college has not collected a deferred fee, the student may not earn *state funding full-time equivalent enrollment* for any course for which the student subsequently registers until the fee has been paid.

(14)(12) Any school district or community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Florida *Workforce Development Education Fund, the Florida Education Finance Program or the Community College Program Fund* and shall revert to the General Revenue Fund. The State Board of Education shall specify, in rule, approved methods of student fee payment. Such methods must include, but need not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments.

(15)(13) Each school district and community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the district or community college in calculations of actual full-time enrollments for state funding purposes. A student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution may not be calculated for enrollment in the course from which the student has been exempted or for which the student has been granted credit. School districts and community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the *Workforce Development Education Fund Florida Education Finance Program or the Community College Program Fund* and shall revert to the General Revenue Fund.

(16)(14) School boards and community college boards of trustees may establish scholarship funds using donations. If such funds are established, school boards and community college boards of trustees shall adopt rules that provide for the criteria and methods for awarding scholarships from the fund.

(17)(15) School boards and community college boards of trustees may establish, by rule, a consumable supply fee for postsecondary students enrolled in certificate career education or supplemental courses.

(18)(16) Each school board and community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping buildings which may not exceed 5 percent of the matriculation fee for resident students or 5 percent of the matriculation and tuition fee for nonresident students. Funds collected through these fees may not be bonded. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to maintain, improve, equip, or enhance the certificate career education or adult education facilities of the school district or community college. Projects funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each school board and community college board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the school board or community college board of trustees.

Section 4. Section 239.201, Florida Statutes, is amended to read:

239.201 Career education instruction.—

(1) ~~The State Board for Career Education shall adopt rules that provide for certificate career education instruction in each vocational planning region. The provisions of this section are not intended to contradict or supersede the provision of such programs pursuant to existing interinstitutional articulation agreements between school boards and community college boards of trustees or to authorize the duplication of~~

~~programs currently in existence within a region. Pursuant to such rules, one or more school districts or community colleges may jointly implement the provisions of this section.~~

(1)(2) Adult or certificate career education instruction shall be available to all persons in the region, regardless of previous academic attainment. School boards, community college boards of trustees, *state universities*, and local social service agencies shall cooperate to recruit unemployed and underemployed persons into such programs.

(2)(3) The minimum support from the school district or community college for career education shall be at least in the amount of local, state, and federal funds that the career education programs earn. Local funds ~~consist of~~ ~~shall include, but not be limited to, millage collected for the purpose of satisfying required local effort and fee revenues generated by students enrolled in~~ *workforce development programs certificate career education and supplemental career education courses and programs.* From the funds provided pursuant to this subsection, school boards shall expend a minimum of 80 percent on aggregate school costs. Any school board that expends less than 80 percent of the required funds shall have funding withheld from the subsequent appropriation in the same amount as the total underexpenditure; however, in the subsequent year allocation, the school board shall restore the required funds to the previously underfunded programs. The school district or community college shall indicate the expenditure of such funds in an identifiable manner pursuant to rules of the State Board for Career Education.

Section 5. Paragraphs (b), (c), and (d) of subsection (2) of section 239.229, Florida Statutes, are amended to read:

239.229 Vocational standards.—

(2)

(b) School board, superintendent, and area technical center, and community college board of trustees and president accountability for certificate career education programs includes, but is not limited to:

1. Student demonstration of the academic skills necessary to enter an occupation.
2. Student preparation to enter an occupation in an entry-level position or continue postsecondary study.
3. Vocational program articulation with other corresponding post-secondary programs.
4. Employer satisfaction with the performance of *students who reach occupational completion points* ~~vocational program completers.~~
5. Student completion and placement rates as defined in s. 239.233.

~~(c) School board, superintendent, and area technical center, and community college board of trustees and president accountability for supplemental vocational programs includes, but is not limited to:~~

- ~~1. Student maintenance of employment.~~
- ~~2. Student satisfaction or employer satisfaction, or both, with the supplemental instruction.~~

(c)(d) Department of Education accountability for career education includes, but is not limited to:

1. The provision of timely, accurate technical assistance to school districts and community colleges.
2. The provision of timely, accurate information to the State Board for Career Education, the Legislature, and the public.
3. The development of policies, rules, and procedures that facilitate institutional attainment of the accountability standards and coordinate the efforts of all divisions within the department.
4. Overseeing school district and community college compliance with the provisions of this chapter.

Section 6. Subsections (2) and (3) of section 239.249, Florida Statutes, 1996 Supplement, are amended to read:

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

(2) The Jobs and Education Partnership shall provide oversight and advice to improve the outcomes of *courses and programs designed for workforce development associate in science degree education and certificate technical education* provided by public school districts, and community colleges, *and state universities.* Annually, the partnership shall make recommendations to the State Board of Education and the Legislature regarding grant programs and funding incentives designed to improve vocational and technical education programs.

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

(a) Programs that prepare people to enter high-wage occupations identified by the Occupational Forecasting Conference created by s. 216.136 and other programs as approved by the Jobs and Education Partnership. Local school district superintendents, community college presidents, and private industry councils shall receive the Occupational Forecasting Conference results for their respective geographic areas to assess local applicability. At a minimum, performance incentives shall be calculated for people who complete programs that lead to specified high-wage employment and their placement in that employment. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

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

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

Section 7. Subsection (4), paragraphs (a) and (c) of subsection (5), and paragraphs (a) and (d) of subsection (6) of section 239.301, Florida Statutes, 1996 Supplement, are amended to read:

239.301 Adult general education.—

~~(4) Both community colleges and school districts may conduct adult basic and secondary and vocational preparatory courses within the same service area. Any state university in which the percentage of incoming students who require college-preparatory instruction equals or exceeds 25 percent may conduct college-preparatory instruction. Area technical centers and community colleges may contract with each other for the provision of vocational preparatory instruction.~~

(5)(a) Adult basic and secondary education *and* vocational-preparatory, college-preparatory, and lifelong learning courses shall be evaluated and funded as *provided in s. 239.115* ~~distinct programs.~~ ~~The annual allocation to finance adult education in each school district and community college shall be determined in accordance with ss. 236.081 and 240.359, respectively.~~

(c) The State Board of Education shall define, by rule, the levels and courses of instruction to be funded through the college-preparatory program. The state board shall coordinate the establishment of costs for college-preparatory courses, the establishment of statewide standards that define required levels of competence, acceptable rates of student progress, and the maximum amount of time to be allowed for completion of college-preparatory instruction. *College-preparatory instruction is part of an associate degree program and may not be funded as a workforce development education program.*

(6)(a) An educational program for disabled adults may be conducted within *and funded through the Community College Program Fund or the Florida Education Finance Program* ~~adult basic, adult secondary, certificate career education, supplemental vocational, and vocational preparatory programs.~~ Each school board or community college board of trustees that has an educational program for disabled adults shall submit a plan to the commissioner which includes, at a minimum:

1. A description of the population to be served and an estimation of the number of such students.
2. A description of the courses and programs in the program, including corresponding expected student outcomes.
3. Provision for individualized educational plans and periodic student evaluation.
4. An interagency memorandum of agreement that provides for the coordination of adult education, career education, exceptional student education, the Department of *Children and Family Health and Rehabilitative Services*, vocational rehabilitation, and other local organizations whose adult disabled clients participate in the program.
5. Provision for coordination of services, if both the community college and one or more school districts within the service area have approved programs for disabled adults.
6. Provision for a single administrator for adult courses and programs for the disabled.

(d) This subsection is not intended to discourage a school district or community college from providing educational services for disabled adults through classes in which nondisabled adults participate; however, in order to receive state funding *designated especially for the program pursuant to s. 236.081(1)(h) or s. 240.359*, a school district or community college must have an approved program for adult, disabled students, and each student reported for funding pursuant to this subsection must have been determined to be a disabled adult.

Section 8. Subsection (1) of section 240.118, Florida Statutes, is amended to read:

240.118 Postsecondary feedback of information to high schools.—

(1) ~~On or before January 1, 1994,~~ The State Board of Education shall adopt rules that require the Commissioner of Education to report to the State Board of Education, the Legislature, and the school districts on the performance of each first-time-in-postsecondary education student from each public high school in this state who is enrolled in a university, community college, or public *technical center degree-career education school*. Such reports *must* ~~shall~~ be based on information databases maintained by the Division of Universities, Division of Community Colleges, and Division of *Workforce Development Applied Technology and Adult Education*. In addition, the universities, community colleges, and *technical centers degree-career education schools* shall provide school districts access to information on student performance in regular and preparatory courses and shall indicate students referred for remediation pursuant to s. 240.117 or s. 239.213.

Section 9. Subsection (8) of section 240.147, Florida Statutes, is amended to read:

240.147 Powers and duties of the commission.—The commission shall:

(8) Recommend to the State Board of Education and the Legislature the establishment of additional branch campuses of public postsecondary educational institutions. A ~~No~~ branch campus may *not* be established without a review by the commission and formal authorization by

the Legislature. Any community college branch campus established to provide only ~~exploratory, occupational proficiency, job preparatory, and supplemental vocational and technical instruction~~ must be reviewed and recommended again by the commission and receive specific authorization by the Legislature before expanding its instructional offerings to the college parallel program area.

Section 10. Subsection (1), paragraph (b) of subsection (3), paragraph (b) of subsection (4), and paragraph (a) of subsection (5) of section 240.301, Florida Statutes, are amended to read:

240.301 Community colleges; definition, mission, and responsibilities.—

(1) State community colleges shall consist of all public educational institutions operated by community college district boards of trustees under statutory authority and rules of the State Board of Education and the State Board of Community Colleges. A community college may *provide* ~~be authorized by the State Board of Education to operate a department designated as an area career education school. A community college may be authorized by the State Board of Education, or through an agreement with a local school board, to be the designated provider in the service district of adult education services, including adult basic education, adult general education, adult secondary education, and general educational development test instruction.~~ The state community colleges are locally based and governed entities with statutory and funding ties to state government. As such, the community colleges' mission reflects a commitment to be responsive to local educational needs and challenges. In achieving this mission, the colleges strive to maintain sufficient local authority and flexibility while preserving appropriate legal accountability to the state.

(3) The primary mission and responsibility of public community colleges is responding to community needs for postsecondary academic education and degree career education. This mission and responsibility includes being responsible for:

(b) Preparing students directly for vocations requiring less than baccalaureate degrees. This may include preparing for job entry, supplementing of skills and knowledge, and responding to needs in new areas of technology. Career education in the community college shall consist of certificate career education programs leading to certificates *for occupational completion points*, credit courses leading to associate in science degrees and other programs in fields requiring substantial academic work, background, or qualifications. A community college may offer vocational programs in fields having lesser academic or technical requirements ~~if it is designated by the State Board of Education as an area vocational school or if such programs are coordinated with the local school district through an agreement with the school board.~~

(4) A separate and secondary role for community colleges includes the offering of programs in:

(b) Adult *general precollege* education, ~~when authorized.~~

(5) Funding for community colleges shall reflect their mission as follows:

(a) Postsecondary academic and *vocational degree-career* education programs and, ~~when assigned to community colleges,~~ adult *general precollege* education programs shall have first priority in community college funding.

Section 11. Subsection (1) of section 240.345, Florida Statutes, is amended to read:

240.345 Financial support of community colleges.—

(1) STATE SUPPORT OF COMMUNITY COLLEGES.—Each community college *that which* has been approved by the Department of Education and meets the requirements of law and regulations of the State Board of Education shall participate in the state community college program fund. *However, funds to support workforce development programs conducted by community colleges shall be provided by the Workforce Development Education Fund pursuant to s. 239.115.*

Section 12. 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 leading to an associate degree, including college preparatory courses defined in s. 239.105.

(1) The State Board of Community Colleges shall establish the matriculation and tuition fees for credit instruction which that may be counted toward an associate or higher degree. This instruction includes advanced programs and professional programs, and degree career education programs.

Amendment 5—On page 37, lines 19-25, delete those lines and insert: *conducted by a community college or a school district.*

Senator Diaz-Balart moved the following amendments which were adopted:

Amendment 6 (with title amendment)—On page 37, between lines 25 and 26, insert:

(3) *If a program for disabled adults pursuant to s. 239.301 is a workforce development program as defined in this section or s. 239.115 it must be funded as provided in this section.*

(Renumber subsequent subsections.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: *authorizing funding for a program for disabled adults;*

Amendment 7 (with title amendment)—On page 38, line 2; on page 39, line 3; on page 39, line 21; on page 39, line 30; on page 40, line 9; and on page 40, line 24, after the period (.) insert: *This subsection takes effect July 1, 1998.*

And the title is amended as follows:

On page 1, line 31, after the semicolon (;) insert: *delaying the implementation date for the workforce development performance based funding formula;*

Senator Turner moved the following amendment which failed:

Amendment 8—On page 38, line 2, delete “*measures.*” and insert: *measures, and performance outcome measures. Effective July 1, 1997, funding levels shall remain at 100 percent of the 1997-1998 calculated appropriation, and one year shall be allowed to: establish occupational completion point/program costs; applicable performance-based funding management information system computer tracking software; and establish fiscal penalties and incentives associated with performance benchmarks. Effective July 1, 1998, the Workforce Development performance-based funding budget shall be implemented and shall be adjusted according to the performances of the prior year.*

Senator Diaz-Balart moved the following amendments which were adopted:

Amendment 9—On page 39, line 6, after the period (.) insert: *The district cost differential, as established annually in the General Appropriations Act, must be applied to the appropriation for the workforce development education fund.*

Amendment 10—On page 39, line 22, after “*student*” insert: *reaches an occupational completion point or*

SENATOR GRANT PRESIDING

Amendment 11—On page 42, line 22, after the period (.) insert: *A student is eligible for this exemption from fees if the student's skills are at or below the eighth grade level as measured by a test administered in the English language and approved by the Department of Education, even if the student has skills above that level when tested in the student's native language.*

Amendment 12—On page 45, line 25 through page 46, line 2, delete those lines and renumber subsequent subsections.

Amendment 13—On page 51, line 26 and on page 54, line 6, delete “*state universities*”

Amendment 14—On page 53, between lines 25 and 26, insert:

5. The educational outcomes for the technical component of the associate in science degree, the associate in applied technology degree, and secondary vocational job-preparatory programs shall be uniform and designed to provide a graduate of high quality who is capable of entering the workforce on an equally competitive basis regardless of the institution of choice.

Amendment 15—On page 57, line 2, after “*the*” insert: *Workforce Development Education Fund, the*

Senator Holzendorf moved the following amendment which was adopted:

Amendment 16 (with title amendment)—On page 74, line 25 through page 76, line 2, delete those lines and renumber subsequent section.

And the title is amended as follows:

On page 3, lines 6-9, delete those lines

On motion by Senator Horne, further consideration of **CS for CS for SB's 1688, 792, 1334 and 2254** with pending substitute **Amendment 2** was deferred.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until consideration of **CS for SB 1754** and **CS for CS for SB's 1688, 792, 1334 and 2254**.

On motion by Senator Harris—

CS for SB 1754—A bill to be entitled An act relating to international economic development; authorizing the Secretary of State to commission Florida international notaries; providing definitions; providing rule-making authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; providing for rulemaking; repealing ss. 118.01, 118.02, 118.03, 118.04, F.S., relating to commissioners of deeds; amending s. 15.182, F.S.; requiring certain state-funded musical, cultural, or artistic organizations to notify the Department of State of their international travel plans; directing the department, in conjunction with Enterprise Florida, Inc., to act as an intermediary between such organizations and Florida businesses; requiring the Department of Lottery to determine the feasibility of marketing the Florida Lottery internationally; amending s. 48.194, F.S., relating to personal service outside the state; specifying that service of process on persons outside the United States may be required to comply with a certain international convention; amending s. 288.012, F.S.; requiring Enterprise Florida, Inc., to develop a list of assigned duties and performance measures for foreign offices; requiring that Enterprise Florida, Inc., address the performance of foreign offices in its annual report; amending s. 288.772, F.S.; revising the definition of the term “board” with respect to the Florida Export Finance Corporation; amending s. 288.775, F.S.; requiring the board of the Florida Export Finance Corporation to create the Florida Export Finance Corporation guarantee account; amending s. 288.776, F.S.; revising the membership of the board of the Florida Export Finance Corporation; providing for appointment of members to the board; amending s. 288.777, F.S.; revising provisions relating to the appointment of a president for the Florida Export Finance Corporation; directing the board of the corporation to appoint such president; amending s. 288.7771, F.S.; revising the deadline for submitting an annual report for the Florida Export Finance Corporation; amending s. 288.816, F.S.; revising the responsibilities of the Secretary of State with respect to intergovernmental relations; requiring law enforcement agencies to inform the Department of State about the arrest or incarceration of foreign citizens; requiring the secretary to report to the Legislature on actions taken to inform law enforcement agencies on proper procedures relating to such arrest or incarceration; amending s. 288.8175, F.S.; authorizing the Florida linkage institutes to accept and administer funds from the Department of State for research and development of international trade; creating s. 288.9415, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer funds for international trade promotion grants; providing application criteria for such grants; directing the International

Trade and Economic Development Board of Enterprise Florida, Inc., to review such grant applications and make recommendations to the Office of Tourism, Trade, and Economic Development; authorizing Enterprise Florida, Inc., to establish a targeted market pilot grant program to provide funding designed to match Florida businesses with international trade opportunities; providing application procedures and criteria; amending s. 320.20, F.S.; providing for the Florida Seaport Transportation and Economic Development Program; amending s. 624.426, F.S.; exempting certain U.S. Customs surety bonds from the resident agent and counter-signature law; authorizing the Office of Tourism, Trade, and Economic Development to provide a grant to the Florida Association of Voluntary Agencies for Caribbean Action for maintaining an office in south Florida; providing for an appropriation to the Florida Export Finance Corporation; expressing legislative intent that the corporation reach administrative self-sufficiency; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Harris and failed:

Amendment 1 (with title amendment)—On page 16, lines 25-31; on page 17, lines 1-31; and on page 18, lines 1-23, delete those lines

And the title is amended as follows:

On page 3, lines 17-19, delete those lines and insert: amending s. 624.426, F.S.;

Senator Harris moved the following amendment:

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. (1) *As used in this section, the term:*

(a) *“Authentication instrument” means an instrument executed by a Florida international notary referencing this section, which includes the particulars and capacities to act of transacting parties, a confirmation of the full text of the instrument, the signatures of the parties or legal equivalent thereof, and the signature and seal of a Florida international notary as prescribed by the Florida Secretary of State for use in a jurisdiction outside the borders of the United States.*

(b) *“Florida international notary” means a person who is admitted to the practice of law in this state, who has practiced law for at least 5 years, and who is appointed by the Secretary of State as a Florida international notary.*

(c) *“Protocol” means a registry maintained by a Florida international notary in which the acts of the Florida international notary are archived.*

(2) *The Secretary of State shall have the power to appoint Florida international notaries and administer this section.*

(3) *A Florida international notary is authorized to issue authentication instruments for use in non-United States jurisdictions. International notaries shall not authenticate documents for use in countries that are not diplomatically recognized by the United States.*

(4) *The authentication instruments of a Florida international notary shall not be considered authentication instruments within the borders of the United States and shall have no consequences or effects as authentication instruments in the United States.*

(5) *The authentication instruments of a Florida international notary shall be recorded in the Florida international notary’s protocol in a manner prescribed by the Secretary of State.*

(6) *The Secretary of State may adopt rules prescribing:*

(a) *The form and content of signatures and seals or their legal equivalents for authentication instruments.*

(b) *Procedures for the permanent archiving of authentication instruments.*

(c) *The charging of reasonable fees to be retained by the Secretary of State for the purpose of administering this section.*

(d) *Educational requirements and procedures for testing applicants’ knowledge of the effects and consequences associated with authentication instruments in jurisdictions outside the United States.*

(e) *Procedures for the disciplining of Florida international notaries, including the suspension and revocation of appointments for misrepresentation or fraud regarding the Florida international notary’s authority, the effect of the Florida international notary’s authentication instruments, or the identities or acts of the parties to a transaction.*

(f) *Other matters necessary for administering this section.*

(7) *The Secretary of State shall not regulate, discipline or attempt to discipline, or establish any educational requirements for any Florida international notary for, or with regard to, any action or conduct that would constitute the practice of law in this state. The Secretary of State shall not establish as a prerequisite to the appointment of a Florida international notary any test containing any question that inquires of the applicant’s knowledge regarding the practice of law in the United States.*

(8) *This section shall not be construed as abrogating the provisions of any other act relating to notaries public, attorneys, or the practice of law in this state.*

Section 2. Subsections (1) and (3) of section 114 of chapter 96-320, Laws of Florida, are amended to read:

Section 3. (1) From funds appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development for the purpose of annually contracting with Enterprise Florida, Inc., 10 percent of such funds for the fiscal year 1996-1997, 20 percent of such funds for the fiscal year 1997-1998, 30 percent of such funds for the fiscal year 1998-1999, 40 percent of such funds for the fiscal year 1999-2000, and 50 percent of such funds for the fiscal year 2000-2001 shall be placed in reserve by the Executive Office of the Governor. The funds may be released through a budget amendment, in accordance with chapter 216, Florida Statutes, as requested by Enterprise Florida, Inc., through the Office of Tourism, Trade, and Economic Development if Enterprise Florida, Inc., has provided sufficient documentation that the same amount of matching private funds as the amount placed in reserve has been contributed during the same fiscal year to Enterprise Florida, Inc., in support of its economic development efforts. If sufficient documentation is not provided by the end of the fiscal year, such funds shall revert back to the General Revenue Fund. *In each fiscal year, at least 8 percent of the matching private funds required to be documented under this subsection must be comprised of the first category of matching private funds described in subsection (3).*

(3) For the purposes of this section, matching private funds shall be divided into two categories. *The first category of matching private funds shall include any payment of cash made in response to a solicitation by Enterprise Florida, Inc., and used exclusively by Enterprise Florida, Inc., in its operations or programs, excluding any payment of cash made by any entity to qualify for any Enterprise Florida, Inc., state, or local incentive, grant, or loan program, or any cash received by Enterprise Florida, Inc., pursuant to a grant or contract. The second category of matching private funds shall include a conveyance of property, employee wages paid during training, or payment or distribution of property cash or anything of value, including contributions in-kind having an attributable monetary value in any form, and including any payment of cash not counted within the first category of matching private funds. Contributions in-kind include, but are not limited to, goods or services rendered. The cost of the contribution shall be the reasonable cost to the sponsor of the goods or services. Not more than 50 percent of employee wages paid during training can be included as matching private funds under the second category of matching private funds.*

Section 4. Subsection (2) of section 14.2015, Florida Statutes, 1996 Supplement, is amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To

accomplish such purposes, the Office of Tourism, Trade, and Economic Development shall:

(a) ~~Contract, notwithstanding the provisions of part I of chapter 287, with Enterprise Florida, Inc., to guide, stimulate, and promote the economic and trade development of the state.~~

(b) ~~Contract with the Florida Commission on Tourism to guide, stimulate, and promote the travel and leisure development of the state.~~

(a)(e) Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1228, or a designated Florida not-for-profit corporation whose board members have had prior experience in promoting, throughout the state, the economic development of the Florida motion picture, television, radio, video, recording, and entertainment industries, to guide, stimulate, and promote the entertainment industry in the state.

(b)(d) Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1229 to guide, stimulate, and promote the sports industry in the state.

(c)(e) Monitor the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; and rural community development.

(d)(f) Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development projects designed to create, expand, and retain Florida businesses and to recruit worldwide business.

(e)(g) Assist the Governor, in cooperation with Enterprise Florida, Inc., and the Florida Commission on Tourism, in preparing an annual report to the Legislature on the state of the business climate in Florida and on the state of economic development in Florida which will include the identification of problems and the recommendation of solutions. This report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1 of each year, and it shall be in addition to the Governor's message to the Legislature under the State Constitution and any other economic reports required by law.

(f)(h) Plan and conduct *at least three quarterly meetings per calendar year* of leaders in business, government, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision.

(g)l.(h) Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, contracts for transportation projects under s. 288.063, the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168, the Florida Jobs Siting Act under ss. 403.950-403.972, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Florida State Rural Development Council, and the Rural Economic Development Initiative.

2. *The office may enter into contracts in connection with the fulfillment of its duties concerning the Florida First Business Bond Pool under chapter 159, foreign offices under chapter 288, the Enterprise Zone program under chapter 290, the Seaport Employment Training program under chapter 311, the Florida Professional Sports Team License Plates under chapter 320, Spaceport Florida under chapter 331, Job Siting and Expedited Permitting under chapter 403, and in carrying out other functions that are specifically assigned to the office by law.*

(h)(j) Serve as contract administrator for the state with respect to contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and all direct-support organizations under this act, excluding those relating to tourism. To accomplish the provisions of this act and applicable provisions of chapter 288, *and notwithstanding the provisions of part I of chapter 287*, the office shall enter into specific contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and other appro-

prate direct-support organizations. Such contracts may be multiyear and shall include specific performance measures for each year. The office shall provide the President of the Senate and the Speaker of the House of Representatives with a report by February 1 of each year on the status of these contracts, including the extent to which specific contract performance measures have been met by these contractors.

(i)(k) Prepare and submit as a separate budget entity a unified budget request for tourism, trade, and economic development in accordance with chapter 216 for, and in conjunction with, Enterprise Florida, Inc., and its boards, the Florida Commission on Tourism and its direct-support organization, the Florida Black Business Investment Board, and the direct-support organizations created to promote the entertainment and sports industries.

(j) *Promulgate rules to carry out its functions in connection with the administration of the Qualified Target Industry program, the Qualified Defense Contractor program, the Enterprise Zone program and the Florida First Business Bond pool.*

Section 5. Section 15.182, Florida Statutes, is created to read:

15.182 *International travel by state-funded musical, cultural, or artistic organizations; notification to Department of State.—*

(1) *If a musical, cultural, or artistic organization that receives state funding is traveling internationally for a presentation, performance, or other significant public viewing, including an organization associated with a college or university, such organization shall notify the Department of State of its intentions to travel, together with the date, time, and location of each appearance. It is the desire of the Legislature that such cultural exchanges be coordinated with the state's economic development goals. The Secretary of State shall notify Enterprise Florida, Inc., of the intended travel schedule of all such organizations, including, but not limited to, symphonies, orchestras, dance troops, bands, choirs, choral groups, drama troops, musical performing groups, traveling exhibitions sponsored by museums, and performance artists.*

(2) *The Department of State, in conjunction with Enterprise Florida, Inc., shall act as an intermediary between performing musical, cultural, and artistic organizations and Florida businesses to encourage and coordinate joint undertakings. Such coordination may include, but is not limited to, encouraging business and industry to sponsor cultural events, assistance with travel of such organizations, and coordinating travel schedules of cultural performance groups and international trade missions.*

(3) *An organization shall provide the notification to the Department of State required by this section at least 30 days prior to the date the international travel is to commence or, when an intention to travel internationally is not formed at least 30 days in advance of the date the travel is to commence, as soon as feasible after forming such travel intention. The Department of State shall take an active role in informing such groups of the responsibility to notify the department of travel intentions.*

Section 6. *The Florida Department of Lottery shall determine the feasibility of marketing the Florida Lottery internationally and issue a report regarding such feasibility to the Legislature by January 2, 1998.*

Section 7. Subsection (1) of section 48.194, Florida Statutes, is amended to read:

48.194 *Personal service outside state.—*

(1) *Except as otherwise provided herein, service of process on persons outside of this state shall be made in the same manner as service within this state by any officer authorized to serve process in the state where the person is served. No order of court is required. An affidavit of the officer shall be filed, stating the time, manner, and place of service. The court may consider the affidavit, or any other competent evidence, in determining whether service has been properly made. Service of process on persons outside the United States may be required to conform to the provisions of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.*

Section 8. (1) *Subject to specific appropriations in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development may, for the 1997-1998 fiscal year, establish a pilot matching grant program through which funding will be provided on a competitive basis*

in order to create employment opportunities for citizens of this state, particularly participants in the Work and Gain Economic Self-sufficiency (WAGES) Program. The grant program shall encourage the submission of innovative, cost-efficient, and performance-based training proposals designed to meet the employment needs of specific businesses or business sectors. An application for funding may be submitted by a private business, an educational institution, a not-for-profit corporation, a local or regional economic development council, or other organization, or an application may be submitted jointly on behalf of a combination of such entities.

(2) The Office of Tourism, Trade, and Economic Development shall adopt guidelines for administering the program and shall establish criteria for the competitive evaluation of applications for funding. Evaluation criteria must include, but need not be limited to:

- (a) The number of people to be trained.
- (b) The estimated number of jobs that will be created as a result of the training.
- (c) The extent to which the proposed training is not currently available through other sources or the extent to which the proposed training improves upon training currently available through other sources.
- (d) The forecasts of employment demand for the occupation to which the training will apply.
- (e) The commitment of the applicant to hire or to secure employment for participants in the WAGES Program.
- (f) The qualifications of the proposed training provider.

(3) Priority shall be given to proposals submitted on behalf of a coalition of businesses.

(4) Funds may not be expended to subsidize the ongoing staff development program of any business or industry.

(5) The Office of Tourism, Trade, and Economic Development may award grants for not more than four applications in any one fiscal year. Each grant awarded under this program is limited to \$500,000 and must be matched on a one-for-one basis by nonstate dollars. Matching funds under this section shall not count toward the private matching funds required under s. 114, chapter 96-320, Laws of Florida.

(6) Before allocating funds for any request under this program, the Office of Tourism, Trade, and Economic Development shall prepare a grant agreement between the grant recipient and the Office of Tourism, Trade, and Economic Development. Such agreement must include, but is not limited to, permission for the Office of Tourism, Trade, and Economic Development to access information specific to the job placement and performance of program participants upon the completion of instruction for evaluation purposes. If funds are being allocated directly to a private business or group of private businesses, the agreement prepared under this subsection must provide that 50 percent of the public training funds will be withheld until the Office of Tourism, Trade, and Economic Development determines that the business has or businesses have created the number of positions specified in the agreement and filled those positions with individuals who have completed the training.

(7) Upon completing all training funded under this pilot program, the Office of Tourism, Trade, and Economic Development shall report on the outputs and outcomes for this program as part of the annual report prepared under s. 14.2015(2)(g), Florida Statutes. Such report must include a recommendation on whether it would be sound public policy to continue or discontinue funding for the program.

(8) The Office of Tourism, Trade, and Economic Development may not award a grant under this section if the same training proposal provided the basis for training awarded under s. 288.047, Florida Statutes. An applicant awarded a training grant under this section may not thereafter receive training under s. 288.047, Florida Statutes, in connection with the same training proposal.

