



# Journal of the Senate

Number 19—Regular Session

Monday, April 28, 1997

## CONTENTS OF TODAY'S JOURNAL

Bills on Third Reading	665
Call to Order	664, 691
Co-Sponsors	721
Committee Substitutes, First Reading	709
Enrolling Reports	721
House Messages, Final Action	720
House Messages, First Reading	711
Messages From the Governor	711
Motions	664, 709
Motions Relating to Committee Meetings	664
Motions Relating to Committee Reference	664
Reports of Committees	709
Senate Pages	721
Special Guests	668
Special Order Calendar	668, 691, 698
Trust Fund Bill Calendar	693
Vote Recorded	721

## CALL TO ORDER

The Senate was called to order by the President at 9:45 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 Dr. Robert W. Battles, Jr., Senior Minister, First Presbyterian Church, Gainesville:

Almighty God, you have called us to join with you in creating a world that reflects your love and compassion. You have promised that when people are faithful to your vision, you will bless the work of their hands and the love of their hearts.

We thank you for this great state of ours and all the opportunities it provides. Give to each one who serves on our behalf, the spirit of wisdom and understanding. Unite them in a common pursuit of just priorities so that all may live together as one people—the young, educated; the old, cared for; the hungry, filled; the homeless, housed; and the sick, comforted and healed.

Bless our Senators and all who work with them as they struggle in these final days with the scores of difficult decisions before them, that in and through the deliberations in this chamber and the compromises worked out with the House, our great state might show the nation that each of our citizens may live in security and freedom and each may have an equal opportunity and an equal chance to do their best.

When times are prosperous, let our hearts be thankful; and, in troubled times, do not let our trust in you fail.

Hear this our prayer, mighty God. Amen.

## PLEDGE

Senate Pages, Mel Cannon of Tallahassee and Stephenie Ford of Bristol, led the Senate in the pledge of allegiance to the flag of the United States of America.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **CS for SB 504** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Sullivan, by two-thirds vote **SB 620**, **CS for SB 1416** and **CS for SB 2428** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 1760**, **CS for SB 746**, **SB 1050**, **SB 2040**, **SB 1820** and **CS for HB 105** were withdrawn from the Committee on Judiciary; **HB 571** was withdrawn from the Committee on Natural Resources; **SB 2536** was withdrawn from the Committee on Community Affairs; **CS for SB's 910, 302 and 2300** was withdrawn from the Committee on Criminal Justice; and **CS for SB 1654** was withdrawn from the Committee on Ways and Means.

On motion by Senator Sullivan, by two-thirds vote **CS for CS for SB 690** was withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **SB 2430** and **SB 2182** were withdrawn from the Committee on Governmental Reform and Oversight; **CS for HB 137** was withdrawn from the Committees on Education; and Ways and Means; **SB 468**, **CS for SB 2458**, **SB 1472** and **CS for SB 578** were withdrawn from the Committee on Judiciary; **SB 950** was withdrawn from the Committee on Regulated Industries; **CS for SB 1398** was withdrawn from the Committees on Judiciary; and Ways and Means; and **SB 2328** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Cowin, by two-thirds vote **SB 1254** and **SB 1256** were withdrawn from the committees of reference and further consideration.

On motion by Senator Jenne, by two-thirds vote **SB 2274** was withdrawn from the committees of reference and further consideration.

On motion by Senator Brown-Waite, by two-thirds vote **SB 230**, **SB 730**, **SB 518** and **SB 1882** were withdrawn from the committees of reference and further consideration.

On motion by Senator Turner, by two-thirds vote **SB 1556**, **SB 1672** and **SB 2478** were withdrawn from the committees of reference and further consideration.

## MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the Special Order Calendar Subcommittee of the Committee on Rules and Calendar was granted permission to meet April 29 at 12:15 p.m. or upon adjournment of session to establish the Special Order Calendar for Wednesday, April 30 and Thursday, May 1.

## MOTIONS

On motion by Senator Bankhead, a deadline of 9:00 a.m. Tuesday, April 29, was set for filing amendments to Bills on Third Reading to be considered that day.

## CONSIDERATION OF BILLS ON THIRD READING

**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.

—as amended April 24 was read the third time by title.

An amendment was considered, by two-thirds vote, to conform **CS for SB 908** as amended to **CS for HB 269**.

Pending further consideration of **CS for SB 908** as amended, on motion by Senator Grant, by two-thirds vote **CS for HB 269** was withdrawn from the Committees on Banking and Insurance; Governmental Reform and Oversight; and Ways and Means.

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

**CS for HB 269**—A bill to be entitled An act relating to surplus lines insurance; providing a short title; amending s. 626.918, F.S.; revising language with respect to eligible surplus lines insurers; 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; providing for confidentiality of certain information; 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 10 days; 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.; providing surplus and other requirements regarding certain surplus lines insurers; providing effective dates.

—a companion measure, was substituted for **CS for SB 908** as amended and by two-thirds vote read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for HB 269** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Madam President	Campbell	Dantzler	Gutman
Bankhead	Casas	Diaz-Balart	Harris
Bronson	Childers	Dudley	Holzendorf
Brown-Waite	Cowin	Forman	Horne
Burt	Crist	Grant	Jones

Klein	Lee	Myers	Scott
Kurth	McKay	Ostalkiewicz	Thomas
Latvala	Meadows	Rossin	Williams

Nays—None

Vote after roll call:

Yea—Sullivan

**SB 958**—A bill to be entitled An act relating to the release of public records information regarding criminal offenders; creating the "Public Safety Information Act"; amending s. 415.5018, F.S.; providing for the sharing of certain criminal history information; amending s. 415.51, F.S.; providing for the release of certain confidential reports to a law enforcement agency; amending s. 775.13, F.S.; revising registration requirements for convicted felons; amending s. 775.21, F.S.; revising requirements for public notification of the presence of a sexual predator; revising registration requirements for sexual predators; requiring a sexual predator to register at a driver's license office of the Department of Highway Safety and Motor Vehicles following a change in permanent or temporary residence and obtain a driver's license or identification card; requiring that a sexual predator renew such license or identification card; providing a penalty; creating s. 943.046, F.S.; authorizing a state or local law enforcement agency to release to the public criminal offender information that is not exempt from public disclosure under the public records law; providing immunity from civil liability for a law enforcement agency and its personnel in releasing such information; creating s. 943.043, F.S.; requiring the Department of Law Enforcement to provide a toll-free telephone number for public access to information regarding sex offenders; requiring that the department provide to the public upon request a copy of the photograph of a sex offender or sexual predator and a summary of information that is publicly available; providing immunity from civil liability for the department and its personnel in reporting information; providing that the department and its personnel are presumed to have acted in good faith; creating s. 943.0435, F.S.; providing definitions; requiring sex offenders to report their current place of permanent or temporary residence to the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles within a specified time and upon moving to a new place of residence; providing procedures for reporting; providing a penalty for failing to report as required; providing immunity from civil liability for the Department of Law Enforcement, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, and the personnel of those departments in compiling, recording, and reporting information regarding sex offenders; providing that those departments and the personnel of those departments are presumed to have acted in good faith; creating s. 944.607, F.S.; requiring that the Department of Corrections provide information to the Department of Law Enforcement on sex offenders who are in the custody or control of, or under the supervision of, the Department of Corrections or the custody of a private correctional facility on or after a specified date; providing immunity from civil liability for the Department of Corrections and its personnel in compiling, recording, and reporting information regarding sex offenders; providing that the department and its personnel are presumed to have acted in good faith; amending ss. 944.605, 947.177, F.S.; revising requirements for the Department of Corrections, the Control Release Authority, and the Parole Commission with respect to notifying judges and law enforcement agencies of the anticipated release of an inmate; requiring that a digitized photograph be made of the inmate; requiring that this information be provided to the Department of Law Enforcement; amending s. 944.606, F.S., relating to the release of information regarding certain sex offenders by the Department of Corrections; requiring that this information be provided to the Department of Law Enforcement; providing that the release of such information does not constitute unauthorized public disclosure under the Florida Sexual Predators Act; amending s. 948.06, F.S.; requiring state and local law enforcement agencies to verify if a person under investigation or under arrest for certain sexual offenses is on probation, community control, parole, conditional release, or control release; requiring the law enforcement agency to notify the person's probation officer or release supervisor of the investigation or the arrest; amending s. 921.0012, F.S.; ranking under the sentencing guidelines the offenses of failure to register, including failure to renew a driver's license or identification card, and failure of sex offenders to comply with reporting requirements; amending s. 921.0017, F.S., relating to credit upon recommitment of an offender serving a split sentence; conforming a cross-reference to changes made by the act; requiring the court, at the

time of sentencing, to note on the judgment if the victim is a minor and provide such information to the Department of Law Enforcement; providing appropriations; providing for uses of certain appropriations; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Forman, **SB 958** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Hargrett, Kirkpatrick

**SENATOR MCKAY PRESIDING**

**CS for SB 948**—A bill to be entitled An act relating to medical practitioners; requiring physicians, osteopathic physicians, podiatrists, and chiropractors to furnish specified biographical and other data to the Department of Health; requiring the department to verify certain of the information and compile the information submitted and other public record information into a practitioner profile of each licensee and to make the profiles available to the public; providing for rules; providing duties of practitioners to update information and duties of the department to update profiles; providing for retention of information in superseded profiles; amending ss. 458.311, 458.313, 458.319, F.S.; requiring applicants for licensure or relicensure as physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 459.0055, 459.008, F.S.; requiring applicants for licensure or relicensure as osteopathic physicians to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 460.406, 460.407, F.S.; requiring applicants for licensure or relicensure as chiropractors to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending ss. 461.006, 461.007, F.S.; requiring applicants for licensure or relicensure as podiatrists to submit information, fingerprints, and fees; providing for citations to, and fines of, certain practitioners; amending s. 455.225, F.S.; providing legislative intent; revising procedures to discipline professionals; requiring the Agency for Health Care Administration or appropriate regulatory boards to establish plans to resolve incomplete investigations or disciplinary proceedings; amending ss. 458.320, 459.0085, F.S.; requiring the agency to issue an emergency order suspending the license of a physician or osteopathic physician for certain violations; amending s. 455.2285, F.S.; requiring additional information in the annual report by the department and by the agency; creating s. 455.2478, F.S.; providing that reports on professional liability actions and information relating to bankruptcy proceedings of specified health care practitioners which are in the possession of the Department of Health are public records; requiring the department to make such information available to persons who request it; amending s. 627.912, F.S.; providing for insurer reporting of professional liability claims and actions; revising the timeframe for reporting; providing penalties; providing for a toll-free telephone number for reporting complaints relating to medical care; providing applicability; amending ss. 458.316, 458.3165, 458.317, F.S.; conforming cross-references; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Brown-Waite, **CS for SB 948** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Madam President, Hargrett, Kirkpatrick, Klein, McKay

**SB 884**—A bill to be entitled An act relating to confidentiality of records relating to practitioner profiles; providing that information obtained for the purpose of creating such profiles is exempt from public-records disclosure; providing findings of public necessity; providing for future review and repeal; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Brown-Waite, **SB 884** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Madam President, Hargrett, McKay

**HB 1523**—A bill to be entitled An act relating to long-term care; providing legislative findings and intent; creating the “Long-Term Care Community Diversion Pilot Project Act”; providing definitions; providing for evaluation of criteria and procedures for long-term care through community diversion pilot projects; providing for design and implementation of pilot projects; providing for funding and participant cost-sharing; providing for selection of pilot project areas; providing service requirements; providing for quality of care standards; authorizing contracts for managed care services; revising certificate-of-need nursing home bed need methodology to accommodate pilot project development; requiring annual reports; requiring independent evaluation of pilot projects; specifying responsibilities of the Department of Elderly Affairs and the Agency for Health Care Administration; creating the long-term care interagency advisory council; providing for appointment of members; providing council duties; amending s. 400.071, F.S.; authorizing the agency to consider specified certificate-of-need review criteria for nursing homes; providing an effective date.

—was read the third time by title.

On motion by Senator Bankhead, **HB 1523** was passed and certified to the House. The vote on passage was:

Yeas—37

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

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

Nays—None

Vote after roll call:

Yea—Madam President, McKay

**CS for CS for SB 496**—A bill to be entitled An act relating to the regulation of orthotists, prosthetists, and pedorthists; providing definitions; creating the Board of Orthotists and Prosthetists; establishing membership requirements; providing for the adoption of rules; providing licensure requirements; providing for fees; creating the Orthotists and Prosthetists Educational Programs Task Force; providing for licensure without examination; providing for provisional licenses; providing for license renewal; providing for temporary licenses; prohibiting certain acts and providing penalties; providing exemptions from licensure; prohibiting the use of certain titles by unlicensed persons; providing for construction; providing that the provisions of the act relating to orthotics do not apply to licensed pharmacists or persons acting under the supervision of licensed pharmacists; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Brown-Waite, **CS for CS for SB 496** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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
Clary	Gutman	Latvala	Thomas
Cowin	Harris	Lee	Turner
Crist	Holzendorf	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Madam President, Childers, McKay

**CS for SB 1682**—A bill to be entitled An act relating to health insurance; amending s. 627.6406, F.S., relating to coverage for maternity care; prohibiting an insurer from imposing certain limitations on benefits, coverage, or reimbursement; amending s. 627.6425, F.S.; requiring an insurer that provides individual coverage to renew or continue coverage; providing certain exceptions; requiring an insurer to provide notice of discontinuation; authorizing an insurer to modify coverage; revising requirements for renewability of individual coverage; creating s. 627.6475, F.S.; providing for an individual reinsurance pool; providing purpose; providing definitions; providing applicability and scope; providing requirements for availability of coverage; requiring maintenance of records; providing an election for carriers; providing an election process; requiring operations of the program to be subject to the board of the Florida Small Employer Reinsurance Program; requiring the establishment of a separate account; providing for standards to assure fair marketing; authorizing the Department of Insurance to adopt rules; creating s. 627.6487, F.S.; providing for guaranteed availability of health insurance coverage to eligible individuals; prohibiting an insurer or health maintenance organization from declining coverage for eligible individuals or imposing preexisting conditions; providing definitions; providing certain exceptions; creating s. 627.64871, F.S.; providing for application of requirements for certification of coverage; providing exceptions; creating s. 627.6489, F.S.; authorizing the Florida Comprehensive Health Association to contract with insurers to provide disease management services; creating s. 627.6512, F.S.; exempting certain group health insurance policies from specified requirements with respect to excepted

benefits; amending s. 627.6561, F.S., relating to exclusions for preexisting conditions; providing definitions; specifying circumstances under which an insurer may impose an exclusion for a preexisting condition; providing exceptions; providing requirements for creditable coverage; providing for an election of methods for calculating creditable coverage; requiring disclosure of certain elections; providing for establishing creditable coverage; providing exceptions; requiring an issuer to provide certification pursuant to rules adopted by the department; creating s. 627.65615, F.S.; providing for special enrollment periods for employees and dependents; specifying conditions for special enrollment periods; creating s. 627.65625, F.S.; prohibiting an insurer from discriminating against individual participants and beneficiaries based on health status; creating s. 627.6571, F.S.; specifying circumstances under which an insurer that issues group health insurance policies must renew or continue coverage; providing for notice of discontinuation; providing a process for notification; authorizing an insurer to modify coverage; amending s. 627.6574, F.S., relating to coverage for maternity care; prohibiting a group, blanket, or franchise policy from imposing certain limitations on enrolling or renewing coverage; prohibiting an insurer from imposing certain limitations on benefits, coverage, or reimbursement; prohibiting an insurer from providing monetary payments or rebates; amending s. 627.6675, F.S.; revising time limitations for application for and payment of a converted policy; requiring an insurer to offer a standard health benefit plan; amending s. 627.6699, F.S., relating to the Employee Health Care Access Act; revising definitions; providing requirements for policies with respect to preexisting conditions; providing exceptions; requiring special enrollment periods; authorizing a small carrier to deny coverage under certain circumstances; revising requirements for renewing coverage; increasing membership of the board of the Small Employer Health Reinsurance Program; requiring a small employer to disclose certain information with respect to a health benefit plan; amending s. 627.9404, F.S.; providing additional definitions; amending s. 627.9407, F.S.; specifying additional information required to be disclosed for purposes of long-term care insurance; requiring a disclosure statement; amending s. 627.94071, F.S.; specifying additional minimum standards for home health care benefits; amending s. 627.94072, F.S.; deleting a requirement to provide cash surrender values in offering long-term care insurance policies; amending s. 627.94073, F.S.; revising notice of cancellation provisions; amending s. 627.94074, F.S.; revising standards for benefit triggers; creating s. 641.2018, F.S.; authorizing a health maintenance organization to offer high deductible contracts to certain employers; amending s. 641.31, F.S.; revising requirements for a health maintenance contract that provides coverage for maternity care; prohibiting a health maintenance organization from denying eligibility to enroll or to renew coverage; prohibiting such an organization from imposing certain limitations on benefits, coverage, or reimbursement; prohibiting such an organization from providing monetary payments or rebates; amending s. 641.3102, F.S.; prohibiting health maintenance organizations from declining to offer coverage to an eligible individual under s. 627.6487, F.S.; creating s. 641.31071, F.S., relating to exclusions for preexisting conditions; providing definitions; specifying circumstances under which a health maintenance organization may impose an exclusion for a preexisting condition; providing exceptions; providing requirements for creditable coverage; providing for an election of methods for calculating creditable coverage; requiring disclosure of certain elections; providing for establishing creditable coverage; providing exceptions; requiring a health maintenance organization to provide certification pursuant to rules adopted by the department; creating s. 641.31072, F.S.; requiring a health maintenance organization to provide for special enrollment periods under a contract for employees and dependents; providing conditions for special enrollment periods; creating s. 641.31073, F.S.; prohibiting a health maintenance organization from discriminating against individual participants and beneficiaries based on health status; creating s. 641.31074, F.S.; requiring a health maintenance organization to renew or continue coverage of certain group health insurance contracts; requiring notice of discontinuation; prescribing a process for notification; authorizing a health maintenance organization to modify coverage; amending s. 641.3921, F.S.; clarifying circumstances under which a health maintenance organization may issue a converted contract; amending s. 641.3922, F.S.; revising the time limitation for applying for a converted contract; revising the maximum premium rate for a converted contract; requiring a health maintenance organization to offer a standard health benefit plan; providing that the act fulfills an important state interest; repealing s. 627.6576, F.S., relating to a prohibition against discriminating against handicapped persons under policies of group, blanket, or franchise health insurance; providing for application of the act; providing for application of the act with respect to a plan or contract main-

tained pursuant to a collective bargaining agreement; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Diaz-Balart, **CS for SB 1682** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Madam President, Hargrett, McKay

**CS for SB 1420**—A bill to be entitled An act relating to the Florida Pawnbroking Act; amending s. 539.001, F.S.; providing substantive and procedural changes to the act; modifying definitions; providing criminal penalties; modifying requirements for eligibility for license; requiring the Division of Consumer Services of the Department of Agriculture and Consumer Services to adopt a standardized pawnbroker transaction form; modifying recordkeeping and reporting requirements; requiring pawnbrokers to insure pledged goods in an amount not less than the actual value of the pledged goods; prohibiting a pawnbroker from refusing to allow a claimant who seeks to obtain pledged or purchased goods claimed to be misappropriated to inspect pawnbroker transaction forms or receipts under certain conditions; increasing criminal penalties for persons who willfully violate s. 539.001, F.S.; amending s. 539.003, F.S., relating to confidentiality of records relating to pawnbroker transactions delivered to law enforcement officers; authorizing release of confidential information under specified circumstances; providing an effective date.

—as amended April 25 was read the third time by title.

On motion by Senator Campbell, **CS for SB 1420** as amended was passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Madam President, Burt, Clary, Hargrett, Harris, McKay

**SPECIAL ORDER CALENDAR**

Consideration of **CS for CS for SB 2060** and **SB 2416** was deferred.

**INTRODUCTION OF FORMER SENATE PRESIDENT**

Senator Thomas introduced former Senator Gwen Margolis who was present in the chamber. Senator Margolis served as Senate President from 1990 to 1992.

On motion by Senator Gutman, by two-thirds vote **HB 1071** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

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

**HB 1071**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; repealing s. 2 of ch. 95-302, Laws of Florida; abrogating the future repeal of certain amendments made by that chapter to s. 212.05(1)(a)2., F.S., and abrogating the reversion of the text of that subparagraph to that in existence on September 30, 1995, with specified exceptions; providing an effective date.

—a companion measure, was substituted for **SB 684** and by two-thirds vote read the second time by title. On motion by Senator Gutman, by two-thirds vote **HB 1071** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Madam President, Hargrett, Harris

**SB 676**—A bill to be entitled An act relating to municipal special assessments; amending s. 170.201, F.S.; providing an exemption from any special assessment levied by a municipality to fund emergency medical services for property owned or occupied by a religious institution or elementary, middle, or high school; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **SB 676** to **HB 603**.

Pending further consideration of **SB 676** as amended, on motion by Senator Scott, by two-thirds vote **HB 603** was withdrawn from the Committees on Community Affairs; and Ways and Means.

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

**HB 603**—A bill to be entitled An act relating to municipal special assessments; amending s. 170.201, F.S.; providing an exemption from any special assessment levied by a municipality to fund emergency medical services for property owned or occupied by a religious institution or elementary, middle, or high school; providing an effective date.

—a companion measure, was substituted for **SB 676** as amended and by two-thirds vote read the second time by title. On motion by Senator Scott, by two-thirds vote **HB 603** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Madam President, Bankhead

On motion by Senator Meadows, by two-thirds vote **HB 685** was withdrawn from the Committee on Community Affairs.

On motion by Senator Meadows—

**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.

—a companion measure, was substituted for **SB 1186** and read the second time by title.

Senator Dudley moved the following amendment:

**Amendment 1 (with title amendment)**—On page 9, between lines 30 and 31, insert:

Section 2. Section 166.251, Florida Statutes, is amended to read:

166.251 Service fee for dishonored check.—The governing body of a municipality may adopt a service fee *not to exceed the service fees authorized under s. 832.08(5) of \$20* or 5 percent of the face amount of the check, draft, or order, whichever is greater, for the collection of a dishonored check, draft, or other order for the payment of money to a municipal official or agency. The service fee shall be in addition to all other penalties imposed by law. Proceeds from this fee, if imposed, shall be retained by the collector of the fee.

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: amending s. 166.251, F.S.; revising a service fee limit on dishonored checks;

On motion by Senator Meadows, further consideration of **HB 685** with pending **Amendment 1** was deferred.

On motion by Senator Kirkpatrick—

**CS for SB 718**—A bill to be entitled An act relating to state financial matters; amending s. 215.322, F.S.; authorizing state agencies and the judicial branch and units of local government to accept charge cards or debit cards upon recommendation of the Office of Planning and Budgeting and prior approval of the Treasurer; amending s. 282.20, F.S.; defining “customers” of the Division of Information Services and prescribing its duties with respect thereto; eliminating the Technology Resource Center data processing policy board; creating s. 282.21, F.S.; authorizing the Department of Management Services to collect fees for use of electronic information services; creating s. 282.22, F.S.; declaring legislative intent with respect to availability and use of products and materials developed by or under the direction of the department; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 718** to **CS for HB 1413**.

Pending further consideration of **CS for SB 718** as amended, on motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 1413** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

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

**CS for HB 1413**—A bill to be entitled An act relating to state financial matters; amending s. 215.322, F.S.; providing for the acceptance of charge cards and debit cards by state agencies, units of local government, and the judicial branch; providing a time period for certain actions; authorizing a convenience fee; providing for the application of the act on certain contracts; amending s. 282.20, F.S.; revising language with respect to the Technology Resource Center; defining the term “customer”; eliminating a data processing policy board; creating s. 282.21,

F.S.; authorizing the Department of Management Services to collect fees for the use of its electronic access services; creating s. 282.22, F.S.; providing for the production and dissemination of materials and products by the Department of Management Services; providing legislative intent with respect to the use of card-based technology; providing standards for state agencies; providing for the submission of certain acquisition documentation to the Florida Fiscal Accounting Management Information System Coordinating Council; providing applicability; repealing s. 282.313, F.S.; relating to data processing policy boards; providing an effective date.

—a companion measure, was substituted for **CS for SB 718** as amended and by two-thirds vote read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—On page 1, line 31, insert:

Section 1. Subsection (3) of section 117.05, Florida Statutes, is amended to read:

117.05 Use of notary commission; unlawful use; notary fee; seal; duties; employer liability; name change; advertising; photocopies; penalties.—

(3)(a) A notary public seal shall be affixed to all notarized *paper* documents and shall be of the rubber stamp type and shall include the words “Notary Public-State of Florida.” The seal shall also include the name of the notary public, the date of expiration of the commission of the notary public, and the commission number. The rubber stamp seal must be affixed to the notarized *paper* document in photographically reproducible black ink. Every notary public shall print, type, or stamp below his or her signature *on a paper document* his or her name exactly as commissioned. An *impression-type* ~~impression-type~~ seal may be used in addition to the rubber stamp seal, but the rubber stamp seal shall be the official seal for *use on a paper document* ~~notary public~~, and the *impression-type* ~~impression-type~~ seal may not be substituted therefor.

(b) Any notary public whose term of appointment extends beyond January 1, 1992, is required to use a rubber stamp type notary public seal *on paper documents* only upon reappointment on or after January 1, 1992.

Section 2. Section 117.20, Florida Statutes, is created to read:

117.20 *Electronic notarization.*—

(1) *The provisions of ss. 117.01, 117.03, and 117.04, 117.05(1)-(14), 117.05(16), 117.105, and 117.107 apply to all notarizations under this section except as set forth in this section.*

(2) *An electronic notarization shall include the name of the notary public, exactly as commissioned, the date of expiration of the commission of the notary public, the commission number, and the notary's digital signature. Neither a rubber stamp seal nor an impression-type seal is required for an electronic notarization.*

(3) *Any notary public who seeks to perform electronic notarizations and obtains a certificate from any certification authority, as defined in s. 282.72(2), shall request an amended commission from the Secretary of State as set forth in s. 117.05(11). The Secretary of State shall issue an amended commission to the notary public indicating that the notary is a subscriber to the certification authority identified in the notary's request for an amended commission. After requesting an amended commission, the notary public may continue to perform notarial acts, but may not use his or her digital signature in the performance of notarial acts until receipt of the amended commission. Any fees collected from such amended commissions shall be used to fund the Secretary of State's administration of electronic notary commissions.*

(4) *If the notary public's private key corresponding to his or her public key has been compromised, the notary public shall immediately notify the Secretary of State in writing of the breach of security and shall request the issuing certification authority to suspend or revoke the certificate.*

(5) *Failure to comply with this section constitutes grounds for suspension from office by the Governor.*

Section 3. Section 282.745, Florida Statutes, is created to read:

282.745 Voluntary licensure.—

(1) *The Secretary of State may adopt, amend, or repeal any rules as necessary, pursuant to chapter 120, to implement, enforce, and interpret the voluntary licensure of private certification authorities. Such rules shall provide, at a minimum, for:*

- (a) *Licensing fees sufficient to support the licensing program.*
- (b) *Standards and requirements for voluntary licensure.*
- (c) *Audit procedures and requirements to assure program compliance.*
- (d) *Insurance reserve or bonding requirements.*
- (e) *Procedures for license revocation and suspension for failure to meet licensure requirements or for misconduct.*

(2) *No private certification authority shall be required to obtain a license from the Secretary of State pursuant to this section.*

(3) *The Secretary of State may also enter into reciprocity agreements with other jurisdictions on behalf of this state to allow for the fullest possible recognition of digital signatures executed under Florida law and the fullest possible recognition of certification authorities licensed under this section.*

Section 4. Section 471.025, Florida Statutes, is amended to read:

471.025 Seals.—

(1) The board shall prescribe, by rule, a form of seal to be used by registrants holding valid certificates of registration. Each registrant shall obtain an impression-type metal seal in the form aforesaid *and may, in addition, register his or her seal electronically in accordance with ss. 282.70-282.75.* All final drawings, specifications, plans, reports, or documents prepared or issued by the registrant and being filed for public record shall be signed by the registrant, dated, and stamped with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. *Drawings, specifications, plans, reports, or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with said seal in accordance with ss. 282.70-282.75.* ~~It is unlawful for any person to stamp or seal any document with a seal after his certificate of registration has expired or been revoked or suspended, unless reinstated or reissued.~~

(2) *It is unlawful for any person to stamp, seal, or digitally sign any document with a seal or digital signature after his or her certificate of registration has expired or been revoked or suspended, unless such certificate of registration has been reinstated or reissued.* When the certificate of registration of a registrant has been revoked or suspended by the board, it shall be mandatory that the registrant, ~~surrender his seal to the secretary of the board~~ within a period of 30 days after the revocation or suspension has become effective, *surrender his or her seal to the secretary of the board and confirm to the secretary the cancellation of the registrant's digital signature in accordance with ss. 282.70-282.75.* In the event the registrant's certificate has been suspended for a period of time, his or her seal shall be returned to him or her upon expiration of the suspension period.

(3) No registrant shall affix or permit to be affixed his or her seal, or name, or digital signature to any plan, specification, drawing, or other document which depicts work which he or she is not licensed to perform or which is beyond his or her profession or specialty therein.

Section 5. Paragraph (j) of subsection (1) of section 471.033, Florida Statutes, is amended to read:

471.033 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(j) Affixing or permitting to be affixed his or her seal, ~~or his name,~~ or digital signature to any final drawings, specifications, plans, reports,

or documents that were not prepared by him or her or under his or her responsible supervision, direction, or control.

Section 6. Section 472.025, Florida Statutes, is amended to read:

472.025 Seals.—

(1) The board shall prescribe, by rule, a form of seal to be used by all registrants holding valid certificates of registration, whether the registrants are corporations, partnerships, or individuals. Each registrant shall obtain an impression-type metal seal in that form; and all final drawings, plans, specifications, plats, or reports prepared or issued by the registrant in accordance with minimum technical standards set by the board shall be signed by the registrant, dated, and stamped with his or her seal. This signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. *Each registrant may in addition register his or her seal electronically in accordance with ss. 282.70-282.75. Drawings, plans, specifications, reports, or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with such seal in accordance with ss. 282.70-282.75.* ~~It is unlawful for any person to stamp or seal any document with a seal after his certificate of registration has expired or been revoked or suspended unless reinstated or reissued.~~

(2) *It is unlawful for any person to stamp, seal, or digitally sign any document with a seal or digital signature after his or her certificate of registration has expired or been revoked or suspended, unless such certificate of registration has been reinstated or reissued.* When the certificate of registration of a registrant has been revoked or suspended by the board, the registrant shall, ~~surrender his seal to the secretary of the board~~ within a period of 30 days after the revocation or suspension has become effective, *surrender his or her seal to the secretary of the board and confirm to the secretary the cancellation of the registrant's digital signature in accordance with ss. 282.70-282.75.* In the event the registrant's certificate has been suspended for a period of time, his or her seal shall be returned to him or her upon expiration of the suspension period.

(3) No registrant shall affix or permit to be affixed his or her seal, or name, or digital signature to any plan, specification, drawing, or other document which depicts work which he or she is not licensed to perform or which is beyond his or her profession or specialty therein.

