



# Journal of the Senate

Number 16—Regular Session

Friday, April 17, 1998

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## CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—37:

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

Excused: Senators Jones and Silver; Conferees periodically for the purpose of working on Appropriations

## PRAYER

The following prayer was offered by Senator Ostalkiewicz:

Father, you are merciful. You are wonderful. You have saved us.

Lord God, I thank you that you have put us in a place where we can do good for our state. Father, I pray that you give us wisdom that we would be circumspect, that we would not work out of pride or conceit, but that we would do what is right because it is right.

Father, I pray for your mercy today. I pray that you give us wisdom and grace. We pray this in the name of our Lord. Amen.

## PLEDGE

Senate Pages Danielle Felton of Jacksonville and Gabrielle Ferrell of Port Orange, 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 Campbell, by two-thirds vote **SB 1628, SB 342, SB 344, SB 1500, SB 1502, SB 1638, SB 1832, SB 2118, SB 2148, SB 2152, SB 2266** and **SB 2348** were withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 1868** was withdrawn from the Committee on Community Affairs; **SB 378** was withdrawn from the Committee on Children, Families and Seniors; **CS for SB 1680** was withdrawn from the Committee on Criminal Justice; **CS for SB 452** was withdrawn from the Committee on Judiciary; **SB 1368** was withdrawn from the Committee on Natural Resources; **SB 2504** was withdrawn from the Committee on Ways and Means; and **CS for SB 2480** was withdrawn from the Committee on Education.

On motion by Senator Dudley, by two-thirds vote **CS for SB 244, CS for SB 462, SB 588, SJR 610, CS for SB 962, CS for SB 1066, CS for SB 1258, CS for SB 1736, SB 2040, CS for SB 2126, SB 2162, CS for SB 2474, CS for SB 2484, SB 2534** and **SB 2592** were withdrawn from the Committee on Ways and Means.

On motion by Senator Dudley, by two-thirds vote **SB 1590** was withdrawn from the Committee on Ways and Means Subcommittee E (Finance and Tax).

## MOTIONS

On motion by Senator Bankhead, a deadline of 5:00 p.m. Monday, April 20, was set for filing amendments to Bills on Third Reading to be considered Tuesday, April 21.

## CONSIDERATION OF BILLS ON THIRD READING

### SENATOR BANKHEAD PRESIDING

Consideration of **CS for SB 1070** was deferred.

**CS for HB 1903**—A bill to be entitled An act relating to records of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.047, F.S.; providing an exemption from public records requirements for information relative to an investigation by the division under the Florida Uniform Land Sales Practices Law for a specified period; providing for continued exemption for certain information relative to such investigation under certain conditions; authorizing certain disclosure of such information; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motions by Senator Dudley, **CS for HB 1903** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Consideration of **CS for HB 3287** was deferred.

**CS for HB 1213**—A bill to be entitled An act relating to health care; establishing the Prostate Cancer Task Force; providing for representation on the task force; providing responsibilities; requiring a report to the Governor and the Legislature; providing for future repeal; amending s. 240.5121, F.S.; increasing membership of the Florida Cancer Control and Research Advisory Council; requiring the council to purchase or develop a written summary of cancer treatment alternatives for prostate cancer; providing appropriations for developing or purchasing and for distributing bilingual pamphlets, and for developing and implementing education programs, on prostate cancer and breast cancer; providing an effective date.

—as amended April 16 was read the third time by title.

On motions by Senator Grant, **CS for HB 1213** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

**CS for SB 1498**—A bill to be entitled An act relating to the use of motor vehicles by persons who have disabilities; amending s. 316.1955, F.S.; clarifying standards for accessible parking spaces and parking access aisles; providing violations; providing penalties; amending s. 316.1958, F.S.; providing that a special motor vehicle license plate or parking permit issued by another state, district, or country is invalid with respect to a person who must have a Florida vehicle registration; amending s. 316.1964, F.S.; amending circumstances in which vehicles are exempt from paying parking fees and penalties; amending s. 318.18, F.S.; increasing the amount of the fine for illegally parking in a parking space for disabled persons; amending procedures for dismissing such fines and for distributing the proceeds of such fines; amending s. 320.0842, F.S.; amending prerequisites to qualifying for a free license plate as a veteran who uses a wheelchair due to a service-connected disability; amending s. 320.0843, F.S.; amending provisions related to license plates for wheelchair users; amending s. 320.0848, F.S.; amending provisions relating to the issuance of disabled parking permits; amending prerequisites; providing for replacement permits; providing for alternatives; amending requirements for the design of temporary permits; providing penalties for unlawfully displaying a disabled parking permit; providing additional grounds for confiscation of a disabled parking permit; providing for recordkeeping related to confiscation; providing for revoking the privilege of applying for a disabled parking permit; providing procedures related to confiscations and revocations; providing an effective date.

—as amended April 16 was read the third time by title.

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

**Amendment 1 (with title amendment)**—On page 7, lines 1-5, delete those lines and insert: may not be dismissed for failure of the marking on the parking space to comply with this section if the space is in general compliance and is clearly distinguishable as a designated accessible parking space for people who have disabilities. Only a warning may be issued for unlawfully parking in a space designated for persons with disabilities if there is no above-grade sign as provided in subsection (6).

On motions by Senator Forman, **CS for SB 1498** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

Bankhead	Diaz-Balart	Holzendorf	Myers
Bronson	Dudley	Horne	Ostalkiewicz
Brown-Waite	Dyer	Klein	Rossin
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Crist	Harris	Meadows	

Nays—None

**CS for HB 3287**—A bill to be entitled An act relating to affordable housing; amending s. 420.0005, F.S.; clarifying application of certain provisions to the State Housing Fund; amending s. 420.0006, F.S.; specifying an additional requirement for contracts with the Florida Housing Finance Corporation; providing duties of the Comptroller relating to certain advances to the corporation; amending s. 420.503, F.S.; clarifying application to the corporation's fiscal year; amending s. 420.504, F.S.; providing for alternative public notice; providing the corporation is an instrumentality of the state; deleting a definition; amending s. 420.5061, F.S.; declaring the corporation a state agency for certain purposes; providing that the corporation may provide infrastructure improvements; amending s. 420.507, F.S.; including services within certain procurement requirement provisions; authorizing the corporation to mortgage certain property; deleting a budget limitation on certain programs; providing additional powers of the corporation; amending s. 420.5087, F.S.; clarifying application of the state fiscal year; amending s. 420.5088, F.S.; expanding availability of certain program funds; amending s. 420.5089, F.S.; deleting a requirement for certain program fund loan commitments under certain circumstances; amending s. 420.509, F.S.; clarifying application of provisions for public sale of corporation bonds; amending s. 420.511, F.S.; revising requirements for the corporation's business plan for affordable housing; amending s. 420.512, F.S.; limiting application of a term for certain purposes; amending s. 420.528, F.S.; clarifying application to the corporation's fiscal year; amending s. 420.9071, F.S.; correcting a cross reference; clarifying application to the corporation's fiscal year; amending ss. 420.9073 and 420.9079, F.S.; clarifying application to the state fiscal year; repealing s. 420.504(8), F.S., relating to certain liability of members of the board of directors of the corporation; providing an effective date.

—was read the third time by title.

On motions by Senator Dyer, **CS for HB 3287** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

**SPECIAL ORDER CALENDAR**

Consideration of **CS for SB 2014** was deferred.

On motion by Senator Harris—

**CS for CS for SB 2524**—A bill to be entitled An act relating to the WAGES Program; amending s. 414.026, F.S.; requiring that the WAGES Program State Board of Directors approve any WAGES-related proposed administrative rules; requiring collaboration with the WAGES State Board concerning other actions by the Workforce Development Board of Enterprise Florida, Inc., and state agencies; extending the existence of

the WAGES Program State Board of Directors; allowing the Governor to designate the WAGES Program State Board of Directors as a non-profit corporation; providing requirements; amending s. 414.028, F.S.; revising requirements for a member of a local WAGES coalition in the case of a conflict of interest; providing requirements for disclosing any such conflict; providing for certain nonvoting members to be appointed to a local coalition; requiring a local coalition to deliver certain services under the WAGES Program; providing for staff support for local coalitions; requiring that the program and financial plan developed by a local WAGES coalition include provisions for providing services for victims of domestic violence and describing development of the plan; amending s. 414.065, F.S.; deleting provisions that require an employer to repay certain supplements or incentives under specified circumstances; creating a WAGES training bonus to be paid to an employer who hires certain program participants; providing protection for current employees; providing an exception from the work requirements for certain individuals at risk of domestic violence; providing an exception for a specified period for certain individuals impaired by past incidents of domestic violence, under certain circumstances; reenacting s. 414.20, F.S., relating to support services, to incorporate the amendment in a reference; amending s. 414.105, F.S.; providing for eligibility for extended temporary cash assistance under specified circumstances; providing that an individual who cares for a disabled family member is exempt from certain time limitations; permitting domestic violence victims to be granted hardship exemptions not subject to certain percentage limitations, under specified circumstances; providing legislative intent; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendment which was adopted:

**Amendment 1**—On page 10, line 21, after the period (.) insert: *Should career service employees of the Department of Labor and Employment Security be subject to layoff due to the local WAGES coalitions taking over the delivery of such services, such employees shall be given priority consideration for employment by the local WAGES coalitions.*

Senator Turner moved the following amendment which was adopted:

**Amendment 2**—On page 20, lines 5 and 6, delete those lines and insert: *complying with all the requirements of the WAGES Program. The period for which*

Senator Kirkpatrick moved the following amendment which was adopted:

**Amendment 3**—On page 20, delete line 9 and insert: *October 1, 1996. A participant may not receive temporary cash*

Senator Forman moved the following amendment which failed:

**Amendment 4 (with title amendment)**—On page 28, between lines 5 and 6, insert:

Section 9. Section 414.25, Florida Statutes, is amended to read:

414.25 Exemption from leased real property requirements.—In order to facilitate implementation of this chapter with respect to establishing jobs and benefits offices, the Department of Labor and Employment Security and the Department of Children and Family Services are exempt from the requirements of s. 255.25 which relate to the procurement of leased real property. This exemption expires June 30, 2000 1998.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, delete line 20 and insert: legislative intent; amending s. 414.25, F.S.; relating to exemption from leased property requirements for creation of one-stops; extending the exemption; providing an effective

Senator Hargrett moved the following amendment which was adopted:

**Amendment 5 (with title amendment)**—On page 28, between lines 5 and 6, insert:

Section 9. Paragraph (g) is added to subsection (1) of section 234.01, Florida Statutes, to read:

234.01 Purpose; transportation; when provided.—

(1) School boards, after considering recommendations of the superintendent:

(g) *May provide transportation for WAGES program participants as defined in s. 414.0252.*

Section 10. Present paragraph (b) of subsection (1) of section 234.211, Florida Statutes, is redesignated as paragraph (c), and a new paragraph (b) is added to that subsection to read:

234.211 Use of school buses for public purposes.—

(1)

(b) *Each school district may enter into agreements with local WAGES coalitions for the provision of transportation services to WAGES program participants as defined in s. 414.0252. Agreements must provide for reimbursement in full or in part for the proportionate share of fixed and operating costs incurred by the school district attributable to the use of buses in accordance with the agreement.*

Section 11. Subsection (13) is added to section 341.041, Florida Statutes, to read:

341.041 Transit responsibilities of the department.—The department shall, within the resources provided pursuant to chapter 216:

(13) *Assist local governmental entities and other transit operators in the planning, development, and coordination of transit services for WAGES program participants as defined in s. 414.0252.*

Section 12. Subsections (1) and (2) of section 341.052, Florida Statutes, are amended to read:

341.052 Public transit block grant program; administration; eligible projects; limitation.—

(1) There is created a public transit block grant program which shall be administered by the department. Block grant funds shall only be provided to "Section 9" providers and "Section 18" providers designated by the United States Department of Transportation and community transportation coordinators as defined in chapter 427. Eligible providers must establish public transportation development plans consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the provider is located. *In developing public transportation development plans, eligible providers must solicit comments from local WAGES coalitions established under chapter 414. The development plans must address how the public transit provider will work with the appropriate local WAGES coalition to provide services to WAGES participants. Eligible providers must review program and financial plans established under s. 414.028 and provide information to the local WAGES coalition serving the county in which the provider is located regarding the availability of transportation services to assist WAGES program participants.*

(2) Costs for which public transit block grant program funds may be expended include:

(a) Costs of public bus transit and local public fixed guideway capital projects.

(b) Costs of public bus transit service development and transit corridor projects. Whenever block grant funds are used for a service development project or a transit corridor project, the use of such funds is governed by s. 341.051. Local transit service development projects and transit corridor projects currently operating under contract with the department shall continue to receive state funds according to the contract until such time as the contract expires. Transit corridor projects, wholly within one county, meeting or exceeding performance criteria as described in the contract shall be continued by the transit provider at the same or a higher level of service until such time as the department, the M.P.O., and the service provider, agree to discontinue the service. The provider may not increase fares for services in transit corridor projects wholly within one county without the consent of the department.

(c) Costs of public bus transit operations.

All projects ~~must shall~~ be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government ~~comprehensive plans of local government~~ in which the project is located.

Section 13. Paragraph (a) of subsection (2) of section 414.026, Florida Statutes, is amended to read:

414.026 WAGES Program State Board of Directors.—

(2)(a) The board of directors shall be composed of the following members:

1. The Commissioner of Education, or the commissioner's designee.
2. The Secretary of Children and Family Services.
3. The Secretary of Health.
4. The Secretary of Labor and Employment Security.
5. The Secretary of Community Affairs.
6. *The Secretary of Transportation, or the secretary's designee.*

7.6. The director of the Office of Tourism, Trade, and Economic Development.

8.7. The president of the Enterprise Florida workforce development board, established under s. 288.9620.

9.8. The chief executive officer of the Florida Tourism Industry Marketing Corporation, established under s. 288.1226.

10.9. Nine members appointed by the Governor, as follows:

a. Six members shall be appointed from a list of ten nominees, of which five must be submitted by the President of the Senate and five must be submitted by the Speaker of the House of Representatives. The list of five nominees submitted by the President of the Senate and the Speaker of the House of Representatives must each contain at least three individuals employed in the private sector, two of whom must have management experience. One of the five nominees submitted by the President of the Senate and one of the five nominees submitted by the Speaker of the House of Representatives must be an elected local government official who shall serve as an ex officio nonvoting member.

b. Three members shall be at-large members appointed by the Governor.

c. Of the nine members appointed by the Governor, at least six must be employed in the private sector and of these, at least five must have management experience.

The members appointed by the Governor shall be appointed to 4-year, staggered terms. Within 60 days after a vacancy occurs on the board, the Governor shall fill the vacancy of a member appointed from the nominees submitted by the President of the Senate and the Speaker of the House of Representatives for the remainder of the unexpired term from one nominee submitted by the President of the Senate and one nominee submitted by the Speaker of the House of Representatives. Within 60 days after a vacancy of a member appointed at-large by the Governor occurs on the board, the Governor shall fill the vacancy for the remainder of the unexpired term. The composition of the board must generally reflect the racial, gender, and ethnic diversity of the state as a whole.

Section 14. Subsection (1) of section 414.20, Florida Statutes, is amended to read:

414.20 Other support services.—Support services shall be provided, if resources permit, to assist participants in complying with work activity requirements outlined in s. 414.065. If resources do not permit the provision of needed support services, the department and the Department of Labor and Employment Security may prioritize or otherwise limit provision of support services. This section does not constitute an entitlement to support services. Lack of provision of support services may be considered as a factor in determining whether good cause exists for failing to comply with work activity requirements but does not automatically constitute good cause for failing to comply with work activity

requirements, and does not affect any applicable time limit on the receipt of temporary cash assistance or the provision of services under this chapter. Support services shall include, but need not be limited to:

(1) TRANSPORTATION.—Transportation expenses may be provided to any participant when the assistance is needed to comply with work activity requirements or employment requirements, including transportation to and from a child care provider. Payment may be made in cash or tokens in advance or through reimbursement paid against receipts or invoices. *Transportation services may include, but are not limited to, cooperative arrangements with the following: public transit providers; community transportation coordinators designated under chapter 427; school districts, churches and community centers; donated motor vehicle programs, vanpools, and ridesharing programs; small enterprise developments and entrepreneurial programs that encourage WAGES participants to become transportation providers; public and private transportation partnerships; and other innovative strategies to expand transportation options available to program participants.*

(a) *Local WAGES coalitions are authorized to provide payment for vehicle operational and repair expenses, including repair expenditures necessary to make a vehicle functional; vehicle registration fees; driver's license fees; and liability insurance for the vehicle for a period of up to 6 months. Request for vehicle repairs must be accompanied by an estimate of the cost prepared by a repair facility registered under s. 559.904.*

(b) *Transportation disadvantaged funds as defined in chapter 427 do not include WAGES support services funds that are used for the provision of transportation services for WAGES program participants. It is the intent of the Legislature that local WAGES coalitions consult with local community transportation coordinators designated under chapter 427 regarding the availability and cost of transportation services through the coordinated transportation system prior to contracting for comparable transportation services outside the coordinated system. ~~Support services funds may also be used to develop transportation resources to expand transportation options available to participants. These services may include cooperative arrangements with local transit authorities or school districts and small enterprise development.~~*

Section 15. Section 414.225, Florida Statutes, is created to read:

414.225 Transitional transportation.—*In order to assist former WAGES participants in maintaining and sustaining employment, transportation may be provided, if funds are available, for up to 1 year after the participant is no longer eligible to participate in the program due to earnings. This does not constitute an entitlement to transitional transportation. If funds are not sufficient to provide services under this section, the department may limit or otherwise prioritize transportation services.*

(1) *Transitional transportation must be job related.*

(2) *Transitional transportation may include expenses identified in s. 414.20.*

Section 16. Subsection (27) is added to section 427.013, Florida Statutes, to read:

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination shall be to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(27) *Ensure that local community transportation coordinators work cooperatively with local WAGES coalitions established in chapter 414 to provide assistance in the development of innovative transportation services for WAGES participants.*

Section 17. Subsection (9) is added to section 427.0155, Florida Statutes, to read:

427.0155 Community transportation coordinators; powers and duties.—Community transportation coordinators shall have the following powers and duties:

(9) *Work cooperatively with local WAGES coalitions established in chapter 414 to provide assistance in the development of innovative transportation services for WAGES participants.*

Section 18. Subsection (7) is added to section 427.0157, Florida Statutes, to read:

427.0157 Coordinating boards; powers and duties.—The purpose of each coordinating board is to develop local service needs and to provide information, advice, and direction to the community transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The commission shall, by rule, establish the membership of coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency. The appointing authority shall provide each board with sufficient staff support and resources to enable the board to fulfill its responsibilities under this section. Each board shall meet at least quarterly and shall:

(7) *Work cooperatively with local WAGES coalitions established in chapter 414 to provide assistance in the development of innovative transportation services for WAGES participants.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 20, after the semicolon (;) insert: amending s. 234.01, F.S.; authorizing school districts to provide transportation for WAGES participants; amending s. 234.211, F.S.; providing for reimbursement of school districts; amending s. 341.041, F.S.; establishing responsibilities of the Department of Transportation with respect to transit services for WAGES participants; amending s. 341.052, F.S.; relating to duties of public transit block grant recipients to coordinate with local WAGES coalitions regarding transportation services; deleting duplicative provisions; amending s. 414.026, F.S.; revising membership of the WAGES Program State Board of Directors; amending s. 414.20, F.S.; clarifying transportation options available to local WAGES coalitions to assist WAGES participants; creating s. 414.225, F.S.; providing for the provision of transitional transportation for former WAGES participants; amending s. 427.013, F.S.; providing for the duties of the Commission for the Transportation Disadvantaged regarding WAGES transportation; amending s. 427.0155, F.S.; providing for the duties of community transportation coordinators regarding WAGES transportation; amending s. 427.0157, F.S.; providing for the duties of the local coordinating boards regarding WAGES transportation;

Senators Kirkpatrick, Bronson, Clary, Gutman, Hargrett, Harris, Holzendorf and McKay offered the following amendment which was moved by Senator Kirkpatrick:

**Amendment 6 (with title amendment)**—On page 28, between lines 5 and 6, insert:

Section 9. Section 414.80, Florida Statutes, is created to read:

414.80 *Short title.*—Sections 414.80-414.860 may be cited as the “WAGES Emergency Response Act.”