Section 9. Section 110.191, Florida Statutes, is created to read:

110.191 State Employee Leasing.—

(1) In situations where the legislature has expressly authorized the state, an agency or the judicial branch as defined in s. 110.203 to lease employees, the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch may authorize any of the following actions related to such state employee leasing activities, provided that the direct cost of such actions are to be paid or reimbursed within 30 days after payment by the entity or person to whom the employees are leased:

(a) Create a separate budget entity from which leased employees shall be paid and transfer the positions authorized to be leased to that budget entity.

(b) Provide increases in the operating budget entity.

(c) Authorized lump-sum salary bonuses to leased employees, however any lump-sum salary bonus above the automatic salary increases which may be contained in the General Appropriations Act must be funded from private sources.

(d) Approve increases in salary rate for positions which are leased, however, any salary rate above the automatic salary increases which may be contained in the General Appropriations Act must be funded from private sources.

(e) Waive any requirement for automatic salary increases which may be contained in the General Appropriations Act.

(2) Positions which are in the Senior Management Service System or the Selected Exempt Service System on the day before the state employee lease agreement takes effect shall remain in the respective system if the duties performed by the position during the assignment of the state employee lease agreement are comparable as determined by the department. Those Senior Management Service System or Selected Exempt Service System positions which are not determined comparable by the department and positions which are in other pay plans on the day before the lease agreement takes effect shall be governed by the provisions of s. 110.205(2)(k)2.

Section 10. Paragraph (u) is added to subsection (2) of section 110.205, Florida Statutes, 1996 Supplement, to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(u) Positions which are leased pursuant to a state employee lease agreement expressly authorized by the legislature pursuant to s. 110.191.

Section 11. Section 288.012, Florida Statutes, 1996 Supplement, is amended to read:

288.012 State of Florida foreign offices.—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida foreign offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between state entities, local entities, foreign entities, and private businesses.

(1) The Office of Tourism, Trade, and Economic Development is authorized to:

(a) Establish and operate offices in foreign countries for the purpose of promoting the trade and economic development of the state, and promoting the gathering of trade data information and research on trade opportunities in specific countries.

(b) Enter into agreements with governmental and private sector entities to establish and operate offices in foreign countries containing provisions which may be in conflict with general laws of the state pertaining to the purchase of office space, employment of personnel, and

contracts for services. When agreements pursuant to this section are made which set compensation in foreign currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of foreign currency by the Office of Tourism, Trade, and Economic Development to meet such obligations shall be subject only to s. 216.311.

(c) *By September 1, 1997, the Office of Tourism, Trade, and Economic Development shall develop a plan for the disposition of the current foreign offices and the development and location of additional foreign offices. The plan shall include, but is not limited to, a determination of the level of funding needed to operate the current offices and any additional offices and whether any of the current offices need to be closed or relocated. Enterprise Florida, Inc., the Florida Tourism Commission, the Florida Ports Council, the Department of State, the Department of Citrus, and the Department of Agriculture shall assist the Office of Tourism, Trade, and Economic Development in the preparation of the plan. All parties shall cooperate on the disposition or establishment of the offices and ensure that needed space, technical assistance, and support services are provided to such entities at such foreign offices.*

(2) *By June 30, 1998, each foreign office shall have in place an operational plan approved by the participating boards or other governing authority, a copy of which shall be provided to the Office of Tourism, Trade, and Economic Development. These operating plans shall be reviewed and updated each fiscal year and shall include, at a minimum, the following:*

(a) *Specific policies and procedures encompassing the entire scope of the operation and management of each office.*

(b) *A comprehensive, commercial strategic plan identifying market-ing opportunities and industry-sector priorities for the foreign country or area in which a foreign office is located.*

(c) *Provisions for access to information for Florida businesses through the Florida Trade Data Center. Each foreign office shall obtain and forward trade leads and inquiries to the center on a regular basis as called for in the plan pursuant to paragraph (1)(c).*

(d) *Identification of new and emerging market opportunities for Florida businesses. Each foreign office shall provide the Florida Trade Data Center with a compilation of foreign buyers and importers in industry-sector priority areas on an annual basis. In return, the Florida Trade Data Center shall make available to each foreign office, and to the entities identified in paragraph (1)(c), trade industry, commodity, and opportunity information as specified in the plan required in that paragraph. This information shall be provided to the offices and the entities identified in paragraph (1)(c) either free of charge or on a fee basis with fees set only to recover the costs of providing the information.*

(e) *Provision of access for Florida businesses to the services of the Florida Trade Data Center, international trade assistance services provided by state and local entities, seaport and airport information, and other services identified in the plan pursuant to paragraph (1)(c).*

(f) *Qualitative and quantitative performance measures for each office including, but not limited to, the number of businesses assisted, the number of trade leads and inquiries generated, the number of foreign buyers and importers contacted, and the amount and type of marketing conducted.*

(3)(2) The Office of Tourism, Trade, and Economic Development, in connection with the establishment, operation, and management of any of its offices located in a foreign country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.111 relating to communications, and from all statutory provisions relating to state employment.

(a) The Office of Tourism, Trade, and Economic Development may exercise such exemptions only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a specified foreign office, such action shall constitute continuing authority for the Office of Tourism, Trade, and Economic Development to exercise the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with respect to an exemption contained

therein must be resubmitted to the Governor for his or her approval. An approval granted to exercise an exemption in any other context shall be restricted to the specific instance for which the exemption is to be exercised.

(c) As used in this subsection, the term "plan of operation" means *the plan developed pursuant to subsection (2) a compilation of the specific policies and procedures encompassing the entire scope of the operation and management of an office established by the Office of Tourism, Trade, and Economic Development in a foreign country.*

(d) Upon final action by the Governor with respect to a request to exercise the exemption authorized in this subsection, the Office of Tourism, Trade, and Economic Development shall report such action, along with the original request and any modifications thereto, to the President of the Senate and the Speaker of the House of Representatives within 30 days.

(4)(3) Where feasible and appropriate, and subject to s. 288.1224(10), foreign offices established and operated under this section may provide one-stop access to the economic development, trade, and tourism information, services, and programs of the state. Where feasible and appropriate, and subject to s. 288.1224(10), such offices may also be collocated with other foreign offices of the state.

(5)(4) The Office of Tourism, Trade, and Economic Development is authorized to make and to enter into contracts with Enterprise Florida, Inc., and the Florida Commission on Tourism to carry out the provisions of this section. The authority, duties, and exemptions provided in this section apply to Enterprise Florida, Inc., and the Florida Commission on Tourism to the same degree and subject to the same conditions as applied to the Office of Tourism, Trade, and Economic Development. *To the greatest extent possible, such contracts shall include provisions for cooperative agreements or strategic alliances between state entities, foreign entities, local entities, and private businesses to operate foreign offices.*

Section 12. Subsection (3) of section 288.047, Florida Statutes, 1996 Supplement, is amended to read:

288.047 Quick-response training for economic development.—

(3) Enterprise Florida, Inc., shall ensure that instruction funded pursuant to this section is not available through the local community college, school district, or private industry council and that the instruction promotes economic development by providing specialized entry-level skills to new workers or supplemental skills to current employees whose job descriptions are changing. Such funds may not be expended to subsidize the ongoing staff development program of any business or industry or to provide training for instruction related to retail businesses. *Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless Enterprise Florida, Inc., determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.*

Section 13. Subsection (3) of section 288.063, Florida Statutes, 1996 Supplement, is amended to read:

288.063 Contracts for transportation projects.—

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03(31) which is necessary in the judgment of the Office of Tourism, Trade, and Economic Development to facilitate the economic development and growth of the state. Except for applications received prior to July 1, 1996, such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state, or to allow for the construction or expansion of a state or federal correctional facility in a county with a population of 50,000 or less that creates new employment opportunities or expands or retains employment in the county. The Office of Tourism, Trade, and Economic Development shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities. *Funds made available pursuant to this section may not be*

expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

Section 14. Section 288.1045, Florida Statutes, 1996 Supplement, is amended to read:

288.1045 Qualified defense contractor tax refund program.—

(1) DEFINITIONS.—As used in this section:

(a) “Consolidation of a Department of Defense contract” means the consolidation of one or more of an applicant’s facilities under one or more Department of Defense contracts either from outside this state or from inside and outside this state, into one or more of the applicant’s facilities inside this state.

(b) “Average wage in the area” means the average of all wages and salaries in the state, the county, or in the standard metropolitan area in which the business unit is located.

(c) “Applicant” means any business entity that holds a valid Department of Defense contract or any business entity that is a subcontractor under a valid Department of Defense contract or any business entity that holds a valid contract for the reuse of a defense-related facility, including all members of an affiliated group of corporations as defined in s. 220.03(1)(b).

(d) “Office” ~~“Division”~~ means the *Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor* ~~Division of Economic Development of the Department of Commerce~~.

(e) “Department of Defense contract” means a competitively bid Department of Defense contract or a competitively bid federal agency contract issued on behalf of the Department of Defense for manufacturing, assembling, fabricating, research, development, or design with a duration of 2 or more years, but excluding any contract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state.

(f) “New Department of Defense contract” means a Department of Defense contract entered into after the date application for certification as a qualified applicant is made and after January 1, 1994.

(g) “Jobs” means full-time equivalent positions, consistent with the use of such terms by the Department of Labor and Employment Security for the purpose of unemployment compensation tax, resulting directly from a project in this state. This number does not include temporary construction jobs involved with the construction of facilities for the project.

(h) “Nondefense production jobs” means employment exclusively for activities that, directly or indirectly, are unrelated to the Department of Defense.

(i) “Project” means any business undertaking in this state under a new Department of Defense contract, consolidation of a Department of Defense contract, or conversion of defense production jobs over to nondefense production jobs or reuse of defense-related facilities.

(j) “Qualified applicant” means an applicant that has been approved by the *director secretary* to be eligible for tax refunds pursuant to this section.

(k) “Director” ~~“Secretary”~~ means the *Director of the Office of Tourism, Trade, and Economic Development* ~~Secretary of Commerce~~.

(l) “Taxable year” means the same as in s. 220.03(1)(z).

(m) “Fiscal year” means the fiscal year of the state.

(n) “Business unit” means an employing unit, as defined in s. 443.036, that is registered with the Department of Labor and Employment Security for unemployment compensation purposes or means a subcategory or division of an employing unit that is accepted by the Department of Labor and Employment Security as a reporting unit.

(o) “Local financial support” means funding from local sources, public or private, which is paid to the Economic Development Trust Fund and which is equal to 20 percent of the annual tax refund for a qualified applicant. Local financial support may include excess payments made to a utility company under a designated program to allow decreases in service by the utility company under conditions, regardless of when application is made. A qualified applicant may not provide, directly or indirectly, more than 5 percent of such funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(p) “Contract for reuse of a defense-related facility” means a contract with a duration of 2 or more years for the use of a facility for manufacturing, assembling, fabricating, research, development, or design of tangible personal property, but excluding any contract to provide goods, improvements to real or tangible property, or services directly to or for any particular military base or installation in this state. Such facility must be located within a port, as defined in s. 313.21, and have been occupied by a business entity that held a valid Department of Defense contract or occupied by any branch of the Armed Forces of the United States, within 1 year of any contract being executed for the reuse of such facility. A contract for reuse of a defense-related facility may not include any contract for reuse of such facility for any Department of Defense contract for manufacturing, assembling, fabricating, research, development, or design.

(q) “Local financial support exemption option” means the option to exercise an exemption from the local financial support requirement available to any applicant whose project is located in a county designated by the Rural Economic Development Initiative, if the county commissioners of the county in which the project will be located adopt a resolution requesting that the applicant’s project be exempt from the local financial support requirement. Any applicant that exercises this option is not eligible for more than 80 percent of the total tax refunds allowed such applicant under this section.

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the Economic Development Trust Fund, a refund to a qualified applicant for the amount of eligible taxes certified by the *director secretary* which were paid by such qualified applicant. The total amount of refunds for all fiscal years for each qualified applicant shall be determined pursuant to subsection (3). The annual amount of a refund to a qualified applicant shall be determined pursuant to subsection (5).

(b) A qualified applicant may not be qualified for any project to receive more than \$5,000 times the number of jobs provided in the tax refund agreement pursuant to subparagraph (4)(a)1. A qualified applicant may not receive refunds of more than 25 percent of the total tax refunds provided in the tax refund agreement pursuant to subparagraph (4)(a)1. in any fiscal year, provided that no qualified applicant may receive more than \$2.5 million in tax refunds pursuant to this section in any fiscal year.

(c) A qualified applicant may not receive more than \$7.5 million in tax refunds pursuant to this section in all fiscal years.

(d) Contingent upon an annual appropriation by the Legislature, the *director secretary* may approve not more than the lesser of \$25 million in tax refunds or the amount appropriated to the Economic Development Trust Fund for tax refunds, for a fiscal year pursuant to subsection (5).

(e) For the first 6 months of each fiscal year, the *director secretary* shall set aside 30 percent of the amount appropriated for refunds pursuant to this section by the Legislature to provide tax refunds only to qualified applicants who employ 500 or fewer full-time employees in this state. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide tax refunds for any qualified applicants pursuant to this section.

(f) After entering into a tax refund agreement pursuant to subsection (4), a qualified applicant may receive refunds from the Economic Development Trust Fund for the following taxes due and paid by the qualified applicant beginning with the applicant’s first taxable year that begins after entering into the agreement:

1. Taxes on sales, use, and other transactions paid pursuant to part I of chapter 212.
2. Corporate income taxes paid pursuant to chapter 220.
3. Intangible personal property taxes paid pursuant to chapter 199.
4. Emergency excise taxes paid pursuant to chapter 221.
5. Excise taxes paid on documents pursuant to chapter 201.
6. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on June 1, 1996.

However, a qualified applicant may not receive a tax refund pursuant to this section for any amount of credit, refund, or exemption granted such contractor for any of such taxes. If a refund for such taxes is provided by the *Office of Tourism, Trade, and Economic Development* ~~Department of Commerce~~, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified applicant other than that provided in this section, the qualified applicant shall reimburse the Economic Development Trust Fund for the amount of such credit, refund, or exemption. A qualified applicant must notify and tender payment to the *office* ~~Department of Commerce~~ within 20 days after receiving a credit, refund, or exemption, other than that provided in this section.

(g) Any qualified applicant who fraudulently claims this refund is liable for repayment of the refund to the Economic Development Trust Fund plus a mandatory penalty of 200 percent of the tax refund which shall be deposited into the General Revenue Fund. Any qualified applicant who fraudulently claims this refund commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(h) *Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation and that the relocation will create additional jobs.*

(3) APPLICATION PROCESS; REQUIREMENTS; AGENCY DETERMINATION.—

(a) To apply for certification as a qualified applicant pursuant to this section, an applicant must file an application with the *office division* which satisfies the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e). An applicant may not apply for certification pursuant to this section after a proposal has been submitted for a new Department of Defense contract, after the applicant has made the decision to consolidate an existing Department of Defense contract in this state for which such applicant is seeking certification, or after the applicant has made the decision to convert defense production jobs to nondefense production jobs for which such applicant is seeking certification.

(b) Applications for certification based on the consolidation of a Department of Defense contract or a new Department of Defense contract must be submitted to the *office division* as prescribed by the *office* ~~Department of Commerce~~ and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a notarized signature of an officer of the applicant.
2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.
3. The Department of Defense contract numbers of the contract to be consolidated, the new Department of Defense contract number, or the "RFP" number of a proposed Department of Defense contract.
4. The date the contract was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.
5. The commencement date for project operations under the contract in this state.

6. The number of full-time equivalent jobs in this state which are or will be dedicated to the project during the year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The amount of:

- a. Taxes on sales, use, and other transactions paid pursuant to part I of chapter 212;
- b. Corporate income taxes paid pursuant to chapter 220;
- c. Intangible personal property taxes paid pursuant to chapter 199;
- d. Emergency excise taxes paid pursuant to chapter 221;
- e. Excise taxes paid on documents pursuant to chapter 201; and
- f. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed in each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the *office division*.

(c) Applications for certification based on the conversion of defense production jobs to nondefense production jobs must be submitted to the *office division* as prescribed by the *office* ~~Department of Commerce~~ and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a notarized signature of an officer of the applicant.
2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.
3. The Department of Defense contract numbers of the contract under which the defense production jobs will be converted to nondefense production jobs.
4. The date the contract was executed, and the date the contract is due to expire or is expected to expire, or was canceled.
5. The commencement date for the nondefense production operations in this state.
6. The number of full-time equivalent jobs in this state which are or will be dedicated to the nondefense production project during the year and the average wage of such jobs.
7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The amount of:

- a. Taxes on sales, use, and other transactions paid pursuant to part I of chapter 212;
- b. Corporate income taxes paid pursuant to chapter 220;
- c. Intangible personal property taxes paid pursuant to chapter 199;
- d. Emergency excise taxes paid pursuant to chapter 221;
- e. Excise taxes paid on documents pursuant to chapter 201; and
- f. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed in each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the *office division*.

(d) Applications for certification based on a contract for reuse of a defense-related facility must be submitted to the *office division* as prescribed by the *office Department of Commerce* and must include, but are not limited to, the following information:

1. The applicant's Florida sales tax registration number and a notarized signature of an officer of the applicant.
2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.
3. The business entity holding a valid Department of Defense contract or branch of the Armed Forces of the United States that previously occupied the facility, and the date such entity last occupied the facility.
4. A copy of the contract to reuse the facility, or such alternative proof as may be prescribed by the *office department* that the applicant is seeking to contract for the reuse of such facility.
5. The date the contract to reuse the facility was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.
6. The commencement date for project operations under the contract in this state.
7. The number of full-time equivalent jobs in this state which are or will be dedicated to the project during the year and the average wage of such jobs.
8. The total number of full-time equivalent employees employed by the applicant in this state.
9. The amount of:
 - a. Taxes on sales, use, and other transactions paid pursuant to part I of chapter 212.

b. Corporate income taxes paid pursuant to chapter 220.

c. Intangible personal property taxes paid pursuant to chapter 199.

d. Emergency excise taxes paid pursuant to chapter 221.

e. Excise taxes paid on documents pursuant to chapter 201.

f. Ad valorem taxes paid during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

10. The estimated amount of tax refunds to be claimed in each fiscal year.

11. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

12. A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

13. Any additional information requested by the *office division*.

(e) To qualify for review by the *office division*, the application of an applicant must, at a minimum, establish the following to the satisfaction of the *office division*:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (b)6. or subparagraph (c)6., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the project is to be located.

2. The consolidation of a Department of Defense contract must result in a net increase of at least 25 percent in the number of jobs at the applicant's facilities in this state or the addition of at least 80 jobs at the applicant's facilities in this state.

3. The conversion of defense production jobs to nondefense production jobs must result in net increases in nondefense employment at the applicant's facilities in this state.

4. The Department of Defense contract *must not cannot* allow the business to include the costs of relocation or retooling in its base as allowable costs under a cost-plus, or similar, contract.

5. A business unit of the applicant must have derived not less than 70 percent of its gross receipts in this state from Department of Defense contracts over the applicant's last fiscal year, and must have derived not less than 80 percent of its gross receipts in this state from Department of Defense contracts over the 5 years preceding the date an application is submitted pursuant to this section. This subparagraph does not apply to any application for certification based on a contract for reuse of a defense-related facility.

6. The reuse of a defense-related facility must result in the creation of at least 100 jobs at such facility.

(f) Each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e) must be submitted to the *office division* for a determination of eligibility. The *office division* shall review, evaluate, and score each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the extent to which the project contributes to the state's high-technology base, and the long-term impact of the project and the applicant on the state's economy.

2. The economic benefit of the jobs created or retained by the project in this state, taking into account the cost and average wage of each job created or retained, and the potential risk to existing jobs.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project and applicant.

5. The impact of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The dependence of the local community on the defense industry.

7. The impact of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will occur in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

8. The length of the project, or the expected long-term commitment to this state resulting from the project.

(g) The *office division* shall forward its written findings and evaluation on each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), or paragraphs (d) and (e) to the *director secretary* within 60 calendar days of receipt of a complete application. The *office division* shall notify each applicant when its application is complete, and when the 60-day period begins. In its written report to the *director secretary*, the *office division* shall specifically address each of the factors specified in paragraph (f), and shall make a specific assessment with respect to the minimum requirements established in paragraph (e). The *office division* shall include in its report projections of the tax refund claims that will be sought by the applicant in each fiscal year based on the information submitted in the application.

(h) Within 30 days after receipt of the *office's division's* findings and evaluation, the *director secretary* shall enter a final order that either approves or disapproves an application. The decision must be in writing and provide the justifications for either approval or disapproval. If appropriate, the secretary shall enter into a written agreement with the qualified applicant pursuant to subsection (4).

(i) The *director secretary* may not enter any final order that certifies any applicant as a qualified applicant when the aggregate amount of tax refunds for all qualified applicants projected by the *office division* in any fiscal year exceeds the lesser of \$25 million or the amount appropriated for tax refunds for that fiscal year. A final order that approves an application must specify the maximum amount of a tax refund that is to be available to the contractor in each fiscal year and the total amount of tax refunds for all fiscal years.

(j) This section does not create a presumption that an applicant should receive any tax refunds under this section.

(4) QUALIFIED DEFENSE CONTRACTOR TAX REFUND AGREEMENT.—

(a) A qualified applicant shall enter into a written agreement with the *office department* containing, but not limited to, the following:

1. The total number of full-time equivalent jobs in this state that are or will be dedicated to the qualified applicant's project, the average wage of such jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state. This information must be the same as the information contained in the application submitted by the contractor pursuant to subsection (3).

2. The maximum amount of a refund that the qualified applicant is eligible to receive in each fiscal year.

3. An agreement with the *office department* allowing the *office department* to review and verify the financial and personnel records of the qualified applicant to ascertain whether the qualified applicant is complying with the requirements of this section.

4. The date after which, each fiscal year, the qualified applicant may file an annual claim pursuant to subsection (5).

5. That local financial support shall be annually available and will be paid to the Economic Development Trust Fund.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for receipt of tax refunds each year. The failure to comply with the terms and conditions of the agreement shall result in the loss of eligibility for receipt of all tax refunds previously authorized pursuant to this section, and the revocation of the certification as a qualified applicant by the *director secretary*.

(c) The agreement shall be signed by the *director secretary* and the authorized officer of the qualified applicant ~~within 30 days after the entry of a final order certifying the qualified applicant pursuant to subsection (3).~~

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points:

"This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of funds sufficient to pay amounts authorized in *s. 288.1045 s. 288.104*, Florida Statutes."

(5) ANNUAL CLAIM FOR REFUND FROM A QUALIFIED DEFENSE CONTRACTOR.—

(a) Qualified applicants who have entered into a written agreement with the *office department* pursuant to subsection (4) and who have entered into a valid new Department of Defense contract, commenced the consolidation of a Department of Defense contract, commenced the conversion of defense production jobs to nondefense production jobs or who have entered into a valid contract for reuse of a defense-related facility may apply once each fiscal year to the *office Department of Commerce* for tax refunds. The application must be made on or after the date contained in the agreement entered into pursuant to subsection (4) and must include a notarized signature of an officer of the applicant.

(b) The claim for refund by the qualified applicant must include a copy of all receipts pertaining to the payment of taxes for which a refund is sought, and data related to achieving each performance item contained in the tax refund agreement pursuant to subsection (4). The amount requested as a tax refund may not exceed the amount for the fiscal year in the written agreement entered pursuant to subsection (4).

(c) A tax refund may not be approved for any qualified applicant unless local financial support has been paid to the Economic Development Trust Fund in that fiscal year. If the local financial support is less than 20 percent of the approved tax refund, the tax refund shall be reduced. The tax refund paid may not exceed 5 times the local financial support received. Funding from local sources includes tax abatement under *s. 196.1995* provided to a qualified applicant. The amount of any tax refund for an applicant approved under this section shall be reduced by the amount of any such tax abatement, and the limitations in subsection (2) and paragraph (3)(h) shall be reduced by the amount of any such tax abatement. A report listing all sources of the local financial support shall be provided to the *office division* when such support is paid to the Economic Development Trust Fund.

(d) The *director secretary*, with assistance from the *office division*, the Department of Revenue, and the Department of Labor and Employment Security, shall determine the amount of the tax refund that is authorized for the qualified applicant for the fiscal year in a written final order within 30 days after the date the claim for the annual tax refund is received by the *office Department of Commerce*.

(e) The total amount of tax refunds approved by the *director secretary* under this section in any fiscal year may not exceed the amount appropriated to the Economic Development Trust Fund for such purposes for the fiscal year. If the Legislature does not appropriate an amount sufficient to satisfy projections by the *office division* for tax refunds in a fiscal year, the *director secretary* shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total amount of refund claims for the fiscal

year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Trust Fund for tax refunds, the ~~director secretary~~ shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(f) Upon approval of the tax refund pursuant to paragraphs (c) and (d), the Comptroller shall issue a warrant for the amount included in the final order. In the event of any appeal of the final order, the Comptroller may not issue a warrant for a refund to the qualified applicant until the conclusion of all appeals of the final order.

(g) *A prorated tax refund, less a 5-percent penalty, shall be approved for a qualified applicant provided all other applicable requirements have been satisfied and the applicant proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment.*

(6) ADMINISTRATION.—

(a) The ~~office may department shall~~ adopt rules pursuant to chapter 120 for the administration of this section.

(b) The ~~office department~~ may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes with the appropriate agency or authority including the Department of Revenue, the Department of Labor and Employment Security, or any local government or authority.

(c) To facilitate the process of monitoring and auditing applications made under this program, the ~~office department~~ may provide a list of qualified applicants to the Department of Revenue, the Department of Labor and Employment Security, or to any local government or authority. The ~~office department~~ may request the assistance of said entities with respect to monitoring the payment of the taxes listed in subsection (2).

(d) By September 30 of each year, the ~~office department~~ shall submit a complete and detailed report to the Defense Conversion and Transition Commission, created under Executive Order 93-118, of all tax refunds paid under this section, including analyses of benefits and costs, types of projects supported, employment and investment created, geographic distribution of tax refunds granted, and minority business participation. The report must indicate whether the moneys appropriated by the Legislature to the qualified applicant tax refund program were expended in a prudent, fiducially sound manner. By December 1 of each year, the Defense Conversion and Transition Commission shall review and comment on the report, and shall submit the report together with the commission's comments to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(7) EXPIRATION.—An applicant may not be certified as qualified under this section after June 30, 1999.

Section 15. Subsection (3) and paragraph (b) of subsection (4) of section 288.106, Florida Statutes, 1996 Supplement, are amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible taxes certified by the director which were paid by such business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (4). The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (6).

(b) The director may approve a qualified target industry business to receive tax refund payments of up to \$5,000 times the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or up to \$7,500 times the number of jobs if the project is located in an enterprise zone. A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (5)(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than

\$1.5 million in refunds under this section in any single fiscal year, or more than \$2.5 million in any single fiscal year if the project is located in an enterprise zone. A qualified target industry may not receive more than \$5 million in refund payments under this section in all fiscal years, or more than \$7.5 million if the project is located in an enterprise zone. *Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation and that the relocation will create additional jobs.*

(c) After entering into a tax refund agreement under subsection (5), a qualified target industry business may receive refunds from the account for the following taxes due and paid by that business beginning with the first taxable year of the business which begins after entering into the agreement:

1. Taxes on sales, use, and other transactions under part I of chapter 212.
2. Corporate income taxes under chapter 220.
3. Intangible personal property taxes under chapter 199.
4. Emergency excise taxes under chapter 221.
5. Excise taxes on documents under chapter 201.
6. Ad valorem taxes paid, as defined in s. 220.03(1).
7. Insurance premium tax under s. 624.509.

However, a qualified target industry business may not receive a refund under this section for any amount of credit, refund, or exemption granted to that business for any of such taxes. If a refund for such taxes is provided by the office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified target industry business other than as provided in this section, the business shall reimburse the account for the amount of that credit, refund, or exemption. A qualified target industry business shall notify and tender payment to the office within 20 days after receiving any credit, refund, or exemption other than one provided in this section.

(d) A qualified target industry business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited into the General Revenue Fund.
2. Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) APPLICATION AND APPROVAL PROCESS.—

(b) To qualify for review by the office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the *private sector* average wage in the area where the business is to be located or the statewide private sector average wage. *The Office of Tourism, Trade, and Economic Development may waive this average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The wage requirement may be waived only for projects located in Rural-Economic-Development-Initiative counties or in enterprise zones and when the merits of the individual projects or the specific circumstances in the community in relationship to the project warrant such action. A waiver recommendation must be transmitted in writing and must include an explanation of the specific justification for the recommendation. If the director elects to waive the wage requirement, the waiver and the reasons for granting the waiver must be stated in writing.*
2. The target industry business's project must result in the creation of at least 10 jobs at such project.

3. The business activity or product for the applicant's project is within an industry or industries that have been identified by the office to be high-value-added industries that contribute to the area and to the economic growth of the state and that produce a higher standard of living for citizens of this state in the new global economy or that can be shown to make an equivalent contribution to the area and state's economic progress.

Section 16. Section 288.7011, Florida Statutes, 1996 Supplement, is amended to read:

288.7011 Assistance to certified development corporation.—The Office of Tourism, Trade, and Economic Development is authorized to enter into contracts ~~with to provide assistance to a nonprofit, statewide development corporation certified pursuant to s. 503 of the Small Business Investment Act of 1958, as amended, to permit such corporation to locate and contract for in the form of administrative and technical staff assistance and support, including, without limitation, assistance to the development corporation in the packaging and servicing of loans for the purpose of stimulating and expanding the availability of private equity capital and long-term loans to small businesses. Any contract between the office and such corporation shall provide that the corporation must reimburse, to the extent possible, the office for expenses resulting from the provision of administrative and technical staff assistance and support and that~~ Such assistance and support will cease when the corporation has received state support in an amount the equivalent of \$250,000 per year over a 5 year period beginning July 1, 1997 ~~attained a revenue-generating capacity sufficient to defray on its own the expense for such assistance and support. Any contract between the office and such corporation shall specify that the records of the corporation must be available for audit by the office and by the Auditor General to verify the extent of the ability of the corporation to reimburse the office for, or to defray entirely, the expense of such administrative and technical staff assistance and support.~~

Section 17. Subsection (2) of section 288.772, Florida Statutes, 1996 Supplement, is amended to read:

288.772 Definitions.—For purposes of ss. 288.771-288.778:

(2) "Board" means the board of directors of the ~~Florida Export Finance Enterprise Florida International Trade and Economic Development Board or persons designated by Enterprise Florida, Inc., to oversee the operations of the Corporation.~~

Section 18. Subsection (1) of section 288.775, Florida Statutes, 1996 Supplement, is amended to read:

288.775 Florida Export Finance Corporation Account.—

(1) The ~~board Florida Intergovernmental Relations Foundation, Inc., as established in s. 288.800,~~ shall create the Florida Export Finance Corporation *Guarantee Account* for the purpose of receiving state, federal, and private financial resources, and the return from investments of those resources, and for the purposes of this part. The account shall be under the exclusive control of the board.