Section 7. (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; and*

(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 8. Section 240.289, Florida Statutes, is amended to read:

240.289 Credit card, charge card, and debit card use in university system; authority.—The several universities in the State University System are authorized, pursuant to s. 215.322, to enter into agreements and accept credit card, charge card, or debit card payments as compensation for goods, services, tuition, and fees in accordance with rules established by the Board of Regents.

Section 9. Subsection (6) of section 402.18, Florida Statutes, is amended to read:

402.18 Welfare trust funds created; use of.—

(6) The department shall maintain accounts in the welfare trust fund for the sale of goods, services, or products resulting from sheltered workshop, activity center, and agricultural project operations carried out in the rehabilitation of the department's clients, each project being accounted for separately in accordance with cost standards established by the department, but the cost of such projects shall not include any wage or salary expenditures funded by a general revenue appropriation applicable to such rehabilitative activities. The cost of materials incorporated in such products sold, if funded by an appropriation of general revenue, shall be restored to general revenue unallocated at the end of the fiscal year of sale from the proceeds of such sales; provided, however, that the cost of inventories on hand June 30, 1984, shall be accounted for as part of the working capital authorized for such activities. The department may extend credit for the sale of products produced in such activities, and for those sales made for its clients through its hobby shops, to purchasers of demonstrated credit standing sufficient to warrant the amount of credit extended after prudent evaluation of information relating to such credit standing. The department may obtain credit reports from reputable credit reporting agencies to assure prudence in the extending of credit, except when payment is made by credit card, charge card, or debit card as authorized by s. 215.322. The department shall provide an allowance for doubtful accounts for credit sales and record an expense in a like amount based on a good faith estimate, such provision being recorded as a cost of such sales. The net revenue after such provision shall be retained in the welfare trust fund and used only for the benefit of the department's clients for whom the trust fund was established.

Section 10. 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.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to electronic commerce; amending s. 117.05, F.S.; specifying that certain seals be used on "paper" documents; creating s. 117.20, F.S.; providing application; specifying "electronic notarization"; providing for the Secretary of State to provide commissions for notaries public to perform electronic notarizations; providing procedures; requiring notice of the compromise of certain keys; providing for suspension under certain circumstances; creating s. 282.745, F.S.; authorizing the Secretary of State to establish a voluntary licensure program for private certification authorities; providing for fees; providing for rulemaking; authorizing the Secretary of State to enter into reciprocity agreements with other jurisdictions; amending s. 471.025, F.S.; providing for electronic engineering seals and digital signatures; prohibiting certain activities relating to digitally sealing or signing documents; amending s. 471.033, F.S.; providing for disciplinary action for illegal use of a digital signature; amending s. 472.025, F.S.; providing for electronic land surveying and mapping seals; prohibiting certain activities relating to digitally sealing or signing certain documents; 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; providing for rulemaking; amending ss. 240.289 and 402.18, F.S., to conform; repealing ss. 118.01, 118.02, 118.03, and 118.04, F.S., relating to commissioners of deeds;

Pursuant to Rule 4.19, CS for HB 1413 as amended was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

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.

—which was previously considered this day. Pending Amendment 1 by Senator Dudley was withdrawn.

On motion by Senator Meadows, by two-thirds vote HB 685 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Madam President, Bankhead, Hargrett

On motion by Senator Williams—

CS for SB 1144—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.011, F.S.; defining the terms "disincentive" and "incentive" for purposes of budgeting and state fiscal affairs; amending s. 216.0166, F.S.; revising guidelines and requirements for state agencies to submit performance-based budget requests; providing for inclusion of incentives and disincentives in budget documentation; amending s. 216.0172, F.S.; revising the schedule for submission of performance-based program budget legislative budget requests; amending s. 216.0235, F.S.; requiring additional information to be included in

program budget instructions; amending s. 216.031, F.S.; revising information to be contained in legislative budget requests; amending s. 216.163, F.S.; prescribing additional incentives and disincentives that may be included in the Governor's recommended budget; amending s. 216.292, F.S.; repealing a limitation on transfer of moneys to or from performance-based programs; amending s. 186.021, F.S.; revising requirements for state agency strategic plans; amending s. 121.051, F.S.; conforming a cross-reference to changes made by the act; providing an effective date.

—was read the second time by title.

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

**Amendment 1 (with title amendment)**—On page 22, lines 1-12, delete all of said lines and insert:

Section 8. Subsection (2) of section 186.022, Florida Statutes, 1996 Supplement, is amended to read:

186.022 State agency strategic plans; preparation, form, and review.—

(2) Each agency strategic plan must be in a form and manner prescribed in written instructions prepared by the Executive Office of the Governor after consultation with the President of the Senate and the Speaker of the House of Representatives. Each agency strategic plan must identify the specific legislative authority necessary to implement the provisions of the plan. An agency may only implement those portions of its strategic plan that are consistent with existing statutory or constitutional authority and for which funding, if needed, is available consistent with the provisions of chapter 216. An agency's budget request prescribed in s. 216.023(1) shall identify the financial resources necessary to further the provisions of the agency's strategic plan. *State agency program performance measures, as defined in s. 216.011, and requested by the agency pursuant to s. 216.0166(1) and 216.0172 must be consistent with the objectives in the draft agency strategic plan and shall represent 1-year implementation efforts necessary to meet the 5-year agency strategic plan objectives. State agency strategic plans shall be amended by the agency, as necessary, to ensure consistency with the legislative actions prior to the effective date of the agency strategic plan.*

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: amending s. 186.022, F.S.;

**Amendment 2**—On page 22, line 13, insert: Section 9. *Subsection (5) of section 186.021, Florida Statutes, is repealed.*

(Renumber subsequent sections.)

**Amendment 3**—On page 22, line 30, insert: Section 10. *Section 186.031, Florida Statutes, is repealed.*

(Renumber subsequent sections.)

Senator Williams moved the following amendments which were adopted:

**Amendment 4**—On page 11, lines 12-25, delete those lines and insert:

- (d) Direct and indirect costs of each program.
- ~~(e) Information on fees collected and the adequacy of those fees in funding each program for which the fees are collected.~~
- ~~(e)(f)~~ An assessment of whether each program is conducive to performance-based program budgeting.
- ~~(f)(g)~~ An assessment of the time needed to develop meaningful performance measures for each program.
- (g) *Any proposed legislation necessary to implement the incentives or disincentives requested pursuant to this subsection.*
- (h) *A comparison of the agency's existing budget structure to the proposed budget structure.*

(i) *A description of the use of performance measures*

**Amendment 5 (with title amendment)**—On page 22, between lines 29 and 30, insert:

Section 10. Subsection (3) of section 20.04, Florida Statutes, 1996 Supplement, as amended by chapters 95-272 and 96-403, Laws of Florida, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(3) For their internal structure, all departments, except for the Departments of Children and Family Services, Corrections, *Management Services*, and Transportation, must adhere to the following standard terms:

- (a) The principal unit of the department is the "division." Each division is headed by a "director."
- (b) The principal unit of the division is the "bureau." Each bureau is headed by a "chief."
- (c) The principal unit of the bureau is the "section." Each section is headed by an "administrator."
- (d) If further subdivision is necessary, sections may be divided into "subsections," which are headed by "supervisors."

Section 11. Subsections (2) and (3) of section 20.22, Florida Statutes, are amended to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(2) The following divisions and *programs* ~~bureaus~~ within the Department of Management Services are established:

- (a) *Facilities Program.*
- (b) *Information Technology Program.*
- (c) *Workforce Program.*
- (d)1. *Support Program.*
- 2. *Federal Property Assistance Program.*
- (e) *Administration Program.*
- (f) *Division of Administrative Hearings.*
- (g) *Division of Retirement.*
- ~~(a) Division of Administration.~~
- ~~(b) Division of Building Construction.~~
- ~~(c) Division of Communications.~~
- ~~(d) Division of Facilities Management.~~
- ~~(e) Division of Information Services.~~
- ~~(f) Division of Motor Pool.~~
- 1. ~~Bureau of Aircraft.~~
- 2. ~~Bureau of Motor Vehicles.~~
- ~~(g) Division of Personnel Management Services.~~
- 1. ~~Office of Labor Relations.~~
- ~~(h) Division of Purchasing.~~
- 1. ~~Bureau of Federal Property Assistance.~~
- ~~(i) Division of Retirement.~~
- ~~(j) Division of State Employees' Insurance.~~

(k) ~~Division of Administrative Hearings.~~

(l) ~~Division of Capitol Police.~~

(3) The *Information Technology Program* ~~Division of Information Services~~ shall operate and manage the Technology Resource Center.

Section 12. *The Division of Statutory Revision of the Joint Legislative Management Committee shall prepare a reviser's bill for presentation to the 1998 Regular Session of the Legislature substituting all references in the Florida Statutes to any division, bureau, or other unit of the Department of Management Services with a reference to the Department of Management Services. However, no changes shall be made in references to the Division of Administrative Hearings and the Division of Retirement, or to commissions.*

Section 13. *The administrative rules of the Department of Management Services that are in effect immediately prior to the effective date of this act shall not be affected by this act and shall remain in effect until specifically changed in a manner provided by law.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: amending s. 20.04, F.S.; exempting the department from certain structural requirements imposed on executive agencies; amending s. 20.22, F.S.; revising the organizational structure of the department; directing the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill; providing for the preservation of the administrative rules of the department until specifically changed as provided by law;

Pursuant to Rule 4.19, **CS for SB 1144** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

**CS for SB 940**—A bill to be entitled An act relating to information resources management; amending s. 11.39, F.S.; revising the duties of the Legislative Information Technology Resource Committee; amending s. 120.52, F.S.; providing an additional exclusion to the definition of "rule"; amending ss. 186.021 and 186.022, F.S.; revising provisions relating to state agency strategic plans; creating s. 216.0446, F.S.; authorizing a mechanism for the review of agency strategic plans and legislative budget requests that pertain to information resource management needs; naming this mechanism the Technology Review Workgroup; amending s. 216.181, F.S., requiring a review and approval process for agencies' proposed actions on budget items for specified information resource management initiatives or projects; amending s. 282.003, F.S.; revising the short title of ch. 282, F.S.; creating s. 282.005, F.S.; providing legislative intent with respect to information resources management; repealing s. 282.1021, F.S., which requires the Division of Communications of the Department of Management Services to develop a biennial plan for communications services; amending s. 282.102, F.S.; requiring the Division of Communications to publish electronically and in hard copy a portfolio of its services; specifying the information to be included in the portfolio; amending s. 282.303, F.S.; revising definitions; creating s. 282.3031, F.S.; providing for assignment of information resources management responsibilities; creating s. 282.3032, F.S.; providing guiding principles for development and implementation of information systems; creating s. 282.3041, F.S.; providing for information resources management responsibilities within state agencies; creating s. 282.3055, F.S.; creating the position of Chief Information Officer; providing duties; creating s. 282.3063, F.S.; requiring an Agency Annual Information Resources Management Report; creating s. 282.3091, F.S.; creating the Technology Council; providing legislative intent; providing powers and duties; creating s. 282.3093, F.S.; providing legislative intent with respect to the State Technology Office; providing powers and duties; creating s. 282.310, F.S.; requiring a state annual report on information resources management; creating s. 282.315, F.S.; creating the Chief Information Officers Council; providing legislative intent; providing purposes and membership of the council; amending s. 282.20, F.S., relating to the Technology Resource Center; removing references to the Information Resource Commission; amending s. 282.313, F.S.; revising provisions relating to data processing policy boards; amending s. 282.318, F.S.; revising security requirements for data and information

technology resources; amending s. 282.322, F.S., relating to special monitoring for designated information resources management projects; providing for the assumption of specified responsibilities by the Technology Review Workgroup; amending s. 282.404, F.S., relating to the Geographic Information Board; requiring the board to develop a strategic plan; removing references to the Information Resource Commission; revising the membership of the Geographic Information Advisory Council; repealing s. 282.004, F.S., relating to legislative intent with respect to information resources management and paperwork reduction; repealing s. 282.304, F.S., which provides for the creation of the Information Resource Commission; repealing s. 282.307, F.S., which requires each department to submit a strategic plan for information resources management; repealing s. 282.308, F.S., which requires each state university to prepare a strategic plan for information resources management; repealing s. 282.312, F.S., which requires the submission of annual performance reports to the Information Resource Commission; repealing s. 287.0735, F.S., which requires the review of contracts relating to the acquisition of information technology resources by the Information Resource Commission; repealing s. 287.073(5), (6), (7), and (8), F.S., which creates the Information Technology Resource Procurement Advisory Council within the Department of Management Services; repealing s. 216.0445, F.S., relating to budget evaluation by the Information Resource Commission; repealing s. 282.309, F.S., which requires the preparation of strategic plans for information resources management by the judicial branch; repealing s. 282.311, F.S., which provides for information resource managers; repealing s. 282.305, F.S., which provides powers and duties of the Information Resource Commission and the Board of Regents with respect to information resources management; repealing s. 282.3061, F.S., which provides for a State Strategic Plan for Information Resources Management; repealing s. 282.3062, F.S., which requires an annual report on information resources management by the Information Resource Commission; repealing s. 282.314, F.S., which creates the Information Resources Management Advisory Council; amending s. 215.90, F.S.; renaming the "Florida Fiscal Accounting Management Information System Act" the "Florida Financial Management Information System Act"; amending s. 215.91, F.S.; providing legislative intent; amending s. 215.92, F.S.; revising definitions; amending s. 215.93, F.S.; providing for the Florida Financial Management Information System; amending s. 215.94, F.S.; revising language with respect to the designation, duties, and responsibilities of the functional owners; amending s. 215.95, F.S.; providing for the Financial Management Information Board; amending s. 215.96, F.S.; revising language with respect to the coordinating council; providing for design and coordination staff; amending s. 216.141, F.S.; revising language with respect to budget system procedures and planning and programming by state agencies; creating a Health Information Systems Council; providing for coordination and sharing of health-related data; amending ss. 20.19, 20.316, 20.41, F.S., to conform and correct cross-references; amending s. 112.3145, F.S.; removing voting members of the Information Technology Resource Procurement Advisory Council from the definition of "specified state employee"; amending s. 216.031, F.S.; correcting a cross-reference; amending ss. 216.235, 216.236, F.S., to conform; amending s. 287.042, F.S., relating to the powers, duties, and functions of the Division of Purchasing of the Department of Management Services, to conform; amending s. 287.073, F.S.; conforming the definition of "information technology resources"; amending s. 943.08, F.S.; requiring the council to approve a strategic plan; requiring that the current staff of the Information Resource Commission be given priority consideration for vacant or new positions; requiring that the records of the Information Resource Commission be transferred to the State Technology Office; providing for the repeal of the administrative rules of the Information Resource Commission on June 30, 1998; providing for the transfer of specified unexpended appropriations to the Technology Review Workgroup; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendment:

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

Section 1. Subsection (2) of section 11.39, Florida Statutes, is amended to read:

11.39 Legislative Information Technology Resource Committee; membership; powers; duties.—

(2) The committee shall:

~~(a) Recommend to the Legislature, at least annually, needed legislation in the area of information technology resource use and management.~~

~~(a)(b) Maintain a continuous review of the use and management of information technology resources by the various agencies.~~

~~(b) Evaluate recommendations proposed by the State Technology Council with respect to information resources management issues and solicit the council's comments on proposed information resources management legislation.~~

~~(c) In consultation with the Joint Legislative Auditing Committee, review and assess the implementation of the information resources initiatives or projects identified in the agency strategic plans.~~

~~(d) Recommend to the Legislature, at least annually, needed legislation in the area of information technology resource use and management.~~

~~(e)(e) Assist standing committees of the Senate and of the House of Representatives with such services as the joint committee may deem necessary, including, but not limited to, review of agency information technology resource plans as provided in s. 282.307 and evaluation of the overall impact of resource acquisitions on the productivity and services of the agencies.~~

Section 2. Paragraph (c) of subsection (15) of section 120.52, Florida Statutes, 1996 Supplement, is amended to read:

120.52 Definitions.—As used in this act:

(15) "Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term also includes the amendment or repeal of a rule. The term does not include:

(c) The preparation or modification of:

1. Agency budgets.
2. Statements, memoranda, or instructions to state agencies issued by the Comptroller as chief fiscal officer of the state and relating or pertaining to claims for payment submitted by state agencies to the Comptroller.
3. Contractual provisions reached as a result of collective bargaining.
4. Memoranda issued by the Executive Office of the Governor relating to information resources management.

Section 3. Subsections (1), (2), and (4) of section 186.021, Florida Statutes, are amended to read:

186.021 State agency strategic plans.—

(1) A state agency strategic plan shall be a statement of the priority directions an agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and authorizations given to the agency. Each state agency strategic plan must identify infrastructure needs, capital improvement needs, and information resources management projects or initiatives that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total cost over a 1-year period. Each agency strategic plan needs associated with agency programs and shall specify those objectives against which will be judged the agency's achievement of its goals and the goals of the state comprehensive plan. The state agency strategic plan shall be consistent with and shall further the goals of the state comprehensive plan.

(2) A state agency strategic plan shall be developed with a 5-year outlook and shall provide the strategic framework within which an agency's legislative budget request is and the agency Strategic Information Resource Management Plan are developed. An agency's budget and its Strategic Information Resource Management Plan shall be designed to further the agency's strategic plan.

(4) The Department of Environmental Protection, with regard to the plan required by s. 373.036, and the state land planning agency, with regard to the plan defined in s. 380.031(17), and the Information Resource Commission, with regard to the plan defined in s. 282.3061, shall prepare revisions to such plans no later than 6 months after the adoption of revisions to the growth management portion of the state comprehensive plan or by June 1 of each even-numbered year, whichever is later.

Section 4. Subsection (3) of section 186.022, Florida Statutes, 1996 Supplement, is amended, and subsection (9) is added to that section, to read:

186.022 State agency strategic plans; preparation, form, and review.—

(3) The Executive Office of the Governor shall review the state agency strategic plans to ensure that they are consistent with the state comprehensive plan and other requirements as specified in the written instructions. In its review, the Executive Office of the Governor shall consider all comments received in formulating required revisions. This shall include:

(a) The findings of the Statewide Health Council's review of the consistency of the health components of agency strategic plans with the health element of the state comprehensive plan;

~~(b) The findings of the Technology Review Workgroup as to the consistency of the information resources management portion of agency strategic plans with the State Annual Report on Information Resources Management and statewide policies recommended by the State Technology Council review of the Information Resource Commission with respect to the strategic information resources management issues not covered under paragraph (d); and~~

(c) The findings of the Criminal and Juvenile Justice Information Systems Council's review with respect to public safety system strategic information technology resources management issues.

Within 60 days, reviewed plans shall be returned to the agency, together with any required revisions. *However, any required revisions relating to information resources management needs identified in the agency strategic plans are subject to the notice and review procedures set forth in s. 216.177 and must be approved by the Administration Commission for the executive branch and the Chief Justice for the judicial branch.*

(9) *By March 1 of each year, the Geographic Information Board, the Financial Management Information Board, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall each develop a strategic plan following the general statutory requirements that are applicable to agencies pursuant to s. 186.021(1), (2), and (3). The strategic plan shall be subject to the requirements, and the review and approval processes, set forth in subsections (2) through (7), with the following exceptions:*

*(a) The Executive Office of the Governor, after consultation with the President of the Senate and Speaker of the House of Representatives, may prescribe a specific format and content for the strategic plans of coordinating boards and councils.*

*(b) The time periods for review and return of any required strategic plan revisions, incorporation of such revisions by the boards or councils, and resolution of disputes shall be established by the Executive Office of the Governor, after consultation with the President of the Senate and the Speaker of the House of Representatives.*

Section 5. Section 216.0446, Florida Statutes, is created to read:

216.0446 Review of information resources management needs.—

(1) *The Executive Office of the Governor may contract with the Legislature to provide a mechanism for review of and recommendations with respect to the portion of agencies' strategic plans which pertains to information resources management needs and with respect to agencies' legislative budget requests for information resources management. This mechanism shall be referred to as the Technology Review Workgroup, which shall be headed by a senior-level manager.*

(2) *In addition to its primary duty specified in subsection (1), the Technology Review Workgroup shall have powers and duties that include, but are not limited to, the following:*

(a) To evaluate the information resource management needs identified in the agency strategic plans for consistency with the State Annual Report on Information Resources Management and statewide policies recommended by the State Technology Council, and make recommendations to the Executive Office of the Governor, pursuant to s. 186.022(3).

(b) To review and make recommendations to the Executive Office of the Governor and the chairs of the legislative fiscal committees on notices of proposed action for budget items with respect to information resources management initiatives or projects that involve more than one agency, that have an outcome that impacts another agency, or that exceed \$500,000 in total cost over a 1-year period.

(c) To make recommendations to the Executive Office of the Governor on guidelines and best practices for information resources management based on information received from the State Technology Council.

Section 6. Present subsections (4) through (14) of section 216.181, Florida Statutes, 1996 Supplement, are renumbered as subsections (5) through (15), respectively, and a new subsection (4) is added to that section to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(4) All amendments to the original approved operating budgets, regardless of funding source, are subject to the notice and review procedures set forth in s. 216.177 and must be approved by the Governor and Administration Commission as provided in this chapter for the executive branch and the Chief Justice for the judicial branch if the amendment is for an information resources management project or initiative that involves more than one agency, has an outcome that impacts another agency, or exceeds \$500,000 in total cost over a 1-year period.

Section 7. Section 282.003, Florida Statutes, 1996 Supplement, is amended to read:

282.003 Short title.—This chapter may be cited as the “Information Technology Resources Management Act of 1997 1996.”

Section 8. Section 282.005, Florida Statutes, is created to read:

282.005 Legislative findings and intent.—The Legislature finds that:

(1) Information is a strategic asset of the state and, as such, it should be managed as a valuable state resource.

(2) The state makes significant investments in information technology resources in order to manage information and to provide services to its citizens.

(3) The head of each state agency has primary responsibility and accountability for the planning, budgeting, acquisition, development, implementation, use, and management of information technology resources within the agency.

(4) The expanding need for, use of, and dependence on information technology resources requires focused management attention and managerial accountability by state agencies and the state as a whole.

(5) The agency head has primary responsibility for the agency's information technology resources and for their use in accomplishing the agency's mission. However, each agency shall also use its information technology resources in the best interests of the state as a whole and thus contribute to and make use of shared data and related resources whenever appropriate.

(6) The state shall provide, by whatever means is most cost-effective and efficient, the information resources management infrastructure needed to collect, store, and process the state's data and information, provide connectivity, and facilitate the exchange of data and information among both public and private parties.

(7) A necessary part of the state's information resources management infrastructure is a statewide communications system for all types of signals, including voice, data, video, radio, and image.

(8) To ensure the best management of the state's information technology resources, and notwithstanding other provisions of law to the contrary, the functions of information resources management are hereby

assigned to the Board of Regents as the agency responsible for the development and implementation of policy, planning, management, rulemaking, standards, and guidelines for the State University System; to the State Board of Community Colleges as the agency responsible for establishing and developing rules and policies for the State Community College System; to the Supreme Court, for the judicial branch; and to each state attorney and public defender.

Section 9. Section 282.303, Florida Statutes, is amended to read:

282.303 Definitions.—For the purposes of ss. 282.303-282.322, the term:

(1) “Agency” means those entities described in chapter 216.

(2) “State Technology Council” means the council created in s. 282.3091 to develop a statewide vision for, and make recommendations on, information resources management. ~~“Commission” means the Information Resource Commission as created by s. 282.304.~~

(3) “Chief Information Officer” means the person appointed by the agency head to coordinate and manage the information resources management policies and activities within that agency. ~~“Common applications” means separately identifiable information technology resources that are used to support an objective and are shared statewide or agencywide.~~

(4) “Chief Information Officers Council” means the council created in s. 282.315 to facilitate the sharing and coordination of information resources management issues and initiatives among the agencies. ~~“Common data structure” means logical data items or attributes that are shared statewide or agencywide.~~

(5) “State Technology Office” means the office created in s. 282.3093 to support specified information resource management activities and to facilitate educational and training opportunities. ~~“Computing component” means the part of the agency's technology architecture for supporting its data processing hardware and the agency's strategy to facilitate common applications.~~

(6) “Data processing hardware” means information technology equipment designed for the automated storage, manipulation, and retrieval of data by electronic or mechanical means, or both, and includes, but is not limited to, central processing units, front-end processing units, including miniprocessors and microprocessors, and related peripheral equipment such as data storage devices, document scanners, data entry, terminal controllers and data terminal equipment, computer-related word processing systems, and equipment and systems for computer networks.

(7) “Data processing services” means all services that include, but are not limited to, feasibility studies, systems design, software development, or time-sharing services.

(8) “Data processing software” means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.

(9) “Agency Annual Information Resources Management Report” means the report prepared by the Chief Information Officer of each agency as required by s. 282.3063. ~~“Department” means the principal administrative unit within the executive branch of state government as defined in chapter 20. For the purposes of ss. 282.303-282.313, the State Board of Administration, the Executive Office of the Governor, and the Game and Fresh Water Fish Commission shall be considered departments.~~

(10) “State Annual Report on Information Resources Management” means the report prepared by the State Technology Office as defined in s. 282.3093. ~~“Executive director” means the executive director of the Information Resource Commission as provided in s. 282.304.~~

(11) “Project” means an undertaking directed at the accomplishment of a strategic objective relating to information resources management or a specific appropriated program. ~~“Information architecture” means the set of common applications and common data structures that are planned to support statewide or agency objectives.~~

(12) "Information resources management" means the planning, budgeting, acquiring, developing, organizing, directing, training, and control associated with government information resources. The term encompasses information and related resources, as well as the controls associated with their acquisition, development, dissemination, and use.

(13) "Information technology resources" means data processing hardware and software and services, *communications*, supplies, personnel, facility resources, maintenance, and training. ~~The commission shall determine, by rule, the process control devices to be excluded from this definition.~~

(14) "Information resources management infrastructure" means the hardware, software, networks, data, human resources, policies, standards, and facilities that are required to support the business processes of an agency. "Infrastructure component" means the training, personnel, facilities, and administrative support for implementing the agency's computing and network components of the technology architecture.

(15) "Technology Review Workgroup" means the workgroup created in s. 216.0446 to review and make recommendations on agencies' information resource management planning and budgeting proposals. "Manager" means the information resource manager appointed by each department.

(16) "Total cost" means all costs associated with information resources management projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources, except that the total cost of loans or gifts of information technology resources to state universities to be used in instruction or research does not include fair market value. "Network component" means the framework for employing data communications resources in support of the agency's technology architecture, including local and wide area network capabilities, and the agency's strategy for facilitating common application access to common data structures.

(17) "Project" means an undertaking directed at the accomplishment of a strategic objective relating to information resources management or a specific appropriated program.

(18) "Reporting requirement" means a statutory provision that specifically requires a state governmental entity to prepare or have prepared on a regular or periodic basis a written account or record for the purpose of informing persons outside of the state governmental entity of matters relevant to the official business of the state governmental entity. The term does not include requirements for the preparation of legislative budget requests or the preparation of brochures, newsletters, handbooks, manuals, pamphlets, flyers, directories, or other similar documents.

(19) "State governmental entity" means any department, agency, or other unit of organization of the executive branch of state government, a unit of organization of the legislative branch of state government, a unit of organization of the judicial branch of state government, the State Board of Community Colleges, the Board of Regents, and the Public Service Commission.

Section 10. Sections 282.3031, 232.3032, 282.3041, 282.3055, 282.3063, 282.3091, 282.3093, 282.310 and 282.315, Florida Statutes, are created to read:

*282.3031 Assignment of information resources management responsibilities.—For purposes of ss. 282.303-282.322, to ensure the best management of state information technology resources, and notwithstanding other provisions of law to the contrary, the functions of information resources management are hereby assigned to the Board of Regents as the agency responsible for the development and implementation of policy, planning, management, rulemaking, standards, and guidelines for the State University System; to the State Board of Community Colleges as the agency responsible for establishing and developing rules and policies for the State Community College System; to the Supreme Court for the judicial branch; and to each state attorney and public defender.*

*282.3032 Development and implementation of information systems; guiding principles.—To ensure the best management of the state's information technology resources, the following guiding principles are adopted:*

*(1) Cooperative planning by state governmental entities is a prerequisite for the effective development and implementation of information systems to enable sharing of data.*

*(2) The planning process, as well as coordination of development efforts, should include all principals from the outset.*

*(3) State governmental entities should be committed to maximizing information sharing and moving away from proprietary positions taken relative to data they collect and maintain.*

*(4) State governmental entities should maximize public access to data, while complying with legitimate security, privacy, and confidentiality requirements.*

*(5) State governmental entities should strive for electronic sharing of information via networks to the extent possible.*

*(6) To the extent that state government entities charge each other for data, this practice, insofar as possible, should be eliminated. Further, when the capture of data for mutual benefit can be accomplished, the costs for the development, capture, and network for access to that data should be shared.*

*(7) The redundant capture of data should, insofar as possible, be eliminated.*

*(8) Only data that are auditable, or that otherwise can be determined to be accurate, valid, and reliable, should be maintained.*

*(9) Methods of sharing data among different protocols should be developed without requiring major redesign or replacement of individual systems.*

*(10) Consistency of data elements should be achieved by establishing standard data definitions and formats when possible.*

*282.3041 State agency responsibilities.—The head of each state agency is responsible and accountable for information resources management within the agency in accordance with legislative intent and as defined in this chapter.*

*282.3055 Agency Chief Information Officer; appointment; duties.—*

*(1)(a) To assist the agency head in carrying out the information resources management responsibilities, the agency head shall appoint or contract for a Chief Information Officer at a level commensurate with the role and importance of information technology resources in the agency. This position may be full time or part time.*

*(b) The Chief Information Officer must, at a minimum, have knowledge and experience in both management and information technology resources.*

*(2) The duties of the Chief Information Officer include, but are not limited to:*

*(a) Coordinating and facilitating agency information resources management projects and initiatives.*

*(b) Preparing an agency annual report on information resources management pursuant to s. 282.3063.*

*(c) Developing and implementing agency information resources management policies, procedures, and standards, including specific policies and procedures for review and approval of the agency's purchases of information technology resources.*

*(d) Advising agency senior management as to the information resources management needs of the agency for inclusion in planning documents required by law.*

*(e) Assisting in the development and prioritization of the information resources management schedule of the agency's legislative budget request.*

*282.3063 Agency Annual Information Resources Management Report.—*

*(1) By November 1 of each year, and for the State University System within 90 days after completion of the expenditure analysis developed*

pursuant to s. 240.271(4), each Chief Information Officer shall prepare and submit to the State Technology Office an Agency Annual Information Resources Management Report. Following consultation with the State Technology Council and the Chief Information Officers Council, the Executive Office of the Governor and the fiscal committees of the Legislature shall jointly develop and issue instructions for the format and contents of the report.

(2) The Agency Annual Information Resources Management Report shall contain, at a minimum, the following:

(a) A forecast of information resources management priorities and initiatives for the ensuing 2 years.