Section 10. Section 414.810, Florida Statutes, is created to read:

414.810 *Legislative findings and intent.*—

(1) *The Legislature finds that the success of the Work and Gain Economic Self-sufficiency (WAGES) Program depends upon the existence of sufficient employment opportunities compatible with the education and skill levels of participants in the WAGES Program.*

(2) *The Legislature finds that in several identifiable regions of the state there is an alarmingly inadequate supply of entry-level jobs in relation to the number of WAGES Program participants who are exhausting statutory limitations on the receipt of temporary cash assistance under the WAGES Program.*

(3) *The Legislature finds that the disparity between employment opportunities and the number of WAGES Program participants in these areas of critical state economic concern constitutes an economic development emergency with significant fiscal and social implications for these areas and for the state as a whole.*

(4) *The Legislature finds that there is an immediate need to facilitate the location and expansion of businesses and the creation of jobs in these areas of critical state economic concern, but that such activities may be hampered by existing budgetary, statutory, regulatory, or programmatic requirements.*

(5) *It is the intent of the Legislature to provide for a WAGES Emergency Response Program in order to ensure that the resources of state and local government are marshaled in a coordinated, effective, and timely manner to promote economic development and job creation integral to the success of the WAGES Program.*

Section 11. Section 414.811, Florida Statutes, is created to read:

414.811 *Policy and purpose.*—Because the Legislature has determined that the state must take extraordinary measures to meet the employment needs of its residents who are transitioning from dependence on welfare to self-reliance through employment and to ensure that adequate employment opportunities exist for such residents, it is hereby found and declared necessary:

(1) *To create a State WAGES Emergency Response Team to be composed of a state director and appointed agency WAGES Emergency Response Team Coordinators.*

(a) *The state director shall be appointed by the Governor, and for administrative purposes, shall be housed in the Executive Office of the Governor.*

(b) *Staffing for the State WAGES Emergency Response Team shall be provided by the Department of Community Affairs. The department shall coordinate the use of state facilities and resources in ensuring the successful completion of the team's objectives.*

(2) *To empower the State WAGES Emergency Response Team to facilitate the creation of employment opportunities in areas of critical state economic concern.*

(3) *To provide for coordination with local government of state designated projects.*

Section 12. Section 414.812, Florida Statutes, is created to read:

414.812 *Limitations.*—

(1) *The existence of the State WAGES Emergency Response Team is not designed to disrupt the orderly economic development of the state. Rather, it is created to coordinate state resources and rapidly eliminate barriers that prevent the creation of employment opportunities in designated regions and communities of the state.*

(2) *Nothing in ss. 414.80-414.860 shall be construed to:*

(a) *Interfere with the responsibilities of the Division of Community Affairs relative to the State Emergency Management Act under chapter 252;*

(b) *Interfere with military and defense obligations of the Florida National Guard; or*

(c) *Authorize the destruction of wetlands or other ecologically or environmentally sensitive lands.*

Section 13. Section 414.813, Florida Statutes, is created to read:

414.813 *Liberal construction.*—Sections 414.80-414.860 shall be construed liberally in order to effectuate their purposes.

Section 14. Section 414.820, Florida Statutes, is created to read:

414.820 *Designation of Areas of Critical State Economic Concern.*—

(1) *The Legislature declares the following Workforce Development Regions to be areas of critical state economic concern:*

(a) *Region 5—Gadsden, Leon, and Wakulla counties;*

(b) *Region 6—Hamilton, Jefferson, Lafayette, Madison, Suwannee, and Taylor counties;*

- (c) Region 7—Baker, Columbia, Dixie, Gilchrist, and Union counties;
- (d) Region 19—DeSoto, Hardee, and Highlands counties; and
- (e) Region 23—Dade and Monroe counties.

(2) By Executive Order, the Governor shall declare no more than 4 additional areas of the state as areas of critical state economic concern based upon the following criteria:

- (a) Areas with a high proportion of families who had already received cash assistance in three out of the previous five years at the time their time limit was established;
- (b) Areas with a high proportion of families subject to the WAGES time limit headed by a parent who was under age 24 at the time the time limit was established and who lacked high school or GED completion;
- (c) Areas with a high proportion of families subject to the time limit who have used all of the available months of cash assistance since October 1996;
- (d) Areas with a low ratio of new jobs per WAGES client;
- (e) Areas with a low ratio of job openings requiring less than a high school degree per WAGES client;
- (f) Areas with a high proportion of families subject to the time limit who are either within six months of the time limit or are receiving cash assistance under a period of hardship extension to the time limit;
- (g) Areas with unusually high unemployment; and
- (h) Areas identified as labor surplus areas using the criteria established by the U.S. Department of Labor Employment and Training Administration.

(3) Subcounty areas determined to have the greatest need for job creation as determined by the Workforce Development Board of Enterprise Florida, Inc., based upon the criteria in subsection (2) shall qualify for designation by the Governor under the authority provided by this section.

Section 15. Section 414.830, Florida Statutes, is created to read:

414.830 WAGES Emergency Response Program.—

(1)(a) By July 1, 1998, the heads of the Departments of Agriculture and Consumer Services, Labor and Employment Security, Community Affairs, Children and Family Services, Revenue, Business and Professional Regulation, Management Services, Military Affairs, Transportation, and Environmental Protection shall select from within each such department a person to be designated as the WAGES Emergency Response Coordinator for the department and a person to serve as an alternate.

(b) By July 1, 1998, the Comptroller; the Auditor General; the executive director of each water management district; and the heads of the Office of Tourism, Trade, and Economic Development, Enterprise Florida, Inc., State WAGES Board of Directors, Institute of Food and Agricultural Science, Florida Chamber of Commerce, the Florida Home Builders Association, the State Board of Community Colleges, Division of Workforce Development of the Department of Education, State University System, Florida Ports Council, and the Office of Planning and Budgeting shall select from within such organizations a person to be designated as the WAGES Emergency Response Coordinator for the organization and a person to serve as an alternate.

(c) By designation, the WAGES Emergency Response Coordinators are empowered to commit and coordinate those resources applicable to the organization that the coordinator represents. The WAGES Emergency Response Coordinators together with the state director comprise the WAGES Emergency Response Team, and are responsible for providing various resources dictated by need as determined by project teams.

(d) The head of each organization identified in paragraphs (a) and (b) shall notify the Governor and the state director in writing of the person initially designated as the WAGES Emergency Response Coordinator for such organization and his or her alternate and of any changes in persons

so designated thereafter. The Governor may add individuals to the WAGES Emergency Response Team as deemed necessary.

(2) The State WAGES Emergency Response Team shall encourage state and local agencies to cooperatively solve all barriers for attracting and committing potential employers to locate in areas of critical state economic concern and to facilitate expansion of existing businesses in those areas. Once a local project leader or regional response team has identified a barrier that cannot be overcome through traditional means, the State WAGES Emergency Response Team may:

(a) By contract with the potential employer, waive any criteria, requirement or similar provision of any economic development incentive. Such incentives shall include, but not be limited to: the Qualified Target Industry Tax Refund Program under s. 288.106, the Quick-Response Training Program under s. 288.047, the WAGES Quick-Response Training Program, contracts for transportation projects under s. 288.063, the Qualified Defense contractor Tax Refund Program under s. 288.1045, the brownfield redevelopment bonus refunds under s. 288.107, the urban high-crime area and rural job tax credit programs under ss. 212.097, 212.098, and 220.1895;

(b) By contract with the potential employer, provide training and educational opportunities for new employees, develop training programs, and pay tuition or training expenses for employees;

(c) Contract with any Florida based provider of employment training services or educational services for the provision of services related to the team's responsibilities;

(d) Contract with potential employers to provide any service or product over which the team has control;

(e) Recommend emergency issues to the Governor for his consideration as matters requiring an executive order;

(f) Waive transportation provider preferences and exclusions provided to the Transportation Disadvantage Commission and associated providers; and

(g) Authorize the use of funds appropriated for the WAGES Emergency Response Program for the staffing expenses of the Department of Community Affairs.

(3) The State WAGES Emergency Response Team shall meet at a minimum on a monthly basis.

(4) In order to accomplish the goals of the State WAGES Emergency Response Team, the Governor may, by executive order:

(a) Exercise any power enumerated under s. 252.36; and

(b) Require, at the recommendation of the State WAGES Emergency Response Team, minimum hiring requirements of participants of the WAGES Program for contracts entered into by the Florida Department of Transportation or any school district entering into contract for capital construction.

(5) The State WAGES Emergency Response Team is directed to use local resources and financing whenever possible and to petition the Governor to use the powers granted in this act to finance local projects.

Section 16. Section 414.840, Florida Statutes, is created to read:

414.840 Regional WAGES Emergency Response Teams.—

(1) Enterprise Florida, Inc., in cooperation with the Department of Community Affairs, is responsible for initial organization of the regional response teams. Regional response teams shall be composed of representatives of cities and counties that have governing responsibilities for a given area. In addition to representatives of local government, a representative from the local WAGES coalition, the regional workforce development board, local economic development councils, and a representative of the local school board shall also be included on the regional response team. The team leader shall be selected by the team members.

(2)(a) Regional response teams shall assess businesses located in the region to identify potential expansion projects that may require the assistance of the state response team. The teams shall also identify underutilized local resources.

(b) *Regional response teams shall be responsible for coordinating the efforts of local government and local agencies to attract potential new employers and shall work in conjunction with local economic development councils. Enterprise Florida, Inc., shall assist the regional response teams by providing research and advice in fulfilling their charge.*

(c) *A regional response team may propose any local opportunity for the expansion of an existing business or for the relocation to the region of an existing employer to the State WAGES Emergency Response Team to exercise the powers vested in the state team.*

(d) *It is the desire of the Legislature that local resources and local solutions shall be used first as the economic development resulting from the efforts of the teams will be felt greatest by local communities.*

Section 17. Section 414.845, Florida Statutes, is created to read:

**414.845 Local Project Teams.—**

(1) *Recognizing that significant job creation efforts often focus on development of specific sites and may include multiple employers, not more than 10 local project districts may be designated by the State WAGES Emergency Response Team. Not more than 3 of the local project districts may be created in Dade County. Not more than 7 may be located in legislatively designated areas of critical state economic concern, including those designated in Dade County. Such sites must be contiguous and capable of supporting businesses creating a total of 500 jobs or more.*

(2) *Upon designation of a local project district, a local project team shall be assembled and approved by the State WAGES Emergency Response Team, after consultation with the regional response team. Local project leaders should look first to the regional response teams for assistance, but may directly appeal to the State WAGES Emergency Response Team for assistance.*

(3) *Local project teams shall have the following powers and responsibilities:*

(a) *Local project teams are to aggressively solicit potential businesses for site specific projects;*

(b) *Local project teams shall assist potential employers in identifying and applying for all relevant incentives and permits;*

(c) *Local project teams, with permission of the State WAGES Emergency Response Team, may negotiate specific terms of agreement with potential employers; and*

(d) *Local project teams shall identify and assist in the elimination of local barriers to the location or expansion of a business at the site.*

(4) *In selecting potential projects, the State WAGES Emergency Response Team shall consider all projects submitted, and shall pay particular attention to projects which include elements relating to transportation distribution centers, warehousing facilities, agricultural processing and packaging, and the aquaculture industry. While traditional economic development does not usually focus on retail establishments, the team may consider projects which provide retail employment opportunities and select retail projects if they provide significant employment opportunities.*

Section 18. Section 414.850, Florida Statutes, is created to read:

**414.850 Expiration and review of WAGES Emergency Response Program.—Sections 414.80-414.860, expire June 30, 2002, and shall be reviewed by the Legislature and Enterprise Florida, Inc., prior to that date. In its review, the Legislature shall determine if the continued use of the WAGES Emergency Response Program fulfills a state need. Enterprise Florida, Inc., shall assess the usefulness and applicability of the WAGES Emergency Response Program for economic development projects.**

Section 19. Section 414.860, Florida Statutes, is created to read:

**414.860 Legislative oversight.—The President of the Senate shall appoint 2 members of the Senate and the Speaker of the House of Representatives shall appoint 2 members of the House of Representatives to serve as a legislative oversight committee to monitor and advise the State WAGES Emergency Response Team.**

Section 20. *The State WAGES Emergency Response Team shall, from funds appropriated for the use of the team, contract with the Institute of Food and Agricultural Sciences for job creation and training activities related to the institute's Job Start, Care Giver Education, Aquaculture of High Value Species, and New Technologies in Plasticulture for Vegetable Producers programs.*

Section 21. Paragraph (h) of subsection (5) of section 212.08, Florida Statutes, 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 chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(h) Business property used in an enterprise zone.—

1. Beginning July 1, 1995, business property purchased for use by businesses located in an enterprise zone which is subsequently used in an enterprise zone shall be exempt from the tax imposed by this chapter. This exemption inures to the business only through a refund of previously paid taxes. A refund shall be authorized upon an affirmative showing by the taxpayer to the satisfaction of the department that the requirements of this paragraph have been met.

2. To receive a refund, the business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, an application which includes:

a. The name and address of the business claiming the refund.

b. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located.

c. A specific description of the property for which a refund is sought, including its serial number or other permanent identification number.

d. The location of the property.

e. The sales invoice or other proof of purchase of the property, showing the amount of sales tax paid, the date of purchase, and the name and address of the sales tax dealer from whom the property was purchased.

f. Whether the business is a small business as defined by s. 288.703(1).

g. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required pursuant to subparagraph 2. and meets the criteria set out in this paragraph. The governing body or agency shall certify all applications that contain the information required pursuant to subparagraph 2. and meet the criteria set out in this paragraph as eligible to receive a refund. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification shall be in writing, and a copy of the certification shall be transmitted to the executive director of the Department of Revenue. The business shall be responsible for forwarding a certified application to the department within the time specified in subparagraph 4.

4. An application for a refund pursuant to this paragraph must be submitted to the department within 6 months after the business property is purchased.

5. The provisions of s. 212.095 do not apply to any refund application made pursuant to this paragraph. The amount refunded on purchases of business property under this paragraph shall be the lesser of 97 percent of the sales tax paid on such business property or \$5,000, or, if no less than 20 percent of the employees of the business are residents

of an enterprise zone, excluding temporary and part-time employees, the amount refunded on purchases of business property under this paragraph shall be the lesser of 97 percent of the sales tax paid on such business property or \$10,000. A refund approved pursuant to this paragraph shall be made within 30 days of formal approval by the department of the application for the refund. No refund shall be granted under this paragraph unless the amount to be refunded exceeds \$100 in sales tax paid on purchases made within a 60-day time period.

6. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. If the department determines that the business property is used outside an enterprise zone within 3 years from the date of purchase, the amount of taxes refunded to the business purchasing such business property shall immediately be due and payable to the department by the business, together with the appropriate interest and penalty, computed from the date of purchase, in the manner provided by this chapter. *Notwithstanding this subparagraph, in order to provide greater employment opportunities in areas of critical state economic concern, business property used exclusively in:*

- a. *Licensed commercial fishing vessels,*
- b. *Fishing guide boats, or*
- c. *Ecotourism guide boats*

*that leave and return to a fixed location within an area designated under s. 370.28 are eligible for the exemption provided under this paragraph if all requirements of this paragraph are met. Such vessels and boats must be owned by a business that is eligible to receive the exemption provided under this paragraph. This exemption does not apply to the purchase of a vessel or boat.*

8. The department shall deduct an amount equal to 10 percent of each refund granted under the provisions of this paragraph from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the business property is located and shall transfer that amount to the General Revenue Fund.

9. For the purposes of this exemption, "business property" means new or used property defined as "recovery property" in s. 168(c) of the Internal Revenue Code of 1954, as amended, except:

- a. Property classified as 3-year property under s. 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;
- b. Industrial machinery and equipment as defined in sub-subparagraph (b)6.a. and eligible for exemption under paragraph (b); and
- c. Building materials as defined in sub-subparagraph (g)8.a.

10. The provisions of this paragraph shall expire and be void on December 31, 2005.

Section 22. Subsection (1) and paragraph (a) of subsection (3) of section 212.096, Florida Statutes, are amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(1) For the purposes of the credit provided in this section:

(a) "Eligible business" means any sole proprietorship, firm, partnership, corporation, bank, savings association, estate, trust, business trust, receiver, syndicate, or other group or combination, or successor business, located in an enterprise zone. An eligible business does not include any business which has claimed the credit permitted under s. 220.181 for any new business employee first beginning employment with the business after July 1, 1995.

(b) "Month" means either a calendar month or the time period from any day of any month to the corresponding day of the next succeeding month or, if there is no corresponding day in the next succeeding month, the last day of the succeeding month.

(c) "New employee" means a person residing in an enterprise zone, a *qualified Job Training Partnership Act classroom training participant, or a WAGES Program participant* who begins employment with an eligible business after July 1, 1995, and who has not been previously employed within the preceding 12 months by the eligible business, or a successor eligible business, claiming the credit allowed by this section.

A person shall be deemed to be employed if the person performs duties in connection with the operations of the business on a regular, full-time basis, provided the person is performing such duties for an average of at least 36 hours per week each month, or a part-time basis, provided the person is performing such duties for an average of at least 20 hours per week each month throughout the year. The person must be performing such duties at a business site located in the enterprise zone.

(3) In order to claim this credit, an eligible business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(a) For each new employee for whom this credit is claimed, the employee's name and place of residence, including the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides *if the new employee is a person residing in an enterprise zone, and, if applicable, documentation that the employee is a qualified Job Training Partnership Act classroom training participant or a WAGES Program participant.*

Section 23. Paragraph (q) of subsection (1) of section 220.03, Florida Statutes, is 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:

(q) "New employee," for the purposes of the enterprise zone jobs credit, means a person residing in an enterprise zone, a *qualified Job Training Partnership Act classroom training participant, or a WAGES Program participant* employed at a business located in an enterprise zone who begins employment in the operations of the business after July 1, 1995, and who has not been previously employed within the preceding 12 months by the business or a successor business claiming the credit pursuant to s. 220.181. A person shall be deemed to be employed by such a business if the person performs duties in connection with the operations of the business on a full-time basis, provided she or he is performing such duties for an average of at least 36 hours per week each month, or a part-time basis, provided she or he is performing such duties for an average of at least 20 hours per week each month throughout the year. The person must be performing such duties at a business site located in an enterprise zone. The provisions of this paragraph shall expire and be void on June 30, 2005.