Section 19. Section 288.776, Florida Statutes, 1996 Supplement, is amended to read:

288.776 Board of directors; powers and duties.—

(1)(a) *The corporation shall have a board of directors consisting of 15 members representing all geographic areas of the state. Minority and gender representation must be considered when making appointments to the board. The board membership must include:*

1. *A representative of the following businesses, all of which must be registered to do business in this state: a foreign bank, a state bank, a federal bank, an insurance company involved in covering trade financing risks, and a small or medium-sized exporter.*

2. *The following persons or their designee: the President of Enterprise Florida, Inc., the Comptroller, the Secretary of State, a senior official of the United States Department of Commerce, and the chair of the Black Business Investment Board.*

(b) *Appointees who are not state or Federal Government officials shall serve for a term of 3 years and shall be eligible for reappointment. Non-*

state and nonfederal official vacancies on the board shall be filled by the board within 30 days after the effective date of the vacancy.

(2) *Board members shall serve without compensation but may be reimbursed for all necessary expenses in the performance of their duties, including attending board meetings and conducting board business.*

(3) The board shall:

(a)(1) Prior to the expenditure of funds from the export finance account, adopt bylaws, rules, and policies which are necessary to carry out the responsibilities under this part, particularly with respect to the implementation of the corporation's programs to insure, coinsure, lend, provide loan guarantees, and make direct, guaranteed, or collateralized loans by the corporation to support export transactions. The corporation's bylaws, rules, and policies shall be reviewed and approved by Enterprise Florida, Inc., prior to final adoption by the board.

(b)(2) Hold regularly scheduled meetings, at least quarterly, in order to carry out the objectives and responsibilities of the board.

(c)(3) Issue an annual report to Enterprise Florida, Inc., on the activities of the corporation, including an evaluation of activities and recommendations for change. The evaluation shall include the corporation's impact on the following:

1.(a) Participation of private banks and other private organizations and individuals in the corporation's export financing programs.

2.(b) Access of small and medium-sized businesses in this state to federal export financing programs.

3.(c) Export volume of the small and medium-sized businesses in this state accessing the corporation's programs.

4.(d) Other economic and social benefits to international programs in this state.

(d)(4) Adopt policies, including criteria, establishing which exporters and export transactions shall be eligible for insurance, coinsurance, loan guarantees, and direct, guaranteed, or collateralized loans which may be extended by the corporation. Pursuant to this subsection, the board shall adopt rules to include the following criteria:

1.(a) Any individual signing any corporation loan application and loan or guarantee agreement shall have an equity in the business applying for financial assistance.

2.(b) Each program shall exclusively support the export of goods and services by small and medium-sized businesses which are domiciled in this state. Priority shall be given to goods which have value added in this state.

3.(c) Financial assistance shall only be extended when at least one of the following circumstances exists:

a.1. The assistance is required to secure the participation of small and medium-sized export businesses in federal, state, or private financing programs.

b.2. No conventional source of lender support is available for the business from public or private financing sources.

Personal financial records, trade secrets, or proprietary information of applicants shall be confidential and exempt from the provisions of s. 119.07(1).

(e)(5) Adopt requirements to ensure the full repayment of loans and loan guarantees, plus accrued interest, full-recourse claims, and indemnities on direct loan originations sold by the corporation, and the solvency of any insurance and coinsurance program extended under this part.

(f)(6) Approve any extension of insurance, coinsurance, loans, loan guarantees, or direct loan originations for sale, under this part.

(g)(7) Consult with Enterprise Florida, Inc., and its boards, or any state or federal agency, to ensure that the respective loan guarantee or working capital loan origination programs are not duplicative and that

each program makes full use of, to the extent practicable, the resources of the other.

(h)(8) Work to secure a delegated line of authority from the United States Export-Import Bank or other appropriate federal or state agency or private sector entity in order to take advantage of this possible funding or guarantee source.

(i)(9) Develop a streamlined application and review process, including a survey of businesses to obtain the statistics required in *paragraph (c) subsection (3)*.

Section 20. Subsection (1) of section 288.777, Florida Statutes, 1996 Supplement, is amended to read:

288.777 President of the corporation.—

(1) ~~The board of directors of Enterprise Florida, Inc., shall appoint a president of the Florida Export Finance Corporation from a list of nominees submitted by the board.~~ The president shall be knowledgeable about private and public export assistance and export financing programs.

Section 21. Section 288.7771, Florida Statutes, 1996 Supplement, is amended to read:

288.7771 Annual report of Florida Export Finance Corporation.—By ~~March 31~~ ~~December 1~~ of each year, the corporation shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report setting forth:

- (1) The evaluation required in s. 288.7772(1).
- (2) The report required in s. 288.776(3).
- (3) Its assets and liabilities at the end of its most recent fiscal year.

Section 22. Paragraph (f) of subsection (2) of section 288.816, Florida Statutes, 1996 Supplement, is amended to read:

288.816 Intergovernmental relations.—

(2) The secretary shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The secretary shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The secretary shall promulgate rules which shall:

(f) Establish a system of communication to provide all state and local law enforcement agencies with information regarding proper procedures relating to the arrest or incarceration of a foreign citizen. ~~Florida law enforcement agencies shall inform the Department of State. Such agencies shall be informed that when such arrest or incarceration occurs, the agency must notify~~ The secretary, who in turn shall notify the appropriate foreign governmental official. *The secretary shall annually report on the actions taken to inform law enforcement agencies, and on the cooperation from such agencies, to the President of the Senate and the Speaker of the House of Representatives.*

Section 23. Subsection (10) is added to section 288.8175, Florida Statutes, 1996 Supplement, to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.—

(10) *Linkage institutes may accept and administer moneys provided by the Department of State for research and development of international trade. The Secretary of State shall, by March 1, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives in each year in which the Department of State has provided moneys for a linkage institute. The report must detail the purpose of the expenditure by the Department of State and the use of the moneys by the linkage institutes and must include a copy of the research documents or related materials produced, if any.*

Section 24. Subsection (2) of section 288.901, Florida Statutes, 1996 Supplement, is amended to read:

288.901 Enterprise Florida, Inc.; creation; membership; organization; meetings; disclosure.—

(2) Enterprise Florida, Inc., shall establish one or more corporate offices, at least one of which shall be located in Leon County. Persons employed by the Department of Commerce on the day prior to July 1, 1996, whose jobs are privatized, shall be given preference, if qualified, for similar jobs at Enterprise Florida, Inc. When practical, those jobs shall be located in Leon County. All available resources, including telecommuting, must be employed to minimize the negative impact on the Leon County economy caused by job losses associated with the privatization of the Department of Commerce. The Department of Management Services may establish a lease agreement program under which Enterprise Florida, Inc., may hire any individual who, as of June 30, 1996, is employed by the Department of Commerce or who, as of January 1, 1997, is employed by the Executive Office of the Governor and has responsibilities specifically in support of the Workforce Development Board established under s. 288.9620. Under such agreement, the employee shall retain his or her status as a state employee but shall work under the direct supervision of Enterprise Florida, Inc. Retention of state employee status shall include the right to participate in the Florida Retirement System. The Department of Management Services shall establish the terms and conditions of such lease agreements.

Section 25. Section 288.9015, Florida Statutes, 1996 Supplement, is amended to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(1) Enterprise Florida, Inc., is the principal economic development organization for the state. It shall be the responsibility of Enterprise Florida, Inc., to provide leadership for business development in Florida by aggressively establishing a unified approach to Florida's efforts of international trade and reverse investment; by aggressively marketing the state as a probusiness location for potential new investment; and by aggressively assisting in the creation, retention, and expansion of existing businesses. In support of this effort, Enterprise Florida, Inc., may develop and implement specific programs or strategies that address the creation, expansion, and retention of Florida business; the development of import and export trade; and the recruitment of worldwide business.

(2) It shall be the responsibility of Enterprise Florida, Inc., to promote and strengthen the creation and growth of small and minority businesses and to increase the opportunities for short-term and long-term rural economic development.

(3) It shall be the responsibility of Enterprise Florida, Inc., to develop a comprehensive approach to workforce development that will result in better employment opportunities for the residents of this state. Such comprehensive approach must include:

(a) Creating and maintaining a highly skilled workforce that is capable of responding to rapidly changing technology and diversified market opportunities.

(b) Training, educating, and assisting target populations, such as those who are economically disadvantaged or who participate in the WAGES Program or otherwise receive public assistance, to become independent, self-reliant, and self-sufficient. This approach must ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.

(4) *Enterprise Florida, Inc., shall provide leadership in creating jobs for residents of the state, including jobs for residents who are economically disadvantaged or who participate in the WAGES Program or otherwise receive public assistance.*

(5)(4) Enterprise Florida, Inc., shall not endorse any candidate for any elected public office, nor shall it contribute moneys to the campaign of any such candidate.

(6) *As part of its business development and marketing responsibilities, Enterprise Florida, Inc., shall prepare a business guide and checklist that contains basic information on the federal, state, and local requirements for starting and operating a business in this state. The guide and checklist must describe how additional information can be obtained on any such requirements and shall include, to the extent feasible, the names, addresses, and telephone numbers of appropriate government*

agency representatives. The guide and checklist must also contain information useful to persons who may be starting a business for the first time, including, but not limited to, information on business structure, financing, and planning.

Section 26. Paragraph (h) of subsection (3) of section 288.903, Florida Statutes, 1996 Supplement, is redesignated as paragraph (i) and a new paragraph (h) is added to subsection (3) of said section to read:

288.903 Board of directors of Enterprise Florida, Inc.; president; employees.—

(3) The president:

(h) Shall coordinate all activities and responsibilities of Enterprise Florida, Inc., with respect to participants in the WAGES Program.

Section 27. Paragraph (b) of subsection (1) of section 288.904, Florida Statutes, 1996 Supplement, is amended to read:

288.904 Powers of the board of directors of Enterprise Florida, Inc.—

(1) The board of directors of Enterprise Florida, Inc., shall have the power to:

(b) Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors.* An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.

Section 28. Section 288.905, Florida Statutes, 1996 Supplement, is amended to read:

288.905 Duties of the board of directors of Enterprise Florida, Inc.—

(1) In the performance of its functions and duties, the board of directors may establish and implement policies, strategies, and programs for Enterprise Florida, Inc., and its boards. ~~In developing such policies, strategies, and programs, the board of directors shall, among other things, address the needs of blighted inner-city communities that have unacceptable levels of unemployment and economic disinvestment, with the ultimate goal of creating jobs for the residents of such communities.~~ In developing such policies, strategies, and programs, the board of directors shall solicit advice from and consider the recommendations of its boards.

(2) The board of directors shall, in conjunction with the Office of Tourism, Trade, and Economic Development, develop a strategic plan for economic development for the State of Florida. Such plan shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1, 1997, and shall be updated or modified before January 1, 1998, and annually thereafter. *The plan must be approved by the board of directors prior to submission to the Governor and Legislature. The plan shall include, but is not limited to:*

(a) Allocation of public and private resources to specific activities that will return the greatest benefit to the economy of this state. Including delineation on the amount of funds that should be expended on each component of the plan.

(b) Identification of programs that will enhance the capabilities of small and minority businesses. The plan should include ways to improve and increase the access to information, services, and assistance for small and minority businesses.

(c)1. Specific provisions for the stimulation of economic development and job creation in rural areas and mid-size cities and counties of the state. These provisions shall include, but are not limited to, the identification of all rural counties in the state and rural cities located in nonrural counties; the identification of all mid-size cities and counties in the state;

the identification of the economic development and job creation goals of the rural cities and counties and mid-size cities; the identification of rural areas of critical concern; the identification of specific local, state, and federal financial and technical assistance resources available to rural cities and counties and mid-size cities and counties for economic and community development; the identification of private sector resources available to rural cities and counties and mid-size cities and counties for economic and community development; and specific methods for the use of the resources identified in the plan to meet the goals identified in the plan.

2. Enterprise Florida, Inc., shall involve the local governments of the cities and counties identified pursuant to subparagraph 1., as well as any other local, state, and federal rural development entities, both public and private, in developing and carrying out any provisions.

(d)1. Specific provisions for the stimulation of economic development and job creation in small businesses and minority businesses. These provisions shall include, but are not limited to, the identification of federal, state, and local financial and technical resources available for small businesses and minority businesses; and specific methods for the use of the resources identified in the plan to meet the goal of job creation in small businesses and minority businesses in the state.

2. Enterprise Florida, Inc., shall involve local, state, and federal small business and minority business development agencies and organizations, both public and private, in developing and carrying out any provisions.

(e) Creation of workforce training programs that lead to better employment opportunities and higher wages.

(f) Promotion of business formation, expansion, recruitment, and retention, including programs that enhance access to appropriate forms of financing for businesses in this state.

(g) Promotion of the successful long-term internationalization of this state, including programs that establish viable overseas markets, generate foreign investment, assist in meeting the financing requirements of export-ready firms, broaden opportunities for international joint venture relationships, use the resources of academic and other institutions, coordinate trade assistance and facilitation services, and facilitate availability of and access to education and training programs which will assure requisite skills and competencies necessary to compete successfully in the global marketplace.

(h) Promotion of the growth of high technology and other value-added industries and jobs.

(i) Addressing the needs of blighted inner-city communities that have unacceptable levels of unemployment and economic disinvestment, with the ultimate goal of creating jobs for the residents of such communities.

(j) Identifying business sectors that are of current or future importance to the state's economy and to the state's worldwide business image, and developing specific strategies to promote the development of such sectors.

(3)(a) The strategic plan shall also include recommendations regarding specific performance standards and measurable outcomes. By July 1, 1997, Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall establish performance-measure outcomes for Enterprise Florida, Inc., and its boards. Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall develop a plan for monitoring its operations to ensure that performance data are maintained and supported by records of the organization. By July 1, 1998, and biennially thereafter, Enterprise Florida, Inc., in consultation with the Office of Program Policy Analysis and Government Accountability, shall review the performance-measure outcomes for Enterprise Florida, Inc., and its boards, and make any appropriate modifications to them. *In developing measurable objectives and performance outcomes, Enterprise Florida, Inc., shall consider the effect of its programs, activities, and services on its client population. Enterprise Florida, Inc., shall establish standards such as job growth among client firms, growth in the number and strength of businesses within targeted sectors, client satisfaction, venture capital dollars invested in small and minority businesses, businesses retained and recruited, employer wage growth, minority business participation in technology assistance and development pro-*

grams, and increased export sales among client companies to use in evaluating performance toward accomplishing the mission of Enterprise Florida, Inc.

(b) The performance standards and measurable outcomes established and regularly reviewed by Enterprise Florida, Inc., under this subsection must also include benchmarks and goals to measure the impact of state economic development policies and programs. Such benchmarks and goals may include, but are not limited to:

1. Net annual job growth rate in this state compared to neighboring southern states and the United States as a whole.
2. Unemployment rate in this state compared to neighboring southern states and the United States as a whole.
3. Wage distribution based on the percentage of people working in this state who earned 15 percent below the state average, within 15 percent of the state average, and 15 percent or more above the state average.
4. Annual percentage of growth in the production of goods and services within Florida compared to neighboring southern states and the United States as a whole.
5. Changes in jobs in this state by major industry based on the percentage of growth or decline in the number of full-time or part-time jobs in this state.
6. Number of new business startups in this state.
7. Goods produced in this state that are exported to other countries.
8. Capital investment for commercial and industrial purposes, agricultural production and processing, and international trade.

(c)(b) Prior to the 1999 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct a review of Enterprise Florida, Inc., and its boards. The review shall be comprehensive in its scope, but, at a minimum, must be conducted in such a manner as to specifically determine:

1. The progress towards achieving the established outcomes.
2. The circumstances contributing to the organization's ability to achieve, not achieve, or exceed its established outcomes.
3. The progress towards achieving the established goals of the Cypress Equity Fund and whether the strategy underlying the fund is appropriate.
4. Whether it would be sound public policy to continue or discontinue funding the organization, and the consequences of discontinuing the organizations. The report shall be submitted by January 1, 1999, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(d)(e) Prior to the 2003 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability, shall conduct another review of Enterprise Florida, Inc., and its boards using the criteria in paragraph (c) (b). The report shall be submitted by January 1, 2003, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.

(4) The board of directors shall coordinate the economic development activities and policies of Enterprise Florida, Inc., with municipal, county, and regional economic development organizations to establish and further develop the role of local economic development organizations as the primary service-delivery agents for economic development services. Where feasible, the board shall work with regional economic development organizations in the delivery of services of Enterprise Florida, Inc., and its boards.

(5) Enterprise Florida, Inc., shall deposit into African-American-qualified public depositories and Hispanic-American-qualified public depositories a portion of any moneys received by Enterprise Florida, Inc., and its boards from the state.

Section 29. Subsection (1) of section 288.906, Florida Statutes, 1996 Supplement, is amended to read:

288.906 Annual report of Enterprise Florida, Inc.; audits; confidentiality.—

(1) Prior to December 1 of each year, Enterprise Florida, Inc., shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report *including, but not limited to setting forth:*

(a) *A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards, and an identification of any major trends, initiatives, or developments affecting the performance of any program or activity. ~~Its operations and accomplishments during the fiscal year;~~*

(b) *An evaluation of progress towards achieving organizational goals and specific performance outcomes, both short term and long term, established pursuant to s. 288.905. ~~Its business and operational plan and its economic development plan, including recommendations on methods for implementing and funding the economic development plan;~~*

(c) *Methods for implementing and funding the operations of Enterprise Florida, Inc., and its boards. ~~Its assets and liabilities at the end of its most recent fiscal year; and~~*

(d) *A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards, with respect to furthering the development and viability of small and minority businesses, including any accomplishments relating to capital access and technology and business development programs. ~~A copy of an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant performed in accordance with rules adopted by the Auditor General.~~*

(e) *A description of the operations and accomplishments of Enterprise Florida, Inc., and its boards with respect to furthering the development and viability of rural cities and counties, and mid-size cities and counties in this state.*

(f) *A description and evaluation of the operations and accomplishments of Enterprise Florida, Inc., and its boards with respect to interaction with local and private economic development organizations, including an identification of any specific programs or activities which promoted the activities of such organizations and an identification of any specific programs or activities which promoted a comprehensive and coordinated approach to economic development in this state.*

(g) *An assessment of employee training and job creation that directly benefits participants in the WAGES Program.*

(h) *An annual compliance and financial audit of accounts and records by an independent certified public accountant at the end of its most recent fiscal year performed in accordance with rules adopted by the Auditor General.*

The detailed report required by this subsection shall also include the information identified in paragraphs (a)-(h)(d), if applicable, for any board established within the corporate structure of Enterprise Florida, Inc.

Section 30. Paragraph (g) of subsection (1) of section 288.9414, Florida Statutes, 1996 Supplement, is amended to read:

288.9414 Powers and authority of board of directors of International Trade and Economic Development Board.—

(1) The board shall have all the powers and authority not explicitly prohibited by statute necessary or convenient to carry out and effectuate its functions, duties, and responsibilities, including, but not limited to:

(g) Contracting with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. *No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of*

grant programs, shall be made with an organization represented on the nominating council or the board of directors. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.

Section 31. Effective July 1, 1998, section 288.9415, Florida Statutes, is created to read:

288.9415 International Trade Grants.—

(1) *The Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor may accept and administer moneys appropriated to the office for providing grants for promotion of international trade.*

(2) *A county, municipality, economic development council, or a not-for-profit association of businesses organized to assist in the promotion of international trade may apply for a grant of state funds for the promotion of international trade.*

(3) *The International Trade and Economic Development Board of Enterprise Florida, Inc., shall review each application for a grant to promote international trade and shall submit annually to the Office of Tourism, Trade, and Economic Development for approval lists of all applications that are recommended by the International Trade and Economic Development Board for the award of grants, arranged in order of priority. The Office of Tourism, Trade, and Economic Development may allocate grants only for projects that are approved or for which funds are appropriated by the Legislature. Projects approved and recommended by the International Trade and Economic Development Board which are not funded by the Legislature shall be retained on the project list for the following grant cycle only. All projects that are retained shall be required to submit such information as may be required by the Office of Tourism, Trade, and Economic Development as of the established deadline date of the latest grant cycle in order to adequately reflect the most current status of the project.*

Section 32. (1) *For fiscal year 1997-1998 and subject to appropriation in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development shall establish a targeted market pilot project grant program, through which funding will be provided on a competitive basis, which successfully matches local businesses in this state with specific international trade opportunities. The Legislature finds that it is in the best interests of the state to encourage and assist businesses in this state to actively participate in international trade. Office of Tourism, Trade, and Economic Development shall consult with the Florida Council of International Development in the development of this program.*

(2) *Grant proposals must be submitted by local or regional economic development councils. Proposals must include research assignments to the foreign offices of Enterprise Florida, Inc., identifying potential foreign markets for products now produced in this state, or which may easily be produced by existing businesses in this state. Proposals must also include a list of local businesses that are well suited to participate in the program and the targeted international market or products that the business would pursue. Participating businesses are required to act as mentors, assisting the local or regional economic development councils in matching local businesses to future international trade opportunities.*

(3) *The Office of Tourism, Trade, and Economic Development shall adopt guidelines for administering the program and shall establish criteria for the competitive evaluation of grant proposals for funding. Evaluation criteria must include, but is not limited to:*

- (a) *The quality of the business identification research.*
- (b) *Cost effectiveness and cost per business served.*
- (c) *Comprehensiveness of services offered, including, but not limited to, training and guidance.*
- (d) *Projected employment.*
- (e) *Projected employment of WAGES Program participants.*
- (f) *The extent to which existing grants address the targeted international market.*

(4) *The Office of Tourism, Trade, and Economic Development shall establish procedures for the identification and validation of targeted international markets by the Florida foreign offices, as established under s. 288.012, Florida Statutes, for use in this program.*

(5) *The Office of Tourism, Trade, and Economic Development shall establish performance measures for this program prior to providing grant moneys to any entity and shall report such measures to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 33. Paragraph (h) of subsection (1) of section 288.9514, Florida Statutes, 1996 Supplement, is amended to read:

288.9514 Powers and authority of board of directors.—

(1) *The technology development board shall achieve the purposes stated in s. 288.9512 through technology application, technology commercialization, and technology development, as well as other activities related to building a competitive, knowledge-based economy. The board shall have all the powers and authority not explicitly prohibited by statute necessary or convenient to carry out and effectuate its functions, duties, and responsibilities, including, but not limited to:*

(h) *Contracting with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.*

Section 34. Subsection (8) of section 288.9613, Florida Statutes, 1996 Supplement, is amended to read:

288.9613 Powers and authority of the capital development board.— The capital development board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes of this act, as well as the functions, duties, and responsibilities of the board, including, but not limited to, the following:

(8) *Contract with public and private entities as necessary to further the directives of this act, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.*

Section 35. (1) *Subject to specific appropriations in the General Appropriations Act, the Office of Tourism, Trade, and Economic Development may contract with the Enterprise Florida Capital Development Board or some other appropriate not-for-profit or governmental organization for any action that the office deems necessary to foster the development of microenterprises in the state. As used within this section, microenterprises are extremely small business enterprises which enable low and moderate income individuals to achieve self-sufficiency through self-employment. Microenterprise programs are those which provide at least one of the following: small amounts of capital, business training and technical assistance. Where feasible, the office or organizations under contract with the office shall work in cooperation with other organizations active in the study and support of microenterprises. Such actions may include, but are not limited to:*

(a) *Maintaining a network of communication and coordination among existing microenterprise lending and assistance programs throughout the state.*

(b) Providing information and technical help to community-based or regional organizations attempting to establish new microenterprise programs.

(c) Encouraging private-sector investment in microenterprises and microenterprise lending programs.

(d) Fostering mentoring and networking relationships among microenterprises and other businesses and public bodies in order to give microenterprises access to management advice and business leads.

(e) Incorporating microenterprise components into the capital development programs and other business development programs operated by Enterprise Florida, Inc., and its affiliates.

(f) Providing organizational, financial, and marketing support for conferences, workshops, or similar events that focus on microenterprise development.

(g) Establishing a program and guidelines for the award of matching grants on a competitive basis to support the operational expenses of not-for-profit organizations and government agencies that are engaged in microenterprise lending and other microenterprise assistance activities.

(h) Coordinating with other organizations to ensure that participants in the WAGES Program are given opportunities to create microenterprises.

(2) The office shall adopt guidelines for administering the program and shall establish criteria for the competitive evaluation of applications for funding. The office shall establish performance measures for this program prior to providing grant moneys to any entity and shall report such measures to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 36. Section 288.9614, Florida Statutes, 1996 Supplement, is amended to read:

288.9614 Authorized programs.—The capital development board may take any action that which it deems necessary to achieve the purposes of this act in partnership with private enterprises, public agencies, and other organizations, including, but not limited to, efforts to address the long-term debt needs of small-sized and medium-sized firms, to address the needs of microenterprises, to expand availability of venture capital, and to increase international trade and export finance opportunities for firms critical to achieving the purposes of this act.

Section 37. Subsection (1) and paragraph (h) of subsection (6) of section 288.9620, Florida Statutes, 1996 Supplement, as amended by section 112 of chapter 96-320, Laws of Florida, are amended to read:

288.9620 Workforce development board.—

(1) The Legislature finds that the growth and competitive strength of Florida's economy depend upon the state's ability to attract and support industries that add to the value of the state's social capital as well as to its economic capital. It is crucial to the retention and growth of these high-value-added industries to assure that skilled human resources are adequate in quality and quantity. The Legislature intends to adopt a uniform policy to guide education, training, and employment programs, so that the combined efforts of all the programs accomplish the following objectives:

(a) Provide for a skilled workforce to enable Florida to compete in a global economy.

(b) Respond to changes in technology and to emerging industries.

(c) Promote the development of market-driven programs through a planning and funding system based upon products of the Occupational Forecasting Conference created in s. 216.136.

(d) Base evaluations of program success on student and participant outcomes rather than processes.

(e) Coordinate state, federal, local, and private funds for maximum impact.

(f) Encourage the participation, education, and training of members of populations selected by state or federal policy to receive additional

resources, guidance, or services. The selected populations must include people with disabilities or economic disadvantages, especially those who are participants in the WAGES Program, are eligible for public assistance, or are dislocated workers.

(6) The workforce development board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes of this section, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(h) Contracting with public and private entities as necessary to further the directives of this section, except that any contract made with an organization represented on the nominating council or on the board of directors must be approved by a two-thirds vote of the entire board of directors, and the board member representing such organization shall abstain from voting. No more than 65 percent of the dollar value of all contracts or other agreements entered into in any fiscal year, exclusive of grant programs, shall be made with an organization represented on the nominating council or the board of directors. An organization represented on the board or on the nominating council may not enter into a contract to receive a state-funded economic development incentive or similar grant.

Section 38. Section 290.0411, Florida Statutes, is amended to read:

290.0411 Legislative intent and purpose of ss. 290.0401-290.049.—It is the intent of the Legislature to provide the necessary means to develop, preserve, redevelop, and revitalize Florida communities exhibiting signs of decline or distress by enabling local governments to undertake the necessary community development programs. The overall objective is to create viable communities by providing decent housing and suitable living environments and expanding economic opportunities, principally for persons of low or moderate income. The purpose of ss. 290.0401-290.049 is to assist local governments in carrying out effective community development activities to arrest and reverse community decline and restore community vitality. Community development activities to maintain viable communities, revitalize existing communities, expand economic development and employment opportunities, and improve housing conditions and expand housing opportunities, providing direct benefit to persons of low or moderate income, are the primary purposes of ss. 290.0401-290.049. The Legislature, therefore, declares that the development, redevelopment, preservation, and revitalization of communities in this state and all the purposes of ss. 290.0401-290.049 are public purposes for which public money may be borrowed, expended, loaned, pledged to guarantee loans, and granted.

Section 39. Subsections (1), (2), (3), and (4) of section 290.044, Florida Statutes, are amended to read:

290.044 Florida Small Cities Community Development Block Grant Program Fund; administration; distribution.—

(1) The Florida Small Cities Community Development Block Grant Program Fund is created. All revenue designated for deposit in such fund shall be deposited by the appropriate agency. The department shall administer this fund as a grant and loan guarantee program for carrying out the purposes of ss. 290.0401-290.049 ~~this act~~.

(2) The department shall distribute such funds as loan guarantees and grants to eligible local governments on the basis of a competitive selection process.

(3) The department shall define the broad community development objective to be achieved by the activities in each of the following grant program categories, and require applicants for grants to compete against each other in these grant program categories:

(a) Housing.

(b) Economic development.

(c) Neighborhood revitalization.

(d) Commercial revitalization.

(4) The percentage of funds distributed in each of the grant program categories from federal funds for federal fiscal year 1985 shall be established by the Legislature in the appropriation process for the 1984 regular session and shall be established annually thereafter in the same

manner. The department shall submit its recommendation on the distribution percentages to the Governor and Legislature as part of its regular budget proposals. The department shall provide for the set-aside of an amount of up to 10 percent of the funds allocated to the neighborhood revitalization category in its distribution percentages for use in any eligible local government jurisdiction for which an emergency or natural disaster has been declared by executive order. Such funds may only be provided to a local government to fund eligible emergency-related activities for which no other source of federal, state, or local disaster funds is available. The department shall provide for such set-aside by rule. In the last quarter of the state fiscal year, any funds not allocated under the emergency-related set-aside shall be used to fully fund any applications which were partially funded due to inadequate funds in the most recently completed neighborhood revitalization category funding cycle, and then any remaining funds shall be distributed to the next unfunded applications.

Section 40. Section 290.0455, Florida Statutes, is created to read:

290.0455 Small Cities Community Development Block Grant Loan Guarantee Program.—

(1) The Small Cities Community Development Block Grant Loan Guarantee Program is created. The department shall administer the loan guarantee program pursuant to s. 108 of Title I of the Housing and Community Development Act of 1974, as amended, and as further amended by s. 910 of the Cranston-Gonzalez National Affordable Housing Act. The purpose of the Small Cities Community Development Block Grant Loan Guarantee Program is to guarantee, or to make commitments to guarantee, notes or other obligations issued by public entities for the purposes of financing activities enumerated in 24 C.F.R. s. 570.703.

(2) Activities assisted under the loan guarantee program must meet the requirements contained in 24 C.F.R. ss. 570.700-570.710 and may not otherwise be financed in whole or in part from the Florida Small Cities Community Development Block Grant Program.

(3) The department may pledge existing revenues on deposit or future revenues projected to be available for deposit in the Florida Small Cities Community Development Block Grant Program in order to guarantee, in whole or in part, the payment of principal and interest on a loan made under the loan guarantee program.