(b) A description of the current information resources management infrastructure of the agency and planned changes for the ensuing 2 years.

(c) A status report on the major information resources management projects of the agency.

(d) An assessment of the progress made toward implementing the prior fiscal year legislative appropriation to the agency for information resources management.

(e) The estimated expenditures by the agency for information resources management for the prior fiscal year.

(f) An inventory list, by major categories, of the agency information technology resources, which specifically identifies the resources acquired during the previous fiscal year.

(g) An assessment of opportunities for the agency to share information resources management projects or initiatives with other governmental or private entities.

(h) A list of information resources management issues the agency has identified as statewide issues or critical information resources management issues for which the State Technology Council could provide future leadership or assistance.

282.3091 State Technology Council; creation.—

(1) The Legislature finds that it is in the state's interest to create a council consisting of state senior-level executive managers and representatives from the private sector to develop a statewide vision and to make recommendations on statewide policies for information resources management to the Executive Office of the Governor and the Legislature.

(2) There is created a State Technology Council. The council shall be placed, for administrative purposes, in the Department of Management Services.

(3) The council shall be composed of nine members as follows:

(a) The director of the Governor's Office of Planning and Budgeting, who shall serve as chair of the council.

(b) The Comptroller.

(c) The Commissioner of Education.

(d) The Secretary of State.

(e) The secretary of the Department of Management Services.

(f) Two state agency heads appointed by the Governor.

(g) Two private sector representatives, one appointed by the Speaker of the House of Representatives and one appointed by the President of the Senate, who are not current members of the Legislature. Private sector representatives shall, at a minimum, have a general knowledge of or experience in managing information technology resources. However, representatives of information technology resource vendors or any of their subsidiaries that sell products or services to the state shall not be appointed to serve as a private sector representative.

(4) Members of the council who are appointed shall serve 2-year terms beginning January 1 through December 31, except that their initial term shall be July 1, 1997, through December 31, 1998. A member may be removed by the appointing officer for cause or if such member is absent

from three consecutive meetings. Any member appointed to fill a vacancy shall serve for the unexpired term of his or her predecessor.

(5) The council shall meet at least quarterly, but may meet upon the call of the chair. All actions taken by the council shall be based upon approval by a simple majority.

(6) Members of the council shall be reimbursed for per diem and travel expenses as provided in s. 112.061. Members who are state officers or employees may be reimbursed for such expenses by their respective agencies.

(7) The council shall have the following duties and responsibilities:

(a) To develop a statewide vision for information resources management which shall be reflected in the State Annual Report on Information Resources Management.

(b) To recommend statewide policies to the Executive Office of the Governor and to the Joint Legislative Information Technology Resource Committee.

(c) To recommend innovation in the state's use of technology to the Executive Office of the Governor and the Joint Legislative Information Technology Resource Committee.

(d) To identify, develop, and recommend solutions to address statewide technology issues to the Executive Office of the Governor and the Joint Legislative Information Technology Resource Committee.

(e) To create ad hoc issue-oriented workgroups to make recommendations to the council and to the Executive Office of the Governor. Such workgroups may include private and public sector representatives.

(f) To review, evaluate, and comment on proposals by the Joint Legislative Information Technology Resource Committee.

(g) To consult with the Chief Information Officers Council.

(h) To approve the State Annual Report on Information Resources Management.

(i) To recommend memoranda on guidelines and best practices to the Executive Office of the Governor.

282.3093 State Technology Office; legislative intent; powers and duties.—

(1) It is the intent of the Legislature that an office be created to provide support to specified organizations and workgroups and to facilitate state educational and training opportunities to enhance the state's use and management of information technology resources.

(2) There is created a State Technology Office in the Department of Management Services, which shall be headed by a senior-level manager, who may be in the Senior Management Service upon determination by the Department of Management Services that the duties and responsibilities of the office are comparable to other Senior Management Service positions.

(3) The duties of the State Technology Office include, but are not limited to, the following:

(a) Advising and providing administrative support to the State Technology Council.

(b) Providing administrative support to the Chief Information Officers Council.

(c) Providing administrative support for ad hoc issue-oriented workgroups created by the State Technology Council.

(d) Providing assistance, as needed, to the Technology Review Workgroup.

(e) Facilitating state educational and training opportunities for senior management, chief information officers, and agency technical staff.

(f) Preparing, on behalf of the Executive Office of the Governor, memoranda on recommended guidelines and best practices for information resource management, when requested.

(g) Preparing, publishing, and disseminating the State Annual Report on Information Resources Management pursuant to s. 282.310.

282.310 State Annual Report on Information Resources Management.—

(1) By March 1 of each year, the State Technology Office shall develop a State Annual Report on Information Resources Management.

(2) The State Annual Report on Information Resources Management shall contain, at a minimum, the following:

- (a) The state vision for information resource management.
- (b) A forecast of the state information resources management priorities and initiatives for the ensuing 2 years.
- (c) A summary of major statewide policies recommended by the State Technology Council for information resources management.
- (d) A summary of memoranda issued by the Executive Office of the Governor.
- (e) An assessment of the overall progress on state information resources management initiatives and priorities for the past fiscal year.
- (f) A summary of major statewide issues related to improving information resources management by the state.
- (g) An inventory list, by major categories, of state information technology resources.
- (h) A summary of the total expenditures for information resources management by each state agency.
- (i) A summary of the opportunities for government agencies or entities to share information resource management projects or initiatives with other governmental or private sector entities.
- (j) A list of the information resource management issues that have been identified as statewide or critical issues for which the State Technology Council could provide leadership or assistance.

The state annual report shall also include information resources management information from the annual reports prepared by the Board of Regents for the State University System, from the State Board of Community Colleges for the State Community College System, from the Supreme Court for the judicial branch, and from each state attorney and public defender. Expenditure information shall be taken from each agency's annual report as well as the annual reports of the Board of Regents, the State Board of Community Colleges, the Supreme Court, the state attorneys, and the public defenders.

(3) The state annual report shall be made available in writing or through electronic means to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, the Joint Legislative Information Technology Resource Committee, and the Chief Justice of the Supreme Court.

282.315 Chief Information Officers Council; creation.—The Legislature finds that enhancing communication, consensus building, coordination, and facilitation of statewide information resources management issues is essential to improving state management of such resources.

- (1) There is created a Chief Information Officers Council to:
  - (a) Enhance communication among the Chief Information Officers of state agencies by sharing information resources management experiences and exchanging ideas.
  - (b) Facilitate the sharing of best practices that are characteristic of highly successful technology organizations, as well as exemplary information technology applications of state agencies.
  - (c) Identify efficiency opportunities among state agencies.
  - (d) Serve as an educational forum for information resources management issues.
  - (e) Assist the State Technology Council in identifying critical statewide issues and, when appropriate, make recommendations for solving information resources management deficiencies.

(2) Members of the council shall include the Chief Information Officers of all state agencies, including the Chief Information Officers of the agencies and governmental entities enumerated in s. 282.3031, except that there shall be one Chief Information Officer selected by the state attorneys and one Chief Information Officer selected by the public defenders. The chairs, or their designees, of the Geographic Information Board, the Florida Financial Management Information System Coordinating Council, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall represent their respective organizations on the Chief Information Officers Council as voting members.

(3) The State Technology Office shall provide administrative support to the council.

Section 11. Subsection (1) of section 282.102, Florida Statutes, 1996 Supplement, is amended to read:

282.102 Powers and duties of Division of Communications of the Department of Management Services.—The Division of Communications of the Department of Management Services shall have the following powers, duties, and functions:

(1) To publish *electronically* the portfolio of services available from the division, including pricing information; the policies and procedures of the division governing usage of available services; and a forecast of the priorities and initiatives for the state communications system for the ensuing 2 years. The division shall provide a hard copy of its portfolio of services upon request.

Section 12. Section 282.1021, Florida Statutes, is hereby repealed.

Section 13. Section 282.20, Florida Statutes, is amended to read:

282.20 Technology Resource Center.—

(1)(a) The Division of Information Services of the Department of Management Services shall operate and manage the Technology Resource Center.

(b) For the purposes of this section, the term:

- 1. "Department" means the Department of Management Services.
- 2. "Division" means the Division of Information Services of the Department of Management Services.
- 3. "Information-system utility" means a full-service information-processing facility offering hardware, software, operations, integration, networking, and consulting services to state agencies.

(2) The division and the Technology Resource Center shall:

- (a) Serve the department and other state agencies as an information-system utility.
- (b) ~~Cooperate with the Information Resource Commission and with other state agencies to~~ Offer, develop, and support a wide range of services and applications needed by users of the Technology Resource Center.

(c) Cooperate with the Florida Legal Resource Center of the Department of Legal Affairs and other state agencies to develop and provide access to repositories of legal information throughout the state.

(d) Cooperate with the Division of Communications of the department to facilitate interdepartmental networking and integration of network services for state agencies.

(e) Assist state agencies in testing and evaluating new and emerging technologies that could be used to meet the needs of the state.

(3) The division may contract with state agencies to provide any combination of services necessary for agencies to fulfill their responsibilities and to serve their users.

(4)(a) There is created for the Technology Resource Center a data processing policy board as provided in s. 282.313.

(b) In addition to the members of the policy board provided in s. 282.313, the following ex officio members are appointed to the data

processing policy board of the Technology Resource Center: ~~the Executive Director of the Information Resource Commission, the Director of the Division of Communications of the Department of Management Services, and the chair of the coordinating council to the Florida Fiscal Accounting Management Information System, as created in s. 215.96, or their respective designees.~~ The ex officio members provided in this subsection shall vote and serve in the same manner as other policy board members.

(5) The Technology Resource Center may plan, design, establish pilot projects for, and conduct experiments with information technology resources, and may implement enhancements in services when such implementation is cost-effective. Funding for experiments and pilot projects shall be derived from service revenues and may not exceed 5 percent of the service revenues for the Technology Resource Center for any fiscal year. Any experiment, pilot project, plan, or design must be approved by the data processing policy board of the center.

(6) Notwithstanding the provisions of s. 216.272, the Technology Resource Center may spend the funds in the reserve account of its working capital trust fund for enhancements to center operations or for information technology resources. Any expenditure of reserve account funds must be approved by the data processing policy board of the center. Any funds remaining in the reserve account at the end of the fiscal year may be carried forward and spent as approved by the policy board.

Section 14. Section 282.313, Florida Statutes, is amended to read:

282.313 Data processing policy boards.—

(1) There is created a data processing policy board for each data processing center which derives 20 percent or more of its total yearly funding from departments other than the host department for the center. The *Chief Information Officer* ~~information resource manager~~ of each department utilizing the center, or his or her designee, shall serve as the representative on the policy board. The data center director shall serve in a nonvoting ex officio capacity. A designee of the director or the supervisor of the data processing center shall serve without voting rights as the secretary to the policy board. The secretary shall maintain minutes of each policy board meeting. Upon approval of the minutes by the policy board, the secretary shall file a copy with the commission. The policy board shall annually elect a chair from its membership and shall meet at the call of the chair or at the request of a majority of the members.

(2) Each data processing center shall review its *information resources management needs in its agency strategic information technology resource* plan with the policy board prior to the submission of the plan as prescribed by ss. ~~186.021 and 186.022~~ ~~282.307-282.309~~. The policy board may suggest modifications to that plan ~~and submit any suggested modifications as part of the plan.~~

(3) Actions taken by the data processing center to implement its approved plan shall be reviewed and approved by the policy board prior to implementation. These actions include, but are not limited to, setting policies and procedures governing the data processing center's rate structure and charging algorithm, information technology resource acquisitions above \$2,500, setting of work priorities, scheduling, and acceptance of new users.

(4) The data processing policy board may approve expenditures derived from the overall rate structure of the data processing center, not to exceed 5 percent of the gross services billings to all users in any fiscal year, to design, demonstrate, and conduct research and development for advanced information technology solutions to information processing problems. The data processing center may enter into agreements with private industry and federal, state, and local governments in designing, demonstrating, or developing such technologies which offer the potential to improve efficiency and reduce the cost of state operations. A majority vote of the policy board shall be required prior to all such expenditures. The data processing center shall report on such activities in its *agency's department's annual performance report on information technology resources management* pursuant to s. ~~282.312~~.

(5) This section does not apply to those data centers created pursuant to chapter 216.

Section 15. Section 282.318, Florida Statutes, 1996 Supplement, is amended to read:

282.318 Security of data and information technology resources.—

(1) This section may be cited as the "Security of Data and Information Technology Resources Act."

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

~~(a) "Department" means the principal administrative unit within the executive branch of state government as defined in chapter 20. For the purposes of this section, the State Board of Administration, the Executive Office of the Governor, and the Game and Fresh Water Fish Commission shall be considered departments.~~

~~(b) "Head of a department" means the individual or board in charge of the department.~~

~~(c) "Information technology resources" means data processing hardware, software and services, supplies, personnel, facility resources, maintenance, training, or other related resources.~~

~~(2)(3)(a) Each agency head of a department is responsible and accountable for assuring an adequate level of security for all data and information technology resources of the agency within the department and, to carry out this responsibility, shall, at a minimum:~~

1. Designate an information security manager who shall administer the security program of the *agency department* for *its* data and information technology resources.

2. Conduct, and periodically update, a comprehensive risk analysis to determine the security threats to the data and information technology resources *of the agency*. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

3. Develop, and periodically update, written internal policies and procedures to assure the security of the data and information technology resources *of the agency*. The internal policies and procedures which, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

4. Implement appropriate cost-effective safeguards to reduce, eliminate, or recover from the identified risks to the data and information technology resources *of the agency*.

5. Ensure that periodic internal audits and evaluations of the security program for *the* data and information technology resources *of the agency* are conducted. The results of such internal audits and evaluations are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

6. Include appropriate security requirements, as determined by the *agency department*, in the written specifications for the solicitation of information technology resources ~~by the department~~.

~~7.—Include as a part of the information resources management plan required in this chapter a general description of the existing security program and future plans for implementing information resources security policies and standards developed by the commission.~~

~~8.—Certify annually to the Information Resource Commission that the security program for data and information technology resources conforms with the standards and policies developed by that commission and planned for implementation in the agency strategic plan for information resources management. If the department is unable to certify such conformance, it shall notify the Information Resource Commission in writing, stating the deficiencies and the reasons for its nonconformance. As part of the annual certification process, agencies shall also note the percentage of critical applications, as defined by the agency, that have a current, tested contingency plan in the event of a disaster.~~

~~(b) The Board of Regents is responsible for assuring an adequate level of security for the data and the information technology resources within the State University System. To carry out this responsibility for~~

the State University System, the Board of Regents shall establish and maintain minimum security standards and rules to implement subparagraphs (a)1.-6. and perform the functions described in subparagraphs (d)2.-5.

~~(c) The Supreme Court is responsible for assuring an adequate level of security for the data and the information technology resources within the judicial branch of government. To carry out this responsibility, at a minimum, the Supreme Court shall address the responsibilities prescribed in subparagraphs (a)1.-6. The Supreme Court shall develop written minimum standards and guidelines for the judicial branch to follow in developing its security program. The Supreme Court shall include as a part of the information resources management plan required by this chapter a general description of the existing security program and future plans for assuring the security of data and information technology resources.~~

~~(d) The Information Resource Commission is responsible for providing centralized management and coordination of state policies relating to the security of data and information technology resources. To carry out this responsibility, the Information Resource Commission shall:~~

- ~~1. Establish and maintain minimum security standards, rules, and regulations to implement subparagraphs (a)1.-8.~~
- ~~2. Establish guidelines to assist agencies in identifying electronic data processing personnel who occupy positions of special trust or responsibility or sensitive locations as addressed in chapter 110.~~
- ~~3. Establish rules and regulations for the exchange of data between data centers or departments by intercoupling or telecommunications to ensure that exchanges do not jeopardize data security and confidentiality.~~
- ~~4. Coordinate and provide for a training program regarding security of data and information technology resources to serve the technical and managerial needs of government.~~
- ~~5. Provide technical and managerial assistance relating to the security program upon request.~~
- ~~6. Adopt rules to implement this section.~~

~~(e) The Department of Management Services shall:~~

- ~~1. Adopt rules and regulations for the physical security of central computer rooms consistent with the standards developed under subparagraph (d)1.~~

~~(b)2. In those instances in which the Department of Management Services develops state contracts for use by state agencies, the department shall include appropriate security requirements, as established in paragraph (d), in the specifications for the solicitation for state contracts for procuring information technology resources.~~

Section 16. Section 282.322, Florida Statutes, is amended to read:

282.322 Special monitoring process for designated information resources management projects.—For each information resources management project which is designated for special monitoring in the General Appropriations Act, with a proviso requiring a contract with a project monitor, the *Technology Review Workgroup established pursuant to s. 216.0446 Information Resource Commission*, in consultation with each affected agency, ~~or the Board of Regents for each affected university,~~ shall be responsible for contracting with the project monitor. Upon contract award, funds equal to the contract amount shall be transferred to the *Technology Review Workgroup Information Resource Commission* ~~or the Board of Regents as appropriate~~ upon request and subsequent approval of a budget amendment pursuant to s. 216.292. With the concurrence of the Legislative Auditing Committee, the office of the Auditor General shall be the project monitor for other projects designated for special monitoring. However, nothing in this section precludes the Auditor General from conducting such monitoring on any project designated for special monitoring. In addition to monitoring and reporting on significant communications between a contracting agency and the appropriate federal authorities, the project monitoring process shall consist of evaluating each major stage of the designated project to determine whether the deliverables have been satisfied and to assess the level of risks associated with proceeding to the next stage of the project. The major

stages of each designated project shall be determined based on the agency's information systems development methodology. Within 20 days after an agency has completed a major stage of its designated project, the project monitor shall issue a written report, including the findings and recommendations for correcting deficiencies, to the agency head, for review and comment. Within 20 days after receipt of the project monitor's report, the agency head shall submit a written statement of explanation or rebuttal concerning the findings and recommendations of the project monitor, including any corrective action to be taken by the agency. The project monitor shall include the agency's statement in its final report which shall be forwarded, within 7 days after receipt of the agency's statement, to the agency head, the inspector general's office of the agency, the Executive Office of the Governor, the appropriations committees of the Legislature, the Joint Legislative Auditing Committee, the *Technology Review Workgroup*, and the Legislative Information Technology Resource Committee. The Auditor General shall also receive a copy of the project monitor's report for those projects in which the Auditor General is not the project monitor.

Section 17. Section 282.404, Florida Statutes, 1996 Supplement, is amended to read:

282.404 Geographic information board; definition; membership; creation; duties; advisory council; membership; duties.—

(1) As used in this section, the term "geographic information" means information or data for which location or spatial distribution is an essential element, including, but not limited to, information pertaining to:

- (a) Land, air, water, and mineral resources;
- (b) The distribution of plant, animal, and human populations;
- (c) Real property interests;
- (d) The elements of the growth management comprehensive planning process under ss. 163.3177 and 163.3178;
- (e) Political, jurisdictional, ownership, and other artificial divisions of geography; and
- (f) Measured features listed in paragraphs (a)-(d) herein and geographic features produced pursuant to chapter 472.

(2)(a) The Florida Geographic Information Board is created in the Executive Office of the Governor. The purpose of the board is to facilitate the identification, coordination, collection, and sharing of geographic information among federal, state, regional, and local agencies, and the private sector. The board shall *develop review and recommend to the Information Resource Commission* solutions, policies, and standards to increase the value and usefulness of geographic information concerning Florida. In formulating and developing solutions, policies, and standards, the board shall provide for and consider input from other public agencies, such as the state universities, large and small municipalities, urban and rural county governments, and the private sector.

(b) *The Geographic Information Board may issue guidelines on recommended best practices, including recommended policies and standards, for the identification, coordination, collection, and sharing of geographic information.*

(c) The Geographic Information Board may contract for, accept, and make gifts, grants, loans, or other aid from and to any other governmental entity and to any person. Members may contribute, and the board may receive and expend, funds for board initiatives.

(3) The board consists of the Director of Planning and Budgeting within the Executive Office of the Governor, the executive director of the Game and Fresh Water Fish Commission, the executive director of the Department of Revenue, and the State Cadastral Surveyor, as defined in s. 177.503, or their designees, and the heads of the following agencies, or their designees: the Department of Agriculture and Consumer Services, the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, and the Board of Professional Surveyors and Mappers. The Governor shall appoint to the board one member each to represent the counties, municipalities, regional planning councils, water management districts, and county property appraisers. The Governor shall initially appoint two members to serve 2-year terms and three members to serve 4-year terms. Thereafter, the terms of all appointed members must be 4 years and the terms

must be staggered. Members may be appointed to successive terms and incumbent members may continue to serve the board until a new appointment is made. ~~The executive director of the Information Resource Commission, or the executive director's designee, and the chair of the Geographic Information Advisory Council shall serve without voting rights as an ex officio member members on the board.~~

(4) The Director of Planning and Budgeting of the Executive Office of the Governor, or his *or her* designee, shall serve as the chair of the board. A majority of the membership of the board constitutes a quorum for the conduct of business. The board shall meet at least twice each year, and the chair may call a meeting of the board as often as necessary to transact business. Administrative and clerical support to the board shall be provided by the ~~Department of Management Services Information Resource Commission.~~

(5) The board shall:

(a) Promote the sharing of geographic information between the public sector and the private sector;

(b) Conduct a periodic assessment of geographic information and geographic information systems in this state to identify geographic information management activities and available resources in this state;

(c) Reduce redundancy of data acquisition by promoting the coordination of geographic data collection;

(d) Promote consistency of data elements by establishing standard data definitions and formats;

(e) Promote the adoption and use of standards that have broad application to the public and private sectors;

(f) Develop criteria, policies, and procedures for the prescribed and preplanned electronic transmission of geographic information, including, but not limited to, transmissions between a local planning agency, as defined in s. 163.3164, and the state land planning agency;

(g) ~~By March 1 of each year, develop and approve a strategic plan pursuant to the requirements set forth in s. 186.022(9). Copies of the plan shall be transmitted electronically or in writing to the Executive Office of the Governor, the Speaker of the House of Representatives, the President of the Senate, and the members of the Geographic Information Advisory Council as provided in subsection (7); Develop and submit to the Information Resource Commission a strategic information resources management plan for geographic information no later than May 1 of each even-numbered year, except that the first plan is due May 1, 1997. At a minimum, the plan must address the planning components and procedures described in s. 282.307;~~

(h) Promote the use and coordination of geographic information from sources such as universities, government organizations, nonprofit organizations, and the private sector;

(i) Promote the development and maintenance of a data directory in which geographic information is cataloged;

(j) Serve as liaison between this state and the Federal Government to promote the sharing of geographic information;

(k) Establish technical advisory committees to assist the board; and

(l) Promote regional coordination of geographic information.

(6) The Florida Geographic Information Advisory Council is created in the Executive Office of the Governor to provide technical assistance and recommendations to the board.

(7) The Geographic Information Advisory Council consists of one member each from the Office of Planning and Budgeting within the Executive Office of the Governor, the Game and Fresh Water Fish Commission, the Department of Revenue, ~~the Information Resource Commission,~~ the Department of Agriculture and Consumer Services, the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, the State Cadastral Surveyor, *the State Geologist*, the Board of Professional Surveyors and Mappers, counties, municipalities, regional planning councils, water management districts, and property appraisers, as appointed by the corresponding member of the board. The Governor shall appoint to the council

one member each, as recommended by the respective organization, to represent the Department of Commerce, the Department of *Children and Family Services*, the Department of Health and ~~Rehabilitative Services~~, the Florida Survey and Mapping Society, Florida Region of the American Society of Photogrammetry and Remote Sensing, Florida Association of Cadastral Mappers, *The Florida Association of Professional Geologists*, Florida Engineering Society, Florida Chapter of the Urban and Regional Information Systems Association, the forestry industry, the State University System survey and mapping academic research programs, and State University System geographic information systems academic research programs; and two members representing utilities, one from a regional utility, and one from a local or municipal utility. These persons must have technical expertise in geographic information issues. The Governor shall initially appoint six members to serve 2-year terms and six members to serve 4-year terms. Thereafter, the terms of all appointed members must be 4 years and must be staggered. Members may be appointed to successive terms and incumbent members may continue to serve the council until a successor is appointed. Representatives of the Federal Government may serve ~~without voting rights~~ as ex officio members *without voting rights*.

(8) A majority of the membership constitutes a quorum for the conduct of business and shall elect the chair of the advisory council biennially. The council shall meet at least twice a year, and the chair may call meetings as often as necessary to transact business or as directed by the board. Administrative and clerical support shall be provided by the ~~Department of Management Services Information Resource Commission.~~

(9) The advisory council shall:

(a) Develop operational procedures for the conduct of business;

(b) Make recommendations to the geographic information board for policies, procedures, standards, and technical solutions pertaining to the planning, coordination, sharing, consistency, development, and maintenance of geographic information;

(c) Develop solutions that promote coordinated and cost-effective statewide financing of geographic information;

(d) Make recommendations for the reduction of unnecessary duplication of geographic information efforts among various state, federal, regional, and local agencies and the private sector;

(e) Seek information from the geographic information and mapping community in formulating priorities for the federal and state mapping and geographic information programs and activities; and

(f) Inform mapping and geographic information users in the state of programs, available materials and information, and standards and solutions pertaining to mapping and geographic information.

(10) If any specified state agency fails to comply with this section without good cause, the Executive Office of the Governor may withhold releases of appropriations of those portions of the agency's operating budget that pertain to the collection and analysis of geographic information.

(11) Local governments are encouraged to participate within their abilities and resources in order to facilitate implementation of this section.

Section 18. *Section 287.0735, Florida Statutes, sections 282.004 and 282.312, Florida Statutes, as amended by chapter 94-340, Laws of Florida, section 282.304, Florida Statutes, as amended by chapters 94-226 and 94-340, Laws of Florida, section 282.307, Florida Statutes, as amended by chapters 94-226, 94-340, and 95-296, Laws of Florida, section 282.308, Florida Statutes, as amended by chapters 94-226, 94-340, 95-148, 95-243, and 95-392, Laws of Florida, subsections (5), (6), (7) and (8) of section 287.073, Florida Statutes, as amended by chapters 94-226, 94-340, and 95-148, Laws of Florida, section 282.309, Florida Statutes, as amended by chapters 95-148 and 96-388, Laws of Florida, sections 216.0445 and 282.311, Florida Statutes, as amended by chapters 94-226, 94-340, and 96-388, Laws of Florida, section 282.305, Florida Statutes, as amended by chapters 94-226, 94-340, and 96-390, Laws of Florida, section 282.3062, Florida Statutes, as amended by chapters 94-340, 96-388, and 96-390, Laws of Florida, and sections 282.3061 and 282.314, Florida Statutes, as amended by chapters 94-226, 94-340, 96-388, and 96-390, Laws of Florida, are repealed.*

Section 19. Effective upon this act becoming a law, section 215.90, Florida Statutes, is amended to read:

215.90 Short title.—~~Sections 215.90-215.96 This act shall be known and~~ may be cited as the “Florida Financial Fiscal Accounting Management Information System Act.”

Section 20. Effective upon this act becoming a law, section 215.91, Florida Statutes, is amended to read:

215.91 Legislative intent.—

(1) It is the intent of the Legislature ~~that for~~ the executive branch of government, in consultation with the legislative fiscal appropriations committees, ~~to~~ specifically design and implement the Florida Financial Management Information System to be the primary means by which state government managers acquire and disseminate the information needed to plan and account for the delivery of services to the citizens in a timely, efficient, and effective manner.

(2) The Florida Financial Management Information System shall be a unified information system providing fiscal, management, and accounting support for state decisionmakers. It shall provide a means of coordinating fiscal management information and information that supports state planning, policy development, management, evaluation, and performance monitoring. The Florida Financial Management Information System shall be the primary information resource that provides accountability for public funds, resources, and activities.

(3) The Financial Management Information Board shall provide the overall framework within which the Florida Financial Management Information System will operate. The board, through the Florida Financial Management Information System Coordinating Council, shall adopt policies and procedures to:

(a) Strengthen and standardize the fiscal management and accounting practices of the state;

(b) Improve internal financial controls;

(c) Simplify the preparation of objective, accurate, and timely management and fiscal reports; and

(d) Provide the information needed in the development, management, and evaluation of public policy and programs.

(4) The council shall provide ongoing counsel to the board and act to resolve problems among or between the functional owner subsystems. The board, through the coordinating council, shall direct and manage the development, implementation, and operation of the information subsystems that together are the Florida Financial Management Information System. The coordinating council shall approve the information subsystems' designs prior to the development, implementation, and operation of the subsystems and shall approve subsequent proposed design modifications to the information subsystems subject to the guidelines issued by the council. The coordinating council shall ensure that the information subsystems' operations support the exchange of unified and coordinated data between information subsystems. The coordinating council shall establish the common data codes for financial management and it shall require and ensure the use of common data codes by the information subsystems that together constitute the Florida Financial Management Information System. The Comptroller shall adopt a chart of accounts consistent with the common financial management data codes established by the coordinating council. The board, through the coordinating council, shall establish the financial management policies and procedures for the executive branch of state government. The coordinating council shall notify in writing the chairs of the legislative fiscal committees and the Chief Justice of the Supreme Court regarding the adoption of, or modification to, a proposed financial management policy or procedure. The notice shall solicit comments from the chairs of the legislative fiscal committees and the Chief Justice of the Supreme Court at least 14 consecutive days before the final action by the coordinating council.

(5) The Florida Financial Management Information System and its functional owner information subsystems shall be compatible with the legislative appropriations system and they shall be designed to support the legislative oversight function. The Florida Financial Management Information System and its functional owner information subsystems

shall be unified with the legislative information systems that support the legislative appropriations and legislative oversight functions. The Florida Financial Management Information System and its functional owner information subsystems shall exchange information with the legislative information systems that support the legislative appropriations and legislative oversight functions without conversion or modification. Any information maintained by the Florida Financial Management Information System and its functional owner information subsystems shall be available, upon request, to the information systems of the legislative branch.

(6) The Florida Financial Management Information System and its functional owner information subsystems shall be designed to incorporate the flexibility needed to respond to the dynamic demands of state government in a cost-conscious manner. The Florida Financial Management Information System shall include applications that will support an information retrieval system that will allow the user to ask general questions and receive accurate answers that include assessments concerning the qualifications of the data.

(7) The Florida Financial Management Information System and each of its functional owner information subsystems shall strive to employ a common set of operations that make the system accessible to agency program managers and statewide decisionmakers. Data shall be easily transferred from the functional owner information subsystems to Florida Financial Management Information System applications and also among the functional owner information subsystems. The functional owner information subsystems shall identify shared data-gathering needs in order to minimize the duplications of source-entry input. The coordinating council shall ensure that all organizations within the executive branch of state government have access to and use the Florida Financial Management Information System for the collection, processing, and reporting of financial management data required for the efficient and effective operation of state government.