Section 24. Paragraph (a) of subsection (2) of section 220.181, Florida Statutes, is amended to read:

220.181 Enterprise zone jobs credit.—

(2) When filing for an enterprise zone jobs credit, a business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(a) For each new employee for whom this credit is claimed, the employee's name and place of residence during the taxable year, including the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the new employee resides *if the new employee is a person residing in an enterprise zone, and, if applicable, documentation that the employee is a qualified Job Training Partnership Act classroom training participant or a WAGES Program participant.*

Section 25. Subsection (10) is added to section 288.047, Florida Statutes, to read:

288.047 Quick-response training for economic development.—

(10) *There is created a Quick-response Training Program for Work and Gain Economic Self-sufficiency (WAGES) participants. Enterprise Florida, Inc., may, at the discretion of the State WAGES Emergency*



*Response Team, award quick-response training grants and develop applicable guidelines for the training of participants in the WAGES Program. In addition to a local economic development organization, grants must be endorsed by the applicable local WAGES coalition and regional workforce development board.*

(a) *Training funded pursuant to this subsection may not exceed 12 months, and may be provided by the local community college, school district, regional workforce development board, or the business employing the participant, including on-the-job training. Training will provide entry-level skills to new workers, including those employed in retail, who are participants in the WAGES Program.*

(b) *WAGES participants trained pursuant to this subsection must be employed at a wage not less than \$6.00 per hour.*

(c) *Funds made available pursuant to this subsection may be expended in connection with the relocation of a business from one community to another community if approved by the State WAGES Emergency Response Team.*

Section 26. Subsection (4) of section 370.28, Florida Statutes, is amended, and subsection (5) is added to that section to read:

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

(4) Notwithstanding the enterprise zone residency requirements set out in ss. 212.096(1)(c) and 220.03(1)(q), businesses located in enterprise zones designated pursuant to this section may receive the credit provided under s. 212.096 or s. 220.181 for hiring any person within the jurisdiction of the county within which ~~nominating community~~ of such enterprise zone is located. All other provisions of ss. 212.096, 220.03(1)(q), and 220.181 apply to such businesses. *To increase employment opportunities for WAGES clients and prevent other persons from reliance on WAGES benefits, notwithstanding the requirement specified in ss. 212.08(5)(g)5. and (h)5. and (15)(a) and 220.182(1)(b) that no less than 20 percent of a business's employees, excluding temporary and part-time employees, must be residents of an enterprise zone for the business to qualify for the maximum exemption or credit provided in ss. 212.08(5)(g) and (h) and (15) and 220.182, a business that is located in an enterprise zone designated pursuant to this section shall be qualified for those maximum exemptions or credits if no less than 20 percent of such employees of the business are residents of the jurisdiction of the county within which the enterprise zone is located. All other provisions of ss. 212.08(5)(g) and (h) and (15) and 220.182 apply to such business.*

(5) *Notwithstanding the time limitations contained in chapters 212 and 220, a business eligible to receive tax credits under this section from January 1, 1997, to June 1, 1998, must submit an application for the tax credits by December 1, 1998. All other requirements of the enterprise zone program apply to such a business.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 20, after the semicolon (;) insert: creating s. 414.80, F.S.; designating specified sections as the "WAGES Emergency Response Act"; creating s. 414.810, F.S.; providing legislative findings and intent; creating s. 414.811, F.S.; providing for policy and purposes relating to the WAGES Emergency Response Program; creating s. 414.812, F.S.; limiting authority of the State WAGES Emergency Response Team; creating s. 414.813, F.S.; providing for liberal construction; creating s. 414.820, F.S.; designating areas of critical state economic concern; creating s. 414.830, F.S.; providing for WAGES Emergency Response Team Coordinators; providing team authorities; providing for gubernatorial authorities; creating s. 414.840, F.S.; creating Regional WAGES Emergency Response Teams; providing for responsibilities; creating s. 414.845, F.S.; creating local project teams; providing for powers and responsibilities for such teams; creating s. 414.850, F.S.; providing for expiration and review of the WAGES Emergency Response Program; creating s. 414.860, F.S.; providing for a legislative oversight committee; requiring a contract related to job creation and training activities; amending s. 212.08, F.S.; exempting certain property based in enterprise zones from the sales tax under certain circumstances; amending s. 212.096, F.S.; expanding enterprise zone sales tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; requiring documentation; amending s. 220.03, F.S.; expanding enterprise zone

corporate tax credit to JTPA or WAGES Program participants not residing in an enterprise zone; amending s. 220.181, F.S.; requiring documentation; amending s. 288.047, F.S.; creating a Quick-response Training Program for WAGES participants; providing requirements; amending s. 370.28, F.S.; providing that a business located in an enterprise zone in a community impacted by net limitations is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone, and the maximum enterprise zone property tax credit against the corporate income tax, if a specified percentage of its employees are residents of the jurisdiction of the county, rather than of the enterprise zone; requiring businesses eligible to receive certain tax credits to apply for such credits by a time certain;

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

**Amendment 6A**—On page 4, line 27, delete "our" and insert: *out*

**Amendment 6** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 2524** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Myers—

**CS for SB 2310**—A bill to be entitled An act relating to trust funds; creating the Work and Gain Economic Self-sufficiency (WAGES) Trust Fund for the deposit of federal funds that support the WAGES Program; providing for the investment and appropriation of trust fund moneys; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

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

**Amendment 1 (with title amendment)**—On page 1, lines 13-21, delete those lines and insert:

Section 1. (1) *The Temporary Assistance for Needy Families Trust Fund is created for the deposit of all federal funds that support the WAGES Program, established under chapter 414, Florida Statutes.*

(Redesignate subsequent paragraph.)

And the title is amended as follows:

On page 1, lines 5-7, delete those lines and insert: that support the WAGES Program; providing for future review and

**Amendment 2**—On page 1, lines 27-31, delete those lines and insert:

Section 2. This act shall take effect July 1, 1999.

Pursuant to Rule 4.19, **CS for SB 2310** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

**SB 510**—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; revising certain definitions; amending s. 517.051, F.S.; specifying additional securities as exempt from certain registration requirements; specifying priority of application; amending s. 517.061, F.S.; clarifying the exemption of certain securities in certain transactions from registration requirements; specifying additional transactions as exempt from certain registration requirements; amending ss. 517.081, 517.082, 517.12, F.S.; authorizing the Department of Banking and Finance to adopt certain rules for electronic deposits and filings; correcting a cross reference; including certain notice filing requirements within application of certain registration provisions; requiring certain dealers to comply with net capital and ratio requirements; providing application; creating s. 517.1201, F.S.; specifying notice filing requirements for federal covered advisers; prohibiting certain activities;

providing for certain fees; authorizing the Department of Banking and Finance to adopt rules; providing for permits for certain purposes; amending ss. 517.1205, 517.131, F.S.; including federal covered advisers within application of certain registration requirements; amending s. 517.161, F.S.; specifying additional conditions for denial, revocation, restriction, or suspension of certain registrations; amending s. 517.302, F.S.; providing for additional uses of moneys in the Anti-Fraud Trust Fund; amending s. 517.311, F.S.; clarifying application of false representation and deceptive words proscriptions to notice filings; providing an appropriation; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 510** to **HB 3239**.

Pending further consideration of **SB 510** as amended, on motion by Senator Horne, by two-thirds vote **HB 3239** was withdrawn from the Committees on Banking and Insurance; and Ways and Means.

On motion by Senator Horne—

**HB 3239**—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; revising certain definitions; amending s. 517.051, F.S.; specifying additional securities as exempt from certain registration requirements; specifying priority of application; amending s. 517.061, F.S.; clarifying the exemption of certain securities in certain transactions from registration requirements; specifying additional transactions as exempt from certain registration requirements; amending ss. 517.081, 517.082, and 517.12, F.S.; authorizing the Department of Banking and Finance to adopt certain rules for electronic deposits and filings; correcting a cross reference; including certain notice filing requirements within application of certain registration provisions; requiring certain dealers to comply with net capital and ratio requirements; providing application; creating s. 517.1201, F.S.; specifying notice filing requirements for federal covered advisers; prohibiting certain activities; providing for certain fees; authorizing the Department of Banking and Finance to adopt rules; providing for permits for certain purposes; amending ss. 517.1205 and 517.131, F.S.; including federal covered advisers within application of certain registration requirements; amending s. 517.161, F.S.; specifying additional conditions for denial, revocation, restriction, or suspension of certain registrations; amending s. 517.302, F.S.; providing for additional uses of moneys in the Anti-Fraud Trust Fund; amending s. 517.311, F.S.; clarifying application of false representation and deceptive words proscriptions to notice filings; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 510** as amended and read the second time by title.

Senator Horne moved the following amendments which were adopted:

**Amendment 1**—On page 3, lines 17-20, delete those lines and insert: *Investment Advisers Act of 1940. The term "federal covered adviser" does not*

**Amendment 2**—On page 13, lines 22-29, delete those lines and insert:

(4) No investment adviser or associated person of an investment adviser or federal covered adviser shall engage in business from offices in this state, or render investment advice to persons of this state, by mail or otherwise, unless the federal covered adviser has made a notice filing with the department pursuant to s. 517.1201 or the investment adviser is registered pursuant to the provisions of this chapter and associated persons of the federal covered adviser or investment adviser have been registered with the department pursuant to this section. *The department shall not register any person or an associated person of a federal covered adviser or an investment adviser unless the federal covered adviser or investment adviser with which the applicant seeks*

Pursuant to Rule 4.19, **HB 3239** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf—

**SB 1724**—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; revising definitions of employment

and wages to incorporate additional exclusions; amending s. 443.091, F.S.; clarifying certain benefit eligibility conditions relating to services at educational institutions; amending s. 443.191, F.S.; limiting use of certain moneys in the Unemployment Compensation Trust Fund for a time certain; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1724** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

**CS for SB 1176**—A bill to be entitled An act relating to rulemaking authority of the Department of Environmental Protection with respect to phosphogypsum management; requiring the Department of Environmental Protection to adopt rules to ensure that phosphogypsum stack systems are operated to meet critical safety standards by July 1, 1999; amending s. 403.1651, F.S.; authorizing the Department of Environmental Protection to enter into settlements in which moneys are to be deposited into a local pollution-recovery fund and used for specified purposes; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendment which was adopted:

**Amendment 1**—On page 2, lines 28-31, delete those lines and insert: *joint enforcement with the Hillsborough County pollution control program, as a program approved by the department pursuant to s. 403.182, in which the department agrees that moneys are to be deposited into that local program's pollution-recovery fund and used for projects directed toward addressing*

Pursuant to Rule 4.19, **CS for SB 1176** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett—

**CS for SB 1678**—A bill to be entitled An act relating to driver improvement schools; amending s. 318.1451, F.S.; providing additional standards for such schools; providing duties of the Department of Highway Safety and Motor Vehicles; deleting an obsolete requirement; providing for rulemaking; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1678** was placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent, by two-thirds vote **HB 4501** was withdrawn from the Committees on Banking and Insurance; and Rules and Calendar.

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

**HB 4501**—A bill to be entitled An act relating to conversion of credit unions; prohibiting the Department of Banking and Finance from approving the conversion of federally-chartered credit unions to state-chartered credit unions except under certain circumstances; providing criteria; providing an effective date.

—a companion measure, was substituted for **CS for SB 2300** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 4501** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

**CS for SB 1596**—A bill to be entitled An act relating to water control districts; amending s. 298.005, F.S.; deleting the definition of the term "water control district" and revising the definition of the term "water control plan"; amending s. 298.11, F.S.; providing for landowner vote of

fractional acreage; providing quorum requirements; amending s. 298.12, F.S.; providing for appointment of a supervisor; amending s. 298.16, F.S.; eliminating surety bond requirements for district engineers; amending s. 298.22, F.S.; providing criteria for awarding construction contracts; amending s. 298.225, F.S.; revising requirements for the development and amendment of district water control plans; amending s. 298.26, F.S.; revising use of the district engineer's annual report; amending s. 298.301, F.S.; providing for the determination of benefits and damages; revising notice and report requirements; providing that the approval of a district water control plan and assessments is final unless court action is brought within 30 days after approval; amending s. 298.329, F.S.; conforming a statutory cross-reference; amending s. 298.353, F.S.; revising notice requirements; providing that district bonds may be payable from assessments on more than one unit; repealing s. 298.337, F.S., relating to levies of assessments on land use for land less than 1 acre; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1596** to **CS for CS for HB 3421**.

Pending further consideration of **CS for SB 1596** as amended, on motion by Senator Rossin, by two-thirds vote **CS for CS for HB 3421** was withdrawn from the Committees on Natural Resources; Community Affairs; and Ways and Means.

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

**CS for CS for HB 3421**—A bill to be entitled An act relating to water control districts; amending s. 298.005, F.S.; deleting the definition of the term "water control district" and revising the definition of the term "water control plan"; amending s. 298.11, F.S.; providing for landowner vote for fractional acreage; providing quorum requirements; amending s. 298.12, F.S.; providing for appointment of a supervisor; amending s. 298.16, F.S.; eliminating surety bond requirements for district engineers; amending s. 298.22, F.S.; providing criteria for awarding construction contracts; amending s. 298.225, F.S.; revising requirements for the development and amendment of district water control plans; amending s. 298.26, F.S.; revising use of the district engineer's annual report; amending s. 298.301, F.S.; providing authority for modification of district boundaries; providing for the determination of benefits and damages; revising notice and report requirements; providing that the approval of a district water control plan and assessments is final unless court action is brought within 30 days after approval; amending s. 298.329, F.S.; conforming a statutory cross reference; amending s. 298.353, F.S.; revising notice requirements; providing that district bonds may be payable from assessments on more than one unit; repealing s. 298.337, F.S., relating to levies of assessments on land less than 1 acre; providing an effective date.

—a companion measure, was substituted for **CS for SB 1596** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 3421** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

**SB 1462**—A bill to be entitled An act relating to retirement funds; amending and revising the provisions of ss. 175.071, 185.06, F.S.; revising investment provisions to permit municipalities greater investment latitude to make foreign investments; providing for general powers and duties of the board of trustees; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1462** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer, by two-thirds vote **HB 627** was withdrawn from the Committee on Community Affairs.

On motion by Senator Dyer—

**HB 627**—A bill to be entitled An act relating to community redevelopment and neighborhood improvement; amending s. 163.340, F.S.; includ-

ing the reduction or prevention of crime within community redevelopment activities under the Community Redevelopment Act of 1969 and defining "community policing innovation"; amending ss. 163.345, 163.350, 163.356, 163.358, 163.360, 163.361, 163.370, 163.380 and 163.387, F.S.; including the development and implementation of community policing innovations in provisions relating to the encouragement of private enterprise participation in redevelopment, elements of the workable program, exercise of powers under the act, and elements of the community redevelopment plan; authorizing the county or municipality to appropriate funds for community policing innovations; authorizing use of moneys in the redevelopment trust fund for community policing innovations; providing an additional requirement for acquisition of land for nonresidential uses; subject to specified conditions, authorizing a county, municipality, or community redevelopment agency to acquire and dispose of certain properties immediately adjacent to existing projects without complying with specified disposition procedures; amending ss. 163.502, 163.503, 163.506, 163.511, 163.512, 163.513, 163.514, 163.516, 163.519, and 163.521, F.S.; including crime prevention through development and implementation of community policing innovations in powers of neighborhood improvement districts under the Safe Neighborhoods Act; authorizing use of special assessments for community policing innovations; including community policing innovations within safe neighborhood improvement plans; providing duties of the Department of Legal Affairs with respect to community policing innovations; including capital improvements related to community policing innovations in provisions which authorize certain local governments to request state funding for certain capital improvements; creating s. 943.1729, F.S.; authorizing the Criminal Justice Standards and Training Commission to incorporate community policing concepts into law enforcement officers' certification curriculum and establish a community policing continued-employment training component for such officers; providing an effective date.

—a companion measure, was substituted for **SB 474** and read the second time by title.

Pursuant to Rule 4.19, **HB 627** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson, by two-thirds vote **CS for HB 489** was withdrawn from the Committees on Agriculture; Commerce and Economic Opportunities; and Ways and Means.

On motion by Senator Bronson—

**CS for HB 489**—A bill to be entitled An act relating to ad valorem tax assessment; amending s. 193.461, F.S.; specifying the types of additional use factors that the property appraiser may consider in assessing agricultural land; providing that the property appraiser, when utilizing the income methodology approach, shall rely on 5-year moving average data for assessment; providing an effective date.

—a companion measure, was substituted for **SB 410** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 489** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 376** was deferred.

On motion by Senator Brown-Waite—

**CS for SB 592**—A bill to be entitled An act relating to water management; creating the Lake Panasoffkee Restoration Council; providing for its membership, powers, and duties; requiring the Southwest Florida Water Management District to provide staff for the council and to award contracts subject to an appropriation of funds; providing an effective date.

—was read the second time by title.

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

**Amendment 1 (with title amendment)**—On page 5, between lines 3 and 4, insert:

Section 3. *The sum of \$45,000 is appropriated from the General Revenue Fund to the Southwest Florida Water Management District for the purpose of paying administrative, per diem, and travel expenses of the Lake Panasoffkee Restoration Council.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: providing an appropriation;

Pursuant to Rule 4.19, **CS for SB 592** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

**MATTERS ON RECONSIDERATION**

The motion by Senator McKay that the Senate reconsider the vote by which—

**CS for SB 492**—A bill to be entitled An act relating to public notice requirements; amending s. 170.07, F.S.; revising the time for providing written notice of assessment to property owners; amending s. 194.032, F.S.; revising the time in which a value adjustment board hearing must be held; revising the time for notice to a petitioner of the scheduled time of appearance before the board; providing an effective date.

—passed April 16 was taken up and the motion was adopted.

Pending further consideration of **CS for SB 492**, on motion by Senator McKay, by two-thirds vote **HB 1555** was withdrawn from the Committees on Community Affairs; and Ways and Means.

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

**HB 1555**—A bill to be entitled An act relating to public notice requirements; amending s. 170.07, F.S.; revising the time for providing written notice of assessment for municipal improvements to property owners; amending s. 194.032, F.S.; revising the time period during which a value adjustment board hearing may be held; revising the time for notice to a petitioner of the scheduled time of appearance before the board; providing an effective date.

—a companion measure, was substituted for **CS for SB 492** and by two-thirds vote read the second time by title. On motions by Senator McKay, by two-thirds vote **HB 1555** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**SPECIAL ORDER CALENDAR, continued**

On motion by Senator Campbell—

**CS for SB 1584**—A bill to be entitled An act relating to health maintenance organizations; creating s. 641.3155, F.S.; prescribing time for paying claims for services or goods by a provider; providing procedures for denying or contesting a claim; providing time limitations; providing notice; providing method for making payments, denying or contesting a

claim, and providing notice; providing interest on overdue payment of claim; providing for a waiver of a health maintenance organization's rights under a provider contract and consequences for failure of an organization to comply with the provisions of the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1584** was placed on the calendar of Bills on Third Reading.

On motion by Senator Scott—

**SB 1896**—A bill to be entitled An act relating to nonprofit private schools; amending s. 159.27, F.S.; redefining the term “educational facility” to include property used for the operation of certain nonprofit private schools; providing requirements relating to financing; amending s. 623.13, F.S.; authorizing financing under the Florida Industrial Development Financing Act or by industrial development authorities; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1896** to **CS for CS for HB 1793**.

Pending further consideration of **SB 1896** as amended, on motion by Senator Scott, by two-thirds vote **CS for CS for HB 1793** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Scott—

**CS for CS for HB 1793**—A bill to be entitled An act relating to nonprofit private schools; amending s. 159.27, F.S.; redefining the term “educational facility” to include property used for the operation of certain nonprofit private schools; providing requirements relating to financing; amending s. 623.13, F.S.; authorizing financing under the Florida Industrial Development Financing Act; providing an effective date.

—a companion measure, was substituted for **SB 1896** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1793** was placed on the calendar of Bills on Third Reading.

**SB 564**—A bill to be entitled An act relating to higher education; amending s. 240.299, F.S.; providing reporting requirements for university direct-support organizations; amending s. 240.311, F.S., relating to rules of the State Board of Community Colleges; requiring a community college district board of trustees to annually evaluate the college president; amending s. 240.324, F.S.; providing an additional requirement for the accountability plan for community colleges; amending ss. 240.331, 240.3315, F.S.; prescribing membership of boards of directors and executive committees of community college direct-support organizations and statewide community college direct-support organizations; restricting activities of such direct-support organizations; providing reporting requirements for such organizations; amending s. 240.3335, F.S.; removing the authority of a board of directors of a center of technology innovation to acquire, lease, or sublease property; amending s. 240.363, F.S.; providing restrictions upon the transfer of funds to a direct-support organization; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Kurth and adopted:

**Amendment 1**—On page 4, line 5, delete “statewide.”

**Amendment 2**—On page 5, lines 4-14, delete those lines and redesignate subsequent paragraphs.

Senator Grant moved the following amendment:

**Amendment 3 (with title amendment)**—On page 9, line 30 through page 10, line 17, delete those lines and redesignate subsequent section.

And the title is amended as follows:

On page 1, lines 23-25, delete those lines and insert: sublease property;

Senator Kurth moved the following substitute amendment:

**Amendment 4**—On page 10, lines 5 and 6, delete those lines and insert: *community college may not pledge public funds or*

On motion by Senator Kurth, further consideration of **SB 564** with pending **Amendment 4** was deferred.

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On motion by Senator Latvala, by two-thirds vote **HB 1893** was withdrawn from the Committee on Community Affairs.

On motion by Senator Latvala—

**HB 1893**—A bill to be entitled An act relating to designation of state buildings; designating a state veterans' nursing home in Land O' Lakes, Pasco County, as the "Baldomero Lopez State Veterans' Nursing Home"; providing an effective date.

—a companion measure, was substituted for **SB 254** and read the second time by title.

Pursuant to Rule 4.19, **HB 1893** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Williams—

**SB 746**—A bill to be entitled An act relating to confidentiality of records and meetings of the Florida Automobile Joint Underwriting Association; amending s. 627.311, F.S.; providing exemptions from public records requirements for underwriting files, open claim files, audit records for a specified time, matters reasonably encompassed in privileged attorney-client communications, licensed proprietary information made confidential by contract, certain employee medical records and employee assistance programs records, certain negotiation information for a specified time, minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding claims files for a specified time; providing requirements regarding sharing of confidential records; providing an exemption from public meetings requirements for meetings during which underwriting files or open claims files are discussed; providing requirements regarding such closed meetings and records thereof; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 746** to **CS for HB 1887**.