(4) The department must submit all applications it receives to the United States Department of Housing and Urban Development for loan approval, in the order received, subject to the department determining that the application meets all eligibility requirements contained in 24 C.F.R. ss. 570.700-570.710, and provided that the applicant has submitted the proposed activity to a loan underwriter to document its financial feasibility.

(5) The maximum amount of loan guarantee commitments that any eligible local government may receive may be limited to \$7 million pursuant to 24 C.F.R. s. 570.705, and the maximum amount of loan guarantee commitments statewide may not exceed an amount equal to five times the amount of the most recent grant received by the department under the Florida Small Cities Community Development Block Grant Program.

(6) Loans guaranteed by the loan guarantee program must be repaid within 20 years.

(7) Loan guarantees may be used for an activity only if the local government provides evidence to the department that alternative financing services were investigated and were unavailable or insufficient to meet the financing needs of the activity.

(8) The department must, before approving an application for a loan, evaluate the applicant's prior administration of block grant funds for community development. The evaluation of past performance must take into account the procedural aspects of previous grants or loans as well as substantive results. If the department finds that any applicant has failed to substantially accomplish the results proposed in the applicant's last previously funded application, the department may prohibit the applicant from receiving a loan or may penalize the applicant in the rating of the current application.

Section 41. Subsections (7) and (8) are added to section 290.047, Florida Statutes, to read:

290.047 Establishment of grant ceilings and maximum administrative cost percentages; elimination of population bias.—

(7) Grant ceilings do not apply to the loan guarantee program authorized in s. 290.0455.

(8) If an applicant was the sponsor of an activity under the Small Cities Community Development Block Grant Loan Guarantee Program, and the loan for such activity is in default, thereby requiring the department to reduce its annual grant award in order to pay the annual debt service on the applicant's loan, the department shall reduce the grant ceiling available to such applicant in an amount equal to the amount of the state's grant award required to be used for the loan debt service.

Section 42. Subsection (6) is added to section 290.048, Florida Statutes, to read:

290.048 General powers of Department of Community Affairs under ss. 290.0401-290.049.—The department has all the powers necessary or appropriate to carry out the purposes and provisions of the program, including the power to:

(6) Pledge community development block grant revenues from the Federal Government in order to guarantee notes or other obligations of a public entity which are approved pursuant to s. 290.0455.

Section 43. Section 337.023, Florida Statutes, is created to read:

337.023 Sale of building; acceptance of replacement building.—Notwithstanding the provisions of s. 216.292(4)(b), if the Department of Transportation sells a building, the department may accept the construction of a replacement building, in response to a request for proposals, totally or partially in lieu of cash, and may do so without a specific legislative appropriation. Such action is subject to the approval of the Executive Office of the Governor, and is subject to the notice, review, and objection procedures under s. 216.177. The replacement building shall be consistent with the current and projected needs of the department as agreed upon by the department and the Department of Management Services.

Section 44. Subsection (6) of section 380.06, Florida Statutes, 1996 Supplement, is amended to read:

380.06 Developments of regional impact.—

(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CURRENT PLAN AMENDMENTS.—

(a) Prior to undertaking any development, a developer that is required to undergo development-of-regional-impact review shall file an application for development approval with the appropriate local government having jurisdiction. The application shall contain, in addition to such other matters as may be required, a statement that the developer proposes to undertake a development of regional impact as required under this section.

(b) Any local government comprehensive plan amendments related to a proposed development of regional impact, including any changes proposed under subsection (19), may be initiated by a local planning agency or the developer and *must be* considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in s. 163.3187 or s. 163.3189 and applicable local ordinances, without regard to statutory or local ordinance limits on the frequency of consideration of amendments to the local comprehensive plan. Nothing in this paragraph shall be deemed to require favorable consideration of a plan amendment solely because it is related to a development of regional impact. The procedure for processing such comprehensive plan amendments is as follows:

1. If a developer seeks a comprehensive plan amendment related to a development of regional impact, the developer must so notify in writing the regional planning agency, the applicable local government, and the state land planning agency no later than the date of preapplication conference or the submission of the proposed change under subsection (19).

2. When filing the application for development approval or the proposed change, the developer must include a written request for comprehensive plan amendments that would be necessitated by the development-of-regional-impact approvals sought. That request must include

data and analysis upon which the applicable local government can determine whether to transmit the comprehensive plan amendment pursuant to s. 163.3184.

3. The local government must advertise a public hearing on the transmittal within 30 days after filing the application for development approval or the proposed change and must make a determination on the transmittal within 60 days after the initial filing unless that time is extended by the developer.

4. If the local government approves the transmittal, procedures set forth in s. 163.3184(3)-(6) must be followed.

5. Notwithstanding subsection (11) or subsection (19), the local government may not hold a public hearing on the application for development approval or the proposed change or on the comprehensive plan amendments sooner than 30 days from receipt of the response from the state land planning agency pursuant to s. 163.3184(6). The 60-day time period for local governments to adopt, adopt with changes, or not adopt plan amendments pursuant to s. 163.3184(7) shall not apply to concurrent plan amendments provided for in this subsection.

6. The local government must hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However, the local government must take action separately on the application for development approval or the proposed change and on the comprehensive plan amendments.

7. Thereafter, the appeal process for the local government development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments must follow the provisions of s. 163.3184.

Section 45. Subsection (1) of section 455.213, Florida Statutes, 1996 Supplement, is amended to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing to take the appropriate examination. The application shall be made on a form prepared and furnished by the department and shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the agency. *In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.*

Section 46. Subsection (1) of section 455.2141, Florida Statutes, 1996 Supplement, is amended to read:

455.2141 Agency for Health Care Administration; general licensing provisions.—

(1) Any person desiring to be licensed in a profession within the jurisdiction of the Agency for Health Care Administration shall apply to the agency in writing to take the licensure examination. The application shall be made on a form prepared and furnished by the agency and shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the agency. *In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the agency may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the agency's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the agency.*

Section 47. *In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the Department of State may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent*

to accept applications for licenses or other similar registrations and applications for renewals of licenses or other similar registrations. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.

Section 48. *In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the Department of Labor and Employment Security may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses or other similar registrations and applications for renewals of licenses or other similar registrations. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.*

Section 49. Subsection (5) of section 468.520, Florida Statutes, is amended to read:

468.520 Definitions.—As used in this part:

(5) "Employee leasing company" means a sole proprietorship, partnership, corporation, or other form of business entity engaged in employee leasing. *This term shall not apply to any state agency or the judicial branch as defined in s. 110.203 when that agency or the judicial branch is engaged in employee leasing pursuant to an express legislative authorization.*

Section 50. Section 624.426, Florida Statutes, is amended to read:

624.426 Exceptions to resident agent and countersignature law.—Section 624.425 does not apply to:

(1) Contracts of reinsurance.

(2) Policies of insurance on the rolling stock of railroad companies doing a general freight and passenger business.

(3) *United States Customs surety bonds that are issued by a corporate surety approved by the United States Department of Treasury and that name the United States as the beneficiary.*

Section 51. *Employing and Training our Youths (ENTRY).—*

(1) *DEFINITIONS.—As used in this section:*

(a) "Director" means the executive director of the Office of Tourism, Trade, and Economic Development.

(b) "Eligible business" means any sole proprietorship, firm, partnership, corporation, bank, savings association, estate, trust, business trust, receiver, syndicate, or other group or combination, or successor business.

(c) "Eligible youth employee" means a student between the ages of 15 and 18 currently enrolled at a Florida public school, who has not been previously employed within the preceding 12 months by the eligible business, or a successor eligible business, claiming the credit allowed in this section. *The youth employee shall be deemed to be employed if the youth performs duties in connection with the operations of the business on a regular basis, provided the youth is performing such duties on an average of at least 12 hours per week each month throughout the year and is being paid for such duties at a rate no less than the minimum wage established pursuant to federal law.*

(d) "Fiscal year" means the fiscal year of the state.

(e) "Office" means the Office of Tourism, Trade, and Economic Development.

(f) "Public school" shall have the same meaning as in s. 228.041(1)(a), Florida Statutes.

(2) *TAX REFUND; ELIGIBLE AMOUNTS.—*

(a) *Contingent upon an annual appropriation by the Legislature, the director may approve an eligible business to receive tax refund payments of up to \$1,600 per eligible youth employee. An eligible business may not receive tax refund payments for more than five eligible youth employees in any single fiscal year.*

(b) After entering into an employment/tax refund agreement under subsection (3), an eligible business may receive refunds for the following taxes or fees due and paid by that business:

1. Taxes on sales, use, and other transactions under part I of chapter 212, Florida Statutes.
2. Corporate income taxes under chapter 220, Florida Statutes.
3. Intangible personal property taxes under chapter 199, Florida Statutes.
4. Emergency excise taxes under chapter 221, Florida Statutes.
5. Excise taxes on documents under chapter 201, Florida Statutes.
6. Ad valorem taxes paid, as defined in section 220.03(1), Florida Statutes.
7. Insurance premium taxes under section 624.509, Florida Statutes.
8. Occupational license fees under chapter 205, Florida Statutes.

However, an eligible business may not receive a refund under this section for any amount of credit, refund, or exemption granted to that business for any of such taxes or fees. If a refund for such taxes or fees is provided by the office, which taxes or fees are subsequently adjusted by the application of any credit, refund, or exemption granted to the eligible business other than as provided in this section, the business shall reimburse the office for the amount of that credit, refund, or exemption. An eligible business shall notify and tender payment to the office within 20 days after receiving any credit, refund, or exemption other than the one provided in this section.

(c) An eligible business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of refund to the office, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited in the General Revenue Fund.
2. Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(3) ADMINISTRATION.—

(a) To apply for tax refunds pursuant to this section, an eligible business must file an employment/tax refund application, developed by the office, at the public school the eligible youth employee attends.

(b) The public school shall forward the application to the office within 5 calendar days after receipt of a complete application. Within 10 calendar days after receipt of the application, the office shall enter a final order that either approves or disapproves the application. The decisions must be in writing and must provide the justifications for approval or disapproval.

(c) An eligible business that has been approved by the office to receive tax refunds may apply to the office for a refund at the end of each calendar quarter the eligible youth employee is employed by the business. An eligible business may not receive refund payments of more than 25 percent of the total tax refunds due such business under this section each calendar quarter. Termination of employment of an eligible youth employee shall result in loss of eligibility for tax refunds for such employee under this section.

(d) The claim for refund by an eligible business must include a copy of all receipts pertaining to the payment of taxes for which the refund is sought.

(e) Nothing in this section shall create a presumption that an eligible business will receive any tax refund under this section.

(f) The office is authorized to develop rules and forms, pursuant to chapter 120, Florida Statutes, to implement the provisions of this section. The office is authorized to verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the Department of Labor and Employment Security, or any local government or authority.

(4) REPEAL.—The provisions of this section shall expire and be void on June 30, 2007.

Section 52. Subsection (7) of section 14.2015, Florida Statutes, 1996 Supplement, sections 118.01, 118.02, and 118.03, Florida Statutes, as amended by chapter 95-147, Laws of Florida, and section 118.04, Florida Statutes, are repealed.

Section 53. Subject to appropriation in the General Appropriation Act, \$100,000 shall be used by the Office of Tourism, Trade, and Economic Development in the Office of the Governor to enable the Florida Customs Brokers and Forwarders Association to expand the services they provide statewide, to enhance the international trading ability of the state.

Section 54. Subject to appropriation in the General Appropriation Act, \$270,000 shall be available for the establishment and operation of a Viet Nam Embassy Office for trade and academic advancement of the interests of this state.

Section 55. Subject to appropriation in the General Appropriation Act, \$250,000 is provided for distribution to the Southeast U.S./Japan Association and the Southeast U.S.–Korea Economic Committees to fulfill Florida's obligations to these organizations.

Section 56. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 57. Except as otherwise provided in this act, this act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, line 2 through page 3, line 30, delete those lines and insert: An act relating to economic development; authorizing the Secretary of State to appoint Florida international notaries; providing definitions; providing rulemaking authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; amending s. 114, chapter 96-320, Laws of Florida; revising the definition and requirements relating to "matching private funds" for Enterprise Florida, Inc.; amending s. 14.2015, F.S.; removing redundant provisions; revising provisions allowing the Office of Tourism, Trade, and Economic Development to contract for administrative purposes; revising the office's responsibilities for planning meetings of leaders in business, government, and economic development; providing the office with rulemaking authority for specific programs; amending s. 15.182, F.S.; requiring certain state-funded musical, cultural, or artistic organizations to notify the Department of State of their international travel plans; directing the department, in conjunction with Enterprise Florida, Inc., to act as an intermediary between such organizations and Florida businesses; requiring the Department of Lottery to determine the feasibility of marketing the Florida Lottery internationally; amending s. 48.194, F.S., relating to personal service outside the state; specifying that service of process on persons outside the United States may be required to comply with a certain international convention; authorizing the Office of Tourism, Trade, and Economic Development to establish a pilot matching grant program for the provision of job-training grants; requiring the establishment of guidelines for the program; limiting the use of grant funds; requiring a grant agreement and a report on program results; specifying that the same proposal may not provide the basis for the award of training under this pilot training program and the Quick Response Training Program; creating s. 110.191, F.S.; providing for state employee leasing under certain circumstances; providing criteria; providing requirements, providing limitations relating to certain positions; amending s. 110.205, F.S.; specifying positions leased under a state employee lease agreement as exempt from career service provisions; amending s. 288.012, F.S.; providing legislative intent; requiring the Office of Tourism, Trade, and Economic Development to develop a plan for State of Florida foreign offices; requiring each foreign office to have an operational plan; amending s. 288.047, F.S.; proscribing certain uses of funds for the Quick-Response Training Program; amending s. 288.063, F.S.; proscribing certain uses of funds for contracts for economic development transportation projects; amending s. 288.1045, F.S.; providing for the qualified defense contractor tax refund program to be administered by the Office of Tourism, Trade, and Economic Development deleting a time requirement to sign agreements; providing for a

prorated tax refund with penalty if the number of jobs is less than projected; proscribing certain uses of funds for such program; correcting a statutory reference; amending s. 288.106, F.S.; proscribing certain uses of funds for the tax refund program for qualified target industry businesses; providing for a waiver of requirements for the estimated annual average wage that must be paid by an applicant business; providing prerequisites and procedures; amending s. 288.7011, F.S.; revising authority for the Office of Tourism, Trade, and Economic Development to contract with a statewide certified development corporation; amending s. 288.772, F.S.; revising the definition of the term "board" with respect to the Florida Export Finance Corporation; amending s. 288.775, F.S.; requiring the board of the Florida Export Finance Corporation to create the Florida Export Finance Corporation guarantee account; amending s. 288.776, F.S.; revising the membership of the board of the Florida Export Finance Corporation; providing for appointment of members to the board; amending s. 288.777, F.S.; revising provisions relating to the appointment of a president for the Florida Export Finance Corporation; directing the board of the corporation to appoint such president; amending s. 288.7771, F.S.; revising the deadline for submitting an annual report for the Florida Export Finance Corporation; amending s. 288.816, F.S.; revising the responsibilities of the Secretary of State with respect to intergovernmental relations; requiring law enforcement agencies to inform the Department of State about the arrest or incarceration of foreign citizens; requiring the secretary to report to the Legislature on actions taken to inform law enforcement agencies on proper procedures relating to such arrest or incarceration; amending s. 288.8175, F.S.; authorizing the Florida linkage institutes to accept and administer funds from the Department of State for research and development of international trade; amending s. 288.901, F.S.; expanding an employee leasing program applicable to Enterprise Florida, Inc., to include an individual who, as of a specified date, is employed by the Executive Office of the Governor and has responsibilities related to the workforce development board; amending s. 288.9015, F.S.; providing for the responsibilities of Enterprise Florida, Inc., with respect to workforce development to include participants in the WAGES Program; specifying that Enterprise Florida shall provide leadership in job creation, including jobs for residents who are economically disadvantaged or who are participants in the WAGES Program or otherwise receive public assistance; requiring Enterprise Florida, Inc., to prepare a guide and checklist for starting and operating a business in Florida; amending s. 288.903, F.S.; requiring the president of Enterprise Florida, Inc., to coordinate Enterprise Florida, Inc., activities with respect to participants in the WAGES Program; amending s. 288.904, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., contracts; amending s. 288.905, F.S.; revising requirements for the strategic plan prepared by Enterprise Florida, Inc.; providing for modifications and updates to the strategic plan; requiring that specific issues be included in the strategic plan; requiring the development of measurable objectives and performance outcomes; amending s. 288.906, F.S.; revising requirements for the annual report by Enterprise Florida, Inc.; requiring specific evaluations and assessments to be included in the annual report; requiring an annual compliance and financial audit; amending s. 288.9414, F.S.; revising prohibitions on participating in Enterprise Florida, Inc., international trade and economic development board contracts; creating s. 288.9415, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer funds for international trade promotion grants; providing application criteria for such grants; directing the International Trade and Economic Development Board of Enterprise Florida, Inc., to review such grant applications and make recommendations to the Office of Tourism, Trade, and Economic Development; authorizing the Office of Tourism, Trade, and Economic Development to establish a targeted market pilot grant program to provide funding designed to match Florida businesses with international trade opportunities; providing application procedures and criteria; amending ss. 288.9514 and 288.9613, F.S.; revising prohibitions on participating in contracts of certain Enterprise Florida, Inc., boards; authorizing the Office of Tourism, Trade, and Economic Development to contract with organizations in order to foster the development of microenterprises in the state; requiring the office to establish criteria for competitive evaluation of funding applications and program performance measures; requiring the office to adopt guidelines to administer the microenterprise development program; amending s. 288.9614, F.S.; authorizing the capital development board of Enterprise Florida, Inc., to take actions for the development of microenterprises; amending s. 288.9620, F.S.; requiring the Enterprise Florida, Inc., workforce development board to include participants in the WAGES Program within populations selected for resources, guidance, or services; revising prohibitions on participating in Enterprise Florida, Inc., workforce development board contracts; amending s.

290.0411, F.S.; revising the legislative intent for the Florida Small Cities Community Development Block Grant Program Act to include pledging public money to guarantee loans; amending s. 290.044, F.S.; expanding administration of the Florida Small Cities Community Development Block Grant Program Fund to include loan guarantees; conforming provisions; creating s. 290.0455, F.S.; creating the Small Cities Community Development Block Grant Loan Guarantee Program; providing for the purpose, administration, and conditions of the program; authorizing the Department of Community Affairs to pledge revenues from the community development block grant program in order to guarantee certain loans; amending s. 290.047, F.S.; exempting the loan guarantee program authorized under s. 290.0455, F.S., from certain grant ceiling requirements; providing for grant ceilings under the Community Development Block Grant Program to be reduced based on defaults on guaranteed loans; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to pledge community development block grant revenues to guarantee certain notes or obligations; creating s. 337.023, F.S.; authorizing the Department of Transportation, when selling a building, to accept the construction of a replacement building totally or partially in lieu of cash; providing for review and approval of such action; amending s. 380.06, F.S.; requiring local government comprehensive plan amendments related to a proposed development of regional impact to be considered concurrently with the application for development approval; amending s. 455.213, F.S.; authorizing the Department of Business and Professional Regulation to appoint the county tax collector as an agent of the department for purposes of accepting applications for licenses or renewals of licenses; amending s. 455.2141, F.S.; authorizing the Agency for Health Care Administration to appoint the county tax collector as an agent of the agency for purposes of accepting applications for licenses or renewals of licenses; authorizing the Department of State and the Department of Labor and Employment Security to appoint the county tax collector as an agent of each department for purposes of accepting applications for licenses or similar registrations, or renewals of licenses or similar registrations; amending s. 468.520, F.S.; specifying that the term "employee leasing company" does not apply to a state agency or the judicial branch engaged in legislatively authorized employee leasing activities; amending s. 624.426, F.S.; exempting certain U.S. Customs surety bonds from the resident agent and counter-signature law; creating a tax refund program for hiring certain school-aged employees; providing for administration by the Office of Tourism, Trade, and Economic Development; providing definitions; providing for employment/tax refund agreements; providing penalties for fraudulent claims for refunds; providing for future repeal; repealing ss. 118.01, 118.02, 118.03, 118.04, F.S., relating to commissioners of deeds; repealing s. 14.2015(7), F.S., relating to authority for the Office of Tourism, Trade, and Economic Development to contract for assistance in administering certain programs and to use a percentage of appropriated funds for administrative purposes; providing funding, contingent upon appropriation for custom brokers and forwarders, specified trade groups, and a trade and academic exchange office; providing severability; providing an effective date.

Senator Kurth moved the following amendment to **Amendment 2**:

Amendment 2A (with title amendment)—On page 56, line 22; on page 65, line 23; on page 69, line 7; on page 69, line 30; and on page 73, line 23, before the period (.) insert: *, unless such incentive award is specifically endorsed by a two-thirds vote of the entire board. The board member representing such organization, if applicable, shall abstain from voting and refrain from discussing the issue with other members of the board. No more than 50 percent of the dollar value of grants issued by the board in any fiscal year may go to businesses associated with board members*

And the title is amended as follows:

On page 93, line 15; on page 93, line 31; on page 94, line 17; and on page 95, line 7, after "contracts" insert: *and grants*

On motion by Senator Harris, further consideration of **CS for SB 1754** with pending **Amendment 2** and **Amendment 2A** was deferred.

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

CS for CS for SB's 1688, 792, 1334 and 2254—A bill to be entitled An act relating to workforce development education; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of

Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; amending s. 228.041, F.S.; amending the definition of "career education"; amending ss. 231.614, 233.056, 233.0561, 235.15, 235.199, 235.435, F.S.; conforming provisions; amending s. 236.081, F.S.; deleting responsibilities for funding of vocational education and adult education from the Florida Education Finance Program; conforming provisions; requiring a school district to pay certain costs for high school students enrolled in community college adult education programs; amending s. 237.34, F.S.; changing certain reporting responsibilities; conforming provisions; amending s. 239.105, F.S.; amending definitions to conform; removing certain programs from the category of adult general education; conforming provisions; amending s. 239.113, F.S.; conforming provisions; creating s. 239.115, F.S.; creating the workforce development fund; providing definitions; requiring cost categories, output measures, and outcome measures; providing for certain student fees; providing state funding entitlements for workforce development program categories; amending s. 239.117, F.S.; conforming provisions; amending certain requirements regarding fee schedules for workforce development education; authorizing a higher fee for certain courses within a program; amending s. 239.201, F.S.; deleting a requirement for delivery of certain programs; conforming provisions; amending s. 239.229, F.S.; deleting a requirement regarding supplemental vocational programs; conforming provisions; amending s. 239.249, F.S.; conforming provisions; amending s. 239.301, F.S.; deleting restrictions on the authority to provide certain programs; changing the funding category for college preparatory instruction; conforming provisions; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending s. 240.301, F.S.; amending the mission of community colleges; deleting restrictions; conforming provisions; amending s. 240.345, F.S.; revising certain requirements for fund sources; amending s. 240.35, F.S.; revising requirements for student fees at community colleges to conform; amending s. 240.359, F.S.; conforming provisions relating to fund sources; amending ss. 240.61, 242.3305, 242.331, 242.337; 288.047, 446.011, 446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing s. 239.109, F.S., relating to interinstitutional articulation agreements; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; amending ss. 246.081, 246.085, F.S.; providing that certain independent colleges are not under the jurisdiction of the State Board of Independent Colleges and Universities; providing an effective date.

—which was previously considered and amended this day. Pending substitute **Amendment 2** by Senator Horne was withdrawn.

Senator Diaz-Balart moved a new substitute **Amendment 2** which was adopted:

Amendment 2 (with title amendment)—On page 3, between lines 13 and 14, insert:

Section 1. (1) *The Postsecondary Education Planning Commission shall oversee an implementation process for workforce development education. The commission shall consult with the Executive Director of the State System of Community Colleges; the Director of the Division of Workforce Development of the Department of Education; the President of the Workforce Development Board of Enterprise Florida, Inc.; the Director of Workforce Education and Outcome Information Services of the Department of Education; representatives of community colleges and school districts, including school district superintendents, community college presidents, finance officers, directors of management information systems, vocational education deans and directors, and adult education directors.*

(2) *The design must include the assignment of appropriate weighting schemes, the identification of key elements of productivity for funding, and simulations of funding designs. The design must be consistent with the performance measurement requirements and the elements of productivity in the Workforce Florida Act of 1996. Necessary components in formulating the design include:*

(a) *Assessing and recommending to the Legislature a design for a unified student data reporting system for the workforce development education system, including hardware, software, and protocol aspects within resources provided in the general appropriations act for 1997-1998. The design must include new data analysis reports to analyze*

program performance, allow for program review, and determine how to allocate funds. For purposes of this section, a unified data base means that the same system provides information for both school districts and community colleges, with common definitions and reporting formats and sequences. The commission may contract for system design services, as authorized in the appropriations act.

(b) *Recommending modifications to curriculum frameworks to facilitate articulation and to guarantee maximum appropriate transferability of coursework. The modifications must assure a uniform system of courses and common course numbers, created by redefining postsecondary vocational programs. In cooperation with the Articulation Coordinating Committee, the commission shall develop standards for institutions that wish to award college credit for vocational instruction. These standards must address issues related to accreditation and admission of students.*

(c) *Overseeing a detailed vocational and adult general education program cost study to determine relative costs of the vocational and adult general programs in the community college and school district delivery systems.*

(d) *Conducting a program of staff development to disseminate information about changes and developments with staff of school districts, community colleges, Department of Education, and the Legislature.*

(e) *Recommending administrative procedures and mechanisms to pay out, track, and account for funds assigned to the Workforce Education Development Fund. These procedures must include reports of expenditures, costs, disbursements, and audits.*

(3) *By January 1, 1998, the commission shall prepare an implementation report containing:*

(a) *The products that implement the components described in subsection (3).*

(b) *A description of activities in process and due dates for any other activities necessary to implement the performance-based funding formula for workforce development in time for full implementation by July 1, 1998.*

(c) *An identification of any additional action that would facilitate the effective and timely implementation.*

(4) *The commission has the authority to take any actions for which resources are available and authorized in law to implement the performance-based funding formula for workforce development by July 1, 1998. The Department of Education, the State Board of Community Colleges, the 28 community colleges, and the 67 school districts shall provide staff assistance and resources to assist the commission in conducting the implementation process.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the first semicolon (;) insert: *requiring the Postsecondary Education Planning Commission to oversee implementation activities; requiring components of the implementation process; providing for a reporting system, program and curriculum design, cost study, staff development, and administrative procedures; providing for staff support;*

Senator Diaz-Balart moved the following amendment:

Amendment 17—On page 44, line 31, delete “:” and insert: *. This fee schedule must be implemented over a 3-year period, with full implementation in the 1999-2000 school year. In years preceding that year, if fee increases are necessary for some programs or courses, the fees shall be raised in increments designed to lessen their impact upon students already enrolled.*

Senator Diaz-Balart moved the following substitute amendment which was adopted:

Amendment 18—On page 44, line 24, before “The fee” insert: *At the discretion of a school board or a community college, this fee schedule may be implemented over a 3-year period, with full implementation in the 1999-2000 school year. In years preceding that year, if fee increases are*

necessary for some programs or courses, the fees shall be raised in increments designed to lessen their impact upon students already enrolled.

Pursuant to Rule 4.19, **CS for CS for SB's 1688, 792, 1334 and 2254** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

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

CS for SB 1754—A bill to be entitled An act relating to international economic development; authorizing the Secretary of State to commission Florida international notaries; providing definitions; providing rule-making authority; authorizing the use of authentication methods by international notaries; providing for effect of acts of international notaries; providing for rulemaking; repealing ss. 118.01, 118.02, 118.03, 118.04, F.S., relating to commissioners of deeds; amending s. 15.182, F.S.; requiring certain state-funded musical, cultural, or artistic organizations to notify the Department of State of their international travel plans; directing the department, in conjunction with Enterprise Florida, Inc., to act as an intermediary between such organizations and Florida businesses; requiring the Department of Lottery to determine the feasibility of marketing the Florida Lottery internationally; amending s. 48.194, F.S., relating to personal service outside the state; specifying that service of process on persons outside the United States may be required to comply with a certain international convention; amending s. 288.012, F.S.; requiring Enterprise Florida, Inc., to develop a list of assigned duties and performance measures for foreign offices; requiring that Enterprise Florida, Inc., address the performance of foreign offices in its annual report; amending s. 288.772, F.S.; revising the definition of the term "board" with respect to the Florida Export Finance Corporation; amending s. 288.775, F.S.; requiring the board of the Florida Export Finance Corporation to create the Florida Export Finance Corporation guarantee account; amending s. 288.776, F.S.; revising the membership of the board of the Florida Export Finance Corporation; providing for appointment of members to the board; amending s. 288.777, F.S.; revising provisions relating to the appointment of a president for the Florida Export Finance Corporation; directing the board of the corporation to appoint such president; amending s. 288.7771, F.S.; revising the deadline for submitting an annual report for the Florida Export Finance Corporation; amending s. 288.816, F.S.; revising the responsibilities of the Secretary of State with respect to intergovernmental relations; requiring law enforcement agencies to inform the Department of State about the arrest or incarceration of foreign citizens; requiring the secretary to report to the Legislature on actions taken to inform law enforcement agencies on proper procedures relating to such arrest or incarceration; amending s. 288.8175, F.S.; authorizing the Florida linkage institutes to accept and administer funds from the Department of State for research and development of international trade; creating s. 288.9415, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer funds for international trade promotion grants; providing application criteria for such grants; directing the International Trade and Economic Development Board of Enterprise Florida, Inc., to review such grant applications and make recommendations to the Office of Tourism, Trade, and Economic Development; authorizing Enterprise Florida, Inc., to establish a targeted market pilot grant program to provide funding designed to match Florida businesses with international trade opportunities; providing application procedures and criteria; amending s. 320.20, F.S.; providing for the Florida Seaport Transportation and Economic Development Program; amending s. 624.426, F.S.; exempting certain U.S. Customs surety bonds from the resident agent and counter-signature law; authorizing the Office of Tourism, Trade, and Economic Development to provide a grant to the Florida Association of Voluntary Agencies for Caribbean Action for maintaining an office in south Florida; providing for an appropriation to the Florida Export Finance Corporation; expressing legislative intent that the corporation reach administrative self-sufficiency; providing an effective date.

—which was previously considered this day. Pending **Amendment 2A** by Senator Kurth was adopted.