(8) The Florida Financial Management Information System, through its functional owner subsystems, shall include a data-gathering and data-distribution facility that will support a management and decision-making information system that collects and stores agency and statewide financial, administrative, planning, and program information to assist agency program managers and statewide decisionmakers in carrying out their responsibilities ~~a management information system utilizing a unified approach. The system is to strengthen and standardize management and accounting procedures; strengthen internal controls; enable the preparation of objective, accurate, and timely fiscal reports; report on the stewardship of officials who are responsible for public funds and property; and provide timely and accurate information for decisionmaking purposes.~~

Section 21. Effective upon this act becoming a law, section 215.92, Florida Statutes, is amended to read:

215.92 Definitions.—For the purposes of ss. 215.90-215.96 ~~this act:~~

(1) “Auditable” means the presence of features and characteristics that are needed to verify the proper functioning of controls in any given information subsystem.

(2) “Board” means the ~~Financial Management Fiscal Accounting~~ Information Board.

(3) “Coordinating council” or “council” means the Florida Financial Management Information System Coordinating Council.

(4)(3) “Data or data code” means representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by humans or by automatic means. The term includes any representations such as characters or analog quantities to which meaning is, or might be, assigned. ~~a set of symbols which are used to represent various data items for data elements on a one for one basis.~~

(4) “Data record” means information which is processed or stored, or is to be processed, by a computer system, which may exist in any form, whether it be computer printouts, magnetic storage media, or internal storage in the memory of the computer.

(5) “Design and coordination staff” means the personnel responsible for providing administrative and clerical support to the board, coordinating council, and secretary to the board. The design and coordination staff

shall function as the agency clerk for the board and the coordinating council. For administrative purposes, the design and coordination staff are assigned to the Department of Banking and Finance but they are functionally assigned to the board.

(6)(5) "Functional owner" means the agency, or that part of the judicial branch, which has the legal responsibility to design, implement, and operate an information subsystem as provided by ss. 215.90-215.96 this act.

(7)(6) "Functional system specifications" means the detailed written description of an information subsystem. These specifications are prepared by the functional owner of the system; describe, in the functional owner's language, what an information subsystem is required to do; and describe the features, characteristics, controls, and internal control measures to be incorporated into the information subsystem. Such specifications are the basis for the preparation of the technical system specifications by the functional owner.

(8)(7) "Information system" means a group of interrelated information subsystems.

(9)(8) "Information subsystem" means the entire collection of procedures, equipment, and people devoted to the generation, collection, evaluation, storage, retrieval, and dissemination of data and information within an organization or functional area in order to promote the flow of information from source to user.

(9) "~~Overall costs~~" with respect to an electronic data processing system means ~~the cost of designing, implementing, and operating such system and includes, but is not limited to, the cost of purchase, rental, maintenance, site preparation and installation, programming, employment and training of personnel, conversion, and communication lines.~~

Section 22. Effective upon this act becoming a law, section 215.93, Florida Statutes, is amended to read:

215.93 Florida Financial Fiscal Accounting Management Information System.—

(1) To provide the information necessary to carry out the intent of the Legislature, there shall be a Florida Financial Fiscal Accounting Management Information System. The Florida Financial Fiscal Accounting Management Information System shall be fully implemented and shall be upgraded as necessary to ensure the efficient operation of an integrated financial management information system and to provide necessary information for the effective operation of state government. Upon the recommendation of the coordinating council and approval of the board, the Florida Financial Management Information System may require data from any state agency information system or information subsystem or may request data from any judicial branch information system or information subsystem that the coordinating council and board have determined to have statewide financial management significance. Each functional owner information subsystem within the Florida Financial Management Information System shall be developed in such a fashion as to allow for timely, positive, preplanned, and prescribed data transfers between the Florida Financial Management Information System functional owner information subsystems and from other information systems. The principal unit of the system shall be the functional owner information subsystem, and the system shall originally include, but shall not be limited to, the following:

- (a) ~~Revenue and Regulations Subsystem.~~
- (a)(b) Planning and Budgeting Subsystem.
- (b)(c) Florida Accounting Information Resource State Automated Management Accounting Subsystem.
- (c)(d) Cash Management Banking and Collateral Securities Subsystem.
- (d)(e) Management Services and Purchasing Subsystem.
- (e)(f) Cooperative Personnel Employment State Personnel Payroll Information Subsystem.
- (g) ~~Investment and Debt Control Subsystem.~~

(2) Each information subsystem shall have a functional owner, who may establish additional functions components for the subsystem unless specifically prohibited by ss. 215.90-215.96 this act. However, without the express approval of the board upon recommendation of the coordinating council, no functional owner nor any other agency shall have the authority to establish or maintain additional subsystems which duplicate any of the information subsystems of the Florida Financial Fiscal Accounting Management Information System. Each functional owner shall solicit input and responses from agencies utilizing the information subsystem. Each functional owner may contract with the other functional owners for assistance in the design, development, and implementation of their information systems and subsystems. Each functional owner shall include in its information subsystem functional specifications the data requirements and standards of the Florida Financial Management Information System as approved by the board. Each functional owner shall establish design teams that shall plan and coordinate the design and implementation of its subsystem within the framework established by the board. The design teams shall assist the design and coordination staff in carrying out the duties assigned by the board or the coordinating council. The coordinating council shall review and approve the work plans for these projects.

(3) The Florida Financial Fiscal Accounting Management Information System shall include financial management data and utilize identical data codes and the chart of accounts approved by the Comptroller used by the State Automated Management Accounting Subsystem. Common financial management data shall include, but not be limited to, data codes, titles, and definitions used by one or more of the functional owner subsystems. The Florida Financial Management Information System shall utilize common financial management data codes. The council shall recommend and the board shall adopt policies regarding the approval and publication of the financial management data. The Comptroller shall adopt policies regarding the approval and publication of the chart of accounts. The Comptroller's chart of accounts shall be consistent with the common financial management data codes established by the coordinating council. Further, all systems not a part of the Florida Financial Fiscal Accounting Management Information System which provide information to the system shall use the common identical data codes from and the Florida Financial Management Information System and the Comptroller's chart of accounts of the State Automated Management Accounting Subsystem. Data codes that which cannot be supplied by the Florida Financial Management Information System and the Comptroller's chart of accounts State Automated Management Accounting System and that which are required for use by the information subsystems shall be approved by the board upon recommendation of the coordinating council. However, board approval shall not be required for those data codes specified by the Auditor General under the provisions of s. 215.94(6)(8)(c).

(4) The Florida Financial Fiscal Accounting Management Information System shall be designed, installed, and operated in a fashion compatible with the legislative appropriations system, so as to provide timely data for producing financial statements for the state in accordance with generally accepted accounting principles.

(5) Functional owners are legally responsible for the security and integrity validity of all data records existing within or transferred from their information subsystems. Each agency and the judicial branch shall be responsible for the accuracy of the information entered into the Florida Financial Management Information System.

Section 23. Effective upon this act becoming a law, section 215.94, Florida Statutes, is amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

(1) ~~The Department of Revenue shall be the functional owner of the Revenue and Regulation Subsystem. The department shall design, implement, and operate the subsystem in accordance with the provisions of this act. The subsystem shall include, but shall not be limited to, components for:~~

- (a) ~~Collecting detailed information regarding all revenues received by the state.~~
- (b) ~~Compiling and reporting statistical data for the estimation or projection of agency and judicial branch revenue sources in future periods.~~

(1)(2) The Executive Office of the Governor shall be the functional owner of the Planning and Budgeting Subsystem, which shall be designed, implemented, and operated in accordance with the provisions of ss. 215.90-215.96 ~~this act~~ and chapter 216. The Planning and Budgeting Subsystem shall include, but shall not be limited to, ~~functions components~~ for:

- (a) Development and preparation of agency and judicial branch budget requests.
- (b) Analysis and evaluation of agency and judicial branch budget requests and alternatives.
- ~~(c) Cash forecasting.~~
- ~~(d) Revenue and expenditure projections.~~
- ~~(c)(e) Controlling and tracking the allocation of appropriations, approved budget, and releases.~~
- ~~(d)(f) Performance-based program budgeting compliance evaluations, as provided in the legislative budget instructions pursuant to s. 216.023(3). Budgetary performance and compliance valuations.~~

(2)(3) The Department of Banking and Finance shall be the functional owner of the ~~Florida Accounting Information Resource State Automated Management Accounting~~ Subsystem established pursuant to ss. 11.46, 17.03, and 216.141, and 216.151 and further developed in accordance with the provisions of ss. 215.90-215.96 ~~this act~~. The subsystem shall include, but shall not be limited to, the following ~~functions components~~:

- ~~(a) Departmental, agency, or judicial branch Accounting and reporting so as to provide timely data for producing financial statements for the state in accordance with generally accepted accounting principles.~~
- ~~(b) Auditing and settling claims against the state Cost accounting.~~
- ~~(c) Production control.~~
- ~~(d) State or central accounting and reporting.~~
- ~~(e) Warrant preparation.~~

(3)(4) The Treasurer shall be the functional owner of the ~~Cash Management Banking and Collateral Securities~~ Subsystem. The Treasurer shall design, implement, and operate the subsystem in accordance with the provisions of ss. 215.90-215.96 ~~this act~~. The subsystem shall include, but shall not be limited to, ~~functions components~~ for:

- (a) Recording and reconciling credits and debits to treasury fund accounts.
- (b) Monitoring cash levels and activities in state bank accounts.
- (c) Monitoring short-term investments of idle cash.
- ~~(d) Administering the provisions of the Federal Cash Management Improvement Act of 1990 Recording and monitoring securities pledged to and administered by the office of the Treasurer.~~

(4)(5) The Department of Management Services shall be the functional owner of the ~~Management Services and Purchasing~~ Subsystem. The department shall design, implement, and operate the subsystem in accordance with the provisions of ss. 215.90-215.96 ~~this act~~. The subsystem shall include, but shall not be limited to, ~~functions components~~ for:

- ~~(a) commodity and service procurement, inventory control, and warehousing.~~
- ~~(b) Facilities management and utilization.~~
- ~~(c) Construction bidding and monitoring.~~
- ~~(d) Controlling and operating centralized equipment pools.~~

(5)(6) The Department of Management Services shall be the functional owner of the ~~Cooperative State Personnel Employment Payroll Information~~ Subsystem. The department shall design, implement, and

operate the subsystem in accordance with the provisions of s. 110.116 and ss. 215.90-215.96 ~~this act~~. The subsystem shall include, but shall not be limited to, ~~functions components~~ for:

- (a) Maintenance of employee and position data, *including funding sources and percentages and salary lapse. The employee data shall include, but not be limited to, information to meet the payroll system requirements of the Department of Banking and Finance and to meet the employee benefit system requirements of the Division of State Employees Insurance in the Department of Management Services.*
- (b) Recruitment and examination.
- (c) Time reporting.
- ~~(d) Collective bargaining Retirement contributions and certification.~~

~~(7) The State Board of Administration shall be the functional owner of the Investment and Debt Control Subsystem. The State Board of Administration shall design, implement, and operate the subsystem in accordance with the provisions of this act. The subsystem shall include, but shall not be limited to, components for:~~

- ~~(a) Recording purchases and liquidations of the investments administered by the State Board of Administration.~~
- ~~(b) Monitoring and evaluating the yield or return on state investments.~~
- ~~(c) Recording the sale of, the payment of interest on, and the redemption of state supported bond issues.~~
- ~~(d) Monitoring state supported bond issues so that the contractual and legal requirements relative to the bond issues are met.~~

(6)(8)(a) The Auditor General shall be advised by the functional owner of each information subsystem as to the date that the development or *significant modification* of its functional system specifications is to begin.

(b) Upon such notification, the Auditor General shall participate with each functional owner to the extent necessary to provide assurance that:

1. The accounting information produced by the information subsystem adheres to generally accepted accounting principles.
2. The information subsystem contains the necessary controls to maintain its integrity, within acceptable limits and at an acceptable cost.
3. The information subsystem is auditable.

(c) The Auditor General shall specify those additional features, characteristics, controls, and internal control measures deemed necessary to carry out the provisions of this subsection. Further, it shall be the responsibility of each functional owner to install and incorporate such specified features, characteristics, controls, and internal control measures within each information subsystem.

~~(7) The Auditor General shall provide to the board and the coordinating council the findings and recommendations of any audit regarding the provisions of ss. 215.90-215.96.~~

Section 24. Effective upon this act becoming a law, section 215.95, Florida Statutes, is amended to read:

215.95 ~~Financial Management Fiscal Accounting~~ Information Board.—

(1) There is created, as part of the Administration Commission, the ~~Financial Management Fiscal Accounting~~ Information Board. The board shall be composed of the Governor, the Comptroller, and the Treasurer. The Governor shall be chair of the board. The Governor or the Comptroller may call a meeting of the board at any time the need arises.

(2) To carry out its duties and responsibilities, the board shall by majority vote:

(a) Adopt such rules, policies, procedures, principles, and standards as deemed necessary to implement the Florida ~~Financial Accounting~~ Management Information System.

(b) Oversee the actions of the coordinating council and issue orders to executive branch agencies to enforce implementation of and compliance with provisions relating to the Florida ~~Financial Accounting~~ Management Information System.

(c) Manage and oversee the development of the *Florida Financial Management Information System* in such a fashion including, but not limited to, ensuring as to ensure compatibility and integration with the Legislative Appropriations System.

(d) By March 1 of each year, approve a strategic plan pursuant to the requirements set forth in s. 186.022(9). ~~Submit to the Joint Legislative Auditing Committee an annual report containing, but not limited to, the following:~~

1. ~~Current status of all information subsystems.~~
2. ~~Detailed plans related to all information subsystems provided for in s. 215.96(3)(a).~~

Section 25. Effective upon this act becoming a law, section 215.96, Florida Statutes, is amended to read:

215.96 Coordinating council and design and coordination staff.—

(1) The Comptroller, as chief fiscal officer of the state, shall establish a coordinating council to function on a continuing basis. The coordinating council shall review and recommend to the board solutions and policy alternatives to ensure coordination between functional owners of the various information subsystems described in *ss. 215.90-215.96* ~~this act~~ to the extent necessary to unify all the subsystems into a *financial fiscal accounting* management information system.

(2) The coordinating council shall consist of the Comptroller; the Treasurer; the secretary of the Department of Management Services; and the Director of Planning and Budgeting, Executive Office of the Governor; ~~the executive director of the Department of Revenue; and the executive director of the State Board of Administration, or their designees.~~ The Comptroller, or his or her designee, shall be chair of the coordinating council and *the design and coordination staff* shall provide administrative and clerical support to the council *and the board*. ~~The design and coordination staff~~ Comptroller shall maintain the minutes of each meeting and shall make such minutes available to any interested person. The Auditor General, *the State Courts Administrator, an executive officer of the Florida Association of State Administrative Services Directors, and an executive officer of the Florida Association of State Budget Officers,* ~~and the executive director of the Information Resource Commission,~~ or their designees, shall serve without voting rights as ex officio members on the coordinating council. The chair may call meetings of the coordinating council as often as necessary to transact business; however, the coordinating council shall meet at least once a year. *Action of the coordinating council shall be by motion, duly made, seconded and passed by a majority of the coordinating council voting in the affirmative for approval of items that are to be recommended for approval to the Financial Management Information Board.*

(3) The coordinating council, *assisted by the design and coordination staff,* shall have the following duties, powers, and responsibilities pertaining to the Florida ~~Financial Accounting~~ Management Information System:

(a) To conduct such studies *and to establish committees, workgroups, and teams to develop recommendations for rules, policies, procedures, principles, and standards to the board* as necessary to assist the board in its efforts ~~establish an information resources management plan~~ to design, implement, and perpetuate a *financial fiscal accounting* management information system, *including, but not limited to, the establishment of common data codes, the development of integrated financial management policies that address the information and management needs of the functional owner subsystems, and the development of a strategic plan pursuant to the requirements set forth in s. 186.022(9). At a minimum, the plan shall address the planning components described in s. 282.307(1). The plan shall be established and approved by the board no later than March 1 of each even-numbered year.* The coordinating council shall ~~make available forward~~ a copy of the approved plan in

*writing or through electronic means to each of the coordinating council members the Information Resource Commission, the Executive Office of the Governor, the fiscal appropriations committees of the Legislature, the Joint Legislative Information Technology Resources Committee, and any interested person each department as defined in s. 282.303.*

(b) To recommend to the board solutions, ~~and~~ policy alternatives, *and legislative budget request issues* that will ensure a framework for the timely, positive, preplanned, and prescribed data transfer between information subsystems *and to recommend to the board solutions, policy alternatives, and legislative budget request issues that ensure the availability of data and information that support state planning, policy development, management, evaluation, and performance monitoring.*

(c) To report to the board all actions taken by the coordinating council for final action.

(d) *To review the annual work plans of the functional owner information subsystems by October 1 of each year. The review shall be conducted to assess the status of the Florida Financial Management Information System and the functional owner subsystems in regard to the provisions of s. 215.91. The coordinating council, as part of the review process, may make recommendations for modifications to the functional owner information subsystems annual work plans.*

Section 26. Effective upon this act becoming a law, section 216.141, Florida Statutes, is amended to read:

216.141 Budget system procedures; planning and programming by state agencies.—

(1) The Executive Office of the Governor, in consultation with the appropriations committees of the Senate and House of Representatives ~~and the Auditor General,~~ and by utilizing the *Florida Financial Management Information System management data and the Comptroller's chart of accounts coding system of the State Automated Management Accounting Subsystem,* shall prescribe a planning and budgeting system, pursuant to s. 215.94(1)(2), to provide for continuous planning and programming and for effective management practices for the efficient operations of all state agencies and the judicial branch. However, the planning and budgeting system shall be limited to the processing of information related to *ss. 216.023, 216.0235, 216.031, 216.043, 216.102, 216.111, 216.121, 216.181, 216.182, and 216.192* and those applications relating to part I of chapter 23 *and part I of chapter 252* which are funded by the Legislature. The Executive Office of the Governor may contract with the Legislature to develop the planning and budgeting system and to provide services to the Legislature for the support and use of the legislative appropriations system. *The contract shall include the policies and procedures for combining the legislative appropriations system with the planning and budgeting information system established pursuant to s. 215.94(1). At a minimum, the contract shall require the use of common data codes. The combined legislative appropriations and planning and budgeting information subsystem shall support the legislative appropriations and legislative oversight functions without data code conversion or modification.*

(2) ~~The Florida Management Information Board Comptroller~~ shall notify the Auditor General of any changes or modifications to the *Florida Financial Management Information System and its functional owner information subsystems* ~~State Automated Management Accounting Subsystem.~~

(3) *The Comptroller, as chief fiscal officer, shall use the Florida Accounting Information Resource Subsystem developed pursuant to s. 215.94(2) for account purposes in the performance of and accounting for all of his or her constitutional and statutory duties and responsibilities. However, state agencies and the judicial branch continue to be responsible for maintaining accounting records necessary for effective management of their programs and functions.*

Section 27. *Health Information Systems Council; legislative intent; creation, appointment, duties.—*

(1) *The Legislature finds that it is in the state's interest to create a council consisting of executive-level managers for the state's health-related entities, to facilitate the sharing and coordination of health-related data.*

(2) There is created a Health Information Systems Council in the Department of Health to facilitate the identification, collection, standardization, sharing, and coordination of health-related data, including fraud and abuse data, and professional and facility licensing data among federal, state, local, and private entities. The Department of Health shall provide administrative support to the council.

(3) The council shall be composed of the following members or their senior executive-level designees:

- (a) The secretary of the Department of Health;
- (b) The secretary of the Department of Business and Professional Regulation;
- (c) The secretary of the Department of Children and Family Services;
- (d) The director of the Agency for Health Care Administration;
- (e) The secretary of the Department of Corrections;
- (f) The Attorney General;
- (g) The executive director of the Correctional Medical Authority;
- (h) Two members representing county health departments, one from a small county and one from a large county, appointed by the Governor; and
- (i) A representative from the Florida Association of Counties.

Representatives of the Federal Government may serve without voting rights.

(4) Members of the council who are appointed by the Governor shall serve 2-year terms beginning January 1 through December 31, except that their initial term shall be July 1, 1997, through December 31, 1998. A member may be removed by the Governor for cause or if such member is absent from three consecutive meetings. Any member appointed to fill a vacancy shall serve for the unexpired term of his or her predecessor.

(5) The council shall annually elect its chair and other officers. The council shall meet at least quarterly or at the call of its chair, at the request of a majority of its membership, or at the request of a department. All actions taken by the council shall be based upon approval by a simple majority.

(6) Members of the council shall be reimbursed for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(7) The council's duties and responsibilities include, but are not limited to, the following:

(a) By March 1 of each year, to develop and approve a strategic plan pursuant to the requirements set forth in s. 186.022(9), Florida Statutes. Copies of the plan shall be transmitted electronically or in writing to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate.

(b) To develop a mission statement, goals, and plan of action, based on the guiding principles specified in s. 282.3032, Florida Statutes, for the identification, collection, standardization, sharing, and coordination of health-related data across federal, state, and local government and private-sector entities.

(c) To create ad hoc issue-oriented technical workgroups, on an as-needed basis, to make recommendations to the council.

Section 28. Paragraphs (a) and (b) of subsection (13) of section 20.19, Florida Statutes, 1996 Supplement, are amended to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(13) INFORMATION SYSTEMS.—

(a) The secretary shall appoint a Chief Management Information Officer to serve as the department's information resource manager with the authority for agency development and management information systems maintenance, policies, and procedures as provided for in chapter

282 s. 282.311. The Chief Management Information Officer shall direct and promote information as a strategic asset and facilitate integration of data systems and agency and interagency resource sharing as allowed by applicable statutes. The Chief Management Information Officer serves at the pleasure of the secretary.

(b) The Chief Management Information Officer is directly responsible for the management of the management information systems service center that provides primary information systems support for all entities within the department and maintains fee-for-service provisions for use by other agencies. The Chief Management Information Officer shall negotiate service-level agreements between the management information systems service center and users and shall facilitate integrated information systems practices and procedures throughout the service districts and with local service providers.

Section 29. Paragraph (c) of subsection (6) of section 20.316, Florida Statutes, 1996 Supplement, is amended to read:

20.316 Department of Juvenile Justice.—There is created a Department of Juvenile Justice.

(6) INFORMATION SYSTEMS.—

(c) The department shall implement a distributed system architecture which shall be defined in its agency strategic plan pursuant to s. 282.307.

Section 30. Subsection (6) of section 20.41, Florida Statutes, is amended to read:

20.41 Department of Elderly Affairs.—There is created a Department of Elderly Affairs.

(6) In accordance with the federal Older Americans Act of 1965, as amended, the department shall designate and contract with area agencies on aging in each of the department's planning and service areas. Area agencies on aging shall ensure a coordinated and integrated provision of long-term care services to the elderly and shall ensure the provision of prevention and early intervention services. The department shall have overall responsibility for information system planning. The department shall ensure, through the development of equipment, software, data, and connectivity standards, the ability to share and integrate information collected and reported by the area agencies in support of their contracted obligations to the state. Information system plans developed in support of the area agencies shall be included in the department's strategic information resource management plan, as required by s. 282.307.

Section 31. Paragraph (b) of subsection (1) of section 112.3145, Florida Statutes, 1996 Supplement, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(b) "Specified state employee" means:

1. Public counsel created by chapter 350, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, a judge of compensation claims, an administrative law judge, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field

or the superintendent or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding \$1,000, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

~~6.—Any voting member of the Information Technology Resource Procurement Advisory Council established in the Department of Management Services by s. 287.073.~~

6.7. Any person, other than a legislative assistant exempted by the presiding officer of the house by which the legislative assistant is employed, who is employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.

7.8. Each employee of the Commission on Ethics.

Section 32. Subsection (8) of section 216.031, Florida Statutes, is amended to read:

216.031 Budgets for operational expenditures.—A legislative budget request, reflecting the independent judgment of the head of the state agency, and of the Chief Justice of the Supreme Court, with respect to the needs of the agency and the judicial branch for operational expenditures during the next fiscal year, shall be submitted by each head of a state agency and by the Chief Justice of the Supreme Court and shall contain the following:

(8) An information resources management schedule showing the agency's or judicial branch's total budget request for information resources management. The schedule shall be in the format provided for in the legislative budget instructions. The budget request for information resources management shall identify, if applicable, which parts of the request are in response to any information resources management issues included in the legislative budget instructions pursuant to s. 282.305(4). This subsection is applicable only to those state agencies which are under the purview of ss. 282.303-282.313 and to the judicial branch.

Section 33. Subsections (5), (6), and (10) of section 216.235, Florida Statutes, are amended to read:

216.235 Innovation Investment Program; definitions; intent; State Innovation Committee; responsibilities; procedures for innovative project submission, review, evaluation, and approval; criteria to be considered.—

(5) Except as otherwise provided in this act, innovative project proposals shall be submitted to the department no later than August 1. The department shall prescribe the format for proposals submitted pursuant to this section. Such proposals shall include, but not be limited to:

- (a) The identification of a specific innovative project.
- (b) The name of the innovative project administrator.
- (c) A cost/benefit analysis.
- (d) A plan to be used by the agency in evaluating the outcomes of the innovative project upon implementation.
- (e) A summary of how the innovative project produces a cost savings for the agency or improves the quality of the public services delivered by the agency.

All proposals shall have the approval of the agency head, the agency's budget director, the agency's inspector general or internal auditor, and, if the proposal involves information technology resources, the *agency's Chief Information Officer* ~~information resource manager~~ prior to submission to the department.

(6) Any agency submitting a proposal for an innovative project that involves information technology resources shall submit a draft proposal to the *State Innovation Committee or its designee* ~~Information Resource Commission~~ for review and consultation no later than June 1 and a final proposal no later than July 1. In addition to the requirements of subsection (5), such proposals shall include:

- (a) The identification of the specific project, as defined in s. 282.303.
- (b) A statement as to the innovative project's consistency with the agency's strategic plan ~~for information resources management~~.
- (c) The business case, which shall include how the funds are to be used, what specific processes will be affected, and how savings for improved efficiency of operations are to be achieved.
- (d) A planning and analysis methodology that provides a high level of confidence in successful implementation.
- (e) If applicable, a description of the transferability of the technology to other agencies.

Based on the components required by this subsection to be included in innovative project proposals, the *State Innovation Committee or its designee* ~~Information Resource Commission~~ shall evaluate the innovative project's technical feasibility and shall make recommendations to the review board. Proposals that involve the innovative application of information technology resources that have a transferable benefit to other agencies shall receive greater consideration by the *committee or its designee* ~~Information Resource Commission~~ than those applications that do not have a transferable benefit.

(10) The department shall monitor and evaluate the implementation of innovative projects to determine if the anticipated results were achieved. For innovative projects involving information technology resources, the *agency's Chief Information Officer* ~~Information Resource Commission~~ shall assist the department in monitoring and evaluating the implementation of the innovative project, and determining whether the anticipated results were achieved.

Section 34. Section 216.236, Florida Statutes, is amended to read:

216.236 Innovation Investment Program; funding; recordkeeping and reporting.—The amount of \$1 million of any funds appropriated from the General Revenue Fund for the purpose of funding the Innovation Investment Program shall be available on a payback basis. Innovative project proposals funded on a payback basis shall include the requirements of s. 216.235(5) and, if applicable, s. 216.235(6), and shall be submitted to the department no later than May 15. ~~The State Innovation Committee or its designee~~ Agencies submitting an innovative project proposal involving information technology resources shall not be required to submit a draft proposal to the ~~Information Resource Commission~~; however, the ~~Information Resource Commission~~ shall review and evaluate such proposal as to its technical feasibility. Funds for the innovative project shall be available to the agency on July 1. Any of such funds which are not awarded by July 1 shall be used for funding innovative projects submitted for funding pursuant to section 3. Loans made under this section shall be repaid, without interest, from savings realized by the agency as a result of implementing the innovative project by no later than July 30 of the following fiscal year in which the funds were received by the agency. Any agency awarded funds pursuant to this section shall maintain detailed accounting records showing all expenses, loan transfers, savings, or other financial actions concerning the project. Any savings realized as a result of implementing the innovative project shall be quantified, validated, and verified by the agency. By July 1 of the following fiscal year in which the funds were received, a final report of the results of the implementation of each innovative project shall be submitted by each participating agency to the Governor's Office of Planning and Budgeting and the legislative appropriations committees, along with a budget amendment to reimburse the General Revenue Fund.

Section 35. Subsection (16) of section 287.042, Florida Statutes, 1996 Supplement, is amended to read:

287.042 Powers, duties, and functions.—The division shall have the following powers, duties, and functions:

(16)(a) To enter into joint agreements with governmental agencies, as defined in s. 163.3164(10), for the purpose of pooling funds for the purchase of commodities, information technology resources, or services that can be used by multiple agencies. However, *the department may consult with the State Technology Office on joint agreements that involve the purchase of information technology resources must be coordinated with the Information Resource Commission. The Information Resource Commission may also provide administrative and technical support for*

those agreements involving the purchase of information technology resources, or the division may delegate complete authority for joint agreements involving information technology resources to the commission. Agencies entering into joint purchasing agreements with the division of the Information Resource Commission, as appropriate, shall authorize the division or commission to contract for such purchases on their behalf.

(b) Each agency that has been appropriated or has existing funds for such purchases, shall, upon contract award by the division, transfer their portion of the funds into the division's Grants and Donations Trust Fund for payment by the division. These funds shall be transferred by the Executive Office of the Governor pursuant to the agency budget amendment request provisions in chapter 216.

~~(c) Notwithstanding paragraph (b), for joint agreements for information technology resources purchases that have been delegated by the division to the Information Resource Commission, agencies that have been appropriated or have existing funds for information technology resources purchases shall, upon contract award by the commission, transfer their portion of the funds into the Information Resource Commission's Grants and Donations Trust Fund for payment by the commission. These funds shall be transferred by the Executive Office of the Governor pursuant to the agency budget amendment request provisions in chapter 216.~~

~~(c)(d) Agencies that sign such joint agreements are financially obligated for their portion of the agreed-upon funds. If any agency becomes more than 90 days delinquent in paying such funds, the Department of Management Services or the Information Resource Commission, as applicable, shall certify to the Comptroller the amount due, and the Comptroller shall transfer the amount due to the Grants and Donations Trust Fund of the division or the Information Resource Commission, as appropriate, from any of the agency's available funds. The Comptroller shall report all such transfers and the reasons for such transfers to the Executive Office of the Governor and the legislative appropriations committees.~~

Section 36. Subsection (1) of section 287.073, Florida Statutes, is amended to read:

287.073 Procurement of information technology resources.—

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

~~(a) "Information technology resources" has the same meaning ascribed in s. 282.303(13). means data processing hardware, software, services, supplies, personnel, facility resources, maintenance, and training but does not include those process control devices excluded from such definition by rule of the Information Resource Commission.~~

~~(b) "Total cost" means all costs associated with the information technology resource, including, but not limited to, value of hardware, software or service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources, except that the total cost of loans or gifts of information technology resources to state universities to be used in instruction or research does not include fair market value.~~

Section 37. Subsection (3) is added to section 943.08, Florida Statutes, 1996 Supplement, to read:

943.08 Duties; Criminal and Juvenile Justice Information Systems Council.—

~~(3) The council shall develop and approve a strategic plan pursuant to the requirements set forth in s. 186.022(9). Copies of the approved plan shall be transmitted, electronically or in writing, to the Executive Office of the Governor, the Speaker of the House of Representatives, the President of the Senate, and the council members.~~

Section 38. *The current staff of the Information Resource Commission, which is abolished by this act, shall be afforded priority consideration for any positions created by the reorganization pursuant to the provisions of this act or for other vacant positions in state government in accordance with s. 20.02(7), Florida Statutes.*

Section 39. *All records, including electronic and paper records, of each entity abolished by this act must be appropriately stored within 30*

*days after the date of the abolishment of the entity, except that records of the Information Resource Commission may be transferred to the State Technology Office upon request of the office.*

Section 40. *The administrative rules of the Information Resource Commission shall remain in effect until June 30, 1998, at which time such rules are repealed unless the Executive Office of the Governor issues a memorandum that conflicts with an existing administrative rule of the Information Resource Commission prior to that date, which memorandum shall prevail to the extent of a conflict. However, the judicial and legislative branches, the State University System, and the Community College System are not bound by any existing administrative rules adopted by the Information Resource Commission.*

Section 41. *All unexpended appropriations resulting from the repeal of the Information Resource Commission, which were designated for special monitoring pursuant to s. 282.322, Florida Statutes, shall be transferred by a type two transfer to the Technology Review Workgroup established pursuant to s. 216.0446, Florida Statutes.*

Section 42. *The Division of Statutory Revision of the Joint Legislative Management Committee may prepare a reviser's bill to conform any cross-references that are necessary as a result of this act.*

Section 43. Except as otherwise provided herein, this act shall take effect July 1, 1997.