Pending further consideration of **SB 746** as amended, on motion by Senator Williams, by two-thirds vote **CS for HB 1887** was withdrawn from the Committees on Banking and Insurance; and Governmental Reform and Oversight.

On motion by Senator Williams—

**CS for HB 1887**—A bill to be entitled An act relating to confidentiality of records and meetings of the Florida Automobile Joint Underwriting Association; amending s. 627.311, F.S.; providing exemptions from public records requirements for underwriting files, open claim files, audit records for a specified time, matters reasonably encompassed in privileged attorney-client communications, licensed proprietary information made confidential by contract, certain employee medical records and employee assistance programs records, certain negotiation information for a specified time, minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding claims files for a specified time; providing requirements regarding sharing of confidential records; providing an exemption from public meetings requirements for meetings during which underwriting files or open claims files are discussed; providing requirements regarding such closed meetings and records thereof; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 746** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1887** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Bronson, by two-thirds vote **CS for HB 3161** was withdrawn from the Committees on Criminal Justice; and Executive Business, Ethics and Elections.

On motion by Senator Bronson—

**CS for HB 3161**—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 112.532, F.S.; providing requirements with respect to recordings made during the formal interrogation of a law enforcement or correctional officer; amending s. 112.533, F.S.; providing for rights of law enforcement and correctional officers to review their personnel files, attach a response, and receive a copy of certain materials in the file; providing for application to the release of certain information; amending s. 943.135, F.S.; permitting law enforcement officers who are elected or appointed public officials to maintain certification in a special status while holding office; providing an effective date.

—a companion measure, was substituted for **SB 2012** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 3161** was placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SB 2054** was deferred.

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On motion by Senator Ostalkiewicz—

**CS for SB 608**—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; updating references to the United States Internal Revenue Code for purposes of the corporate income tax; amending s. 220.02, F.S.; providing legislative intent regarding taxation of a "qualified subchapter S subsidiary;" amending s. 220.22, F.S.; requiring certain returns; providing for retroactive effect; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 608** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Thomas—

**SB 1944**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; creating s. 535.08, F.S.; providing a prohibition against the administration of medications to thoroughbred horses prior to sale; providing an exception and certain requirements; providing for testing; providing penalties; amending s. 535.11, F.S., relating to prohibition against administration of drugs to horses; providing a definition; creating s. 585.147, F.S.; requiring a permit for transporting or hauling certain animals or animal products; requiring fees; providing vehicle and container requirements; amending s. 216.181, F.S., relating to approved budgets; exempting the Department of Agriculture and Consumer Services from certain restrictions on lump-sum salary bonuses; amending s. 500.09, F.S.; authorizing the department to perform certain laboratory services relating to food safety and establish fees therefor; amending s. 500.121, F.S.; adding new disciplinary procedures for food establishments operating without a permit or with a suspended or revoked permit; providing a penalty; amending s. 570.07, F.S.; authorizing an employees' benefit fund; amending s. 570.952, F.S.; revising membership of the Florida Agriculture Center and Horse Park Authority; amending s. 571.25, F.S.; changing the registration date for membership in the Florida Agricultural Promotional Campaign; amending s. 581.031, F.S.; providing duties of the department relating to a commercial citrus inventory; amending s. 581.131, F.S.; raising the cap on nursery and nursery stock dealer certificate of registration and renewal fees; amending s. 500.11, F.S.; specifying conditions for animal products

to be considered misbranded; amending ss. 570.50, 570.51, F.S.; deleting powers and duties of the Division of Food Safety of the Department of Agriculture and Consumer Services relating to certain animal and animal product inspection; amending and transferring ss. 585.89, 585.92, F.S., relating to prohibitions on purchase of beef and pork, specifications for bid invitations, penalties, and labeling requirements; conforming provisions; amending s. 828.22, F.S.; correcting a cross-reference; amending s. 877.05, F.S., relating to the killing of young veal for sale; conforming provisions; repealing s. 205.1951, F.S., relating to the issuance of a grant of inspection or a custom animal slaughtering or processing establishment permit; repealing ss. 585.70, 585.88, 585.90, 585.91, 585.93, 585.96, F.S., relating to animal and animal product inspection and labeling; repealing ss. 828.23(5) and (6), 828.24, 828.25, 828.26(2), F.S., relating to definitions of terms "packer" and "stockyard," prohibited acts, department administration, and penalties pertaining to slaughter of livestock; repealing s. 877.06, F.S., relating to labeling of beef not slaughtered according to state or United States standards; repealing s. 102, ch. 92-291, Laws of Florida, relating to review and repeal of ss. 500.12, 500.121, F.S.; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendments which were moved by Senator Thomas and adopted:

**Amendment 1 (with title amendment)**—On page 7, lines 1 and 2, delete "*The department shall collect an annual fee of \$200 for the permit.*"

And the title is amended as follows:

On page 1, lines 13 and 14, delete "requiring fees;"

**Amendment 2 (with title amendment)**—On page 10, lines 15-22, delete section 11 and redesignate subsequent sections.

And the title is amended as follows:

On page 2, lines 4-6, delete those lines and insert: inventory;

Senator Thomas moved the following amendments which were adopted:

**Amendment 3**—On page 3, line 16, after "*for*" insert: *licensed*

**Amendment 4**—On page 4, lines 11-12, delete those lines and insert: *designated by the department, may collect a blood sample from any thoroughbred horse offered at a licensed thoroughbred horse*

**Amendment 5**—On page 4, delete line 12 and insert: *any thoroughbred horse offered or sold at a licensed thoroughbred horse*

**Amendment 6**—On page 4, lines 22-27, delete those lines and insert:

(b) *Any such blood sample shall be delivered for initial testing to an official laboratory approved by the department. One-half of any such blood sample shall be used for initial testing and the remaining one-half shall be stored for possible follow-up testing for a period of not less than 2 weeks after receipt of the initial test results.*

**Amendment 7 (with title amendment)**—On page 5, between lines 9 and 10, insert:

(e) *The department shall by rule, establish those medications and depressants for which a tolerance may be set that, if found in the blood sample, may be construed to be forbidden substances; shall establish procedures for the collection, handling, and storage of blood samples; and shall specify the type of test to be used. Until such time that a tolerance or test is established, a zero tolerance will be enforced.*

And the title is amended as follows:

On page 1, line 8, after the first semicolon (;) insert: providing for a tolerance or test for medications and depressants;

**Amendment 8**—On page 5, line 18, before "*public*" insert: *licensed*

**Amendment 9 (with title amendment)**—On page 7, lines 10-17, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 15-19, delete those lines and insert: requirements; amending s. 500.09, F.S.; authorizing

Pursuant to Rule 4.19, **SB 1944** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Grant—

**SB 2314**—A bill to be entitled An act relating to rulemaking authority of boards of trustees of community colleges (RAB); amending s. 240.319, F.S.; prescribing rulemaking authority or such boards of trustees; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2314** was placed on the calendar of Bills on Third Reading.

## THE PRESIDENT PRESIDING

**CS for SB 280**—A bill to be entitled An act relating to sales contracts for motor vehicle or truck repair parts; creating s. 686.30, F.S.; providing for contract agreement; providing requirements with respect to agreements between manufacturers and distributors of and dealers in motor vehicle or truck repair parts; requiring that termination of such contracts be done in good faith; providing definitions; prohibiting certain coercive acts by manufacturers; providing for liability; providing for applicability; providing liability of a manufacturer for terminating, canceling, or failing to renew a contract without good cause, for failure to make payments owed, and for failure to supply repair parts; providing for attorney's fees; providing for injunctive relief; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendment:

**Amendment 1 (with title amendment)**—On page 1, line 29 through page 3, line 19, delete those lines and insert:

(1) *Any manufacturer of repair parts for motor vehicles or trucks who enters into a contract with a distributor of repair parts whereby the distributor agrees to maintain a stock of parts may not terminate or cancel any such contract with the distributor without good cause.*

(2) *For the purposes of this section:*

(a) *"Good cause" for terminating or canceling a contract is limited to failure by the person, firm, corporation, or limited liability company in the business of selling and retailing or wholesaling to comply with those requirements imposed by the written contract between the parties. Further, the determination by the manufacturer of good cause for such termination, cancellation, or failure to renew must be made in good faith.*

(b) *The term "repair parts" means any products that are installed on a motor vehicle or truck or any product used in the process of repairing a motor vehicle or truck.*

(c) *The term "distributor" means any person, firm, corporation, or limited liability company engaged in the business of selling, retailing, or wholesaling automotive repair parts.*

(d) *The term "manufacturer" means any person engaged in the business of manufacturing, assembling, repackaging, or relabeling new or unused automotive repair parts.*

(3) *If a contract is terminated in violation of subparagraph (b)1., the manufacturer is liable for 100 percent of the net cost of parts still in the distributor's inventory, 5 percent of the costs of loading and handling, and reasonable freight charges that have been paid by the distributor. The prevailing party in a legal action arising out of such a violation is entitled to attorney's fees. The obligations of a manufacturer apply to any successor in interest or assignee of that manufacturer. A successor in interest includes any purchaser of assets or stock, any surviving corporation or limited liability company resulting from a merger or liquidation, any receiver, or any trustee of the original manufacturer.*

And the title is amended as follows:

On page 1, lines 10-17, delete those lines and insert: providing definitions; providing penalties for terminating a contract in specified circumstances; providing for attorney's fees for the prevailing party in certain legal actions;

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

**Amendment 1A (with title amendment)**—On page 2, line 24, insert:

(4) *A manufacturer of repair parts who enters into a contract with a distributor may not coerce or attempt to coerce a distributor into a refusal to purchase automotive repair parts or equipment from another manufacturer. A manufacturer and distributor may enter into an exclusive contract. Negotiating an exclusive contract shall not be considered coercion.*

And the title is amended as follows:

On page 3, line 4, after the semicolon (;) insert: prohibiting coercion respecting exclusive purchase of parts; allowing the negotiation of an exclusive contract;

#### SENATOR BANKHEAD PRESIDING

On motion by Senator Williams, further consideration of **CS for SB 280** with pending **Amendment 1** as amended was deferred.

On motion by Senator McKay—

**CS for CS for SB 1796**—A bill to be entitled An act relating to juvenile sexual offenders; amending s. 39.411, F.S.; requiring that the Department of Children and Family Services notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain specified sexual offenses; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; amending s. 490.012, F.S.; prohibiting the unlicensed practice of juvenile sexual offender therapy for compensation; providing an exception; creating s. 490.0145, F.S.; providing that only certain persons licensed under ch. 490, F.S., relating to psychological services, or ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, may hold themselves out as juvenile sexual offender therapists; requiring the Board of Psychology to require training and coursework for juvenile sexual offender therapists; amending s. 491.012, F.S.; defining the offense of the unlawful use of the term "juvenile sexual offender therapist," and providing penalties therefor; prohibiting the unlicensed practice of juvenile sexual offender therapy for compensation; providing an exception; creating s. 491.0144, F.S.; providing for qualifications for licensure as a juvenile sexual offender therapist under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services; creating ss. 943.17291, 943.17295, F.S.; requiring that the Criminal Justice Standards and Training Commission incorporate instruction in investigating juvenile sexual offenders into the course curriculum for law enforcement officers; amending s. 985.04, F.S.; requiring that the Department of Juvenile Justice notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain sexual offenses; providing that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person; amending s. 985.308, F.S.; requiring that the Department of Juvenile Justice inspect offender commitment programs operated by the department based on specified standards; authorizing any state attorney to establish a sexual abuse intervention network; providing for membership and prescribing duties of such network; requiring the Office of the Attorney General in collaboration with the Department of Children and Family Services and the Department of Juvenile Justice to award grants to sexual abuse intervention networks; specifying criteria for grant awards; requiring the Office of the Attorney General, in collaboration with the Department of Juvenile Justice and the Department of Children and Family Services, to establish minimum standards for juvenile sex offender day treatment and residential treatment programs funded pursuant to specified provisions; providing rule-making authority for the Department of Legal Affairs; deleting rule-making authority for the Department of Juvenile Justice; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1796** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick, by two-thirds vote **HB 3125** was withdrawn from the Committees on Natural Resources; and Ways and Means.

On motion by Senator Kirkpatrick—

**HB 3125**—A bill to be entitled An act relating to disposal of solid waste; amending s. 403.707, F.S.; revising and clarifying conditions under which the disposal of solid waste is exempt from Department of Environmental Protection permitting requirements; providing an effective date.

—a companion measure, was substituted for **SB 376** and read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—On page 1, between lines 10 and 11, insert:

Section 1. Subsections (1), (3), (9), and (10) of section 403.1835, Florida Statutes, are amended to read:

403.1835 Sewage treatment facilities revolving loan program.—

(1) The purpose of this section is to assist in implementing the legislative declaration of public policy as contained in s. 403.021 by establishing a *self-perpetuating* loan program to accelerate construction of sewage treatment facilities by local governmental agencies and to assist local governmental agencies.

(3) The department is authorized to make loans and grants to local governmental agencies to assist them in planning, designing, and constructing sewage treatment facilities and stormwater management systems. *The department may administer the resulting portfolio of loans, including the authority to sell or pledge the loans, or any portion of the loans, with the approval of the Governor, the Treasurer, and the Comptroller, acting as the State Board of Administration, to ensure compliance with subsection (1).*

(a) The department is authorized to make loans, to provide loan guarantees, to purchase loan insurance, and to refinance local debt through the issue of new loans for projects approved by the department. Local governmental agencies are authorized to borrow funds made available pursuant to this section and may pledge any revenue available to them to repay any funds borrowed. The department shall administer loans to local governmental agencies so that at least 15 percent of each annual allocation for loans is reserved for small communities.

(b) The department may make grants to financially disadvantaged small communities, as defined in s. 403.1838, using funds made available from grant allocations on loans authorized under subsection (4). The grants must be administered in accordance with s. 403.1838.

(c) The department may make grants to local government agencies as authorized under the Federal Water Pollution Control Act, or as a result of other federal action. The grants must be administered in accordance with this section and applicable federal requirements.

(9) Funds for the loans and grants authorized under this section must be managed as follows:

(a) A nonlapsing trust fund with revolving loan provisions to be known as the "Sewage Treatment Revolving Loan Fund" is hereby established in the State Treasury to be used as a revolving fund by the department to carry out the purpose of this section. Any funds therein which are not needed on an immediate basis for loans may be invested pursuant to s. 215.49. The cost of administering the program shall be paid from federal funds, and from reasonable service fees that may be imposed upon loans, and from proceeds from the sale of loans as permitted by federal law so as to enhance program perpetuity. Grants awarded

by the Federal Government, state matching funds, and investment earnings thereon shall be deposited into the fund. *Proceeds from the sale of loans must be deposited into the fund.* All moneys available in the fund, including investment earnings, are hereby designated to carry out the purpose of this section. The principal and interest payments of all loans held by the fund repaid and investment earnings shall be deposited into this fund.

(b) Revenues from the loan grant allocations authorized under subsection (4), federal appropriations, state matching funds for grants authorized by federal statute or other federal action, and service fees, and all earnings thereon, shall be deposited into the department's Grants and Donations Trust Fund. Service fees and all earnings thereon must be used solely for program administration. The loan grant allocation revenues and earnings thereon must be used solely for the purpose of making grants to financially disadvantaged small communities. Federal appropriations and state matching funds for grants authorized by federal statute or other federal action, and earnings thereon, must be used solely for the purposes authorized. All deposits into the department's Grants and Donations Trust Fund under this section, and earnings thereon, must be accounted for separately from all other moneys deposited into the fund.

(10)(a) Because the Legislature has experienced revenue shortfalls in recent years and has been unable to provide enough funds to fully match available federal funds to help capitalize the Sewage Treatment Revolving Loan Fund, it is necessary for innovative approaches to be considered to help capitalize the revolving loan fund. The department shall evaluate potential innovative approaches that can generate funds to match available federal funds. *The department may adopt approaches that will help ensure the continuing viability of the Sewage Treatment Revolving Loan Fund.* The department shall consider, among other possible alternatives, the option of implementing by rule a program to allow local governments to offer funds voluntarily to the state for use as a match to available federal funds to capitalize the state sewage treatment revolving loan fund.

(b) The department may adopt rules necessary to administer this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to pollution control; amending s. 403.1835, F.S.; providing for the administration of the sewage treatment facilities revolving loan program;

Senators Dyer and Rossin offered the following amendments which were moved by Senator Dyer and adopted:

**Amendment 2**—On page 1, line 12, after "amended" insert: , and subsection (13) is added to that section,

**Amendment 3 (with title amendment)**—On page 3, between lines 8 and 9, insert:

*(13) If the department and a local government independently require financial assurance for the closure of a privately owned solid-waste-management facility, the department and that local government shall enter into an interagency agreement that will allow the owner or operator to provide a single financial mechanism to cover the costs of closure and any required long-term care. The financial mechanism may provide for the department and local government to be cobeneficiaries or copayees, but shall not impose duplicative financial requirements on the owner or operator. These closure costs must include at least the minimum required by department rules and must also include any additional costs required by local ordinance or regulation.*

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing for a single financial mechanism to cover costs of closure of a privately owned solid-waste-management facility in certain circumstances;

Pursuant to Rule 4.19, **HB 3125** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett—

**CS for SB 844**—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.091, F.S.; providing that on specified highways certain commercial vehicles may drive only in certain lanes; amending s. 316.302, F.S.; adopting federal motor carrier safety regulations; authorizing audits of intrastate motor carriers for drivers' hours of service compliance; amending s. 316.545, F.S.; prescribing the penalty for operating an overweight or improperly registered commercial vehicle; amending s. 320.01, F.S.; defining the term "agricultural products"; amending s. 320.055, F.S.; providing for staggered fleet registration; amending s. 320.0657, F.S.; defining the term "fleet"; providing registration fees; providing penalties for late or improper registration; repealing s. 320.065, F.S., which requires permanent registration for certain agricultural vehicles; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—Delete Section 3. and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 9-12, delete those lines and insert: service compliance; amending s. 320.01, F.S.; defining the

Senator Ostalkiewicz moved the following amendment which failed:

**Amendment 2**—On page 2, lines 1 and 2, delete those lines and insert: *pounds or more, upon any limited access facility with four or more lanes only in the one right through lane except when overtaking a vehicle or when*

Pursuant to Rule 4.19, **CS for SB 844** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

**SB 836**—A bill to be entitled An act relating to the state lottery; amending s. 24.105, F.S., relating to player activated vending machines; requiring a certain number of clerks to be on duty at certain lottery retailer locations; amending s. 24.111, F.S.; deleting the requirement that the Department of the Lottery lease all instant vending machines for a specified initial evaluation period; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendments which failed:

**Amendment 1 (with title amendment)**—On page 1, line 14 through page 2, line 21, delete section 1 and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 3-6, delete those lines and insert: s. 24.111, F.S.;

**Amendment 2 (with title amendment)**—On page 2, lines 6-15, delete those lines and insert: *ticket purchaser. Sales from a vending machine must be under the supervision and within the direct line of sight of the lottery retailer to ensure that the machine is monitored and only operated by persons at least 18 years of age, and the machine must be equipped with an operational lockout device that is under the control of the dealer or the dealer's agent or employee who directly regulates the sale of items through the machine by triggering the lockout device to allow the dispensing of instant lottery tickets. The lockout device must include a mechanism to prevent the machine from functioning if the power source for the lockout device fails or if the lockout device is disabled capable of being electronically deactivated by the retailer to prohibit use by persons less than 18 years of age through the use of a lockout device that maintains the machine's deactivation for a period of no less than 5 minutes; and be designed to prevent its use or conversion for use in any manner other than the dispensing of instant lottery tickets.*

And the title is amended as follows:



On page 1, line 4, after the semicolon (;) insert: revising requirements for such machines;

The vote was:

Yeas—13

Bankhead	Clary	Grant	McKay
Bronson	Cowin	Hargrett	Ostalkiewicz
Brown-Waite	Crist	Latvala	Williams
Campbell			

Nays—16

Casas	Geller	Kurth	Rossin
Diaz-Balart	Gutman	Laurent	Scott
Dudley	Harris	Lee	Thomas
Forman	Kirkpatrick	Meadows	Turner

Pending further consideration of **SB 836**, on motion by Senator Gutman, by two-thirds vote **HB 3289** was withdrawn from the Committee on Regulated Industries.