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1754** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Friday, April 25.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 24, 1997: SB 902, CS for SB 44, SB 898, CS for SB 176, SB 174, SB 958, CS for SB 1930, SB 966, SB 1874, SB 346, CS for SB 148, SB 122, CS for SB 570, CS for SB 1246, SB 664, SB 604, SB 732, CS for SB 852, CS for CS for SB 248, CS for CS for SB 2044, SB 2064, SB 72, CS for SB 2, CS for CS for SB 858, CS for SB 798, SB 1652, CS for SB 444, CS for SB 1646, SB 28, CS for SB's 1286 and 1446, CS for SB 990, CS for SB 920, CS for SB 1402, CS for SB 908, CS for SB 1754, CS for CS for SB's 1688, 792, 1334 and 2254, CS for SB 2068, CS for SB 1068, CS for SB 1018, CS for SB 948, SB 884, SB 2250, CS for CS for SB 496, CS for SB 1682, CS for SB 1420, CS for CS for SB 2060, SB 2416, SB 684, SB 676, SB 1186, CS for SB 718, CS for SB 1144, CS for SB 940, CS for SB 1860, SB 1158, CS for CS for SB 1824, CS for SB 1314, CS for SB 272, SB 528, CS for SB 104, CS for SB 842, CS for SB 750, CS for SB's 818, 1136 and 1242, CS for SB 1794, SB 1130, CS for SB 1148, CS for SB 250, SB 2088, SB 2090, SB 2092, SB 2094, SB 2096, SB 2098, SB 2100, SB 2102, SB 2104, SB 2106, SB 2108, SB 2110, SB 2112, SB 2114, SB 2116, SB 2118, SB 2120, SB 2122, SB 2124, SB 2126, SB 2128, SB 2130, SB 2132, SB 2134, SB 2136

Respectfully submitted,
*W. G. (Bill) Bankhead, Chairman,
Committee on Rules and Calendar*

The Committee on Community Affairs recommends the following pass: SB 242, SB 2328

The bills were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Health Care recommends the following pass: SB 2388

The bill was referred to the Committee on Children, Families and Seniors under the original reference.

The Committee on Judiciary recommends the following pass: SB 1906 with 1 amendment

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

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 946 with 1 amendment

The bill was referred to the Committee on Executive Business, Ethics and Elections under the original reference.

The Committee on Community Affairs recommends the following pass: SB 2182 with 1 amendment, SB 2430 with 1 amendment

The Committee on Health Care recommends the following pass: SB 1634 with 1 amendment

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

The Committee on Banking and Insurance recommends the following pass: SB 1806 with 1 amendment, SB 2346 with 1 amendment

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 2330

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

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for HB 105

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

The Committee on Ways and Means recommends the following pass: CS for CS for SB's 1566 and 114

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 2156 with 8 amendments

The Committee on Community Affairs recommends the following pass: CS for SB 524, SJR 1236

The Committee on Governmental Reform and Oversight recommends the following pass: CS for HB 69, SB 12 with 1 amendment, SB 1244 with 1 amendment, CS for SB 1532 with 1 amendment, CS for SB 1594, SB 1648, CS for SB 2038 with 2 amendments

The Committee on Health Care recommends the following pass: SB 1364

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

The Committee on Banking and Insurance recommends the following pass: SB 560 with 1 amendment, SB 840 with 1 amendment

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 1484 with 1 amendment

The Committee on Community Affairs recommends the following pass: CS for SB 1970 with 1 amendment

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 400 with 1 amendment, SB 1576 with 2 amendments, SB 1668

The Committee on Governmental Reform and Oversight recommends the following pass: SB 790, SB 1292 with 1 amendment, CS for SB 1500

The Committee on Health Care recommends the following pass: SB 1982 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 1830 with 1 amendment

The Committee on Ways and Means recommends the following pass: CS for SB 134, SB 648, CS for SB 918, SB 1038, SB 1116, SB 1118, SB 1120, SB 1122, SB 1124, CS for SB 1144 with 3 amendments, SB 1462, CS for SB 1754 with 1 amendment, CS for SB 1956, SB 2088, SB 2090, SB 2092, SB 2094, SB 2096, SB 2098, SB 2100, SB 2102, SB 2104, SB 2106, SB 2108, SB 2110, SB 2112, SB 2114, SB 2116, SB 2118, SB 2120, SB 2122, SB 2124, SB 2126, SB 2128, SB 2130, SB 2132, SB 2134, SB 2136, SB 2416

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

The Committee on Executive Business, Ethics and Elections recommends the following pass: SJR 1378

The bill was laid on the table.

The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1650

The Committee on Health Care recommends a committee substitute for the following: SB 1792

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

The Committee on Transportation recommends a committee substitute for the following: SB 2070

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 20

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

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: CS for SB 336 and CS for SB's 1216 and 2024

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 1416

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 2436

The Committee on Education recommends committee substitutes for the following: Senate Bills 1538, 1444, 1702 and 2014, SB 1994

The Committee on Health Care recommends a committee substitute for the following: SB 2444

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2450

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 Children, Families and Seniors recommends a committee substitute for the following: SB 890

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

The Committee on Health Care recommends committee substitutes for the following: SB 1398, SB 2458

The Committee on Regulated Industries recommends committee substitutes for the following: SB 200, SB 616

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 1226

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

The Committee on Criminal Justice recommends a committee substitute for the following: Senate Bills 1964 and 1742

The Committee on Natural Resources recommends a committee substitute for the following: Senate Bills 1428, 1388, 1562 and 1252

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

The Committee on Natural Resources recommends a committee substitute for the following: SB 1412

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

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 548

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1232

The Committee on Education recommends a committee substitute for the following: SB 2228

The Committee on Governmental Reform and Oversight recommends committee substitutes for the following: SB 768, CS for SB 2142

The Committee on Health Care recommends committee substitutes for the following: SB 274, CS for SB 2194

The Committee on Judiciary recommends a committee substitute for the following: CS for SB's 1566 and 114

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2390

The Committee on Transportation recommends committee substitutes for the following: SB 876, SB 1442, SB 2374

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 1786

The Committee on Education recommends a committee substitute for the following: CS for SB 1020

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 2340

The Committee on Health Care recommends a committee substitute for the following: SB 2418

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1234

The Committee on Natural Resources recommends a committee substitute for the following: SB 564

The Committee on Regulated Industries recommends committee substitutes for the following: SB 1422, SB 1646

The Committee on Transportation recommends a committee substitute for the following: SB 1564

The Committee on Ways and Means recommends committee substitutes for the following: SB 2, SB 44, CS for SB's 552, 1960 and 822, CS for SB 858, CS for SB 892, CS for SB's 1688, 792, 1334 and 2254, CS for SB 1824, CS for SB 2060, CS for SB 1548 and CS for SB 1434

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

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Natural Resources recommends that the Senate confirm the appointment made by the Governing Board of the Southwest Florida Water Management District of E. D. Vergara as the Executive Director of the **Southwest Florida Water Management District**, to serve at the pleasure of the Board.

The Committee on Natural Resources recommends that the Senate confirm the appointments made by the Governor to the **Environmental Regulation Commission** of Elizabeth Krant and Dick Batchelor for terms ending July 1, 1999 and Roy Rogers for a term ending July 1, 1997.

The Committee on Natural Resources recommends that the Senate confirm the appointments made by the Governor of John P. Harlee IV, Ronald C. Johnson and Sarah Ann Thompson as members of the **Governing Board, Southwest Florida Water Management District** for terms ending March 1, 2001; Reid B. Hughes, Otis A. Mason, J. Daniel Roach and William M. Segal as members of the **St. Johns River Water Management District** for terms ending March 1, 2001; John O. deLorge, John Robert Middlemas, Jr., Judy Byrne Riley and Charles W. Roberts as members of the **Governing Board, Northwest Florida Water Management District** for terms ending March 1, 2001; and John D. Carver, Jr., Suzanne Colson, Maceo Howell, Jr. and M. H. Waring as members of the **Governing Board, Suwannee River Water Management District** for terms ending March 1, 2001.

[The appointments contained in the foregoing reports were referred to the Committee on Executive Business, Ethics and Elections under the original reference.]

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Resolutions 2522 and 2524—Not referenced.

By Senator Jones—

SB 2526—A bill to be entitled An act relating to Monroe County; creating the "Islamorada, Village of Islands"; providing legislative intent; providing municipal boundaries and municipal powers; providing a council-manager form of government; providing for election of a village council; providing for membership, qualifications, terms, powers, and duties of its members, including the mayor; providing for a vice mayor; providing for compensation and expenses; providing general powers and duties; providing circumstances resulting in vacancy in office; providing grounds for forfeiture and suspension; providing for filling of vacancies; providing for meetings; providing for keeping of records; providing for adoption, distribution, and recording of technical codes; providing a limitation upon employment of council members; providing that certain interference with village employees shall constitute malfeasance in office; establishing the fiscal year; providing for adoption of annual budget and appropriation; providing amendments for supplemental, reduction, and transfer of appropriations; providing for limitations; providing for appointment of charter offices, including a village manager and village attorney; providing for removal, compensation, and filling of vacancies; providing qualifications, powers, and duties; providing for nonpartisan elections and for matters relative thereto; providing for recall; providing for initiative and referenda; providing the village a transitional schedule

and procedures for first election; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, comprehensive plan, and local development regulations; providing for accelerated entitlement to state-shared revenues; providing for gas tax revenue; providing for a transition agreement between Monroe County and Islamorada, Village of Islands; providing land descriptions of the village; providing for future amendments of the charter; providing for standards of conduct in office; providing for severability; providing for a referendum approval; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2528—Not referenced.

By Senators Burt and Bankhead—

SB 2530—A bill to be entitled An act relating to Volusia County; creating the Task Force on Health Care Organization in Volusia County; requiring the task force to determine if the health care needs of county residents are being met; requiring that the task force make recommendations for administering and providing health care services within the county; providing for the appointment of members to the task force; providing for funding the activities of the task force through a proportionate assessment on each hospital taxing district within the county; requiring that the task force contract with an institution of higher learning for assistance in producing a final report; requiring the task force to provide an official copy of its final report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Volusia County Legislative Delegation, the Volusia County Council, the Halifax Hospital Medical Center, the Southeast Volusia Hospital District, the West Volusia Hospital Authority, and the District Four Health Planning Council; providing for expiration of the task force; capping the millage rate within each of the three hospital taxing districts within Volusia County; providing that the millage rates may be adjusted downward; authorizing the governing authority of each respective hospital taxing district to set millage rates after specific legislative action is taken based on the recommendations of the task force; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2532 and 2534—Not referenced.

By Senator Kirkpatrick—

SB 2536—A bill to be entitled An act relating to Rainbow Lake Estates, Marion and Levy Counties; amending chapter 69-1298, Laws of Florida; authorizing the levy and assessment of special assessments to fund municipal services; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Rossin—

SB 2538—A bill to be entitled An act relating to Lee County; authorizing the annexation of certain unincorporated areas of the county into the corporate limits of the City of Fort Myers; providing area descriptions; providing for a referendum; 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 Committee on Ways and Means; and Senators Meadows, Casas and Dyer—

CS for SB 2—A bill to be entitled An act relating to postsecondary education; creating the minority teacher education scholars program; requiring a training program; providing for enrollment in the program; authorizing scholarships to certain students; authorizing incentive awards for public community colleges and certain public and private colleges and universities; providing restrictions; providing for repayment of scholarships; providing exceptions; creating the Florida Fund for Minority Teachers, Inc., in the College of Education at the University of Florida; requiring budget projections and a 7-year plan; authorizing scholarships and incentives; providing for a board of directors; providing responsibilities; limiting administrative costs; providing an effective date.

By the Committee on Criminal Justice and Senator Brown-Waite—

CS for SB 20—A bill to be entitled An act relating to corrections; amending s. 775.084, F.S.; clarifying that the gain-time that the Department of Corrections may award to a habitual felony offender, a habitual violent felony offender, or a violent career criminal is limited to monthly incentive gain-time; amending s. 921.0017, F.S.; clarifying that credit for time served means time spent in state prison or county jail on the same offense; amending s. 940.05, F.S.; requiring an offender to pay all court-ordered costs related to felony convictions prior to restoration of civil rights; amending s. 944.279, F.S.; providing that a prisoner who is found to have brought a frivolous or malicious action or brought false information before the court is subject to disciplinary procedures; defining the term "prisoner"; amending s. 944.35, F.S., relating to authorized use of force by a departmental employee against an inmate or supervised offender; removing requirement that a report on such use of force be kept in the file of an employee; providing for notation of a use-of-force incident and outcome in the file of an employee; amending s. 944.472, F.S., relating to drug-free corrections; providing legislative findings and purposes with respect to reasonable suspicion of substance-abuse testing programs for inmates; amending s. 944.473, F.S.; providing for adoption of rules for such programs; amending s. 944.801, F.S., relating to education for state prisoners; entitling certain inmates who qualify for special educational services and programs under federal law to request hearings before the Division of Administrative Hearings; providing that administrative law judges are not required to travel to state and private correctional institutions and facilities to conduct such hearings; amending s. 948.01, F.S., relating to the court's authority to place a defendant on probation or community control; authorizing the court to revoke, modify, or continue supervision upon violation; providing certain sentencing authority upon violation; prohibiting the court from giving credit for time served; providing limitations on the court for subsequent supervision upon violation; amending s. 948.03, F.S., relating to terms and conditions of probation or community control; deleting attendance at an HIV/AIDS awareness program as a standard condition; authorizing courts to impose such a condition if such a program is available as specified; amending s. 948.06, F.S.; prohibiting the award of credit for time served while on probation or community control for subsequent terms of supervision following a revocation of probation or community control; providing limitations on the court for imposing a subsequent term of supervision following revocation; amending s. 947.04, F.S.; authorizing the chairman of the Parole Commission to serve successive terms; amending s. 947.1405, F.S.; clarifying the inclusion of violent career criminals as eligible for conditional release supervision; clarifying that conditional release supervision applies to all sentences of an inmate if the inmate's overall sentences include one or more sentences that are eligible for conditional release supervision; providing an effective date.

By the Committee on Ways and Means; and Senators Scott and Williams—

CS for SB 44—A bill to be entitled An act relating to taxation of fuels; amending s. 206.01, F.S.; revising the definition of "reseller"; amending s. 206.026, F.S.; including blenders, carriers, and terminal operators in

provisions which prohibit certain persons from holding a license; amending s. 206.27, F.S.; authorizing the Department of Revenue to make certain audit information available to the Department of Highway Safety and Motor Vehicles and providing for application of confidentiality and penalty provisions; amending s. 206.41, F.S.; revising the information required on the sales invoice executed in connection with a sale of motor or diesel fuel for which the purchaser claims a refund; authorizing submission of a schedule of transactions in lieu of invoices with a refund application; revising the department's authority to refuse to grant a refund; revising the persons authorized to execute an invoice; including blenders in provisions relating to records and inspection; providing liability of terminal suppliers, importers, blenders, exporters, and wholesalers with respect to false or fraudulent refunds; creating s. 206.413, F.S.; specifying the persons liable for payment of the taxes imposed by s. 206.41, F.S.; specifying conditions under which Florida law applies when motor fuel is withdrawn from a terminal outside the state or transfer of ownership of motor fuel occurs outside the state; providing penalties for willfully evading or attempting to evade or defeat payment of tax when specified circumstances apply and providing liability for penalties; amending s. 206.414, F.S.; revising provisions which specify when certain taxes shall be collected and remitted by wholesalers and terminal suppliers; amending s. 206.43, F.S.; revising provisions relating to conditions under which a terminal supplier's or importer's allowance is deductible; amending s. 206.44, F.S.; revising applicability of penalties for failure to report or pay taxes due; amending s. 206.874, F.S.; providing that dyed diesel fuel may be purchased for use by a noncommercial vessel; amending s. 206.8745, F.S.; providing restrictions on claims for refund of the excise tax paid on undyed diesel fuel used by a noncommercial vessel; amending s. 206.91, F.S.; revising provisions relating to conditions under which a diesel fuel registrant's allowance is deductible; amending s. 212.05, F.S.; providing for imposition of sales tax on diesel fuel used in a vessel and not taxed under chapter 206, F.S.; amending s. 212.0501, F.S.; revising the definition of "consumption, use, or storage by a trade or business" for purposes of the use tax on diesel fuel purchased for such purposes; revising provisions relating to collection of such tax by licensed sales tax dealers; amending s. 212.08, F.S.; providing that the partial sales tax exemption for motor vehicles engaged in interstate commerce applies to common carriers; including diesel fuel placed in certain separate tanks in the exemption; amending ss. 336.021, 336.025, F.S.; revising the distribution to counties of local option diesel fuel taxes; providing an additional distribution to counties with a qualified new retail station; amending the purposes for which the local option fuel tax on motor fuel and diesel fuel and the ninth-cent fuel tax on motor fuel and diesel fuel may be used; amending ss. 336.021, 336.025, F.S.; revising provisions relating to application of the formula for determining administrative costs of the ninth-cent fuel tax and the local option fuel taxes; providing effective dates for reimposition of certain local option fuel taxes; providing effective dates.

By the Committee on Regulated Industries and Senator Campbell—

CS for SB 200—A bill to be entitled An act relating to condominiums; amending s. 718.116, F.S.; limiting the liability of a first mortgagee who acquires title to a condominium unit for unpaid assessments to 2 percent; providing for a mortgage lender to require that a borrower escrow an amount to be used to extinguish a lien for an unpaid condominium assessment; providing for application of the act; providing an effective date.

By the Committee on Health Care and Senators Grant, Campbell, Forman, Latvala, Dantzler, Myers and Kurth—

CS for SB 274—A bill to be entitled An act relating to health insurance; providing a short title; providing application; amending s. 627.668, F.S.; providing that the current requirement for group insurers to offer coverage for mental health conditions does not apply to serious mental illness; creating s. 627.6681, F.S.; requiring group health insurers and health maintenance organizations to provide coverage for serious mental illness; requiring benefits to be the same as for physical illness generally; requiring the health benefit plan committee to consider and recommend modifications to standard, basic, and limited health benefit plans; providing a definition; providing rulemaking authority; authorizing an insurer to establish certain compliance functions; amending ss. 627.6472, 627.6515, 641.31, F.S., relating to exclusive provider organizations, out-of-state groups, and health maintenance contracts; providing

requirements for coverage compliance; providing an appropriation; providing a description of state interest; providing an effective date.

By the Committees on Commerce and Economic Opportunities; Regulated Industries; and Senators Casas, Silver, Gutman, Childers, Diaz-Balart, Grant, Turner and Bronson—

CS for CS for SB 336 and CS for SB's 1216 and 2024—A bill to be entitled An act relating to alcoholic beverages; repealing s. 561.501, F.S., relating to the surcharge on the sale of alcoholic beverages for consumption on the premises, contingent upon certain conditions being met; amending s. 561.025, F.S.; conforming provisions contingent upon the repeal of s. 561.501, F.S.; amending s. 561.121, F.S.; conforming provisions contingent upon the repeal of s. 561.501, F.S.; providing for a portion of funds from the excise taxes on alcoholic beverages to be transferred to the Children and Adolescents Substance Abuse Trust Fund; amending s. 561.24, F.S.; including manufacturers of wine within a group of manufacturers who may not be licensed as distributors or registered exporters; providing exceptions; amending s. 561.501, F.S.; providing for a surcharge on cider; creating s. 561.5101, F.S.; requiring all malt beverages to come to rest at a wholesaler's licensed premises prior to sale; providing exceptions; providing penalties; amending s. 561.54, F.S.; providing for injunctive relief; providing for confiscation and destruction of certain alcoholic beverages; providing for treble damages; providing for costs and attorney's fees; creating s. 561.545, F.S.; providing legislative intent; prohibiting the direct shipment of alcoholic beverages to any person in the state other than a licensed manufacturer or wholesaler, registered exporter, or state bonded warehouse; providing penalties; providing exceptions; amending s. 561.68, F.S., relating to the licensure of salesmen of spirituous or vinous beverages; providing an exception; providing an effective date.

By the Committees on Community Affairs; Governmental Reform and Oversight; and Senator Gutman—

CS for CS for SB 548—A bill to be entitled An act relating to retirement funds; amending and revising the provisions of ss. 175.071, 185.06, F.S.; revising investment provisions to permit cities greater investment latitude to make foreign investments; providing for general powers and duties of the board of trustees; providing an effective date.

By the Committees on Ways and Means; Health Care; and Senators Brown-Waite, Myers, Klein and Forman—

CS for CS for SB's 552, 1960 and 822—A bill to be entitled An act relating to the Department of Health; transferring certain powers, duties, functions, and assets of the Department of Children and Family Services with respect to child abuse and child protection to the Department of Health; amending s. 20.43, F.S.; conforming to these transfers; renaming certain divisions in the Department of Health; creating the Division of Local Health Planning, Education, and Workforce Development; amending ss. 20.19, 39.4031, 39.4032, 39.408, 119.07, 154.067, 232.50, 395.1023, 415.501, 415.50171, 415.50175, 415.5018, 415.503, 415.5055, 415.5095, 415.51, 415.514, F.S.; conforming provisions to the changes made by the act; amending s. 110.131, F.S.; conforming provisions to changes made by the act; amending s. 154.04, F.S.; authorizing county health departments to establish peer review committees for certain purposes; amending s. 154.06, F.S.; removing requirement that county health department fees cover costs; amending s. 216.0172, F.S.; requiring the department to implement performance-based budgeting by a specified date; amending ss. 216.341, 232.032, 232.465, 240.4075, 381.0065, 381.0302, 381.0405, 381.0406, 381.04065, 392.52, 392.565, 395.401, 401.107, 401.111, 401.117, 401.23, 401.245, 401.265, 403.703, 404.051, 404.0614, 404.131, 404.20, 414.23, 414.38, 458.316, 468.301, 468.314, 514.011, F.S.; revising and conforming language and references relating to the public health functions of the department; deleting obsolete provisions; creating a committee to advise the Department of Health concerning medical care for children; amending s. 240.4076, F.S.; revising operation of the nursing scholarship loan program; creating s. 381.0021, F.S.; authorizing the Department of Health to establish Client Welfare Accounts; providing for the deposit of funds; providing for use of the funds; amending s. 381.0055, F.S.; deleting a provision relating to

confidentiality of certain quality assurance information; amending s. 381.0062, F.S.; revising definitions; revising certain supervisory duties of the department; revising fees; revising requirements to obtain certain exemptions; amending s. 381.0101, F.S.; revising requirements relating to professional standards, continuing education, and certification of environmental health professionals; revising certification fees; providing for denial, suspension, or revocation of a certificate; providing for fines; amending s. 381.0203, F.S.; providing for a contraceptive distribution program; specifying eligibility requirements; providing for fees; providing for rules; amending s. 381.0407, F.S.; clarifying reimbursement to county health departments by Medicaid providers; amending s. 383.14, F.S.; conforming the membership of the Infant Screening Advisory Council; amending s. 383.3362, F.S., relating to Sudden Infant Death Syndrome; deleting requirement for visits by county public health nurses or social workers; deleting an advisory council; revising duties of the department; amending s. 385.202, F.S.; revising requirements relating to reporting and analysis of reports to the statewide cancer registry; amending s. 385.203, F.S.; deleting requirement for an annual diabetes state plan; amending s. 391.051, F.S.; revising the qualifications and designation of the director of Children's Medical Services; amending s. 392.62, F.S.; providing for forensic units in tuberculosis hospitals; amending s. 395.3025, F.S.; expanding the department's authority to examine records of licensed facilities; increasing a penalty for unauthorized disclosure of information; amending s. 401.252, F.S.; providing requirements for interfacility transport of certain infants; providing for rules for interfacility transport; amending s. 401.27, F.S.; providing for inactive status of emergency medical technician and paramedic certificates; providing for reactivation and renewal; providing a fee; amending and renumbering s. 402.105, F.S., relating to biomedical and social research; amending and renumbering s. 402.32, F.S., relating to the school health services program; amending and renumbering s. 402.321, F.S., relating to funding for school health services; amending s. 402.41, F.S., relating to educational materials and training in human immunodeficiency virus infection and acquired immune deficiency syndrome; amending and renumbering s. 402.475, F.S., relating to the osteoporosis prevention and education program; amending and renumbering s. 402.60, F.S., relating to insect sting emergency treatment; amending and renumbering s. 402.61, F.S., relating to regulation of tanning facilities; amending s. 404.031, F.S.; revising a definition; amending s. 404.056, F.S.; providing penalties for certain fraud, deception, or misrepresentation in performing radon measurements or mitigation; amending s. 404.22, F.S.; reducing the frequency of inspections required for certain radiation machines; amending s. 408.033, F.S.; modifying local health planning council staffing requirements; requiring the transfer of specified funds; amending s. 408.701, F.S.; expanding the definition of "health care provider" for purposes of community health purchasing; amending s. 409.905, F.S.; expanding family planning services provided under the Medicaid program; amending s. 409.908, F.S.; authorizing a county health department to be reimbursed for certain Medicaid compensable services; deleting obsolete repeal provision; amending s. 414.026, F.S.; adding the Secretary of Health to the WAGES board; creating s. 414.391, F.S.; requiring development of an automated fingerprint imaging program for public assistance applicants and recipients by the Department of Labor and Employment Security; providing for rules relating to use of information; requiring a plan for implementation; providing for pilot implementation and evaluation; providing priority for use of funds from reducing fraud to expand the program; authorizing request for federal waivers; creating s. 414.392, F.S.; requiring applicants for public assistance to provide an automated fingerprint image before receiving any benefits; amending s. 468.3101, F.S.; providing additional grounds for disciplinary action against a radiologic technologist; providing penalties; amending s. 489.553, F.S.; revising eligibility requirements for septic tank contractors; amending s. 514.028, F.S.; providing for reimbursement for travel expenses for members of the advisory review board on swimming and bathing facilities; amending s. 627.4236, F.S.; transferring rulemaking authority relating to bone marrow transplant procedures to the Agency for Health Care Administration; amending s. 766.101, F.S.; including certain committees of a county health department, healthy start coalition, or certified rural health network within the definition of "medical review committee"; amending s. 766.314, F.S.; exempting developmental services and public health physicians from assessments that finance the Florida Birth-Related Neurological Injury Compensation Plan; amending ss. 28.101, 28.222, 63.062, 382.003, 382.004, 382.007, 382.011, 382.0135, 382.021, 382.022, 382.023, 382.356, 383.2161, 402.40, 460.414, 742.10, 742.16, F.S.; revising and conforming language and references relating to the department's responsibility for vital records and statistics; amending s. 63.165, F.S.;

revising and expanding provisions relating to the state registry of adoption information; amending s. 68.07, F.S.; revising procedures relating to change of name; amending s. 382.002, F.S.; revising definitions; amending s. 382.005, F.S.; revising duties of local registrars; amending s. 382.006, F.S.; revising duties of funeral directors with respect to burial-transit permits; restricting issuance thereof if death occurred from a communicable disease; providing authority of certifications of death certificates issued in other states or countries; eliminating provisions relating to permits for disinterment and reinterment; amending s. 382.008, F.S., relating to death and fetal death certificates; providing for entry of aliases; requiring certain persons to provide medical information regarding a fetal death within a specified period; providing for extensions of time for certification of cause of death; providing for temporary death certificates; requiring certificates to contain information required for legal, social, and health research purposes; amending s. 382.012, F.S.; providing requirements for a petitioner seeking a presumptive death certificate; amending s. 382.013, F.S.; revising provisions and requirements relating to registration of a live birth, paternity, and the name of the child; amending s. 382.015, F.S.; revising provisions relating to new certificates of live birth; revising procedures for annulment of adoptions and determination of paternity; providing for filing of a new birth certificate upon receipt of an order of affirmation of parental status; providing for the form of original, new, and amended birth certificates; providing for rules; amending s. 382.016, F.S.; revising provisions relating to amendment of birth and death records; amending s. 382.017, F.S.; revising procedures relating to registration of birth certificates for adopted children of foreign birth; amending and renumbering s. 382.018, F.S.; revising procedures and requirements relating to issuance of delayed birth certificates; amending s. 382.019, F.S.; revising procedures and requirements relating to the delayed registration of a death or birth certificate; amending s. 382.025, F.S.; revising procedures and requirements relating to issuance of certified copies of birth and death records; providing requirements and restrictions for sharing vital records with a research entity; providing for rules; creating s. 382.0255, F.S.; providing fees for searching and processing vital records; revising and consolidating provisions relating thereto; amending s. 382.026, F.S.; revising and expanding penalties; providing for rules; amending s. 741.041, F.S.; conforming provisions relating to the period of validity of marriage licenses; amending ss. 945.602, 945.603, 945.6031, 945.6032, F.S.; conforming provisions to the changes made by the act; transferring certain powers, duties, functions, and assets of the Agency for Health Care Administration with respect to rural health networks and local health councils to the Department of Health; transferring certain powers, duties, functions, and assets of the Correctional Medical Authority to the Department of Health; providing for the continued effect of rules; providing for continuation of judicial and administrative proceedings; repealing s. 110.1125, F.S., relating to a requirement to provide information on human immunodeficiency virus infection and acquired immune deficiency syndrome to state employees; repealing s. 381.698, F.S., relating to "The Florida Blood Transfusion Act"; repealing s. 381.81, F.S., relating to the "Minority Health Improvement Act"; repealing s. 382.014, F.S., relating to contents, form, and disclosure of birth certificates; repealing s. 382.024, F.S., relating to departmental accounting of dissolution of marriage fees and charges; repealing s. 382.027, F.S., relating to voluntary registration of adoption information; repealing ss. 387.01, 387.02, 387.03, 387.04, 387.05, 387.06, 387.07, 387.08, 387.09, and 387.10, F.S., relating to permits for draining surface water or sewage into underground waters of the state, penalties for polluting water supplies or surface or underground waters, septic tank construction requirements, and injunction proceedings; repealing s. 402.37, F.S., relating to the medical manpower clearinghouse grant program; repealing s. 403.7045(1)(e), F.S., relating to activities regulated under the "Florida Hazardous Substances Law" exempted from environmental regulation; repealing ss. 501.061, 501.065, 501.071, 501.075, 501.081, 501.085, 501.091, 501.095, 501.101, 501.105, 501.111, 501.115, and 501.121, F.S., relating to the "Florida Hazardous Substances Law"; repealing s. 501.124, F.S., relating to art or craft material containing toxic substances and labeling requirements therefor; repealing s. 766.1115(12), F.S., as created by section 1 of ch. 92-278, Laws of Florida, relating to the scheduled repeal of the "Access to Health Care Act"; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 564—A bill to be entitled An act relating to Environmental Resource Protection; creating s. 11.80, F.S.; creating the Joint Legisla-

tive Committee on Everglades Oversight; providing membership; providing responsibilities; requiring the South Florida Water Management District to provide notice to the committee of certain plans, permits, agreements, or land acquisitions; amending s. 253.034, F.S.; providing for transportation uses of certain recreational trails; amending s. 259.032, F.S.; providing for land management audits; requiring a district report of differences between a Clean Water Act permit received for completion of the Everglades Construction Project and the Everglades Program; providing definitions; providing requirements relating to district financing proposals for fixed or operating capital outlay; requiring publication of a truth-in-borrowing statement; providing legislative findings and intent; providing requirements for district administration of the Everglades Trust Fund; providing requirements for deposits and expenditures; requiring an annual status report; requiring quarterly distribution of trust fund expenditure information; amending s. 370.06, F.S.; authorizing the department to issue special activity licenses for aquacultural activities involving sturgeon; amending s. 370.092, F.S.; providing definitions; prohibiting the harvest of marine life with nets inconsistent with s. 16, Art. X of the State Constitution; prohibiting the use of nets not approved by the Marine Fisheries Commission; providing for forfeiture of nets illegally used; authorizing the Marine Fisheries Commission to adopt rules implementing the constitutional net ban; amending s. 370.14, F.S.; requiring imported shipments of crawfish to be made available for inspection by the department; requiring that weight receipts be sent to a Florida Marine Patrol Office; revising per-mitholder report requirements; creating s. 370.1405, F.S.; requiring crawfish reports by dealers during closed season; providing penalties for violation; providing for a baitfish pilot program; providing requirements; providing effective dates.