And the title is amended as follows:

On page 1, delete everything before the enacting clause and insert: A bill to be entitled An act relating to information resources management; amending s. 11.39, F.S.; revising the duties of the Legislative Information Technology Resource Committee; amending s. 120.52, F.S.; providing an additional exclusion to the definition of "rule"; amending ss. 186.021 and 186.022, F.S.; revising provisions relating to information resources management in state agency strategic plans and review thereof; creating s. 216.0446, F.S.; authorizing a mechanism for the review of portions of agency strategic plans and legislative budget requests that pertain to information resource management needs; naming this mechanism the Technology Review Workgroup; amending s. 216.181, F.S.; requiring review and approval of amendments to approved budgets which involve specified information resource management initiatives or projects; amending s. 282.003, F.S.; revising the short title of ch. 282, F.S.; creating s. 282.005, F.S.; providing legislative findings and intent with respect to information resources management; amending s. 282.303, F.S.; revising definitions; creating s. 282.3031, F.S.; providing for assignment of information resources management responsibilities; creating s. 282.3032, F.S.; providing guiding principles for development and implementation of information systems; creating s. 282.3041, F.S.; providing for information resources management responsibilities within state agencies; creating s. 282.3055, F.S.; creating the position of Chief Information Officer; providing duties; creating s. 282.3063, F.S.; requiring an Agency Annual Information Resources Management Report; creating s. 282.3091, F.S.; creating the State Technology Council; providing legislative intent; providing membership, powers, and duties; creating s. 282.3093, F.S.; creating the State Technology Office; providing legislative intent; providing powers and duties; creating s. 282.310, F.S.; requiring a State Annual Report on Information Resources Management; creating s. 282.315, F.S.; creating the Chief Information Officers Council; providing legislative intent; providing purposes, membership, and duties; amending s. 282.102, F.S.; authorizing the Division of Communications of the Department of Management Services to publish electronically a portfolio of its services; specifying the information to be included in the portfolio; requiring that the information also be provided in hard copy; repealing s. 282.1021, F.S., which requires the Division of Communications to develop a biennial plan for communication services; amending s. 282.20, F.S., relating to the Technology Resource Center; removing references to the Information Resource Commission; amending s. 282.313, F.S.; revising membership and duties of the data processing policy boards; amending s. 282.318, F.S.; revising security requirements for data and information technology resources; amending s. 282.322, F.S., relating to special monitoring for designated information resources management projects; providing for the assumption of specified responsibilities by the Technology Review Workgroup; amending s. 282.404, F.S., relating to the Geographic Information Board; requiring the board to develop an annual strategic plan; removing references to the Information Resource Commission; revising the membership of the Geographic Information Advisory Council; repealing s. 282.004, F.S., relating to legislative intent with respect to

information resources management and paperwork reduction; repealing s. 282.304, F.S., which provides for the creation of the Information Resource Commission; repealing s. 282.307, F.S., which requires each department to submit a strategic plan for information resources management; repealing s. 282.308, F.S., which requires each state university to prepare a strategic plan for information resources management; repealing s. 282.312, F.S., which requires the submission of annual performance reports to the Information Resource Commission; repealing s. 287.0735, F.S., which requires the review of contracts relating to the acquisition of information technology resources by the Information Resource Commission; repealing s. 287.073(5), (6), (7), and (8), F.S., which creates the Information Technology Resource Procurement Advisory Council within the Department of Management Services; repealing s. 216.0445, F.S., relating to budget evaluation by the Information Resource Commission; repealing s. 282.309, F.S., which requires the preparation of strategic plans for information resources management by the judicial branch; repealing s. 282.311, F.S., which provides for information resource managers; repealing s. 282.305, F.S., which provides powers and duties of the Information Resource Commission and the Board of Regents with respect to information resources management; repealing s. 282.3061, F.S., which provides for a State Strategic Plan for Information Resources Management; repealing s. 282.3062, F.S., which requires an annual report on information resources management by the Information Resource Commission; repealing s. 282.314, F.S., which creates the Information Resources Management Advisory Council; amending s. 215.90, F.S.; renaming the "Florida Fiscal Accounting Management Information System Act" the "Florida Financial Management Information System Act"; amending s. 215.91, F.S.; providing legislative intent; amending s. 215.92, F.S.; revising definitions; amending s. 215.93, F.S.; providing requirements with respect to the Florida Financial Management Information System and its subsystems; amending s. 215.94, F.S.; revising provisions with respect to the designation, duties, and responsibilities of the functional owners; amending s. 215.95, F.S.; renaming the Fiscal Accounting Information Board as the Financial Management Information Board and revising its duties; requiring the board to develop an annual strategic plan; amending s. 215.96, F.S.; revising provisions with respect to the coordinating council and its membership and duties; providing for design and coordination staff; amending s. 216.141, F.S.; revising provisions with respect to budget system procedures and planning and programming by state agencies; creating a Health Information Systems Council to facilitate coordination and sharing of health-related data; requiring the council to develop and approve an annual strategic plan; amending ss. 20.19, 20.316, and 20.41, F.S., to conform and correct cross-references; amending s. 112.3145, F.S.; removing voting members of the Information Technology Resource Procurement Advisory Council from the definition of "specified state employee"; amending s. 216.031, F.S.; correcting a cross-reference; amending ss. 216.235 and 216.236, F.S., to conform; amending s. 287.042, F.S., relating to the powers, duties, and functions of the Division of Purchasing of the Department of Management Services, to conform; amending s. 287.073, F.S.; conforming the definition of "information technology resources"; amending s. 943.08, F.S.; requiring the Criminal and Juvenile Justice Information Systems Council to develop and approve an annual strategic plan; requiring that the current staff of the Information Resource Commission be given priority consideration for vacant or new positions; providing for storage of records and requiring that the records of the Information Resource Commission be transferred to the State Technology Office; providing for the repeal of the administrative rules of the Information Resource Commission on June 30, 1998; providing for the transfer of specified unexpended appropriations to the Technology Review Workgroup; providing for a reviser's bill; providing effective dates.

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

**Amendment 1A**—On page 72, lines 10-14, delete those lines and insert: *June 30, 1998, at which time such rules are repealed. However,*

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

**Amendment 1B (with title amendment)**—On page 72, between lines 28 and 29, insert:

Section 43. *For the purposes of sections 43 through 47, the word "agency" has the meaning ascribed in section 119.011, Florida Statutes.*

Section 44. *Notwithstanding any general or special law to the contrary, the agencies of one or more local governments may establish a*

*collaborative client information system. State agencies and private agencies may participate in the collaborative information system. Data related to the following areas may be included in the collaborative information system, although the system is not limited to only these types of information; criminal justice, juvenile justice, education, employment training, health, and human services.*

Section 45. (1) *The counties involved in the creation and administration of a collaborative client information system shall form a steering committee, consisting of representatives of all agencies and organizations participating in the system, to govern the organization and administration of the collaborative system. Each steering committee shall determine its procedures for governance of the organization, participation in the collaborative information system, and administration of the data in the system. Each steering committee also must develop a security policy to be followed by all agencies participating in the collaborative system to ensure the integrity of the data in the collaborative information system and to guarantee the privacy, to the extent possible, of all clients served by an agency that participates in the collaborative system.*

(2) *Before sharing confidential information with other members of the information collaborative, each member of the steering committee shall sign an agreement specifying, at a minimum, the following information:*

- (a) *What information each agency will share with the collaborative;*
- (b) *How the information will be shared;*
- (c) *How clients will be notified that an agency participates in the collaborative;*
- (d) *Who in each agency will have access to the information;*
- (e) *The purposes to be served by sharing the information;*
- (f) *Assurances from each agency that it will maintain the confidentiality of the information as required by law; and*
- (g) *Other information decided upon by members of the information cooperative.*

Section 46. *Notwithstanding any law to the contrary, an agency that participates in the creation or administration of a collaborative client information system may share client information, including confidential client information, with other members of the collaborative system as long as the restrictions governing the confidential information are observed by any other agency granted access to the confidential information. An agency that participates in a collaborative information system is not required to have a release signed by its affected clients before sharing confidential information with other members of the collaborative system.*

Section 47. *An agency that receives moneys from a federal, state, or local agency is encouraged to participate in any collaborative client information system that is available within the service area of the agency.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 78, between lines 24 and 25, insert: providing a definition; specifying the types of information to be included in the collaborative systems; specifying participants in the collaborative systems; requiring a steering committee to govern each collaborative system; requiring a system security plan; authorizing collaborative system members to share client information; imposing restrictions to protect confidential client information; encouraging participation in the collaborative systems;

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 940** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

## THE PRESIDENT PRESIDING

**CS for SB 1860**—A bill to be entitled An act relating to the Consultants' Competitive Negotiation Act; amending s. 287.055, F.S.; providing

that municipalities, political subdivisions, school districts, and school boards, as an alternative to awarding design-build contracts using a competitive proposal selection process as described in said section, may award such contracts using a qualifications-based selection process pursuant to standards for competitive selection and competitive negotiation for entering into a contract for a guaranteed maximum price and completion date; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

**Amendment 1**—On page 2, lines 4-6, delete those lines and insert: *selection process pursuant to subsections (3), (4), and (5). During the qualifications-based selection of the design-build firm, the procuring agency shall employ or retain a licensed design professional appropriate to the project to serve as the agency's representative. Procedures for the use of a*

On motion by Senator Lee, further consideration of **CS for SB 1860** as amended was deferred.

Consideration of **SB 1158** was deferred.

**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 participation 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.

—was read the second time by title.

Senators McKay and Hargrett offered the following amendments which were moved by Senator McKay and adopted:

**Amendment 1**—On page 7, lines 11-21, delete those lines and insert:

Section 3. Subsections (2), (3), and (5) of section 121.052, Florida Statutes, 1996 Supplement, are amended to read:

121.052 Membership class of elected state and county officers.—

(2) MEMBERSHIP.—The following holders of ~~state and county~~ elective office, hereinafter referred to as "elected officers," whether assuming elective office by election, reelection, or appointment, are members of the Elected State and County Officers' Class, except as provided in subsection (3):

(a) Any Governor, Lieutenant Governor, Cabinet officer, legislator, Supreme Court justice, district court of appeal judge, circuit judge, or state attorney assuming office on or after July 1, 1972.

(b) Any county court judge assuming office on or after October 1, 1974.

(c) Any public defender assuming office on or after July 1, 1977.

(d) Any constitutional county elected officer assuming office on or after July 1, 1981, including any sheriff, tax collector, property appraiser, supervisor of elections, clerk of the circuit court, county commissioner, school board member, or elected school board superintendent, or any elected officer of any entity with countywide jurisdiction assuming office on or after July 1, 1981, who, pursuant to general or special law, exercises powers and duties that, but for such general or special law, would be exercised by any of the constitutional county elected officers set forth in this paragraph.

(e) Any public service commissioner assuming office on or after July 1, 1972, but prior to July 1, 1979.

(f) Any elected officer of a municipality or special district on or after July 1, 1997, as provided in paragraph (3)(e).

(3) PARTICIPATION AND WITHDRAWAL, GENERALLY.—Effective July 1, 1990, participation in the Elected State and County Officers' Class shall be compulsory for elected officers listed in paragraphs (2)(a)-(d) and (f) assuming office on or after said date, unless the elected officer elects membership in another class or withdraws from the Florida Retirement System as provided in paragraph (3)(a)-(d) follows:

**Amendment 2**—On page 9, between lines 25 and 26, insert:

(e) Effective July 1, 1997, the governing body of a municipality or special district may, by majority vote, elect to designate all its elected positions for inclusion in the Elected State and County Officers' Class. Such election shall be made between July 1, 1997, and December 31,

1997, and shall be irrevocable. The designation of such positions shall be effective the first day of the month following receipt by the division of the ordinance or resolution passed by the governing body.

#### MOTION

On motion by Senator Thomas, the rules were waived to allow the following amendments to be considered:

Senator Williams offered the following amendments which were moved by Senator Thomas and adopted:

**Amendment 3**—On page 58, lines 19 and 23; and on page 59, line 2, after “nonpublic” insert: , nonsectarian

**Amendment 4 (with title amendment)**—On page 64, between lines 27 and 28, insert:

Section 16. Subsections (5) and (7) of section 121.30, Florida Statutes, 1996 Supplement, are amended, and subsection (9) is added to that section, to read:

121.30 Statements of purpose and intent and other provisions required for qualification under the Internal Revenue Code of the United States.—Any other provisions in this chapter to the contrary notwithstanding, it is specifically provided that:

(5) No benefit payable hereunder for any limitation year shall exceed the maximum amount, including cost-of-living adjustments, allowable by law for qualified pension plans under applicable existing or hereafter enacted provisions of the Internal Revenue Code of the United States.

(7) Any provision of this chapter relating to an optional annuity or retirement program must be construed and administered in such manner that such program will qualify as a qualified pension plan under applicable existing or hereafter enacted provisions of the Internal Revenue Code of the United States, and the division may adopt any rule necessary to accomplish the purpose of this subsection not inconsistent with this chapter.

(9) The division may adopt any rule necessary to accomplish the purpose of the section which is not inconsistent with this chapter.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, line 26, after the first semicolon (;) insert: amending s. 121.30, F.S.; providing for inclusion of cost-of-living adjustments in the calculation of the federal maximum benefit limit;

**Amendment 5 (with title amendment)**—On page 75, line 27, after “Sections” insert: 25.101, 25.112, 25.122, 25.131, 25.141, 25.161, 38.14, 38.15, 38.16, 38.17, 38.19.

And the title is amended as follows:

On page 4, line 13, after the semicolon (;) insert: repealing ss. 25.101, 25.112, 25.122, 25.131, 25.141, 25.161, 38.14, 38.15, 38.16, 38.17, 38.19, F.S., relating to retirement for justices and judges;

Senator Silver moved the following amendment:

**Amendment 6 (with title amendment)**—On page 76, between lines 23 and 24, insert:

Section 23. On July 1, 1997, the Department of Management Services shall provide for an open enrollment period for retired state employees who want to obtain health insurance coverage under sections 110.123 and 110.12315, Florida Statutes. The options offered during the open enrollment period must provide the same health insurance coverage as the coverage provided to active employees under the same premium payment conditions in effect for covered retirees, including eligibility for health insurance subsidy payments under section 112.363, Florida Statutes. A person who separates from employment subsequent to May 1, 1988, but whose date of retirement occurs on or after August 1, 1995, is eligible as of the first open enrollment period occurring after July 1, 1997, with an effective date of January 1, 1998, as long as the retiree's enrollment remains in effect.

(Renumber subsequent section.)

And the title is amended as follows:

On page 4, line 20, after the semicolon (;) insert: providing future periodic open enrollment periods for state retirees who want to obtain health coverage; providing conditions; providing eligibility;

On motion by Senator Thomas, further consideration of **CS for CS for SB 1824** with pending **Amendment 6** was deferred.

#### RECESS

On motion by Senator Bankhead, the Senate recessed at 11:31 a.m. 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

#### SPECIAL ORDER CALENDAR, continued

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

**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 participation 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.

—with pending **Amendment 6** by Senator Silver.

Senator Silver moved the following amendment to **Amendment 6** which was adopted:

**Amendment 6A**—On page 1, line 17, after "On" insert: *or after*

**Amendment 6** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 1824** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

**SB 1158**—A bill to be entitled An act relating to the Department of Revenue; amending ss. 20.04, 20.21, F.S., relating to the internal structure of the department; amending ss. 189.412, 195.087, 195.096, 195.097, 200.068, 200.0684, 213.015, 213.053, 213.2201, 409.2599, F.S., relating to powers and duties of the department; repealing s. 213.0451, F.S., relating to duties of division directors in the department; restoring those sections to the language and form in which they existed before their amendment by ss. 15-27, ch. 95-272, Laws of Florida; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendment:

**Amendment 1 (with title amendment)**—On page 17, between lines 18 and 19, insert:

Section 9. Paragraph (c) of subsection (5) of section 212.08, Florida Statutes, 1996 Supplement, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(c) Machinery and equipment used in production of electrical or steam energy.—

1. The purchase of machinery and equipment for use at a fixed location which ~~equipment and machinery and equipment~~ are necessary in

the production of electrical or steam energy resulting from the burning of boiler fuels other than residual oil is exempt from the tax imposed by this chapter. Such electrical or steam energy must be primarily for use in manufacturing, processing, compounding, or producing for sale items of tangible personal property in this state. *Use of a de minimis amount of residual fuel to facilitate the burning of nonresidual fuel shall not reduce the exemption otherwise available under this paragraph.*

2. *In facilities where machinery and equipment are necessary to burn both residual and nonresidual fuels, the exemption shall be prorated. Such proration shall be based upon the production of electrical or steam energy from nonresidual fuels as a percentage of electrical or steam energy from all fuels. Purchasers claiming a partial exemption shall obtain such exemption by refund of taxes paid, or as otherwise provided in the department's rules.*

3. *The department may adopt rules that provide for implementation of this exemption. Purchasers of machinery and equipment qualifying for the exemption provided in this paragraph shall furnish the department with ~~However, the exemption provided for in this paragraph shall not be allowed unless the purchaser signs an affidavit stating that the item or items to be exempted are for the exclusive use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed under this chapter shall be subject to the penalty set forth in s. 212.085 and as otherwise provided by law. Purchasers with self-accrual authority shall maintain all documentation necessary to prove the exempt status of purchases.~~*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: amending s. 212.08, F.S.; clarifying the application of a sales and use tax exemption for machinery and equipment necessary in the production of electrical or steam energy from the burning of boiler fuels; providing that the use of a de minimis amount of residual fuel to help burn nonresidual fuel shall not reduce the exemption; providing for a prorated exemption in facilities where machinery and equipment are necessary to burn residual and nonresidual fuels; providing rulemaking authority;

On motion by Senator Williams, further consideration of **SB 1158** with pending **Amendment 1** was deferred.

On motion by Senator Clary, by two-thirds vote **HB 1603** was withdrawn from the Committee on Banking and Insurance.

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

**HB 1603**—A bill to be entitled An act relating to the State Fire Marshal; amending s. 633.061, F.S.; providing a limitation upon licensees; providing requirements for licensees; providing procedures for licensure; prescribing what constitutes unlawful activity; providing for training; providing for duties of the State Fire Marshal; amending s. 633.071, F.S.; providing standards for tagging; providing for inspection reports; amending s. 633.175, F.S.; providing authority for law enforcement officers or fire department officials; providing for civil immunity; providing for notice of release of investigative records; amending s. 633.35, F.S.; providing standards for private entities that provide the services of firefighters; providing standards for firefighters; amending s. 633.511, F.S.; redesignating certain classifications; amending s. 633.514, F.S.; providing for permitholders; providing an effective date.

—a companion measure, was substituted for **CS for SB 1314** and by two-thirds vote read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1603** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Lee	Ostalkiewicz	Silver	Turner
Meadows	Rossin	Sullivan	Williams
Myers	Scott	Thomas	

Nays—None

Vote after roll call:

Yea—McKay

On motion by Senator Grant, by two-thirds vote **CS for HB 147** was withdrawn from the Committees on Judiciary; and Children, Families and Seniors.

On motion by Senator Grant—

**CS for HB 147**—A bill to be entitled An act relating to marriage; providing that same-sex marriages entered into in any jurisdiction, whether within, or outside the State of Florida, the United States, or any other jurisdiction, either domestic or foreign, or any other place or location are not recognized in this state; prohibiting the state and its agencies and subdivisions from giving effect to specified public acts, records, or proceedings respecting such relationships or claims arising from such relationships; providing an effective date.

—a companion measure, was substituted for **CS for SB 272** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 147** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 528, CS for SB 104, CS for SB 842, CS for SB 750 and CS for SB's 818, 1136 and 1242** was deferred.

On motion by Senator Burt, by two-thirds vote **HB 1307** was withdrawn from the Committees on Regulated Industries and Community Affairs.

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

**HB 1307**—A bill to be entitled An act relating to alarm system contracting; amending s. 489.505, F.S.; modifying a definition; amending s. 489.518, F.S.; providing exceptions to training and background check requirements; amending s. 489.529, F.S.; providing an exception to an alarm verification requirement; creating s. 489.5315, F.S.; clarifying occupational licensure requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 1794** and by two-thirds vote read the second time by title. On motion by Senator Burt, by two-thirds vote **HB 1307** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

Consideration of **SB 1130, CS for SB 1148 and CS for SB 250** was deferred.

**TRUST FUND BILL  
SPECIAL ORDER CALENDAR**

**SB 2088**—A bill to be entitled An act relating to the re-creation of the Operating Trust Fund of the Department of Management Services without modification; re-creating the Operating Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2088** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2090**—A bill to be entitled An act relating to the re-creation of the State Game Trust Fund without modification; re-creating the State Game Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2090** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2092**—A bill to be entitled An act relating to the re-creation of the Dedicated License Trust Fund without modification; re-creating the Dedicated License Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2092** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Bronson	Burt	Casas
Bankhead	Brown-Waite	Campbell	Childers

Clary	Grant	Kirkpatrick	Rossin
Cowin	Gutman	Klein	Scott
Crist	Hargrett	Kurth	Silver
Dantzler	Harris	Latvala	Thomas
Diaz-Balart	Holzendorf	Lee	Turner
Dudley	Horne	Meadows	Williams
Dyer	Jenne	Myers	
Forman	Jones	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

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**SB 2094**—A bill to be entitled An act relating to the re-creation of the Florida Panther Research and Management Trust Fund without modification; re-creating the Florida Panther Research and Management Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2094** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

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**SB 2096**—A bill to be entitled An act relating to the re-creation of the Land Acquisition Trust Fund of the Game and Fresh Water Fish Commission without modification; re-creating the Land Acquisition Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2096** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

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**SB 2098**—A bill to be entitled An act relating to the re-creation of the Lifetime Fish and Wildlife Trust Fund without modification; re-creating the Lifetime Fish and Wildlife Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2098** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

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**SB 2100**—A bill to be entitled An act relating to the re-creation of the Nongame Wildlife Trust Fund without modification; re-creating the Nongame Wildlife Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2100** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

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**SB 2102**—A bill to be entitled An act relating to the re-creation of the Lottery Administrative Trust Fund without modification; re-creating the Lottery Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2102** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Burt	Clary	Diaz-Balart
Bankhead	Campbell	Cowin	Dudley
Bronson	Casas	Crist	Dyer
Brown-Waite	Childers	Dantzler	Forman

Grant	Jenne	Lee	Silver
Gutman	Jones	Meadows	Thomas
Hargrett	Kirkpatrick	Myers	Turner
Harris	Klein	Ostalkiewicz	Williams
Holzendorf	Kurth	Rossin	
Horne	Latvala	Scott	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2104**—A bill to be entitled An act relating to the re-creation of the Armory Board Trust Fund without modification; re-creating the Armory Board Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2104** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2106**—A bill to be entitled An act relating to the re-creation of the Camp Blanding Management Trust Fund without modification; re-creating the Camp Blanding Management Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2106** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2108**—A bill to be entitled An act relating to the re-creation of the Grants and Donations Trust Fund of the Department of Management Services without modification; re-creating the Grants and Donations

Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2108** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2110**—A bill to be entitled An act relating to the re-creation of the Administrative Trust Fund of the Department of Management Services without modification; re-creating the Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2110** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2112**—A bill to be entitled An act relating to the re-creation of the State Agency Law Enforcement Radio System Trust Fund without modification; re-creating the State Agency Law Enforcement Radio System Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2112** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Casas	Diaz-Balart	Hargrett
Bankhead	Childers	Dudley	Harris
Bronson	Clary	Dyer	Holzendorf
Brown-Waite	Cowin	Forman	Horne
Burt	Crist	Grant	Jenne
Campbell	Dantzer	Gutman	Jones

Kirkpatrick	Lee	Rossin	Turner
Klein	Meadows	Scott	Williams
Kurth	Myers	Silver	
Latvala	Ostalkiewicz	Thomas	

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2114**—A bill to be entitled An act relating to the re-creation of the Pretax Benefits Trust Fund without modification; re-creating the Pretax Benefits Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2114** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2116**—A bill to be entitled An act relating to trust funds; declaring the findings of the Legislature that specified trust funds in the Game and Fresh Water Fish Commission and the Department of Management Services are exempt from the automatic-termination requirements of Section 19(f), Article III of the State Constitution; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2116** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2118**—A bill to be entitled An act relating to the re-creation of the State Employee Child Care Revolving Trust Fund without modification; re-creating the State Employee Child Care Revolving Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2118** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2120**—A bill to be entitled An act relating to the re-creation of the State Personnel System Trust Fund without modification; re-creating the State Personnel System Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2120** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2122**—A bill to be entitled An act relating to the re-creation of the Architects Incidental Trust Fund without modification; re-creating the Architects Incidental Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2122** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Rossin Silver Turner Williams  
Scott Thomas

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2124**—A bill to be entitled An act relating to the re-creation of the Bureau of Aircraft Trust Fund without modification; re-creating the Bureau of Aircraft Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2124** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2126**—A bill to be entitled An act relating to the re-creation of the Communications Working Capital Trust Fund without modification; re-creating the Communications Working Capital Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2126** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2128**—A bill to be entitled An act relating to the re-creation of the Motor Vehicle Operating Trust Fund without modification; re-creating the Motor Vehicle Operating Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2128** was read the third time by title, passed by

the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2130**—A bill to be entitled An act relating to the re-creation of the Supervision Trust Fund without modification; re-creating the Supervision Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2130** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

**SB 2132**—A bill to be entitled An act relating to the re-creation of the Surplus Property Revolving Trust Fund without modification; re-creating the Surplus Property Revolving Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **SB 2132** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Rossin Silver Turner Williams
Scott Thomas

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2134—A bill to be entitled An act relating to the re-creation of the Working Capital Trust Fund of the Department of Management Services without modification; re-creating the Working Capital Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote SB 2134 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SB 2136—A bill to be entitled An act relating to the re-creation of the Administrative Trust Fund of the Division of Administrative Hearings of the Department of Management Services without modification; re-creating the Administrative Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote SB 2136 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McKay, Sullivan

SPECIAL ORDER CALENDAR, continued

Consideration of CS for SB 62 was deferred.

On motion by Senator Crist—

SB 208—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for certain complimentary meals; 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 Crist and adopted:

Amendment 1—On page 2, line 1, delete "January 1, 1998." and insert: July 1, 1997.

On motion by Senator Crist, further consideration of SB 208 as amended was deferred.

Consideration of SB 1174 and SB 14 was deferred.

On motion by Senator Horne, by two-thirds vote HB 445 was withdrawn from the Committees on Judiciary; and Ways and Means.

On motion by Senator Horne—

HB 445—A bill to be entitled An act relating to ad valorem tax administration; creating s. 194.301, F.S.; providing that the property appraiser's assessment or determination is presumed correct in an administrative or judicial action in which a taxpayer challenges an ad valorem tax assessment of value; providing for a loss of the presumption under certain conditions; providing the taxpayer's burden of proof; providing for the establishment of the assessment if the property appraiser's assessment is determined to be erroneous; providing for a remand of the assessment to the property appraiser under certain conditions; providing an effective date.

—a companion measure, was substituted for CS for SB 134 and read the second time by title. On motion by Senator Horne, by two-thirds vote HB 445 was read the third time by title, passed by the required constitutional two-thirds vote of the membership and certified to the House. The vote on passage was:

Yeas—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

On motion by Senator Gutman, by two-thirds vote HB 967 was withdrawn from the Committees on Community Affairs; and Ways and Means.

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

HB 967—A bill to be entitled An act relating to ad valorem taxation; amending s. 193.011, F.S.; including historic preservation ordinances within certain factors to consider in determining highest and best use of property for purposes of deriving just valuation; creating s. 193.503, F.S.; providing for classification and assessment of eligible property as historic property used for commercial or certain nonprofit purposes, for purposes of taxes levied by a county or municipality which adopts an ordinance authorizing such assessment; providing procedures and requirements; specifying the factors applicable to such classification; providing for appeals to the value adjustment board; providing that the owner is liable for deferred tax liability for prior years in which such classification and assessment was granted if the property fails to meet qualifying criteria; amending ss. 194.011, 194.032, 194.037, 195.073, and 195.096, F.S., relating to procedures of the value adjustment boards and classification of real property, to conform; creating s. 196.1961, F.S.; providing procedures and requirements for counties and municipalities to adopt an ordinance granting partial exemption for certain historic property used for commercial or nonprofit purposes; specifying qualifications for such exemption; providing an effective date and a contingent effective date.

—a companion measure, was substituted for **SB 1174** and by two-thirds vote read the second time by title. On motion by Senator Gutman, by two-thirds vote **HB 967** was read the third time by title, passed and 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

**CS for CS for SB's 404 and 414**—A bill to be entitled An act relating to taxation of Internet access, electronic mail, electronic bulletin board, or on-line services; amending s. 203.012, F.S.; providing that the term "telecommunication service" does not include Internet access, electronic mail, electronic bulletin board, or similar on-line computer services for purposes of gross receipts taxes; revising the definition of the term "teletypewriter or computer exchange service" to remove computer exchange service; reenacting s. 166.231(10), F.S., relating to the municipal public service tax on telecommunication service, and s. 212.05(1)(e), F.S., relating to the sales and use tax on telecommunication service, to incorporate the amendment to s. 203.012, F.S., in references thereto; providing intent; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote **CS for CS for SB's 404 and 414** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Forman

Consideration of **CS for CS for SB 64** and **CS for SB 402** was deferred.