On motion by Senator Gutman—

**HB 3289**—A bill to be entitled An act relating to the state lottery; amending s. 24.105, F.S., relating to player activated vending machines; requiring a certain number of clerks to be on duty at certain lottery retailer locations; amending s. 24.111, F.S.; deleting the requirement that the Department of the Lottery lease all instant vending machines for a specified initial evaluation period; providing an effective date.

—a companion measure, was substituted for **SB 836** and read the second time by title.

Pursuant to Rule 4.19, **HB 3289** was placed on the calendar of Bills on Third Reading.

On motion by Senator Turner—

**SB 1874**—A bill to be entitled An act relating to education paraprofessionals; amending ss. 228.041, 228.056, 231.141, 231.15, 231.3605, 231.40, 240.40685, and 121.091, F.S.; replacing the term “teacher aide” with the term “education paraprofessional”; requiring the State Board of Education to classify school services and prescribe rules; creating s. 231.143, F.S.; authorizing school districts to adopt a program for the career development of education paraprofessionals; specifying levels of achievement that paraprofessionals can attain through the program; providing restrictions; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1874** to **CS for HB 161**.

Pending further consideration of **SB 1874** as amended, on motion by Senator Turner, by two-thirds vote **CS for HB 161** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Turner—

**CS for HB 161**—A bill to be entitled An act relating to education paraprofessionals; amending ss. 228.041, 228.056, 231.141, 231.15, 231.3605, 231.40, 240.40685, and 121.091, F.S.; replacing the term “teacher aide” with the term “education paraprofessional”; requiring the State Board of Education to classify school services and prescribe rules; creating s. 231.143, F.S.; authorizing school districts to adopt a program for the career development of education paraprofessionals; specifying levels of achievement that paraprofessionals can attain through the program; providing restrictions; providing an effective date.

—a companion measure, was substituted for **SB 1874** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 161** was placed on the calendar of Bills on Third Reading.

On motion by Senator McKay—

**CS for SB 498**—A bill to be entitled An act relating to tax administration; creating s. 213.285, F.S.; authorizing the Department of Revenue to initiate a certified audits project under which taxpayers may hire qualified practitioners to review and report on their tax compliance; providing definitions; providing requirements for participation by such practitioners and taxpayers; providing requirements for the conduct of certified audits; providing status of the audit report; providing rulemaking authority for the Department of Revenue; amending s. 213.053, F.S.; authorizing the department to provide certain information to the Board of Accountancy or to a court with respect to a certified public accountant participating in the project; amending s. 213.21, F.S.; authorizing settlement or compromise of penalties and abatement of interest for taxpayers who participate in the project; providing for repeal of the certified audits project; providing an appropriation and authorizing positions within the department; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 8, line 12, delete “*General Revenue*” and insert: *Administrative Trust*

Pursuant to Rule 4.19, **CS for SB 498** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

**CS for SB 280**—A bill to be entitled An act relating to sales contracts for motor vehicle or truck repair parts; creating s. 686.30, F.S.; providing for contract agreement; providing requirements with respect to agreements between manufacturers and distributors of and dealers in motor vehicle or truck repair parts; requiring that termination of such contracts be done in good faith; providing definitions; prohibiting certain coercive acts by manufacturers; providing for liability; providing for applicability; providing liability of a manufacturer for terminating, canceling, or failing to renew a contract without good cause, for failure to make payments owed, and for failure to supply repair parts; providing for attorney’s fees; providing for injunctive relief; providing an effective date.

—with pending **Amendment 1** as amended, by Senator Williams.

Senator Williams moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1B**—On page 1, lines 30 and 31, delete those lines and insert: *good cause for such termination or cancellation must be made in good faith.*

**Amendment 1C**—On page 2, line 12, delete “subparagraph (b)1.” and insert: *paragraph (2)(a)*

**Amendment 1** as amended was adopted.

Senator Williams moved the following amendment which was adopted:

**Amendment 2 (with title amendment)**—On page 3, between lines 22 and 23, insert:

Section 3. *This act applies to new contracts entered into or amended on or after October 1, 1998.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 18, after the semicolon (;) insert: providing applicability;

Pursuant to Rule 4.19, **CS for SB 280** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Kurth—

**CS for SB 1878**—A bill to be entitled An act relating to the Child Care Executive Partnership; amending s. 409.178, F.S.; conforming title of the partnership program; revising membership of the partnership; authorizing administration of child care purchasing pool funds by the state resource and referral agency; providing for development of procedures for disbursement of funds through the child care purchasing pools; deleting references to pilot child care purchasing pools; revising parent fee requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1878** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

**CS for SB 1244**—A bill to be entitled An act relating to legal process; amending s. 48.031, F.S., relating to service upon a sole proprietorship; providing that substitute service may be made upon person in charge of the business at the time of service, under specified circumstances; amending s. 48.183, F.S.; providing for service of process in an action for possession of residential premises; amending s. 48.27, F.S.; providing for application and fee for inclusion on list of certified process servers; authorizing certain service when a civil action has been filed in a circuit or county court in the state; amending s. 55.03, F.S., relating to docketing and indexing of civil process generally; revising provisions relating to rate of interest; providing an exception from certain docketing and indexing or collection requirements when rate of interest is not on the face of the process, writ, judgment, or decree; amending s. 56.27, F.S., relating to payment to execution creditor of money collected; providing for payment to a junior writ of certain surplus moneys collected; amending s. 56.28, F.S.; requiring written demand by plaintiff as a condition for officer's liability to pay over within 10 days certain moneys collected; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **CS for SB 1244** to **CS for HB 935**.

Pending further consideration of **CS for SB 1244**, on motion by Senator Burt, by two-thirds vote **CS for HB 935** was withdrawn from the Committees on Judiciary; and Commerce and Economic Opportunities.

On motion by Senator Burt—

**CS for HB 935**—A bill to be entitled An act relating to legal process; amending s. 48.031, F.S., relating to service upon a sole proprietorship; providing that substitute service may be made upon person in charge of the business at the time of service, under specified circumstances; amending s. 48.183, F.S.; providing for service of process in an action for possession of residential premises; amending s. 48.27, F.S.; providing for application and fee for inclusion on list of certified process servers; authorizing certain service when a civil action has been filed in a circuit or county court in the state; amending s. 55.03, F.S., relating to docketing and indexing of civil process generally; revising provisions relating to rate of interest; providing an exception from certain docketing and indexing or collection requirements when rate of interest is not on the face of the process, writ, judgment, or decree; amending s. 56.27, F.S., relating to payment to execution creditor of money collected; providing for payment to a junior writ of certain surplus moneys collected; amending s. 56.28, F.S.; requiring written demand by plaintiff as a condition for officer's liability to pay over within 10 days certain moneys collected; providing an effective date.

—a companion measure, was substituted for **CS for SB 1244** and read the second time by title.

Senator Burt moved the following amendments which were adopted:

**Amendment 1**—On page 2, line 10, delete "one" and insert: *two one*

**Amendment 2**—On page 4, lines 16-20, delete those lines and insert: Nothing contained herein shall affect a rate of interest established by written contract or obligation.

Pursuant to Rule 4.19, **CS for HB 935** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Meadows—

**SB 864**—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.011, F.S.; authorizing the granting of exemption under certain circumstances to property entitled to a charitable exemption for the 1994 tax year for which application was not timely filed; providing for canceling outstanding tax certificates on, and taxes assessed against, such property and for refunding any such taxes that have been paid; providing for expiration; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 864** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

**CS for SB 2052**—A bill to be entitled An act relating to insurance; amending s. 627.7295, F.S.; authorizing certain fees to be collected by general lines agents; amending s. 627.736, F.S.; prohibiting a provider's statement of charges from including certain charges for services covered by personal injury protection benefits; specifying which party is the prevailing party in arbitration of disputes relating to personal injury protection claims; specifying requirements for arbitration; prescribing forms for submission of medical services; specifying payment time limitations; specifying where an independent medical examination of a claimant may be conducted; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 2052** to **HB 3889**.

Pending further consideration of **CS for SB 2052** as amended, on motion by Senator Diaz-Balart, by two-thirds vote **HB 3889** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Diaz-Balart—

**HB 3889**—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.7295, F.S.; authorizing certain fees; amending s. 627.736, F.S.; providing alternate means of paying certain interest penalties on overdue personal injury protection benefits; prohibiting a provider's statement of charges from including certain charges; specifying which party is the prevailing party in arbitration of disputes relating to personal injury protection claims; specifying where an independent medical examination of a claimant may be conducted; providing an effective date.

—a companion measure, was substituted for **CS for SB 2052** as amended and read the second time by title.

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

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

Section 1. Subsection (5) of section 627.7295, Florida Statutes, is amended to read:

627.7295 Motor vehicle insurance contracts.—

(5)(a) A licensed general lines agent may charge a per-policy fee not to exceed \$10 to cover the administrative costs of the agent associated with selling the motor vehicle insurance policy if the policy covers only personal injury protection coverage as provided by s. 627.736 and property damage liability coverage as provided by s. 627.7275 and if no other insurance is sold or issued in conjunction with or collateral to the policy. The per-policy fee must be a component of the insurer's rate filing and may not be charged by an agent unless the fee is included in the filing. The fee is not considered part of the premium except for purposes of the department's review of expense factors in a filing made pursuant to s. 627.062.

(b) To the extent that a licensed general agent's cost of obtaining motor vehicle reports on applicants for motor vehicle insurance is not otherwise compensated, the agent may, in addition to any other fees authorized by law, charge an applicant for motor vehicle insurance a reasonable, nonrefundable fee to reimburse the agent the actual cost of obtaining the report for each licensed driver when the motor vehicle report is obtained by the agent simultaneously with the preparation of the application for use in the calculation of premium or in the proper placement of the risk. The amount of the fee may not exceed the agent's actual cost in obtaining the report which is not otherwise compensated. Actual cost is the cost of obtaining the report on an individual driver basis when so obtained or the pro rata cost per driver when the report is obtained on more than one driver; however, in no case may actual cost include subscription or access fees associated with obtaining motor vehicle reports on-line through any electronic transmissions program.

Section 2. Subsection (5), paragraph (b) of subsection (6), and paragraph (a) of subsection (7) of section 627.736, Florida Statutes, are amended to read:

627.736 Required personal injury protection benefits; exclusions; priority.—

(5) CHARGES FOR TREATMENT OF INJURED PERSONS.—

(a) Any physician, hospital, clinic, or other person or institution lawfully rendering treatment to an injured person for a bodily injury covered by personal injury protection insurance may charge only a reasonable amount for the products, services, and accommodations rendered, and the insurer providing such coverage may pay for such charges directly to such person or institution lawfully rendering such treatment, if the insured receiving such treatment or his or her guardian has countersigned the invoice, bill, or claim form approved by the Department of Insurance upon which such charges are to be paid for as having actually been rendered, to the best knowledge of the insured or his or her guardian. In no event, however, may such a charge be in excess of the amount the person or institution customarily charges for like products, services, or accommodations in cases involving no insurance, provided that charges for cephalic thermograms and peripheral thermograms shall not exceed the maximum reimbursement allowance for such procedures as set forth in the applicable fee schedule established pursuant to s. 440.13.

(b) With respect to any treatment or service, other than medical services billed by a hospital for services rendered at a hospital-owned facility, the statement of charges must be furnished to the insurer by the provider and may not include, and the insurer is not required to pay, charges for treatment or services rendered more than 30 days before the postmark date of the statement, except for past due amounts previously billed on a timely basis under this paragraph, and except that, if the provider submits to the insurer a notice of initiation of treatment within 21 days after its first examination or treatment of the claimant, the statement may include charges for treatment or services rendered up to, but not more than, 60 days before the postmark date of the statement. The injured party is not liable for, and the provider shall not bill the injured party for, charges that are unpaid because of the provider's failure to comply with this paragraph. Any agreement requiring the injured person or insured to pay for such charges is unenforceable. For emergency services and care as defined in s. 395.002 rendered in a hospital emergency department or for transport and treatment rendered by an ambulance provider licensed pursuant to part III of chapter 401, the provider is not required to furnish the statement of charges within the time periods established by this paragraph; and the insurer shall not be considered to have been furnished with notice of the amount of covered loss for purposes of paragraph (4)(b) until it receives a statement complying with paragraph (5)(d), or copy thereof, which specifically identifies the place of service to be a hospital emergency department or an ambulance in accordance with billing standards recognized by the Health Care Finance Administration. Each notice of insured's rights under s. 627.7401 must include the following statement in type no smaller than 12 points:

*BILLING REQUIREMENTS.—Florida Statutes provide that with respect to any treatment or services, other than certain hospital and emergency services, the statement of charges furnished to the insurer by the provider may not include, and the insurer and the injured party are not required to pay, charges for treatment or services rendered more than 30 days before the postmark date of the statement, except for past due amounts previously billed on a timely basis, and except that, if the provider submits to the insurer a notice of initiation of treatment within 21 days after its first examination or treatment*

*of the claimant, the statement may include charges for treatment or services rendered up to, but not more than, 60 days before the postmark date of the statement.*

(c) Every insurer shall include a provision in its policy for personal injury protection benefits for binding arbitration of any claims dispute involving medical benefits arising between the insurer and any person providing medical services or supplies if that person has agreed to accept assignment of personal injury protection benefits. The provision shall specify that the provisions of chapter 682 relating to arbitration shall apply. The prevailing party shall be entitled to attorney's fees and costs. For purposes of the award of attorney's fees and costs, the prevailing party shall be determined as follows:

1. When the amount of personal injury protection benefits determined by arbitration exceeds the sum of the amount offered by the insurer at arbitration plus 50 percent of the difference between the amount of the claim asserted by the claimant at arbitration and the amount offered by the insurer at arbitration, the claimant is the prevailing party.

2. When the amount of personal injury protection benefits determined by arbitration is less than the sum of the amount offered by the insurer at arbitration plus 50 percent of the difference between the amount of the claim asserted by the claimant at arbitration and the amount offered by the insurer at arbitration, the insurer is the prevailing party.

3. When neither subparagraph 1. nor subparagraph 2. applies, there is no prevailing party. For purposes of this paragraph, the amount of the offer or claim at arbitration is the amount of the last written offer or claim made at least 30 days prior to the arbitration.

4. In the demand for arbitration, the party requesting arbitration must include a statement specifically identifying the issues for arbitration for each examination or treatment in dispute. The other party must subsequently issue a statement specifying any other examinations or treatment and any other issues that it intends to raise in the arbitration. The parties may amend their statements up to 30 days prior to arbitration, provided that arbitration shall be limited to those identified issues and neither party may add additional issues during arbitration.

(d) All statements and bills for medical services rendered by any physician, hospital, clinic, or other person or institution shall be submitted to the insurer on an Health Care Finance Administration 1500 form, UB 92 forms, or any other standard form approved by the department for purposes of this paragraph. All billings for such services shall, to the extent applicable, follow the Physicians' Current Procedural Terminology (CPT) in the year in which services are rendered. No statement of medical services may include charges for medical services of a person or entity that performed such services without possessing the valid licenses required to perform such services. For purposes of paragraph (4)(b), an insurer shall not be considered to have been furnished with notice of the amount of covered loss or medical bills due unless the statements or bills comply with this paragraph.

(6) DISCOVERY OF FACTS ABOUT AN INJURED PERSON; DISPUTES.—

(b) Every physician, hospital, clinic, or other medical institution providing, before or after bodily injury upon which a claim for personal injury protection insurance benefits is based, any products, services, or accommodations in relation to that or any other injury, or in relation to a condition claimed to be connected with that or any other injury, shall, if requested to do so by the insurer against whom the claim has been made, furnish forthwith a written report of the history, condition, treatment, dates, and costs of such treatment of the injured person, together with a sworn statement that the treatment or services rendered were reasonable and necessary with respect to the bodily injury sustained and identifying which portion of the expenses for such treatment or services was incurred as a result of such bodily injury, and produce forthwith, and permit the inspection and copying of, his or her or its records regarding such history, condition, treatment, dates, and costs of treatment. Such sworn statement shall read as follows: "Under penalty of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief." No cause of action for violation of the physician-patient privilege or invasion of the right of privacy shall be permitted against any physician, hospital, clinic, or other medical institution complying with the provisions of this section. The person requesting such records and such sworn statement shall pay all reasonable costs connected therewith. If an insurer makes a written request for

documentation under this paragraph within 20 days after having received notice of the amount of a covered loss under s. 627.736(4)(a), the insurer shall pay the amount or partial amount of covered loss to which such documentation relates in accordance with s. 627.736(4)(b) or within 10 days after the insurer's receipt of the requested documentation, whichever occurs later. For purposes of this paragraph, the term "receipt" includes, but is not limited to, inspection and copying pursuant to this paragraph.

(7) MENTAL AND PHYSICAL EXAMINATION OF INJURED PERSON; REPORTS.—

(a) Whenever the mental or physical condition of an injured person covered by personal injury protection is material to any claim that has been or may be made for past or future personal injury protection insurance benefits, such person shall, upon the request of an insurer, submit to mental or physical examination by a physician or physicians. The costs of any examinations requested by an insurer shall be borne entirely by the insurer. Such examination shall be conducted within the municipality of residence of the insured or in the municipality where the insured is receiving treatment, or in a location reasonably accessible to the insured, which, for purposes of this paragraph, means any location within the municipality in which the insured resides, or any location within 10 miles by road of the insured's residence, provided such location is within the county in which the insured resides. If the examination is to be conducted in a location reasonably accessible to the insured, within the municipality of residence of the insured and if there is no qualified physician to conduct the examination in a location reasonably accessible to the insured within such municipality, then such examination shall be conducted in an area of the closest proximity to the insured's residence. Personal protection insurers are authorized to include reasonable provisions in personal injury protection insurance policies for mental and physical examination of those claiming personal injury protection insurance benefits. An insurer may not withdraw payment of a treating physician without the consent of the injured person covered by the personal injury protection, unless the insurer first obtains a report by a physician licensed under the same chapter as the treating physician whose treatment authorization is sought to be withdrawn, stating that treatment was not reasonable, related, or necessary.

Section 3. (1) Paragraph (5)(c) of s. 627.736, Florida Statutes, as amended by section 2 of this act, shall apply to arbitrations commenced on or after the effective date of this act.

(2) Paragraph (7)(a) of s. 627.736, Florida Statutes, as amended by section 2 of this act, shall apply to new and renewal policies with an effective date on or after the effective date of this act.

(3) All other provisions of section 2 of this act shall apply to accidents occurring on or after the effective date of this act.

Section 4. This act shall take effect October 1, 1998.

And the title is amended as follows:

On page 1, lines 2-13, delete those lines and insert: amending s. 627.7295, F.S.; authorizing certain fees to be collected by general lines agents; amending s. 627.736, F.S.; prohibiting a provider's statement of charges from including certain charges for services covered by personal injury protection benefits; specifying which party is the prevailing party in arbitration of disputes relating to personal injury protection claims; specifying requirements for arbitration; prescribing forms for submission of medical services; specifying payment time limitations; specifying where an independent medical examination of a claimant may be conducted; specifying applicability of amendments made by this act; providing an effective date.

Pursuant to Rule 4.19, **HB 3889** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick, by two-thirds vote **HB 3205** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

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

**HB 3205**—A bill to be entitled An act relating to the National Guard; amending s. 250.10, F.S.; revising language with respect to payments

under the educational tuition assistance program administered by the Department of Military Affairs; providing an effective date.

—a companion measure, was substituted for **SB 534** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 3205** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala, by two-thirds vote **CS for HB 4065** was withdrawn from the Committee on Regulated Industries.

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

**CS for HB 4065**—A bill to be entitled An act relating to public accountancy; amending s. 473.302, F.S.; providing definitions; amending s. 473.303, F.S.; revising provisions relating to membership on probable cause panels of the Board of Accountancy; amending s. 473.306, F.S.; providing conditions under which the board may adopt an alternative licensure examination for persons licensed to practice public accountancy or its equivalent in a foreign country; providing for appointment of an Educational Advisory Committee for purposes of maintaining proper educational qualifications for licensure of certified public accountants; amending s. 473.308, F.S.; revising licensure requirements relating to public accountancy experience outside this state; amending s. 473.309, F.S.; providing additional requirements for a partnership, corporation, or limited liability company to practice public accountancy in this state; amending s. 473.3101, F.S.; providing requirements for the licensure of sole proprietors and other legal entities; amending s. 473.312, F.S.; providing for appointment of a Continuing Professional Education Advisory Committee for purposes of maintaining proper continuing education requirements for renewal of licensure of certified public accountants; amending s. 473.313, F.S.; providing continuing education requirements for the reactivation of certain licenses; amending s. 473.315, F.S.; providing an exemption for attorneys; amending ss. 473.319, 473.3205, F.S.; revising provisions relating to contingency fees, commissions, and referral fees; amending s. 473.322, F.S.; providing certain requirements for persons offering certain public accounting services; providing an effective date.