By the Committee on Regulated Industries and Senator Ostal-kiewicz—

CS for SB 616—A bill to be entitled An act relating to professions, occupations, and businesses; prohibiting specified state agencies from penalizing a person for violating specified rules of which he had no knowledge; prohibiting such agencies from enforcing rules applicable to the collection of taxes or to professions, occupations, or businesses when specified conditions are met; providing a defense for enforcement actions in specified circumstances; providing an effective date.

By the Committee on Governmental Reform and Oversight; and Sena-tors Williams, Kirkpatrick and Bronson—

CS for SB 768—A bill to be entitled An act relating to ecosystem management; creating s. 403.075, F.S.; providing legislative findings; creating s. 403.0752, F.S.; authorizing ecosystem management agree-ments between the Department of Environmental Protection and regu-lated entities; providing conditions and requirements; providing for amendment or termination of such agreements; providing incentives; authorizing ecosystem management advisory teams; providing for bind-ing and nonbinding ecosystem management agreements; requiring ap-plication procedures; requiring certain notice; providing that the agree-ments are subject to ss. 120.569 and 120.57, F.S.; providing an effective date.

By the Committees on Ways and Means; Education; and Senators Sullivan, Cowin, Kirkpatrick and Dyer—

CS for CS for SB 858—A bill to be entitled An act relating to educa-tion; establishing the Florida Bright Futures Scholarship Program; pro-viding levels of award; providing for administration and funding; provid-ing student eligibility and program requirements; providing for awards; providing requirements for qualification for a Florida Academic Scholars award, a Florida Merit Scholarship award, and a Florida Gold Seal Vocational Endorsement Scholarship award; providing a transition in eligibility for scholarship awards; amending s. 24.121, F.S.; providing for funding of the Florida Bright Futures Scholarship Program from the Educational Enhancement Trust Fund; repealing ss. 232.2465, 239.217, 240.402, 240.4021, and 240.4024, F.S., relating to the Florida Academic Scholars' Certificate Program, the Florida Gold Seal Vocational En-dorsement Program, the Florida Undergraduate Scholars' Program, the

Vocational Gold Seal Endorsement Scholarship Program, and the Flori-da Postsecondary Tuition Program; amending ss. 240.233, 232.246, 240.404, and 240.40242, F.S.; conforming cross-references and provi-sions; providing an effective date.

By the Committee on Transportation and Senators Forman and Har-ris—

CS for SB 876—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Sea Turtle license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

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

CS for SB 890—A bill to be entitled An act relating to program administration by the Department of Children and Family Services; creating s. 394.490, F.S.; establishing guiding principles for the chil-dren's mental health system; creating s. 394.4905, F.S.; providing defini-tions; creating s. 394.491, F.S.; defining target populations for children's mental health services; creating s. 394.4915, F.S.; providing general performance outcomes for the children's mental health system; creating s. 394.492, F.S.; directing the Department of Children and Family Ser-vices and the Agency for Health Care Administration to establish an information and referral process; providing requirements; creating s. 394.4925, F.S.; directing the department, the agency, the Department of Health, the Department of Education, and the Department of Juvenile Justice to establish uniform standards and protocols for screening, as-sessment, and diagnosis; creating s. 394.493, F.S.; providing for uniform assessment services in the districts of the department; creating s. 394.4935, F.S.; providing for district children's mental health services planning teams; creating s. 394.494, F.S.; specifying requirements for services plans and case management; providing an administrative pen-alty; creating s. 394.4945, F.S.; directing the department to establish the children's mental health system of care; providing minimum programs and services; creating s. 394.495, F.S.; providing definitions; establish-ing a children's mental health provider qualification process; providing for market rate reimbursement and a purchase-of-services system; cre-ating s. 394.496, F.S.; providing for Children's Mental Health Partner-ship Grants; creating s. 394.497, F.S.; authorizing department and agency contracts for services; requiring an annual report; creating s. 394.499, F.S.; providing for rules and related policy; authorizing applica-tion for federal waivers; amending s. 411.203, F.S.; providing for train-ing for parents and caregivers; amending s. 411.204, F.S.; conforming a cross-reference; requiring that a pilot project be implemented in District 5 upon approval by specified boards; requiring that the pilot program expire on June 30, 1999, unless reenacted by the Legislature; requiring an evaluation by the Office of Program Policy Analysis and Government Accountability; requiring an interim report and final report to the Legis-lature; repealing ss. 394.50, 394.56, 394.57, 394.58, 394.59, 394.60, 394.61, and 394.62, F.S., relating to children's residential and day treat-ment centers, voluntary and involuntary admission to such centers, records, payment for care and treatment of patients, transfer of patients, discharge of voluntary patients, and age limits for District 5 only; provid-ing effective dates.

By the Committees on Ways and Means; Judiciary; and Senators Dud-ley, Grant, Horne, Campbell, Burt and Rossin—

CS for CS for SB 892—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the num-ber of judges for specified county courts; providing for the filling of vacancies occurring as a result of the creation of judicial offices; directing the Office of Program Policy Analysis and Governmental Accountability to study the trial court system; providing for a report to the Legislature; providing for expiration of the commission; providing effective dates.

By the Committees on Education, Criminal Justice and Senator Brown-Waite—

CS for CS for SB 1020—A bill to be entitled An act relating to juvenile sex offenders; amending ss. 39.045, 39.411, F.S.; requiring the Department of Juvenile Justice and the Department of Children and Family Services to notify the school superintendent of any child who has a known history of predatory sexual behavior or who is an adjudicated juvenile sexual offender; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; providing an effective date.

By the Committee on Community Affairs and Senator Gutman—

CS for SB 1226—A bill to be entitled An act relating to the Miami River Commission; creating the Miami River Commission; providing definitions; providing for membership of the commission; providing for travel and per diem expenses for members of the commission; requiring the commission to conduct a review of all issues related to the Miami River and report to the Legislature by a specified date; authorizing the commission to exercise certain powers in carrying out its duties; authorizing the commission to accept federal aid and other funds; providing for repeal of the act; providing for funding the commission; providing an effective date.

By the Committee on Criminal Justice and Senators Brown-Waite and Kurth—

CS for SB 1232—A bill to be entitled An act relating to juvenile sexual offenders; amending s. 39.045, F.S.; requiring the Department of Juvenile Justice to notify the school superintendent of any child who has a known history of predatory sexual behavior or who is an adjudicated juvenile sexual offender; providing that it is a second degree misdemeanor for a school district employee to disclose such information to an unauthorized person; providing penalties; amending s. 39.0571, F.S.; requiring the Department of Juvenile Justice to conduct inspections of offender commitment programs operated by the department based on standards developed for these types of programs; authorizing a county juvenile justice council or a district juvenile justice board or a state attorney to establish a sexual abuse intervention network; providing for membership and prescribing duties of such network; requiring the Office of the Attorney General to award grants to a sexual abuse intervention network under certain circumstances; delineating procedures for grant awards; requiring the Office of the Attorney General, in collaboration with the Department of Juvenile Justice, to establish minimum standards for juvenile sex offender day treatment and residential treatment programs funded pursuant to specified provisions; providing for implementation; amending s. 39.411, F.S.; requiring the Department of Children and Family Services to notify the school superintendent of any child who has a known history of predatory sexual behavior or who is an adjudicated juvenile sexual offender; providing that it is a second degree misdemeanor for a school district employee to disclose such information to an unauthorized person; providing penalties; amending s. 490.012, F.S., relating to violations, penalties, and injunction; defining the offense of unlicensed practice of “juvenile sexual offender therapy” for compensation, and providing penalties therefor; providing for injunctive relief; creating s. 490.0145, F.S.; providing that only certain persons licensed under ch. 490, F.S., relating to psychological services, or ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, may hold themselves out as juvenile sexual offender therapists; providing for qualifications for licensure under ch. 490, F.S., as a juvenile sexual offender therapist; amending s. 491.012, F.S.; defining the offense of unlawful use of the term “juvenile sexual offender therapist,” and providing penalties therefor; defining the offense of unlicensed practice of “juvenile sexual offender therapy” for compensation, and providing penalties therefor; providing for injunctive relief; creating s. 491.0144, F.S.; providing for qualifications for licensure of a juvenile sexual offender therapist under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services; creating s. 943.17291, F.S.; requiring the Criminal Justice Standards and Training Commission to incorporate certain instruction into certain law enforcement officer course curriculum; creating s. 943.17295, F.S.; requiring the commission to incorporate certain subjects into certain law enforcement officer continuous employment or appointment curricula; providing effective dates.

By the Committees on Judiciary, Regulated Industries and Senator Dudley—

CS for CS for SB 1234—A bill to be entitled An act relating to condominiums and cooperatives; amending ss. 718.112, 719.106, F.S.; revising procedures relating to written complaints by unit owners; closing certain meetings of condominiums boards and committees to unit owners; amending s. 718.1255, F.S.; redefining the term “dispute”; adding mediation to the dispute resolution process; revising the arbitration process; amending s. 718.116, F.S.; providing for payment of common expenses resulting from certain catastrophic events; amending ss. 718.501, 719.501, F.S.; providing rulemaking authority for penalties; providing for the certification of mediators; amending s. 718.616, F.S.; requiring acknowledgment of compliance with applicable zoning requirements; providing an effective date.

By the Committee on Health Care and Senators Cowin, Brown-Waite, Williams, Clary, Lee, Horne, Bronson, Ostalkiewicz, Grant, Casas, Diaz-Balart, Dudley, Harris and McKay—

CS for SB 1398—A bill to be entitled An act relating to termination of pregnancies; renumbering and amending s. 390.001, F.S.; prohibiting partial-birth abortion; providing a penalty; providing civil liability; providing for relief; renumbering s. 390.002, F.S.; amending s. 390.011, F.S.; expanding scope of definitions; defining “partial-birth abortion”; providing an effective date.

By the Committee on Natural Resources and Senator McKay—

CS for SB 1412—A bill to be entitled An act relating to lands acquired for conservation and recreation; creating s. 125.564, F.S.; providing a limitation on liability for counties purchasing certain lands for certain purposes; amending s. 253.034, F.S.; providing responsibilities for the Land Acquisition and Management Advisory Council; providing for transportation uses of trails purchased with certain funds; providing that the beneficial use of state lands may include accommodation of linear service facilities; amending s. 259.032, F.S.; providing for lands to be used for water resource and water supply purposes under specified conditions; encouraging state agencies to contract for land management planning and land management services in certain circumstances; providing for land management plan review by the Land Acquisition and Management Advisory Council; providing for the establishment of a land management review team; specifying its membership and duties; providing for a report to the Board of Trustees of the Internal Improvement Trust Fund; requiring land managing agencies to determine the projected 5-year management costs of currently owned lands and report the costs to the Department of Environmental Protection; specifying the contents of the reports; requiring that state lands be managed for multiple uses where appropriate; directing that the Department of Environmental Protection may distribute only 75 percent of the allotted amount of Preservation 2000 funds to any land managing budget entity that has not timely submitted its required land management plans; deleting obsolete provisions; revising the amount of funding to be available for management, maintenance, and capital improvements on certain lands; providing for the distribution of unused funds appropriated for payments in lieu of taxes for land management activities on certain lands; revising provisions that authorize certain political subdivisions to receive payments in lieu of taxes from funds in the Conservation and Recreation Lands Trust Fund; limiting such payments to 10 consecutive years; amending s. 259.035, F.S.; creating the Land Acquisition and Management Advisory Council; providing its duties in the review of land management plans and recommendations; amending s. 259.101, F.S.; revising the acquisition criteria for P-2000 purchases; providing legislative intent; requiring a study; providing for funding; authorizing the Board of Trustees of the Internal Improvement Trust Fund to permit any public or private use of lands acquired with Preservation 2000 funds if the use is compatible or will not interfere with the purposes for which the lands were acquired; providing for preexisting leases, easements, and licenses not to be considered as incompatible uses; amending s. 373.59, F.S.; deleting obsolete provisions and a limitation on the use of funds in the Water Management Lands Trust Fund for management, maintenance, and capital improvements; deleting provisions limiting expenditures for management, maintenance, and capital improvements; providing for lands to be used for water resource and water supply

purposes under specified circumstances; requiring each water management district to determine the projected 5-year management costs for currently owned lands and report the costs to the Department of Environmental Protection; specifying the content of the report; requiring each district to submit a management and restoration prospectus for each new land acquisition to the department; specifying its content; requiring the preparation of 5-year management plans for new acquisitions; authorizing water management districts to enter into land management agreements; requiring lands to be managed for multiple uses where appropriate; requiring that water management districts provide liability protection and worker's compensation benefits to volunteers; revising provisions that authorize certain counties to receive payments in lieu of taxes from the Water Management Lands Trust Fund; requiring water management districts to require appraisals in specified circumstances; amending s. 704.06, F.S.; confirming the right of an owner of land or a conservation easement to negotiate for the construction of linear facilities; barring s. 704.06, F.S., from prohibiting the use of eminent domain; directing courts to consider specified public benefits in determining the lands to be taken and the price paid; repealing s. 253.022, F.S., which creates the Land Management Advisory Council; providing an effective date.

By the Committee on Community Affairs and Senators Williams, Thomas and Kirkpatrick—

CS for SB 1416—A bill to be entitled An act relating to counties; repealing s. 327, ch. 96-410, Laws of Florida, which provides that once a small county meets the population requirements and qualifies for programs under ss. 40.015, 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 218.65, 252.373, 265.2861, 403.706, and 403.7095, F.S., it shall retain that qualification until it exceeds a population of 75,000; amending s. 34.191, F.S.; authorizing boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes; amending ss. 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 252.373, 288.063, 373.441, 403.4131, 403.706, 403.719, F.S., to increase the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties, that provide that certain elements of a local government comprehensive plan are optional for small counties, that provide for small-scale amendment thresholds to allow Duval County 120 acres, that authorize the state land planning agency to enter into agreements with small counties to focus on selected issues or elements when updating their comprehensive plans, that provide population requirements for incorporation of municipalities in small counties, that authorize certain small counties to use proceeds of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure, that authorize the Department of Environmental Protection and Water Management districts to waive or reduce permit processing fees for small counties under certain conditions, that provide criteria that small counties must meet to qualify for funds from the Emergency Management, Preparedness, and Assistance Trust Fund, that provide that certain small counties are qualified for contracts with the Office of Tourism, Trade, and Economic Development for transportation projects, that require consideration of special provisions when an environmental resource permit program is delegated to small counties, that encourage a regional approach to litter control and prevention programs in small counties, that authorize small counties to provide their residents with the opportunity to recycle in lieu of achieving solid waste reduction goals, and that provide for the use of waste tire grants by small counties; amending s. 212.054, F.S.; exempting from newly enacted discretionary sales surtaxes transactions that are subject to specified tourist development taxes in an aggregate rate that exceeds a specified maximum; amending s. 212.055, F.S.; authorizing charter counties to levy a county transit system surtax; amending s. 403.7061, F.S., to conform; amending s. 218.65, F.S., relating to emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; revising the population limitation for purposes of provisions which exempt small counties from certain criteria imposed to qualify for an emergency distribution; deleting a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplemental distribution; amending ss. 259.032, 373.59, F.S.; amending a requirement that small counties levy a specified millage or suffer a specified percentage of tax loss in order to receive payments in lieu of taxes from funds in the Conservation and Recreation Lands Trust Fund or Water Management Lands Trust Fund for tax losses incurred as a result of

acquisitions under the Florida Preservation 2000 Program; revising the period during which payments in lieu of taxes are to be made; amending s. 403.7095, F.S.; revising the population limitation for purposes of provisions which authorize annual solid waste and recycling grants to small counties and deleting the expiration date for such grants; amending s. 212.055, F.S.; providing the expiration date for small county indigent care surtax; amending s. 288.065, F.S.; providing that funds appropriated for the Rural Community Development Revolving Loan Fund are not subject to reversion; amending s. 288.106, F.S.; defining the terms "rural county" and "rural city"; providing for the determination of the "average wage in the area" for purposes of the tax refund program for qualified target industry businesses to be based on private sector wages only; authorizing the Office of Tourism, Trade, and Economic Development to waive the annual wage requirement imposed as a condition of qualifying for review for participation in the program under certain circumstances; providing an effective date.

By the Committee on Regulated Industries and Senator Dyer—

CS for SB 1422—A bill to be entitled An act relating to the regulation of professions; amending s. 468.453, F.S.; exempting members of The Florida Bar from regulations imposed on athlete agents; amending s. 468.603, F.S.; providing an additional definition; amending s. 468.609, F.S.; providing a limitation in certain postsecondary education requirements; providing additional eligibility to take a certification examination; authorizing certain newly employed persons to perform plans examiner or inspector duties under certain circumstances; amending s. 468.617, F.S.; providing for local governments to contract for plans examinations; providing an effective date.

By the Committee on Natural Resources and Senators Latvala, Dyer, Bronson and Cowin—

CS for SB's 1428, 1388, 1562 and 1252—A bill to be entitled An act relating to water resources; amending s. 373.016, F.S.; revising legislative policy; providing construction and application; amending s. 373.019, F.S.; revising definitions; defining the terms "district water management plan," "Florida water plan," "regional water supply plan," "water resource development," "water resource implementation rule," and "water supply development"; amending s. 373.036, F.S.; eliminating the state water use plan; providing for development of the Florida water plan to include the water resource implementation rule; providing procedure for rule amendment; requiring water management district governing boards to develop district water management plans; creating s. 373.0361, F.S.; providing requirements for regional water supply plans for regions identified in district water management plans; requiring an annual report; amending s. 373.1963, F.S.; providing for assistance to the West Coast Regional Water Supply Authority; providing duties and functions; providing for membership of the authority; amending s. 373.042, F.S.; establishing exclusions from minimum flows and levels requirements; revising minimum flows and levels timing requirements; providing for independent scientific peer review; creating s. 373.0421, F.S.; requiring certain considerations in establishment and implementation of minimum flows and levels; providing for implementation of recovery or prevention strategies; amending s. 373.046, F.S.; providing for interdistrict agreements for implementation of certain regulatory responsibilities; amending s. 373.0693, F.S.; correcting a cross-reference; amending s. 373.073, F.S.; revising procedure for appointment of members to the water management district governing boards; providing a timetable; amending s. 373.079, F.S.; revising procedure for appointment of district executive directors; providing respective authority of the Governor and governing boards; authorizing employment of governing board ombudsmen; revising duties of governing board legal staff; creating s. 373.0831, F.S.; specifying governing board responsibilities for water resource development and responsibilities of other entities for water supply development; providing for priorities for funding; requiring a report; amending s. 373.236, F.S.; revising provisions relating to duration of consumptive use permits; requiring compliance reports and permit modification, under certain circumstances; requiring a proposal for reevaluation of certain areas with contaminated water supplies; amending s. 373.507, F.S.; revising provisions relating to district and basin audits, budgets, and expense reports; requiring districts to furnish copies of documents to specified entities and to respond to comments; amending s. 373.536, F.S.; providing requirements for notice and adver-

tisement of district budget hearings and workshops; providing requirements for budget identification of administrative and operating expenses; providing for certain analysis of budgets; revising requirements for submittal of tentative budgets; amending ss. 186.007, 186.009, 373.103, 373.114, 373.418, 373.456, 403.031, 403.0891, F.S., to conform to the act; repealing ss. 373.026(10), 403.061(33), F.S., relating to state water policy and the Florida water plan; repealing s. 373.0735, F.S., relating to appointment of members to the governing board of the Southwest Florida Water Management District; providing for grandfathering-in of minimum flows and levels for priority waters in Pasco County and Hillsborough County pursuant to provisions of chapter 96-339, Laws of Florida; providing that minimum flows shall not be set for certain water bodies; amending s. 376.307, F.S.; providing that certain persons may be entitled to subsidies or filters from the Water Quality Assurance Trust Fund under certain circumstances; amending s. 373.309, F.S.; authorizing the Department of Environmental Protection to establish criteria for the acceptance of certain water quality testing results; providing legislative findings with respect to the salaries of water management district employees and other state employees; creating Water Management District Employee Compensation Study Commission; providing for membership of the commission; requiring a report; authorizing transportation uses to cross recreational trail under certain circumstances; amending s. 259.032, F.S.; providing for periodic management audits of certain lands; requiring the Department of Environmental Protection to establish a land management review team; providing effective dates.

By the Committee on Transportation and Senator Forman—

CS for SB 1442—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Florida Companion Animal license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

By the Committee on Education and Senators Kirkpatrick and Grant—

CS for SB's 1538, 1444, 1702 and 2014—A bill to be entitled An act relating to distance learning; authorizing the free-market use of distance learning by state universities and community colleges to expand access to postsecondary education and to create economic development opportunities; authorizing alternatives to traditional courses and school terms; defining distance learning; providing for the creation of a joint distance learning advisory body by the Board of Regents and the State Board of Community Colleges; providing for the inclusion of distance learning courses within state funded university and community college enrollments; providing for a cost center approach for nonstate-funded programs, courses, or degrees offered through distance learning; providing for the enrollment of students; providing for equal academic standing; prohibiting fee waivers and space available access for distance learning courses or programs; requiring the student advisement system provided in s. 240.2099, F.S., to be the primary advising and tracking device for distance learning students; providing for on-site advising, testing, and academic meetings; providing for state universities and community colleges to develop and offer distance learning products and services; providing for the availability of certain licensed products and services; providing duties for the Florida Distance Learning Network; providing an effective date.

By the Committees on Ways and Means; Education; and Senators Horne, Dyer and Clary—

CS for CS for SB 1548 and CS for SB 1434—A bill to be entitled An act relating to educational facilities and funding; amending s. 235.014, F.S.; revising functions of the Department of Education; amending s. 235.15, F.S.; requiring uniformity in surveys of educational facilities by district school boards, community college boards of trustees, and state universities; requiring validation by the Department of Education; amending s. 235.26, F.S.; specifying requirements of the State Uniform Building Code for Public Educational Facilities with regard to new school construction; amending s. 235.435, F.S.; providing criteria for recommending funding from the Special Facility Construction Account;

exempting district school boards from local landscape ordinances; restricting the use of funds from the Public Education Capital Outlay Trust Fund and the School District and Community College District Capital Outlay and Debt Service Trust Fund for certain new construction; specifying duties of the Department of Education; authorizing a 1-year public-private partnership for the construction of public schools; providing for the allocation of available funds from the Public Education Capital Outlay and Debt Service Trust Fund to the school districts of Bay County, Palm Beach County, and Dade County; providing for distribution and use of funds; specifying duties of the Commissioner of Education; requiring the remittance of certain excess allocations; amending s. 236.25, F.S., relating to district school tax; raising the maximum millage a school district may levy for capital outlay purposes; authorizing the use of additional funds for certain lease-purchase agreements by school districts with high student growth; defining high student growth and providing for calculation; providing an expenditure requirement; limiting the use of nonvoted discretionary capital outlay millage proceeds; providing a penalty for violations of the expenditure restrictions; providing an exception to the expenditure restrictions; creating the Florida School Construction Commission to maintain oversight of public school construction; providing membership; providing duties; requiring school boards to provide information on construction projects to the commission for review; providing an exception; authorizing district school boards to pledge certain lottery moneys for the construction of neighborhood lottery schools; providing for notice and hearing; providing for issuing bonds; prescribing standards for neighborhood lottery schools; prescribing duties of the Division of Bond Finance and the Department of Education; amending s. 236.39, F.S.; providing an exemption from requirements for an election; requiring the Department of Education to recommend certain incentives; prospectively repealing s. 236.25(2) and (5), F.S., relating to school districts' tax for capital outlay; requiring prior legislative review; providing an effective date.

By the Committee on Transportation and Senator Silver—

CS for SB 1564—A bill to be entitled An act relating to student safety; directing the Commissioner of Education to appoint a task force to make recommendations related to safety in the school environment; providing for membership; requiring recommendations by January 1, 1998, regarding random drug-testing and measures to provide drug-free and weapon-free schools; amending s. 322.05, F.S.; providing additional driver's license requirements for persons under 18 years of age; providing for rules; amending s. 322.056, F.S.; providing for revocation of driver's license until at least age 18 for a violation of ch. 893, F.S.; providing an effective date.

By the Committees on Judiciary, Criminal Justice and Senators Burt and Williams—

CS for CS for SB's 1566 and 114—A bill to be entitled An act relating to the representation of persons sentenced to death; amending s. 27.701, F.S.; providing for the office of capital collateral representative to be replaced by three capital collateral regional counsels appointed within the northern, middle, and southern regions of the state; providing for nominations of the regional counsels by the Supreme Court Judicial Nominating Commission; requiring the Governor to appoint the regional counsels; providing for terms of office; prohibiting a regional counsel from running for or accepting appointment to a state office for a specified period after leaving office; specifying the duties of the capital collateral regional counsel; establishing the independence of the regional offices but consolidating the administrative functions of three offices within the Justice Administrative Commission; authorizing the court to assess attorney's fees and costs against a nonindigent or indigent-but-able-to-contribute defendant; providing for a determination of indigency; requiring the regional counsel to provide certain reports to the President of the Senate, the Speaker of the House of Representatives, and the Commission on the Administration of Justice in Capital Cases; amending s. 27.703, F.S.; providing for the appointment of substitute counsel in instances of conflict of interest; establishing qualifications for appointed counsel; establishing a rate of compensation for attorney's fees in such cases; providing for employment of law school graduates; amending s. 27.704, F.S.; authorizing the capital collateral regional counsel to appoint assistant counsel, investigators, and support personnel; providing employment qualifications for certain positions; amending s. 27.705,

F.S.; providing for the capital collateral counsel to be paid under the General Appropriations Act; providing for the payment of office and travel expenses; requiring the regional counsel to submit a pay plan each year to the Joint Legislative Management Committee; amending s. 27.706, F.S.; prohibiting the capital collateral regional counsel and full-time assistants from engaging in the private practice of law; amending s. 27.707, F.S.; authorizing investigators employed by the capital collateral regional counsel to serve subpoenas and court orders; amending s. 27.708, F.S.; providing for access to persons sentenced to death who are incarcerated; requiring the regional counsel and contracted private counsel to comply with the Rules of Criminal Procedure; requiring the regional counsel to approve requests for public records made by assistant counsel or appointed counsel; creating the Commission on the Administration of Justice in Capital Cases; providing for membership; setting terms of membership; providing for the selection of a chair; providing for per diem and travel expenses; requiring quarterly meetings of the commission; providing for the Joint Legislative Management Committee to staff the commission; requiring the commission to review the administration of justice in capital collateral cases, receive relevant public input, review the operation of the regional offices of capital collateral counsel, and advise and make recommendations to the Governor, Legislature, and Supreme Court; requiring that the commission hear complaints regarding the practice of any such office; amending s. 16.01, F.S.; requiring that the Attorney General act as co-counsel in capital collateral proceedings; amending s. 924.051, F.S.; limiting collateral and postconviction relief in any capital case to motions that allege newly discovered evidence or a change in the law; prohibiting the testimony of an expert witness in any such case unless approved by the court; providing recommendations for the Supreme Court; providing a transition period; authorizing the Governor to appoint interim and regional counsel by specified dates; authorizing attorneys to continue representation of clients during the transitional period; providing an effective date.

By the Committee on Regulated Industries and Senator Lee—

CS for SB 1646—A bill to be entitled An act relating to the Underground Facility Damage Prevention and Safety Act; amending s. 556.101, F.S.; revising legislative intent; amending s. 556.102, F.S.; revising definitions; amending s. 556.103, F.S.; requiring membership in a specified corporation; requiring a report; amending s. 556.104, F.S.; requiring participation in a specified system; providing exceptions; amending s. 556.105, F.S.; providing an exception to the notification requirement; amending s. 556.106, F.S.; revising liability of an excavator to nonmember operators; amending s. 556.110, F.S.; providing for monthly assessments for operating costs; exempting member operators from certain assessments under certain circumstances; providing an effective date.

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

CS for SB 1650—A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete provisions; amending s. 117.04, F.S.; providing for acknowledgements by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; specifying the elements of a notarial certificate; revising provisions relating to identification; providing for notice to the Governor of lost or stolen notary seals; revising provisions relating to copying certain documents; amending s. 117.10, F.S.; correcting a cross-reference; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, 747.051, F.S.; revising certain forms; providing an effective date.

By the Committees on Ways and Means; Education; and Senators Horne, Diaz-Balart, McKay and Kirkpatrick—

CS for CS for SB's 1688, 792, 1334 and 2254—A bill to be entitled An act relating to workforce development education; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of

Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; amending s. 228.041, F.S.; amending the definition of "career education"; amending ss. 231.614, 233.056, 233.0561, 235.15, 235.199, 235.435, F.S.; conforming provisions; amending s. 236.081, F.S.; deleting responsibilities for funding of vocational education and adult education from the Florida Education Finance Program; conforming provisions; requiring a school district to pay certain costs for high school students enrolled in community college adult education programs; amending s. 237.34, F.S.; changing certain reporting responsibilities; conforming provisions; amending s. 239.105, F.S.; amending definitions to conform; removing certain programs from the category of adult general education; conforming provisions; amending s. 239.113, F.S.; conforming provisions; creating s. 239.115, F.S.; creating the workforce development fund; providing definitions; requiring cost categories, output measures, and outcome measures; providing for certain student fees; providing state funding entitlements for workforce development program categories; amending s. 239.117, F.S.; conforming provisions; amending certain requirements regarding fee schedules for workforce development education; authorizing a higher fee for certain courses within a program; amending s. 239.201, F.S.; deleting a requirement for delivery of certain programs; conforming provisions; amending s. 239.229, F.S.; deleting a requirement regarding supplemental vocational programs; conforming provisions; amending s. 239.249, F.S.; conforming provisions; amending s. 239.301, F.S.; deleting restrictions on the authority to provide certain programs; changing the funding category for college preparatory instruction; conforming provisions; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending s. 240.301, F.S.; amending the mission of community colleges; deleting restrictions; conforming provisions; amending s. 240.345, F.S.; revising certain requirements for fund sources; amending s. 240.35, F.S.; revising requirements for student fees at community colleges to conform; amending s. 240.359, F.S.; conforming provisions relating to fund sources; amending ss. 240.61, 242.3305, 242.331, 242.337; 288.047, 446.011, 446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing s. 239.109, F.S., relating to interinstitutional articulation agreements; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; amending ss. 246.081, 246.085, F.S.; providing that certain independent colleges are not under the jurisdiction of the State Board of Independent Colleges and Universities; providing an effective date.