**SB 648**—A bill to be entitled An act relating to taxation; amending s. 199.143, F.S.; defining "residence" for purposes of provisions which specify when the nonrecurring intangible personal property tax is paid when the property subject to the mortgage, deed of trust, or other lien which secures a line of credit is the borrower's residence; amending s. 201.08, F.S., which imposes the excise tax on documents on notes and other obligations to pay money, and mortgages and other evidences of indebtedness; specifying the conditions under which a renewal of a document is taxable under said section; providing that taxability of a document shall be determined solely from the face of the document and separate documents expressly incorporated therein; specifying application of tax when multiple documents secure the same primary debt; providing that no tax imposed before the effective date of this act and not actually collected on certain documents exempted by this act shall be due with respect to such documents; specifying status of mortgages given by a taxpayer other than or in addition to the taxpayer obligated on the primary obligation or given to secure a guaranty or surety on a primary

note; amending s. 201.09, F.S.; specifying conditions under which a renewal note evidencing a revolving obligation is exempt from said tax; creating s. 201.091, F.S.; providing that if a document is not qualified for exemption as a renewal solely because of nonpayment of tax on a prior document, payment of the deficiency, interest, and any penalty shall allow the document to qualify for exemption; providing for administration; providing an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 648** to **HB 1337**.

Pending further consideration of **SB 648** as amended, on motion by Senator Ostalkiewicz, by two-thirds vote **HB 1337** was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator Ostalkiewicz—

**HB 1337**—A bill to be entitled An act relating to taxation; amending s. 199.143, F.S.; defining "residence" for purposes of provisions which specify when the nonrecurring intangible personal property tax is paid when the property subject to the mortgage, deed of trust, or other lien which secures a line of credit is the borrower's residence; amending s. 201.08, F.S., which imposes the excise tax on documents on notes and other obligations to pay money, and mortgages and other evidences of indebtedness; specifying the conditions under which a renewal of a document is taxable under said section; providing that taxability of a document shall be determined solely from the face of the document and separate documents expressly incorporated therein; specifying application of tax when multiple documents secure the same primary debt; providing that no tax imposed before the effective date of this act and not actually collected on certain documents exempted by this act shall be due with respect to such documents; specifying status of mortgages given by a taxpayer other than or in addition to the taxpayer obligated on the primary obligation or given to secure a guaranty or surety on a primary note; amending s. 201.09, F.S.; specifying conditions under which a renewal note evidencing a revolving obligation is exempt from said tax; creating s. 201.091, F.S.; providing that if a document is not qualified for exemption as a renewal solely because of nonpayment of tax on a prior document, payment of the deficiency, interest, and any penalty shall allow the document to qualify for exemption; providing for administration; providing an effective date.

—a companion measure, was substituted for **SB 648** as amended and read the second time by title. On motion by Senator Ostalkiewicz, by two-thirds vote **HB 1337** was read the third time by title, passed and 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	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	McKay	

Nays—None

Consideration of **SB 678**, **CS for SB 508** and **CS for SB 1244** was deferred.

On motion by Senator Myers, by two-thirds vote **HB 861** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Myers—

**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.

—a companion measure, was substituted for **SB 1116** and read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 861** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
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	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Lee

On motion by Senator Myers, by two-thirds vote **HB 863** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Myers—

**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.

—a companion measure, was substituted for **SB 1118** and read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 863** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Forman, Gutman, Lee

**SB 1120**—A bill to be entitled An act relating to trust funds; creating the Grants and Donations Trust Fund within the Department of Health; 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 an effective date.

—was read the second time by title.

An amendment was considered to conform **SB 1120** to **HB 867**.

Pending further consideration of **SB 1120** as amended, on motion by Senator Myers, by two-thirds vote **HB 867** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Myers—

**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.

—a companion measure, was substituted for **SB 1120** as amended and read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 867** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Myers, by two-thirds vote **HB 865** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Myers—

**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.

—a companion measure, was substituted for **SB 1122** and read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 865** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Horne	Ostalkiewicz
Bankhead	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	McKay	Williams
Cowin	Harris	Meadows	
Crist	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Bronson, Lee

On motion by Senator Myers, by two-thirds vote **HB 869** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Myers—

**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.

—a companion measure, was substituted for **SB 1124** and read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 869** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
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	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Lee

On motion by Senator Myers, by two-thirds vote **HB 1025** was withdrawn from the Committees on Health Care; and Ways and Means.

On motions by Senator Myers, the rules were waived and—

**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.

—a companion measure, was substituted for **SB 1462** and read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 1025** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Burt

Vote after roll call:

Yea—Clary and Kirkpatrick

On motion by Senator Hargrett, by two-thirds vote **HB 1813** was withdrawn from the Committees on Transportation; and Ways and Means.

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

**HB 1813**—A bill to be entitled An act relating to trust funds; creating the Everglades Parkway Construction Trust Fund within the Department of Transportation; providing for source of moneys and purposes; providing an effective date.

—a companion measure, was substituted for **SB 2416** and by two-thirds vote read the second time by title. On motion by Senator Hargrett, by two-thirds vote **HB 1813** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
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	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Lee

On motion by Senator Latvala, by two-thirds vote **CS for HB 249** was withdrawn from the Committees on Regulated Industries; and Ways and Means.

On motion by Senator Latvala—

**CS for HB 249**—A bill to be entitled An act relating to gambling; amending s. 849.0935, F.S.; providing additional tax-exempt organizations which are authorized to conduct drawings by chance under said section, including civic organizations, employees' associations, clubs, fraternal benefit societies, fraternal lodges, and armed forces and veterans' organizations; amending s. 849.094, F.S., which regulates game promotions in connection with the sale of products or services; providing that specified provisions of said section do not apply to television or radio broadcasting companies licensed by the Federal Communications Commission; providing an effective date.

—a companion measure, was substituted for **SB 1130** and read the second time by title. On motion by Senator Latvala, by two-thirds vote **CS for HB 249** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dantzler	Horne	Myers
Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Brown-Waite	Dudley	Jones	Rossin
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—None

Vote after roll call:

Yea—Bronson

## SENATOR SCOTT PRESIDING

On motion by 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 intermodal 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.

—was read the second time by title.

Senators Klein, Diaz-Balart, Scott, Forman, Jenne, Rossin and Hargrett offered the following amendment which was moved by Senator Klein and adopted:

**Amendment 1 (with title amendment)**—On page 4, line 30, insert:

Section 1. *The Department of Transportation is directed to perform a pilot project under section 338.231, Florida Statutes, as the SUNPASS electronic toll collection system is implemented, offering at least a 10 percent discount to turnpike commuters who use SUNPASS on the turnpike. The Department of Transportation shall provide a preliminary report to the Legislature by February 15, 1998, and shall report the results of the pilot project by February 15, 1999. The report shall include projected impacts of statewide commuter discounts on the turnpike system, and recommend to the Legislature how to achieve discounts in 5 percent increments up to and including 20 percent. Savings to the commuter shall be a priority in the analysis. The projected impacts shall include, but not be limited to, ridership increases, SUNPASS utilization, operating and maintenance costs, and future ability to finance capacity requirements. The Department of Transportation is further directed to advise the Legislature as to when the system shall be implemented systemwide and on a county-by-county basis.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the first semicolon (;) insert: directing the Department of Transportation to perform a pilot project;

Senator Thomas moved the following amendment which was adopted:

**Amendment 2**—On page 5, line 19, after "operations" insert: *or relocate the turnpike district*

Senator Hargrett moved the following amendments which were adopted:

**Amendment 3 (with title amendment)**—On page 5, between lines 29 and 30, insert:

Section 2. *The Department of Transportation shall continue to use the model system it developed under section 334.0445, Florida Statutes, until July 1, 1999.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: authorizing the department to continue to use the model developed for the career service broadbanding compensation and classification system;

**Amendment 4**—On page 19, line 13, delete "1997" and insert: 2001

Senator Harris moved the following amendment:

**Amendment 5**—On page 21, lines 1-14, delete those lines and insert: *Council and the Department of Transportation. All contracts for actual construction of projects authorized by this subsection must include a provision encouraging employment of WAGES participants. The goal for employment of WAGES participants is 25 percent of all new employees employed specifically for the project, unless the Department of Transportation and the Florida Seaport Transportation and Economic Development Council can demonstrate to the satisfaction of the Secretary of Labor and Employment Security that such a requirement would severely hamper the successful completion of the project. In such an instance, the Secretary of Labor and Employment Security shall establish an appropriate percentage of employees that must be WAGES participants. The repayment provisions of s. 414.065 do not apply to this section. The council and the Department of*

Senator Hargrett moved the following amendment to **Amendment 5** which was adopted:

**Amendment 5A**—On page 1, lines 29 and 30, delete "The repayment provisions of s. 414.065 do not apply to this section."

**Amendment 5** as amended was adopted.

Senator Hargrett moved the following amendment which was adopted:

**Amendment 6 (with title amendment)**—On page 21, delete section 9, and renumber subsequent sections.

And the title is amended as follows:

On page 2, lines 9 and 10, delete those lines and insert: may be spent; amending s. 322.53, F.S.;

Senator Scott offered the following amendment which was moved by Senator Hargrett and adopted:

**Amendment 7 (with title amendment)**—On page 25, between lines 12 and 13, insert:

Section 16. Subsection (6) of section 338.165, Florida Statutes, is amended to read:

338.165 Continuation of tolls.—

(6) Notwithstanding the provisions of subsection (1), *no tolls may be charged for use of an interstate highway where tolls were not charged as of July 1, 1997 in order to facilitate expeditious completion of the Interstate System, the department is authorized to continue to collect the toll on a revenue producing project currently designated as part of the Interstate System.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 29, after the first semicolon (;) insert: amending s. 338.165, F.S.; providing that no tolls may be collected on certain interstate highways;

Senator Hargrett moved the following amendment which was adopted:

**Amendment 8**—On page 28, line 19, after the period (.) insert: *Turnpike projects approved to be included in future tentative work programs include, but are not limited to, projects contained in the 1997-1998 tentative work program and potential expansion projects listed in the January 25, 1997 report submitted to the Florida Transportation Commission titled "Florida's Turnpike Building on the Past - Preparing for the Future."*

Senators Klein, Diaz-Balart, Scott, Forman, Jenne, Rossin and Hargrett offered the following amendments which were moved by Senator Klein and adopted:

**Amendment 9 (with title amendment)**—On page 31, lines 10 and 11, delete those lines and insert: A maximum of \$3.5 billion of bonds may be issued to fund *approved turnpike* the projects listed in this subsection.

And the title is amended as follows:

On page 3, lines 11-13, delete those lines and insert: certain turnpike projects; increasing the bond cap on turnpike projects; providing for legislative

**Amendment 10 (with title amendment)**—On page 33, line 25 through page 34, line 22, delete those lines and insert:

Section 20. Present subsections (3), (4), and (5) of section 338.231, Florida Statutes, are renumbered as subsections (5), (6), and (7), respectively, and new subsections (3) and (4) are added to that section, to read:

338.231 Turnpike tolls, fixing; pledge of tolls and other revenues.—The department shall at all times fix, adjust, charge, and collect such tolls for the use of the turnpike system as are required in order to provide a fund sufficient with other revenues of the turnpike system to pay the cost of maintaining, improving, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system as the same become due and payable; and to create reserves for all such purposes.

(3) *The department shall publish a proposed change in the toll rate for the use of an existing toll facility, in the manner provided for in s. 120.54, which will provide for public notice and the opportunity for a public hearing before the adoption of the proposed rate change. When the department is evaluating a proposed turnpike toll project under s. 338.223 and has determined that there is a high probability that the project will pass the test of economic feasibility predicated on proposed toll rates, the toll rate that is proposed to be charged after the project is constructed must be adopted during the planning and project development phase of the project, in the manner provided for in s. 120.54, including public notice and the opportunity for a public hearing. For such a new project, the toll rate becomes effective upon the opening of the project to traffic.*

(4) *For the period July 1, 1998, through June 30, 2007, the department shall, to the maximum extent feasible, program sufficient funds in the tentative work program such that the percentage of turnpike toll and bond financed commitments in Dade County, Broward County, and Palm Beach County as compared to total turnpike toll and bond financed commitments shall be at least 90 percent of the share of net toll collections attributable to users of the turnpike system in Dade County, Broward County, and Palm Beach County as compared to total net toll collections attributable to users of the turnpike system. The requirements of this subsection do not apply when the application of such requirements would violate any covenant established in a resolution or trust indenture relating to the issuance of turnpike bonds.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, line 20, after the semicolon (;) insert: providing ratio on return of tolls collected in Dade County, Broward County, and Palm Beach County;

Senators Gutman and Casas offered the following amendment which was moved by Senator Gutman:

**Amendment 11 (with title amendment)**—On page 37, between lines 22 and 23, insert:

Section 24. Effective October 1, 1997, section 784.07, Florida Statutes, 1996 Supplement, is amended to read:

784.07 Assault or battery of law enforcement officers, firefighters, emergency medical care providers, *public transit employees or agents*, or other specified officers; reclassification of offenses; minimum sentences.—

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

(a) "Law enforcement officer" includes a law enforcement officer, a correctional officer, a correctional probation officer, a part-time law enforcement officer, a part-time correctional officer, an auxiliary law enforcement officer, and an auxiliary correctional officer, as those terms are respectively defined in s. 943.10, and any county probation officer; employee or agent of the Department of Corrections who supervises or provides services to inmates; officer of the Parole Commission; and law enforcement personnel of the Game and Fresh Water Fish Commission, the Department of Environmental Protection, or the Department of Law Enforcement.

(b) "Firefighter" means any person employed by any public employer of this state whose duty it is to extinguish fires; to protect life or property; or to enforce municipal, county, and state fire prevention codes, as well as any law pertaining to the prevention and control of fires.

(c) "Emergency medical care provider" means an ambulance driver, emergency medical technician, paramedic, registered nurse, physician as defined in s. 401.23, medical director as defined in s. 401.23, or any person authorized by an emergency medical service licensed under chapter 401.

(d) "*Public transit employees or agents*" means bus operators, train operators, revenue collectors, security personnel, equipment maintenance personnel, or field supervisors, who are employees or agents of a transit agency as described in s. 812.015(1)(l).

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emer-

gency medical care provider, a traffic accident investigation officer as described in s. 316.640, a traffic infraction enforcement officer as described in s. 318.141, a parking enforcement specialist as defined in s. 316.640, or a security officer employed by the board of trustees of a community college, while the officer, firefighter, emergency medical care provider, intake officer, traffic accident investigation officer, traffic infraction enforcement officer, parking enforcement specialist, *public transit employee or agent*, or security officer is engaged in the lawful performance of his or her duties, the offense for which the person is charged shall be reclassified as follows:

(a) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

(b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.

(c) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.

(d) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

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

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

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

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

Section 25. Effective October 1, 1997, section 812.015, Florida Statutes, 1996 Supplement, is amended to read:

812.015 Retail and farm theft; *transit fare evasion*; mandatory fine; alternative punishment; detention and arrest; exemption from liability for false arrest; resisting arrest; penalties.—

(1) As used in this section:

(a) "Merchandise" means any personal property, capable of manual delivery, displayed, held, or offered for retail sale by a merchant.

(b) "Merchant" means an owner or operator, or the agent, consignee, employee, lessee, or officer of an owner or operator, of any premises or apparatus used for retail purchase or sale of any merchandise.

(c) "Value of merchandise" means the sale price of the merchandise at the time it was stolen or otherwise removed, depriving the owner of his lawful right to ownership and sale of said item.

(d) "Retail theft" means the taking possession of or carrying away of merchandise, money, or negotiable documents; altering or removing a label or price tag; transferring merchandise from one container to another; or removing a shopping cart, with intent to deprive the merchant of possession, use, benefit, or full retail value.

(e) "Farm produce" means livestock or any item grown, produced, or manufactured by a person owning, renting, or leasing land for the purpose of growing, producing, or manufacturing items for sale or personal use, either part time or full time.

(f) "Farmer" means a person who is engaging in the growing or producing of farm produce, milk products, eggs, or meat, either part time or full time, for personal consumption or for sale and who is the owner or lessee of the land or a person designated in writing by the owner or lessee to act as his agent. No person defined as a farm labor contractor pursuant to s. 450.28 shall be designated to act as an agent for purposes of this section.

(g) "Farm theft" means the unlawful taking possession of any items that are grown or produced on land owned, rented, or leased by another person.

(h) "Antishoplifting or inventory control device" means a mechanism or other device designed and operated for the purpose of detecting the removal from a mercantile establishment or similar enclosure, or from a protected area within such an enclosure, of specially marked or tagged merchandise.

(i) "Antishoplifting or inventory control device countermeasure" means any item or device which is designed, manufactured, modified, or altered to defeat any antishoplifting or inventory control device.

(j) "*Transit fare evasion*" means the unlawful refusal to pay the appropriate fare for transportation upon a mass transit vehicle, or to evade the payment of such fare, or to enter any mass transit vehicle or facility by any door, passageway, or gate, except as provided for the entry of fare paying passengers, and shall constitute petit theft as proscribed by this chapter.

(k) "*Mass transit vehicle*" means buses, rail cars, or fixed-guideway mover systems operated by, or under contract to, state agencies, political subdivisions of the state, or municipalities for the transportation of fare paying passengers.

(l) "*Transit agency*" means any state agency, political subdivision of the state, or municipality which operates mass transit vehicles.

(m) "*Trespass*" means the violation as described in s. 810.08.

(2) Upon a second or subsequent conviction for petit theft from a merchant, ~~or~~ farmer, *or transit agency*, the offender shall be punished as provided in s. 812.014(3), except that the court shall impose a fine of not less than \$50 or more than \$1,000. However, in lieu of such fine, the court may require the offender to perform public services designated by the court. In no event shall any such offender be required to perform fewer than the number of hours of public service necessary to satisfy the fine assessed by the court, as provided by this subsection, at the minimum wage prevailing in the state at the time of sentencing.

(3)(a) A law enforcement officer, a merchant, ~~or~~ a farmer, *or a transit agency's employee or agent*, who has probable cause to believe that a retail theft, farm theft, *a transit fare evasion*, or *trespass*, or unlawful use or attempted use of any antishoplifting or inventory control device countermeasure, has been committed by a person and, *in the case of retail or farm theft*, that the property can be recovered by taking the offender into custody may, for the purpose of attempting to effect such recovery or for prosecution, take the offender into custody and detain the offender in a reasonable manner for a reasonable length of time. In the case of a farmer, taking into custody shall be effectuated only on property owned or leased by the farmer. In the event the merchant, merchant's employee, ~~or~~ farmer, *or a transit agency's employee or agent* takes the person into custody, a law enforcement officer shall be called to the scene immediately after the person has been taken into custody.

(b) The activation of an antishoplifting or inventory control device as a result of a person exiting an establishment or a protected area within an establishment shall constitute reasonable cause for the detention of the person so exiting by the owner or operator of the establishment or by an agent or employee of the owner or operator, provided sufficient notice has been posted to advise the patrons that such a device is being utilized. Each such detention shall be made only in a reasonable manner and only for a reasonable period of time sufficient for any inquiry into the circumstances surrounding the activation of the device.

(c) The taking into custody and detention by a law enforcement officer, merchant, merchant's employee, ~~or~~ farmer, *or a transit agency's employee or agent*, if done in compliance with all the requirements of this subsection, shall not render such law enforcement officer, merchant, merchant's employee, ~~or~~ farmer, *or a transit agency's employee or agent*, criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

(4) Any law enforcement officer may arrest, either on or off the premises and without warrant, any person the officer has probable cause to believe unlawfully possesses, or is unlawfully using or attempting to use or has used or attempted to use, any antishoplifting or inventory control device countermeasure or has committed theft in a retail or wholesale

establishment or on commercial or private farm lands of a farmer or transit fare evasion or trespass.

(5) A merchant, merchant's employee, or farmer, or a transit agency's employee or agent who takes a person into custody, as provided in subsection (3), or who causes an arrest, as provided in subsection (4), of a person for retail theft, or farm theft, transit fare evasion, or trespass shall not be criminally or civilly liable for false arrest or false imprisonment when the merchant, merchant's employee, or farmer, or a transit agency's employee or agent has probable cause to believe that the person committed retail theft, or farm theft, transit fare evasion, or trespass.

(6) An individual who, while committing or after committing theft of property, transit fare evasion, or trespass, resists the reasonable effort of a law enforcement officer, merchant, merchant's employee, or farmer, or a transit agency's employee or agent to recover the property or cause the individual to pay the proper transit fare or vacate the transit facility which the law enforcement officer, merchant, merchant's employee, or farmer, or a transit agency's employee or agent had probable cause to believe the individual had concealed or removed from its place of display or elsewhere or perpetrated a transit fare evasion or trespass commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, unless the individual did not know, or did not have reason to know, that the person seeking to recover the property was a law enforcement officer, merchant, merchant's employee, or farmer, or a transit agency's employee or agent. For purposes of this section the charge of theft and the charge of resisting may be tried concurrently.

(7) It is unlawful to possess, or use or attempt to use, any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise. Any person who possesses any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who uses or attempts to use any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, line 29, after the semicolon (;) insert: amending s. 784.07, F.S.; providing enhanced penalties for assault or battery of public transit employees or agents; amending s. 812.015, F.S.; prohibiting transit fare evasion; providing penalties;

Senators Gutman and Casas offered the following amendment to Amendment 11 which was moved by Senator Gutman and adopted:

Amendment 11A—On page 1, delete line 14 and insert: On page 57, between lines 5 and 6,

Amendment 11 as amended was adopted.

Senator Bankhead offered the following amendment which was moved by Senator Hargrett and adopted:

Amendment 12—On page 56, lines 7-10, delete those lines and insert:

(f) Changes to the contracting for transportation disadvantaged and medicaid transportation services including contracting on a competitive bid basis with a single provider in a service area and the impact on future bidding for services.

(g) Any other changes to the transportation disadvantaged program which the working group deems necessary to improve the efficiency and effectiveness of transportation disadvantaged services.

THE PRESIDENT PRESIDING

Senators Forman and Hargrett offered the following amendment which was moved by Senator Forman and adopted:

Amendment 13 (with title amendment)—On page 56, lines 11-21, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 4, lines 15-17, delete those lines and insert: services;

Pursuant to Rule 4.19, CS for CS for SB 2060 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

SB 208—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for certain complimentary meals; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Crist, by two-thirds vote HB 499 was withdrawn from the Committees on Commerce and Economic Opportunities; and Ways and Means.

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

HB 499—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for certain complimentary meals; providing an effective date.

—a companion measure, was substituted for SB 208 as amended and by two-thirds vote read the second time by title. On motion by Senator Crist, by two-thirds vote HB 499 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Table with 4 columns: Name, Crist, Holzendorf, Meadows. Rows include Madam President, Bronson, Brown-Waite, Burt, Campbell, Casas, Childers, Clary, Cowin, Dantzler, Diaz-Balart, Dudley, Dyer, Forman, Gutman, Hargrett, Harris, Horne, Jones, Kirkpatrick, Klein, Kurth, Latvala, Lee, McKay, Myers, Ostalkiewicz, Rossin, Silver, Sullivan, Thomas, Turner, Williams.

Nays—None

Vote after roll call:

Yea—Bankhead, Grant, Jenne, Scott

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

SB 1158—A bill to be entitled An act relating to the Department of Revenue; amending ss. 20.04, 20.21, F.S., relating to the internal structure of the department; amending ss. 189.412, 195.087, 195.096, 195.097, 200.068, 200.0684, 213.015, 213.053, 213.2201, 409.2599, F.S., relating to powers and duties of the department; repealing s. 213.0451, F.S., relating to duties of division directors in the department; restoring those sections to the language and form in which they existed before their amendment by ss. 15-27, ch. 95-272, Laws of Florida; providing an effective date.

—which was previously considered this day. Pending Amendment 1 by Senator Dudley was withdrawn.

Senator Rossin moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 20, between lines 12 and 13, insert:

Section 14. Subsection (8) of section 199.103, Florida Statutes, is amended to read:

199.103 Basis of assessment; valuation.—All intangible personal property shall be subject to the annual tax at its just valuation as of January 1 of each year. Such property shall be valued in the following manner:

(8) Stocks or shares of a savings association or *middle tier stock holding company*, held by a parent mutual holding company, whose depositors are members of the mutual holding company, which converted from a mutual savings association to a mutual holding company pursuant to 12 U.S.C. s. 1467a.(o) ~~12 U.S.C. s. 1567(a)(e)~~, shall be valued as of January 1 each year on the same basis as ownership in the mutual savings association was valued for intangible tax purposes prior to the conversion. Stocks or shares of such a converted association which are held by individuals or entities other than the parent mutual holding company shall be valued pursuant to subsection (1) or subsection (4).

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: amending s. 199.103, F.S.; including middle tier stock holding companies in provisions which provide for valuation of stocks or shares of certain savings associations for intangible personal property tax purposes; correcting a reference;

Senator Harris moved the following amendment which was adopted:

**Amendment 3 (with title amendment)**—On page 20, lines 13-15, delete those lines and insert:

Section 14. Paragraph (n) of subsection (1) and paragraph (c) of subsection (2) of section 220.03, Florida Statutes, 1996 Supplement, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, 1997 ~~1996~~, except as provided in subsection (3).

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code shall have the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, 1997 ~~1996~~. However, if subsection (3) is implemented, the meaning of any term shall be taken at the time the term is applied under this code.

Section 15. *The amendments to section 220.03, Florida Statutes, 1996 Supplement, made by this act shall take effect upon this act becoming a law and shall operate retroactively to January 1, 1997.*

Section 16. Except as otherwise provided in this act, this act shall take effect July 1, 1997, and if it becomes a law after July 1, 1997, it shall operate retroactively to that date.

And the title is amended as follows:

On page 1, lines 2-14, delete those lines and insert: An act relating to taxation administration; amending ss. 20.04, 20.21, F.S., relating to the internal structure of the Department of Revenue; amending ss. 189.412, 195.087, 195.096, 195.097, 200.068, 200.0684, 213.015, 213.053, 213.2201, 409.2599, F.S., relating to powers and duties of the department; repealing s. 213.0451, F.S., relating to duties of division directors in the department; restoring those sections to the language and form in which they existed before their amendment by ss. 15-27, ch. 95-272, Laws of Florida; amending s. 220.03, F.S.; updating references to the Internal Revenue Code for corporate income tax purposes; providing for retroactive effect; providing effective dates.

Pursuant to Rule 4.19, **SB 1158** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

**CS for SB 1860**—A bill to be entitled An act relating to the Consultants' Competitive Negotiation Act; amending s. 287.055, F.S.; providing

that municipalities, political subdivisions, school districts, and school boards, as an alternative to awarding design-build contracts using a competitive proposal selection process as described in said section, may award such contracts using a qualifications-based selection process pursuant to standards for competitive selection and competitive negotiation for entering into a contract for a guaranteed maximum price and completion date; providing an effective date.

—which was previously considered and amended this day.

## RECONSIDERATION OF AMENDMENT

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

Senator Clary moved the following substitute amendment:

**Amendment 2**—On page 2, lines 4-6, delete those lines and insert: *selection process pursuant to subsections (3), (4), and (5). During the qualifications-based selection of the design-build firm, the procuring agency shall employ or retain a licensed design professional appropriate to the project to serve as the agency's representative, except those agencies that have licensed design professionals on staff. Procedures for the use of a*

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

**Amendment 2A**—On page 1, line 18, delete "*shall*" and insert: *may*

**Amendment 2** as amended failed.

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

Pursuant to Rule 4.19, **CS for SB 1860** was placed on the calendar of Bills on Third Reading.

On motion by Senator Myers—

**SB 528**—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 read the second time by title.

An amendment was considered to conform **SB 528** to **HB 395**.

Pending further consideration of **SB 528** as amended, on motion by Senator Myers, by two-thirds vote **HB 395** was withdrawn from the Committees on Community Affairs and Judiciary.

On motion by Senator Myers—

**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.

—a companion measure, was substituted for **SB 528** as amended and read the second time by title.

Senator Dudley moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 27 through page 2, line 3, delete those lines and insert:

(4) *The term "homeowner's association" means a homeowner's association as defined in s. 617.301(7), or an association of parcel owners which is authorized to enforce use restrictions that are imposed on the parcels.*

Senator Lee moved the following amendment which was adopted:

**Amendment 2**—On page 3, lines 19-22, delete those lines and insert: *such covenant or restriction is approved by a majority vote at a meeting of the membership where a quorum is present.*

Pursuant to Rule 4.19, **HB 395** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer, by two-thirds vote **CS for HB 113** was withdrawn from the Committees on Community Affairs and Judiciary.

On motion by Senator Dyer—

**CS for HB 113**—A bill to be entitled An act relating to homeowners' associations; amending s. 617.303, F.S.; providing that statutory provisions applicable to association board meetings apply to meetings of committees when a final decision will be made regarding the expenditure of association funds; amending s. 617.305, F.S.; increasing the limit on fines that an association may impose on members, tenants, guests, or invitees; providing an exemption from the prohibition against an association suspending the voting rights of a member; providing an effective date.

—a companion measure, was substituted for **CS for SB 104** and read the second time by title.

Senator Dyer moved the following amendment:

**Amendment 1**—On page 2, line 20 through page 3, line 25, delete those lines and insert:

Section 2. Subsection (2) of section 617.305, Florida Statutes, is amended, present subsection (3) of that section is renumbered as subsection (4), and a new subsection (3) is added to that section, to read:

617.305 Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights; failure to fill sufficient number of vacancies on board of directors to constitute a quorum; appointment of receiver upon petition of any member.—

(2) If the governing documents so provide, an association may suspend, for a reasonable period of time, the rights of a member or a member's tenants, guests, or invitees, or both, to use common areas and facilities and may levy reasonable fines, not to exceed \$100 \$50 per violation, against any member or any tenant, guest, or invitee. *A fine may be levied on the basis of each day of a continuing violation, with a single notice and opportunity for hearing, except that no such fine shall exceed \$1,000 in the aggregate unless otherwise provided in the governing documents.*

(a) A fine or suspension may not be imposed without notice of at least 14 days to the person sought to be fined or suspended and an opportunity for a hearing before a committee of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. If the committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed.

(b) The requirements of this subsection do not apply to the imposition of suspensions or fines upon any member because of the failure of the member to pay assessments or other charges when due if such action is authorized by the governing documents.

(c) Suspension of common-area-use rights shall not impair the right of an owner or tenant of a parcel to have vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.

(d) An association may not suspend the voting rights of a member.

(3) *If the governing documents so provide, an association may suspend the voting rights of a member for the nonpayment of regular annual assessments that are delinquent in excess of 90 days.*

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

**Amendment 1A**—On page 2, lines 24 and 25, delete those lines and insert:

~~(d) An association may not suspend the voting rights of a member.~~

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for HB 113** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Dudley—

**CS for SB 842**—A bill to be entitled An act relating to liens; amending s. 255.05, F.S.; including unpaid finance charges due under a claimant's contract among charges which may be assessed against certain contractors' bonds; revising provisions with respect to the timeframe for notice of intent to look to such a bond for recovery; providing for the time period for notice of nonpayment; amending s. 713.06, F.S.; providing for service of notice of commencement rather than mailing with respect to liens of persons not in privity; amending s. 713.132, F.S.; providing that an owner may not record a notice of termination except after completion of construction; amending s. 713.135, F.S.; requiring certain applicants for building permits to file certain information with the issuing authority; providing for issuance of permits and for inspections for certain temporary or preliminary work; providing an effective date.