—a companion measure, was substituted for **CS for SB 1508** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 4065** was placed on the calendar of Bills on Third Reading.

**CS for SB 340**—A bill to be entitled An act relating to real estate; amending s. 475.15, F.S.; providing registration and licensing requirements for additional business entities; eliminating a conflicting provision relating to automatic cancellation of the registration of a real estate broker partnership; amending s. 475.17, F.S.; providing additional requirements for licensure as a real estate broker; amending s. 475.183, F.S.; revising the period after which involuntarily inactive licenses expire; revising the time for the required notice to the licensee; amending s. 475.25, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; reenacting ss. 475.180(2)(b), 475.181(2), 475.22(2), 475.422(2), 475.482(1), F.S., relating to nonresident licenses, licensure, refusal of a broker to comply with certain requests or notices, furnishing of copies of termite and roof inspection reports, and recovery from the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, F.S., in references thereto; amending s. 475.272, F.S.; deleting a provision that restricts a real estate licensee to operating as a single agent or as a transaction broker; amending s. 475.278, F.S.; revising provisions relating to disclosure of authorized brokerage relationships and the corresponding duties of real estate licensees; creating s. 475.279, F.S.; authorizing signatures transmitted by electronic means or facsimile; amending s. 475.451, F.S.; revising provisions relating to the permitting of instructors for proprietary real estate schools or state institutions; providing permit renewal requirements; revising references relating to examinations; amending s. 475.452, F.S.; providing requirements applicable to advance expenses, commissions, or fees for brokers auctioning real property; amending s.

475.484, F.S.; providing applicability with respect to a conflict with federal law in the disciplining of certain licensees against whom a judgment has been paid from the Real Estate Recovery Fund; creating s. 475.5016, F.S.; granting the department authority to inspect and audit brokers and brokerage offices; amending ss. 475.611 and 475.612, F.S.; redesignating registered appraisers as registered assistant appraisers; amending ss. 475.01, 475.011, 475.616, 475.618, 475.619, 475.620, 475.622, 475.623, 475.626, 475.627, 475.628, 475.629, 475.630, F.S., to conform and correct references; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; creating s. 475.6147, F.S.; providing a separate section relating to establishment of fees applicable to the regulation of real estate appraisers; amending s. 475.615, F.S.; revising provisions relating to qualifications for registration, licensure, or certification of appraisers; providing for a charge for application for a change in status of appraisal licensure; amending s. 475.617, F.S.; revising continuing education and experience requirements for real estate appraisers; amending s. 475.624, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; creating s. 475.6295, F.S.; granting the department authority to inspect appraisers and appraisal offices; amending s. 553.991, F.S.; limiting the purpose of the "Florida Building Energy-Efficiency Rating Act" to providing for a statewide uniform system for rating the energy efficiency of buildings; amending s. 553.994, F.S.; deleting the schedule for phasing in the rating system; amending s. 553.996, F.S.; requiring provision of an information brochure to prospective purchasers of certain real property; deleting a provision authorizing such prospective purchasers to receive a rating on the property upon request; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—On page 52, between lines 25 and 26, insert:

Section 41. Subsection (17) is added to section 489.103, Florida Statutes, to read:

489.103 Exemptions.—This part does not apply to:

(17) *Contracting for repair, maintenance, remodeling, or improvement by any person licensed under part I of chapter 475 while acting as the owner's agent pursuant to that license, where all work requiring a contractor is performed by a contractor who has a current, valid certificate or registration issued under this part to perform such work, and where the aggregate contract for labor, materials, and all other items is less than \$5,000; however, this exemption does not apply:*

(a) *If the repair, maintenance, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than \$5,000 for the purpose of evading this part or otherwise.*

(b) *To a person who advertises that he or she is qualified to engage in contracting.*

Section 42. Subsection (17) is added to section 489.503, Florida Statutes, to read:

489.503 Exemptions.—This part does not apply to:

(17) *Contracting for repair, maintenance, remodeling, or improvement by any person licensed under part I of chapter 475 while acting as the owner's agent pursuant to that license, where all work requiring a contractor is performed by a contractor who has a current, valid certificate or registration issued under this part to perform such work, and where the aggregate contract for labor, materials, and all other items is less than \$5,000; however, this exemption does not apply:*

(a) *If the repair, maintenance, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than \$5,000 for the purpose of evading this part or otherwise.*

(b) *To a person who advertises that he or she is qualified to engage in contracting.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 30, after the semicolon (;) insert: amending s. 489.103, F.S.; creating an exemption, with exceptions, to construction contracting requirements; amending s. 489.503, F.S.; creating an exemption, with exceptions, to the electrical and alarm system contracting requirements;

Senator Clary moved the following amendment:

**Amendment 2 (with title amendment)**—On page 52, between lines 25 and 26, insert:

Section 41. Section 475.2755, Florida Statutes, is created to read:

475.2755 *Designated salesperson.*—

(1) *For purposes of this part, in any real estate transaction other than a residential sale as defined in s. 475.276, if the buyer and seller have assets of \$1 million or more, the broker, at the request of the customers, may designate salespersons to act as single agents for different customers in the same transaction. Such designated salespersons have the duties of a single agent as outlined in s. 475.278(3), including disclosure requirements as provided in s. 475.278(3)(b) and (c). In addition to meeting those disclosure requirements, the buyer and seller as customers must both sign disclosure forms stating that their assets meet the test as described in this paragraph and requesting that the broker use the designated-salesperson form of representation.*

(2) *In lieu of the transition disclosure requirement set forth in s. 475.278(3)(c)2., the required disclosure notice must include the following provisions:*

(a) *The designated salesperson may not disclose, except to the broker or persons specified by the broker, information made confidential by request or at the instruction of the customer whom the designated salesperson is representing.*

(b) *The designated salesperson may disclose information that is allowed to be disclosed or required to be disclosed by this part.*

(c) *A designated salesperson may disclose to his or her broker, or to persons specified by the broker, confidential information of a customer for the purpose of seeking advice or assistance for the benefit of the customer with regard to a transaction. The broker must keep this information confidential and must not use the information to the detriment of the other party.*

(3) *As used in this section, the term "buyer" or the term "seller" means, respectively, a transferee or a lessee in a real property transaction, or the transferor or lessor in a real property transaction.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 30, after the semicolon (;) insert: creating s. 475.2755, F.S.; providing for the use of a designated salesperson for a real estate transaction other than a residential sale, under specified conditions; providing duties of designated salespersons; providing requirements for disclosure; defining the terms "buyer" and "seller," as used in this section;

On motion by Senator Clary, further consideration of **CS for SB 340** with pending **Amendment 2** was deferred.

On motion by Senator Rossin—

**SB 1188**—A bill to be entitled An act relating to investigation of cases involving adult abuse, neglect, and exploitation; amending s. 415.102, F.S.; redefining the term "closed without classification" and defining the term "self-neglect"; amending s. 415.1045, F.S.; providing duties when a case is determined to be self-neglect; amending s. 415.1055, F.S.; revising requirements for notification regarding the classification of reports alleging abuse, neglect, and exploitation; amending s. 415.1065, F.S.; providing guidelines for retaining records of reports of self-neglect; amending s. 415.1102, F.S.; deleting reference to self-neglect; amending

s. 430.205, F.S.; revising circumstances under which elderly persons must receive primary consideration of community-care-for-the-elderly services; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 1188** to **HB 4167**.

Pending further consideration of **SB 1188** as amended, on motion by Senator Rossin, by two-thirds vote **HB 4167** was withdrawn from the Committee on Children, Families and Seniors.

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

**HB 4167**—A bill to be entitled An act relating to adult abuse, neglect, and exploitation; amending ss. 415.102 and 415.1102, F.S.; deleting references to self-neglect from provisions relating to adult protective services cases and reports; defining “disabled adult in need of services” and “elderly person in need of services”; amending s. 415.1045, F.S.; providing for determinations in onsite protective investigations that certain persons are persons in need of services; amending s. 415.105, F.S.; providing for referral of such persons to programs of the Department of Elderly Affairs; amending s. 415.1055, F.S.; providing that no classification or notification is required for reports resulting in such determinations; amending s. 415.1065, F.S.; providing for retention and expunction of records of such reports; amending s. 430.205, F.S.; revising circumstances under which certain elderly persons must receive primary consideration for community-care-for-the-elderly services; defining “primary consideration”; providing an effective date.

—a companion measure, was substituted for **SB 1188** as amended and by two-thirds vote read the second time by title.

Senator Rossin moved the following amendment which was adopted:

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

Section 1. Subsection (5) of section 415.102, Florida Statutes, is amended, subsection (11) is redesignated as subsection (12), present subsections (12) through (35) are redesignated as subsections (14) through (37), respectively, and new subsections (11) and (13) are added to that section, to read:

415.102 Definitions of terms used in ss. 415.101-415.113.—As used in ss. 415.101-415.113, the term:

(5) “Closed without classification” means the closure of a report in which an adult protective investigator determines that:

(a) Some evidence exists that abuse, neglect, or exploitation has occurred, but a preponderance of evidence cannot be established; or

(b) A preponderance of the evidence exists that abuse, neglect, or exploitation has occurred, but no perpetrator can be identified; ~~or~~

~~(c) Self neglect is the sole cause of the neglect.~~

(11) “Disabled adult in need of services” means a disabled adult who has been determined by an adult protective services investigator to be suffering from the ill effects of neglect not caused by a second party perpetrator and is in need of protective services or other services to prevent further harm.

(13) “Elderly person in need of services” means an elderly person who has been determined by an adult protective services investigator to be suffering from the ill effects of neglect not caused by a second party perpetrator and is in need of protective services or other services to prevent further harm.

Section 2. Paragraphs (b) through (f) of subsection (2) of section 415.1045, Florida Statutes, are redesignated as paragraphs (c) through (g), respectively, and a new paragraph (b) is added to said subsection to read:

415.1045 Protective investigations; onsite investigations; photographs, videotapes, and medical examinations; abrogation of privileged communications; confidential records and documents; classification or closure of records.—

(2) ONSITE INVESTIGATIONS.—For each report it receives, the department shall perform an onsite investigation to:

(b) Determine whether the person is a disabled adult in need of services or an elderly person in need of services, as defined in s. 415.102.

Section 3. Subsection (1) of section 415.105, Florida Statutes, is amended to read:

415.105 Provision of protective services with consent; withdrawal of consent.—

(1) PROTECTIVE SERVICES WITH CONSENT.—If the department determines through its investigation that a disabled adult or an elderly person demonstrates a need for protective services or protective supervision, the department shall immediately provide, or arrange for the provision of, protective services or protective supervision, including in-home services, provided that the disabled adult or elderly person consents. *A disabled person in need of services as defined in s. 415.102 shall be referred to the community care for disabled adults program. An elderly person in need of services as defined in s. 415.102 shall be referred to the community care for the elderly program administered by the Department of Elderly Affairs.*

Section 4. Paragraph (d) of subsection (2) of section 415.1055, Florida Statutes, is redesignated as paragraph (e), and a new paragraph (d) is added to said section to read:

415.1055 Notification to administrative entities, subjects, and reporters; notification to law enforcement and state attorneys.—

(2) NOTIFICATION TO OTHER PERSONS.—

(d) *In the case of a report that has been determined by an adult protective services investigator to be either a disabled adult in need of services or an elderly person in need of services, as defined in s. 415.102, no classification of the report shall be made and no notification shall be required.*

Section 5. Subsections (6), (7), and (8) of section 415.1065, Florida Statutes, are renumbered as subsections (7), (8), and (9), respectively, and a new subsection (6) is added to said section, to read:

415.1065 Records management.—All records must be maintained in their entirety for their full retention period, except as otherwise provided in this section:

(6) *RECORDS OF REPORTS CLOSED AS DISABLED ADULT IN NEED OF SERVICES OR ELDERLY PERSON IN NEED OF SERVICES.—The department may retain the records of reports determined to be a disabled adult in need of services or an elderly person in need of services for up to 1 year for purposes of facilitating the provision of services, program performance reporting, and research and statistical analysis. After 1 year the record must be expunged in its entirety.*

Section 6. Paragraph (c) of subsection (2) of section 415.1102, Florida Statutes, is amended to read:

415.1102 Adult protection teams; services; eligible cases.—Subject to an appropriation, the department may develop, maintain, and coordinate the services of one or more multidisciplinary adult protection teams in each of the districts of the department. Such teams may be composed of, but need not be limited to, representatives of appropriate health, mental health, social service, legal service, and law enforcement agencies.

(2) The adult abuse, neglect, or exploitation cases that are appropriate for referral by the adult protective services program to adult protection teams for supportive services include, but are not limited to, cases involving:

(c) Reported medical, physical, or emotional neglect, ~~either self or second party~~, of a disabled adult or an elderly person.

Section 7. Subsection (5) of section 430.205, Florida Statutes, is amended to read:

430.205 Community care service system.—

(5) Any person who has been classified as a functionally impaired elderly person is eligible to receive community-care-for-the-elderly core services. Those elderly persons who are determined by *adult protective services to be elderly persons in need of services, pursuant to s. 415.1045(2)(b), or to be the functional assessment to be at risk of institutionalization and victims of abuse, neglect, or exploitation who are in need of immediate services to prevent further harm and are referred by adult protective services, shall be given primary consideration for receiving community-care-for-the-elderly services. As used in this subsection, "primary consideration" means that an assessment and services must commence within 72 hours after referral to the department or as established in accordance with department contracts by local protocols developed between department service providers and adult protective services.*

Section 8. *The Office of Program Policy Analysis and Government Accountability shall conduct a review and follow-up study of the process by which the Department of Children and Family Services elder victims of abuse, neglect, or exploitation are referred to the Department of Elderly Affairs for community services. The study shall also examine the process used by the Department of Elderly Affairs to establish service priorities for and provides service to these persons. The Office of Program Policy Analysis and Government Accountability shall submit a report of the review to the President of the Senate and the Speaker of the House of Representatives no later than December 31, 1998 and a report of the follow-up study no later than December 31, 2000.*

Section 9. This act shall take effect July 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to adult abuse, neglect, and exploitation; amending ss. 415.102 and 415.1102, F.S.; deleting references to self-neglect from provisions relating to adult protective services cases and reports; defining "disabled adult in need of services" and "elderly person in need of services"; amending s. 415.1045, F.S.; providing for determinations in onsite protective investigations that certain persons are persons in need of services; amending s. 415.105, F.S.; providing for referral of such persons to programs of the Department of Elderly Affairs; amending s. 415.1055, F.S.; providing that no classification or notification is required for reports resulting in such determinations; amending s. 415.1065, F.S.; providing for retention and expunction of records of such reports; amending s. 430.205, F.S.; revising circumstances under which certain elderly persons must receive primary consideration for community-care-for-the-elderly services; defining "primary consideration"; providing for a review and follow-up study by the office of Program Policy Analysis and Government Accountability; providing for reports to the Legislature; providing an effective date.

Pursuant to Rule 4.19, **HB 4167** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1390** was deferred.

**CS for CS for SB 194**—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; providing a holding period when there is a default under the title loan agreement; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lender's lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; repealing s. 538.06(5), F.S., which allows a secondhand dealer to engage in a title loan transaction; repealing s. 538.15(4), (5), F.S., which prohibit certain acts and practices by secondhand dealers; amending ss. 538.03, 538.16, F.S.; deleting references to title loans; providing an effective date.

—was read the second time by title.

Senator Childers moved the following amendment which was adopted:

**Amendment 1**—On page 17, line 12, delete "1.5" and insert: 1

Senator Williams moved the following amendment:

**Amendment 2**—On page 16, line 27, delete "22" and insert: 8

On motion by Senator Childers, further consideration of **CS for CS for SB 194** with pending **Amendment 2** was deferred.

## THE PRESIDENT PRESIDING

### MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Tuesday, April 21.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, April 17, 1998: CS for CS for SB 2524, CS for SB 2310, SB 1944, SB 2314, CS for SB 280, CS for CS for SB 1796, CS for SB 844, SB 836, SB 1874, CS for SB 498, CS for SB 1878, CS for SB 1244, SB 864, CS for SB 2052, SB 534, CS for SB 1508, CS for SB 340, SB 1188, CS for SB 1390, CS for CS for SB 194, SB 1370, CS for CS for SB 442, CS for SB 334, SB 656, CS for SB 314, CS for SB 1880, CS for SB 1378, SB 1962, CS for CS for SB 1800, SB 392, SB 150, CS for CS for SB 1308, CS for SB 1088, SB 1010, CS for SB 1578, CS for SB 1084, CS for SB 752, CS for SB 228, CS for SB 832, CS for SB 1130, SB 1384, CS for CS for SB 484, SB 72, CS for SB 880

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

The Committee on Rules and Calendar recommends the following pass: SJR 82

**The bill was referred to the Committee on Ways and Means under the original reference.**

The Committee on Rules and Calendar recommends the following pass: SJR 542, CS for SB 642, SB 828, SB 1300, SB 1302, SJR 1580, SJR 1610, SB 1730 with 1 amendment, SJR 2140, SB 2308 with 1 amendment

The Committee on Ways and Means recommends the following pass: HB 1747 with 3 amendments, CS for SB 390, CS for SB 1522, CS for SB 1540

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 1726

The Committee on Ways and Means recommends a committee substitute for the following: SB 1114

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Commerce and Economic Opportunities under the original reference.**

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2336

The Committee on Transportation recommends a committee substitute for the following: SB 1426

The Committee on Ways and Means recommends a committee substitute for the following: SB 1952

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

The Committee on Education recommends committee substitutes for the following: SB 1158, SB 2258

The Committee on Judiciary recommends a committee substitute for the following: SB 1576

The Committee on Regulated Industries recommends committee substitutes for the following: SB 1066, Senate Bills 2120 and 1906

The Committee on Transportation recommends a committee substitute for the following: SB 1218

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

The Committee on Education recommends committee substitutes for the following: SB 1200, SB 1550, SB 1722, SB 2000, SB 2280, SB 2350

The Committee on Regulated Industries recommends a committee substitute for the following: SB 318

The Committee on Transportation recommends a committee substitute for the following: SB 1014

The Committee on Ways and Means recommends committee substitutes for the following: SB 58, CS for SB 294, CS for CS for SB 1432

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

**REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS**

The Committee on Education recommends that the Senate confirm the appointment made by the Governor of James Raymond Harding, for a term ending September 1, 1998, as the student member of the **Board of Regents**.

[The appointment contained in the foregoing report was referred to the Committee on Executive Business, Ethics and Elections under the original reference.]

**INTRODUCTION AND REFERENCE OF BILLS**

**FIRST READING**

By the Committee on Ways and Means—

**SB 2504**—A bill to be entitled An act making supplemental appropriations providing moneys from the annual periods beginning July 1, 1997 and ending June 30, 1998; to pay salaries, and other expenses, capital outlay - buildings and other improvements, and for other specified purposes of the various agencies of State government; supplementing appropriations as provided in Chapter 97-152, Laws of Florida; providing an effective date.

—was introduced out of order and referred to the Committee on Ways and Means.

By Senator Clary—

**SB 2688**—A bill to be entitled An act relating to Bay County; amending chapter 67-1099, Laws of Florida, as amended, relating to the codification, re-creation, reestablishment, and organization of an airport district in Bay County, to be designated as the Panama City-Bay County

Airport and Industrial District; re-creating the airport authority as the governing body; providing for its government, jurisdiction, expansion of powers, franchises, and privileges, including the creation of an independent airport police department, with full police powers; repealing chapters 67-1099 and 69-834, Laws of Florida, prior special acts relating to the airport authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

**SB 2690**—A bill to be entitled An act relating to the Cities of Deerfield Beach and Pompano Beach, Broward County; extending and enlarging the corporate limits of such cities to include specific unincorporated lands within the corporate limits of said cities; providing for transfer of public roads and rights-of-way, and responsibilities thereof; providing exceptions; providing for 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 Senator Campbell—

**SB 2692**—A bill to be entitled An act relating to Broward County; amending chapter 97-371, Laws of Florida; extending the corporate limits of the cities of Pembroke Pines, Davie, Cooper City, and Weston; providing for the annexation of the unincorporated area known as Southwest Ranches; providing for amendment to the legal description of Southwest Ranches and surrounding areas and Sunshine Acres 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 Committees on Community Affairs; and Rules and Calendar.