By the Committee on Community Affairs and Senator Campbell—

CS for SB 1786—A bill to be entitled An act relating to homeowners' associations; amending s. 617.305, F.S.; providing a procedure for members to file a written complaint by certified mail with the association with respect to alleged violations of statutes or governing documents; providing for damages; providing an effective date.

By the Committee on Health Care and Senator Casas—

CS for SB 1792—A bill to be entitled An act relating to pharmacy; amending s. 465.003, F.S.; revising the definition of the term "pharmacy"; amending s. 465.0125, F.S.; providing responsibilities of consultant pharmacists and doctors of pharmacy; providing for rules; amending s. 465.014, F.S.; revising tasks and duties delegated to a pharmacy technician; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.016, F.S.; revising disciplinary actions; providing penalties; amending s. 465.0196, F.S., relating to special pharmacy permits; conforming a cross-reference; amending s. 465.026, F.S.; revising provisions relating to the filling of prescriptions transferred by electronic or other means; amending s. 465.035, F.S.; allowing the dispensing of controlled substances based on electronic facsimiles of the original prescriptions; amending s. 465.186, F.S.; providing for inclusion of certain products and over-the-counter proprietary drugs in the formulary of authorized medicinal drug products and dispensing procedures; amending s. 893.03, F.S.; adding butorphanol tartrate as a Schedule IV controlled substance; reenacting ss. 316.193(5), 327.35(5), 440.102(11)(b), 458.326(3), 817.563(1), 831.31(1)(a) and (2), 856.015(1)(d), 893.02(4), 893.08(1)(b), 893.13(1)(a), (c), and (d), (2)(a), (4)(b), and (5)(b), F.S., relating to driving under the

influence, boating under the influence, drug-free workplace program requirements, authorized treatment of intractable pain, sales of substances in lieu of controlled substances, counterfeit controlled substances, open house parties, definitions applicable to regulation of controlled substance, exceptions to required prescription for distribution at retail, and prohibited acts relating to controlled substances, respectively, to incorporate the amendment to s. 893.03, F.S., in references thereto; providing an effective date.

By the Committees on Ways and Means; Governmental Reform and Oversight; and Senator Thomas—

CS for CS for SB 1824—A bill to be entitled An act relating to retirement; amending s. 121.011, F.S.; providing for purchase of retirement credit following reinstatement after suspension or dismissal under certain circumstances; amending s. 121.021, F.S.; defining the term “phased retirement program”; amending s. 121.052, F.S.; authorizing certain elected officers to elect membership in the Senior Management Service Class under specified conditions; clarifying provisions relating to purchase of retirement credit for upgraded service by certain elected officers and former elected officers; amending s. 121.053, F.S.; allowing Senior Management Service Class renewed membership service to be used by members with renewed membership in the Elected State And County Officers’ Class; amending s. 121.055, F.S.; allowing certain elected officers to participate in the Senior Management Service Optional Annuity Program under certain conditions; authorizing local agency employers to reassess designation of positions for inclusion in the Senior Management Service Class; providing for removal of certain positions; providing that a Senior Management Service Optional Annuity Program benefit be paid only as a lifetime annuity; providing for State Board of Administration review of investment products; providing for payment of certain creditable service; amending s. 121.021, F.S.; redefining the term “termination” for Deferred Retirement Option Program participants; defining the term “DROP participants”; amending s. 121.091, F.S.; specifying that benefits may be payable to a participant’s Deferred Retirement Option Program; providing for forfeiture of benefits for a beneficiary found guilty of killing or causing the death of the member; clarifying the effective date for a change of joint annuitant; providing certain reemployment exceptions for year 2000 computer problems; specifying that the option selection for payment of benefits shall be final at the time a benefit payment is assigned to the Deferred Retirement Option Program; specifying death benefits applicable to Deferred Retirement Option Program participants; specifying employment after retirement limitations applicable to Deferred Retirement Option Program participants; providing overview of the Deferred Retirement Option Program; providing eligibility criteria; providing for procedures for election of participation; providing for benefits payable; providing for death benefits; providing for a cost-of-living adjustment; specifying that health insurance subsidy payments are not payable; specifying that Deferred Retirement Option Program participation does not qualify as renewed membership; providing limitations on employment after participation; specifying contribution rates; specifying that Deferred Retirement Option Program participation does not exempt such participants from the forfeiture of benefits under the provisions of ss. 112.3173 and 121.091(5), F.S.; providing for administration of the program; providing an appropriation; providing an effective date dependent upon the Division of Retirement’s receipt of a favorable written determination letter and a favorable private letter ruling from the Internal Revenue Service; providing an appropriation; amending s. 121.1115, F.S.; authorizing the purchase of retirement credit under the Florida Retirement System for certain out-of-state and federal service; creating s. 121.1122, F.S.; allowing the purchase of certain in-state service; amending s. 121.121, F.S.; providing for authorized leave of absence credit after 1 month on an employer’s payroll; amending s. 121.122, F.S.; allowing renewed membership in the Senior Management Service Class; amending s. 121.23; providing for reasonable attorney’s fees for a disability retirement order issued by the State Retirement Commission which sustains the application of a member; amending s. 121.35, F.S.; providing for membership in the Florida Retirement System under certain circumstances; providing that contributions accumulated in the Florida Retirement System Trust Fund for certain participants be applied toward retroactive system membership; limiting the employee contribution to the Optional Retirement Program to the federal limitations and providing that program benefits be paid only as a lifetime annuity except in certain circumstances; providing for State Board of Administration review of investment products; amending s. 121.051, F.S.; providing for optional partici-

pation in plans other than the Florida Retirement System under certain circumstances; amending s. 238.181, F.S.; providing for participation in a phased retirement system for certain employees of a community college; repealing ch. 123, F.S.; the Supreme Court Justices, District Courts of Appeal Judges, and Circuit Judges Retirement System; providing an appropriation for certain attorney’s fees approved by the State Retirement Commission; providing rulemaking authority; providing a finding of important state interest; providing an effective date.

By the Committee on Criminal Justice and Senators Lee and Silver—

CS for SB’s 1964 and 1742—A bill to be entitled An act relating to tobacco products; amending s. 20.165, F.S.; authorizing employees of the Division of Alcoholic Beverages and Tobacco who are certified as law enforcement officers to investigate, enforce, and prosecute certain violations relating to tobacco products; redesignating chapter 569, F.S., as “Tobacco Products”; amending and renumbering s. 859.06, F.S., to clarify language; providing increased penalty for a second or subsequent violation for illegally selling or giving tobacco products to certain persons; amending s. 569.002, F.S.; revising the definition of “tobacco products”; revising definition provisions to exclude certain classes of persons from definition of “under age 18”; creating s. 569.11, F.S.; making it unlawful for any person under age 18 to knowingly possess any tobacco product or to misrepresent age or military service to acquire or purchase any tobacco product; providing for civil citation and imposition of sanctions by court; providing for the disposition of fines; creating s. 569.12, F.S.; providing for jurisdiction and enforcement and local tobacco-product enforcement officers; providing for enforcement by correctional probation officers; providing necessary information for civil citation form; amending ss. 569.003, 569.004, 569.006, F.S.; clarifying provisions; renumbering and amending s. 859.061, F.S., relating to posting of signs to conform and clarify provisions; providing for instructional material; providing for the use of electronic or automated systems to identify whether a person is of legal age to purchase tobacco products; providing penalties; amending s. 569.007, F.S.; providing restrictions on the sale or delivery of tobacco products; providing exceptions; creating s. 569.0075, F.S.; prohibiting the gift of sample tobacco products to persons under the age of 18; providing for penalties; amending s. 569.008, F.S.; requiring tobacco products dealers to exercise diligent management and supervision in the management and supervision of their premises and in supervision and training of their employees, agents, or servants; conforming and clarifying provisions relating to responsible tobacco-product dealers; amending s. 569.009, F.S.; conforming and clarifying provisions relating to rulemaking authority; amending s. 322.056, F.S.; providing for mandatory revocation or suspension of, or delay of eligibility for, drivers’ licenses for persons under age 18 who commit noncriminal tobacco violations and fail to comply with corresponding sanctions; providing a suspended or revoked driver’s license as a result of violation, shall not result in increased automobile insurance premiums or in assessment of points against person’s driving record; creating s. 569.19, F.S.; providing for an annual report; requiring notification to licensees and permittees of the provisions included in this act; providing an appropriation; providing effective dates.

By the Committee on Education and Senator Holzendorf—

CS for SB 1994—A bill to be entitled An act relating to education; establishing a study commission to determine the feasibility of creating a residential mathematics and sciences academy; providing commission membership and duties; requiring presentation of findings and recommendations; providing an effective date.

By the Committees on Ways and Means; Transportation; and Senator Hargrett—

CS for CS for SB 2060—A bill to be entitled An act relating to transportation administration; amending s. 20.23, F.S.; providing for the relocation of the turnpike district; providing responsibilities for the Fort Myers Urban Office; amending s. 206.46, F.S.; authorizing the department to use State Transportation Trust Fund moneys to pay for the operation and maintenance of existing or future department-owned toll facilities and reimburse the trust fund from turnpike revenues; amending s. 311.07, F.S.; providing funding eligibility for certain seaport inter-

modal projects; amending s. 316.215, F.S.; exempting front-end-loading vehicles from certain requirements applicable to motor vehicles; amending s. 316.2397, F.S.; allowing petroleum tankers to display amber warning lights; amending s. 316.302, F.S., relating to commercial motor vehicle safety regulations; updating reference to federal regulations; providing exception to specified provisions for public utility and authorized emergency vehicles; revising provisions with respect to requirements for intrastate transporting of hazardous materials; providing for applicability of alcohol and drug testing programs to certain volunteer drivers; providing an exemption to certain federal commercial motor vehicle requirements for certain vehicles operating intrastate; amending s. 316.515, F.S.; providing exception to length limitations for certain utility vehicles under specified conditions; providing an exception to load extension limitation; deleting an axle restriction for straight trucks; amending s. 320.20, F.S.; providing additional funding for the Florida Seaport Transportation and Economic Development Program; providing how such funds may be spent; providing a specific appropriation; amending s. 322.53, F.S.; deleting an exemption to the requirement of having a commercial driver's license; amending s. 334.27, F.S.; revising provisions with respect to governmental transportation entities; creating s. 334.351, F.S., relating to youth work experience program within the Department of Transportation; providing for the awarding of program contracts; amending s. 335.0415; providing responsibility for operation and maintenance within the right-of-way of public roads; amending s. 337.25, F.S.; authorizing the department to use projected maintenance costs over a period of time to offset the market value of certain property to establish a value for the disposal of the property; creating s. 338.161, F.S.; authorizing the Department of Transportation to advertise and promote electronic toll collection; amending s. 338.221, F.S.; providing that interchanges that are added to the existing turnpike system are exempt from the economic feasibility test; providing additional requirements that must be met before turnpike revenue bonds are issued; amending s. 338.223, F.S.; authorizing the department to acquire right-of-way before the determination of economic feasibility is completed; authorizing the department, with legislative approval, to pay or lend all or a portion of the operating maintenance costs of any turnpike project; amending s. 338.2275, F.S.; deleting certain turnpike projects; deleting the limit on the amount of bonds that may be issued for turnpike projects; providing for legislative approval to issue bonds; amending s. 338.2276, F.S.; providing a description of the Western Beltway turnpike project; amending s. 338.231, F.S.; providing for public hearings before increases in turnpike toll rates take effect; authorizing the adoption of rules relating to toll rates for new toll projects; amending s. 339.12, F.S.; revising provisions with respect to aid and contributions by governmental entities for department projects; amending ss. 339.135, 339.175, F.S.; providing for metropolitan planning organizations to annually submit lists of project priorities to the Department of Transportation; reconciling state and metropolitan planning organization transportation plans; specifying deadlines and content; revising the membership of certain metropolitan planning organizations; amending s. 348.0003, F.S.; revising the membership of certain expressway authorities; amending s. 348.0004, F.S.; revising provisions with respect to the type of facilities under the jurisdiction of certain expressway authorities; creating s. 348.565, F.S.; authorizing financing and refinancing of Tampa-Hillsborough County Expressway System projects; amending s. 348.754, F.S.; providing for additional powers of the Orlando-Orange County Expressway Authority in certain counties; providing for the creation of a working group; providing responsibilities for the working group related to requisition of transportation disadvantaged services; freezing rulemaking authority of the Florida Transportation Disadvantaged Commission; authorizing emergency rulemaking; amending s. 479.261, F.S.; revising provisions with respect to the logo-sign program; revising requirements for the placement of such signs; repealing s. 339.121, F.S., relating to aid and contribution by local governmental entities for public transportation projects; repealing s. 334.35, F.S., relating to the Florida Youth Conservation Corps; providing an effective date.

By the Committee on Transportation and Senators Gutman, Meadows, Holzendorf, Jones and Forman—

CS for SB 2070—A bill to be entitled An act relating to regulation of wreckers and immobilization devices; amending s. 125.0103, F.S.; authorizing local governments to regulate immobilization fees; amending s. 166.043, F.S.; authorizing local governments to regulate immobilization fees; amending s. 713.78, F.S.; providing that a lien may not be claimed for the payment of fees related to immobilization; amending s.

715.07, F.S.; defining a vehicle boot; providing regulations for the immobilization of vehicles; prohibiting vehicle entry for the purpose of immobilization; providing an effective date.

By the Committees on Governmental Reform and Oversight; Health Care; and Senator Forman—

CS for CS for SB 2142—A bill to be entitled An act relating to health quality assurance; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; providing background screening requirements and standards for laboratories that perform tests; authorizing the use of certain body hair for drug testing; amending ss. 381.026, 381.0261, 383.302, 383.305, 390.011, 390.015, 391.206, 393.063, 393.0657, 394.4787, 394.67, 394.875, 394.876, 395.002, 395.0163, 395.0193, 395.0197, 395.0199, 400.071, 400.411, 400.414, 400.417, 400.4174, 400.4176, 400.461, 400.462, 400.464, 400.471, 400.474, 400.484, 400.487, 400.497, 400.506, 400.509, 400.512, 400.555, 400.606, 400.619, 400.801, 400.805, 408.033, 483.101, 483.106, 483.30, F.S.; creating ss. 381.60225, 395.0055, 400.5572, F.S.; transferring, renumbering, and amending ss. 626.941, 626.942, 626.943, 626.944, 626.945, F.S.; providing background screening requirements and standards for organ procurement organizations and tissue and eye banks, birth centers, abortion clinics, prescribed pediatric extended care centers, facilities for the developmentally disabled, facilities for treating alcohol and drug abuse and for mental health services, crisis stabilization units and residential treatment facilities, hospitals, private review agents, nursing homes and related facilities, assisted living facilities, direct-care employees, home health agencies, nurse registries, providers of certain home services, adult day care centers, hospices, adult family-care homes, homes for special services, transitional living facilities, clinical laboratories, and multiphasic health testing centers; amending grounds for denial and revocation of licensure or registration for such entities; allowing limited reporting of certain confidential information relating to the internal risk management programs of hospitals and ambulatory surgical centers; transferring duties pertaining to health care risk management from the Insurance Commissioner to the Director for Health Care Administration; amending fees and procedures relating to qualifications for health care risk managers; amending the Florida patient's Bill of Rights and Responsibilities; providing information about filing complaints with licensing agencies; limiting applicability of the Patient's Bill of Rights to health care facilities licensed under ch. 395, F.S., that provide emergency care and outpatient care; imposing a fine on facilities for willful and nonwillful violations of the obligation to inform patients of their rights; requiring certain outpatient facilities to submit construction plans to the Agency for Health Care Administration for review; amending provisions relating to who must make application for licensure and for a certificate of exemption on behalf of a clinical laboratory; amending s. 394.4787, F.S.; relating to certain specialty psychiatric hospitals; conforming a cross-reference; deleting the definition of the terms "adverse or untoward incident" and "injury"; revising provisions relating to licensed facility peer review disciplinary actions against practitioners; requiring reports to the Agency for Health Care Administration; providing penalties; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring licensed facilities to make certain reports to the agency; providing an exemption from the Public Records Law; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective-action plans; amending ss. 395.602, 395.701, 400.051, F.S., relating to rural hospitals, the Public Medical Assistance Trust Fund, and nursing homes; conforming cross-references; amending ss. 408.072, 409.905, 440.13, F.S., relating to hospital budget review, Medicaid services, and a worker's compensation definition, respectively; conforming cross-references and terms; amending ss. 458.331, 459.015, 468.505, F.S., relating to grounds for disciplinary action against allopathic physicians and osteopathic physicians and relating to restrictions on practice, service, or activities of allopathic physicians, osteopathic physicians, and other specified professionals; conforming provisions; repealing s. 455.239, F.S., relating to licensure requirements for designated health care services; amending ss. 641.55, 766.1115, F.S., relating to internal risk-management programs of health maintenance organizations and contract requirements for certain health care governmental contractors, respectively; conforming cross-references; transferring the health care risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; allocating positions to the Agency for Health Care Administration for specified purposes; providing

appropriations from the Health Care Trust Fund; providing effective dates.

By the Committees on Health Care, Education and Senator Horne—

CS for CS for SB 2194—A bill to be entitled An act relating to Medicaid; amending s. 236.0812, F.S.; revising the school-based services that are eligible for Medicaid funds under the certified school match program; excluding certain services from the program; deleting certain requirements with respect to the deposit and allocation of federal Medicaid funds; limiting funds used for billing agent consulting services; amending s. 409.9071, F.S.; requiring the Agency for Health Care Administration to obtain certain federal authorization; revising requirements for school districts that receive Medicaid reimbursements under the program; requiring the Agency for Health Care Administration to review a school district before it enrolls in the program; requiring the agency to develop a reimbursement schedule; authorizing the agency to seek retroactive federal reimbursement for certain services; amending s. 409.908, F.S.; revising requirements for the Agency for Health Care Administration in reimbursing school districts for services provided under the program; amending s. 409.9122, F.S.; providing requirements for managed-care plans with respect to executing agreements with school districts and county health departments; requiring the Agency for Health Care Administration and the Department of Education to develop certain procedures for providing services under the certified school match program; amending s. 409.9126, F.S., relating to the Children's Medical Services network; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Education and Senator Lee—

CS for SB 2228—A bill to be entitled An act relating to interscholastic extracurricular student activities; amending s. 232.425, F.S., relating to student standards for participation in interscholastic extracurricular student activities; providing for the accessibility of such activities to home education students; providing an effective date.

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

CS for SB 2340—A bill to be entitled An act relating to public officers and employees; amending s. 112.324, F.S.; allowing the Commission on Ethics to dismiss a complaint that involves a technical or minor error, under specified conditions; providing an effective date.

By the Committee on Transportation and Senator Forman—

CS for SB 2374—A bill to be entitled An act relating to the transportation disadvantaged; creating s. 427.0121, F.S.; providing for the creation of a working group; providing responsibilities for the working group; amending s. 427.013, F.S.; deleting the rulemaking authority of the Commission for the Transportation Disadvantaged; authorizing emergency rulemaking authority; deleting certain duties; providing an effective date.

By the Committee on Regulated Industries and Senator Dyer—

CS for SB 2390—A bill to be entitled An act relating to the practice of veterinary medicine; amending s. 474.203, F.S.; revising and providing exemptions from regulation under chapter 474, F.S., relating to veterinary medical practice; amending s. 474.207, F.S., relating to licensure by examination; eliminating obsolete provisions; amending s. 474.211, F.S.; requiring criteria for providers of continuing education to be approved by the board; amending s. 474.2125, F.S.; exempting veterinarians licensed in another state from certain requirements for temporary licensure in this state; conforming a cross-reference; amending s. 474.214, F.S.; increasing the administrative fine; amending s. 474.215, F.S.; requiring limited service permittees to register each location and

providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.217, F.S., relating to licensure by endorsement; revising a reference to an examination; providing an effective date.

By the Committee on Health Care and Senator Silver—

CS for SB 2418—A bill to be entitled An act relating to drug safety; requiring the Board of Medicine to establish guidelines for physicians to prescribe certain drugs used to treat obesity; requiring the Board of Osteopathic Medicine to establish guidelines for physicians to prescribe certain drugs used to treat obesity; providing an effective date.

By the Committee on Community Affairs and Senator Dyer—

CS for SB 2436—A bill to be entitled An act relating to affordable housing; amending s. 420.0003, F.S.; revising provisions relating to implementation of the State Housing Strategy; amending s. 420.0005, F.S.; providing directions for use of the State Housing Trust Fund; creating s. 420.0006, F.S.; directing the Secretary of Community Affairs to contract with the Florida Housing Finance Corporation to provide affordable housing; amending s. 420.501, F.S.; conforming terminology; amending s. 420.502, F.S.; providing legislative findings; amending s. 420.503, F.S.; defining terms; amending s. 420.504, F.S.; renaming the Florida Housing Finance Agency as the Florida Housing Finance Corporation; specifying its status as a public corporation; revising membership of its board of directors; providing liability of members; amending s. 420.505, F.S.; conforming terminology; amending s. 420.506, F.S.; providing employment conditions for the executive director and other employees; creating s. 420.5061, F.S.; providing for the transfer of agency assets and liabilities; amending s. 420.507, F.S.; providing powers of the corporation; amending s. 420.508, F.S.; revising requirements relating to security for loans and bonds; establishing the Florida Housing Corporation Fund; amending s. 420.5087, F.S.; renaming and revising the status of the State Apartment Incentive Loan Trust Fund and transferring amounts to the renamed fund; conforming terminology; amending s. 420.5088, F.S.; renaming and revising the status of the Florida Homeownership Assistance Trust Fund and transferring amounts to the renamed fund; conforming terminology; amending s. 420.5089, F.S.; renaming and revising the status of the HOME Partnership Trust Fund and transferring amounts to the renamed fund; eliminating pilot programs; amending s. 420.509, F.S.; providing conditions for the issuance of bonds by the corporation; amending ss. 420.5091 and 420.5092, F.S.; conforming terminology; amending s. 420.5099, F.S.; providing for allocation of the low-income housing tax credit; amending s. 420.51, F.S.; conforming terminology; amending s. 420.511, F.S.; directing the corporation to develop a business plan and a strategic plan and make annual reports and providing for submission of an audit with the annual report; amending s. 420.512, F.S.; providing for standards of conduct and conflicts of interest; amending s. 420.513, F.S.; providing for exemption from taxes; amending ss. 420.514 and 420.523, F.S.; conforming terminology; creating s. 420.517, F.S.; providing for affordable housing and job training coordination; amending s. 420.525, F.S.; renaming and revising the status of the Housing Predevelopment Trust Fund and transferring amounts to the renamed fund; amending ss. 420.526, 420.527, 420.528, and 420.529, F.S.; conforming terminology; amending s. 420.602, F.S.; defining terms; amending s. 420.606, F.S.; providing for training and technical assistance; amending s. 420.9071, F.S.; defining terms for the State Housing Initiatives Partnership Program; amending s. 420.9072, F.S.; revising requirements for the State Housing Initiative Partnership Program; amending s. 420.9073, F.S.; raising the guaranteed minimum allocation; amending s. 420.9075, F.S.; providing for local housing assistance plans; amending s. 420.9076, F.S.; providing for the adoption of local housing incentive strategies; amending ss. 420.9078 and 420.9079, F.S.; providing for the administration of and distribution from the Local Government Housing Trust Fund; repealing s. 420.5085, F.S., relating to energy conservation loans; repealing s. 420.5094, F.S., relating to the single-family mortgage revenue bond program; amending s. 285.11, F.S.; authorizing leases entered into with a Florida Indian for housing development and residential purposes to be for a term not to exceed 50 years; amending ss. 239.505 and 381.0081, F.S.; conforming terminology; pro-

viding for transition; providing an effective date.

By the Committee on Health Care and Senator Forman—

CS for SB 2444—A bill to be entitled An act relating to confidentiality of provisions relating to health quality assurance; providing exemptions from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution for any notification of an adverse incident which is made to the Agency for Health Care Administration by a hospital or ambulatory surgical center and for the results of background screening of direct-care employees of assisted-living facilities and adult day care centers and of applicants for licensure to operate certain specified health care facilities; providing the public necessity justifying these exemptions; providing a contingent effective date.

By the Committee on Regulated Industries and Senator Clary—

CS for SB 2450—A bill to be entitled An act relating to regulation of professions; amending s. 177.031, F.S.; revising and providing definitions relating to platting; amending s. 177.041, F.S.; requiring plats and replats of subdivisions submitted for approval to be accompanied by a boundary survey of the platted lands; amending s. 177.051, F.S.; revising provisions relating to naming and replatting subdivisions; amending s. 177.061, F.S.; providing requirements for the recording of a plat; amending s. 177.071, F.S.; revising provisions relating to approval of plats by governing bodies; amending s. 177.081, F.S.; requiring plats to be reviewed by a professional surveyor and mapper prior to approval by a governing body; amending s. 177.091, F.S.; providing requirements for monuments and revising other requirements of plats made for recording; amending s. 177.141, F.S.; revising provisions relating to affidavits confirming errors on recorded plats; amending s. 177.151, F.S.; revising provisions relating to state plane coordinates; amending ss. 177.021, 177.121, 177.131, 177.132, 177.27, 177.38, and 287.055, F.S.; conforming references; amending s. 455.213, F.S., relating to general licensing provisions; providing for direct payment of organization-related or vendor-related fees associated with the examination to the organization or vendor; providing that passing a required examination does not entitle a person to licensure if the person is not otherwise qualified; amending s. 455.217, F.S., relating to examinations; authorizing the contracting for examinations and services related to examinations; providing requirements with respect to examinations developed by the department or a contracted vendor and to national examinations; amending s. 458.347, F.S.; providing qualifications for certain applicants for specified physician assistants; amending s. 455.225, F.S.; authorizing the Department of Business and Professional Regulation to issue a notice of noncompliance for an initial offense of a minor violation when the board has failed to designate such minor violation by rule; amending s. 468.385, F.S.; revising provisions relating to the written examination required to be licensed as an auctioneer; amending s. 468.386, F.S., relating to fees applicable to regulation of auctioneers; eliminating reference to the examination fee; amending s. 468.388, F.S.; eliminating exemptions from the requirement that a written agreement be executed prior to conducting an auction; amending s. 468.389, F.S.; revising a ground for disciplinary action to include reference to property belonging to another; providing penalties; reenacting s. 468.391, F.S., relating to a criminal penalty, to incorporate the amendment to s. 468.389, F.S., in a reference thereto; amending s. 468.393, F.S.; reducing the level at which the Auctioneer Recovery Fund must be maintained and for which surcharges are levied; reenacting s. 468.392(5), F.S., relating to moneys in the Auctioneer Recovery Fund, to incorporate the amendment to s. 468.393, F.S., in a reference thereto; amending s. 468.395, F.S.; revising circumstances under which recovery from the Auctioneer Recovery Fund may be obtained; reducing the amount per claim or claims arising out of the same transaction or auction and the aggregate lifetime limit with respect to any one licensee that may be paid from the fund; amending s. 468.396, F.S., relating to claims against a single licensee in excess of the dollar limitation, to conform; amending s. 468.432, F.S.; authorizing the department to adopt rules relating to licensure and disciplinary requirements applicable to community association management; amending s. 468.542, F.S.; providing definitions for classes of water and wastewater operators; amending s. 468.453, F.S.; requiring each applicant for licensure as an athlete agent to submit a full set of fingerprints for purposes of the required criminal records check; exempting members of The Florida Bar from regulations imposed on athlete agents; amending ss.