—was read the second time by title.

Amendments were considered to conform **CS for SB 842** to **CS for HB 889**.

Pending further consideration of **CS for SB 842** as amended, on motion by Senator Dudley, by two-thirds vote **CS for HB 889** was withdrawn from the Committee on Judiciary.

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

**CS for HB 889**—A bill to be entitled An act relating to liens; amending s. 255.05, F.S.; including unpaid finance charges due under a claimant's contract among charges which may be assessed against certain contractors' bonds; revising language with respect to the timeframe for notice of intent to look to such a bond for recovery; providing for the time period for notice of nonpayment; providing forms for waiver of rights to claim against the bond for progress payments and final payments; amending s. 713.06, F.S.; providing for service of notice of commencement rather than mailing with respect to liens of persons not in privity; amending s. 713.132, F.S.; providing that a notice of termination is effective under certain circumstances; amending s. 713.135, F.S.; providing that certain applicants for a building permit must file certain information with respect to the notice of commencement; amending s. 713.20, F.S.; allowing an owner to withhold certain amounts from payments to contractors in certain situations; providing an effective date.

—a companion measure, was substituted for **CS for SB 842** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 889** was placed on the calendar of Bills on Third Reading.

## MOTION

On motion by Senator Casas, the rules were waived and time of recess was extended until completion of **CS for SB 750**.

On motion by Senator Latvala—

**CS for SB 750**—A bill to be entitled An act relating to mobile homes; amending s. 723.003, F.S.; defining the term "pass-on charge"; amending s. 723.037, F.S.; requiring a mobile home park owner to disclose material factors that justify a change in rentals, services, utilities, or rules; amending s. 723.0381, F.S.; deleting court-ordered arbitration; amending s. 723.063, F.S.; providing for the participation of mobile home owners' associations in certain legal actions; amending s. 723.071, F.S.; providing conditions for the sale of mobile home parks to mobile home owners; revising the definition of the term "affiliate"; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment:

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

Section 1. Section 723.021, Florida Statutes, is amended to read:

723.021 Obligation of good faith and fair dealings.—Every rental agreement or duty within this chapter imposes an obligation of good faith and fair dealings in its performance or enforcement. *Either party to a dispute under this chapter may seek an order finding the other party has not complied with the obligations of good faith and fair dealings. Upon such a finding, the court shall award reasonable costs and attorney's fees to the prevailing party for proving the noncompliance.*

Section 2. Subsection (4) of section 723.037, Florida Statutes, is amended to read:

723.037 Lot rental increases; reduction in services or utilities; change in rules and regulations; mediation.—

(4)(a) A committee, not to exceed five in number, designated by a majority of the affected mobile home owners or by the board of directors of the homeowners' association, if applicable, and the park owner shall meet, at a mutually convenient time and place within 30 days after receipt by the homeowners of the notice of change, to discuss the reasons for the increase in lot rental amount, reduction in services or utilities, or change in rules and regulations.

(b) *At the meeting, the park owner or subdivision developer shall in good faith disclose and explain all material factors resulting in the decision to increase the lot rental amount, reduce services or utilities, or change rules and regulations, including how those factors justify the specific change proposed. The park owner or subdivision developer may not limit the discussion of the reasons for the change to generalities only, such as, but not limited to, increases in operational costs, changes in economic conditions, or rents charged by comparable mobile home parks. For example, if the reason for an increase in lot rental amount is an increase in operational costs, the park owner must disclose the item or items which have increased, the amount of the increase, any similar item or items which have decreased, and the amount of the decrease. If an increase is based upon the lot rental amount charged by comparable mobile home parks, the park owner shall disclose the name, address, lot rental amount, and any other relevant factors concerning the mobile home parks relied upon by the park owner. The park owner shall prepare a written summary of the material factors and retain a copy for 3 years. The park owner shall provide the committee a copy of the summary at the meeting.*

Section 3. Subsection (2) of section 723.0381, Florida Statutes, is amended to read:

723.0381 Civil actions; arbitration.—

(2) ~~The court may~~ shall refer the action to a ~~panel of three arbitrators for court annexed~~ nonbinding arbitration pursuant to s. 44.103 and the Florida Rules of Civil Procedure, ~~except that compensation for the arbitrators shall be in accordance with the authorized rate for circuit court mediators in that judicial circuit.~~ *The court shall order the hearing to be held informally with presentation of testimony kept to a minimum and matters presented to the arbitrators primarily through the statements and arguments of counsel. The court shall assess the parties equally to pay the compensation awarded to the arbitrators if neither party requests a trial de novo. If a party has filed for a trial de novo, the party shall be assessed the arbitration costs, court costs, and other reasonable costs of the opposing party, including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If subsequent to arbitration a party files for a trial de novo, the arbitration decision may be made known to the judge only after he has entered his order on the merits.*

Section 4. Subsection (2) of section 723.071, Florida Statutes, is amended to read:

723.071 Sale of mobile home parks.—

(2) If a mobile home park owner receives a bona fide offer to purchase the park that he intends to consider or make a counteroffer to, his only obligation shall be to notify the officers of the homeowners' association that he has received an offer and disclose the price and material terms and conditions upon which he would consider selling the park and consider any offer made by the homeowners, provided the homeowners have complied with ss. 723.075-723.079. The park owner shall be under no obligation to sell to the homeowners or to interrupt or delay other negotiations, and he shall be free at any time to execute a contract for the sale of the park to a party or parties other than the homeowners or the association, *if it is clear from the face of the bona fide offer that the homeowners or homeowners' association could not match the terms and conditions contained in the bona fide offer by making an offer containing the same terms and conditions. If, however, the bona fide offer contains terms and conditions that the homeowners could match, the mobile home park owner shall negotiate in good faith with the homeowners or the association for the sale of the park. The same terms and conditions means that the consideration is the same and that the seller of the property or properties will be eligible for deferral of all federal and state income taxes to the same extent as if the unsolicited offer were accepted, and that the seller's business and personal estate planning objectives can be met by a sale to the homeowners or the homeowners' association.*

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

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.021, F.S.; providing for reasonable costs and attorney's fees when the obligation of good faith and fair dealing is breached; amending s. 723.037, F.S.; revising provisions with respect to lot rental increases; amending s. 723.0381, F.S.; revising arbitration procedures; amending s. 723.071, F.S.; revising provisions with respect to the sale of mobile home parks; providing an effective date.

Senator Williams moved the following amendment to **Amendment 1** which failed:

**Amendment 1A (with title amendment)**—On page 3, lines 24-31, and on page 4, lines 1-22, delete section 4 and insert:

Section 4. Paragraph (c) of subsection (5) of section 723.006, Florida Statutes, 1996 Supplement, is amended to read: 723.006 Powers and duties of division.—In performing its duties, the division has the following powers and duties:

(5) Notwithstanding any remedies available to mobile home owners, mobile home park owners, and homeowners' associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or any rule promulgated pursuant hereto has occurred, the division may institute enforcement proceedings in its own name against a developer, mobile home park owner, or homeowners' association, or its assignee or agent, as follows:

(c) In determining the amount of civil penalty or affirmative action to be imposed under this section, if any, the division must consider the following factors:

1. The gravity of the violation.
2. Whether the person has substantially complied with the provisions of this chapter. *"Substantially complied" means the violation of this chapter is technical and does not result in material economic harm to a mobile home owner or a prospective mobile home owner. In such cases any civil penalty assessed shall be limited to \$250 and no refund, roll-back, or credit of lot rental amount shall be ordered.*
3. Any action taken by the person to correct or mitigate the violation of this chapter.

And the title is amended as follows:

On page 5, lines 8-10, delete those lines and insert: arbitration procedures; amending s. 723.006, F.S.; providing a definition; providing an

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

Pursuant to Rule 4.19, **CS for SB 750** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**MOTION**

On motion by Senator Bankhead, the rules were waived and by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Tuesday, April 29.

**REPORTS OF COMMITTEES**

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday and Tuesday, April 28 and 29, 1997: SB 62, SB 208, SB 1174, SB 14, CS for SB 134, CS for SB's 404 and 414, CS for CS for SB 64, CS for SB 402, SB 648, SB 678, CS for SB 508, CS for SB 1244, SB 1116, SB 1118, SB 1120, SB 1122, SB 1124, SB 1462, CS for SB 238, SB 1270, CS for CS for SB 2142, SB 388, CS for SB 1592, CS for SB 490, CS for SB 724, CS for SB 1836, CS for SB 1814, CS for SB 1012, CS for SB 612, SB 824, SB 826, CS for SB 918, CS for SB 1956, SB 382, CS for SB 1128, CS for SB 74, CS for SB's 1414 and 228, CS for SB 112, CS for SB 698, SB 864, CS for SB 716, CS for CS for SB 892, SB 996, SB 2002, SB 1028, CS for SB 1006, CS for SB 936, CS for SB 1822, SB 2272, SB 1470, CS for CS for SB 1020, SB 190, CS for CS for SB 722, CS for CS for SB 170, CS for SB 1464, CS for CS for CS for SB's 2028 and 394, CS for SB 1228, CS for SB 2374, CS for SB 564, CS for SB's 234 and 456, CS for SB 1094, CS for SB 680, SB 1038, CS for SB 598, SB 1372, CS for SB 1132, CS for SB 972, CS for SB 1346, CS for SB 770, SB 1030, CS for SB 1456, CS for SB 748, CS for SB 914, CS for SB 650, SB 830, SB 42, CS for SB 1422, CS for SB 470, CS for SB 1678, SB 56, CS for SB 1598, CS for SB 1214, SB 1496, SB 1016, SB 1484, CS for CS for SB 1234, SB 686, CS for SB 894, CS for SB 1248, CS for SB 1466, SB 1092, CS for SB 876, SB 172, CS for SB 1362, SB 400

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

The Committee on Ways and Means recommends the following pass: CS for HB 703, CS for CS for SB 514 with 1 amendment, SB 714, CS for SB 774, CS for SB 1540, CS for SB 1704, CS for SB 2232, SB 2252 with 2 amendments, CS for SB 2362, CS for SB 2436

**The bills were placed on the calendar.**

The Committee on Ways and Means recommends committee substitutes for the following: CS for CS for SB 336 and CS for SB's 1216 and 2024, CS for SB 526, CS for SB 546, CS for SB 976, CS for SB 1074, CS for SB 1412, SB 1438, CS for SB 1532

**The bills with committee substitutes attached were placed on the calendar.**

**COMMITTEE SUBSTITUTES****FIRST READING**

By the Committees on Ways and Means; Commerce and Economic Opportunities; Regulated Industries; and Senators Casas, Silver, Gutman, Childers, Diaz-Balart, Grant, Turner and Bronson—

**CS for 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. 561.01, F.S.; providing definitions; 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 Ways and Means; Regulated Industries; and Senators Dyer, Forman, Childers, Thomas, Gutman, Lee and Clary—

**CS for CS for SB 526**—A bill to be entitled An act relating to the Board of Professional Engineers; amending s. 471.011, F.S.; revising fees; creating s. 471.038, F.S.; providing legislative findings and intent; providing definitions; creating the Florida Engineers Management Corporation; providing for the organization, powers, and duties of the corporation; providing an appropriation; providing an effective date and providing for review and repeal.

By the Committees on Ways and Means; Commerce and Economic Opportunities; and Senators Jones, Diaz-Balart, Latvala, Campbell, Childers, Turner, Sullivan, Ostalkiewicz, Meadows and Forman—

**CS for CS for SB 546**—A bill to be entitled An act relating to tax credits for charitable contributions to state contract providers; creating s. 624.5104, F.S.; providing a credit against the insurance premium tax for charitable contributions to not-for-profit state contract provider organizations; providing for a reduction in state funding of recipient organizations; providing for contributions to be made through an intermediary organization; providing an effective date.

By the Committees on Ways and Means; Governmental Reform and Oversight; and Senator Williams—

**CS for CS for SB 976**—A bill to be entitled An act relating to consumer protection; amending ss. 496.405, 496.419, 496.420, and 496.424, F.S.; revising the provisions of the Solicitation of Contributions Act to revise the authority of the Department of Agriculture and Consumer Services to make rules; establishing a fee; providing authority of the department with respect to registration and solicitation requirements; amending ss. 501.013, 501.014, 501.015, 501.016, and 501.019, F.S.; revising provisions of law regulating health studios to provide an exemption from regulation for certain country clubs, to authorize rules, to eliminate a penalty for certain late registrations, to require the registration number in certain printed material, to revise provisions relating to security requirements, and to revise penalties with respect to health studio violations; amending s. 501.021, F.S.; deleting the definition of "division" with respect to home solicitation sales; amending s. 501.022, F.S.; deleting language with respect to persons engaging in home solicitation sales in more than one county in the state to eliminate certain certificates; amending s. 501.052, F.S.; providing that the Attorney General or state attorney shall enforce the act; amending s. 501.143, F.S.; providing for registration fees with respect to dance studios; eliminating reference to such fees set by the department; providing for penalties for violations of rules or orders adopted pursuant to such rules; revising provisions with respect to rulemaking authority; amending s. 501.605, F.S.; providing for the fee for licensing of commercial telephone sellers; deleting reference to the authority of the department to set such fees; amending s. 501.607, F.S.; revising provisions with respect to licensure of salespersons; eliminating reference to the department to set license fees; amending s. 501.612, F.S.; revising provisions with respect to grounds for denial of licensure; amending s. 501.626, F.S.; revising provisions with respect to rulemaking authority; amending s. 539.001, F.S.; revising the Florida Pawnbroking Act to provide definitions, to provide that local occupational licenses may not be issued without providing proof of a state license; revising provisions with respect to administrative penalties; providing for a notice of noncompliance rather than a letter of concern, and to provide for rulemaking authority; amending ss. 559.801-559.813, F.S.; revising the Sale of Business Opportunities Act; revising definitions; revising provisions with respect to the disclosure statement; providing increased requirements with respect to required filings with the department; requiring that written contracts be given to the purchaser at a certain number of days before signing; revising provisions with respect to remedies and enforcement; providing for rulemaking authority; amending ss. 559.903, 559.904, 559.905, 559.921, and

559.9221, F.S.; revising the Florida Motor Vehicle Repair Act; revising definitions; revising the registration fee schedule; revising requirements with respect to registration certificates; providing criteria for denying or refusing to renew the registration of a motor vehicle repair shop; providing for additional remedies; revising provisions with respect to the Motor Vehicle Repair Advisory Council; creating s. 559.92201, F.S.; providing for rulemaking authority; amending s. 559.927, F.S.; revising the definition of the term "seller of travel" with respect to the Florida Sellers of Travel Act; amending s. 559.928, F.S.; providing registration fees; requiring an annual affidavit by each independent agent; defining the term "independent agent"; amending s. 559.929, F.S.; revising provisions with respect to security requirements; amending s. 559.9295, F.S.; providing for the effect of the submission of vacation certificate documents; providing for alternative document filing; establishing the time-frame for the department to respond with respect to document submissions; amending s. 559.9335, F.S.; providing for additional acts which are violations; revising provisions with respect to rules; amending s. 559.9355, F.S.; revising provisions with respect to administrative remedies and penalties; repealing s. 559.8015, F.S., relating to applicability to advertisers of business opportunities; providing an effective date.

By the Committees on Ways and Means; Natural Resources; and Senator Latvala—

**CS for CS for SB 1074**—A bill to be entitled An act relating to water protection; amending s. 403.8532, F.S.; establishing drinking water and source water financial and technical assistance programs and providing for use of funds; providing for an Intended Use Plan; amending s. 403.860, F.S.; establishing an administrative fine for certain violations; creating s. 403.8615, F.S.; directing the Department of Environmental Protection to establish requirements for water systems commencing operation after October 1, 1999; creating ss. 403.865-403.876, F.S.; defining certain terms; requiring operators of water or wastewater treatment plants to have an operator's license issued by the Department of Environmental Protection; allowing a utility to have more stringent requirements; authorizing the department to adopt rules; authorizing the secretary of the department to appoint the Technical Advisory Council for Water and Domestic Wastewater Operator Certification; authorizing the department to establish fees for applications, examinations, licensing and renewal, and record keeping; establishing grounds for disciplinary action; providing for a type two transfer of certain responsibilities of the Department of Professional Regulation to the Department of Environmental Protection; providing for a transfer of positions and supporting budgets; providing a grandfather clause for certified operators; amending s. 163.01, F.S.; providing for the development of facilities that serve members of interlocal agreements; amending s. 403.087, F.S.; increasing the term for which certain permits may be issued by the Department of Environmental Protection; providing for renewal of operation permits for domestic wastewater treatment facilities for up to a specified term under certain circumstances at the same fee; providing an exception; requiring the department to keep certain records; repealing ss. 468.540, 468.541, 468.542, 468.543, 468.544, 468.545, 468.546, 468.547, 468.548, 468.549, 468.550, 468.551, and 468.552, F.S., relating to water and wastewater operator certification by the Department of Business and Professional Regulation; amending s. 403.0872, F.S.; clarifying the air pollution fee deadline; amending s. 403.1835, F.S.; authorizing the Department of Environmental Protection to make grants to financially disadvantaged communities from certain loan repayment funds; providing for the deposit of funds into the Grants and Donations Trust Fund; providing an appropriation; amending s. 367.022, F.S.; providing exceptions from regulation as a utility; providing an effective date.

By the Committees on Ways and Means; Natural Resources; and Senator McKay—

**CS for CS for SB 1412**—A bill to be entitled An act relating to lands acquired for conservation and recreation; amending s. 125.564, F.S.; providing a limitation on liability for counties purchasing certain lands for certain purposes; creating s. 166.047, F.S.; providing a limitation on liability for municipalities 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 that lands acquired by the state and its political subdivisions may contain cattle-dipping vats; providing an effective date.

By the Committee on Ways and Means; and Senators Silver, Forman, Myers, Holzendorf, Rossin, Jenne, Harris, Klein, Sullivan, Burt, Dyer, Diaz-Balart, Turner, McKay, Gutman, Jones, Meadows, Childers, Casas, Horne and Williams—

**CS for SB 1438**—A bill to be entitled An act relating to taxation; amending s. 212.06, F.S.; clarifying taxation of improvements to real property; amending s. 288.1162, F.S.; redefining the term "new sports franchise"; prescribing criteria for certifying an applicant as a facility for new professional sports franchise; increasing the number of franchises that may be certified; providing that an applicant applying for certification for more than one franchise, after a certain date, is required to have a contract with the Department of Labor and Employment Security for the hiring of WAGES participants; providing contract requirements;

providing for an annual report to the Governor and the Legislature on the extent of WAGES hiring by the applicant; providing that the applicant must agree to expend certain funds for a job training facility; providing the applicant must establish a scholarship endowment fund; providing criteria for awards; limiting eligibility for awards; providing an effective date.

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By the Committees on Ways and Means; Regulated Industries; and Senator Holzendorf—

**CS for CS for SB 1532**—A bill to be entitled An act relating to regulation of professions and occupations; 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. 455.225, F.S.; providing that complaints or actions against unlicensed persons or persons operating outside their scope of practice are not confidential; amending s. 489.109, F.S.; revising language relating to fees applicable to regulation of construction contracting, to conform to changes authorizing contracted examinations; amending s. 489.111, F.S.; revising procedures for licensure by examination; amending s. 489.113, F.S.; authorizing a local construction regulation board to deny, suspend, or revoke the authority of a certified contractor to obtain a building permit or limit such authority to obtaining a permit or permits with specific conditions; providing for notices of noncompliance for minor violations of regulatory law; amending s. 489.114, F.S., relating to evidence of workers' compensation coverage; conforming terminology; amending s. 489.115, F.S.; providing for licensure by endorsement reciprocity with other jurisdictions; providing for rules covering requirements relating to the content of continuing education courses and standards for approval of continuing education providers; requiring submission of a credit report reflecting financial responsibility as a prerequisite to the initial issuance of a certificate; amending s. 489.119, F.S.; requiring business organizations other than sole proprietorships to secure a certificate of authority rather than registration or certification; amending s. 489.1195, F.S.; specifying requirements for financially responsible officers; amending s. 489.127, F.S., relating to prohibitions and penalties; including reference to certificates of authority; specifying that a local occupational license issued under authority of chapter 205, F.S., is not a license for purposes of part I of chapter 489, F.S., relating to construction contracting; amending s. 489.129, F.S., relating to disciplinary proceedings; including reference to certificates of authority; prohibiting issuance or renewal of licensure until restitution is paid in full, if restitution has been ordered, or until all terms and conditions of the final order have been satisfied; amending s. 489.131, F.S.; providing applicability of the part to the authority of local authorities to issue and the requirement of specified contractors to obtain local occupational license tax certificates; providing for payment of local bonds into the Construction Industry Recovery Fund; providing for issuance of notices of noncompliance for minor violations of regulatory law; amending s. 489.132, F.S., relating to prohibited acts by unlicensed principals; conforming terminology; creating s. 489.1455, F.S.; providing requirements for local reciprocity of licensed journeymen; providing for a fee; creating s. 489.146, F.S.; requiring privatization of services of the Department of Business and Professional Regulation; providing requirements and rule-making authority for such purpose; creating s. 489.5335, F.S.; providing for reciprocity with respect to journeyman electricians; providing effective dates.

## MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 788 and SB 1104 which he approved on April 24, 1997.

## 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 CS for HB 103, CS for CS for HB's 297 and 325, CS for CS for HB 315, CS for HB 585, HB 591, CS for HB 617, CS for HB 663, CS for HB 779, CS for HB 841, CS for HB 851, HB 967, HB 977, HB 1071, HB 1077, CS for HB 1167, HB 1175, CS for HB 1243, HB 1281, HB 1283, CS for HB 1387, CS for HB 1565, CS for HB 1613, HB 1663, HB 1769, HB 1773, HB 1813, HB 1907, HB 1953, HB 1987, HB 2003, HB 2021, HB 2029; has passed as amended CS for HB 269, HB 499, HB 595, HB 603, CS for HB 605, HB 635, HB 645, HB 699, HB 783, HB 811, CS for HB 889, HB 917, HB 927, HB 1103, HB 1165, HB 1173, HB 1293, HB 1307, HB 1315, HB 1357, HB 1369, HB 1389, CS for HB 1413, HB 1473, HB 1543, HB 1601, HB 1603, HB 1623, HB 1641, HB 1709, HB 1729, HB 1765, HB 1771; has passed by the required Constitutional three-fifths vote of the membership HJR 969, HJR 1335; has adopted HM 1777, HM 1811 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

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By the Committee on Transportation and Economic Development Appropriations; and Representative Jones and others—

**CS for HB 103**—A bill to be entitled An act relating to funding for beach management; amending s. 161.091, F.S.; requiring the Department of Environmental Protection to make a concerted effort to identify an additional dedicated revenue source to fund the beach nourishment plan; requiring the department, in concert with any increased funding, to develop a corresponding multiyear repair and maintenance strategy and providing the requirements thereof; providing an effective date.

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

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By the Committee on Health Care Standards and Regulatory Reform; and Representative Logan and others—

**CS for CS for HB's 297 and 325**—A bill to be entitled An act relating to managed health care entities; amending s. 636.003, F.S.; providing an exemption from the definition of "prepaid limited health service organization"; amending s. 641.315, F.S.; prohibiting provider contracts from restricting a provider's ability to communicate certain information to subscribers; creating s. 641.316, F.S.; providing for regulation of fiscal intermediary services organizations; providing requirements and restrictions; requiring a bond; requiring registration with the Department of Insurance; providing exemptions; providing for rules; creating the Florida Commission on Integrated Health Care Delivery Systems; providing membership and duties; requiring recommendations to the Legislature; providing for future repeal; amending s. 641.47, F.S.; providing definitions; amending s. 641.495, F.S.; requiring designation of a licensed physician as medical director; amending s. 641.51, F.S.; requiring development of policies relating to out-of-network referrals; requiring written procedures for standing referrals for individuals who require ongoing specialty care for chronic and disabling conditions; requiring certain continued access to terminated treating providers for subscribers with a life-threatening or a disabling and degenerative condition, and for certain pregnant subscribers; providing limitations; requiring report to the Agency for Health Care Administration of access, quality of care, and customer satisfaction data; requiring publication of data; requiring adoption of certain recommendations and goals for preventive pediatric health care; amending s. 641.511, F.S.; specifying procedures, requirements, and timeframes for addressing subscriber grievances; requiring certain notice to subscribers; providing for review of adverse determinations; providing for certain referral to the Statewide Provider and Subscriber Assistance Program; providing for expedited review of urgent grievances; authorizing administrative sanctions for noncompliance with grievance procedure requirements; amending s. 641.54, F.S.; requiring disclosure to subscribers, upon request, of certain policies, procedures, and processes relating to authorization and referral for services,

determination of medical necessity, quality of care, prescription drug benefits, confidentiality of medical records, approval or denial of experimental or investigational treatments, addressing the needs of non-English-speaking subscribers, and examining qualifications of and the credentialing of providers; requiring report to the agency of changes in authorization and referral criteria or the process used to determine medical necessity; providing effective dates.

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

By the Committees on Finance and Taxation; Business Development and International Trade; and Representative Fuller and others—

**CS for CS for HB 315**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the exemption for food and drinks; providing definitions; providing an exemption for certain foods, drinks, and other items provided to customers on a complimentary basis by a dealer who sells food products at retail; providing an exemption for foods and beverages donated by such dealers to certain organizations; revising provisions relating to the technical assistance advisory committee established to provide advice in determining taxability of foods and medicines; providing membership requirements; directing the Department of Revenue to develop guidelines for such determination and providing requirements with respect thereto; providing for use of the guidelines by the committee; providing for determination of the taxability of specific products by the department; authorizing the department to develop a central database with respect thereto; providing an effective date.

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

By the Committee on Family Law and Children; and Representative Murman and others—

**CS for HB 585**—A bill to be entitled An act relating to adoption of foster children; amending s. 39.469, F.S.; allowing communication or contact with siblings after termination of parental rights; amending s. 63.022(2), F.S.; providing legislative intent for continuing sibling contact; creating s. 63.0427, F.S.; providing for an adopted minor's right to continued communication or contact with siblings; providing an effective date.

—was referred to the Committees on Judiciary; and Children, Families and Seniors.

By Representative Frankel—

**HB 591**—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending ch. 24981, Laws of Florida, 1947, as amended, relating to the West Palm Beach Firefighters' Pension Fund; providing for a Deferred Retirement Option Plan; providing additional exclusions from disability pensions; providing for retroactive effect; providing for Internal Revenue Code limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Community Colleges and Career Prep; and Representative Argenziano and others—

**CS for HB 617**—A bill to be entitled An act relating to trust funds; creating the Community College Capital Facilities Matching Trust Fund within the Department of Education, to be administered by the State Board of Community Colleges; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

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

By the Committee on Governmental Operations and Representative Feeney and others—

**CS for HB 663**—A bill to be entitled An act relating to the Florida Retirement System, 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 benefits that may be payable to a participant's Deferred Retirement Option Program; 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 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 health insurance subsidy payments are not payable; specifying Deferred Retirement Option Program participation does not qualify as renewed membership; providing limitations on employment after participation; specifying contribution rates; specifying 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 a declaration of important state interest; providing for 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.

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

By the Committee on Children and Family Empowerment; and Representative Murman and others—

**CS for HB 779**—A bill to be entitled An act relating to the "Work and Gain Economic Self-sufficiency (WAGES) Act"; amending s. 414.065, F.S.; raising the age limit for qualifying to receive continuing support through a protective payee in circumstances involving a family member's repeated noncompliance with work requirements of the act; revising who may be a protective payee; providing that the protective payee may receive food stamps on behalf of a child or children; prohibiting certain actions by a protective payee; providing sanctions; providing for return of certain funds to the Department of Children and Family Services; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Children, Families and Seniors; and Ways and Means.

By the Committee on Tourism and Representative Laurent and others—

**CS for HB 841**—A bill to be entitled An act relating to game and fresh water fish; amending s. 212.04, F.S.; providing an admissions tax exemption for freshwater fishing tournaments; amending s. 372.0222, F.S.; authorizing the Game and Fresh Water Fish Commission to advertise and promote wildlife diversity and recreational opportunities and to collect certain fees for services and information; authorizing the commission to adopt rules for purchasing advertising and promotional contractual services; amending s. 372.57, F.S.; requiring additional identification when required by the license or permits; providing an effective date.

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

By the Committee on Colleges and Universities; and Representative Trovillion and others—

**CS for HB 851**—A bill to be entitled An act relating to nonpublic postsecondary institutions; amending s. 246.081, F.S.; conforming provisions; creating s. 246.084, F.S.; establishing requirements for authorization; providing duties of the State Board of Independent Colleges and Universities; providing procedures for noncompliance; amending s. 246.101, F.S.; providing for an exemption from fees; creating a new

workload fee; repealing s. 246.021(2), (7), and (10), F.S., relating to definitions; repealing s. 246.083, F.S., relating to authorization to operate; authorizing continuance of certain programs; amending ss. 320.38 and 322.031, F.S.; correcting cross references; providing an effective date.

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

By the Committee on Tourism and Representative Barreiro and others—

**HB 967**—A bill to be entitled An act relating to ad valorem taxation; amending s. 193.011, F.S.; including historic preservation ordinances within certain factors to consider in determining highest and best use of property for purposes of deriving just valuation; creating s. 193.503, F.S.; providing for classification and assessment of eligible property as historic property used for commercial or certain nonprofit purposes, for purposes of taxes levied by a county or municipality which adopts an ordinance authorizing such assessment; providing procedures and requirements; specifying the factors applicable to such classification; providing for appeals to the value adjustment board; providing that the owner is liable for deferred tax liability for prior years in which such classification and assessment was granted if the property fails to meet qualifying criteria; amending ss. 194.011, 194.032, 194.037, 195.073, and 195.096, F.S., relating to procedures of the value adjustment boards and classification of real property, to conform; creating s. 196.1961, F.S.; providing procedures and requirements for counties and municipalities to adopt an ordinance granting partial exemption for certain historic property used for commercial or nonprofit purposes; specifying qualifications for such exemption; providing an effective date and a contingent effective date.

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

By Representative Laurent—

**HB 977**—A bill to be entitled An act relating to Polk County; repealing chapter 14580, Laws of Florida, 1929, and chapter 13899, Laws of Florida, 1929; dissolving the Wahneta Drainage District and providing for the disposition of its assets; amending chapter 8378, Laws of Florida, 1919, as amended; revising the law relating to the Lake Region Lakes Management District; authorizing said district to engage in certain acts relating to drainage canals, lake level management, and the operation of water management structures; providing immunity from liability for said district with respect to any failure of such water management structures; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sanderson—

**HB 1071**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; repealing s. 2 of ch. 95-302, Laws of Florida; abrogating the future repeal of certain amendments made by that chapter to s. 212.05(1)(a)2., F.S., and abrogating the reversion of the text of that subparagraph to that in existence on September 30, 1995, with specified exceptions; providing an effective date.

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

By Representative Geller—

**HB 1077**—A bill to be entitled An act relating to elections; changing the date of the second primary election in 1998; ensuring that dates tied to the date of the second primary remain unchanged, with specified exceptions; providing an effective date.