By Senator Campbell—

**SB 2694**—A bill to be entitled An act relating to Broward County and the South Broward Hospital District; amending chapter 24415, Laws of Florida, 1947, as amended; providing that the South Broward Hospital District is not a “public body” or “taxing authority” for purposes of part III, chapter 163, F.S.; providing an exception with respect to community redevelopment agencies created before a specified date; 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.

**Senate Resolutions 2696—2698**—Not referenced.

By Senator Campbell—

**SB 2700**—A bill to be entitled An act relating to the City of Deerfield Beach, Broward County; extending and enlarging the corporate limits of the City of Deerfield Beach to include specified unincorporated lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.



## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Ways and Means; and Senator Meadows—

**CS for SB 58**—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Kimberly L. Gonzalez; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the Palm Beach County Sheriff's Department; providing for repayment of Medicaid liens; providing an effective date.

By the Committees on Ways and Means; Health Care; and Senators Brown-Waite and Forman—

**CS for CS for SB 294**—A bill to be entitled An act relating to home medical equipment providers; creating part IX of chapter 400, F.S.; providing for regulation of home medical equipment providers by the Agency for Health Care Administration; providing legislative intent; providing definitions; providing for licensure and exemptions; providing unlawful acts; providing penalties; providing for license applications; providing for fees; providing for background screening; providing for provisional licenses and temporary permits; providing for administrative penalties; providing for injunctions, emergency orders, and moratoriums; providing for licensure inspections and investigations; providing minimum standards; providing for agency rules; providing for patient records; providing for notice of toll-free telephone number for the central abuse registry; providing for background screening of home medical equipment provider personnel; providing penalties; providing screening procedures; providing for agency injunctions; prohibiting patient referrals and rebates; providing for application of the act to existing providers; providing an appropriation; providing an effective date.

By the Committee on Regulated Industries and Senator Dyer—

**CS for SB 318**—A bill to be entitled An act relating to real estate appraisals; amending s. 475.25, F.S.; providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; amending ss. 475.611 and 475.612, F.S.; redesignating registered appraisers as registered assistant appraisers; amending ss. 475.01, 475.011, 475.616, 475.618, 475.619, 475.620, 475.622, 475.623, 475.626, 475.627, 475.628, 475.629, 475.630, F.S., to conform and correct references; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; creating s. 475.6147, F.S.; providing a separate section relating to establishment of fees applicable to the regulation of real estate appraisers; amending s. 475.615, F.S.; revising provisions relating to qualifications for registration, licensure, or certification of appraisers; providing for a charge for application for a change in status of appraisal licensure; amending s. 475.617, F.S.; revising continuing education and experience requirements for real estate appraisers; amending s. 475.624, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; creating s. 475.6295, F.S.; granting the department authority to inspect appraisers and appraisal offices; providing an effective date.

By the Committee on Transportation and Senator Gutman—

**CS for SB 1014**—A bill to be entitled An act relating to road designations; designating the Gratigny Parkway in Dade County as the "Marlins Expressway"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 267 in Gadsden County as the "Pat Thomas Parkway"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 528 in Brevard County as the "Kennedy Space Center Highway"; directing the Department of Transportation to erect suitable markers; designating a portion of the Polk County Highway as the "James Henry Mills Medal of Honor Parkway"; directing the Department of Transportation to erect suitable markers; designating a portion of N.W. 167th Street in Miami Lakes as "Zuly Reyes Road"; directing the Department

of Transportation to erect suitable markers; designating State Road 50 within Hernando County as the "Deputy Lonnie Coburn Memorial Highway"; directing the Department of Transportation to erect suitable markers; co-designating the MacArthur Causeway Bridge in Miami-Dade County as the "Trooper Robert G. Smith Bridge"; directing the Department of Transportation to erect suitable markers; designating the Florida Turnpike as the "Ronald Reagan Turnpike"; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 71 South in Jackson County as the "Pete Peterson Parkway"; directing the Department of Transportation to erect suitable markers; designating that portion of State Road 71 extending through Port St. Joe (known as 5th Street) as "Cecil G. Costin, Sr. Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

By the Committee on Regulated Industries and Senator Lee—

**CS for SB 1066**—A bill to be entitled An act relating to landscape design; amending s. 481.303, F.S.; providing definitions; amending s. 481.329, F.S.; providing exemptions from licensure and regulation under part II, ch. 481, F.S.; providing an effective date.

By the Committee on Ways and Means; and Senators McKay and Latvala—

**CS for SB 1114**—A bill to be entitled An act relating to contaminated site rehabilitation tax credits; creating s. 199.1055, F.S.; providing for a contaminated site rehabilitation tax credit against the intangible personal property tax; authorizing the Department of Revenue to adopt rules; amending s. 220.02, F.S.; providing for an additional cross-reference; creating s. 220.1845, F.S.; providing for a contaminated site rehabilitation tax credit against the corporate income tax; authorizing the Department of Revenue to adopt rules; creating s. 376.30781, F.S.; providing for a partial tax credit for the rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites; providing for the Department of Environmental Protection to allocate such partial credits; providing procedures for application for tax credits; providing for a non-refundable review fee; providing verification requirements; authorizing the Department of Environmental Protection to adopt rules; providing for revocation or modification of eligibility for tax credit under certain conditions; amending s. 213.053, F.S.; providing for information-sharing; providing an effective date.

By the Committee on Education and Senator Dyer—

**CS for SB 1158**—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; providing an additional requirement for school district receipt of lottery funds; amending s. 229.58, F.S.; providing a name requirement for school advisory councils and providing council responsibilities and duties; providing for certain council review; providing for the use of funds; amending s. 229.592, F.S., relating to school improvement and education accountability; conforming provisions relating to release of funds to school districts; requiring notice of certain deficiency; amending s. 230.23, F.S., relating to school board duties; providing requirements for school improvement plans; requiring local-level decisionmaking policies; providing an effective date.

By the Committee on Education and Senator Meadows—

**CS for SB 1200**—A bill to be entitled An act relating to education; amending s. 229.58, F.S.; revising provisions relating to membership of school advisory councils; providing an effective date.

By the Committee on Transportation and Senator Crist—

**CS for SB 1218**—A bill to be entitled An act relating to driver's license revocations; amending s. 318.18, F.S.; rescinding the fine for speeds exceeding the limit by 1-5 m.p.h. and replacing the fine with a warning; providing that fines for construction zone speed violations shall

be doubled only under certain circumstances; amending s. 320.07, F.S.; revising penalties for expiration of registration; amending s. 322.26, F.S.; providing for permanent revocation of a driver's license for murder resulting from the operation of a motor vehicle, DUI manslaughter where the conviction represents a subsequent DUI-related conviction, or four or more DUI violations; amending s. 322.271, F.S.; providing for petition for reinstatement under certain circumstances; amending s. 322.28, F.S.; revising provisions with respect to the period of suspension or revocation; conforming current provisions to the act; creating s. 322.283, F.S.; providing for the commencement of the period of suspension or revocation for incarcerated offenders; providing for notification to the Department of Highway Safety and Motor Vehicles; amending s. 322.34, F.S.; providing that the element of knowledge with respect to the suspension, revocation, cancellation, or disqualification is satisfied when certain notice is sent; creating s. 322.341, F.S.; providing penalties for driving while a license is permanently revoked; amending s. 627.733, F.S.; deleting a provision for revoking the driver's license of an owner or registrant of a motor vehicle who does not provide required security for that vehicle; providing an effective date.

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By the Committee on Transportation and Senator Hargrett—

**CS for SB 1426**—A bill to be entitled An act relating to transportation; creating s. 316.0815, F.S.; providing publicly owned transit vehicles right of way when reentering traffic flow; amending s. 316.555, F.S.; authorizing counties to exempt certain silvicultural and agricultural vehicles and equipment from weight restrictions on county roads; amending s. 318.15, F.S.; authorizing tax collectors to collect driver's license reinstatement fees; amending s. 318.18, F.S.; providing that fines for construction zone speed violations shall be doubled only under certain circumstances; amending s. 320.055, F.S.; providing that the renewal period for a mobile home registration is the 31-day period prior to expiration; amending s. 334.0445, F.S.; extending the time period for the model career service classification and compensation plan in the Department of Transportation; amending s. 335.0415, F.S.; clarifying the jurisdiction and responsibility for operation and maintenance of roads; amending s. 337.11, F.S.; deleting the requirement for approval by a contractor's surety on supplemental agreements; providing that consultants may be covered by the department's owner controlled insurance plan; amending s. 337.185, F.S.; increasing the amount of a contractual claim that goes to the State Arbitration Board; allowing the department to select an alternate to serve as the department's representative on the board; clarifying that a department employee may not be compensated for serving on the board; amending the fee schedule for arbitration; amending s. 337.19, F.S.; authorizing suits to be brought against the department for the breach of an expressed provision or an implied covenant; providing that no liability may be based on an oral modification of the written contract; amending s. 337.29, F.S.; providing for intergovernmental indemnification; amending s. 337.403, F.S.; authorizing the Department of Transportation to participate in the cost of clearing and grubbing with utilities prior to construction of a transportation facility; amending s. 338.223, F.S.; clarifying certain procedures for hardship and protective purchases; amending s. 338.229, F.S.; authorizing the department to restrict the sale, transfer, lease, or other disposition of any part of the turnpike system; amending s. 479.01, F.S.; redefining the terms "commercial or industrial zone" and "unzoned commercial or industrial area" for the purposes of the laws regulating outdoor advertising; providing criteria for an unzoned commercial or industrial area; amending s. 479.07, F.S.; revising provisions related to reinstatement of expired outdoor advertising permits; amending s. 479.16, F.S.; providing a permit exemption for certain outdoor advertising signs; amending s. 832.06, F.S.; authorizing tax collectors to seek prosecution against a person for writing a worthless check for a driver's license or identification card; providing an effective date.

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By the Committees on Ways and Means; Health Care; Banking and Insurance; and Senator Brown-Waite—

**CS for CS for SB 1432**—A bill to be entitled An act relating to the delivery of health care services; amending s. 409.912, F.S.; directing the Agency for Health Care Administration to establish an outpatient specialty services pilot project; providing definitions; providing criteria for participation; requiring an evaluation and a report to the Governor and Legislature; creating s. 624.1291, F.S.; providing an ex-

emption from the Insurance Code for certain health care services; creating part IV of ch. 641, F.S., the "Provider-Sponsored-Organization Act"; providing legislative findings and purposes with respect to certain federal requirements for authorizing provider-sponsored organizations in this state to provide health care coverage to Medicare beneficiaries under the Medicare Choice plan; providing definitions; prohibiting a provider-sponsored organization from transacting insurance business other than the offering of Medicare Choice plans; providing applicability of parts I and III of ch. 641, F.S., to provider-sponsored organizations; providing exceptions; amending s. 641.227, F.S.; providing for deposits into the Rehabilitation Administrative Expense Fund by a provider-sponsored organization; providing for reimbursements; amending s. 641.316, F.S., relating to fiscal intermediary services; providing for an exemption from s. 455.654, F.S., to provider-sponsored organizations, relating to financial arrangements; providing an appropriation; providing an effective date.

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By the Committee on Education and Senators Cowin, Thomas, Bronson, Dudley, Clary and Grant—

**CS for SB 1550**—A bill to be entitled An act relating to school-entry health requirements; amending s. 232.0315, F.S.; requiring a school-entry comprehensive vision examination; providing an effective date.

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By the Committee on Judiciary and Senators Rossin, Harris, Meadows, Dudley, Kurth, Kirkpatrick, Campbell, Forman, Ostalkiewicz and Grant—

**CS for SB 1576**—A bill to be entitled An act relating to marriage; creating the "Marriage Preparation and Preservation Act"; providing legislative findings; creating s. 741.0305, F.S.; authorizing a premarital preparation course as a condition precedent to obtaining a marriage license; providing for modification of marriage license fees; specifying course providers; providing course contents; providing for a pilot program in Leon County; creating s. 741.0306, F.S.; providing for creation of a marriage law handbook created by the Family Law Section of The Florida Bar; amending s. 741.04, F.S.; prohibiting issuance of a marriage license until petitioners verify certain facts; amending s. 741.05, F.S.; conforming provisions; amending s. 61.21, F.S.; revising provisions relating to the authorized parenting course offered to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children; designating such course as the parent education and family stabilization course; providing legislative findings and purpose; authorizing the court in any action between parents in which the custody or support of a minor child is an issue to order parties to attend the family education and stabilization course if the court finds attendance to be in the best interests of the child or children; providing procedures and guidelines for required attendance; requiring parties to file proof of compliance with the court; authorizing a course fee; authorizing each judicial circuit to establish a registry of course providers and sites; authorizing the court to grant exemption from required course attendance; providing parent education and family stabilization course curriculum; providing qualifications and duties of course providers; amending s. 28.101, F.S.; providing a fee for filing for dissolution of marriage; amending s. 741.01, F.S.; providing for reduction of marriage license fees; providing for unsigned anonymous informational questionnaires; providing an appropriation; providing an effective date.

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By the Committee on Education and Senator McKay—

**CS for SB 1722**—A bill to be entitled An act relating to rulemaking authority of school boards (RAB); amending s. 230.23, F.S.; creating s. 230.23005, F.S.; prescribing the rulemaking authority of school boards; providing an effective date.

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By the Committee on Community Affairs and Senator Dyer—

**CS for SB 1726**—A bill to be entitled An act relating to the Department of Community Affairs; amending s. 20.18, F.S.; renaming the Division of Resource Planning and Management; amending s. 163.3164, F.S.; defining the term "optional sector plan"; amending s. 163.3171, F.S.;

inserting a cross-reference; amending s. 163.3180, F.S.; modifying de minimis standards for transportation concurrency; amending s. 163.3184, F.S.; inserting cross-references; requiring the department to maintain specified documents dealing with amendments to local comprehensive plans; amending s. 163.3187, F.S.; prohibiting local governments from amending comprehensive plans until after adoption of an evaluation and appraisal report; providing that a comprehensive plan amendment is not required for the renovation, expansion, or addition to a marine exhibition park complex under certain circumstances; amending s. 163.3191, F.S.; revising the requirements for evaluation and appraisal reports; creating s. 163.3245, F.S.; authorizing the adoption of optional sector plans under certain circumstances; providing for agreements with the Department of Community Affairs; providing for contents; amending s. 171.044, F.S.; requiring a municipality to notify the county of annexation ordinances; amending ss. 186.507, 186.508, 186.511, F.S.; revising responsibilities of the Executive Office of the Governor relating to strategic regional policy plans; amending ss. 186.003, 186.007, 186.008, 186.009, F.S.; deleting references to the state land development plan; creating a committee to be appointed by the Governor to review the state comprehensive plan; amending s. 288.975, F.S.; redefining the term "regional policy plan"; revising criteria for military base reuse plans; amending s. 288.980, F.S.; providing revised standards for military base retention; providing conditions for the award of grants by the Office of Tourism, Trade, and Economic Development; amending s. 380.06, F.S.; deleting reference to the state land development plan; adding day care facilities as an issue in the development-of-regional-impact review process; amending s. 380.061, F.S.; deleting a consistency requirement for certain Florida Quality Developments; amending s. 380.065, F.S.; deleting a reference to the state land development plan; amending s. 380.23, F.S.; adding an element to federal consistency review; creating the Transportation and Land Use Study Committee; requiring the committee to report to the Governor and the Legislature; repealing s. 380.031(17), F.S., which defines the term "state land development plan"; repealing s. 380.0555(7), F.S., which provides for a resource planning and management committee for the Apalachicola Bay Area; repealing s. 380.06(14)(a), F.S., which requires that development not interfere with the state land development plan; providing for severability; providing an effective date.

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By the Committee on Ways and Means; and Senator Burt—

**CS for SB 1952**—A bill to be entitled An act relating to administration of revenue laws; amending s. 68.082, F.S.; providing nonapplicability to certain returns, claims, records, or statements relating to any tax administered by the Department of Revenue; amending s. 125.2801, F.S.; conforming a reference; amending s. 192.001, F.S.; restricting applicability of the definition of the term "computer software"; amending s. 199.052, F.S.; requiring banks and financial organizations filing annual intangible personal property tax returns for their customers to file information using machine-sensible media; amending s. 212.02, F.S.; modifying the definition of the term "use tax"; amending s. 212.0515, F.S.; modifying requirements relating to quarterly records required to be submitted to the Department of Revenue by certain persons selling food or beverages to operators for resale through vending machines; eliminating a penalty for failure to file such reports; eliminating the department's authority to adopt rules relating to such reports; amending s. 212.054, F.S.; eliminating a requirement that certain dealers collect the surtax on tangible personal property or specified service under certain conditions; prescribing the effective date of an increase or decrease in the rate of any discretionary sales surtax; requiring the governing body of any county levying a discretionary sales surtax and a county school board levying the school capital outlay surtax to provide notice to the department; amending s. 212.055, F.S.; providing an effective date for any change in the distribution formula of a local government infrastructure surtax or a small county surtax; authorizing counties to use a specified percentage of surtax proceeds for economic development projects; amending ss. 212.097, 212.098, F.S.; redefining the term "new business"; amending s. 212.11, F.S.; providing requirements relating to sales tax returns filed through electronic data interchange; amending s. 212.12, F.S.; revising provisions relating to the dealer's credit for collecting sales tax; specifying that the credit is also for the filing of timely returns; authorizing the department to deny, rather than reduce, the credit if an incomplete return is filed; revising the definition of "incomplete return"; amending s. 212.17, F.S.; providing that the department shall prescribe the format for filing returns through electronic data interchange and specifying that failure to use the format does not relieve

a dealer from the payment of tax; amending s. 213.053, F.S., relating to information sharing; amending s. 213.0535, F.S.; providing for participation in RISE; amending s. 213.21, F.S.; revising provisions that authorize the department to delegate to the executive director authority to approve a settlement or compromise of tax liability, in order to increase the limit on the amount of tax reduction with respect to which such delegation may be made; specifying a time period for which the department may settle and compromise tax and interest due when a taxpayer voluntarily self-discloses a tax liability and authorizing further settlement and compromise under certain circumstances; amending s. 213.28, F.S.; prescribing qualifications of certified public accountants contracting with the department to perform audits; amending s. 213.67, F.S.; subjecting the garnishee to liability in the event that property subject to the freeze is transferred or disposed of by the garnishee; prohibiting disposition of assets of a delinquent taxpayer which come into the possession of another person after that person receives garnishment notice from the department for a specified period; requiring the garnishee to notify the department of such assets; providing that the garnishment notice remains in effect while a taxpayer's contest of an intended levy is pending; providing a financial institution receiving notice with a right of setoff; amending s. 213.755, F.S.; defining terms for use in any revenue law administered by the department; amending s. 220.03, F.S.; revising definitions; amending s. 212.0601, F.S.; providing a use tax for motor vehicle dealers who loan a vehicle at no charge unless otherwise exempted; prohibiting a sales or use tax and a rental car surcharge on a motor vehicle provided at no charge to a person whose vehicle is being repaired; providing retroactive application; providing effective dates.

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By the Committee on Education and Senator Lee—

**CS for SB 2000**—A bill to be entitled An act relating to rulemaking authority for matters pertaining to education (RAB); amending s. 231.17, F.S.; authorizing the Commissioner of Education to make decisions about granting certification to an applicant in extenuating circumstances not otherwise provided for in statute or by rule; amending s. 231.24, F.S.; allowing the state board to approve rules for the expanded use of training in teaching students having limited proficiency in English toward renewing a professional certificate; amending s. 231.29, F.S., relating to assessment procedures and criteria for personnel assessment; authorizing the state board to adopt necessary rules; amending s. 240.116, F.S.; allowing the state board to adopt rules for certain dual-enrollment programs; amending s. 240.233, F.S.; allowing the state board to adopt rules for the articulation of foreign-language competency and equivalency between secondary and postsecondary institutions; providing an effective date.