468.547 and 468.548, F.S., relating to fees and requirements for licensure; eliminating or revising references to examination and reexamination; amending s. 468.607, F.S.; providing that the Department of Business and Professional Regulation shall be the issuing body for a certificate to practice as a building code administrator, plans examiner, or building code inspector; amending s. 468.609, F.S.; revising requirements for certification as a building code administrator, plans examiner, or building code inspector; amending s. 468.617, F.S.; providing that local governments may employ or authorize persons certified or exempt from such regulation to perform inspections on a contract basis; amending s. 468.621, F.S.; revising prohibitions; providing disciplinary actions; amending s. 468.629, F.S.; revising disciplinary grounds; providing penalties; amending s. 469.001, F.S.; revising and providing definitions relating to asbestos abatement; amending s. 469.002, F.S.; revising an exemption relating to asbestos-related activities by governmental employees; amending s. 469.004, F.S.; exempting asbestos consultants from licensure under certain circumstances relating to the moving, removal, or disposal of asbestos-containing roofing materials; amending s. 469.005, F.S.; revising requirements for licensure as an asbestos consultant or asbestos contractor; amending s. 469.006, F.S.; eliminating reference to consultant or contractor seals, and requiring a signature instead; amending s. 469.013, F.S.; adding course requirements for management planners; repealing s. 469.015, F.S., relating to seals; amending s. 470.002, F.S.; revising the definition of "legally authorized person"; amending s. 470.0085, F.S., relating to the embalmer apprentice program; authorizing an extension of apprenticeship for certain students working in funeral establishments; amending s. 470.009, F.S.; reorganizing provisions relating to licensure as a funeral director by examination, to clarify applicability of the internship requirement; amending ss. 470.015 and 470.018, F.S.; revising continuing education requirements for renewal of a funeral director or embalmer license or registration of a direct disposer; amending s. 470.024, F.S.; authorizing operation of visitation chapels and establishing criteria therefor; providing licensing limitations with respect to collocated facilities; requiring the relicensure of funeral establishments whose ownership has changed; amending s. 470.029, F.S.; providing a filing date for monthly reports on final dispositions; amending s. 470.0301, F.S.; providing requirements for registration of centralized embalming facilities; providing for biennial renewal; providing fees; creating s. 470.0315, F.S.; providing for the storage, preservation, and transportation of human remains; creating s. 470.0355, F.S.; providing for the identification of human remains; creating s. 471.024, F.S.; authorizing engineers to perform duties of building code inspectors; amending s. 473.306, F.S.; providing conditions under which the Board of Accountancy may adopt an alternative licensure examination for persons licensed to practice public accountancy or its equivalent in a foreign country; providing for appointment of an Educational Advisory Council for purposes of maintaining proper educational qualifications for licensure of certified public accountants; creating s. 473.3065, F.S.; establishing the Certified Public Accountant Education Minority Assistance Program; providing for scholarships to eligible students; providing for the funding of scholarships; requiring Board of Accountancy rules; providing a penalty for certain violations; creating an advisory council to assist in program administration; amending s. 473.308, F.S.; revising licensure requirements relating to public accountancy experience outside this state; amending s. 473.309, F.S.; providing additional requirements for a partnership to practice public accountancy in this state; amending s. 473.312, F.S.; providing for appointment of a Continuing Professional Education Advisory Council for purposes of maintaining proper continuing education requirements for renewal of licensure of certified public accountants; amending s. 474.203, F.S.; revising and providing exemptions from regulation under chapter 474, F.S., relating to veterinary medical practice; amending s. 474.2065, F.S., relating to fees applicable to regulation of veterinary medical practice; eliminating reference to examination and reexamination fees; amending s. 474.207, F.S., relating to licensure by examination; eliminating obsolete provisions; amending s. 474.211, F.S.; requiring criteria for providers of continuing education to be approved by the board; amending s. 474.2125, F.S.; exempting veterinarians licensed in another state from certain requirements for temporary licensure in this state; correcting a cross reference; amending s. 474.214, F.S.; increasing the administrative fine; amending s. 474.215, F.S.; requiring limited service permittees to register each location and providing a registration fee; providing requirements for certain temporary rabies vaccination efforts; providing permit and other requirements for persons who are not licensed veterinarians but who desire to own and operate a veterinary medical establishment; providing disciplinary actions applicable to holders of premises permits; amending s. 474.217, F.S., relating to licensure by endorsement; revising a reference to an examination; amending s. 475.125, F.S., relating

to fees applicable to regulation of real estate brokers, salespersons, and schools; eliminating reference to examination and reexamination fees; amending s. 475.15, F.S.; providing registration and licensing requirements for additional business entities; eliminating a provision that requires the automatic cancellation of the registration of a real estate broker partnership upon the lapse in licensure or registration of any of its partners; amending s. 475.17, F.S.; providing additional requirements for licensure as a real estate broker; amending s. 475.175, F.S.; revising provisions relating to examinations; amending s. 475.183, F.S.; revising the period after which involuntarily inactive licenses expire; revising the time for the required notice to the licensee; amending s. 475.25, F.S.; increasing the administrative fine; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; reenacting ss. 475.180(2)(b), 475.181(2), 475.22(2), 475.422(2), and 475.482(1), F.S., relating to nonresident licenses, licensure, refusal of a broker to comply with certain requests or notices, furnishing of copies of termite and roof inspection reports, and recovery from the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, F.S., in references thereto; amending s. 475.451, F.S.; revising provisions relating to the permitting of instructors for proprietary real estate schools or state institutions; providing permit renewal requirements; revising references relating to examinations; amending s. 475.452, F.S.; providing requirements applicable to advance expenses, commissions, or fees for brokers auctioning real property; amending s. 475.484, F.S.; providing applicability with respect to a conflict with federal law in the disciplining of certain licensees against whom a judgment has been paid from the Real Estate Recovery Fund; creating s. 475.5016, F.S.; granting the department authority to inspect and audit brokers and brokerage offices; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; creating s. 475.6147, F.S.; providing a separate section relating to establishment of fees applicable to the regulation of real estate appraisers; amending s. 475.615, F.S.; providing registration requirements for appraisers; amending s. 475.617, F.S.; clarifying continuing education and experience requirements for real estate appraisers; amending s. 475.624, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; creating s. 475.6295, F.S.; granting the department authority to inspect appraisers and appraisal offices; amending ss. 476.114 and 476.124, F.S.; revising provisions relating to examination for licensure as a barber; repealing s. 476.134, F.S., relating to time, place, and subjects of examination; amending s. 476.144, F.S.; revising requirements for a restricted license to practice barbering; amending s. 476.192, F.S.; eliminating reference to examination and reexamination fees; amending s. 477.013, F.S.; defining the terms "hair wrapping" and "photography studio salon"; amending s. 477.0132, F.S.; providing registration requirements for hair wrappers; providing requirements for hair braiding and hair wrapping outside a cosmetology salon or specialty shop; amending s. 477.0135, F.S.; exempting photography studio salons from licensure as a cosmetology salon or specialty salon and providing requirements with respect thereto; amending s. 477.019, F.S.; revising provisions relating to applicants for licensure by examination; providing continuing education requirements for cosmetologists and cosmetology specialists; providing for privatization of such continuing education; exempting hair braiders and hair wrappers from such continuing education requirements; repealing s. 477.022, F.S., relating to examinations; amending s. 477.026, F.S.; eliminating reference to examination and reexamination fees; providing registration fees for hair wrappers; amending s. 477.0263, F.S.; authorizing the performance of cosmetology services in a photography studio salon; creating s. 481.2051, F.S.; authorizing architects to perform duties of building code inspectors; amending ss. 481.207, 481.209, and 481.213, F.S., relating to licensure as an architect or interior designer; revising provisions relating to fees and examinations; amending s. 489.103, F.S.; limiting the ordinances, rules, or regulations that a municipality or county may adopt with respect to the installation or maintenance of water conditioning units; providing an exemption from regulation for the sale, delivery, assembly, or tie-down of prefabricated portable sheds under specified circumstances; amending s. 489.105, F.S.; revising and providing definitions applicable to contractors; amending s. 489.107, F.S.; eliminating reference to board jurisdiction over examinations; requiring the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.109, F.S.; revising provisions relating to examination fees; amending s. 489.111, F.S.; revising provisions relating to licensure by examination; amending s.

489.113, F.S.; revising a provision relating to the certification examination; revising provisions that authorize persons who are not certified or registered to perform construction work under the supervision of a person who is certified or registered; providing that expansion of the scope of practice of any type of contractor does not limit the scope of practice of any existing type of contractor unless the Legislature expressly provides such limitation; creating s. 489.1136, F.S.; providing for medical gas certification for plumbing contractors who install, improve, repair, or maintain conduits used to transport gaseous or partly gaseous substances for medical purposes; amending s. 553.06, F.S.; providing that plumbing contractors who install, improve, repair, or maintain such conduits shall be governed by the National Fire Prevention Standard 99C; amending s. 489.115, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.119, F.S.; detailing what constitutes an incomplete contract for purposes of temporary certification or registration of a business organization; amending s. 489.127, F.S.; revising and providing penalties applicable to violations of construction contracting provisions; amending s. 489.140, F.S.; eliminating a provision that requires the transfer of surplus moneys from fines into the Construction Industries Recovery Fund; amending s. 489.141, F.S.; clarifying provisions relating to conditions for recovery from the fund; eliminating a notice requirement; revising a limitation on the making of a claim; amending s. 489.142, F.S.; revising a provision relating to powers of the Construction Industry Licensing Board with respect to actions for recovery from the fund, to conform; amending s. 489.143, F.S.; revising provisions relating to payment from the fund; amending s. 489.503, F.S., relating to exemptions from part II of chapter 489, F.S., relating to electrical and alarm system contracting; revising an exemption relating to public utilities; revising an exemption that applies to telecommunications, community antenna television, and radio distribution systems, to include cable television systems; providing exemptions relating to the monitoring of alarm systems by law enforcement employees or officers or fire department employees or officials, by employees of state or federally chartered financial institutions, or by employees of a business; amending s. 489.505, F.S., and repealing subsection (24), relating to the definition of "limited burglar alarm system contractor"; redefining terms applicable to electrical and alarm system contracting; defining the term "monitoring"; amending s. 489.507, F.S.; requiring the Electrical Contractors' Licensing Board and the Construction Industry Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.509, F.S.; eliminating reference to the payment date of the biennial renewal fee for certificateholders and registrants; providing for transfer of a portion of certain fees applicable to regulation of electrical and alarm system contracting to fund certain projects relating to the building construction industry and continuing education programs related thereto; amending s. 489.511, F.S.; revising eligibility requirements for certification as an electrical or alarm system contractor; amending s. 489.513, F.S.; revising registration requirements for electrical contractors; amending s. 489.517, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.519, F.S.; authorizing certificateholders and registrants to apply for voluntary inactive status at any time during the period of certification or registration; amending s. 489.521, F.S.; providing conditions on qualifying agents qualifying more than one business organization; providing for revocation or suspension of such qualification for improper supervision; amending s. 489.525, F.S.; changing the date for the Department of Business and Professional Regulation to inform local boards and building officials of the names of all certificateholders and the status of the certificates; amending s. 489.529, F.S.; providing an exception to an alarm verification requirement; amending s. 489.531, F.S.; revising and providing penalties applicable to violations of electrical and alarm system contracting provisions; reenacting s. 489.533(1)(a) and (2), F.S., relating to disciplinary proceedings, to incorporate the amendment to s. 489.531, F.S., in a reference thereto; amending s. 489.537, F.S.; revising requirements relating to subcontracting alarm system contracting; amending ss. 489.539 and 553.19, F.S.; adding a national code relating to fire alarms to the minimum electrical and alarm standards required in this state; amending s. 489.553, F.S.; revising qualifications for registration as a septic tank contractor or master septic tank contractor; creating s. 501.935, F.S.; providing requirements relating to home-inspection reports; providing legislative intent; providing definitions; providing exemptions; requiring, prior to inspection, provision of inspector credentials, a caveat, a disclosure of conflicts of interest and certain relationships, and a statement or agreement of scope, limitations, terms, and conditions; requiring a report on the results of

the inspection; providing prohibited acts, for which there are civil penalties; providing that failure to comply is a deceptive and unfair trade practice; creating s. 501.937, F.S.; providing requirements for use of professional titles by industrial hygienists and safety professionals; providing that violation of such requirements is a deceptive and unfair trade practice; amending s. 553.06, F.S.; requiring the Board of Building Codes and Standards to adopt alternative standards for testing water treatment units under certain circumstances; amending s. 553.63, F.S., relating to trench excavations in excess of a specified depth; deleting a provision requiring contract bids to include certain items; repealing s. 553.64, F.S., relating to certain requirements for contract bids; amending s. 553.991, F.S.; limiting the purpose of the "Florida Building Energy-Efficiency Rating Act" to providing for a statewide uniform system for rating the energy efficiency of buildings; amending s. 553.994, F.S.; deleting the schedule for phasing in the rating system; amending s. 553.996, F.S.; requiring provision of an information brochure to prospective purchasers of certain real property; deleting a provision authorizing such prospective purchasers to receive a rating on the property upon request; providing effective dates.

By the Committee on Health Care and Senator Childers—

CS for SB 2458—A bill to be entitled An act relating to organ and tissue donation; amending ss. 320.08047, 322.08, 381.6024, F.S.; authorizing the use of certain funds for maintaining the organ and tissue donor registry; revising annual assessments on certain organ procurement organizations, tissue banks, and eye banks; amending s. 732.911, F.S.; providing definitions; amending ss. 732.912, 732.914, F.S.; clarifying who may make an anatomical gift in the absence of a declaration by a decedent; amending s. 732.913, F.S.; specifying that entities as well as persons may become donees of anatomical gifts; amending s. 732.915, F.S.; repealing an annual assessment on organ procurement organizations, tissue banks, and eye banks; amending s. 732.916, F.S.; revising procedures for amending or revoking an anatomical gift; amending s. 732.9216, F.S.; adding a cross-reference; amending s. 732.922, F.S.; providing a limitation in civil or criminal liability for organ procurement organizations, eye banks, tissue banks, hospitals, and hospital administrators or their designees; providing additional duties for the hospital administrator or his designee and for organ procurement organizations; providing severability; providing effective dates.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 68 and CS for SB 290 which became law without his signature on April 18, 1997.

The following Executive Order was filed with the Secretary:

EXECUTIVE ORDER NUMBER 97-131

(Executive Order of Suspension)

WHEREAS, Avant Brown is presently serving as a member of the County Commission of Glades County, Florida, and

WHEREAS, on April 11, 1997, the Honorable Bruce Colton, State Attorney for the Nineteenth Circuit of Florida, filed an information charging Avant Brown with violating sections 784.045(1)(b) and 787.02, Florida Statutes, and

WHEREAS, it is in the best interest of the residents of Glades County and the citizens of the State of Florida that Avant Brown be immediately suspended from the public office which he now holds, upon the grounds hereinafter set forth,

NOW, THEREFORE, I, LAWTON CHILES, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, determine and, for the purposes of section 112.41, Florida Statutes, allege as follows:

A. Avant Brown is, and at all times material hereto was, a member of the County Commission of Glades County, Florida.

B. The office of County Commission member is within the purview of the suspension powers of the Governor, pursuant to Article IV, section VII, Florida Constitution and section 112.41, Florida Statutes.

C. The attached information alleges that Avant Brown committed acts in violation of the laws of the State of Florida, and this information is hereby incorporated by reference as if fully set forth in this executive order.

D. This suspension is predicated upon the attached information, which constitutes commission of a felony and/or misfeasance and/or malfeasance.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this executive order is hereby promulgated, effective immediately:

Section 1. Avant Brown is hereby suspended from the public office which he now holds, to wit: Member of the County Commission of Glades County, Florida.

Section 2. Avant Brown is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further executive order, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 15th day of April, 1997.

Lawton Chiles
GOVERNOR

ATTEST:

Sandra B. Mortham
SECRETARY OF STATE

(Copy of indictment was filed in the office of the Secretary of the Senate.)

[Referred to the Committee on Executive Business, Ethics and Elections.]

APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, a certificate subject to confirmation by the Senate had been prepared for the following:

Office and Appointment

For Term Ending

Investment Advisory Council

Appointee: McBride, William H., Jr.,
Thonotosassa

12/12/2000

[Referred to the Committee on Executive Business, Ethics and Elections.]

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 9, CS for HB 87, CS for HB 95, CS for HB 181, CS for HB 417, CS for HB 487, HB 491, CS for HB 549, HB 685, CS for HB 787, HB 853, CS for HB 935, CS for HB 1001, HB 1059, CS for HB 1107, HB 1591; has passed as amended HB 395, CS for HB 523, CS for HB 1111, HB 1741, CS for HB 1775; has passed by the required Constitutional three-fifths vote of the membership HB 861, HB 863, HB 865, HB 867, HB 869, HB 1025 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Miller and others—

HB 9—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.732, F.S.; including motor vehicles used as public school transportation in the definition of “motor vehicle” for insurance purposes; amending s. 627.733, F.S.; providing an exemption from a requirement to maintain certain financial security; providing an effective date.

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

By the Committee on Family Law and Children; and Representative Futch and others—

CS for HB 87—A bill to be entitled An act relating to injunctions and restraining orders for domestic violence; amending s. 28.241, F.S.; limiting certain fees for injunctions relating to domestic violence; amending s. 741.30, F.S.; limiting total charges for issuing or serving injunctions or restraining orders relating to domestic violence; providing an effective date.

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

By the Committee on Transportation and Economic Development Appropriations; and Representative Heyman and others—

CS for HB 95—A bill to be entitled An act relating to records of the Department of Highway Safety and Motor Vehicles; amending s. 119.07, F.S.; providing an exemption from public records requirements, upon request by the subject, for personal identifying information in motor vehicle records; authorizing disclosure for specified uses; authorizing disclosure for any use with the consent of the subject; authorizing disclosure to certain entities for resale or redisclosure to persons authorized to receive such information and providing requirements with respect thereto; authorizing certain resale or redisclosure by authorized recipients of such information and requiring such persons to maintain records; providing for fees; authorizing the department to impose conditions upon requests for disclosure; amending s. 319.17, F.S., relating to indexes and records of motor vehicles and mobile homes, s. 319.25, F.S., relating to title records, s. 320.05, F.S., relating to registration records, and s. 322.20, F.S., relating to driver’s license records, to conform; increasing the fees for providing certain transcripts or searching for certain records; providing a finding of public necessity; providing an effective date.

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

By the Committee on Governmental Operations and Representative Greene and others—

CS for HB 181—A bill to be entitled An act relating to public records; creating s. 914.27, F.S.; providing an exemption from public records requirements for certain information held by various governmental entities and certain business entities relating to a victim of or witness to a crime obtained in connection with victim and witness protection services provided pursuant to s. 914.25, F.S., for certain information relating to such person’s family, and for information relating to the protection program and permanent relocation sites; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

(Substituted for **SB 174** on the Special Order Calendar this day.)

By the Committee on Crime and Punishment; and Representative Argenziano and others—

CS for HB 417—A bill to be entitled An act relating to sentencing; amending s. 921.0016, F.S.; providing that addiction, alcoholism, or substance abuse, or diminished capacity due to the influence of alcohol or controlled substances, shall not be the basis for mitigating a recommended guidelines sentence; reenacting s. 921.001(6), F.S., relating to

Sentencing Commission and sentencing guidelines, generally, to incorporate a reference to said amendment; providing an effective date.

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

By the Committee on Financial Services and Representative Dennis—

CS for HB 487—A bill to be entitled An act relating to premium finance companies; amending s. 627.828, F.S.; revising certain net worth requirements for applicants for a premium finance company license; providing for a surety bond under certain circumstances; requiring certain insurance coverage; providing criteria; providing penalties; authorizing the Department of Insurance to adopt rules; amending s. 627.8405, F.S.; specifying prohibited acts by a premium finance company; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Laurent and others—

HB 491—A bill to be entitled An act relating to citizen support organizations; amending s. 212.08, F.S.; clarifying a sales and use tax exemption for certain citizen support organizations; amending s. 370.0205, F.S.; providing for partnerships between the state and private entities for certain purposes; providing an effective date.

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

By the Committee on Financial Services and Representative Ziebarth and others—

CS for HB 549—A bill to be entitled An act relating to warranty companies; amending s. 634.011, F.S.; redefining the term “motor vehicle” with respect to motor vehicle service agreement companies; amending s. 634.121, F.S.; authorizing such service agreement companies to limit both the time period within which a consumer may transfer the agreement and the number of transfers permissible; amending s. 634.301, F.S.; providing a definition; amending s. 634.312, F.S.; providing for a required element of home warranty contracts; creating s. 634.331, F.S.; providing that a home warranty may provide coverage of residential property listed for sale prior to the sale of such property under certain circumstances; amending s. 634.406, F.S.; revising language with respect to financial requirements; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Constantine and others—

HB 685—A bill to be entitled An act relating to local government audits; amending s. 11.45, F.S.; requiring auditors to notify members of the governing body of a local governmental entity under certain circumstances; providing additional duties of the Auditor General under circumstances of potential financial emergency for a local governmental entity; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committee on Juvenile Justice and Representative Putnam and others—

CS for HB 787—A bill to be entitled An act relating to criminal and juvenile justice; amending s. 39.024, F.S.; changing the membership of the Department of Juvenile Justice Standards and Training Commission to include contract providers and a representative of the business community; creating s. 39.086, F.S.; defining the terms “sexual misconduct” and “employee”; providing that it is a second degree felony for an

employee to engage in sexual misconduct with a juvenile offender detained or supervised by the department; providing penalties; providing certain exceptions; prohibiting certain employment, or providing for dismissal from departmental employment, of a person who has engaged in sexual misconduct with a juvenile offender; requiring an employee who witnesses sexual misconduct, or who has reasonable cause to suspect that sexual misconduct has been committed, to report such incident; providing for notification to the inspector general, facility superintendent, and district juvenile justice manager; providing that it is a first degree misdemeanor to knowingly and willfully fail to make a report as required, or to prevent another from doing so, or to submit inaccurate or untruthful information; providing penalties; providing that it is a third degree felony to coerce or threaten another person to alter testimony or a report with respect to an incident of sexual misconduct; providing penalties; creating s. 39.087, F.S.; prohibiting the introduction, removal, or possession of, and other specified acts with respect to, contraband articles on the grounds of a juvenile detention facility or other commitment program; specifying articles that are contraband; providing penalties; providing exceptions; providing an effective date.

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

By Representative Trovillion—

HB 853—A bill to be entitled An act relating to building code administrators and inspectors; amending s. 468.603, F.S.; providing an additional definition; amending s. 468.609, F.S.; providing a limitation in certain postsecondary education requirements; providing additional eligibility to take a certification examination; authorizing certain newly employed persons to perform plans examiner or inspector duties under certain circumstances; amending s. 468.617, F.S.; providing for local governments to contract for plans examinations; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Committee on Civil Justice and Claims; and Representative Warner—

CS for HB 935—A bill to be entitled An act relating to legal process; amending s. 48.031, F.S., relating to service upon a sole proprietorship; providing that substitute service may be made upon person in charge of the business at the time of service, under specified circumstances; amending s. 48.183, F.S.; providing for service of process in an action for possession of residential premises; amending s. 48.27, F.S.; providing for application and fee for inclusion on list of certified process servers; authorizing certain service when a civil action has been filed in a circuit or county court in the state; amending s. 55.03, F.S., relating to docketing and indexing of civil process generally; revising provisions relating to rate of interest; providing an exception from certain docketing and indexing or collection requirements when rate of interest is not on the face of the process, writ, judgment, or decree; amending s. 56.27, F.S., relating to payment to execution creditor of money collected; providing for payment to a junior writ of certain surplus moneys collected; amending s. 56.28, F.S.; requiring written demand by plaintiff as a condition for officer's liability to pay over within 10 days certain moneys collected; providing an effective date.

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

By the Committee on Financial Services and Representative Bitner—

CS for HB 1001—A bill to be entitled An act relating to insurance; creating s. 626.7355, F.S.; providing for temporary customer representative's licenses; specifying qualifications; limiting use of such licenses; specifying responsibility for acts of the licensee; requiring submission of certain information; limiting functions of licensees; specifying term of license; prohibiting renewability; requiring appointment; authorizing administrative actions against licensees; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Fasano—

HB 1059—A bill to be entitled An act relating to sentencing; amending s. 921.143, F.S., relating to the appearance of victim or next of kin to make statement at sentencing hearing; providing for the victim or next of kin to make a statement at such appearance in conjunction with submitting a written statement to the state attorney's office to be filed with the court; requiring the prosecuting attorney to advise the victim that such statements may relate to any matter relevant to appropriate disposition and sentence; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Elder Affairs and Long Term Care; and Representative Dennis—

CS for HB 1107—A bill to be entitled An act relating to elderly affairs; creating s. 430.071, F.S.; providing definitions; establishing the "Respite for Elders Living in Everyday Families" (RELIEF) program to be administered by the Office of Volunteer and Community Services in the Department of Elderly Affairs; providing for the screening, selection, and training of volunteers; providing other duties for the office; amending s. 430.502, F.S.; providing for a memory disorder clinic at Orlando Regional Healthcare System, Inc.; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; and Ways and Means.

By Representative Flanagan—

HB 1591—A bill to be entitled An act relating to private investigative, private security, and repossession services; amending s. 493.6101, F.S.; redefining the term "private investigation" and defining the term "felony"; amending s. 493.6102, F.S.; revising language with respect to inapplicability of ch. 493, F.S., to certain local, state, and federal officers; providing for inapplicability of the chapter to certain persons and firms conducting genealogical research; amending s. 493.6105, F.S.; revising firearms training requirements for applicants for a Class "G" license; amending s. 493.6108, F.S.; authorizing physicians licensed under similar law of other states to certify the physical fitness of Class "G" applicants; authorizing rather than requiring the department to deny a Class "G" license to certain persons; amending s. 493.6115, F.S.; revising a provision relating to the firearms certain licensees may carry; providing that certain licensees may carry a 9 millimeter semiautomatic pistol while performing security-related services; providing training criteria for Class "G" applicants; amending s. 493.6118, F.S.; revising language with respect to grounds for disciplinary action relating to criminal convictions; amending s. 493.6121, F.S.; providing for compliance with certain subpoenas; amending s. 493.6201, F.S.; providing that certain licensees may perform bodyguard services; amending s. 493.6301, F.S.; providing that certain licensees may be designated as managers of certain agencies or branch offices; amending s. 493.6305, F.S.; requiring return of uniforms and certain other equipment by licensees upon resignation or termination; amending s. 493.6404, F.S.; providing that United States Postal Service proof of mailing is sufficient for notification to debtors of the intent to dispose of their property; providing an effective date.

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

By Representative Sembler and others—

HB 395—A bill to be entitled An act relating to preservation of covenants or restrictions; amending s. 712.01, F.S.; revising and adding definitions; amending ss. 712.03, 712.05, and 712.06, F.S.; protecting certain covenants or restrictions from extinguishment; providing for preservation of certain covenants or restrictions under certain circumstances; authorizing certain homeowners' associations to file for preservation of covenants or restrictions on behalf of certain parcel owners;

providing a limitation; revising certain notice provisions to conform; providing an exception; providing an effective date.

—was referred to the Committees on Community Affairs and Judiciary.

By the Committee on Environmental Protection and Representative Mackey and others—

CS for HB 523—A bill to be entitled An act relating to ecosystem management; creating s. 403.075, F.S.; providing legislative findings; creating s. 403.0751, F.S.; providing definitions; creating s. 403.0752, F.S.; authorizing ecosystem management agreements between the Department of Environmental Protection, or other specified state regulatory agencies, and regulated entities; providing conditions and requirements; providing for amendment or termination; providing incentives; authorizing ecosystem management advisory teams; providing that an ecosystem management agreement may be treated as a final agency action and constitute satisfaction of the variance or waiver under ch. 120, F.S.; requiring certain notice; providing that no rules will be required to implement the act; providing an effective date.

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

By the Committee on Family Law and Children; and Representative Lynn and others—

CS for HB 1111—A bill to be entitled An act relating to termination of parental rights; amending s. 39.464, F.S.; providing additional grounds for the termination of parental rights; amending s. 39.469, F.S.; revising language with respect to the powers of disposition of the court concerning termination of parental rights; amending s. 39.471, F.S.; providing that certain orders are admissible in evidence in subsequent adoption proceedings relating to the child; amending s. 61.13, F.S.; including reference to one of the grounds for termination of parental rights as a rebuttable presumption of detriment to the child when the court is determining matters relating to the custody of a minor child; providing an effective date.

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

By the Committee on Community Affairs and Representative Gay and others—

HB 1741—A bill to be entitled An act relating to firesafety; creating the Independent Special Fire Control District Act; prescribing uniform criteria for operation of independent special fire control districts; preempting certain special acts and general acts of local application; providing for the election of district boards of commissioners; providing for conformance by existing districts; authorizing certain exceptions; providing for officers of such boards; providing for commissioners' compensation and expenses; requiring a bond; providing general and special powers of districts; exempting district assets and property from taxation; providing requirements and procedures for the levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees; providing for referenda; providing for enforcement; providing requirements and procedures for issuance of bonds; providing for referenda; providing for organization of county fire chiefs; providing requirements for creation, expansion, and merger of such districts; amending s. 316.072, F.S.; providing penalties for failure to obey orders or directions of fire department members at the scene of rescue operations or other emergencies; providing notwithstanding the provisions of this paragraph, certified EMS providers or paramedics may provide response and treatment at the scene of emergencies and transport to patients in performance of their duties as an emergency medical services provider licensed under chapter 401 and in accordance with any local emergency medical response protocols; requiring existing fire control districts to submit draft codified charters to the Legislature for codification; providing an effective date.

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

By the Committee on Environmental Protection and Representative Constantine and others—

CS for HB 1775—A bill to be entitled An act relating to oversight and accountability of the South Florida Water Management District; creating s. 11.80, F.S.; creating the Joint Legislative Committee on Everglades Oversight; providing membership; providing responsibilities; requiring the South Florida Water Management District to provide notice to the committee of certain plans, permits, agreements, or land acquisitions; requiring an annual status report; amending s. 338.26, F.S., relating to Alligator Alley toll road; providing for deposit of certain funds in the Everglades Trust Fund; requiring a district report of differences between a Clean Water Act permit received for completion of the Everglades Construction Project and the Everglades Program; providing definitions; providing requirements relating to district financing proposals for fixed or operating capital outlay; requiring publication of a truth-in-borrowing statement; providing legislative findings and intent; providing requirements for district administration of the Everglades Trust Fund; requiring quarterly distribution of trust fund expenditure information; providing for a postaudit; providing requirements for deposits and expenditures; requiring annual reporting; providing effective dates.

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

By the Committee on Health Care Services and Representative Albright—

HB 861—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(e) and (2), F.S., relating to trust funds of the Department of Health; creating the Social Services Block Grant Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

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

By the Committee on Health Care Services and Representative Albright—

HB 863—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(d) and (2), F.S., relating to trust funds of the Department of Health; creating the Operations and Maintenance Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

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

By the Committee on Health Care Services and Representative Albright—

HB 865—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(b) and (2), F.S., relating to trust funds of the Department of Health; creating the Federal Grants Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

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

By the Committee on Health Care Services and Representative Albright—

HB 867—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(c) and (2), F.S., relating to trust funds of the Department of Health; creating the Grants and Donations Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

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

By the Committee on Health Care Services and Representative Albright—

HB 869—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(a) and (2), F.S., relating to trust funds of the Department of Health; creating the Administrative Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

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

By the Committee on Health Care Standards and Regulatory Reform; and Representative Jones—

HB 1025—A bill to be entitled An act relating to trust funds; creating s. 20.435(1)(d) and (2), F.S., relating to trust funds of the Department of Health; creating the Medical Quality Assurance Trust Fund within the department; providing for sources of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committees on Health Care; 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 82, CS for SB 288, CS for SB 300, SB 358, CS for SB 956, SB 1086 and CS for SB 1238.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ENROLLING REPORTS

CS for SB 788 and SB 1104 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 21, 1997.

SB 52, SB 198, CS for SB 360, SB 406 and CS for SB 1154 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 22, 1997.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 17 was corrected and approved.

CO-SPONSORS

Senators Brown-Waite—CS for SB 544 and CS for SB 1904; Clary—SB 500, CS for SJR 642; Crist—CS for SB 544 and CS for SB 1904; Dyer—CS for SB 894; Holzendorf—SB 2492; Jones—SJR 184; Myers—SB 2252; SB 2296

Senator Holzendorf withdrew as a co-sponsor of SB 272; and Senator Williams withdrew as a co-sponsor of SB 1820.

RECESS

On motion by Senator Bankhead, the Senate recessed at 6:25 p.m. to reconvene at 1:30 p.m., Friday, April 25.

SENATE PAGES

April 21-25

Blake Fleming Bailey, Tallahassee; Paul Berry, Merritt Island; Karina Blanco, Miami; Colleen Campbell, Coral Springs; Matthew Crawford, Cocoa; Alexa Fournier, Tallahassee; Michelle Gotha, Coral Springs; Ashley Brooke Herrald, Tallahassee; Patrick Hurley, Tallahassee; David Ivarson, Tallahassee; Stephanie Keiber, Sebring; Erin Lamonica, Tallahassee; Leala Lebanoff, Winter Haven; Omar Miller, Tallahassee; Katie Mullins, Milton; Shiva Parker, Sebastian; Dan Smith, Tallahassee; Elizabeth Wester, Tallahassee