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

By the Committee on Corrections and Representative Harrington—

**CS for HB 1167**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing exemptions from public records requirements for specified personal information relating to licensed or certified health care clinicians and certified educational personnel of the Department of Corrections, and their spouses and children; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Governmental Reform and Oversight.

By Representative Saunders and others—

**HB 1175**—A bill to be entitled An act applying to Collier County; amending ss. 1, 2, and 3, chapter 89-449, Laws of Florida, to empower county park enforcement officers to issue citations to enforce any county ordinance within the boundaries of any county park, county operated parking facilities, public beaches, beach access areas adjacent to any county park, and public areas immediately adjacent to county parks; revising list of prohibited offenses; amending s. 4, chapter 89-449, Laws of Florida, to permit the violator to pay the appropriate fines as prescribed by county ordinance without a mandatory court appearance; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Elder Affairs and Long Term Care; and Representative Jacobs and others—

**CS for HB 1243**—A bill to be entitled An act relating to continuing care contracts; amending s. 651.011, F.S.; revising definitions; amending s. 651.013, F.S.; specifying application of additional laws to providers of continuing care; amending s. 651.015, F.S.; revising certain filing fee provisions; amending s. 651.022, F.S.; deleting certain escrow agreement requirements; limiting the Department of Insurance's authority to approve certain applications; amending s. 651.023, F.S.; clarifying provisions for applications for certificates of authority; revising criteria for granting certain mortgages; limiting department authority to approve certain applications; deleting certain provisions for renewal of certificates of authority; amending s. 651.0235, F.S.; providing for continuing validity of certificates of authority; amending s. 651.026, F.S.; requiring a filing fee for annual reports; providing requirements for financial reports and information; amending s. 651.033, F.S.; revising investment criteria for escrow accounts; revising criteria for managing and administering escrow accounts; amending s. 651.035, F.S.; clarifying minimum liquid reserve requirements; decreasing certain escrow operating reserve requirements; requiring providers to maintain a renewal and replacement reserve in escrow; providing criteria; providing requirements for use of such reserves; amending s. 651.051, F.S.; requiring certain notice before removal of certain assets and records from the state; amending s. 651.055, F.S.; requiring submittal to and approval by the department of all continuing care contracts and addenda; revising continuing care agreement provisions to apply to continuing care contracts; amending s. 651.061, F.S.; providing criteria and requirements for certain refunds to residents upon termination of contracts; amending s. 651.065, F.S.; applying certain waiver provisions to continuing care contracts; amending s. 651.071, F.S.; applying preferred claims provisions to continuing care contracts in receivership; amending s. 651.091, F.S.; requiring providers to make available for review certain master plans and plans for expansion or development; requiring providers to furnish residents a copy of resident's rights; requiring filing of certain information with the department; amending s. 651.095, F.S.; requiring department approval of certain provider advertising; limiting certain provider advertising; amending s. 651.105, F.S.; applying examination and inspection provisions to continuing care contracts; amending s. 651.106, F.S.; providing additional grounds for refusal, suspension, or revocation of certificates of authority; providing continuing requirements for providers after revocation of a certificate; amending s. 651.107, F.S.; clarifying status of certificates of authority not reinstated; creating s. 651.1081, F.S.; specifying remedies in cases of unlawful sales by providers; amending s. 651.111, F.S.; broadening the department's inspection authority;

amending s. 651.114, F.S.; applying delinquency proceedings and remedial rights provisions to continuing care contracts; clarifying certain notice requirements relating to release of certain escrow funds; amending s. 651.1151, F.S.; requiring accessibility by residents or resident organizations to management services contracts; amending s. 651.118, F.S.; clarifying a receivership provision; amending s. 651.121, F.S.; requiring the Continuing Care Advisory Council to assist the department in certain actions; repealing s. 651.041, F.S., relating to use of reserves for investment purposes; providing an effective date.

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

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By Representative Crist and others—

**HB 1281**—A bill to be entitled An act relating to Hillsborough County; amending chapter 96-519, Laws of Florida, relating to the Civil Service Act; amending and adding definitions; providing guidelines for the adoption of a salary schedule; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Crist and others—

**HB 1283**—A bill to be entitled An act relating to Hillsborough County; amending ch. 96-519, Laws of Florida, which created the civil service act; providing procedures relating to demotion of nontenured and tenured employees covered by the act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By the Committee on Health Care Standards and Regulatory Reform; and Representative Flanagan and others—

**CS for HB 1387**—A bill to be entitled An act relating to dietetics and nutrition practice; creating a Task Force on Exemptions from Licensure under s. 468.505(1)(k), F.S., which exempts certain persons employed by a hospital, nursing home, assisted living facility, or continuing care facility; providing for membership and meetings of the task force, including place of meetings; requiring a report to certain legislative leaders; providing responsibilities of the task force; providing for dissolution of the task force; providing an effective date.

—was referred to the Committee on Health Care.

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By the Committee on Real Property and Probate; and Representative Edwards—

**CS for HB 1565**—A bill to be entitled An act relating to timeshare plans; amending s. 721.03, F.S.; revising language with respect to the scope of the chapter; providing for certain rules; amending s. 721.06, F.S.; revising language with respect to contracts for the purchase of timeshare periods; amending s. 721.07, F.S.; revising language with respect to public offering statements; providing a time period for amendments which add a new component site to an approved multisite timeshare plan; amending s. 721.075, F.S.; deleting language with respect to certain incidental benefits offered by a developer; amending s. 721.09, F.S.; revising language with respect to reservation agreements; providing for cancellation of such agreements under certain circumstances; amending s. 721.13, F.S.; revising language with respect to management; amending s. 721.15, F.S.; revising language with respect to assessments for common expenses; amending s. 721.18, F.S.; revising a time period with respect to the filing of certain information concerning exchange programs; amending s. 721.26, F.S.; authorizing the imposition of penalties with respect to certain rules; creating part III of chapter 721, F.S.; creating the “Timeshare Lien Foreclosure Act”; providing legislative purpose; providing definitions; providing qualifications of trustees

and appointment of successor trustees; providing for disclosure and acknowledgment; providing for conditions to the exercise of the power of sale by a trustee; providing for the manner of delivery of notice of default and intent to sell; providing for notice of sale; providing for publication of notice of sale; providing for trustee’s certificate of compliance; providing for the manner of sale; providing for the effect of the trustee’s sale; providing for the issuance of a trustee’s deed; providing for the disposition of the proceeds of sale; providing for the form and effect of the trustee’s deed; providing for the application of the part; providing an effective date.

—was referred to the Committees on Regulated Industries and Judiciary.

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By the Committee on Governmental Operations and Representative Dawson-White—

**CS for HB 1613**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from the public records law for certain records furnished pursuant to certain housing assistance programs; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Community Affairs; and Governmental Reform and Oversight.

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By Representative Burroughs and others—

**HB 1663**—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; defining the term “extracurricular”; providing for the accessibility of such activities to home education students; providing an effective date.

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

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By Representative Bradley—

**HB 1769**—A bill to be entitled An act relating to Broward County; providing for the relief of Tirini S. Riley, a minor, for injuries sustained arising out of an accident that occurred while she was a patient of the South Broward Hospital District, d/b/a Memorial Hospital; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Argenziano and others—

**HB 1773**—A bill to be entitled An act relating to the Rainbow River Management Area; repealing chapter 88-469, Laws of Florida, as amended; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By the Committee on Transportation and Representative Fuller and others—

**HB 1813**—A bill to be entitled An act relating to trust funds; creating the Everglades Parkway Construction Trust Fund within the Department of Transportation; providing for source of moneys and purposes; providing an effective date.

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

By Representative Rayson—

**HB 1907**—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Cities of Pembroke Pines, Davie, Cooper City, and Weston; providing for annexation of the unincorporated areas known as “Southwest Ranches” and “Sunshine Ranches” and surrounding areas; providing for incorporation of a new municipality; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Rayson—

**HB 1953**—A bill to be entitled An act relating to the North Broward Hospital District, Broward County, amending chapter 27438, Laws of Florida, 1951, as amended, relating to the powers of the Board of Commissioners of the North Broward Hospital District to enter into interest rate swap agreements and certain other derivative instruments; to invest available funds of the pension plan in accordance with certain provisions of state law; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Mackey—

**HB 1987**—A bill to be entitled An act relating to Gilchrist County; amending chapter 59-1308, Laws of Florida, as amended, relating to the Gilchrist County Development Authority; increasing the number of members of the authority from 5 to 9; providing that the membership of the Gilchrist County Development Authority be the same as the membership of the Gilchrist County Industrial Development Authority and that the Gilchrist County Development Authority and the Gilchrist County Industrial Development Authority operate as one authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Burroughs—

**HB 2003**—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended; revising provisions relating to the Civil Service System for certain employees of Santa Rosa County; providing for the appointment of the fifth member to the board; providing for transfers within the Civil Service System; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Boyd and others—

**HB 2021**—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.

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By Representative K. Pruitt—

**HB 2029**—A bill to be entitled An act relating to the St. Lucie County Port and Airport Authority; providing definitions; reorganizing, updating, and clarifying provisions; providing for the continuing existence of the authority and of its rights and obligations; providing that employees of the authority shall be considered employees of St. Lucie County; providing that authority meetings shall be held in accordance with chapter 189, Florida Statutes; amending and reorganizing provisions relating to powers and duties of the authority, and consultants, travel expense, taxation, and bonding; providing for the approval by the authority of privately owned airports within the district; deleting obsolete text relating to ad valorem taxation; authorizing the levy of non-ad valorem assessments and issuance of bonds secured thereby; clarifying purposes for which bonds may be issued; providing the authority to enter trust agreements to secure bonds; providing that the purchase of commodities and services by the authority shall be in accordance with the St. Lucie County purchasing policy; declaring legislative intent; repealing chapter 88-515, Laws of Florida; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By the Committee on Financial Services and Representative Bainter and others—

**CS for HB 269**—A bill to be entitled An act relating to surplus lines insurance; providing a short title; amending s. 626.918, F.S.; revising language with respect to eligible surplus lines insurers; 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; providing for confidentiality of certain information; 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 10 days; 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.; providing surplus and other requirements regarding certain surplus lines insurers; providing effective dates.

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

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By Representative Bitner and others—

**HB 499**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for certain complimentary meals; providing an effective date.

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

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By Representative Healey—

**HB 595**—A bill to be entitled An act relating to Palm Beach County; abolishing the Town of Golfview subject to certain conditions and revoking the charter; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Ritter and others—

**HB 603**—A bill to be entitled An act relating to municipal special assessments; amending s. 170.201, F.S.; providing an exemption from any special assessment levied by a municipality to fund emergency medical services for property owned or occupied by a religious institution or elementary, middle, or high school; providing an effective date.

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

By the Committee on Health Care Standards and Regulatory Reform; and Representative Kelly—

**CS for HB 605**—A bill to be entitled An act relating to public records and meetings; providing for application of public records exemptions in ss. 455.225(2) and (10) and 455.261(3)(e) and (5)(a), F.S., to certain information concerning provisional psychologists, registered clinical social worker interns, registered marriage and family therapist interns, registered mental health counselor interns, provisional clinical social workers, provisional marriage and family therapists, and provisional mental health counselors; providing for application of the public meetings exemption in s. 455.225(4), F.S., to proceedings of a probable cause panel with respect to investigations concerning such practitioners; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

By Representative Safley—

**HB 635**—A bill to be entitled An act relating to the Pinellas Police Standards Council, Pinellas County; amending ch. 72-666, Laws of Florida, as amended; prescribing purposes, membership, powers, and duties of the countywide police standards council; providing for screening applicants for public-safety positions; providing for continued funding of the council through a court cost; providing for fees from applicants for public-safety positions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Greene—

**HB 645**—A bill to be entitled An act relating to Pahokee Water Control District, Palm Beach County; amending chapter 10002, Laws of Florida, 1923, as amended, to provide that the Board of Supervisors shall be composed of three citizens of the United States, who shall be resident freeholders of the State of Florida, and expanding the boundaries of said district to include land from Pelican Lake Water Control District; repealing chapter 28417, Laws of Florida, 1953, which authorizes the Pahokee Water Control District to provide water control to Pelican Lake Sub-Drainage District; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Byrd—

**HB 699**—A bill to be entitled An act relating to public school parental choice; amending s. 228.057, F.S.; requiring school districts with a controlled open enrollment program to afford unrestricted access to the program to parents of students in multiple session schools; providing an effective date.

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

By Representative Fuller and others—

**HB 783**—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended; amending the Charter of the City of Jacksonville; clarifying the exemptions provided by the charter to designated employees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Burroughs and others—

**HB 811**—A bill to be entitled An act relating to petroleum; amending s. 403.767, F.S.; exempting certain persons from certified transporter requirements; providing an effective date.

—was referred to the Committee on Natural Resources.

By the Committee on Real Property and Probate; and Representative Sublette—

**CS for HB 889**—A bill to be entitled An act relating to liens; amending s. 255.05, F.S.; including unpaid finance charges due under a claimant's contract among charges which may be assessed against certain contractors' bonds; revising language with respect to the timeframe for notice of intent to look to such a bond for recovery; providing for the time period for notice of nonpayment; providing forms for waiver of rights to claim against the bond for progress payments and final payments; amending s. 713.06, F.S.; providing for service of notice of commencement rather than mailing with respect to liens of persons not in privity; amending s. 713.132, F.S.; providing that a notice of termination is effective under certain circumstances; amending s. 713.135, F.S.; providing that certain applicants for a building permit must file certain information with respect to the notice of commencement; amending s. 713.20, F.S.; allowing an owner to withhold certain amounts from payments to contractors in certain situations; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Fuller and others—

**HB 917**—A bill to be entitled An act relating to the City of Jacksonville, Duval County; providing for the abolition or restructuring of certain community redevelopment agencies currently existing within the city and providing for the redistribution of their powers, functions, duties, liabilities, property and personnel; amending chapter 92-341, Laws of Florida, as amended; creating the Jacksonville Economic Development Commission to exist as an autonomous body within the executive branch of the consolidated government; providing for designation as an industrial development authority and as a community redevelopment agency; providing for powers, duties, functions, personnel and obligations of the Jacksonville Sports Development Authority, the Jacksonville Downtown Development Authority, the Jacksonville International Airport Community Redevelopment Authority, the Cecil Field Development Commission and the Economic Development Division of the Planning and Development Department of the city; excluding officials and employees of the commission from civil service; transferring all existing powers, duties, responsibilities and authorities of the Jacksonville Downtown Development Authority to the commission and restructuring the authority as an advisory body to the commission; amending chapter 89-509, Laws of Florida, as amended; transferring to the commission all powers, duties, functions, personnel and obligations of the Jacksonville Sports Development Authority; restructuring the authority as an advisory body to the commission; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Livingston—

**HB 927**—A bill to be entitled An act relating to Lee County independent fire control districts; prescribing uniform criteria for operation of independent special fire-control districts; providing definitions; preempting certain special acts and general acts of local application; providing for district boards of commissioners and for their election; providing for officers of boards; providing for commissioners' compensation and expenses; providing general and special powers of districts; providing for ad valorem taxes, non-ad valorem assessments, user charges, bonds, and impact fees; providing for referenda; providing for intergovernmental coordination; providing for expansion, merger, and dissolution of districts; 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 Representative Horan—

**HB 1103**—A bill to be entitled An act relating to Monroe County; specifying rights of members of the classified service of the Monroe County Sheriff's Office; providing procedures for appeal of disciplinary actions against members; providing for the appointment of boards to hear appeals and procedures with respect thereto; providing a procedure for transition upon the expiration of a sheriff's term; repealing chapters 89-410 and 89-461, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Harrington and others—

**HB 1165**—A bill to be entitled An act relating to battery of facility employee; creating s. 784.078, F.S.; defining "facility"; defining "employee"; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; providing for placement of an offender on a management meal program under specified circumstances; providing an effective date.

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

By Representative Saunders and others—

**HB 1173**—A bill to be entitled An act relating to Collier County; to extinguish, because of nonuse, certain perimeter and bisecting easements within the Golden Gate Estates subdivisions; exempting public easements, under certain circumstances; providing that all of such easements shall be extinguished and be void as of midnight, December 31, 1999, except to the extent that an easement, on or before December 31, 1999, is in actual use as a road, for drainage, or for utility facilities, and a proper notice of claim to the easement is recorded in the official records of Collier County, not later than December 31, 1999; providing that this act shall not modify any effect chapter 712, Florida Statutes, may have over easements; providing that this special act shall be published in a newspaper of general circulation prior to July 1, 1997, and prior to July 1 for the next 3 years; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lynn and others—

**HB 1293**—A bill to be entitled An act relating to Volusia County; amending ch. 70-966, Laws of Florida, which establishes the charter government of the county; establishing nonpartisan election of school board members; ratifying the referendum election; providing for the provisions of this bill to control in the event of a conflict with other laws; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Heyman—

**HB 1307**—A bill to be entitled An act relating to alarm system contracting; amending s. 489.505, F.S.; modifying a definition; amending s. 489.518, F.S.; providing exceptions to training and background check requirements; amending s. 489.529, F.S.; providing an exception to an alarm verification requirement; creating s. 489.5315, F.S.; clarifying occupational licensure requirements; providing an effective date.

—was referred to the Committees on Regulated Industries and Community Affairs.

By Representative Sindler and others—

**HB 1315**—A bill to be entitled An act relating to the Ranger Drainage District, Orange County; establishing district boundaries; providing legislative intent; increasing the number of supervisors and changing the voting procedures by which members of the board of supervisors are elected; authorizing the levy of non-ad valorem assessments and specifying services which may be financed by said assessments; providing for a conditional limitation on liability; changing the method for approval of supervisors' compensation; providing a referendum; 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 the Committee on Health Care Services and Representative Albright and others—

**HB 1357**—A bill to be entitled An act relating to the Department of Health; amending s. 20.43, F.S.; renaming certain divisions within the department; creating a Division of Local Health Planning, Education, and Workforce Development; authorizing certain use of state or federal funds to protect and improve public health; transferring powers and duties relating to rural health networks, local health councils, and the Statewide Health Council from the Agency for Health Care Administration to the department; authorizing certain budget flexibility; 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 ss. 110.131, 216.341, 232.465, 240.4075, 381.0065, 381.0302, 381.0405, 381.0055, 395.401, 401.107, 401.111, 401.117, 401.23, 401.245, 401.265, 403.703, 404.031, 404.051, 404.0614, 404.131, 404.20, 414.23, 414.38, 458.316, 468.301, 468.314, and 514.011, F.S.; revising and conforming language and references relating to the public health functions of the department; deleting obsolete language; amending s. 240.4076, F.S.; revising operation of the nursing scholarship loan program; 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 ss. 381.0406 and 381.04065, F.S.; conforming transfer of rural health programs to the department; amending s. 381.0407, F.S.; clarifying reimbursement to county health departments by Medicaid providers; 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.; clarifying relationship of the Diabetes Advisory Council to the Board of Regents; deleting requirement for an annual diabetes state plan; amending s. 392.52, F.S.; revising definitions; creating s. 392.551, F.S.; providing that parental consent is not required to examine a minor for tuberculosis; amending s. 392.565, F.S.; revising conditions for imposing an involuntary hold on a person for tuberculosis; 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. 404.056, 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.; providing for the transfer of funds to support the local health councils; 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.; specifying family planning services provided under the Medicaid program; amending s. 409.908, F.S.; deleting obsolete repeal provision; amending s. 414.026, F.S.; adding the Secretary of Health to the State Board of Directors of the WAGES Program; 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 requirements for registration of 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 public health physicians from assessments that finance the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 945.602, F.S.; providing for assignment of the Correctional Medical Authority to the department for administrative purposes; transferring to the department powers and duties of the Correctional Medical Authority; 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, and 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.; consolidating 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 for 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; 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.

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

By Representative Betancourt and others—

**HB 1369**—A bill to be entitled An act relating to juvenile justice; amending s. 39.01, F.S.; providing that the penalty imposed for the offense of escaping from a detention facility applies to a juvenile who escapes from a low-risk residential facility; amending s. 39.021, F.S.; revising requirements for the Department of Juvenile Justice and the Juvenile Justice Advisory Board with respect to reporting to the Legislature on the costs and benefits of the department's commitment programs; amending s. 39.042, F.S.; specifying the conditions under which a juvenile charged with domestic violence may be placed in detention if the juvenile does not meet the criteria for detention; requires a court order to hold the juvenile in detention beyond 48 hours; requires a court hearing upon the request of the state attorney or victim to determine whether continued detention is necessary; repealing s. 39.0445, F.S., relating to juvenile justice domestic violence offenders; amending s. 39.052, F.S.; requiring the court to transfer all pending juvenile court cases to adult court on a juvenile transferred to adult court; amending s. 39.054, F.S.; authorizing the court to take further action if the restitution is not made; authorizing the court to order the juvenile's parent or guardian to make restitution if the parent or guardian failed to make a diligent and good-faith effort to prevent the juvenile from engaging in delinquent acts; amending s. 39.057, F.S.; clarifying the minimum period a juvenile who is committed to certain programs is required to participate in the boot camp component of the program; revising requirements for the department in evaluating boot camp programs; amending s. 39.059, F.S.; revising circumstances under which a juvenile may be

prosecuted as an adult; prohibiting the court from imposing a combination of adult and juvenile sanctions against a juvenile; providing for supervision by the department to terminate if a juvenile is sentenced as an adult; amending s. 39.076, F.S.; revising standards for screening department personnel; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families and Seniors; and Ways and Means.

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By Representative Rayson—

**HB 1389**—A bill to be entitled An act relating to the City of North Lauderdale, Broward County; extending and enlarging the corporate limits of the City of North Lauderdale to include specified unincorporated lands within said corporate limits; qualifying the effective date of the annexation upon specified conditions; requiring a report; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By the Committee on Finance and Taxation; and Representative Reddick and others—

**CS for HB 1413**—A bill to be entitled An act relating to state financial matters; amending s. 215.322, F.S.; providing for the acceptance of charge cards and debit cards by state agencies, units of local government, and the judicial branch; providing a time period for certain actions; authorizing a convenience fee; providing for the application of the act on certain contracts; amending s. 282.20, F.S.; revising language with respect to the Technology Resource Center; defining the term "customer"; eliminating a data processing policy board; creating s. 282.21, F.S.; authorizing the Department of Management Services to collect fees for the use of its electronic access services; creating s. 282.22, F.S.; providing for the production and dissemination of materials and products by the Department of Management Services; providing legislative intent with respect to the use of card-based technology; providing standards for state agencies; providing for the submission of certain acquisition documentation to the Florida Fiscal Accounting Management Information System Coordinating Council; providing applicability; repealing s. 282.313, F.S.; relating to data processing policy boards; providing an effective date.

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

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By Representative Maygarden and others—

**HB 1473**—A bill to be entitled An act relating to the municipality of Gulf Breeze, Santa Rosa County, and Escambia County; providing for law enforcement jurisdiction on the Bob Sikes Bridge; authorizing the municipality of Gulf Breeze, Santa Rosa County, and Escambia County to exercise law enforcement jurisdiction over the entire length of the bridge; providing an effective date.

Proof of publication of the required notice was attached.

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

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By Representative Feeney—

**HB 1543**—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.

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By Representative Eggelton—

**HB 1601**—A bill to be entitled An act relating to equitable distribution of marital assets and liabilities; creating s. 61.077, F.S.; prescribing factors to be considered by a court before entering a final judgment making a determination of the credits or set-offs upon the sale of the marital home; providing an effective date.

—was referred to the Committee on Judiciary.

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By Representative Fuller and others—

**HB 1603**—A bill to be entitled An act relating to the State Fire Marshal; amending s. 633.061, F.S.; providing a limitation upon licensees; providing requirements for licensees; providing procedures for licensure; prescribing what constitutes unlawful activity; providing for training; providing for duties of the State Fire Marshal; amending s. 633.071, F.S.; providing standards for tagging; providing for inspection reports; amending s. 633.175, F.S.; providing authority for law enforcement officers or fire department officials; providing for civil immunity; providing for notice of release of investigative records; amending s. 633.35, F.S.; providing standards for private entities that provide the services of firefighters; providing standards for firefighters; amending s. 633.511, F.S.; redesignating certain classifications; amending s. 633.514, F.S.; providing for permitholders; providing an effective date.

—was referred to the Committee on Banking and Insurance.

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By Representative Bullard—

**HB 1623**—A bill to be entitled An act relating to enterprise zones; amending s. 290.0055, F.S.; authorizing certain charter counties to apply to enlarge the boundary lines of an enterprise zone within the county under certain conditions; providing for approval of the application under certain conditions; providing an effective date.

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

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By Representative Livingston—

**HB 1641**—A bill to be entitled An act relating to the Department of Community Affairs; amending s. 163.3180, F.S.; revising an exemption to the concurrency requirements of local government comprehensive plans for development that constitutes a de minimis impact; amending s. 163.3184, F.S.; revising the definition of the term "in compliance"; revising the effective date of local government comprehensive plans or amendments in an area of critical state concern; amending s. 163.3187, F.S.; providing that certain counties may adopt certain small-scale amendments to the local government comprehensive plan; creating an exception to the requirement that local governments adopt plan amendments twice a year; amending s. 163.3189, F.S.; providing an exception, applicable to local governments in an area of critical state concern, to procedures for effectuating a comprehensive plan amendment after the

commission's determination of noncompliance; amending s. 380.05, F.S.; providing for state land planning agency approval or rejection of certain local government land development regulations by agency order; providing for state land planning agency approval or rejection of certain local government comprehensive plans and amendments; amending s. 380.051, F.S.; deleting certain rulemaking duties of the department with respect to the Florida Keys area of critical state concern; amending s. 380.06, F.S.; deleting certain rulemaking duties of the department with respect to areawide developments of regional impact; requiring an evaluation of statutory provisions relating to evaluation and appraisal of comprehensive plans; providing an effective date.

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

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By Representative Casey and others—

**HB 1709**—A bill to be entitled An act relating to the Alachua County School Board; amending s. 1, ch. 95-466, Laws of Florida; specifying an alternative method of qualification for candidates for election to the board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Saunders—

**HB 1729**—A bill to be entitled An act relating to Collier County; establishing and organizing a municipality to be known and designated as the City of Marco Island; defining territorial boundaries; providing for government, jurisdiction, elections, administrative code, procedure, powers, franchises, immunities, privileges, and means for exercising the same; prescribing the general powers to be exercised by said city; providing prohibitions; providing procedures for filling vacancies in office; providing for a city council, city manager, and city attorney; providing for an initial election; providing for ordinances; providing for budget adoption; providing for amendments to the city charter; providing for referendum petitions; providing severability; providing for dissolution of the Marco Island Fire Control District; providing for participation in state-shared revenue programs and local option gas taxes; providing for a referendum; providing a transition schedule; providing for county ordinances and services during transition period; providing effective dates.

—was referred to the Committee on Rules and Calendar.

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By Representative Maygarden and others—

**HB 1765**—A bill to be entitled An act relating to the General Pension and Retirement Fund of the City of Pensacola, Escambia County; amending chapter 61-2655, Laws of Florida, as amended; providing for membership requirements; repealing section 3(b), (c), (d), (e), and (f), chapter 61-2655, Laws of Florida, as amended, relating to contributions to the fund by employees and the city; providing for a deferred retirement option plan; providing for buy back of prior service; providing for investment authority; permitting the board of trustees and City of Pensacola to contract with investment banks; providing for multiple plan participant; providing for exclusion of any officer or employee of the police department hired on or after October 1, 1979, who is eligible to participate in the Police Officer's Retirement Fund; providing for authority to allow additional members into the General Pension and Retirement Fund, credit for prior service, and allowing transfers to the General Pension and Retirement Fund from other qualified retirement plans; providing provisions for repeal of conflicting laws; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Villalobos—

**HB 1771**—A bill to be entitled An act relating to the City of Miami Beach; providing for the relief of Juan A. Garcia, Jr., and Juan and Barbara Garcia, as natural parents of Juan A. Garcia, Jr.; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of the City of Miami Beach; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By the Committee on Tourism and Representative Barreiro and others—

**HJR 969**—A joint resolution proposing amendments to Sections 3 and 4 of Article VII and the creation of Section 22 of Article XII of the State Constitution relating to local option ad valorem tax exemption for, and assessment of, certain historic properties.

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

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By the Committee on Finance and Taxation; and Representative Starks and others—

**HJR 1335**—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 22 of Article XII of the State Constitution relating to exemption from ad valorem taxation of certain tangible personal property.

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

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By Representative Constantine and others—

**HM 1777**—A memorial to the Congress of the United States urging appropriation of certain funds for Everglades restoration.

—was referred to the Committee on Rules and Calendar.

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By the Committee on Transportation and Representative Fuller and others—

**HM 1811**—A memorial to the Congress of the United States, urging that in the reauthorization of the Intermodal Surface Transportation Efficiency Act an allocation method be adopted which provides for a more equitable distribution of federal transportation funds to all states, including "donor states" like Florida.

—was referred to the Committee on Rules and Calendar.

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### RETURNING MESSAGES—FINAL ACTION

*The Honorable Toni Jennings, President*

I am directed to inform the Senate that the House of Representatives has passed SB 326, SB 486, CS for SB 968, CS for SB 1160, CS for SB 1282 and has passed SB 902 by the required Constitutional three-fifths vote of all members elected to the House.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

**ENROLLING REPORTS**

SB 358, CS for SB 956, SB 1086 and CS for SB 1238 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 28, 1997.

*Faye W. Blanton, Secretary*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 25 was corrected and approved.

**CO-SPONSORS**

Senator Holzendorf—CS for SB's 1414 and 228

Senator Cowin withdrew as a co-sponsor of CS for CS for SB 546.

**VOTES RECORDED**

Senator Casas was recorded voting on the following bills which were considered April 25: "Yea"—CS for SB 2, SB 122, CS for SB 798, CS for

SB 1068, CS for SB's 1286 and 1446, CS for HB 387, CS for HB 487, CS for HB 549, CS for HB 1001, CS for HB 1111, and CS for SB 2068; and "Nay"—CS for CS for SB's 1688, 792, 1334 and 2254 and CS for SB 1754.

**RECESS**

On motion by Senator Bankhead, the Senate recessed at 6:13 p.m. to reconvene at 9:30 a.m., Tuesday, April 29.

**SENATE PAGES**

April 29 - May 2

Michael (Mike) Belitzky, Tallahassee; Melbin (Mel) Cannon, Tallahassee; Kari Copeland, Bristol; Tim Doozan, Brandon; Russell Eckenrod, Ellenton; Nicole Elkins, Tallahassee; Stephenie Ford, Bristol; William Wright (Wri) Irby V, Chiefland; Kyra Jennings, Tallahassee; Chadrick (Chad) J. Johnson, Monticello; George J. Kayiales, Tampa; Ashley Martin, Tallahassee; Guyte Pierce McCord, Tallahassee; Tracey Minton, Boca Raton; Sara Elaine Parrish, Orlando; Nathan Roberts, Tallahassee; Curtis L. Simmons, Jr., Jacksonville; Andrew Yancey, Ormond Beach