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By the Committee on Regulated Industries and Senators Harris, Latvala, Dyer, Horne, Brown-Waite, Cowin, Sullivan, Crist, Campbell, Forman, Bronson and Klein—

**CS for SB's 2120 and 1906**—A bill to be entitled An act relating to the Beverage Law; creating s. 561.59, F.S.; providing for certain direct shipments of wine from out of state; requiring shippers to have certain licenses; providing prohibitions; providing for administrative and criminal penalties; exempting charitable organizations from excise and sales and use taxes on sales made from direct shipments of wine from out of state, subject to restrictions; amending ss. 561.54 and 561.545, F.S.; providing that those sections are inapplicable to wine shipped under s. 561.59, F.S.; providing an effective date.

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By the Committee on Education and Senator Cowin—

**CS for SB 2258**—A bill to be entitled An act relating to education; amending s. 231.02, F.S., relating to qualifications of district school system personnel; deleting certain provisions relating to background check; amending s. 231.096, F.S.; revising provisions relating to teaching out-of-field; amending s. 231.15, F.S.; providing State Board of Education duties relating to teacher certification; amending s. 231.17, F.S.; revising provisions relating to qualification for a temporary certificate; amending s. 231.1725, F.S.; deleting provisions relating to employment of noncertificated teachers in critical teacher shortage areas; providing for protection of laws for students performing clinical field experience;

amending s. 231.261, F.S.; providing rulemaking authority of the Education Practices Commission; amending s. 231.263, F.S.; clarifying provisions relating to the recovery network program for educators; amending s. 231.47, F.S.; conforming a cross-reference; amending s. 231.546, F.S., relating to the Education Standards Commission; deleting duties relating to teacher education centers; amending s. 231.600, F.S.; revising requirements of the school district professional development system; creating s. 231.6002, F.S.; requiring school districts to develop professional development plans; providing for stipends and funding; providing for rules; amending s. 231.601, F.S.; deleting provisions relating to teacher education center purposes; amending s. 231.625, F.S.; deleting provisions relating to a teacher referral and recruitment center; requiring establishment of a teacher recruitment and retention services office; amending s. 231.6255, F.S.; revising provisions relating to the Christa McAuliffe Ambassador for Education Program; creating s. 231.63, F.S.; creating the Florida Educator Hall of Fame; providing for nominations, recommendations, and selection of members; amending s. 20.15, F.S.; creating additional divisions of the Department of Education; amending s. 231.262, F.S.; providing a show-cause process for violations of probation imposed by the Education Practices Commission; amending s. 231.28, F.S.; providing a show-cause process for violation of an order of the Education Practices Commission; providing authority for additional penalties; repealing s. 231.613, F.S., relating to inservice training institutes; providing an effective date.

By the Committee on Education and Senator Kirkpatrick—

**CS for SB 2280**—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; deleting obsolete language relating to the release of lottery funds to school districts; amending s. 229.58, F.S.; revising provisions relating to membership of school advisory councils; amending s. 229.591, F.S.; requiring postsecondary institutions to work toward the goal of ensuring professional teachers and staff; providing an effective date.

By the Committee on Regulated Industries and Senator Clary—

**CS for SB 2336**—A bill to be entitled An act relating to contracting; amending s. 468.603, F.S.; providing definitions; creating s. 468.604, F.S.; providing responsibilities of building code administrators, plans examiners, and inspectors; amending s. 468.605, F.S.; providing membership of the Florida Building Code Administrators and Inspectors Board; amending s. 468.609, F.S.; providing standards for certification as an inspector, building code administrator, or plans examiner; eliminating the board's authority to issue temporary certificates; amending s. 468.617, F.S.; providing that nothing prohibits local governments from contracting with certified persons to perform inspections; amending s. 468.627, F.S.; increasing the initial examination fee; creating ss. 471.045, 481.222, F.S.; allowing architects and professional engineers to perform the duties of building code inspectors in specified circumstances; providing disciplinary guidelines; providing restrictions; amending s. 489.129, F.S.; clarifying what constitutes a knowing violation; requiring the department to provide certain information to a contractor who is the subject of a complaint; amending s. 489.131, F.S.; clarifying the department's authority to initiate disciplinary actions; requiring local boards to have consumer members; amending s. 469.001, F.S.; redefining the terms "abatement" and "survey"; defining the term "project designer"; amending s. 469.002, F.S., relating to exemptions from state regulation of asbestos abatement; revising an exemption applicable to certain asbestos-related activities done by government employees; revising certain existing exemptions; amending s. 469.004, F.S.; eliminating provisions relating to prerequisites to issuance of a license and to continuing education; amending s. 469.005, F.S.; revising licensure requirements for asbestos consultants and asbestos contractors relating to required coursework; amending s. 469.006, F.S.; requiring applicants for business licensure to submit evidence of financial responsibility and an affidavit attesting to having obtained the required workers' compensation, public liability, and property damage insurance; amending s. 469.013, F.S.; revising continuing education requirements applicable to asbestos surveyors, management planners, and project monitors; repealing s. 469.015, F.S., relating to seals; amending ss. 255.551, 376.60, and 469.014, F.S.; conforming cross-references; amending s. 489.103, F.S.; providing exemptions from regulation for the sale, delivery, assembly, or tie-down of prefabricated portable sheds under

certain conditions; amending s. 489.105, F.S.; revising and providing definitions applicable to contractors; amending s. 489.107, F.S.; eliminating reference to board jurisdiction over examinations; requiring the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.113, F.S.; providing that expansion of the scope of practice of any type of contractor does not limit the scope of practice of any existing type of contractor unless the Legislature expressly provides such limitation; repealing s. 489.1135, F.S., which provides for certification of underground utility and excavation contractors; creating s. 489.1136, F.S.; providing for medical gas certification for plumbing contractors who install, improve, repair, or maintain conduits used to transport gaseous or partly gaseous substances for medical purposes; requiring certain coursework; requiring an examination for certain persons; providing for discipline and penalties; providing a definition; amending s. 553.06, F.S.; providing that plumbing contractors who install, improve, repair, or maintain such conduits shall be governed by the National Fire Prevention Association Standard 99C; amending s. 489.115, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.119, F.S.; detailing what constitutes an incomplete contract for purposes of work allowed a business organization under temporary certification or registration; amending s. 489.140, F.S.; eliminating a provision that requires the transfer of surplus moneys from fines into the Construction Industries Recovery Fund; amending s. 489.141, F.S.; clarifying provisions relating to conditions for recovery from the fund; eliminating a notice requirement; revising a limitation on the making of a claim; amending s. 489.142, F.S.; revising a provision relating to powers of the Construction Industry Licensing Board with respect to actions for recovery from the fund, to conform; amending s. 489.143, F.S.; revising provisions relating to payment from the fund; amending s. 489.503, F.S., relating to exemptions from part II of chapter 489, F.S., relating to electrical and alarm system contracting; revising an exemption that applies to telecommunications, community antenna television, and radio distribution systems, to include cable television systems; providing exemptions relating to the monitoring of alarm systems by law enforcement employees or officers or fire department employees or officials, by employees of state or federally chartered financial institutions, or by employees of a business; amending s. 489.505, F.S., and repealing subsection (24), relating to the definition of "limited burglar alarm system contractor"; redefining terms applicable to electrical and alarm system contracting; defining the term "monitoring"; amending s. 489.507, F.S.; requiring the Electrical Contractors' Licensing Board and the Construction Industry Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.509, F.S.; eliminating reference to the payment date of the biennial renewal fee for certificateholders and registrants; eliminating an inconsistent provision relating to failure to renew an active or inactive certificate or registration; providing for transfer of a portion of certain fees applicable to regulation of electrical and alarm system contracting to fund certain projects relating to the building construction industry and continuing education programs related thereto; amending s. 489.511, F.S.; revising eligibility requirements for certification as an electrical or alarm system contractor; authorizing the taking of the certification examination more than three times and providing requirements with respect thereto; eliminating an obsolete provision; amending s. 489.513, F.S.; revising registration requirements for electrical contractors; amending s. 489.517, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; providing for verification of public liability and property damage insurance; amending s. 489.519, F.S.; authorizing certificateholders and registrants to apply for voluntary inactive status at any time during the period of certification or registration; authorizing a person passing the certification examination and applying for licensure to place his or her license on inactive status without having to qualify a business; amending s. 489.521, F.S.; providing conditions on qualifying agents qualifying more than one business organization; providing for revocation or suspension of such qualification for improper supervision; providing technical changes; amending s. 489.525, F.S.; revising reporting requirements of the Department of Business and Professional Regulation to local boards and building officials; providing applicability with respect to information provided on the Internet; amending s. 489.533, F.S.; revising and providing grounds for discipline; providing penalties; reenacting s. 489.518(5), F.S., relating to alarm system agents, to incorporate the amendment to s. 489.533, F.S., in a reference thereto; amending s. 489.537, F.S.; authorizing registered electrical contractors to install raceways for alarm systems; providing that licensees under part II, ch. 489, F.S., are subject, as applicable, to

certain provisions relating to local occupational license taxes; amending ss. 489.539, 553.19, F.S.; updating electrical and alarm standards; adding a national code relating to fire alarms to the minimum electrical and alarm standards required in this state; providing an effective date.

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By the Committee on Education and Senator Cowin—

**CS for SB 2350**—A bill to be entitled An act relating to education; amending s. 229.57, F.S.; authorizing the Commissioner of Education to establish criteria for exempting a student from taking certain parts of the high school competency test; amending s. 232.2466, F.S.; modifying the criteria for awarding a differentiated college-ready diploma; providing an effective date.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 3205, HB 3589, CS for HB 3713, CS for HB 4065, HB 4167, HB 4355, HB 4501, HB 4529; has passed as amended CS for HB 1377, HB 1555, CS for HB 1667, CS for HB 3059, CS for CS for HB 3421, CS for HB 3427, CS for HB 3701, HB 3785; has adopted HM 4139 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

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By Representative Wiles and others—

**HB 3205**—A bill to be entitled An act relating to the National Guard; amending s. 250.10, F.S.; revising language with respect to payments under the educational tuition assistance program administered by the Department of Military Affairs; providing an effective date.

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

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By Representative Bitner and others—

**HB 3589**—A bill to be entitled An act relating to certified public accountants; creating s. 473.3065, F.S.; establishing the Certified Public Accountant Education Minority Assistance Program; providing for scholarships to eligible students; providing for the funding of scholarships; requiring Board of Accountancy rules; providing a penalty for certain violations; creating an advisory council to assist in program administration; providing an effective date.

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

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By the Committee on Business Regulation and Consumer Affairs; and Representative Jones—

**CS for HB 3713**—A bill to be entitled An act relating to firearms-related licenses; amending ss. 493.6111, 493.6113, F.S.; extending the licensure period for certain licenses; amending s. 790.06, F.S.; extending the licensure period for concealed weapons licenses; requiring persons who conduct or instruct certain gun safety and licensure courses to maintain records; providing an effective date.

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

By the Committee on Financial Services, Financial Services and Representative Safley and others—

**CS for HB 4065**—A bill to be entitled An act relating to public accountancy; amending s. 473.302, F.S.; providing definitions; amending s. 473.303, F.S.; revising provisions relating to membership on probable cause panels of the Board of Accountancy; amending s. 473.306, F.S.; providing conditions under which the board may adopt an alternative licensure examination for persons licensed to practice public accountancy or its equivalent in a foreign country; providing for appointment of an Educational Advisory Committee for purposes of maintaining proper educational qualifications for licensure of certified public accountants; amending s. 473.308, F.S.; revising licensure requirements relating to public accountancy experience outside this state; amending s. 473.309, F.S.; providing additional requirements for a partnership, corporation, or limited liability company to practice public accountancy in this state; amending s. 473.3101, F.S.; providing requirements for the licensure of sole proprietors and other legal entities; amending s. 473.312, F.S.; providing for appointment of a Continuing Professional Education Advisory Committee for purposes of maintaining proper continuing education requirements for renewal of licensure of certified public accountants; amending s. 473.313, F.S.; providing continuing education requirements for the reactivation of certain licenses; amending s. 473.315, F.S.; providing an exemption for attorneys; amending ss. 473.319, 473.3205, F.S.; revising provisions relating to contingency fees, commissions, and referral fees; amending s. 473.322, F.S.; providing certain requirements for persons offering certain public accounting services; providing an effective date.

—was referred to the Committee on Regulated Industries.

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By the Committee on Elder Affairs and Long Term Care; and Representative Brooks and others—

**HB 4167**—A bill to be entitled An act relating to adult abuse, neglect, and exploitation; amending ss. 415.102 and 415.1102, F.S.; deleting references to self-neglect from provisions relating to adult protective services cases and reports; defining "disabled adult in need of services" and "elderly person in need of services"; amending s. 415.1045, F.S.; providing for determinations in onsite protective investigations that certain persons are persons in need of services; amending s. 415.105, F.S.; providing for referral of such persons to programs of the Department of Elderly Affairs; amending s. 415.1055, F.S.; providing that no classification or notification is required for reports resulting in such determinations; amending s. 415.1065, F.S.; providing for retention and expunction of records of such reports; amending s. 430.205, F.S.; revising circumstances under which certain elderly persons must receive primary consideration for community-care-for-the-elderly services; defining "primary consideration"; providing an effective date.

—was referred to the Committee on Children, Families and Seniors.

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By the Committee on Tourism and Representative Barreiro and others—

**HB 4355**—A bill to be entitled An act relating to tourism; amending s. 288.1221, F.S.; revising legislative intent; amending s. 288.1222, F.S.; clarifying a definition; amending s. 288.1223, F.S.; specifying application of a limitation on terms of certain members of the Florida Commission on Tourism; clarifying meeting and vice chair election provisions; providing an effective date.

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

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By the Committee on Financial Services and Representative Safley and others—

**HB 4501**—A bill to be entitled An act relating to conversion of credit unions; prohibiting the Department of Banking and Finance from approving the conversion of federally-chartered credit unions to state-

chartered credit unions except under certain circumstances; providing criteria; providing an effective date.

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

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By the Committee on Business Regulation and Consumer Affairs; and Representative Ogles and others—

**HB 4529**—A bill to be entitled An act relating to athlete agents; repealing pt. IX, ch. 468, F.S., relating to athlete agents, to deregulate athlete agents; amending ss. 20.165, 20.43, 232.435, 408.07, 443.101, 455.501, 455.607, 455.667, 489.109, and 489.519, F.S.; correcting references and cross references, to conform; providing an effective date.

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

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By the Committee on Transportation and Representative Fuller and others—

**CS for HB 1377**—A bill to be entitled An act relating to motor vehicle emissions and safety inspections; amending s. 325.203, F.S.; providing for biennial emissions inspections; amending ss. 325.209 and 325.210, F.S.; conforming to the act; providing an effective date.

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

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By Representative Harrington—

**HB 1555**—A bill to be entitled An act relating to public notice requirements; amending s. 170.07, F.S.; revising the time for providing written notice of assessment for municipal improvements to property owners; amending s. 194.032, F.S.; revising the time period during which a value adjustment board hearing may be held; revising the time for notice to a petitioner of the scheduled time of appearance before the board; providing an effective date.

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

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By the Committee on General Government Appropriations and Representative Villalobos—

**CS for HB 1667**—A bill to be entitled An act relating to trust funds; creating the Lake Belt Mitigation Trust Fund within the South Florida Water Management District; providing for sources of moneys and purposes; providing an exemption from termination; providing an effective date.

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

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By the Committee on Environmental Protection and Representative Albright and others—

**CS for HB 3059**—A bill to be entitled An act relating to designations for Florida lands; creating s. 253.0015, F.S.; requiring prior approval by the Governor and Cabinet for certain designations of state-owned lands or lands contiguous thereto; requiring notification by the Governor and Cabinet to affected counties; providing a procedure for affected counties to oppose certain activities; providing application; providing an effective date.

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

By the Committees on General Government Appropriations; Water and Resource Management; and Representative Putnam and others—

**CS for CS for HB 3421**—A bill to be entitled An act relating to water control districts; amending s. 298.005, F.S.; deleting the definition of the term “water control district” and revising the definition of the term “water control plan”; amending s. 298.11, F.S.; providing for landowner vote for fractional acreage; providing quorum requirements; amending s. 298.12, F.S.; providing for appointment of a supervisor; amending s. 298.16, F.S.; eliminating surety bond requirements for district engineers; amending s. 298.22, F.S.; providing criteria for awarding construction contracts; amending s. 298.225, F.S.; revising requirements for the development and amendment of district water control plans; amending s. 298.26, F.S.; revising use of the district engineer’s annual report; amending s. 298.301, F.S.; providing authority for modification of district boundaries; providing for the determination of benefits and damages; revising notice and report requirements; providing that the approval of a district water control plan and assessments is final unless court action is brought within 30 days after approval; amending s. 298.329, F.S.; conforming a statutory cross reference; amending s. 298.353, F.S.; revising notice requirements; providing that district bonds may be payable from assessments on more than one unit; repealing s. 298.337, F.S., relating to levies of assessments on land less than 1 acre; providing an effective date.

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

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By the Committee on Environmental Protection and Representative Jones and others—

**CS for HB 3427**—A bill to be entitled An act relating to funding for beach management; amending s. 161.088, F.S.; providing a legislative declaration that beach restoration and renourishment projects are in the public interest and shall be funded in a specified manner; amending s. 161.091, F.S.; providing for funding of the state’s beach management plan through the Ecosystem Management and Restoration Trust Fund; providing that designated funds be deposited in the trust fund and that funds in the trust fund be used to fully implement the beach management plan prior to being used for any other purpose; amending s. 161.101, F.S.; authorizing the Department of Environmental Protection to implement regional components of the beach management plan, to enter into agreements to cost-share and coordinate such activity, and to sponsor or cosponsor beach management demonstration projects; providing criteria to be considered in determining annual funding priorities for beach management projects; providing for reductions in local sponsors’ cost shares; amending s. 161.161, F.S.; providing for regional components of the statewide beach management plan; providing for submission of funding recommendations to the Legislature; deleting obsolete provisions; amending s. 201.15, F.S.; providing for appropriation of certain documentary stamp tax revenues to the trust fund for purposes of beach preservation and repair; providing an appropriation; providing an effective date.

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

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By the Committee on Environmental Protection and Representative Fuller and others—

**CS for HB 3701**—A bill to be entitled An act relating to pollution control; creating s. 403.7211, F.S.; restricting authority of the Department of Environmental Protection to issue permits for construction, modification, and initial operation of facilities for disposal, storage, or treatment of hazardous wastes generated off-site; restricting the locations of hazardous waste transfer facilities; providing application to pending permits and proposed transfer stations; providing an effective date.

—was referred to the Committee on Natural Resources.

By the Committee on Business Regulation and Consumer Affairs; and Representative Ogles and others—

**HB 3785**—A bill to be entitled An act relating to consumer protection; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information to the Department of Agriculture and Consumer Services; amending s. 496.403, F.S.; exempting persons or organizations who solicit on their behalf from ss. 496.401-496.424, F.S.; amending s. 496.404, F.S.; clarifying a definition; amending s. 496.405, F.S.; revising a registration fee schedule for charitable organizations; amending s. 496.406, F.S.; deleting certain registration requirements for certain charitable organizations; amending s. 501.143, F.S.; deleting a specific annual registration date for certain dance studios; amending s. 501.2101, F.S.; authorizing the deposit of moneys received by an enforcing authority for attorney's fees and costs of investigation or litigation to be deposited in the Legal Affairs Revolving Trust Fund; amending s. 501.607, F.S.; clarifying certain procedures for licensing salespersons; amending s. 559.805, F.S.; requiring business opportunity sellers to disclose certain information; amending s. 559.904, F.S.; clarifying registration requirements for motor vehicle repair shop operators; providing a late fee; amending s. 817.415, F.S.; revising requirements for free advertising; providing an effective date.

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

By Representative Feeney and others—

**HM 4139**—A memorial to the Congress of the United States urging Congress to sunset the current Internal Revenue Code by December 31, 2000, and develop a simple replacement tax code which the average citizen can comply with and understand without having to retain professional assistance.

—was referred to the Committee on Rules and Calendar.

### ENROLLING REPORTS

CS for SB 358 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 17, 1998.

*Faye W. Blanton*, Secretary

### CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 16 was corrected and approved.

### CO-SPONSORS

Senators Hargrett—SJR 82; Myers—CS for SB 1498

### RECESS

On motion by Senator Bankhead, the Senate recessed at 1:02 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 4:00 p.m., Tuesday, April 21.